Sicurelli, D. *The EU as a norm promoter through trade. The perceptions of Vietnamese elites.* "Asia Europe Journal", 13, 23–39 (2015). <u>https://doi.org/10.1007/s10308-014-0407-5</u>. Accepted manuscript (post-print).

DANIELA SICURELLI, THE EU AS A NORM PROMOTER THROUGH TRADE. THE PERCEPTIONS OF VIETNAMESE ELITES

Abstract

Abstract This paper investigates how the external images of the European Union (EU) shape its identity vis-à-vis the USA and focuses on how Vietnamese elites perceive EUsponsored norms in the context of the ongoing bilateral trade negotiations. The EU emerges as an actor able to export regulatory standards, improve the status of its trade partner within multilateral forums and, at the same time, respect the local ownership of the development process. At the same time, it is criticized for the lack of coherence in its foreign policy, its internal divisions and intrusiveness in Vietnamese domestic politics. Moreover, differences emerge in the way government and non-governmental actors portray the EU, further challenging its univocal representation as a political leader. These perceptions have implications concerning the EU's ability to export its constitutive principles and values to Vietnam. More broadly, this case study provides insights into the prospects of a future interregional trade agreement with the ASEAN and carries out a critical assessment of the identity and role of the EU as a normative power.

Introduction

Manners (2002) launched a scholarly debate on the identity of the EU as a normative power, i.e. as an actor committed to exporting its constitutive principles and shaping the conceptions of what is normal in international relations. Diez (2005) has further shown how the EU has built its identity as a normative leader by itemizing the differences in its approach to foreign policy in contrast to that of its most relevant reference point, namely the United States (US). Several scholars, however, have expressed caution and criticism concerning this characterization of the EU, claiming that it is excessively influenced by the self-image that the EU tries to project internationally (Sjursen 2006, Harpaz and Shamis 2010). In this regard, studies on the external perceptions of the EU have proliferated, showing a gap between its self-representation and the way in which others view it.

A first systematic and comparative study on the EU's external image was carried out by Nathalia Chaban and Martin Holland (2010). Their survey focused on the perceptions of EU foreign policy among Asian-Pacific leaders. As editors of a special issue of the *Asia Europe Journal* on 'Reflections from Asia and Europe: How do we perceive one another?', Chaban and Holland highlighted the importance of analysing external perceptions for the understanding of EU external relations. Lucarelli (2014) notes that the literature on European foreign policy has devoted little attention to the

relationship among identity formation, role conceptualisation, and external images. According to Lucarelli, the ability of the EU to exert normative power is strictly dependent on the expectations that other actors place in it, and on their perception of the norms that it promotes as legitimate. Lucarelli concludes that a comparative perspective on how the EU is perceived in contrast to other international actors would help fill these gaps.

My aim in this paper is to contribute to this debate by analysing the attitudes of Vietnamese elites to the norms promoted by the EU in trade negotiations. For this purpose, I focus on the negotiations for a free trade agreement (FTA) between the two actors launched on 26 June 2012. This case is an important test of the EU's ability to emerge as a norm promoter for several reasons. First, the size and attractiveness of the European market provides the EU with an important bargaining chip to promote milieu goals (Meunier and Nicolaïdis 2006). The EU is currently the most important export market for Vietnamese products, and Vietnam's second largest two-way trade partner after China. For this reason, the government of Vietnam has shown determination to push the trade negotiations forward. Second, according to the Delegation of the EU to Vietnam (2012), FTA negotiations between the two parties will create a 'stepping stone' to increase trade relations with ASEAN, and thereby boost the EU's potential to export its norms region-wide. Indeed, at the time of writing negotiations with Vietnam are at an advanced stage with respect to negotiations with other ASEAN members (excluding Singapore, which has a sui generis economic structure within the region). Third, negotiations with Vietnam build upon pre-existing dialogue that laid the bases for further political cooperation between the two parties and led to two major joint documents: the EU-Vietnam Framework Cooperation Agreement signed in 1995, and the more recent Partnership and Cooperation Agreement (PCA), signed on 27 June 2012. One of the aims of the latter is to establish the premises for Vietnam and the EU to engage in negotiations for a FTA. The broad range of political issues covered by the PCA provides the EU with a solid basis on which to engage in norm promotion in the trade negotiations. Fourth, in parallel with the trade negotiations with the EU, Vietnam is negotiating a trade deal with the USA, in the context of the Trans Pacific Partnership, which provides an opportunity to test whether the EU has the potential to play a distinct role of a normative power in South-East Asia.

To date, studies on EU-Vietnam relations have furnished a mixed picture of the EU's ability to appear as a normative power. Maas (2012) underlined that the EU could emerge as a normative power because of its ability to overcome the initial opposition of its counterpart to introducing a human rights clause in the 1995 EU-Vietnam framework agreement. Based on data collected in 2008, instead, Pham et al.'s (2009) research showed the perception of the EU as a leader in the economic field which lacked the distinctive features of normative power. I will show that, in the framework of the FTA negotiations, Vietnamese elites represented the EU as an attractive trade and development partner, but only to a certain extent as a normative power. The norms – and instruments of norm promotion – that distinguish EU trade policy from that of the USA gained support in Vietnam because they appeared functional to integrating the country into the

global market and, more broadly, into international organizations. Yet, the EU was criticised for the lack of coherence in its trade and development policies, its interference in the government's decisions on politically sensitive issues, and its internal divisions on human rights clauses. Finally, differences emerged in the images of the EU held by government and non-governmental actors, which further challenged the univocal representation of the EU as a normative power. These findings have implications for both the EU's international identity and its capacity to perform the role of a norm promoter in Vietnam.

The normative power of the EU and its external perceptions

Manners (2002) defines the EU as an actor whose distinctive features are first its commitment to promoting its constitutive norms and values in international relations, and second its ability to do so. The author argues that the EU constructs its identity precisely on these features of its foreign policy, since by exporting its constitutive principles and values, it presents and legitimizes itself as being more than the sum of its parts (Manners 2002). More specifically, Manners (2006) and Rosamond (2013) identify the constitutive principles inspiring EU's external relations as the following: economic liberalism, multilateralism (understood as support to international law), universality of human rights, solidarity, and sustainable development (Manners 2006; Rosamond 2013). Similarly, Börzel and Risse (2004, 26) observe that the EU projects its identity of a democratic polity into its international relations, and Laïdi (2008) shows that the EU tends automatically to export its experience of governance through norms in its external relations. Diez (2005) carried out a study of the EU's process of identity construction based on its self-representation in contrast to that of the USA. From this perspective, the EU emerged as a supporter of international law and as an actor preferring soft means of foreign policy to military ones. These representations contributed to shaping a unitary identity of the EU.

Several scholars have criticized this approach to the study of the EU on the grounds that it reduces the process of identity formation to self-representation (Lucarelli and Fioramonti, 2006). According to Elgström (2006, 6), "it is important to study external perceptions" of the EU "because, a) these are a source of knowledge of EU foreign policy, b) others' views help to shape EU identity and roles, and c) outsiders' expectations influence the impact of EU role performance". Research on the external perceptions of the EU observes a mismatch between how the EU views and portrays itself and how other international actors perceive it. One finding of these studies is that, despite the EU's ambition to perform the role of an international political leader, that is to say, an actor whose milieu goals are shared by others, the EU is often viewed as a mere economic leader (Chan 2010; Chaban et al. 2013). This discrepancy affects the construction of the EU's identity as an international actor and, consequently, the impact of its foreign policy decisions. Although research on the EU's role as a normative power and research on its external representations have both led to a proliferation of studies, the relationship between the two dimensions of the EU's international actorness is still largely

under-investigated. Larsen (2014, 15) clearly explains the implications of external perceptions on the international role of the EU, arguing that a precondition for the EU to act as an effective and legitimate norm promoter in international relations is that a large proportion of actors should share its discourse and, therefore, its agenda. Thus, analysis of the way in which other actors represent EU-sponsored norms can provide insights into the EU's potential to play the role of a normative power.

Finally, authors have criticized the early works on Europe's normative power by contending that the EU does not hold the monopoly of normative power, and that this definition may also apply to other international powers, such as the USA and China, which share its interest in building their international images as attractive partners and political leaders (Tocci 2008; Kerr and Xu 2014). In order to investigate the external perceptions of EU-sponsored norms, one must single out the content of these norms in contrast to the norms promoted by other actors. This paper makes an effort in this direction by analysing how Vietnamese stakeholders react to those norms and to the instruments of norm promotion selected by the EU in contrast to those sponsored at the same time by the USA in the Trans Pacific Partnership.

Methodology

A qualitative analysis of a plurality of sources enables me to furnish a complete picture of how the EU is perceived in the Vietnamese national debate. A caveat in the selection of sources concerns the relationship between governmental and non-governmental actors. Borders between the government and civil society, including industry representatives, NGOs, and research centres, are not clear cut in a one-party-dominated state like Vietnam. The Communist Party has the monopoly of political power and therefore exerts different co-option strategies on civil society organizations (Bui 2013). Despite these limits, analysis of documents published by non-governmental actors provides information on the claims put forward by sectoral interest groups and, at the same time, on the policy positions that the Vietnamese government either endorses or considers acceptable. On this basis, one can capture multiple ramifications of the image of the EU held by Vietnamese leaders.

In the case of the EU-Vietnam FTA negotiations, I collected reports of various sectoral business associations. I focused especially on the positions expressed by the Vietnam Chamber of Commerce and Industry (VCCI), which stood out for the relative autonomy that it displayed in the publication of its press releases and reports because it was directly involved in the EU Multilateral Trade Assistance Project (MUTRAP) as the main beneficiary in implementation of the project.¹ I analyzed the results of a survey carried out by the group on the prospects of an EU-Vietnam FTA (VCCI)

¹ MUTRAP I (2001-2004) and MUTRAP II (2005-2008) provided technical assistance for Vietnam's accession to the WTO. MUTRAP III (2008-2012) supported the Vietnam government's Socio-Economic Development Plan and the

2011), which involved 123 experts representing local industry associations, businesses, researchers and nongovernmental organizations. I also conducted an interview with Nguyen Thi Thu Trang, representative of the VCCI. I did not analyze the position papers of Vietnamese trade unions, since they were not involved in the implementation of MUTRAP and they are not among the interlocutors of the EU strategic dialogue facility.

Moreover, I collected data from the leading Vietnamese newspapers, including those written for the international and domestic public: *Vietnam News*, one of the most popular English-language Vietnamese newspapers; *Thanh Nien News*, which is the official newspaper of the Communist Party of the Vietnam Central Committee; the Communist Party of Vietnam's online newspaper; and other online newspapers selected from among those most often cited in national government and academic documents, namely *Vietnam Net*, *The Voice of Vietnam (VOV) Online, Infotv, Talk Vietnam, Vietnam Briefing* and the *Vietnam Investment Review*.

I also considered reports by Vietnamese scholars and research centres (Vietnamese Trade Research Institute and the Vietnam Peace and Development Foundation) contributing to the national debate on international trade in order to shed light on the image of the EU among Vietnamese policy analysts. In support of these data, I analyzed the results of an expert survey carried out among Vietnamese elites by independent evaluators of the OECD and the WTO (2011) in order to assess the results of the EU MUTRAP III program.

Finally, I complemented data collected from Vietnamese sources by conducting interviews with representatives of European institutions working in direct contact with the Vietnamese government authorities. These officials provided further information on how the Vietnamese authorities reacted to EU-sponsored norms.²

Vietnam's economic and political context

The rapid economic and political changes ongoing in Vietnam make it an important trade partner and a potential target of norm promotion for the EU. The Socialist Republic of Vietnam, one of the poorest countries in the world in the early 1990s, has reached the status of a lower-middle income country as a result of a radical reform process. The Doi Moi (renovation) reform program, adopted in 1986 by the Congress of the Communist Party in order to reduce the country's dependence on the Soviet Union, laid the bases for Vietnam's integration into the global economy. It aimed at

Post-WTO Accession Action Plan. Since 2013, MUTRAP IV has provided further support for Vietnam's integration into the global trade system and has sought to boost trade and investments with the EU.

² I interviewed the team leader of MUTRAP (January 2014), an official of DG Trade (July 2014), and an official of the European Parliament (August 2014) and had an informal conversation with the Project Director of the EU-Vietnam Strategic Dialogue Facility (February 2014).

facilitating transition from a centralized economy to what the government of Vietnam calls a "socialist-oriented market economy". The Doi Moi also introduced political and constitutional reforms intended to support that process on the government's agenda.

By the end of the Cold War, the Vietnamese government openly embraced a multilateralizing strategy in order to normalize its relationship with countries formerly belonging to the Western bloc. In 1995 the country became a member of ASEAN and signed a comprehensive Framework Agreement. In July 2000 Vietnam signed the Bilateral Trade Agreement with the USA, which opened access to the US market and contributed to the transformation of its economy from a manufacturing-based to an export-oriented one. Most importantly, in 2007 it became a member of the WTO. However, despite its recognition of the successful modernization of the Vietnamese economy based on the Doi Moi reform process, at the time of writing Vietnam is not yet recognized as a market economy in the WTO, owing to the high level of influence exerted by the State in the country.

Since the 1990s, the government has also started to open channels for civil participation in the political system, albeit within the limits of a mono-party political system. The Eleventh Congress of the Communist Party of Vietnam held in January 2011 especially promoted citizens' participation in the political process. Despite reaffirming the state-led approach to development of the country, the Congress emphasised the need to foster non-state ownership of economic assets.

Moreover, as part of the same strategy of integrating the country into the international community, Vietnam has pursued a gradual policy of adhesion to and ratification of core international treaties. At the time of writing, it has ratified five out of nine UN core human rights treaties, and five out of the eight fundamental conventions of the International Labour Organization (ILO); and it has ratified or acceded to eleven international environmental treaties. In 2013, it gained a seat as Asia's representative on the United Nations Human Rights Council, despite widespread criticism among Non Governmental Organizations (NGOs) for its human rights record.

The EU-sponsored norms

Following the agenda set by the Commission's Communication "Global Europe. Competing in the World' (2006), the EU aims to expand its trade interests in Asia by promoting free trade agreements with ASEAN members. All of these agreements include WTO-plus provisions which either fall outside WTO competences, such as investment, competition policy, state aid rules aimed at opening up public procurement to competitive bidding and labour and environmental standards, or which are covered by WTO law but can be addressed more effectively within bilateral agreements, such as trade in services, intellectual property, trade facilitation and rules of origin. The aim of these provisions is to prevent

potential risks for the multilateral trading system (complicating trade, eroding the principle of non-discrimination, and excluding the weakest economies).

FTAs negotiated by the USA cover the same issues and are inspired by the same principles; but differences can be detected in their instruments of norm promotion and in their prescriptions to implement those principles. In its negotiations with Vietnam, the USA relied on conditionality measures for this purpose, while the EU privileged soft power measures, such as development aid and trade preferences. The USA has so far refused to provide Vietnam with a GSP status, and has made that privilege conditional on national reforms in the human rights sector. By contrast, since 1996 Vietnam has been a beneficiary of the EU's GSP scheme aimed at supporting the efforts of developing countries to integrate fully in the global economy. From 2009 to 2013 a competitive sector of Vietnamese economy, namely footwear, was removed from the EU's GSP, which resulted in great pressures on domestic producers and exporters. A new GSP covering the 2014-2017 period, however, has re-established preferences for those products, thereby boosting Vietnamese exports to the EU (Tung 2013). Once the FTA between the EU and Vietnam is implemented, the GSP will stop being operational; but, given the priority position of South East Asian markets for the trade interests of the EU, it is likely that preferences included in the GSP will be replaced by FTA privileges (Portela 2013). Moreover, the EU is the major donor of non-refundable aid to Vietnam, which historically features among its "aid darlings" (Hoang 2014). Since the 2000s, following the lead of World Bank, the EU has promoted an approach to development cooperation with Vietnam based on the principles of partnership and local ownership. From this perspective, the MUTRAP III and IV programs sought to strengthen the capacity of the Vietnamese Ministry of Industry and Trade to carry out trade policymaking and build a negotiation position within FTA talks. The project also targeted local non-government bodies (the business community, academia and the media), with the purpose of raising awareness, improving skills, and involving other stakeholders.

Other significant differences between EU- and US-sponsored free trade and competitiveness measures in negotiations with Vietnam concern consumer protection and intellectual property rights. The EU-Vietnam FTAs, like most of the EU trade agreements, include consumer protection provisions. A substantial part of the MUTRAP III budget has been precisely devoted to strengthening the capacity of Vietnamese policy stakeholders to reform national consumer protection policy in preparation for the FTA with the EU. On the contrary, consumer protection provisions does not feature on the agenda of the Trans Pacific Partnership, and they tend to be excluded from the negotiations on most of the US FTAs (Bagwell and Mavroidis 2011). A more technical difference, but one nonetheless with important economic implications, in the content of the EU's capacity-building program concerns the area of intellectual property rights and, more specifically, the sub-chapter on protection of geographical indications. Whereas the US's FTAs include geographical indications founded on trademark law, the EU's PCA and FTA promote provisions based on its *sui*

generis system for the protection of geographical indications. According to this system, for instance, a name like "Parmigiano Reggiano" (Parmesan) is considered generic in the USA, while it is protected by the EU. The two systems are difficult to reconcile and therefore represent an element of competition between the EU and the US in their bilateral negotiations with South East Asian states.

Both the EU and US FTAs include environmental and labour provisions, but, in contrast to the US trade agreements, the EU ones uphold a multilateral approach to sustainable development which calls on the parties to ratify international environmental and labor law. More specifically, with respect to environmental protection, the PCA and the FTA promote ratification of all multilateral environmental agreements. Moreover, the European Commission considers the trade agreement to be an instrument with which to enhance cooperation between the two partners in negotiation of the Forest Law Enforcement, Governance and Trade (FLEGT) voluntary partnership (VCCI 2013). This partnership is another distinctive instrument used by the EU to promote bilateral cooperation in a field where the US has only implemented unilateral measures. As far as labour standards are concerned, following pressures applied by the European Parliament, the EU has promoted the ratification of all the ILO Conventions in the trade agreement with vietnam, including that on the Freedom of Association, which is not recognized by the Vietnamese Constitution. With respect to enforcement rules, the trade and sustainable development chapter of the EU FTAs envisages measures softer than those included in the US FTAs. While the FTAs concluded by the USA apply the general dispute settlement mechanism used in cases of alleged breaches of the other norms included in the agreement, the EU tends to prefer procedures based on dialogue and the activation of panels of experts.

Finally, in contrast to the USA, since the early 2000s the EU has also introduced human rights clauses in each of its preferential trade agreements. The PCA with Vietnam considers human rights principles to be "essential elements of the agreement" (art. 1) and states that the Parties confirm their commitment "to the respect for democratic principles and human rights, as laid down in the UN General Assembly Universal Declaration of Human Rights and other relevant international human rights instruments to which the Parties are Contracting Parties". Nevertheless, during the trade negotiations with Vietnam, the EU was divided on the extent to which the EU should prioritize human rights promotion to competitiveness considerations. The European Parliament's resolutions called for the inclusion of enforceable human rights clauses in the FTA with Vietnam (Resolution of 8 May 2008 on trade and economic relations with ASEAN) and for a human rights impact assessment of the FTA with Vietnam (Resolution on Vietnam, issued on 17 April 2013). Further pressures for including human rights in FTA negotiations were applied in 2009 by Javier Solana, the former High Representative for the Common Foreign and Security Policy (1999-2009) (Lim 2012). By contrast, the European Commission appeared less enthusiastic about subordinating a trade deal to binding commitments to human rights mythematical subordinations are readed out human rights impact assessments for FTAs with human rights in the subordination of the trade out human rights impact assessments for FTAs with human rights are applied to binding commitments to human rights protection. Whereas in 2012 the European Commission carried out human rights impact assessments for FTAs with

neighbouring countries such as Georgia, Moldova, Armenia, Tunisia and Morocco, as requested by the European Parliament's Resolution on Human Rights and Social and Environmental Standards in International Trade agreements of 25 November 2010, it did not undertake a similar exercise in regard to a FTA with Vietnam (FIDH 2013). The annex on Vietnam to the trade sustainability impact assessment of an EU-ASEAN agreement, released by the European Commission Services (2013), did not include a human rights impact assessment, and did not investigate the implications of the trade agreement for the freedom of association. Finally, the High Representative Catherine Ashton (2009-2014) was less committed than Solana to promoting the integration of human rights principles within trade policy (interview with an official of the European Parliament, 2014).

Vietnamese leaders' perspectives

The reactions of Vietnamese elites to the norms promoted in the European negotiating position and to the instruments that it used for this purpose, in contrast to the USA, convey a multifaceted image of the EU. The EU emerges as an attractive trade leader, but also as an actor able to export regulatory standards, improve the status of Vietnam within multilateral forums and, at the same time, respect the local ownership of the development process. Yet differences are apparent in the way that the business community and the government elites represented the EU. Finally, the image of the EU was more nuanced than that of a normative power if one considers the reactions of Vietnamese elites to its positions on development cooperation and on politically sensitive issues such as those of state/market relations, human rights, and labour rights.

Market liberalism

By promoting free trade and investment liberalization, the EU met the interests of Vietnamese governmental and private actors in increasing export and import opportunities. The EU was also a model in the regulation of free trade-related matters such as consumer protection and intellectual property rights. Challenges to its image as a legitimate norm promoter, though, emerged in the reaction of Vietnamese elites to its technical barriers and to the definition of a market economy.

In order to address the risks of becoming dominated by Chinese investors, Vietnam encouraged increasing investments from the EU. In this regard, Vietnamese National Assembly Chairman, Nguyen Sinh Hung, stressed the EU's "privileged position in Vietnamese foreign policy" (Ha 2012). Moreover, almost all (97%) the respondents to the VCCI's (2011) survey expected direct benefits from the FTA with the EU, namely increasing exports to a large market, the ability to import high quality technology, and investments in clean technology in Vietnam. The Vietnam Peace and Development Foundation shared the EU's pressures for reciprocal liberalization, but expressed reservations concerning

its schedule in the services sector, warning that "Too much liberalization without a proper roadmap [and] compatibility with socio-economic development levels will create adverse impacts on the economy" (Vo and Nguyen 2009).

Evidence of successful cooperation between the EU and Vietnam also concerns the issue of consumer protection. According to the former minister of trade Truong Dinh Tuyen, the law on Protection of Consumer Rights drafted in Vietnam in 2012 is one of the most tangible results of MUTRAP III (Talk Vietnam 2012a). At the same time, however, Vietnamese food exporter associations have criticized the excessive barriers raised by European hygiene requirements to Vietnamese products (Tofani 2013). The representative of the VCCI stressed that "Vietnam is a developing country" and as such is not yet able to fulfil the standards imposed by the EU (VOV Online 2011).

Most notably, Vietnamese negotiators resisted European pressures to open up public procurement to competitive bidding. The government commented that those pressures were based on a flawed understanding of Vietnam's distinctive features as a full-fledged socialist-oriented market economy (WTO 2013; Trade Bridge Consultants 2013). The Vice Chairman of the Ho Chi Minh City Business Association explained that the failure of the EU to consider Vietnam a market economy has *de facto* led to the increasing use of antidumping tariffs against Vietnamese exporters (Vietnam Paint & Printing Ink Association 2013). From a more positive perspective, the report of the VCCI (2011, p. 20) described the negotiations with the EU as an "opportunity for Vietnam" to begin dialogue for the recognition of the problems that Vietnam is facing due to its status as a non-market economy. The report considered negotiations with the EU as functional to building a new status of Vietnam as a trade actor which would provide proof of the Vietnamese economy's openness.

Also the issue of protecting geographical indications and indications of origin prompted contrasting reactions from Vietnamese stakeholders. The representative of the VCCI, Nguyen Thi Thu Trang (Interview, February 2014), explained that the EU has chosen to "follow the EU approach" to geographical indications and "is now defending it in the negotiations with the US" in the framework of the Trans Pacific Partnership negotiations. The seafood and agricultural industry especially supported those rules (VCCI 2011). Representatives of the southern provinces of Vietnam also welcomed the proposal to apply EU norms concerning Protected Designation of Origin (PDO) to some Vietnamese agro-products (vegetables, fish and rice) in order to enhance the export value of those products (MUTRAP EU-Vietnam 2012). An example in this regard is the successful registration of the PDO label for the Phu Quoc fish sauce, on 31 October 2012, as the result of cooperation among the EU MUTRAP management, the Intellectual Property Department of Vietnam, and the People's Committee of the southern province of Kien Giang. At the same time, the issue appeared problematic for the textile and footwear industry, which mainly uses raw materials from China, Taiwan and South Korea. For this reason, manufacturers in this sector would be prevented from meeting EU rules of origin. In this regard, the Vice Chairman of the Ho Chi Minh City Business Association, the Deputy General Secretary of the

Vietnam Apparel and Textile Association, and a spokesperson for the Leather and Footwear Association stressed the potential protectionist undertones of the rules of origin imposed by the EU (Vietnam Paint & Printing Ink Association 2013; Vietnam Briefing 2013a; Thanh Nien News 2013).

Development cooperation

The perception of the EU as a preferential partner of Vietnam in the field of development cooperation emerged from the declarations of both the Vietnamese government and non-governmental actors. Among the instruments used by the EU, technical assistance to national development strategies received more support than unilateral measures such as the GSP. In 2013, Vietnamese Prime Minister Nguyen Tan Dung positively commented on the contribution of EU development aid to Vietnam's integration into the global economy, and he requested the EU to continue providing aid disbursement, despite the fact that Vietnam had graduated to a middle-income country (Vietnam News 2013). The national government especially declared its support for MUTRAP. According to the Deputy Minister of Industry and Trade, Nguyen Thanh Bien, the project had promoted an approach to development specifically tailored to the challenges faced by Vietnam in integrating into the global economy, and it had helped Vietnam develop the capacity to design legal frameworks especially in the field of competition law (Infotv 2012). Truong Dinh Tuyen, former minister of Trade, further specified that the project had contributed to the drafting of two important development strategies: the export strategy from 2011 to 2020 and the service development strategy from 2011 to 2020 (Vov Online 2012). According to the representative of the VCCI Nguyen Thi Thu Trang (Interview, February 2014), the MUTRAP team had given the business group the opportunity to suggest technical assistance activities for selected industry sectors lacking a real development strategy and, so far, had been able to address these demands. Finally, almost all respondents to the OECD and WTO (2011) survey on the impact of MUTRAP III agreed that the project effectively involved the intended beneficiaries in its core activities and in the implementation stage, and that "the beneficiaries of MUTRAP III will be able to make use of the capacities developed after the completion of MUTRAP III".

By contrast, the GSP is the European initiative concerning development cooperation that has raised greatest concerns in Hanoi. Vietnamese Deputy Minister of Foreign Affairs, Bui Thanh Son, noted that the EU GSP excludes commodities with high market shares. In so doing, he argued, the GSP may cause psychological dependence and the reduced competitiveness of certain goods, and would not create a positive import/export balance (InfoTV 2013a). In this regard, Nguyen Huu Nam, Head of the Legal Department of the HCM City Branch of the VCCI, lamented that, as a consequence of the EU scheme, Vietnam had to control its export volume in order to enjoy preferences in the long term (Vietnam Net 2013). For these reasons, the changes introduced by the EU in the new GSP for the 2014-2017 period have received the support of the Vietnamese government. According to the Vietnamese Ministry of Industry and Trade,

the new European GSP is expected to increase exports of the products most sensitive for Vietnam, including seafood, textiles, coffee and footwear (InfoTV 2013b).

Environmental and labour standards

The EU-sponsored environmental and labour norms received broad support from the Vietnamese government, which considered them functional to integrating the country into the system. Moreover, private actors saw EU environmental regulations as an example that Vietnam should follow, and expected them to help Vietnamese businesses to make their production and exports more competitive. Yet, cautionary remarks were made by governmental and non-governmental sources concerning the risks of green protectionism associated with European environmental regulations and the EU's intrusiveness in decisions concerning labour standards, which are constrained by Vietnamese constitutional law.

FTA negotiations have built upon a relatively high degree of pre-existing cooperation between the two negotiators in the field of environmental protection. In February 2011 the EU was the largest source of financial cooperation with Vietnam in the framework of the Clean Development Mechanism established by the Kyoto Protocol. This cooperation has met the ambition of Vietnamese political leaders to promote Vietnam's image as an actor participating in multilateral governance. In this regard, the Communist Party of Vietnam (2014) proudly presented the implementation of international climate commitments in 2013 as a source of strong international trust for the country. Vietnam's participation in the FLEGT negotiations with the EU since 2010 can be considered another important example of the Vietnamese government's commitment to cooperating with the EU on environmental matters. As a result, the Vietnamese NGOs Network for FLEGT, which includes 20 NGOs and research centers, was formed in January 2012.

A report commissioned by VCCI (Nguyen 2012) supported the argument of economist Pham Chi Lan that, as a consequence of the conclusion of an FTA with the EU, Vietnam would foster high quality and sustainable production, rather than focusing on "imported goods of poor quality and outdated technology" like those currently imported from China. The general secretary of the Vietnam Timber and Forest Product Association added that the FTA would help boost Vietnamese wood products, since those products are exempt from tariffs under the GSP, and the FTA would leave this condition unchanged (Thanh Nien News 2013).

Nevertheless, EU regulations on chemicals, illegal fishing, and FLEGT have raised suspicions of green protectionism among Vietnamese government and non-governmental actors. In 2013, the Vice Chairman of the Ho Chi Minh City Business Association expressed concerns about the protectionist risks of Regulation 995/2010 which imposes rigid barriers against the exporting of Vietnamese timber (Vietnam Paint & Printing Ink Association 2013). Moreover, the Vietnamese Ministry of Trade and Industry asked the EU to lower environmental barriers especially in the sectors of chemicals and illegal fishing, which he considered responsible for the rise of costs and for the imposition of rigid

administrative procedures on Vietnamese exporters (Talk Vietnam 2012b). Despite these criticisms, however, in order to prevent the EU from banning the import of Vietnamese products in Europe, the government has pushed for efficient domestic compliance mechanisms aimed at meeting EU import regulations concerning food, chemical residues, illegal fishing and legally cut timber (Vietnam Briefing 2013b).

Finally, with respect to labour standards, Vietnamese negotiators agreed to include a chapter on labour rights in the FTA, but raised strong resistance against the European positions on freedom of association for workers. This principle is not recognized in the Vietnamese Constitution, which is a powerful legal obstacle against including a reference to the relative ILO Convention in the FTA (Interview with the team leader of MUTRAP, January 2014). More technical requests concerning the adoption of EU-sponsored labour rights were made by the Vice Chairman of the Ho Chi Minh City Business Association, who complained about the rigid position taken by the EU on this matter. He argued that, in order to support Vietnam's efforts to adjust to international standards, the EU should provide its counterpart in the negotiations with a roadmap concerning labour rights (Vietnam Paint & Printing Ink Association 2013).

Human rights

The introduction of a human rights clause in the Cooperation Agreement in 1995 and in the subsequent PCA created opportunities to foster dialogue between the two parties on reciprocal differences (Portela 2010). Further progress in bilateral dialogue between the EU and Vietnam on human rights also confirmed the representation of the EU as a supporter of Vietnam's strategy to multilateralize its foreign policy. Yet differences in the positions of European institutions on human rights provoked criticism of the coherence of EU foreign policy.

The Vietnam government has taken major steps in the direction of cooperating with the EU to improve the rule of law and human rights. Since 2010, the Vietnamese Ministry of Justice, the Supreme People's Court, the Supreme People's Procuracy, the Vietnam Bar Federation and selected NGOs have joined an EU-sponsored program aimed at the implementation of the Justice Partnership Program, funded by the EU, Denmark and Sweden, intended to support implementation of the Judicial Reform Strategy of the government of Vietnam. Moreover, on 11 September 2013 Vietnam and the EU held the third round of their annual enhanced Dialogue on Human Rights implementing the PCA.

However, different positions emerged among Vietnamese stakeholders on the inclusion of political considerations in trade negotiations. The report of the VCCI (2011, p. 8) positively commented that "a very peculiar characteristic of the EU" is that it uses "Free Trade Agreements as a tool for social support (without using them as power tools to cause economic or political pressures and force its partners to comply with the conditions set by other institutions"). At the same time, the Vietnamese government expressed difficulty in understanding the differences among the positions of the numerous European institutions involved in the trade negotiations (Interview with an official of DG trade, July 2014).

The insistence with which the European Parliament has promoted binding human rights clauses in the FTA with Vietnam has especially aroused opposition in the government. According to the Foreign Ministry spokesperson Luong Thanh Nghi, the resolution is based on false information and reports about the human rights situation in Vietnam, and undermines the results of the frank dialogue on human rights carried out between Vietnam and the EU over the past decade (Vov Online 2013).

The identity of the EU and its normative impact

The image of the EU as portrayed by Vietnamese elites is that of an economic power and, only to a certain extent, a political leader. These representations will affect not only the results of the trade deal but also the ability of the EU to influence the parallel reform process ongoing in Vietnam in both the economic and political sectors. More precisely, the extent to which the EU emerges as a legitimate norm promoter has implications for how those norms will be actually translated into domestic law and implemented in Vietnam.

Besides supporting its positions on trade, investment liberalization, the Vietnam government depicts the EU as a preferential development partner. It stresses that the EU's technical assistance project, by promoting local ownership of the development process, has contributed to the drafting of the national export and service development strategies, helped building a national system of protection of geographical indications, and had a major impact also on Vietnam's consumer law. This support for technical assistance, and the parallel criticism of the EU's unilateral preference schemes, reflects the government's interest in preserving its autonomy in shaping its development path. The asymmetric relationship developed with the Soviet Union in the 1970-80s, in fact, had made Vietnam aware of the dependency risks associated with large donors.

At the same time, ministerial sources challenged the political leadership of the EU by pointing to a mismatch between the ways in which the EU and the Vietnamese government conceptualize the relationship between the national economy and politics. More precisely, they stressed the inability of the EU to understand and respect the distinctive features of Vietnam's socialist market economy. On these premises, as the government declared, Vietnam will veto any agreement including binding and enforceable commitments on government procurement. From a similar perspective, the Vietnamese Peace and Development Foundation and sectoral business associations stressed the EU's inability to take account of the local context and development needs when promoting regulatory standards.

The EU's role as a model in the sector of sustainable development has been broadly endorsed by Vietnamese elites. The environmental measures that it has promoted match the need of Vietnamese industry to increase its competitiveness internationally. Moreover, its proposal to include references to multilateral environmental agreements and to ILO Conventions in the text of the FTA addresses the need of the Vietnam government to normalise the role of the country

within international organizations. In this regard, according to representations of Vietnamese elites, the EU differs from the USA in its capacity to improve Vietnam's reputation in UN venues. The VCCI especially supported the European positions on environmental protection and labour and depicted the EU as model for Vietnam in the sector of social development, given its soft power tools of norm promotion. This extremely positive attitude seems to suggest the urgency of the VCCI to conclude the trade deal, even though the government has adopted cautious positions on politically sensitive issues.

Despite these positive representations of the EU, its portrait emerging from both governmental and non-governmental sources is that of an actor which lacks coherence between the principles that it promotes and the positions that it takes. Vietnamese stakeholders agree in presenting the EU as a sponsor of free trade but, at the same time, as a defensive player protecting its economic interests with technical barriers and rigid environmental standards. Inter-institutional divisions within the EU with respect to human rights promotion have contributed to its external image as an actor unable to pursue a coherent foreign policy. These criticisms further hinder the EU's capacity to act as a model and to use bilateral trade negotiations to contribute to the Vietnamese national reform process. So far they have reinforced the opposition of the Vietnamese government against including political dialogue in the trade negotiations. As a result, the two levels of bilateral relations *de facto* have remained largely confined to the two parallel tracks of the PCA and the FTA negotiations. The criticism expressed by Vietnamese elites against the protectionist undertones of European sustainability norms, given the soft enforcement rules proposed by the EU in this field, may further weaken the efforts of the EU to affect the policy process in Vietnam, and thereby fully perform the role of a normative power.

Conclusions

Analysis of the perceptions of Vietnamese elites sheds light on both the opportunities for and constraints on the EU emerging as a norm promoter through trade. Since the FTA with Vietnam will be a model for further negotiations in the region, the foregoing case study contributes to research on the trade and political relationship between the EU and ASEAN. It has shown that the attractiveness of the European market and the global standing of the EU as a standard-setter in multiple policy fields – from consumer protection and the environment to intellectual property rights – will enhance cooperation between the two regions with a view to a future inter-regional FTA. The potential of the EU-sponsored norms to increase the international reputation of its negotiating counterparts within UN venues is a further asset for the EU to perform the role of a normative power in the South East Asian region. At the same time, the description of the EU especially by Vietnamese government representatives as an incoherent, divided and intrusive actor portends the obstacles that the EU and ASEAN will face when negotiating on an interregional comprehensive trade agreement.

On these bases, this paper also contributes to broader research on the EU's international identity and role. It supports the hypothesis that, compared with the USA, the EU has considerable power of attraction and an ability to affect key decisions within the national reform process of its trade partners. Yet, its efforts to promote its milieu goals through trade agreements have encountered strong internal and external challenges. On the one hand, even though the Lisbon Treaty has attempted to foster coherence within European foreign policy, the EU still struggles to act as a unitary actor on politically sensitive issues. On the other hand, its economic power does not appear to be sufficient to prevent vetoes on those issues by trade partners that do not share the liberal conception of state/economy relations and democracy that the EU upholds in its foreign policy. Given these constraints, the EU must necessarily adopt a more pragmatic approach to trade negotiations, while promoting longer-term political partnerships by strengthening of the newly-operative diplomatic channel of the European External Action Services.

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