

Public Administration Reform and Anti-Corruption:

Would Successful PAR Reduce Corruption or Progress in Tackling Corruption Strengthen Public Administration?

The potential for a negative fallout if corruption goes unchecked has been recognised at the highest levels of the policy-making process in Viet Nam. The nature and extent of corruption in Viet Nam has been categorised in a variety of ways, ranging from administrative, political, and judicial corruption, to public sector and private sector corruption, and also petty and grand corruption (with the former tending to be understood as small-scale, everyday corruption, and the latter being larger-scale). The truth of the matter is that **corruption in Viet Nam, as in many other countries, occurs at all levels and in all sectors.**

In order to tackle corruption and the associated weaknesses in public administration, **an understanding of the causes is crucial.** In Viet Nam, it is common to hear that corruption exists because there is too much scope for discretionary behaviour on the part of officials; or that corruption is the result of a poor ethical outlook, including the assertion that ethical standards have got worse during the *Đổi mới* period. Other explanations for corruption in Viet Nam view it as a consequence of insufficient reform; low salaries; a legacy of the state subsidy period, notably the “ask-give” mechanism; and a poor implementation of the country’s laws and related regulations.

While there is merit in this analysis, it places too much emphasis on the failings of individuals, on the one hand, and on unclear regulations and poor implementation of them, on the other. While these elements are relevant, to place them at the centre of the analysis is fundamentally to misunderstand the problem of corruption. Put simply, **corruption in Viet Nam is a systemic problem.**

The idea that corruption is a systemic problem can be understood with reference to three tendencies within the state in Viet Nam: (i) to view public office as a vehicle for personal enrichment; (ii) to pay attention to servicing one’s patronage network rather than working for some notion of the public good; and (iii) to use uncertainty and a lack of clarity in respect of regulations as an instrument of rule.

The tendency in Viet Nam to view **public office as a vehicle for personal enrichment** makes sense if one recalls that there have been instances of purchasing public office positions in Viet Nam. Moreover, when officials or prospective officials buy their seat, they do not do so out of the goodness of their heart but rather because they expect to get something in return (i.e. to recoup their investment).

In relation to the tendency to **pay attention to servicing one’s patronage network** rather than working for some notion of the public good, the argument is that in the Vietnamese system, looking after those in your immediate circle or patronage network is regarded as the culturally right thing to do. In fact, not to do so, would be viewed as behaving badly. This explains the continued high prevalence of nepotism in appointments despite formal efforts to eradicate it.

Also, the fact that regulation in Viet Nam is frequently unclear and overlapping is not a result of the poor capacities or inexperience of the officials who draft them. Rather, the rules are unclear because there is an inherent logic of the system, which necessitates that they are – **as a means of exercising power and in order to create opportunities for private gain.** A good example would be the persistent difficulties which have been encountered in relation to Public Administration Reform (PAR) in respect of attempts to clarify job descriptions, leading to the conclusion that despite a formal commitment to such a process, actual operation is low because clearer job descriptions limit the ability of office holders to exploit public positions.

Once it is understood that the system operates in this way, a number of important things fall into place, which are highly relevant in relation to efforts to effectively implement an anti-corruption (AC) strategy and improve public administration. Firstly, it is clear that many of the reasons put forward for the existence of corruption in Viet Nam are second-order causes, which fail to go to the heart of the problem. For example, corruption in Viet Nam is not primarily an ethical issue: most people in Viet Nam are thoroughly decent people who nevertheless operate in a system which requires certain kinds of behaviour of them if they are to survive

in the system, to provide for their families, and to get things done.

Understanding corruption as a systemic problem also makes it easier to see that low salaries are not a fundamental cause of corruption. Furthermore, viewing corruption as a systemic problem makes it clear that **simply trying to clarify the rules will not actually change behaviour**. As seen over more than a decade of PAR reform, this is almost impossible to do, not because individuals lack capacity but because the system itself works against this happening (i.e. based on how the system is structured the incentives do not exist for this to happen).

Recognising the systemic nature of the problem of corruption, it is clear that an integrated approach to tackling corruption is likely to pay special attention to **increasing transparency and improving enforcement**. The key objective over time is to make the system more accountable, and to **increase the costs of corruption**. Strengthening the role of civil society and the media in the fight against corruption is critical because along with transparency and enforcement this is crucial to making the system more accountable.

While the drive for transparency should involve placing a spotlight on all aspects of government, there should specifically be a move towards full disclosure of all inspections and audits carried out by the Government Inspectorate (GI) and State Audit of Viet Nam (SAV) along with publishing the activities of prosecuting bodies, judicial proceedings and rulings. While the precise way in which greater transparency is to be achieved in Viet Nam requires more detailed work, **the setting up of a ‘Transparency Roadmap’ by the government detailing what different agencies are required to do over a designated timeframe would be a useful starting point**. There may also be scope for sectoral roadmaps whereby different sectors detail their plans to increase transparency.

In respect of enforcement, building on existing institutional structures while paying special attention to the way in which different agencies work together is also fundamental. It is not about establishing any new AC agencies in the short term. However, over time it is likely that the role of the Steering Committee on Anti-Corruption, and its supporting body, OSCAC, will evolve such that its relationship with other agencies, such as the GI, will need to be kept under closer review to **avoid duplication of work**.

Yet, in particular and over the short-term, some recommendations in relation to enforcement include:

- Establishing a watchdog body to review the work of AC agencies as a whole, including publication of an

annual report to be debated by the National Assembly;

- Addressing problems of conflicts of interest with local inspectorates by ensuring that the head of the inspectorate retains sufficient independence from the People’s Committee chairman; and
- Establishing an independent complaints committee for the public to log complaints (with sufficient means for the committee to be able to act).

In addition, central to the government’s AC Strategy is its five groups of solutions: (i) transparency, (ii) PAR, (iii) business, including the private sector, (iv) enforcement and (v) strengthening the role of society and the media. This is a laudable effort, yet the Government could afford to be more strategic in its approach, recognising that it is important to prioritise rather than try a little bit of everything, which is a weakness of the National Strategy for Preventing and Combating Corruption Towards 2020, which has recently been adopted in accordance with Resolution 21/2009/NQ-CP.

More than this, the groups of solutions (i), (iv) and (v) above should be seen as the *means* by which progress towards achieving the other solutions is likely to be made. **That is, improved transparency, better enforcement, and a stronger watchdog role for civil society and media – together designed to make the system more accountable – are the means by which public service delivery and economic governance will be improved**. At the moment, the government’s AC Strategy does not appear to make a clear distinction between means and ends.

That is, while solutions (ii) and (iii) are important, simply trying to implement these measures is unlikely to be successful because to do so does not address the underlying incentive structure governing the system. It is only through improving transparency, enforcement, and strengthening the watchdog role of civil society and the media, that the goals which PAR and AC work are ultimately striving for may be achieved.

For further details, please see:

Gainsborough, Martin; Đặng Ngọc Dinh and Trần Thanh Phương (2009) **Corruption, Public Administration and Development: Challenges and Opportunities**. In *Public Administration Reform and Anti-Corruption: A series of Policy Discussion Papers*. United Nations Development Programme (UNDP) Viet Nam. See www.undp.org.vn

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