

Special Features in Ho Chi Minh's Thought about Human Rights

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Abstract Human rights and national rights are great values of humanity. Human rights are apparent, not an allowance or blessed upon by a higher power. These are noble values, deeply perceived by humanity as a universal value. Protecting and applying human rights is always a concern of mankind. The developmental theory about them is strongly linked to class struggle and social revolutions. The evolving process of mankind has indicated a great desire for human rights and freedom. Human rights contain a wealth of content and complexity when combined with different political regimes, so there are often different views about human rights due to different approaches. In Vietnam, Ho Chi Minh mentioned human rights very early and made many contributions to human rights' theory. Inheriting and developing of human rights values from the doctrines and cultures of humanity, Ho Chi Minh has addressed his opinion on human rights: human rights attached to the spiritual rights of the whole nation. The author analyzes the uniquenesses of Ho Chi Minh's thought on human rights, thereby explains the historical values and times significance of Ho Chi Minh's thought.

Keywords: *human rights, national rights, Ho Chi Minh's thought, Declaration of Independence*

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1. Introduction

Human rights are a multifaceted category, with different approaches. The first is to approach human rights with natural origin. Natural rights proponents argue that human rights are innate, inherent in all individuals. Human rights, therefore, do not depend on customs, cultural traditions, or the will of any individual, class, organization, community or state. Thus, regardless of whether the state or a certain subject in society can not give or deny the inherent human rights of individuals. This trend came very early. From ancient times, Zeno (333-264 BC) stated that no one was born to be a slaver. Slavery is due to the fact that human freedom is taken away from them. Obviously, according to Zeno, the right to be an independent person is a human innate right. In the 16th century, the tendency for natural rights became the cornerstone of the ideological struggle of the feudal tyranny. In this period, the tendency for natural rights became a complete trieyes system with the typical philosophers Thomas Hobbes (1588-1679) and Thomas Paine (1737-1809). Thomas Hobbes, who developed the insights of the former into a powerful individualist theory of human rights. In his major works, culminating in "Leviathan" (1651), T.Hobbes ascribed "to all human beings natural liberty as well as equality, on the basis of which they are licensed to undertake whatever actions might be necessary to preserve themselves from their

fellow creatures. Such self-preservation constituted the indispensable core of human rights. Adopting an extreme position against the Aristotelian teaching of political naturalism, Hobbes maintained that the exercise of one's natural liberty leads directly to unceasing conflict and unremitting fear, inasmuch as nature confers on each individual the right to possess everything and imposes no limitation on one's freedom to enjoy this right. Unalloyed nature yields a state of chaos and warfare and, as a result, a *nasty, brutish, and short* life, the avoidance of which leads human beings to authorize a single sovereign ruler in order to maintain peace. The exchange of natural freedom for government-imposed order, constructed through a social compact, requires renunciation of all claims on rights that humans possess by nature (except, of course, for the right of self-preservation itself) and voluntary submission to any dictate imposed by the sovereign" [1]. In this way, Hobbes seconds Selden's defense of absolute government, yet upholds the basic right to self-preservation. Moreover, under the terms of Hobbes's absolute sovereignty, subjects are still deemed to retain the right to choose for themselves concerning any and all matters about which the ruler has not explicitly legislated. From that approach, J. Locke states that governments can only be *legitimate* by recognizing, respecting, protecting and promoting the inherent rights of citizens.

Thomas Paine's most famous work, "The Rights of Man" was published in 1791, two years after the French Revolution. In it he defended the values of the Revolution - those of *liberty, equality and brotherhood*. T. Paine

explored the idea that government based on true justice should support not only mankind's natural rights "His natural rights are the foundation of all his civil rights. A few words will explain this. Natural rights are those which appertain to man in right of his existence. Of this kind are all the intellectual rights, or rights of the mind, and also all those rights of acting as an individual for his own comfort and happiness, which are not injurious to the natural rights of others. Civil rights are those which appertain to man in right of his being a member of society. Every civil right has for its foundation some natural right pre-existing in the individual, but to the enjoyment of which his individual power is not, in all cases, sufficiently competent. Of this kind are all those which relate to security and protection" [2]. The book sold tens of thousands of copies and became one of the most widely read books in the Western world at the time.

The value of natural rights theory is to promote human as the highest, most essential product of natural development. This tendency is of great significance in the fight against the atrocities of feudalism, the protection of fundamental human rights as a citizen in society and not as a royal prince's man. This trend creates the foundation for the future development of human rights (including civil and political rights). The limitation of this tendency, however, is that it obscures the social origin of human rights and therefore does not see the historical, class, and developmental nature of human rights' demands.

The second tendency accesses to human rights with legal rights. This tendency assumes that human rights are not innate but have to be defined and codified by the states, or derive from the cultural tradition. Thus, according to the doctrine of legal rights, scope, limits and, to a certain extent, the validity of human rights depends on the will of the ruling class and factors such as customs and cultural tradition ... of societies. Here, while natural rights are consistent under all circumstances, at all times, the legal rights are culturally and politically relative. The scholars of the legal doctrine are Edmund Burke (1729-1797) with his work "Reflections on the Revolution in France" (1770) and J.Bentham (1748-1832) with his work "Critique of the Doctrine of Inalienable, Natural Rights" (1843). J.Bentham criticized the natural rights doctrine

"If natural rights means rights that are anterior to government and imprescriptible then, Bentham states, they are nothing but a fallacy" [3].

He argued that human rights were all that the state passed through law to regulate individuals. Only what the law allows to do or not to do is human rights, and is only considered human rights when an individual act or claim is legal. The rationale for this tendency is that it attaches human rights to the law, which is regulated by the state. However, the legitimacy of the right is not enough. In fact, there are demands and reasonable needs for life (but not yet legally recognized) still have to be considered human rights. Therefore, human rights can not be only considered to be things that are allowed to do but also things that deserve to be beneficially enjoyed (which is not yet confirmed by the law, but will have to be).

So far, human rights have a whether natural or legal origin that continues to be debated. The notion of right, wrong, reasonable or unreasonable irrationality of these two doctrines are not straightforward because they involve

a wide range of philosophical, political, social, ethical, legal issues... In terms of appearance, most of the law documents of countries express the human rights are the legal rights. Specifically, Office of the United Nations high commissioner for human rights proposes the notion "Human rights are universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity. Human rights law obliges Governments (principally) and other duty-bearers to do certain things and prevents them from doing others" [4]. However, from an international perspective and some law documents in some countries, human rights are clearly defined as the inherent and irrevocable rights of every individual. That is reflected in the United States Declaration of Independence in 1776; Declaration of Civil Rights and Human Rights in 1789 of the Republic of France; The Declaration of Independence of the Democratic Republic of Vietnam in 1945 and the Universal Declaration of Human Rights. In particular, in the preamble to the Universal Declaration of Human Rights, "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world" [5]. The above analysis shows that extreme views completely deny either of the two doctrines.

On the basis of these two theories, human rights can be defined as follows: *Human rights are the ability to exercise the natural and objective prerogatives of human beings, both as human beings and as members of society, are ensured by the national legal system of law and international legal agreements on human values in material, cultural, spiritual and self-interest relationships development.* Thus, human rights are the natural, inherent and objective needs and interests of the human recognized and protected in national law and international legal agreements.

In Vietnam history, President Ho Chi Minh mentioned human rights from the very early days. He laid the foundation for the theory of human rights which are linked to the whole nation's spiritual rights; with national sovereignty, territorial integrity. Ho Chi Minh has indicated that independence and freedom are the most important and fundamental values of human rights. They can only be achieved by revolutionary struggle against the oppression and exploitation of colonialism, attaining national independence and mobilizing the national solidarity in order to flourish and protect the Fartherland

Ho Chi Minh's thought of human rights is reflected both theoretically and practically in the cause of the national liberation's struggle and the process of evolving the country. This was significantly demonstrated in Ho Chi Minh's writings on "Letter to the French in Indochina", "Mr. Anbe and the Universal Declaration of Human Rights", 1922 Declaration of the Colonial Union, "Indictment of colonisation"... In particular, the "Declaration of Independence", which President Ho Chi Minh is the sole author, was identified as the first document confirming both the theoretical and legal aspects of rights about human rights, freedom and ethnic equality of the Vietnamese people are in line with international ethics and principles. Studying Ho Chi Minh's thought is a significant foundation for the Communist Party of

Vietnam so as to define a guiding stance in the development of protecting and applying human rights in Viet Nam today.

2. Content

2.1. From an Oppressed Nation, Ho Chi Minh Inherited and Developed the Human Rights' Values Based on Numerous Doctrines, Cultures, Especially Marxism - Leninism on Human Rights

Ho Chi Minh's thought of human rights is rooted in the idea of human rights in the history of national thought; from the selective inheritance of progressive human rights' ideals of the East and the West. In particular, Ho Chi Minh's thought of human rights is the creative application of the idea of Marxist-Leninist human and social liberation.

The concept of human rights of the East was raised very early, expressed in the thought of social management and human education. In ancient Oriental society, there were also two major classes. The first is the ruling class consisting of the king, the mandarin, the clergyman who mainly exploited. The second is the ruled class which was composed of communal farmers and a few slaves who were exploited. This means stigmatization, which leads to inequalities among people. One of the most obvious manifestations of inequality is the Vácna racism in ancient India. This is a rigid hierarchy, which is about the inequality between the Arian and the indigenous Drukpa. In ancient China, the society was also divided into two categories: *the magnanimous* and *the small-minded*. The women were despised and treated harshly. Despite being not as typical as the West, the ancient Eastern slave class still had no privilege or even be considered as a property of the aristocracy.

Recognizing such severe social and class conflicts, it will inevitably arise struggles in different scales and ways, particularly when progressive ideas expressing human rights have emerged in the consciousness to gain basic rights for themselves. Prominently, the birth of Buddhism, Confucianism or the ideas of Lao Tzu, Mac Tu were all for the purposes of building an advanced society with no oppression. It is a universal world, enjoying human rights in the right way. When analyzing that thought of the Oriental, Western scholars have made positive judgments and suggested that the degeneration of the lifestyle and morality in Europe, America and the Eastern nations outweighed the West. Analyzing the issue, Jascques Attali, an advisor to the French president, stated: "Western culture should first be modest about its own values. We should not pursue flowery, triumphant words about the globalization of values - which in fact are only limitedly applied, even including our own society... Civilization based on other philosophical and ethical beliefs - Confucianism or Buddhism - seems to be more successful than in the West" [6].

Being influenced by Chinese culture, Vietnam soon had socialist institutions based on the rule of virtue and law. In addition, in the history of the nation, human rights are

fundamentally governed by habits and customs such as village regulations and village conventions. Ho Chi Minh absorbed and inherited the reasonable content of human rights in the history of national thought. It is the Vietnamese philosophy of behavior "Do as you would be done by" and is based on the people and the policy of the authorities' security. In the history of national thought, human rights are also embodied in legal documents, typically the Hong Duc Code. The Hong Duc Code was created during the Le Dynasty and was promulgated by Le Thanh Tong in 1483. With the specific norms, the Hong Duc Code recognizes and respects human dignity and many other rights [7]. Aggressive ideas about human rights in the Hong Duc Code are reflected through the positive judgments of lawyers and aligned with the well-known codes of the world. The Hong Duc Code was defined as an important document that marked the development of human rights' idea in national history. All these traditions are imbrued with Ho Chi Minh's thought and personality.

The human rights theory was formed and developed in the bourgeois democratic revolution. Objectively, this is a great development of human history. Subjectively, this is a weapon of the bourgeoisie against kingship and theocracy of feudalism. The concept of "human rights" first appeared in the West XVII - XVIII. Among the philosophers' writings such as John Locke (1632 - 1704), Jean Jacques Rousseau (1712 - 1778), Thomas Jefferson (1743 - 1826), John Stuart Mill (1806 - 1873) ...discussing about human rights based on natural rights and legal rights. In particular, J.Locke was honored as the first philosopher to have comprehensively developed a human rights theory. In his second Commentary on Government, J.Locke claimed that human beings experience two socially developmental states: the state of nature and the state of civil society. In the natural state, human beings enjoy all natural rights such as freedom, equality and private property. Noone can be withdrawn from a state of freedom, equality and independence or be under others' political power without their consent. Accordingly, people form societies, societies form governments so that everyone is guaranteed the right to enjoy *natural rights* J. Locke defined government as a *social contract* between rulers and the ruled. He argued that citizens are only obliged to be loyal to governments that protect their rights. These rights may even be priored over other government requirements and benefits. Government legitimacy is obtained only by systematically respecting and protecting the citizen's rights. In chapter IX "Of the ends of political society and government", he wrote "For in the state of nature, to omit the liberty he has of innocent delights, a man has two powers. The first is to do whatsoever he thinks fit for the preservation of himself, and others within the permission of the law of nature: by which law, common to them all, he and all the rest of mankind are one community, make up one society, distinct from all other creatures. And were it not for the corruption and vitiousness of degenerate men, there would be no need of any other; no necessity that men should separate from this great and natural community, and by positive agreements combine into smaller and divided associations. The other power a man has in the state of nature, is the power to punish the crimes committed against that law. Both these

he gives up, when he joins in a private, if I may so call it, or particular politic society, and incorporates into any commonwealth, separate from the rest of mankind" [8].

Philosophies of human rights at this time were the direct basis for the bourgeois revolution in France and Britain, the struggle for independence in the United States. President Ho Chi Minh has studied and appreciated the achievements of human rights in the French bourgeois revolution and American bourgeois revolution. This is reflected in the Declaration of Independence, which was written and published on September 2, 1945 and proclaimed the independence of the Republic of Vietnam, now is the Democratic Republic of Vietnam.

As a Marxist-Leninist, President Ho Chi Minh has understood and creatively applied the ideas of human rights scientifically and mankind revolution. Marxism-Leninism claims that human rights can only be attained by the struggle for national and social liberation. The categories of *freedom - equality - charity* of capitalism are all constrained by economic status. Karl Marx asserted "Equal rights are not only applied in state's fields but also in the realm of economic and social justice" [9]. It is only in communist society that human rights are truly guaranteed and people are fully liberated.

In the period capitalism turned into imperialism, colonialism used human rights as an excuse for the war of aggression. In that context, President Ho Chi Minh was the first Vietnamese to address the concept of human rights and used it in the arguments against colonialism, protect and defend the human rights of all colonial people.

2.2. Human Rights Attach to the Spiritual Rights of the Whole Nation

For Ho Chi Minh the basic human rights and freedom, first and foremost, are the noble human values, though the subjects of the rights are different races, colors, and territories. This was expressed by Ho Chi Minh in the Letter to the French in Indochina. Ho Chi Minh wrote "You love your France and want it to be independent. You love your compatriots and want them to be free. This love glorifies you because it is the highest ideal of humanity... What you consider ideal is also our ideal" [10]. Thus, for Ho Chi Minh, human rights are the inherent human values that are common to all people. Human rights are the outcome of the long-term development of human social history, the most spiritual value of human civilization. That affirms the inviolable values of human.

In the book Mr. Anbe and the Universal Declaration of Human Rights, Ho Chi Minh expressed his great humanitarianism when he praised the well-known point of the French Declaration of Human Rights. "People are born and forever free and enjoy equal rights. These rights include freedom, property, security and oppression" [11]. However, Ho Chi Minh's great contribution is broadening the connotation of human rights' concept. From individual rights in the theories of bourgeois scholars, Ho Chi Minh raised the rights having national characters, the right of all people against oppression. In particular, Ho Chi Minh did not stop at the *security right* and *rights against oppression* in a limited personal scale. In essence, this is just the personal rights of the bourgeoisie against the grip and oppression of the feudal class. Becoming the dominant

class, the bourgeoisie oppressed the working class in the country and the colonies for the sole purpose of satisfying the surplus value. They trample on the rights and interests of other people. For Ho Chi Minh, *the right of security and oppression* are the inviolably self-determined rights. Developed countries are not allowed to interfere in the internal affairs of any other nation.

When writing the Declaration of Independence to proclaim the founding of the Democratic Republic of Vietnam, Ho Chi Minh began with the immortal words of the United States Declaration of Independence and The French Declaration of the Rights of Man and of Citizens. Specifically:

"All men are created equal, they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness" [12].

The French Declaration of the Rights of Man and of Citizens of 1789 was the outcome of the French people who overthrew the feudal regime, established the first republic. Human rights issues have been identified in Article 1 and Article 2 of the Declaration:

I. Men are born, and always continue, free and equal in respect of their rights. Civil distinctions, therefore, can only be founded on public utility.

II. The end of all political associations is the preservation of the natural and imprescriptible rights of man; and these rights are Liberty, Property, Security, and Resistance of Oppression. [13].

With a scholarly wisdom, Ho Chi Minh is well-versed in the East-West apophthegms of the present and the past to quote. However, when drafting a nation-building document, which is perpetual, Ho Chi Minh must have considered it very thoughtfully to choose a quotation that he found immortal. It is immortal to embrace the greatest aspirations in human history. These are fundamental human rights: the right to life, liberty and private property. All of these have been mentioned by J. Paulson since the seventeenth century, raised by T. Jefferson into the pursuit of happiness when he drafted the American Declaration of Independence. Among those fundamental human rights, T. Jefferson affirmed that human happiness must be in the pursuit, not available. A progressive society must provide opportunities for everyone to pursue happiness.

From a historically valuable truth, Ho Chi Minh developed a new significant concept in the context of his time by "extending it, meaning that all the people in the world are born equal. every single nation has the right to live, the right to enjoy happiness and freedom". Those immortal words are in the Declaration of Independence of the United States in 1776" [14].

From the fundamental human rights that Western philosophers have recognized in the last centuries, in the context of the new age, Ho Chi Minh has developed into the national right. If human freedom is formed from the inherent dignity of human, the moral and legal autonomy of the people is also the natural right. Not only is this idea of Ho Chi Minh meaningful for the Vietnamese people but it also influences other oppressed and enslaved people in the world. In the imperialist era, the imperialist countries carried out the war of aggression, oppression and enslavement of the colonial nations, including Vietnam. Although the American Declaration of Independence and the Universal Declaration of Human Rights and Civil

Rights of France assert basic human rights, they are, in fact, only the rights from several countries considering themselves *civilized* or *Mother country*. Imperial states did not share human rights' values - both in theoretical and practical terms - for the colonial people. In an interview with a French writer Reno Marang, Ho Chi Minh recalled "When I was thirteen years old, I first heard three French words: freedom, equality, charity... And from that time on, I really want to get acquainted with the French civilization and find the meanings hidden behind the words. But in indigenous schools, the French teach people like teaching a parrot. They prevent my people from reading books. It is not only the books of the new writers, but the Russo and Mongolia are also banned" [15]. In his Declaration of Independence, Ho Chi Minh denounced the crimes of the French colonialists with concrete evidence: "They establish more prisons than schools. They kill our patriotic members. Our revolts have been sunk in blood"; "They bind public opinion, enforce obscurantism"; "They use opium, alcohol to make our race weak"; "In economy, they exploit our people to bone, making our people poor, deprived and our country deflate", their actions are contrary to humanity and justice [16]. Thus, in fact, imperialist countries trampled on the human rights of the colonial and dependent people.

On the journey to find a way to save the country, Ho Chi Minh has drawn a conclusion: to win the right to life, freedom and the pursuit of happiness, the people of the colonies must first gain national independence. Only when the people are independent will the new self-determination and national equality be happened and each person will be free and entitled to basic human rights. Therefore, the fight for the national independence is the basis, the prerequisite to ensure human rights for the people, for each individual.

That Ho Chi Minh realized the right to national freedom and equality from the issue of human freedom is a great contribution to human right theory of the twentieth century. At that time, the United Nations' viewpoint about human rights was just a consideration of human rights, not the right of people's self-determination. It was not until the mid-1960s that the defect was discovered and corrected. To the International Covenant on Economic, Cultural and Social Rights (1966) and the International Covenant on Civil and Political Rights (1966) admitted that all peoples have the right to self-determination. At the World Conference on Human Rights held in Vienna (Austria) in 1993, the international community reaffirmed: All nations have the right to self-determination. This right includes: the right to establish political regimes, national institutions and the legal system. All nations have to respect that right. With this right, states have the right to apply all measures, including the development and enforcement of laws to protect their own. Actions against the political and state regimes are considered to violate the rule and will inevitably lose their freedom. The individual's right perception of the freedom can not fail to perceive it properly. In other words, no individual freedom is allowed to stand on or trample on the political system, the interests of the State. Any denial or abolition of national self-determination is a violation of human rights. Thus, from very early Ho Chi Minh had a horizon of the

relationship between human rights and the national independence and freedom.

2.3. The Fundamental and Most Important Value of Human Rights is the Right to National Independence - the Freedom of the People

Ho Chi Minh believes that the most fundamental values of human rights are *independence* and *liberty*. This thought is inherited from Sun Yat-sen's trinitism. This is reflected in the writings of Tran Dan Tien, the late Premier Minister Pham Van Dong ... Tran Dan Tien claimed the process of revolutionary activities and ideas of Ho Chi Minh, the imprint of Sun Yat-sen and the trinitism "Mr. Nguyen devoted all his heart to study Chinese politics. The three principles of Doctor Sun Yat-sen include independent nation, civil liberties, happy people researching and working to live." [17]. The late PM Pham Van Dong also asserted that Ho Chi Minh had studied the trinitism and had deep affection for Sun Yat-sen in "Ho Chi Minh - Our Leader", the late Prime Minister Pham Van Dong wrote "In his overseas life, President Ho Chi Minh in China had a great affection for Sun Yat-Sen, the revolutionary and the people of China" [18]. On the dialectical materialist stance, Ho Chi Minh found progressive ideas in trinitism which can apply to the revolution of Vietnam because it is suitable for the conditions of our country. He developed the concept of *Independence - Freedom - Happiness* to a new, and revolutionary level of a democratic national revolution under the leadership of the Communist Party, Vietnam.

Ho Chi Minh devoted his life struggling for the national independence, freedom for the people. Ho Chi Minh considered this as his reason for living, that national independence was not separate from the freedom of the people; Citizenship and independence for the people is a prerequisite for bringing happiness to the people. His famous point is shown in the letter to Anbe Xaro, Minister of French Colonialism "What I need the most in life: my people are free, my country is independent" [19]. This clearly demonstrates the inescapable unity between human rights and civil rights, the independence and freedom of the people. Logic of unity defines the right path to take. This is shown in the 1925 edition of the International Anthem (Verse III) by the compiler:

"This is our concern to worry about
No help from heaven or God
We peasants save us
Make changes to the human rights situation
Desire to overthrow power
For both Freedom and Equality" [20].

When using the notion of human rights, Ho Chi Minh put it in relation to the notion of civil rights. Ho Chi Minh has concretized human rights into the specific conditions and circumstances of class and nation. The content has criticized the "naturalist" view of human rights, arguing that human rights are the gift of God or a great individual. On the other hand, Ho Chi Minh has indicated the way to gain national independence and freedom for the people: "Applying the Marxist formula, I would like to say

that the liberation can only be gained by people's own efforts" [21].

In early 1919, in Claims to the League of Nations delegates during the First World War, Ho Chi Minh had struggled to regain equality, freedom and self-determination for the Vietnamese people. He understood the dialectical unity between individuals and societies, between classes and nations, between nations and humanities. Ho Chi Minh affirmed "Only the liberation of the working class can lead to the national liberation. Both these freedoms can only be the cause of communism and of the revolution of the world" [22]. Vietnamese revolution must liberate individuals, the society and establish the role of owning people's own society and bring freedom and happiness for everyone. These rights must be the right of the majority, of the working people. According to Ho Chi Minh, "We have sacrificed our lives for the revolution, so we should do it right, that is, how after revolutionary and then the right to distribute to the masses, not just putting in the hands of a few, which can avoid instant sacrifice and bring happiness for the people" [23]. Thus, the freedom and equality of the people can only be achieved by one and only way – which is the revolutionary path, the path of national liberation and the class liberation.

Ho Chi Minh's Great Idea "I have only one desire, one ultimate desire which is how our country is completely independent, our people are completely free and all people have clothes to wear, food to eat and chances to study" [24]. This is a profound insight into the inseparability of independence, freedom and happiness. In other words, it is the relationship between human rights, citizenship and sovereignty; Independence and freedom for the people are the core issues of human liberation. Ho Chi Minh always attaches the development of personal freedom with the development of national community's freedom. At the same time, this is also a process for personal liberation. The full development of individual freedom is only possible when the society is truly liberated.

Ho Chi Minh deeply understands the people's suffering from losing independence and freedom. The desire for freedom has lit up the torch for the Vietnamese revolution: Even if we have to burn the Truong Son range for independence; rather sacrifice all than lose our country or be slaves; nothing is more precious than independence, freedom... The Vietnamese people always struggle with that spirit for national independence and unification.

Ho Chi Minh distinguishes clearly that "independence" is the national right, "freedom" is the individual right of every person in that nation. Ho Chi Minh specifically emphasized the role of realizing the fundamental values of human rights and regarded it as an essential goal of the revolution. "If the country is independent the people are not happy, freedom is independent means nothing" [25].

According to Ho Chi Minh, in such conditions of the colonial countries like Vietnam, the struggle for national independence must be first and foremost, but independent countries without independent people can still be considered old-school kind of independence which does not really make sense. This is what President Ho Chi Minh paid special attention to when drafting of the Declaration of Independence

"... We, the provisional government of the Democratic Republic of Vietnam, solemnly declare to the world that Vietnam has the right to freedom and independence, and it is truly a free and independent country. The entire Vietnamese people are determined to bring all their spirit and force, their lives and their possessions in order to protect their freedom and independence" [26].

For Ho Chi Minh, the country is independent then the people must enjoy happiness, freedom because happiness is a measure of the value of national independence. In order to have happiness and freedom, national independence must be attached to socialism. He stressed that only in the socialist system does each person have the conditions to improve his/her own life, promote his own character and strength, care for people and conditions for comprehensive development. When Ho Chi Minh determined that winning the independence on the path of revolution of the proletariat asserted national independence to socialism.

That national independence is associated with socialism is the most valuable contribution of Ho Chi Minh to the Vietnamese revolution. It is also a red thread throughout Ho Chi Minh's thought, throughout the way and practice of the Vietnamese revolution.

2.4. The Historical Value and Meaning of the age of Ho Chi Minh's Thought about Human Rights

In theory, President Ho Chi Minh has made great contributions to the theory of contemporary human rights. He developed the traditional Western ideals in the 18th and 19th centuries into the level of the ideal of the new age: the era of national liberation from the oppression and colonialism; the age of the oppressed people to struggle for independence, the right to life, freedom and democracy. He was deeply aware of the key issue about human rights as national independence - socialism and authentic human liberation. By promoting the decisiveness and indivisibility of national self-determination, independence and freedom for the nation with human rights. Ho Chi Minh's pioneering thought has guided contemporary ideas about human rights: individual rights are attached to collective rights; independence, national liberty and development are basic human rights; Human rights can never be higher than national sovereignty.

The humanistic values of Ho Chi Minh's thought on human rights have profound implications for the development and implementation of legal documents in Vietnam. That thought is one of the foundations of the establishment of the category of *fundamental national rights* of international law. In the mid-twentieth century, many Asian and African nations recognized President Ho Chi Minh's great contribution to the establishment of a new international legal institution - international law that protected the rights, justice and equality of all peoples in the world. Specifically, it is the right to escape colonial domination, self-determination (the right to freely choose their political, economic, cultural path) and the right of the most vulnerable groups in society (women, children, the elderly, the poor...). Assessing the international significance and scale, the era of Ho Chi Minh's thought on human rights, the President of the University of Indonesia (President of Indonesia) stated: "It is a new law affirming the freedom,

independent inviolability of the oppressed peoples” [27]. The comment, more than half a century, is still a scientific conclusion on the meaning of Ho Chi Minh’s thought. This thought has contributed to the development of human rights theory in Vietnam and in the world.

In practice, the protection of human rights is always the great goal of all mankind. It is national independence and social progress; democracy and development; peace and stability of social politics, anti-terrorism, global climate change and the environment. Human rights, in spite of being the inherent human privilege, are not inherently visible in all people, nations and cultures. On the contrary, they are the products of human history in the process of fighting against difficulties, in the face of the dominion of natural and social forces.

Ho Chi Minh's idea of human rights was expressed during his revolutionary activities. It is not only the ideal of President Ho Chi Minh, but also the ideal of both Vietnamese people and the human community. Ho Chi Minh's idea of human rights is highly appreciated by the international community for its deep humanism, ethical values, and culture, especially in its tight and creative legal science. By *widening out*, President Ho Chi Minh raised the ideal of human rights in the 18th and 19th centuries to the great ideals of the new age: the era of national liberation from the oppression of the colonialism throughout the world, the era of oppressed and exploited people struggling to regain the right to life, the right to independence, the right to freedom, the right to democracy and development along with the powerful countries in the world. President Ho Chi Minh was keenly aware of the key issues of human rights: national independence - socialism and true human liberation. By promoting the decisive and indivisible nature of national self-determination linked to human rights, individual rights linked to community rights, collective rights; Independence, freedom for the nation (the right to life of the people) and development are fundamental human rights. Those ideas have been and will be motivating the human liberation, national liberation and human liberation in the context of the world today.

3. Conclusion

When discussing the value of thinkers, Ho Chi Minh clearly stated his point. According to Ho Chi Minh, “Confucius has the advantage of cultivating personal morals; Judaism has the lofty merit of humanity; Marxism has the advantage of dialectical work’s method; Sun Yat Tien has the advantage of its suitability for our country. All these people have common advantages, that is the pursuit of happiness for humankind, the pursuit of welfare for society. If they are still alive in this life, I believe they will sit together as close friends and I will try to be their little pupil” [28]. Ho Chi Minh's thought focuses on the common goal of these great thinkers which is the pursuit of happiness for humankind, the pursuit of welfare for society. Today, when humanity honors Ho Chi Minh as the National Liberation Hero and the excellent culturist of Vietnam, we also exploit the common ground that Ho Chi Minh has offered to humanity, which are peace, national independence, democracy and social progress. Those goals are happiness, the culmination of human values,

culture of mankind. At an international conference celebrating the 100th anniversary of the birth of President Ho Chi Minh, held in Hanoi, in March 1990, an American delegate said: “If Communism is like Ho Chi Minh then it is acceptable”. There is a saying from an American delegate: “We came here, there are Muslims, there are people of Buddhism, Protestantism, Catholicism. In the past, we do not understand each other enough. However, during two days of seminars, we could sit and talk happily with each other because we share the same ideal of Ho Chi Minh: “Desire to make humanity free and happy” [29].

Ho Chi Minh's idea of human rights is valuable and significant. It is the inheritance of the tradition of humanity and democracy of the nation, which is the progressive ideas’ continuation of human rights in the East and the West. In particular, Ho Chi Minh's idea of human rights is the creative application and development of Karl Marx, Friedrich Engels and Vladimir Ilitch Lenin about the radical liberation of the working class and the oppressed peoples. It is the progressive thought of the times and still valid for Vietnam and for all humanity. Applying these ideas of Ho Chi Minh, the Communist Party of Vietnam defines one of the guiding points in the development of policies to protect human rights in Vietnam, namely the protection of human rights is not separated from the protection of national independence and sovereignty. Human history has shown that a people without sovereignty can not have the right to freedom, democracy, equality and happiness. From the history of nation-building and national defense, the Vietnamese people has proved a truth “There is nothing more precious than independence and freedom” Today, as an independent nation owning its sovereign and also an active member of the United Nations, Vietnam, together with the other nations in the world, has been building a world of peace and security with mutual understanding and respect for international standards of human rights. Under the leadership of the Communist Party of Viet Nam, the Government of Vietnam resolutely eliminates conspiracy and actions taking advantage of human rights, democracy, ethnic, religious... to interfere into domestic affairs, infringement of sovereignty, territorial integrity. The practice of national history has shown that: Independence of the nation in association with socialism is the condition, the basis for ensuring human rights. Simultaneously, the protection of human rights of all peoples in the world must be linked to the common goal of humanity.

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