

Public Administration Reform and Anti-Corruption:

Can Public Administration Reform deliver Institutional Reform without Deeper Structural Change?

The guiding principles of institutional reform in Viet Nam are first, to construct the legal basis for the operation of the socialist-oriented market economic mechanism and second, to build a system of government based on 'socialist rule-of-law'. The Public Administration Reform (PAR) Master Plan (2001-2010) lists four main aspects of institutional reform, including: (i) adoption of laws governing the market, the public administration system, and regulation of 'relations between the State and People', such as citizen complaints and the state's role in the economy; (ii) renovating the process of issuing legal documents; (iii) strict and transparent law enforcement by public institutions; and (iv) reform of administrative procedures.

Clearly, the potential scope of the agenda is very wide. **Therefore, as Viet Nam moves forward the core proposition is that PAR institutional reform will not make significant progress unless it is reinforced by, and directly linked to, progress on a wider reform agenda covering legal, political and constitutional aspects of Viet Nam's institutions of government.** This proposition is explored through both normative and empirical analysis, including international experience. The main finding is that some key assumptions underlying the normative frameworks of government in Viet Nam, and the way they are put into practice, embody tensions and ambiguities that obstruct the achievement of PAR institutional reform goals.

The meaning of a 'rule-of-law state' is much debated in Viet Nam, but there are at least three core ideas. First, the idea of 'rule by law', meaning duly enacted laws are paramount in the exercise of state power; second, the neutrality of the law as to persons, or equality before the law; and third, the vital importance of regulating the use of state power by law, which requires some degree of separation between the legal and political spheres.

An exploration on the experience of other developing countries which have faced challenges implementing institutional reform concludes that an institutionally autonomous, depoliticised legal system and a merit-based civil service are key components. 'Quality of

government' data drawn from cross-national comparisons points strongly in this direction (see table 1).

Drawing on this evidence, three basic design principles relevant to PAR institutional reform can be proposed, including:

1. Institutional differentiation to allow the distinct logics of political, bureaucratic/technical and judicial decision-making to be developed and institutionalised
2. Mechanisms that make public officials publicly accountable for their actions by due process
3. Systems of independent monitoring to check that political leaders and civil servants are following norms of legality and impartiality in their dealings with the public

However, tackling these issues is the concern not only of administrative reform but also of constitutional reform. Thus, somewhat paradoxically, the agenda of PAR institutional reform in Viet Nam to date has been both too broad and too narrow. Some of the institutional reforms needed lie outside the administrative sphere; and appropriate administrative reforms need to be linked to, or coordinated with, these other reforms if they are to succeed.

The question then arises: ***Which PAR institutional reform strategies would offer the best opportunity of connecting with some of these wider issues?***

The analysis of two case studies of key areas of PAR institutional reform – one-stop-shops (OSS) and administrative procedure reform (APR) – help in identifying the potential for future gains. For example, OSS has brought about key improvements in the quality and accessibility of services and the accountability of local officials. Some reasons for local successes include:

- A strong reform team within the Provincial Government that supported local initiatives
- A bottom-up approach in which local administrators were asked to nominate PAR

projects based on local need and to bid for resources

- Clear identification of responsibility for project outcomes as a result of local ‘ownership’
- Active participation at local levels by key groups and stakeholders in shaping local projects to be responsive and appropriate to local needs
- An objective monitoring and evaluation mechanism to disseminate successes.

In the case of APR, where local resistance and reversals have been common, two additional important success factors can be noted:

- Strong central coordination by a team in the Prime Minister’s Office
- Active involvement by civil society in monitoring the implementation process

Additionally, however, these findings call for caution against a reform strategy that imposes high coordination costs and complex technical demands through a top-heavy process requiring the meeting of tight deadlines. PAR implementation to date has suffered from a ‘compliance mentality’ bred by such mechanisms.

The lessons drawn indicate that future PAR institutional reform and projects should be appraised as follows:

- Do they improve consistency, simplicity and clarity in rules and procedures so that citizens can know their legitimate expectations about service delivery?
- Do they provide mechanisms for making claims (including appeals where needed)?
- Do they ensure that these expectations will be met and claims will be resolved through impartial treatment?

- Do they empower local officials who have a stake in seeing these expectations are met and claims resolved?
- Would such local officials receive direct support and encouragement in a simple and effective manner from higher levels in the event of obstruction?

To offer the best chance that PAR reforms will support a deeper set of structural changes, a range of measures, in addition to the implementation of OSS and APR, could be considered for appraisal under these criteria, such as various access-to-information and related ‘transparency’ reforms; citizens’ complaint mechanisms; administrative tribunals; and ‘citizen charter’ and ‘scorecard’ mechanisms involving citizen and client input into service quality assessment. A focus on appropriate PAR reform projects can bring about ‘bottom-up’ incremental advances in support of wider institutional reforms.

For further details, please see:

Painter, Martin; Hà Hoàng Hợp and Chu Quang Khôi (2009) **Institutional Reform for Public Administration in Contemporary Vietnam**. In *Public Administration Reform and Anti-Corruption: A series of Policy Discussion Papers*. United Nations Development Programme (UNDP) Viet Nam. At www.undp.org.vn

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Table 1. Cross-National Quality of Government Research Findings

Outcome Variables	Rule of Law	Government Effectiveness	Low Corruption	Effect of QoG
Life Expectancy	+ .62*	+ .44	+ .37	Positive ++
Env. Sustainability	+ .50	+ .51	+ .54	Positive ++
GDP / Capita	+ .88	+ .87	+ .87	Positive +++
GDP growth	+ .10	– .00	+ .20	Positive
Inequality	- .44	- .44	- .46	Positive ++**
Human Dev. Index	+ .71	+ .73	+ .70	Positive +++
Good Society Index	+ .83	+ .84	+ .83	Positive +++

* Correlation (r)

** Less Inequality

Source: S. Holmberg, B. Rothstein, N. Nasiritousi. “Quality of Government: What you Get”. QoG Working Paper 2008:21, Quality of Government Institute, University of Goteborg.