

## **Authoritarianism Reconfigured**

Evolving Accountability Relations within Vietnams One-Party Rule

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# 3

## Authoritarianism Reconfigured: Evolving Accountability Relations within Vietnam's One-Party Rule

*Thaveeporn Vasavakul*

Between 1986 and 2012 Vietnam undertook institutional reforms aimed at strengthening the external and internal accountability of government. The reforms included measures to improve compliance within the administrative apparatus, strengthen the role of elected bodies, and enhance, if within certain limits, the scope of popular participation in the country's political institutions. These reforms, their implementation, and outcomes have had considerable impacts on the development of Vietnam's political system and its accountability mechanisms in particular. An analysis of these measures and their varied impacts has much to contribute to understandings of politics in contemporary Vietnam.

This chapter probes the development of accountability relations in Vietnam. The first section discusses normative and empirical meanings of accountability and considers their significance with respect to transformation of the Vietnamese state in the era of *doi moi*. The second section addresses continuity and change in the political economy of accountability networks in Vietnam. The third section focuses attention on a particularly important set of changes in the accountability functions of Vietnam's local representative bodies, People's Councils (PCOs), particularly at the provincial-level. The analysis establishes the nature of these changes and explores their implications for accountability relations and the character of authoritarianism in contemporary Vietnam.

Overall, the chapter argues that the evolution of accountability relations within the Vietnamese state is best understood in relation to the broader structural transformation of the Vietnamese state that has unfolded since the late 1980s. The chapter demonstrates that the development of accountability networks in Vietnam has not entailed a move

toward democracy; rather, it reflects the reconfiguration of authoritarianism in response to particular sets of institutional and organizational needs attendant with a bold and not-unproblematic process of administrative decentralization.

### **Accountability and its significance in the era of *doi moi***

Accountability is often understood in normative terms as the idea that those with public responsibility should be answerable to “public authorities” as much as to “the people” in the performance of their duties. Yet accountability may also be investigated empirically as a series of related questions about whom is liable or accountable to whom; what they may be called to account for; through what processes accountability is to be assured; by what standards the putatively accountable behavior is to be judged; and what the potential effects are of finding that those standards have been breached (Mashaw in Dowdle 2006: 115–56). From this perspective, an analysis of state accountability has as its central focus state officials within institutions on the one hand, authority relations between particular political institutions, and between state institutions and citizens on the other.

Accountability regimes develop within particular political and social contexts in response to particular conflicts in authority relations (Dowdle 2006). It follows that the analysis of accountability differs under different forms of political economy. Dowdle (*ibid.*) identifies a wide range of accountability regimes that develop under democratic polities, but notes that such accountability regimes tend to share key features. Free and fair elections, for example, are a key formal mechanism whereby voters can hold politicians accountable, as is the rule of law, which is assumed to place legal constraints on state action. Andreas Schedler sees the development of accountability mechanisms as critical in the consolidation of new democracies. In such contexts, intra-state accountability mechanisms within the state gain force, whereby state agencies become “legally enabled and empowered, and factually willing and able, to take actions that span from routine oversight to criminal sanctions or impeachment in relation to actions or omissions by other agents or agencies of the state that may be qualified as unlawful” (Schedler et al. 1999).

Accountability under nondemocratic regimes differs fundamentally. In such regimes, at least in principle, vertical and horizontal accountability is enforced through rational politico-bureaucratic means. What

is lacking in these countries is not formal accountability, but rather the mechanism of formal enforcement. For example, in the absence of elections, the rule of law, and other trappings of democratic regimes, mechanisms to promote and enforce accountability tend to be weak. Still, such mechanisms are not entirely absent. In recent years policymakers in both China and Vietnam increasingly integrated formal participatory elements into state policies (Dowdle 2006: 329–57; World Bank 2010); a phenomenon that is no doubt related to the ongoing diffusion in both countries of various (imported) norms of “good governance.” While in China, a diversity of actors intent on promoting greater substantive accountability have employed a discourse of “constitutionalism” (i.e., strict interpretations of formal norms) as a strategy for holding administrative actors’ and local governments’ to account.

But what has or does accountability mean in the Vietnamese context? Notions similar to “accountability” have traditionally existed in Vietnam and may also be found in the formal institutional makeup of the Soviet Model, which has so profoundly shaped Vietnam’s institutional development. Be that as it may, normative and empirical conceptions of “accountability” such as those identified by Mashaw and Schedler’s (above) are per se new to the Vietnamese context. Accountability in these senses has been translated into Vietnamese as “trach nhiem giai trinh,” or responsibility to explain and present (a case or a justification), that is, answerability. This, we note, is quite different from the more explicitly legalistic understandings of accountability that emphasize, for example, “responsibility before the law.”

Indeed, “answerability” in the sense conveyed by Schedler and others implies both a dialogue and a flow of information; elements that, while perhaps emergent in Vietnam (see Malesky’s chapter on the National Assembly (NA)), cannot be taken for granted in the Vietnamese context. Be that as it may, in a relatively short time span, understandings of “accountability” as “answerability” have become routine in discussions about politics and public administration in Vietnam. Nor are the changes purely discursive. Accountability relations in Vietnam are indeed evolving.

### **Holding the administrative state accountable**

Theoretical literature on governance makes a distinction between three strands of governance: governance through hierarchies, or public governance, governance through markets, and governance through communities. Accordingly, there are three corresponding regimes of accountability: public, market-based, and social. More narrowly, there are

three interrelated forms of public accountability. Political accountability is conventionally construed as accountability to electoral constituents with respect to public policy choices. Administrative or bureaucratic accountability is a hierarchical relationship within which lower-ranking officials are responsible to superiors for their compliance with official instructions. Bureaucratic accountability measures may be enforced through various means, including, but not limited to, merit-based recruitment, tenure, promotion, and reward exercises. More recently, “open government” measures aimed at transparency have gained prominence. Over the last two decades Vietnam’s party-state has attempted to strengthen and create accountability institutions and mechanisms along each of these public accountability dimensions, as is discussed in the following.

#### *Elected bodies at national and local levels*

National and local elections in Vietnam are noncompetitive in that the process of candidate selection is controlled by party-affiliated organs. Be that as it may, there is “low-intensity” competition among pre-selected candidates. Moreover, as discussed in Chapter 5 of this volume, the NA has taken on a more prominent governance role and is particularly important with respect to the evolution of accountability institutions in Vietnam. The NA has full-time deputies than in the past and its sessions are longer and take on increasingly substantive deliberations. Increasingly the NA has been given opportunity to vet and approve Cabinet nominations. It has also assumed a role in support of the concept of “rule by law,” with its increased attention to the vetting and promulgation of legislation.

It is the NA that oversees the allocation of the state budget among various sectors, programs, and provinces. Be that as it may, the NA public accountability efficacy as a mechanism of accountability is limited. The NA, after all, is a body of, by, and for the Communist Party of Vietnam (CPV) while the establishment of an NA Standing Committee has undermined the influence of individual deputies. At the local level, changes in the role and functions of provincial-, district-, and commune-level elected bodies (i.e., the Provincial People’s Councils (PPCOs)) have varied from locality to locality and will be revisited in the final section of this chapter.

#### *Rationalized bureaucracy and performance review*

Vietnam’s state’s ongoing measures to rationalize its public administration system continue to this day and have contributed significantly to the evolution of accountability relations. For example, the Law on Public

Officials and Civil Servants (2008) and the Law on Public Officials and Law on Professional Service Providers (2010), stipulate the introduction of merit-based recruitment and pay, civil service professionalization, and performance management. Contracting arrangements were introduced to encourage competition believed to lead to better performance from professional service providers.

More recently, and perhaps most significantly, the Ministry of Home Affairs (MOHA) has created a first-of-its-kind system for evaluating national and subnational units' performance, the Public Administration Reform (PAR) Index. The stated purposes of the PAR Index are to hold ministries and provinces accountable in implementing PAR measures and to "follow and assess in a concrete and objective manner results of [policy] implementation and PAR measures in government agencies at the central and local levels" (Decision 1294, 2012). The data collected will be published annually. MOHA has developed a two-part system to measure ministerial and provincial compliance first through self-assessment by the ministry and province, and second through social surveys. At the ministerial level, the PAR Index focuses on seven areas of performance measurement: management and leadership in PAR; institutional restructuring within the parameters of the ministry's jurisdiction; procedural streamlining; organizational restructuring; improved professional and civil service capacity in the sector; financial reform; and administrative modernization. Performance measurement areas for the provinces are similar, with an additional item for development of so-called "one-stop shops" to provide convenient public access to an array of local governmental services.

While the effects of PAR Index will remain uncertain for some time, it seems clear that the steady stream of laws and stipulations aimed at rationalizing bureaucracy represent, at the very least, significant changes in the official culture, discourse, and institutions of public administration. Beyond this, they have facilitated an ongoing public discussion within Vietnam's government about how best promote accountability and "what standards" to use in gauging the performance within different government sectors and administrative levels.

#### *Transparency and open government*

Vietnam's state has increasingly employed transparency measures as a mechanism for promoting public and social accountability, as can be observed across a full range of state laws and policies governing information about the use of public resources. This includes public notice regarding subcontracting arrangements in which public responsibilities

are performed by nonpublic (i.e., “equitized” or “private”) entities and (more rarely) cost benefit analyses undertaken by state agencies. Some laws carry regulations requiring publicity and disclosure of various forms of legal, financial, and policy information.

The Law on Anti-Corruption (2005) is particularly important in this regard, as it contains clauses on transparency of information by sector. Clause 12 focuses on methods of release including verbal announcement at relevant units; posting at unit offices; announcement in writing to relevant stakeholders; print publication; mass media release; and webpages. Clause 12 additionally requires that construction investment master planning projects receive open public comment; that projects funded from local budgets be reviewed by the PCOs; and that approved projects are presented for public review. Clause 15 focuses on transparency and publication of state finances and budgets. For capital construction projects, the content to be publicized includes the funds allocated to respective projects; project budget estimates and budget allocations; yearly reports on project finances; and final accounting on completed projects. Clauses 31 and 32 address the right of organizations and individuals to request information.

Increasingly, budgetary information is published on government websites. The government discloses online annual budget documentation, in-year budgetary execution reports, and summaries of state audit reports and contract information, while other laws, such as those on “grassroots democracy” (at the commune, workplace, and enterprise levels), mandate the disclosure of information pertinent to the members’ rights in any given unit. Vietnam’s performance with respect to transparency remains suspect; despite modest improvements, the country ranks among the world’s worst-performing countries in the 2012 Open Budget Index, placing above Cambodia and China but below other ASEAN countries. Overall, agreed-upon transparency standards in Vietnam remain deficient while sanctions for noncompliance are nonexistent (<http://survey.internationalbudget.org/#rankings>).

### *Inspection and audit agencies*

To promote legal accountability, Vietnam’s state has created a new auditing agency and revived its inspectorate system (*thanh tra*), both of which serve to enforce compliance with existing rules and regulations in finance and management. The State Audit of Vietnam (SAV) was established by Decree No.70/CP on July 11, 1994, while the SAV Law was approved in 2005. The latter elaborates the formal roles and functions of the SAV and stipulates the appointment of an auditor general by the NA.

Subsequently, the SAV became, in principle, wholly independent from the government and answerable only to the law, even as the general auditor is approved by the NA based on nominations from the standing committee in consultation with the prime minister. Notably, however, the position is equal in rank only with an NA committee chairperson, a minister, or head of province.

The SAV is responsible for the financial, compliance, and performance auditing of agencies and institutions receiving state budgets, funds, or assets. Transparency is a key principle of its functioning. The SAV provides information about the management and implementation of the state budget, funds, and assets for the NA and government; may recommend the abolition, revision, or development of legal documents by the NA, the government, or its members; gives opinions to both audited and state managing agencies for streamlining their financial, accounting, and budgetary administration for the timely prevention of corruption, waste, and loss of state funds and assets; and is entitled to 2 percent of all amounts recovered. Audit results are transparently disclosed to the mass media.

In Vietnam, the inspectorate has a long history in public governance. In the era of *doi moi*, every ministry and province has its own inspectorial unit. The key function of these units is to review the implementation of policies, laws, and responsibilities by agencies, organizations, and individuals under the respective jurisdiction of their corresponding administrative authority (Luat Thanh tra 2010).

The objective is to prevent, detect, and pursue legal violations, and to discover managerial, policy, and legal loopholes in order to recommend solutions and improvement to the relevant authorities. In addition, Vietnam's inspectorates also process complaints and allegations of wrongdoing, and assist the heads of the relevant agencies in reviewing and resolving them. Under the Law on Anti-Corruption (LAC), the inspectorate conducts inspections to enforce the LAC, develops a national database on preventing and combating corruption, provides assistance to the Government in reporting anti-corruption efforts to the NA, and verifies assets and incomes.

Challenges in the use of inspection to hold the state accountable have been threefold. First, inspection units are dependent; they are attached to government agencies and under the leadership of agency heads. How much inspection is to carry out to hold officials accountable thus depends upon the will and commitment of the agency head. Additionally, there is no framework to enforce compliance with a given inspectorate's findings; more often than not, inspectors' recommendations are not



followed. Furthermore, there is a general overlap in the functions and mandates of Vietnam's public accountability mechanisms, as evidenced in the duplication of activities between inspectorates, especially administrative and specialized ones, in addition to the overlap between the inspectorates and state auditing agencies. These weaknesses particularly affected the capacity of the inspectorate system to hold administrative bodies accountable.

### *Citizen participation*

In addition to the above, Vietnam's state has increasingly if selectively integrated participatory mechanisms into its political accountability scheme. At the national and provincial levels, government units drafting legal and policy documents are now required to seek public comment. The Law on Anti-Corruption (2005) includes a clause, later concretized in Decree 47, on popular participation in anti-corruption work. Vietnam has subsequently done comparatively well in promoting a system of grassroots democracy.

In addition to the general framework of grassroots democracy, at the local level the People's Inspectorate and the Committee for the Monitoring of Community Infrastructure Investment are two key institutions that may enforce public accountability. Nonetheless, practices have varied from case to case, and there remains a gap between enforcement and standards. The question of "to whom" these two units are accountable is pertinent. For example, although the People's Inspectorate Unit (PIU) is mandated to scrutinize local authorities' activities on behalf of residents, in practice three models of operation have emerged: the PIU under the influence of the Viet Nam Fatherland Front (VFF), the PIU under the influence of commune administrations, and likewise under the influence of the commune-level party chief (Vasavakul 2012).

In broad terms it is only fair to acknowledge that Vietnam has developed multi-faceted accountability mechanisms under *doi moi*. Furthermore, each of these mechanisms attempts to address the questions of who is accountable, to whom, for what, through what processes, according to what standards, and under pain of what consequences for violating them. Nonetheless, each of these mechanisms still faces challenges.

## **Decentralization and accountability: a case study of provincial PCOs**

Vietnam's local government structure consists of three levels: provincial or municipal under the central government (called the provincial

level); quarter, district, town, and city level under the province (called the district level); and commune and ward (called the commune level). Each level has its own formally representative body, the PCO, whose executive wing is the People's Committee (PC). PCO deputies are elected according to the Law on the Election of PCO deputies. The rise of provincial elected bodies as accountability agencies in a particularly interesting dimension of political decentralization, a process central to the reconfiguration of authoritarianism in Vietnam. Political decentralization in Vietnam is not full-fledged. Rather it is characterized by the decentralization of managerial responsibility or, more precisely, the delegation of certain powers to local authorities – particularly at the province level – in the areas of planning, finance, human resources, and service delivery. It is provincial-level authorities who decide on the management decentralization among the different tiers in the province (Vasavakul 1999).

Within the context of management decentralization, the provincial-level PCs (PPCs) have become the preeminent actors in local governance. The PPCs have become increasingly involved in developing provincial plans within the national strategic framework. Equally crucial is their role in budget allocation for implementing public policy and balancing short- and long-term needs. In addition to planning and budgeting, the provincial-level government has been granted increasing authority in personnel management (Ban cong tac Dai bieu 2009). However, the lack of a clear legal framework and concomitant rise of economic opportunities (not entirely foreseen by national “institutional architects”) have prompted PPCs to engage in periodic “fence breaking” policies not in line with the central government’s regulations or the national legal framework. This, in turn, has reinforced local autonomy, giving fresh relevance to the old Vietnamese adage that “the emperor’s edicts stop at the province gate”, or *phep vua thua le tinh* (Vasavakul 1996, 1999).

As regards finance, for example, in 2003 there were reports of numerous provinces’ promulgating regulations to reward businesses that paid taxes – a practice that contravened central government regulations. This practice led to discrepancies in revenue collection between provinces while encouraging imports frowned upon by the central government. To rectify the problem, the central government directly requested that the PCOs should not endorse any PC policies in conflict with central government directives. Cases were also reported in which provinces abandoned financial discipline. In one such case, between 2004 and 2006 Ho Chi Minh City annually overspent its budget. In 2004, it spent VND 6 trillion against a planned budget of VND 2.71

trillion; the following year, the city spent VND 11.5 trillion against a planned budget of only VND 4.3 trillion. This practice continued into 2006, when the discrepancy between the planned budget (VND 4.7 trillion) and actual spending (VND 12.5 trillion) remained egregious (Van phong Quoc Hoi 2008).

In addition to the hierarchical reporting mechanisms imposed by the central government, elected bodies at the provincial level have increasingly played an active role in both appraising the legal validity and supervising the implementation of PPC plans and budgets. The PCOs' accountability role comes close to qualifying as "horizontal accountability," to cite Schedler's term. However, under one-party rule, the rising role of elected bodies serves primarily to consolidate the central-local government management decentralization scheme. The increasingly active role of PCOs in legal appraisal and supervision contrasts with their more moderate roles in representing their constituents' interests. In what follows, this chapter examines the accountability functions of the PPCOs.

### **Accountability functions of the PPCO**

The PPCO is an elected body at the provincial level. Organizationally, it consists of the following components: a chair, a vice-chair, a standing member (*uy vien thuong truc*), specialized working committees responsible for legal affairs, economics, culture, and society, minority areas (for provinces with a substantial number of minority population), and deputies. The PCO is assisted by an administrative office; most deputies work part-time. The PPCO is granted considerable powers. From the political point of view, council powers include the selection and dismissal of chairs, vice-chairs, and other members of the PC. The Standing Committee of the PPCO coordinates with the PC to decide on the dismissal of elected deputies upon the recommendation of the VFF, which is an umbrella agency of sociopolitical organizations. The Council carries out a vote of confidence for those it has endorsed and also supervises the head of the court and the head of the procurators at the same level.

In the policy arena, the PCO issues resolutions on local master plans and socioeconomic development plans and monitors these plans' implementation. The key master plans include ones for socioeconomic development of the province/city; for sectoral or subregional development; for development of urban and rural centers; and for land use. The short-term plans include annual socioeconomic development plans. In addition, the PCO is also responsible for supervising budgetary allocations.

The Budget Law of 2002 opened up an official space for the PPCO to participate in financial decision-making and approval. Specifically, the

PPCO has been assigned responsibility to allocate budgets for the three levels of government. It decides on collections, spending, including fees, and popular contributions within relevant legal frameworks. It also promulgates the cost norms of the local government. The 2002 State Budget Law grants the PPCO the authority to mobilize capital within the country within the framework stipulated by the central government. The PPCO also determines the decentralization of collection and spending responsibilities among the three governmental levels. Within the framework of budgetary stabilization over the period of three to five years, localities can use their increased budget collections for local purposes, a decision-making area also necessarily involving the local PCO. Within this management decentralization context, the PCO has considerable decision-making and approval power over local finances.

The only main item not under local jurisdiction regards central government budgetary reserves for specific target programs. To carry out its function, the PPCO relies on various work procedures, including the preparation of Council resolutions, legal appraisal of local government documents, monitoring, questioning of government agencies during Council sessions, and public consultation (Ban Cong tac Dai bieu 2009; Luat Ngan sach nha nuoc, Clause 25).

The PCO undertakes a number of work procedures and accountability functions. These include socioeconomic planning (master planning and annual planning), where the Council focuses on identifying the baseline situation, policy directions, and policy options proposed, and the benefits of different options. The objectives are to ensure feasibility, effectiveness, and impacts. They also have accountability for decisions on Council resolutions; decisions on budgetary process; legal appraisal of local government proposals; monitoring; questioning of the local government (chat van); public consultation; and budgetary allocations (the Council identifies equality in budgetary allocations, effectiveness in collections and spending, and impact of the use of budget).

Under one-party rule, there remains a gap between the legal stipulation of powers and authority on the one hand and actual practice on the other. A review of the PPCOs' practical work provides some insight into the way in which the system of one-party rule has been reconfigured at the local level.

### *Decision-making*

The Legal Framework of 2004 grants the PPCOs decision-making authority. Nonetheless, in practice, the PPCOs' decision-making or policy-approval roles are met with institutional challenges related to

intra-party relations, relations between PPCOs and the VFF, and relations between the PPCOs and their local governments. Furthermore, provincial-level party committees (Tinh uy) still play an important role in approving the content of local plans. This role hinges first on the fact that PCOs each have a party committee attached to guarantee Party leadership. Technically, to strengthen the role of the PCO in policy discussions, the Party committee for the PCO has to meet before the PCO Standing Committee sets up a schedule with the PC and the VFF; yet, there is still no clear procedure for conducting the PCO Party committee. Nor, secondly, is there any well-defined authority relationship between the local governmental unit and the PCO. In many cases, the chair of the PCO is also a member of the party standing committee, while the chair of the PC may be the Party vice-secretary. Within this party-dominated hierarchy, the role of the PCO in holding the local government accountable is compromised.

In addition to their problematic relationship with local party committees and PCs, PPCOs' effectiveness may be diminished by their dependence on local VFF branches. In order to succeed in policy areas the PCO needs to coordinate with the VFF, an agency assigned to provide social commentary (phan bien xa hoi) on any policy statements; in practice, however, the local VFF and its affiliated mass organizations have rarely undertaken policy commentaries on their own initiative. Although the VFF organizes voters' meetings and compiles opinions to be presented at PCO sessions, there is no guarantee that these opinions will then be given serious heed.

### *Budgetary funding approval*

Of particular importance among the PPCOs decision-making powers, decentralization has opened up opportunities for local financial discretion. The PPCO is responsible for monitoring implementation of local budgets a charge carried out through the appraisal of PC reports on revenue and spending estimates and records. The PPCO intervenes to provide recommendations on revenue collection deficits, inappropriate budgetary allocations, slow disbursement to investment projects, and fee levels imposed on citizens.

In a majority of provinces, the PPCO is active in determining local fee levels and collection practices. A preliminary analysis of the fee system in the provinces as approved by their PCOs indicates that while the provinces adhere to the fee ranges stipulated by central government agencies, the elected bodies consider the local income level when deciding on the level of fees for the province. One crucial "show case" of this

“check and balance” situation is the debate within Ho Chi Minh City’s PCO on the PC’s proposal to increase school fees. The PCO decided to postpone raising fees pending additional information and justification (Ban cong tac Dai bieu 2009; field interviews 2010).

Despite some opening up of space for such “checks and balances,” however, here again there remain institutional limitations on PCO involvement in the budgetary process. PCOs’ authority does not extend to overseeing crucial financial areas such as the use of state property by various state agencies. Nor are the Councils involved in making financial decisions on implementation of local, central government-funded projects; the PCO is merely involved in approving final accounting for such projects, not in guiding preparations. The lack of criteria for programs and projects at the local level where PCO approval and guidance are needed further limits the Councils’ effectiveness.

### *Legal appraisal*

The PPCOs have played an increasing role in the process of legal appraisal. Their key purpose here is to ensure compatibility of draft documents with the existing national legal framework. The PC submits a “debriefing note” (to trinh), a draft resolution, and plan proposals. These “debriefing notes” and their attendant documents have normally first been “appraised” by the Department of Justice at the same level. The PCO committees are assigned the job of doing another round of appraisal and presenting an appraisal report (bao cao tham tra). The PCO reviews the legal basis of the documents and makes recommendations. The local government drafting committee then amends the documents accordingly.

Current problems focus on the relationship between the PPCO and the local government. Five days in advance of each Council session, government agencies are required to provide deputies with relevant information. In practice, there are often delays in delivering these materials on schedule, and they may in fact remain undelivered until the very day the Council meets. Deputies not affiliated with the executive may thus have difficulty gathering the relevant information. Without this requisite background information, it is impossible to prepare adequately for the meeting (Ban cong tac Dai bieu 2009: 143).

### *Supervision*

Within the current legal framework, different components of the PCO have different supervisory/monitoring (giam sat) roles. Supervision may be exercised by the PCO, its standing committee, or its specialized

committees. There are also several methods of supervision. In principle, the parameters for supervision are broad, focusing on supervision of the Standing Committee of the PC, the court, and the procurator at the same level; the implementation of PCO resolutions; and activities of state management agencies, economic organizations, and army units in the locality. The current legal framework designates three units to carry out supervisory responsibilities: the PCO Standing Committee, the PCO committees, and individual PCO deputies. There are three key monitoring areas: specific tasks that have been implemented, fixed supervisory activities during the mid-year and end of year meetings, and unplanned supervisory activities driven by public concerns or press coverage.

Although operating within the same framework, in practice different provincial PCOs have developed their own supervisory activities, with varying procedural details. A study of the system of PCOs in Ninh Thuan province shows that when the PPCO issues a resolution on the socio-economic development plan, the PCO committees set up their respective supervisory plans and integrate them into the general resolution of the PPCO on supervision for the year. The Committee informs agencies under review in advance to coordinate the process and sets up a work team that will finalize a report with recommendations (Resolution 753, Clauses 51 to 66). The PCO Standing Committee carries out supervisory work on multi-sector issues (around one or two missions annually) and prepares reports on PCO activities (mid-year and end of year), itself undergoing supervision by deputies. It assigns the Economic and Budgetary Committee to coordinate the preparation of a supervisory report on the PCO. Supervisory activities carried out by individual deputies are limited. In Ninh Thuan, implementation of post-monitoring recommendations is limited by a lack of overall implementation and sanction mechanisms (Field interviews 2009 and 2010).

Enforcement depends on individuals following up when they attend PC meetings (Vasavakul 2009). A report from Ninh Thuan shows that there has been a move away from the traditional method of reviewing official reports submitted by government agencies to data collection at the site. The PCO relies on its office staff to collect information from the sites to serve as inputs for supervisory activities (Ban cong tac Dai bieu 2009). In terms of supervisory activities, the Ho Chi Minh City's PCO exhibits notable differences from Ninh Thuan's model. According to Huynh Thanh Lap, vice-chair of Ho Chi Minh City PCO and also the vice-chair of the NA delegation in Ho Chi Minh City until 2011, the supervisory role of the PCO is aimed at bringing the law to life (*dua phap luat vao cuoc song*) and contributes to ensuring order (*trat tu ky cuong*) while also creating dynamics for the city's development.

For Ho Chi Minh City, as in other provinces, during the second council session at the end of each year, the City PCO approves plans for the year to come. Work will be allocated to PCO committees based on expertise needed. For example, in supervising the use of a capital construction budget, which is a large portion of the city budget, the PCO Standing Committee assigns the Economic and Budget Committee the task of formulating a plan and setting up a supervisory committee consisting of a head and a lieutenant, an Economic and Budgetary Committee, and deputies. It is a practice in Ho Chi Minh City that prior to any supervisory fieldwork, the committee invites specialists for debriefing. Such debriefing is quite unusual as the centrally allocated budget allowance for outside experts is limited. After the supervisory mission, there is a report with recommendations submitted to the Economic and Budgetary Committee, which will then meet to comment on the findings and formulate an official report to send to relevant stakeholders (Huynh: N.D.)

Generally speaking, “check-and-balance” activities have expanded in practice, though they still are restrained by the preexisting one-party rule framework. Supervisory activities have focused mainly on implementation of policies approved or endorsed in PCO resolutions, to review whether the policies have been carried out as planned. In this sense, the focus is on compliance with national policies and laws. The supervisory activities do not question the rationale of the policies per se, nor do they review the effectiveness and efficiency of the policies or the performance of the local state. Furthermore, it is commonly acknowledged that access to information remains a problem, as the PCO still has to rely on information supplied by the government; the current legal framework does not facilitate the collection and use of other sources of information. In the financial domain, the current legal framework mandates coordination between the PCO and the State Audit of Vietnam, the latter supplying audit information to serve as the basis for the former’s financial supervision activities. This mandate is not yet commonly observed in practice. Finally, as the current legal framework does not include any detailed stipulation that recommendations actually be implemented, more often than not no serious action is taken to address them in supervisory reports.

### *Public consultation*

Public consultation through constituent meetings is an integral part of the PPCOs’ work procedures. According to the existing legal framework, each PCO holds four such sessions annually. In addition, deputies may meet with voters at their workplaces with assistance from the Office



of the PCO and the NA Deputy group in the province, or the head of the agency where voters work. Similar to other work procedures, public consultation has met with challenges. A scholarly study conducted to assess the deputies' relationship with voters has indicated several inadequacies in the process (Pham et al. 2008). Not all provincial-level deputies in the study sample had met with voters as regularly as required; there also were times when deputies failed to participate in the meeting sessions owing to official work obligations.

Existing writings as well as field studies provide some insights into limitations in the process of meeting with voters. First and foremost, voter turnout for meeting sessions is small compared with turnout for elections. Secondly, the social composition of voters participating in meetings lacks diversity. Attendees tend to be, in one deputy's words, "professional and full-time meeting-goers" (*cu tri chuyen trach*), that is, those who are always present at meetings, possibly because of their good relationship with the head of the hamlet; obviously, this composition is less than ideally representative. Thirdly, the meeting sessions are not always effective. A number of deputies do not have a good grasp of the decision-making jurisdiction of state management agencies. Voters have a higher level of education; most of them are concerned with problems related to their locality and individual interests. Fourthly, responses to the voters' concerns and the follow-up on the implementation of their recommendations are unsystematic (Field interviews 2009–10).

The lack of an urgent need to boost the representational role may be explained in two ways. First, under one-party rule, PCO deputies are considered "people's representatives" (*dai bieu nhan dan*), not representatives for particular groups of citizens or interest groups. Any development concerning the latter, although common on the international scene, is not discussed openly in Vietnam. This peculiarity has, to some extent, limited the content of the dialogue with citizens as well as the way in which solutions to problems are found.

The second explanation is that the constituent meeting is only one among many different channels for citizen-interest articulation and mediation. Under Vietnam's one-party system, there exist a wide range of formal mechanisms for citizens to voice their opinions on issues and concerns. There are also a wide range of mechanisms to allow mediation or conciliation of conflicts among citizens, between them and the state, or with businesses. At the commune level, for example, interest articulation and mediation can be seen in measures falling under the framework of the Ordinance on Grassroots Democracy (2007) which enshrines the maxim that "people know, people discuss, people act, and people inspect."

While public consultation is a crucial element in public accountability and in deputy–citizen relations, challenges have also emerged to determining whom citizens ought to hold accountable in the context of changing service delivery functions.

Three accountability disputes illustrate these challenges especially well. The first deals with administrative accountability in urban service delivery. At a meeting between the City's PCO deputies and voters, one voter complained about garbage trucks collecting refuse during peak hours in disregard of sanitation requirements and residents' complaints. City Council deputies clarified that garbage collection was managed by the province, which had contracted the work out to a private company (Field interviews 2009). The second case deals with health care and health insurance services. A female patient sought legal advice in a dispute with a district-level health facility which refused to transfer her to an upper-tier facility for treatment. The patient contended that the district facility was not sufficiently equipped to provide her with required services and thus insisted she be transferred to a provincial-level facility. The district health facility contended that the treatment fell under its jurisdiction. Within the framework of Vietnam's health insurance law, insurance would only partially cover medical costs for a transfer without the lower tier's authorization (Field interviews 2009).

The third case dealt with entrepreneurship for poverty reduction. In a minority area with an average per capita income of US\$800 per year, one minority household that had just escaped the US\$22 per month poverty threshold enumerated their obstacles to sustainable poverty reduction. Highlights included the household's lack of expertise in commercial planting techniques, their lack of start-up capital, and the wait between planting and their first harvest. The head of the household commented that he had no information about any government support in these areas. Nor had he received support from local community members engaged in commercial agriculture (Field interviews 2012).

These cases indicate that the question of who is accountable to whom and for what can be complicated in the context of Vietnam's restructuring. The garbage service case illustrates the effects of service decentralization from the central to the local government, combined with the gradual distribution of public service work to private contractors. It involved several relationships within an increasingly complex local governance structure, the relationships between voters and deputies, between deputies and government agencies, among different government agencies, and between the government agency and contractors. The health service case illustrates on the one hand decentralization to a lower-tier facility, but on the other shows how lower-tier facilities' real

and perceived capacities may vary in practice from one locality to the next. It reflects at least three sets of direct relationships – between the citizen and the health facility, between health facilities and the insurance agencies, and between health insurance and citizens as clients.

As regards poverty reduction, the central government has developed preferential schemes to aid those in poverty. While the locality had managed to reduce the number of poor households, these achievements were not necessarily sustainable. This case reflects the coexistence of disparate accountability regimes to support inclusive growth and poverty reduction and raises questions of what the government, the market, and the community may or may not respectively be responsible for.

### **Reworking accountability relations**

The above account highlights some major developments in the evolution of accountability relations in Vietnam's state administrative apparatus. Additional studies carried out by the present author have examined additional aspects of PPCOs authority accountability relations. These studies note that the accountability role of the PCC itself is affected by the way in which the organization is held accountable. And that the PPCO, as an organization, contains multi-layered accountability networks, which are at times contradictory: PPCOs are under the supervision and guidance of both the NA Standing Committee and the central government. At the same time they are held accountable by the VFF. However, individual components of the PPCO system also have their own multiple accountability relations.

Practical experience from a number of provinces suggests possibilities for developing and consolidating various authority relations. Quang Ninh PCO, for example, has reportedly developed a working procedure between its Standing Member and its specialized committees in order to prepare better for Council meeting sessions. The work procedure involves dividing responsibilities among different committees in order to legally appraise draft resolutions, reports, and proposals submitted by the government and to monitor the implementation of PCO resolutions. After each session, the Standing Member of the PPCO works with the relevant committees on responsibilities that serve as their basis for drafting plans. The Standing Member also meets routinely with the committees (Dai Bieu Nhan Dan 2012). A number of other innovations have emerged in the area of monitoring. Ha Tinh PPCO, for example, has strengthened its role in monitoring budgetary management. Ha Tinh's approach was to select a set of key spearhead areas for monitoring: capital construction; land planning and zoning changes; tax collection; investment in

rural transportation; land compensation and resettlement; and the use of overseas development assistance.

Other provinces have taken still different approaches. Bac Ninh PPC (Bac Ninh People's Council) undertook an initiative to design a work procedure for public consultation that involved organization and topic selection of a public consultation, selection of the procedural order, and conducting the session. In Bac Ninh the PCO chose to focus on a rural development topic, namely the implementation of Resolution 132 on rural development and infrastructure. The purpose was to support rural production by assessing whether certain measures approved by the PCO were actually being implemented. The Standing Unit of the People's Council = PCO was in charge upon approval by the Standing Committee of the provincial Party Committee. It set up task forces consisting of key deputies from a specialized committee, the VFF, the Office, and relevant government agencies. The PPC identified consultation methods, including meetings at the hamlet, commune and district levels, social surveys, conferences, public consultation via the internet, and provincial-level review conferences. Based on the information gathered, the Standing Unit of the PCO amended the policy measures that had been put forth.

#### *Pilot to dissolve district- and ward-level PCOs*

In 2009 the central government moved toward restructuring the local government system by piloting in several provinces the disbanding of district PCOs in rural areas, urban district (quan) PCOs in urban areas, and ward PCOs in large urban areas. The pilot was justified by the argument that the local government apparatus consisted of too many middle layers and that as a consequence redundant responsibilities were being assigned to different levels. It was also argued that the system did not sufficiently take into account differences between urban and rural governance. For the urban areas, urban government units had organized PCOs and PCs at all three tiers of the administration – a practice resulting in lack of management conformity. Decisions and commands from the upper echelon were dispersed along unclear lines of responsibility from local to upper levels, which also failed to monitor compliance consistently. The pilot aimed to rectify these problems of unnecessary intermediaries and overlapping responsibilities by eliminating elected bodies at the district and quarter levels. It would institute a unified urban management system with decision-making power concentrated in the provincial echelon (Department of Local Government of MOHA 2009).

There are several documents governing the dissolution pilot. In August 2007, the Fifth Plenum of the Central Committee issued Resolution

no. 17/NQ-TW on PAR in which it called for a pilot dissolution of PCOs at the district, quarter, and ward level. The results of the pilot would serve as inputs for the revision of the 1992 Constitution. The NA confirmed the pilot in its Resolution no. 26/2008/QH12 and the NA Standing Committee's Resolution no. 725/2009/YUBTVQH12 that adjusted the functions and role of the PCOs, and PCs as well as the re-organization of the district-level and the ward-level administrations where the PCOs were being dissolved. The pilot was carried out in 10 of 63 provinces and cities; 99 of 684 district-level units; and 483 out of 1,300 wards (of 11,774 commune-level units) (Nguyen Hai Long 2011).

From a comparative point of view, this pilot has crucial implications for the transformation of the local government structure in Vietnam as much as for accountability. First, changes, if any, would consolidate the authority of the provincial-level government. At the moment, important issues, especially finance, are already being decided by the provinces, and the degree of decentralization to the district has only been moderate. This change would be a key departure from the legacy of the central planning period, when in rural areas the district was granted a greater decision-making and management role. Second, it is likely that the power of the commune-level government will be reinforced. Thus, important matters regarding the development of the province will be decided by the Provincial PCO, while important issues at the commune level will be decided by the Communal PCO. Finally, this restructuring should allow for differences in local government structure between rural and urban areas.

The pilot raises a number of issues related to accountability. Resolution 725 assigned the Provincial People's Council = PPCO to monitor activities of the district-level PCs, the courts and the procuracy as resolutions of the PCO at the commune level. Only the ward administration is not subjected to any monitoring by the provincial elected bodies. In addition, Resolution 725 does not specify the methods of monitoring of the district-level agencies and their procedures. Of the five methods of monitoring discussed earlier (votes of confidence; reviews of reports; questioning sessions; legal documents; and monitoring reports), the PPCO cannot use the vote of confidence, which can be conducted only against persons appointed by the council at the same level. With the abolition of the district-level PCO, the transfer of its duties to the PPCO within the framework of Resolution 725 will increase. This shift presents a challenge, given the small number of full-time deputies at the provincial level.

Together these changes mean that matters previously carried out by district, quarter, and ward PCOs will probably have to be transferred to

provincial-level PCOs. Changes of the local government system along these lines will require the adjustment of the provincial-level PCOs' functions and responsibilities so that the PPCOs can serve as effective agents for accountability under the new system. Successfully achieving such an adjustment would involve strengthening the decision-making and supervisory roles of the PPCO. It is likely that the new system will present a need to set up intra-agency accountability mechanisms for the district, quarter, and ward administrations, answerable to upper echelons. While the PPCOs may not be responsible for the appointment and endorsement of these positions, there may be a need to institute a process allowing the PPCO to hold the provincial government agencies accountable in the appointment of lower-echelon administrators and for the smooth operation of lower-echelon implementation work.

In addition, the NA, the inspectorate sector, and the PPCOs will likely have to take over supervision of the court and the procurator at lower echelons. Finally, the provincial-level PCO will also have to increase its citizen reception activities at the district, quarter, and ward levels. In terms of human resources, the additional required tasks will necessitate an increase of the number of deputies and full-time deputies to represent the quarter, district, and ward and to increase the power of the committee as well as the deputy groups for supervision. The role of the commune-level PCO will depend on the extent to which management decentralization devolves to the grassroots level.

## Conclusions

Though Vietnam remains under "one-party rule," reconfiguration of Vietnam's one-party state has been taking place at both the national and local levels. The approaches adopted range from check-and-balance mechanisms and bureaucratic rationalization to transparency, open government, and citizen participation. A key driving force for the promotion of state accountability lies within the need for the one-party system to curb the rising power of the executive state.

Be all of this as it may, there are yet limitations to the effectiveness of Vietnam's accountability project. The accountability landscape in Vietnam is by no means even. Almost as significantly, the notion of accountability has developed mostly within the state institutional sector and for state-related actors. There remains a lack of any legal framework for further institutionalizing formal vertical accountability that would allow non-state actors to hold state officials accountable. In legislation, this absence includes that of any framework allowing associations to

engage in public consultation on behalf of their members. Meanwhile, while the rising “checking-and-balancing” role of the PPCOs has undoubtedly been noteworthy, still a redefinition of the multiple authority relations within and among the PPCOs and other political institutions is needed for PPCOs to function fully as agencies of accountability.

Finally, while the seed of the “answerability aspect” of accountability has certainly been planted, the notion of “enforcement” nonetheless remains unaddressed. In both cases under examination, the notion of “enforcement,” including who is to be the enforcer and how there can be enforcement without responsiveness and answerability, is unclear. To balance the rising power of the executive state, under one-party rule Vietnam necessarily continues its accountability project to address and clarify the questions of who is accountable to whom, for what, through what processes, by what standards of success, and with what consequences for failure.