

Challenges for Public Governance in Vietnam¹

TRUNG NGUYEN, JULIAN TEICHER, RFI. SMITH

Department of Management, Monash University, Caulfield Campus, Melbourne, Australia

ABSTRACT

The process of economic reform in Vietnam began with the introduction of the Doi Moi policy in 1986. Much has been written about the economic transformation from a central planning system to a market-based economy. However, the academic discourse on public governance in Vietnam is less developed. In this paper, key institutions at the central level of the Party and State of Vietnam are examined. This study draws on reports of exceptional interviews reported by the domestic press with former and current leaders and documents about the institutions of government. We argue that in Vietnam public governance faces four main challenges. First, although the National Assembly is increasingly assertive and gaining real power, its representative features and independence have yet to reach its full potential. Second, while the central government ministers and the Prime Minister are under increasing pressure from the

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Correspondence address: Trung Nguyen, Monash University, Building N, Level 5, Caulfield Campus, Caulfield East, VIC 3145, Australia. Email: TrungQuang.Nguyen@monash.edu

National Assembly, they do not have authority commensurate with their accountability. Third, the responsibility and accountability of individual Party leaders to the Party Congress is not clear. Within the Party there is a gap between theory and practice with regard to democracy. Fourth, the position of the State President is less about the exercise of power than about ceremony. Within Vietnam there have been suggestions for a merger of the Presidency with the position of Party leader. This would represent a return to the 1946 Constitution under which the State President exercised real executive power. Such suggestions are designed to improve the effectiveness of decision making within Party and the government and to improve public accountability.

KEY WORDS: Vietnam Communist Party, Government, National Assembly, State President

INTRODUCTION

Vietnam is one of the few remaining socialist countries in the world, although it embarked on a program of economic reform, known as *Doi Moi*, in 1986. Subsequent economic achievements are demonstrated by high growth rates and success in poverty reduction (Beresford, 2008; D. D. Le, 2010; Price Waterhouse Coopers, 2008). The country has become deeply integrated within world forums and is a dynamic player in many international organisations such as the United Nations, World Trade Organisation, Asia-Pacific Economic Cooperation, and the Association of Southeast Asia Nations. Much has been written about the economic transformation from a central planning system to a market-based economy and participation in the global integration process. By comparison, academic discourse on the public governance of

Vietnam and in the Southeast Asia region is less developed (Gonzalez and Mendoza, 2003; Haque, 2004; Weatherbee, 2004). In public administration reform, although significant progress has been made, international donors regard progress as slow, compared to the needs of *Doi Moi* (UNDP Vietnam, 2009). More recently, discussion about the country's transition to middle-income status in the coming years has raised issues about governance and government effectiveness (Fforde, 2009; Harvard Vietnam Program, 2008; Huynh, 2006; Le Huong, 2010; Phuong Loan, 2010; M. Porter, 2008; Vu, 2007, 2009). In this context, an examination of public governance is timely.

Researchers on Vietnam, particularly in public governance, have often found it hard to gather sufficient data or to consult appropriate sources to support their analyses (Dang and Beresford, 1999; Thayer, 1998). In recent years, more information has become available with former key political leaders making public comments about the directions of the Party and government. Thanks to the fast pace of internet development and online services (Q. T. Nguyen, 2009; Surborg, 2008), relevant data sources can now be retrieved.

This paper analyses key institutions at the central level of the Party and State in Vietnam. It argues that public governance in Vietnam faces four main challenges. First, although the National Assembly is increasingly assertive and gaining real power, its representative features and independence have yet to reach their full potential. Second, while the central government ministers and the Prime Minister are under increased pressure from the National Assembly, they do not have authority commensurate with their accountability. Third, the individual responsibility and

accountability of office holders in the Party to the Party Congress are unclear. Within the Party, there is also a gap between theory and practice in regard to democracy. Fourth, the position of the State President is largely ceremonial. Within Vietnam there have been suggestions for a merger of the Presidency with the position of Party leader. This would represent a return to the 1946 Constitution under which the State President exercised real executive power. Such suggestions are designed to improve the effectiveness of decision making within Party and the government and improve public accountability.

METHODOLOGY

This is a qualitative study based on two commonly-used techniques: published interviews and documentary analysis. Most participants in the interviews were former members of the Politburo or senior officials who had held senior positions in Vietnam's political system. Most data were obtained from interviews with Mr Le Kha Phieu, Mr Vo Van Kiet and Mr Nguyen Van An, who are respectively the former Party General Secretary, the Prime Minister and the President of the National Assembly. Outspoken voices have rarely been heard in Vietnam where news media are strictly supervised by the State (Surborg, 2008). The interviews analysed in this study are, therefore, exceptional cases, owing to the personal influence of the interviewees. They were conducted and reported in the Vietnamese language by the most popular newspapers in Vietnam including *VietnamNet*, *Tien Phong*, *Tuoi Tre*, and *Phap Luat Thanh Pho*. In addition, views from the present occupants of these top positions have also been utilised. A variety of reliable sources about incumbent officials and international

observers were collected. These include writings by the Prime Minister, the former President of the National Assembly, quotations from public debates in the National Assembly during Question Time, and other interviews with National Assembly deputies reported by the domestic press. References to relevant writings by key international and domestic authors and observers on Vietnam's governance issues are also cited. Apart from these sources, Constitutions, other legal and policy documents such as laws on Government and on National Assembly, and Party statute and reports were reviewed. The N-vivo package was intensively employed to code interview reports and analyse according to themes.

The paper is organised in two main parts. The first part presents basic features of Vietnam's political system. The second discusses in detail the four key institutions: The National Assembly, the Central Government, the Party and the State President.

PARTY AND STATE ORGANIZING PRINCIPLES

After its 30-year war of independence, a united Vietnam, the Socialist Republic of Vietnam, was established on 2 July 1976. Vietnam is a single-party State operating under the leadership of the Vietnam Communist Party. As a unitary system, the central State includes: the National Assembly, President of Vietnam, Central Government, People's Courts and People's Prosecutors.

In theory, as Gillespie (2006) observes, there is little difference in the structure of the State between Vietnam and western liberal State institutions, other than the existence of a single Party State. The distinction, however, is in how real power is exercised in making decisions within this configuration. As argued in later sections, since leaders of

the State are influenced by the collective Party leadership, the relationships among these institutions are not always straightforward. The figure 1 presents these relationships, showing the differential degrees of influence between them.

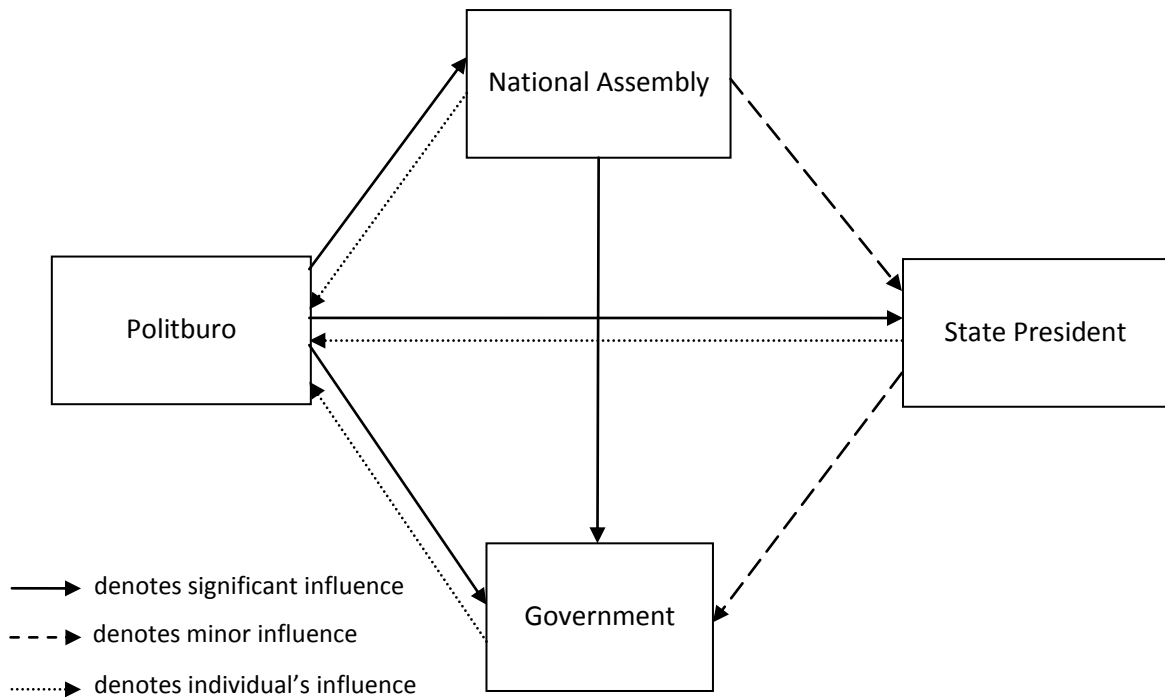


Figure1: Relationships of key institutions of party and State apparatus

The National Assembly has an increasing influence on government, but it is not truly independent and its potential capability has not yet been realised. The central government is under increasing pressure from the National Assembly. The role of the State President is largely ceremonial. The Politburo has the most influence but, in turn, it can be affected by personally influential leaders in the other institutions.

Politically, the most important event in the country is the National Party Congress, held every five years. At the Congress, the key policy document for scrutiny is the Political Report. The report reviews the country's political and economic performance over the

previous five years and sets out objectives for the next five years (Gainsborough, 2007). In addition, the Congress elects the Central Committee; in turn, this body elects the Party Executive Body (Politburo), the Party Secretariats, and the Party General Secretary. In practical terms it is the Politburo which is the key institution of the Vietnamese State.

According to the latest Constitution, adopted in 1992 and amended in 2001, the National Assembly is the highest organ of State power. It is the legislative body and has the power to promulgate and amend the Constitution and laws. It meets twice a year. The executive body of the National Assembly is the Standing Committee.

The State President acts on behalf of the country in the matters of domestic and foreign affairs which are specified in chapter VII of the Constitution. The State President is elected by the National Assembly and is accountable to it. He has the authority to proclaim laws and ordinances which have been passed by the National Assembly. Under the Constitution, the President is entitled to appoint and dismiss the Prime Minister, subject to National Assembly approval. However, the reality of the exercise of State power is that this is more a theoretical possibility.

The central government is the State's highest executive body, led by the Prime Minister. By law, the Prime Minister has the right to appoint his deputies and ministers, subject to endorsement from the National Assembly. The Prime Minister is legally responsible and accountable to the National Assembly, the National Assembly Standing Committee, and the President of the State for the government's operation and performance.

At sub-national levels, there are three levels of government with three important organs at each level. The three tiers include: (i) cities, provinces; (ii) urban districts, provincial cities, and rural districts; and, (iii) urban wards, rural townships and communes. There are three bodies at each tier: the People's Committee, the People's Councils, and the Party Committee. While the first organ is the executive body, the second is the representative body. Among the main tasks of the People's Council is that of overseeing the performance of the People's Committee, and making decisions on budgets and other programs for local socio-economic development. This structure corresponds to the National Assembly and the Central Government. The People's Council is elected by local people through nominations by the Vietnam Fatherland Front, an umbrella organisation of all mass organisations in Vietnam. The People's Council then elects executives for the People's Committee, including a president, vice-presidents and members. The third organ, the Party Committee, exists at all three levels of sub-national government. The interactions of the Party Committees with People's Committees and People's Councils are similar to those of the Politburo with the Government and the National Assembly at central level. Accordingly, there is extensive overlap of membership between Party Committees and the other organs. In this paper discussion is necessarily limited to the central level of the political system.

NATIONAL ASSEMBLY

Since the inception of *Doi Moi* the National Assembly (NA) has become increasingly vocal and assertive. This puts growing pressure on the central government. However, the NA's constitutional potential and roles are yet to be fully realised. The growing

prominence of the NA is seen in scrutiny by deputies and competition in some elections, frank discussions and questions in Question Times, more transparency, more oversight of government performance and legislative proposals, and longer sitting periods. One of the first of these challenges occurred in 1997 when a government nomination of for the post of state bank governor was refused by the NA (Koh, 2010). In 1988, for the first time the election for the head of government (known as the Chairman of the Council of Ministers) was conducted on a competitive basis because some deputies recommended that there should be more than one candidate (P. Dang, 2008; G. Porter, 1990). This was unusual, because historically there was only one candidate nominated through the internal processes of the Party for an elected position. Thus elections, in reality, were typically more a vote of confidence. Indeed, there have even been cases where the candidate nominated by Party leaders or the government leader has failed to win support from deputies (Koh, 2010; V. A. Nguyen, 2009).

The growing role of the NA in discussions and policy making is associated with an increased workload, necessitating more frequent and longer meetings than in the past. It now meets for about four weeks each session and two sessions per year (P. Dang and Beresford, 1999; D. T. Nguyen, 2009). Greater transparency is also evident. Almost all sessions are broadcast live. Popular deputies who speak frankly have been named and praised by the domestic press (Le, 2009b; N. Le, 2010; D. T. Nguyen, 2009; Solomon, 2007). Although active and critical delegates remain the minority in the NA, there is increasing evidence that Question Times are holding central government ministers accountable (Malesky and Schuler, 2010). During Question Time,

government leaders, including the Prime Minister, are requested by deputies to respond to their questions on the spot. In many cases, government ministers struggle and appear uncomfortable with the questions (Doan Trang, 2009; Ha, 2009; Solomon, 2007). These developments make it clear that the NA has become more vocal and influential than in the past when it was traditionally viewed as little more than a rubber stamp for the decisions of the Party (EIU, 2007; G. Porter, 1990; Solomon, 2007; Thayer, 1993).

Despite these developments, both international scholars and members of domestic elites such as scholars, retired Party leaders and NA deputies contend that the quality of the NA and its election process need to be further improved (Dang and Beresford, 1999; EIU, 2007; Gillespie, 2006; G. Porter, 1990; Solomon, 2007; Thayer, 1993). On the one hand, they acknowledge significant reforms of the NA since *Doi Moi*. On the other hand they argue, for example, that it is still a far cry for the NA to be judged competent and independent. Dang and Beresford (1999: 92) state that the: “NA is very much led by the Communist Party as far as political line is concerned.” This view is supported by a range of scholars and commentators. Malesky and Schuler (2009: 3) argue that “the NA – despite the improved procedures for self-nomination and the historic rejection of central nominees – is still largely controlled by the central Vietnam Communist Party leadership and remains severely limited in its capacity to oversee the government”. Gillespie (2006: 108) contends that “citizens have little say over who stands for elections in the National Assembly.” A former president of the NA, Nguyen Van An (2009), argues that “In its nature, a NA’s election could be considered as an election within the Party.” A non-party deputy, Duong Trung Quoc (Le Dung and Dang

Duong, 2010) says “ninety-two percent of deputies of the NA are Party members, so they have to stand in both the capacity of a Party member and of an NA deputy. These statuses are not always identical, and the final choice is often based on the first one.”

Issues to be considered in any further development of the role of the NA can be identified from its defining features and functions as set out in the Constitution. Article 83 of the latest Constitution defines the National Assembly as follows:

The National Assembly is the highest representative body of the people, the highest State authority in the Socialist Republic of Vietnam.

- The National Assembly is the only body vested with constitutional and legislative powers.
- The National Assembly decides on fundamental domestic and foreign issues, on national socio-economic policies, defence and security tasks and on the main principles governing the organisation and functioning of the State apparatus and the social relations and activities of citizens.
- The National Assembly exercises the right of supreme supervision of all State activities.

Put another way, according to the Constitution, the NA should be organized in the manner that maintains one key feature (representativeness), and three important prerogatives: making constitutions and laws, deciding matters of national importance, and overseeing State activities.

To ensure representativeness, a parliament is required to reflect two important features: the popular will and social diversity (Beetham, 2006). A parliament that does not represent the popular will, whether through deficiencies in electoral procedure or the electoral system, will adversely affect the perceived legitimacy of the legislature, and will be less able to reflect public opinion on questions of national importance. Beetham (2006: 13) also contends that “a parliament which is significantly unrepresentative in the second sense, will leave some social groups and communities feeling disadvantaged in the political process or even excluded altogether.” Vietnam has a population of about 86 million with 54 ethnic groups and multiple religions, of whom 71.89% live in rural areas (General Statistics Office, 2010). About 90% of the population speak Vietnamese (Economist Intelligence Unit, 2010), and the rest speak several minority tongues. Given the diverse social background of Vietnam, it is difficult to strike a balance for ethnicity, language, religion, and other political characteristics. Table 1 provides more details on the composition of the current NA.

Table 1. Summary of the main features of the 12th National Assembly of Vietnam

Deputies nominated by central-level authorities	153
Deputies nominated by local-level authorities	340
Age of the youngest deputy	24
Age of the oldest deputy	80
Number of deputies with university degree and above	473 (95.94%)
Female	127 (25.76%)
First term deputies	345 (68.98%)
Ethnic deputies	87 (17.65%)
Party-member deputies	450 (91.27%)
Non-member deputies (but recommended by eligible bodies)	42 (8.53%)
Independent deputy (self-nominated)	1 (0.20%)
Total number of deputies	493

Sources: Vietnam National Assembly, (2007, 2010a)

To improve the capacity of the NA, additional seats have been reserved for professionals, who are less dependent on the central authorities for career advancement, to participate in the NA. In 2007, deputy representatives from state-owned enterprises have been reduced to less than 2% from 13% in 2002. This is offset by more professors from universities, lawyers and businessmen were elected into the NA (Malesky and Schuler, 2010). In addition, independent candidates are encouraged to run for election. According to the Law of Election of National Assembly Deputies, issued in 1997 and amended in 2001, independent candidates are permitted to stand for election. However, only one out of 236 initial candidates finally succeeded (Malesky and Schuler, 2009; Vietnam National Assembly, 2007).

By law, the central Election Council and provincial Election Committees are in charge of organizing elections, but the Vietnam Fatherland Front is the principal body that coordinates this process. This body is an umbrella organisation of all legal mass organisations in Vietnam, and its branches exist at every administrative level. Before the final list of candidates is reached, three rounds of negotiations are conducted which are chaired by the Vietnam Fatherland Front with participants from its member organizations. These negotiations aim to ensure the full participation of all citizens and organisations, and work out the preferred composition of the assembly. The third round of negotiations finalise the lists of candidates and sends them to Election Council and Election Committees. The whole process appears designed to achieve a representative and diverse membership.

However, on the whole, the current mechanism does not genuinely reflect the popular will for the following reasons. First, since the Vietnam Fatherland Front itself is an organisation led by the Party (Dang and Beresford, 1999; EIU, 2007; Thayer, 1998) by definition it lacks independence. Further, almost all of its presidents, since its establishment in 1977, have held high-ranking positions and have been members of the Party Central Committee. Second, the non-state, socio-economic organisations entitled to nominate candidates are influenced by a Party-controlled system. Jeong (1997: 152) contends that this system “enables the party to effectively control and manage the emerging interest groups.” Additionally, there is much discretion to form the final list of candidates. For example, individual leaders of these organisations rather than candidates themselves determined who would run for election. Therefore, being nominated is more a duty than an honour for many candidates (Malesky and

Schuler 2009). This problem is confirmed by the former Prime Minister Vo Van Kiet, interviewed by *Tuoi Tre* Newspaper (2007). When asked whether there were cases of candidate nominations being decided by leaders of organisations, he replied “Yes, there are”, and he added “the organisations that do not want to get into trouble normally limit the democracy in the name of leadership.” In some cases, candidates have been asked to withdraw, as occurred with Dang Hung Vo, an outspoken former vice minister (Malesky and Schuler, 2009; *Tuoi Tre* Newspaper, 2007). Finally, unfair advantages are given to some candidates, especially for those nominated by the central authorities (Malesky and Schuler, 2010). To ensure victory, these candidates are deliberately allocated to compete with other significantly weaker candidates (Linh, Trung, Nhung and Nhat, 2010; Malesky and Schuler, 2009). This privilege has an important impact since empirical evidence shows that central nominees and other candidates in safe seats are less critical in Question Times than locally nominated candidates and those emerging from closely contested elections (Malesky and Schuler, 2010). In short, by looking at the first feature of the NA in the Constitution, while the term representative is defined in a way which suggests democratic representation, there is no guarantee that this actually occurs.

With regard to the NA’s right to decide issues of national importance mentioned in the Constitution, there is no doubt about the growing role of the NA in exercising this prerogative; this is particularly evident in the work of the 7th session of the current 12th NA, in May-June 2010. The most striking event is perhaps its rejection of the “bullet train” project which had been proposed by the government. Despite a great controversy over this US\$ 56 billion project, many had believed it would in the end go

ahead. This belief was apparently not without firm grounds for there have been widespread public protests on other projects like the vast bauxite mining in the Central Highland and widening Ha Noi City (Anh Phuong, 2010; Thayer, 2009), but these projects were eventually either approved by the NA or split into smaller projects in order to escape from the NA's oversight (M. Le, 2010; Le, 2009a; Nghia Nhan, 2010). Surprisingly, however, in the case of the high-speed train, the Bill was defeated with only 40 % supporting the proposal (Q. A. Nguyen, 2010b). Whether the Politburo wanted to extract itself from the unpopular project by allowing the proposal to be defeated in the NA or whether this outcome reflects lingering divisions within the Party are moot points.

In terms of State supervision, deputies are increasingly assertive and are free to ask questions related to State management. Ministers are called to account for their areas of responsibility. For instance, in the most recent session in June 2010, a senior deputy challenged the Minister of Agriculture and Rural Development about the exact number of areas of strategic forest land sold. Another deputy called for a vote of no confidence in the Minister due to his mismanagement of the issue (Thanh, 2010). Particularly in the final session of the 12th term, one of the most famous deputies called for establishing an independent committee within the NA to investigate an economic scandal by a State-Owned Enterprises, the Vinashin, which was said to cause a State debt of approximately US\$ 5 billion. In the meantime, this delegate asked for suspending the jobs of all ministers involved during the investigation. Particularly, he for the first time in the history suggests a vote of confidence in the PM. His suggestions

were publicly bolstered by other deputies (Thanh, 2010; Vietnam National Assembly, 2010c).

Another indicator of the NA's growing role is the increased volume of legislation and the duration of sittings. For example, in the 7th session, 16 drafts of Acts were considered, along with many other important agenda items, such as reports on socio-economic performance, State budget, and the bullet train project (Vietnam National Assembly, 2010b). This long agenda took 31 days, compared with a single week in the past (Dang and Beresford, 1999).

However, the increased activism of the NA does not translate automatically into capacity to impose its will on other organs of the state. Problematic issues include: deputies' representative capacity, their accountability to voters, and their inclination or ability to demonstrate independence.

It is difficult for any country if the highest representative body is constituted in a way which hinders its formal role. The deputies' representative capacity is problematic. First, an approach that places heavy emphasis on "social diversity" restricts the choice of capable candidates who can reflect the popular will. The three rounds of pre-election negotiations which put social inclusion first come at the cost of not electing the best qualified or most capable people (Pham, 2005; Tuoi Tre Newspaper, 2007). Second, deputies are overloaded by holding dual roles. Despite the growing complexity of the role of NA members, approximately 72% of deputies are unable to attend their representative duties on a full-time basis (Vietnam National Assembly, 2007). Consequently, as Nguyen Phu Trong, the president of the 12th NA commented "during

the 11th NA, in many meetings of the Ethnic Council and other committees, less than two thirds of the members showed up” (quoted in Van Anh, 2007). Further, a recent study by Malesky and Schuler (2010) demonstrates that full-time delegates are more critical and active than their part-time counterparts in the NA of Vietnam.

Third, payments and other benefits associated with NA membership are insufficient to attract the most talented candidates. As the former Prime Minister, Vo Van Kiet (Pham, 2005), explained:

We have tried to increase the salary of full-time deputies; however, this solution still did not work. The main reason is that, in our system, salary and income are very much different. To tell the truth, for a manager working in the executive body (of the State apparatus), his or her income (which includes tangible and intangible benefits) is several times higher than salary, while a voter-elected position is in no position to get paid that much. As a rule, higher benefits (offered by other occupations) attract more talented people, making it difficult for the NA to compete.

There are problems too, with the superficial accountability and responsibility of deputies to the electorate. Voters are selected to attend meetings with deputies, but these are not organized regularly. Four times a year, deputies meet voters at their electorates; however, in most cases only few dozen people attend (Q. A. Nguyen, 2010a). Due to space constraints, a limited number of people are invited. For convenience, some voters especially those who are already retired from work are repeatedly invited to attend meetings; this leads to the paradox of “full-time voters”

(cu tri chuyen trach) meeting with part-time deputies (Hien Luong, 2010; Le Nhung, 2010). In some cases, voters must pass three rounds of security to enter the meeting room (Le Nhung, 2010). These obstacles add up to an exclusion of ordinary voters from participation. Furthermore, there is still a lack of sanctions for those members failing to perform their tasks. It is estimated that more than 66% of the deputies are the nodding delegates (Malesky and Schuler, 2010). One scholar, quoted by Thanh Hoa (2007), stated in a seminar organized by the NA office that: “[we] should stay away from the current status whereby deputies who are not fulfilling their jobs do not receive any sanctions. They are just staying idle to be re-elected or to withdraw when the NA’s term ends.”

Corruption and the Need of National Assembly Independence

It can be argued that an independent NA is essential in a single-party State, especially to curb abuses of power and endemic corruption in Vietnam. According to accountability theories, elections help expose venal and corrupt local level officials (Geddes, 2006). However, in a one-party state such as Vietnam, this could be true only if the NA was independent from the Party’s influence. In a multi-party system, a party may dominate the lower house and government members may put their party preference first, but an abuse of executive power may result in defeat in the following elections. However, in Vietnam, the leadership of the Communist Party is ensured by the Constitution. Unless the NA is independent, party-member government officials are unlikely to be seriously challenged. That is the reason why the legendary leader President Ho Chi Minh (Thayer, 2009), emphasized that “our Party is the one-ruling

party; therefore, each party member must completely understand the revolutionary ethics and integrity” (National Politics Publishing House, 1995: 503). Ho Chi Minh’s message is arguably interpreted as a warning of “power corruption” (su tha hoa cua quyen luc) in the country (Tuong Lai, 2010). When power is corrupted, dictatorship and corruption will flourish. A former Party General Secretary, interviewed by Da Trang (2005), described corruption in the relationship between power and money as follows: “a person with power allies himself with a person with money, so power breeds money. The person with money relies on the person with power to make more money, and till a certain level money could dominate the person with power.”

Vietnam suffers from entrenched corruption, especially in State-Owned Enterprises (Kolko, 2001; L. S. Le, 2010), Transparency International (2010) ranks Vietnam as 116th in its global perceptions index. The resolution of the 3rd Party Central Committee Plenum in 2007 (Vietnam Communist Party Online Newspaper, 2007) acknowledges corruption as a threat to the Party and the regime:

The fight against corruption and waste remains ineffective. Corruption and waste are serious and occurring in many industries, many levels, and many areas at large scale, resulting in severe consequences. This practice affects people’s trust, and thus that is one of the most dangerous threats to the Party and the regime.

Recently, the incumbent PM publicly acknowledged that corruption has not been curbed (T. D. Nguyen, 2010). Others believe that the impact of the government’s attempts to combat corruption is very limited and that the situation is getting worse

(Fforde, 2009; D. D. Le, 2010). In this context, an independent NA becomes very important.

However, in practice, there is evidence that the NA lacks the necessary independence. The first sign is the numerical dominance of Party deputies in the NA, which potentially limits diversity of views and scope for critical scrutiny by the NA. Despite calls for an increase in non-Party deputies and independent candidates, in the current 12th NA 91.3 % of deputies are Party members, compared with 89.75 % Party representation in the 11th NA (Vietnam National Assembly, 2010a). These figures lead a famous NA member, Duong Trung Quoc, to conclude that the NA is not professional (khong chuyen nghiep) (Doan, 2009; Le Dung and Dang Duong, 2010). Several Party and State leaders such as former Party General Secretary Le Kha Phieu and Prime Minister Vo Van Kiet both urged wider opportunities for non-Party candidates (Thu Nguyet, 2007; Tuoi Tre Newspaper, 2007). The second sign is that the NA President is always a member of the Politburo. Regulated by law (Vietnam National Assembly, 2001b), the NA president plays important roles such as chairing the NA Standing Committee, a powerful body that decides important issues when the NA is not in session. However, being a member, he is not allowed to distance himself from the management of the Party's organisations and rules (Gillespie, 2006), particularly the principle of collective leadership. This means all important issues must be collectively decided. Against this backdrop, if there was a conflict between the interest of the NA and that of the Party, it would be difficult for the NA President to dissent from the Party position. The third sign is that the NA lacks autonomy in performing its function of making and amending the Constitution. A former minister of justice, interviewed by *Tuan Vietnam* (2010a),

argues that “the NA is under the leadership of the Party; for example, in order to amend the Constitution it needs the decision from the Party Congress. Once the Party decided, it becomes the NA’s decision.” The fourth sign is the problem that many deputies simultaneously work in government executive bodies. The percentage of deputies who worked in central government and provincial bureaucracies was 44% and 45% respectively in 1992 and 2007 (Malesky and Schuler, 2010). When a person holds functions both as a performer and as a supervisor, conflicts of interest exist. In 1994, Vo Van Kiet criticised this practice as becoming “both player and referee.” He called for an end to cabinet ministers running for positions as NA deputies (Dang and Beresford, 1999). More recently, the former Party General Secretary, Le Kha Phieu (Thu Nguyet, 2007) also urged a reduction in deputies holding dual roles.

In conclusion, there is no doubt that the NA is gaining considerable ground in making government leaders more responsible and accountable for their administration. Nonetheless, considering the role of the NA as defined in the Constitution, there is much to be done in order to ensure its proclaimed roles are being performed well. Vo Van Kiet’s conclusion, as quoted in Pham (2005), could hold true for a majority of the current NA that “both motivation for representation and representative capacity of deputies in the NA are facing problems.”

CENTRAL GOVERNMENT

In terms of structure, the authority of the Government is devolved to “functional ministries” and ministry-level agencies which manage allocated areas. The current (12th) Central Government, which was approved by the National Assembly on August,

2007, consists of 5 deputies to the PM and 22 ministers. The working term for the government is 5 years, which coincides with the term of the NA.

While the NA increasingly calls upon the government to be responsible and accountable, the right of the Prime Minister in forming the Cabinet is greatly restrained by law and Party intervention. Legislation provides that the PM is elected or dismissed by the National Assembly at the State President's request. According to Article 4 of the law of Government organisation, the PM is the head of the Central Government and is accountable to the NA. In theory, the PM has the right to appoint and dismiss his deputy PMs and ministers, subject to the NA's approval (Vietnam National Assembly, 2001a). In reality, as will be discussed further in the next section, the right to select Cabinet members is seriously qualified because the Commission for Organisation and Personnel of the Central Party always proposes Cabinet members (Khiet Hung and Le, 2007; Xuan Trung, 2005). It is unusual for the PM in any political system to face this kind of restraint in that a prime minister normally has the autonomy to form his or her government (Anderson, 2010).

As in the case of the PM, ministers have insufficient powers appoint their assistant ministers. This gives rise to a rejection of individual responsibility. Ministers are responsible for their portfolios and are accountable to the PM. However, they do not have the direct right to choose their deputies. Further, there are cases where leaders are "afraid" (sợ) of their deputies (Khiet Hung and Le, 2007), because the deputies are nominated and supported by more powerful individuals or a Party body like the Party Commission for Organisation and Personnel or Party Secretariat (Tien Phong Online

Newspaper, 2008). As Mai Ai Truc (Xuan Trung, 2005), a former Minister for Natural Resources and Environment, concluded when he was under pressure at Question Time in the NA, “Responsibilities are unlimited but power is limited.” A former PM, Phan Van Khai (Xuan Trung, 2005), contended that it is impossible to hold ministers responsible for problems in their ministry because they themselves do not have the right to appoint their deputies. He further emphasised, in an interview by Xuan Trung (2005), that “appointments by a minister to a head of a general bureau or a general director (in his ministry) are subject to the PM and Party Secretariats.” Apparently, the effects of the law and the intervention of the Party produce a serious mismatch between the powers and responsibilities of cabinet members. Consequently, it was not surprising that we were only able to identify two cases, involving former ministers of agriculture and rural development in 2004 (Le, 2004) and transportation in 2006 (Hai and Quang, 2006), who were forced to resign on the account of mismanagement

The mismatch between responsibility and power in the position of the PM, especially in key government appointments, has been criticised by important Party and State leaders. Party intervention makes the PM’s rights of cabinet establishment under law a facade which undermines performance of the PM and the government. Vo Van Kiet, in an interview by Minh Duc (2007), the former prime minister states: “Nobody should limit the PM’s right to form cabinet. It is the PM who seeks suitable people for his government. He is the person who has a grasp on his cabinet cadres...” In the same way, in an answer to Khiet Hung and Le (2007), Nguyen Van An, who has held several senior positions in the Party and State, including head of the Commission for

Organisation and Personnel of the Central Party and President of the 11th National Assembly, has suggested a reform in high-ranking personnel planning. He stated:

Instead of being done all by the Central Party of Commission for Organisation and Personnel and the Politburo, the proposal of government members should be prepared by the PM, and that of NA key members should be done by the NA President... In principle, it is the manager who appoints his staff. Similarly to the case of a coach of a football team, he should be the person who decides the team.

Not only are the appointments of ministers and other key government staff outside the control of the PM, so are dismissals and discipline. Reflecting the structured leadership role of the Party mentioned in the section of Vietnam Communist Party, one of the key rules is that individuals must follow the organisation's decisions. Once a decision is taken, it is binding. Accordingly, disciplining or dismissing ministerial and provincial leaders' appointees in the government is subject to Party approval. Accordingly, the PM cannot discipline a minister, even if proven incompetent. This problem is mentioned in a Party report to the effect that the process of disciplining is complicated and time-consuming, because it has to go through several steps (Reports for the 10th Party Congress, 2006). The problem is made clearer in an answer provided by the PM to a deputy in a recent session. When asked why the PM did not fully use his lawful prerogatives to dismiss provincial government heads who were found to be incompetent and whether the PM had any difficulties, the PM replied:

Disciplining in any particular case should be in accordance with the procedures regulated in law and Party's regulations. In doing so, government and the PM have been trying to do the best in their power... in last three years, I have not disciplined any cadres.... (quoted in Khiet Hung (2009))

Beyond these constraints on the PM, the choice of cabinet candidates is narrow, limited to members of the Party Central Committee. As discussed above, in theory, anyone who is nominated to be a cabinet member must be approved by the NA. However, only those in the 160-member Central Committee are eligible to be cabinet candidates. As high-ranking officials of the Party, they are selected by the Party, not the citizens. Apart from the government led by Ho Chi Minh (Nghia Nhan, 2008), with one exception mentioned below, we were unable to identify a minister in recent governments who was not a member of this committee. A non-member of this committee was appointed in June 2010 as the Minister of Education and Training (Van, 2010). This was an interim choice toward the end of the current government's term. In any case, the Minister is a Party member. Furthermore, it is an unwritten rule that in order to become a Party Central Committee member, one must have led a ministry, a province or a city, and to be eligible to become a Politburo member a candidate must have been a member of the Central Committee for a minimum of two terms, equivalent to 10 years (Thu Ha and Lan Anh, 2009). This implicit rule ensures causes that on average office holders are rarely young. The average age of the Politburo members in 2008 was 59.9 years (Koh, 2008). Similarly, government ministers' average

age in 2010 was 59 years, much higher than their counterparts in Australia and the United States (V. T. Nguyen, 2010). In a nation with a population of 84.11 million at the 2006 election (General Statistics Office, 2006), this limitation excludes a great number of promising young candidates. It does not reflect the country's talent potential.

For this reason, the Party has drawn criticism even from within. In an interview conducted by Da Trang and Dang (2006), former Party General Secretary Le Kha Phieu, for example, says:

The Central Committee should appoint its cadres on the ground of job requirements. A minister must not always be a member of the Central Committee. Non-Party members are even eligible for minister positions. It is important that we make transparent all the job requirements and the recruitment procedure. In so doing, the longstanding "illness of partyzation" (the Party does everything, and thus no opportunities for others) could be treated.

As a consequence of such criticisms, it seems that a little more space for independent candidates for ministerial positions has been provided. For example, a report to the 10th Party Congress stated that it is no longer necessary for a minister to be a member of the Central Committee (Minh Duc, 2007). Also, in 2008 the Ministry of Education and Training announced that it was looking for a new deputy minister (Ngoc Lan, 2008), giving opportunities to independent candidates. However, the former prime minister Vo Van Kiet, in an interview by Minh Duc (2007), while acknowledging

progress in government personnel planning as proposed in the 10th Party Congress, contended that it was still insufficient:

In the 10th Party Congress, there was a suggestion which was viewed as new: a minister's position may be held by a non-member of the Central Committee... However, in my view, that (i.e. the new suggestion) is not enough. Greater widening opportunities for non-Party candidates should be done...

However, there is a long way to go from the policy to reality. The evidence shows that virtually all current central government members were drawn from the Central Committee membership (Vietnam Central Government, 2010). Further, independent candidates are sceptical about neutrality when a Party-member candidate had been nominated by the ministry in the case of recruitment of a new education minister (Nguyen, 2008).

Apart from the composition of the ministry, policy decision-making and implementation in the government are not autonomous. The general motto is that the "Party leads, State manages." However, mechanisms to make that arrangement work are lacking (Gillespie, 2006). Despite the growing separation of Party and State in the 1990s (Painter, 2003), Party and State figures during the 2000s have called for further separation. Early resistance to the Party's intervention in State management became well known through a memo by PM Vo Van Kiet to his Politburo colleagues, which demanded a clear division in the functions of Party and government. Vo Van Kiet's

arguments, published in a domestic newspaper, have been translated by Riedel and Turley (1999: 37):

Party and State functions need to be separated more clearly. The party must cease passing its directives through party committee secretaries and instead pass them through the government chain of command, allowing government officials to take full responsibility for implementation. A “law governed State” must supplant organisational structures that had originated in war, and State agencies for their part must cease their involvement in commercial activities. Failure to take these steps in the past is the reason many correct positions and policies of the Party and laws of the State cannot be implemented.

Recently, similar comments have been heard from Party elites. For example, in an effort to draw a line between the Party leadership and the State management, Nguyen Van An, interviewed by Dang (2009a), states that “You cannot directly manage the country by Party directives and resolutions. Those papers are for leading, but not for replacing laws.”

In summary, for the PM and ministers, the lack of sufficient prerogatives supported by law, and intervention by the Party are two major impediments to government autonomy in performing its executive roles. Given the rising assertiveness of the National Assembly, the responsibilities and powers of these government leaders are seriously mismatched.

THE VIETNAM COMMUNIST PARTY

The operation of the Party centres on the principle of democratic centralism which is considered the “life of the Party.” The term democratic centralism dates back to 1847, and today’s application of this term is influenced by the Soviet Union’s Stalinist model, but with essential differences between the countries (Bottomore, Harris, and Miliband, 1991). Six essential points in the principle of democratic centralism in the 10th statute of the Vietnam Communist Party which are applied universally to the Party apparatus are: (i) election is compulsory of all bodies of the party; (ii) the highest Party’s body is the National Party Congress, and between congresses, the Central Committee acts as the head body; (iii) Party bodies must periodically report their activities and be accountable to upper and lower bodies in the Party; (iv) Party resolutions bind party organisations and members, and decisions of Party organisations are binding on individuals and decisions of higher bodies are absolutely binding on lower bodies; (v) Resolutions of the Party take effect only if approved by more than half of the participants; and (vi), Decisions of Party organisations must not go against the law and decisions made by higher levels in the Party hierarchy.

Because decisions of higher bodies are absolutely binding on lower bodies, the Politburo elected by the Central Committee is the most powerful in the Party system. However, as demonstrated below, the personal responsibility and accountability of Party members at the highest level is limited.

The fact that Party rules have not always been implemented to the highest standard, coupled with the influence of the Politburo, contributes to an erosion of democracy

within the Party. The effects are reflected particularly in Party elections and the discharge by Party leaders of their individual responsibilities and the manner in which they display accountability. Appointments to Party positions are subject to a vote by party members, but this voting process in many cases is not a real contest. Gainsborough (2003a: 41), for example, observes that “the vote is in reality just a formality, with the real decision being made elsewhere.” At central level, the body that nominates candidates (co quan tru bi) is the Commission for Organisation and Personnel of the Party Central Committee, led by a Politburo member. The list of candidates nominated by this Commission in any elections is subject to approval by the Politburo. A proportion of sitting Politburo members is always re-elected. In addition, most members of the Central Committee come from provinces/cities or from other government ministries and ministry-level agencies. Therefore they have few incentives to challenge the decision of the Politburo. As a result, candidates nominated by the previous Politburo are virtually all elected.

On this issue, Vo Van Kiet has warned that, while a body which nominates candidate in the Party is necessary, it should not take away the rights and also responsibilities of deputies. Otherwise, the Party congresses would be a formality (Tuoi Tre Newspaper, 2005). Likewise, in an interview conducted by Da Trang and Dang (2006), former Party General Secretary Le Kha Phieu has stated:

In term of personnel, suggestions from the Politburo should be taken into account, but if there are other ideas, the Central Committee has to decide...

I hope that this (the 10th) National Party Congress will not follow the

tradition that whatever the old Committee nominates the Congress will take them all.

However, the expectation of the former General Secretary was not fulfilled. In the election for the 10th Politburo, all candidates suggested by the 9th Politburo were elected (Xuan Trung and Doan Trang, 2006). Normally, in the Party elections at central level, there were no alternative candidates, constraining the choices of the Party Congress members. Nguyen Van An, interviewed by Thu Ha and Lan Anh (2009), has argued again that there should be scope for contested elections:

As in economics, in politics it is bad if there is no competition...In our context, we can organise it in a manner that candidates can publicly compete with each other by presenting their views and strategy on several issues... In so doing, they provide evidence which people can use to compare and select.

For the top position of Party General Secretary, there have been calls for direct election by the Congress, rather than by the Central Committee. The current Party statute provides that the General Secretary is elected by the Central Committee. This regulation limits participation by all members of the Congress in deciding their leader. On this matter, there are considerable arguments (P. Dang, 2008; Le and Van Anh, 2009; Viet Anh and Hong Khanh, 2009). First, since there is always manoeuvring to secure the top position (Koh, 2008; Ruwitch, 2010), and it is always easier to dominate a smaller body than a larger one, it is argued that the current approach enhances the

impact of factionalism. Second, the effect of direct elections is such that in a large body there are diverse opinions that will help prevent the winner from becoming complacent and making arbitrary decisions.

Among supporters of direct election by Congress, Nguyen Van An, the former NA president, regards widening the electorate as a step in widening democracy (Thu Ha and Lan Anh, 2009). In fact, the trend has begun. At lower levels, new Party regulations provide that about 15-20% of the Party Secretaries of provinces and districts will be directly elected in 2010 (Binh, 2009). Experienced observers have speculated that the position of the General Secretary will be directly elected by the Congress in the coming 11th term in early 2011 (Bui, 2009; Tuan Quan and Luu thao, 2006).

Further, in current Party regulations, there is a lack of clear accountability by individuals, especially for the position of Party General Secretary. Party heads at all levels are, in principle, elected from the most competent members. They are always seen to hold the most influential positions in the Party apparatus. Particularly at the highest Party level, the General Secretary convenes Politburo and Central Committee meetings, which decide those issues of paramount importance to the nation. In effect, the holder of this position also leads the armed forces (Thu Ha, 2010). Ironically, by law, the General Secretary does not act on behalf of the country in domestic and international affairs or assume executive power (Thu Ha, 2010). Nguyen Van An has observed that this creates clear problems in public management (V. H. Dang, 2009b; Nghia Nhan, 2009):

Looking at the current constitution and legal documents, there are no clauses that regulate the accountability of the General Secretary or Party Secretaries at other lower levels. However, if these cadres are the heads of executive bodies in the State apparatus, their leadership is associated with their lawful accountability.

Arrangements for Party bodies at central level cause the separation of personal power and accountability. Examination of the reports to the 10th Congress (Reports for the 10th Party Congress, 2006) shows that no single section discusses individuals. References are to collective self-evaluation. To counter this practice, there are calls for personal accountability. Le Kha Phieu, in an interview by Da Trang and Dang (2006), for instance, has asserted that:

We must lay all things on table and discuss them in greater detail. The Congress should question the Central Committee: what is the responsibility and accountability of the Central Committee, the Politburo and the General Secretary? ...The Party needs to learn from the way the National Assembly questions the government and the Prime Minister...The Party should have set examples for the National Assembly.

In short, democracy within the Party, especially as reflected in the election of Party officials and in the personal responsibilities of Party office holders at central level, has been subject to critique by its own key figures. The main reasons for these problems

arise from the Party principle of democratic centralism and the lack of democratic elections within the Party.

THE STATE PRESIDENT

The convention that the positions of State President and Party General Secretary are held by two separate people contributes to an overlapping structure of the Party and State and to unclear responsibility and accountability of the Party chief to the State. This arrangement entails at least two problems. First is the overlapping structure of the Party and State systems. In major areas such as personnel and economics at both central and provincial levels, there are always several similar committees in both Government and Party. The involvement of these two organisations, for example in nominating candidates for election, makes things more complex (Gainsborough, 2003a). Second, the Party General Secretary seems to be detached from responsibility and accountability to the State. Although the Party General Secretary has the most influential role in Politburo decisions, it is the State President (in theory) and the Prime Minister (in reality) who bears responsibility for those Politburo-decided policies.

Recommendations to merge the positions of Party General Secretary and State President are not new. According to Nguyen Van An (V. H. Dang, 2009a), this issue has been discussed since the 6th term of the Party and nearly received approval in the first meeting of the 7th term of the Party. However, opponents expressed concern about the concentration of power. In 2006, NA deputies attempted to nominate the General Secretary to the State President position, but he refused (Duc Hoa, 2006). Recently, Nguyen Van An again raised the issue and strongly argued for the two positions to be

united. He used examples from other countries. In the interview with V. H. Dang (2009a), he said that: “In the remaining socialist countries like China, Cuba, Laos, all the General Secretaries are the head of the executive. In Europe, leaders of ruling parties are always head of the executive.” Remarkably, when Ho Chi Minh was the Party leader, he was chosen by the Party to run for the post of State President (Thu Ha and Lan Anh, 2009).

The merger of the two most senior positions would not only fix the ceremonial role of the position of State President but also encourage more responsible leadership in both the State and the Party. As stated above, the Constitution provides that the State President nominates the candidate for Prime Minister before conducting an election for this position. By law, the State President is accountable to the NA, and deputies are entitled to question the State President. If the two senior positions were merged, the Party General Secretary would become more responsible for his decisions since he, as the State President, would be accountable to the NA. In addition, the complex and parallel structures of the Party and the State, which have been rapidly expanded in Vietnam (Gainsborough, 2003b), would be simplified, and the diplomatic dilemma solved.

The merger is necessary to encourage responsible party and state leadership. Reconfiguring the State system is important if the State President is to be more responsible for government performance. It is noteworthy that in the current State system, the PM and not the State President is the head of the executive power. The growing scrutiny by the NA applies only to the PM and his cabinet members. NA

deputies' right to question the State President has rarely been exercised. A reorganisation under which the State President assumes executive power as in the 1946 Constitution, would more clearly link to power with accountability.

This arrangement was once in place under President Ho Chi Minh. He was elected State President. He responded to questions from deputies, took full responsibility for the government and was accountable to the NA (Lam, 2006). In an interview (Nghia Nhan, 2009), Nguyen Van An has given the proposal to return to this model his strong support:

The General Secretary should run for the position of State President... the current parallel system where the Party assigns [power] to the General Secretary, and the State does to the State President is a mismatch... The role of the current State President is largely ceremonial... [we] should amend the Constitution, and the law of government so that State President is the head of executive power like the arrangements in the 1946 Constitution.

It is argued that a return to such arrangements would improve accountability by the highest authorities of the Party and of the State.

CONCLUSION

Vietnam has changed considerably, compared to 35 years ago when the country was re-unified. High rates of economic growth in the last two decades have helped to eradicate hunger and alleviate poverty (Beresford, 2008). As the country has become

more deeply involved in world affairs, it has been easier also for people to recognise the gap between Vietnam and other comparable countries, especially in public governance. Despite these changes, the model of public governance in place today is little changed from the period of the American war. As a result, key figures in the Party and State apparatus have urged four major changes in public governance: (i) that the National Assembly's independence and representative capacity need to be further enhanced; (ii) that government leaders should be given more power to better manage their allocated activities; (iii) that individual responsibility and accountability of the Party leadership should be more transparent, and election of the Party General Secretary should be the responsibility of the Congress; and, (iv) the State and Party system should be re-organised in accordance with the 1946 Constitution and the period when President Ho Chi Minh was in power. Accordingly, the Party General Secretary would become also State President, and the State President would take leadership of the executive body and be accountable to the NA. That these changes in governance have been proposed by former and current senior office holders suggests a lively concern to improve both effectiveness and accountability within the key institutions of the State.

A combination of the growing assertiveness of the NA and senior Party veterans indicates the possibility that democracy in Vietnam is going to embark on a new *Doi Moi*. If so, opportunities to consider such proposals might arise. The promise of the proposals is twofold: greater responsibility and accountability of Party and State leaders for government performance; and enhanced capability of individual Party and Government leaders to do their jobs. It is acknowledged that to prevent the abuse of

power, a good system of checks and balance would need to be in place. A strong independent NA, capable of deciding issues of national importance particularly regarding the Constitution and the election of State and government leaders, could become an attractive option.

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