

CORRUPTION RECOGNITION AND ANTI-CORRUPTION MEASURES IN VIETNAM NOWADAY

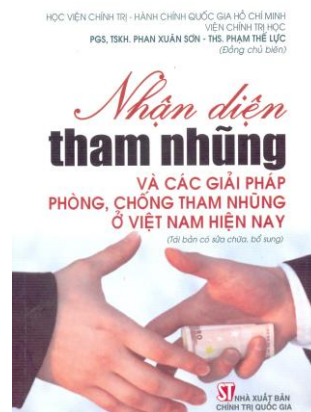
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Summarized by
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Chapter 1: Theoretical and practical basis to recognize and set up anti-corruption measures

Corruption is a serious problem afflicting the State. Therefore main nature of researches on corruption and anti-corruption measures is to study the State, its organization and power expression. In the first chapter of this book, the authors clarify basic theoretical issues such as public power; the deterioration of public power and corruption; giving an overview on corruption situation in the world; and consequences of corruption.

1. Public power plays its role in maintaining general social order and protecting the nation from external harms. After the foundation of a nation was the foundation of a team of bureaucracy officers that started a long development process of a society managed by a state and it's also a beginning of state power degeneration. Under this society, State officers are



used to demanding an amount of money outside of fixed charge or taking commissions on the fixed charge for whatever they

do in their job and the civil servants should take money out of their pocket to those officers if they want their submitting tasks be quickly accomplished. Or it can be said that state officers remain their survival by these under-table-money. This problem is popular in any bureaucracy nation and these acts started to be denounced as “corruption.”

2. Corruption has existed long before but until 1990s it's really rampant and warned as a serious danger to all nations at any political regime and social- economic development level over the world.

There are various ways to understand the definition of corruption. As considering by UN as well as defined in legal system of many countries including Vietnam, corruption only runs within public organizations under state power. In a larger understanding, European Council found it in both public and private areas. Corruption includes the act of bribery and any other acts of officers working in state or private organizations of demanding illegal money for his individual or other. According to International Transparency Organization (IT), corruption is the act of abusing position, power or doing illegal actions to meet his individual purposes. The nature of corruption can be expressed in this formula: Corruption = monopoly + suppressing information – explanation responsibility...

3. Corruption causes many bad harms to the economic development and be considered as a factor weakening the market: it's similar to a kind of "tax" that creates a barrier to any participation into general market; badly affect to legitimacy of the state; and block all ability of any market support institution. Also corruption damages the culture. Under variety ways, corruption has become a "lifestyle" of the society and a serious risk to all nations including Vietnam.

Chapter 2: Corruption situation in Vietnam - recognition, features, reasons and problems

1. In the view of President Hồ Chí Minh, corruption comes from the alienation of state power and lack of democracy. Lack

of democracy can be considered in two sides: firstly from side of state officers who are bureaucratic and imperative. They are used to "far from people. Scorning the people. Untrusting the people. Being afraid of the people. Disunderstanding the people. Not love the people... Even fool or threaten the people"; second reason is due to poor understanding of the people. If the people have full knowledge and totally oppose the corruption, the officers have no way to harass for bribes. Nature of corruption is individualism, an official with his power but without conscience will harass for bribe, takes public assets to his own pocket. President Hồ Chí Minh had said corruption is only erased if the individualism is completely vanished, when who breaks the law will be crackdown.

2. Recognizing corruption through Resolutions, Instruction of The Communist Party of Vietnam (CPV). The definition "corruption" was officially firstly used in documents of 6th National Delegation Congress of the Party (1986). Before, "corruption" was applied to such behaviors as bureaucracy, extravagant, abuse of power, bribery, degradation of morality... or named as "negative phenomena".

Later, corruption and anti-corruption issues have been discussed more deeply in documents of next congresses of CPV to find out reasons, situation and anti-corruption measures. In the 4th Central Congress of the CPV (term IX) announced on the expansion of corruption to other areas including

education, healthcare, culture, society, legal protection... and the people feel discontent in front of this situation.

At the same time with recognizing corruption activities as well as its harms, the CPV has proposed anti measures basing on its nature and damage. However, this is really a fierce battle.

3. By considering corruption through Corruption prevention Law (2006) and Vietnam Criminal Law in 1999 (edited), the authors see that these Laws has given out a very clear definition of corruption, which activities are regarded as corruption, how to find the reasons, which sectors that corruption usually occurs in and how difficult to prevent corruption. However, these Laws concerns only on public corruption where high position holders in offices of CPV, Government and other political – social organizations, not mentions on corruption in private sectors.

4. During studying on popular corruption forms in Vietnam nowadays, the authors found that the typical forms of corruption occur in economic area. It's taking place at large scale but not determined accurately and completely. Until the moment, just 5% of total cases were exposed. Due to financial publicity is done limitedly and under formalism, through investigating on expenditures, assets it may indirectly show out the real big income of some corrupt officers: house, vehicles, living ways (eating, going abroad...), costs for children studying in abroad from elementary level... Without any exact figures but

the percentage of corruption may reach to 2% of total GDP as estimated.

Expressions of corruption in economic field are various and can be classified in different criteria: public corruption (as above) or private corruption (officials have authority in private companies abusing their position with self-interested actions to take money for themselves while it damages to the company); small scale corruption (occur daily and regularly by abusing the authority to perform incompleted functions in such places as land office, Customs, tax office, civil registration office, traffic police...) or large-scale corruption (related to big invested projects that capital comes from the State budget or ODA fund like the case PMU18, poverty alleviation programs funded by ODA building rural roads...)

Corruption takes place across overall economic sector, in state enterprises, monopoly state enterprises; under the form of "evil triangle" between state offices, commercial banks and state enterprises; monopoly and closed in investment funded by budget capital; the combination between private enterprises and some government officials; taking advantage of ODA and FDI; in basic construction sector; as well as financial, budget management and public asset management; in area of credit and banking...

In addition, corruption is seen in political and administrative areas; in judicial sector; in staff arrangement; in education sector (in stage of enrollment; marking, contribution amounts; tutoring,

supplying study equipments...); in process of implementing social policies.

5. Through results of some researches and evaluations on corruption situation, the transparency of authorized mechanism of some nations and in several sectors of both Vietnam and other international organizations such as IT, PERC...the authors identified that the corruption situation in Vietnam currently is in the warning rate. Even this rate is not too serious with current real social development and political stability but it helps us see through the weakness in the leadership of the CPV as well as the management of the Government, especially the poor performance of anti-corruption process.

6. Typical features of corruption in Vietnam nowadays:

- *Negative side of Vietnamese behaviors is a favourable environment for corruption.* The reason is due to Vietnamese people heavily live on "love" and prefer to living in peace. This way of life along with seeking for gain creates the attitude of indifference, pessimistic and running away from conflictions. This reality becomes a favorable condition for greeder.

- *Corruption in Vietnam has typical features of corruption occurring in developing countries and in economic markets that are on transition from planned concentrated market into market economy.* The absence of institutions, the imbalance of political, economic and social systems makes the rampant of corruption.

- *It's difficult to officially detect a case*

of corruption due to the cover up of civil service system. It's not easy to discover corruption at any country but in Vietnam it's more difficult. Everyone knows that corruption is now polular in the society but no one has evidence of it. Officials and civil servants with their small salary are still able to have a normal life, even a better life, lots of them have several houses, lands, big assets but they can not be assumed as corrupter. It proves that corruption is hidden by system of authorization (due to corruption occurs mainly in public areas).

- *Corruption continuously takes place in system of low wage-paid officials.* According to research of the authors, higher wage will help them more honest.

- *Corruption in system of uncompetitive and irresponsible officials.* Considering several researches, the authors believe that competition helps reduce corruption cases, by withdrawing power of approving authorities, allowing supplying monopoly services instead of competition between enterprises. Due to current procedure of selection, using and proposing staff in Vietnam, it can not apply any responsibility to any individuals, leading to much derogation during previous times.

- *Corruption usually associates with extravagant.*

- *Corruption blooms in society of pessimistic residents.* Vietnamese people have made great contributions to social living in general and anti-corruption process in particular. Currently, around 90% cases of corruption were discovered by the people and press.

However, such limitations including firstly being administrative, lack of independence and active and then uncompleted supervision mechanism, ability and effectiveness in action of political – social organizations as well as social institutions during anti-corruption process are hindered.

7. Some basic reasons causing corruption in Vietnam nowadays

a. Deep reasons expressing the root and nature of corruption: first reason comes from deeply inside of state organization and power institution. We can see that the level and scale of corruption depend on how the public power is formed and implemented, and how to control this public power? In first aspect, corruption occurs due to public power is not formed under a democracy way and implemented transparently. Unreasonable arrangement in public power led to power concentration at other organizations; in the second aspect, corruption is inevitable consequence of uncontrolled public power that causing abuse of power and authoritarianism.

As reality shows, political power in Vietnam is mainly controlled by Party apparatus but the management ability of the Party as well as of its organizations, members is not suitable with its scale on both theoretical and practical sides. Considering only about the management method of the Party to the State, despite many Resolutions, especially the Resolution of 5th Conference of 9th Central Executive (2007) had given many strong solutions but actually not

any active change occurred.

The second reason of corruption is by seeking, greed and selfishness or in the words of Uncle Ho it is “individualism”. However, it can be sure that if the system of state power runs rightly, no one can do corruption.

b. Specific and direct reasons:

Objective reasons due to our country is developing, under this period, the management skill is not newly updated, living standard is low, and legal system is not perfected; Vietnam is on transition process of mechanism, hence both the new and the old exist parallel; and due to the badly harm of market economy and left-over outdated cultural tradition.

Subjective reasons due to late renovation in political system, effectiveness in operations of state apparatus; morality of a part of officers and party members is degraded, staff management and training activities have poor quality; policy mechanism is not fully completed and inconsistent; administrative reforms are not as expected, “ask-give” action is still heavy causing exaction, extortion, bribery and bribing to buy procedures.

Chapter 3: Prevention and anti-corruption in Vietnam- facts and rising problems

Present political determination in revolutions of the National congress delegates X (2006) “The party, political systems, and all people must have high political determination to fight against corruption and extravagant.”

The 3rd meeting of Central Executive Committee X (2006) discussed and

issued Resolution about strengthening the leadership of CPV in prevention and anti-corruption and extravagant with specific objectives, clear views, drastic policy, synchronous solution to promote strength of CPV, people, full force and policy system in this problem. In this struggle, carders and party members are leaders.

2. With political determination as above, in general, 20 years since Vietnam has innovated with many drastic policy, specially from The 6th (second time) meeting of Central Executives Committee III (2003) up to now. Anti-corruption and waist fighting have some achievements as below:

CPV and State issued many resolution and documentation made clearly the meaning, task, target, and main solutions to fight against corruption and extravagant.

The CPV Committee and Government at all levels paid more attention on inspecting construction, land management, practicing thrift, and anti-extravagant.

Congress and People's Councils at all level spent more time on mornitoring to prevent and anti-corruption, in which focused on monitoring enforcement law in this field, implementation national key projects, and handling some case that public interest.

Inspection Agencies, Audit, Police, Procuracy, Court have been consolidated in jurisdiction, action mechanism, organization, staff and facilities. Monitoring, inspection, prosecuting actions and trial actions was increased, it

shown the perspective more and more determinative in acts of corruption.

These actions have positively changed, ensured the strictness of law. Many party members, government staffs were sanctioned, some people were senior officials from Party Centrals, Minister, Vice minister, Secretary of Province, President and Vice of the provincial, it overcame "high beat but lightly soiled" or internal sanction or did not sanction. Many serious services corruption from along ago stirred in people which were sanctioned for right people and true crime such as case in Mùòng Tề - Lai Châu, Lã Thị Kim Oanh in Ministry of Agriculture and Development rural area, PMU 18 in Ministry of Transportation...

People's role in monitoring in prevention and anti-corruption, extravagant upgraded and practically contributed. Agencies positively found many corruption actions and extravagant, and strictly sanction.

The CPV organized many classes to learn Party resolutions, study and follow the moral example of President Hồ Chí Minh, learn about Communist Party, about President Hồ Chí Minh, and achievements in 20 years of *Đổi mới* (renewal)...

At the end of this chapter, Authors showed the limited and main reasons for this weak in prevention and anti-corruption in Vietnam. Authors resulted the reason for giving under table money come from 2 objects "corruption officials and corruption giver". But, roots of this problem are the Government and state's responsibility.

Chapter 4: The solution to increase effectively in prevention and fighting against corruption

Basing on these articles as above and from experiences in prevention and fighting against corruption from USA, Western Union, Russia, Singapore, Korea and China; determinate resolution on Increasing the Communist party's role on prevention and fighting against corruption and extravagant in Administrative Central Committee copy-chapter repository X, authors published some solutions to accelerate the task on prevention and anti-corruption in Vietnam.

First, the CPV must have policy determination with anti-corruption. Here is the first and very important element in this strategy prevention on anti-corruption, because this element will decide strategy on anti-corruption is successful or not. Beside it, anti-corruption enforcement need include the commitment from all Policy System offices, specially Senior Officials, and leader from State and Government at all level.

To make the fighting against corruption more and more effective, CPV need widen the action in community and people, make pressure and request officials strictly sanction corruption actions, and corruptioners can be stand on and staff, officers are responsible on this fighting.

Second, more effective on fighting against corruption have to solve from the root, is to effectively innovate the policy system's actions, firstly from content,

way to ride of Party and State management, there are two "main" and "central" elements in organization system and power.

Third, issue power controlling institutional in State and the Government, The more this action detail and tightening the more power be controlled tightening, special in field always happen corruption.

Fourth, increase the People control supervisory, and multi media in fighting against corruption.

Fifth, push reform socialist planned market economy. Need identify State's role in market economy; Push up diversification of ownership; Erase the derelict properties in all fields State's ownership; Make fairly competitive environment in all economic sectors; Reinsert and improve policy, law of economic, PAR. Strictly State's and state enterprise's capital, and property management. Implement financial supervision, and develop labor's supervisory authority and request auditing in these enterprises; Innovate and complete policy planning, issue laws of economic, strictly punish with economy contract which have corruption elements.

Push up administrative renovation to upgrading the capacity in State official's management. Must identify the role and responsibility of each office, organization, person, officials be suit with administrative management requirement and actions on public service supplying in renovation period; Need concentration to solve the

difficulties on mechanism and policy as salary, and officials income. Anti-corruption should be review, adjust and focus on sensitive field where easy to corrupt, follow priority “up to down” and “inside to outside”.

Sixth, Establish and apply an official moral in all of official actions. Do well that, need build and apply a regulation to ensure the Party member’s, official’s purification following Law of prevent and anti-corruption. In this education need appreciate moral value, study, and learning of government officials.

Seventh, encourage and honor government official and servants’ in their works, improve servant’s selfish behavior in PAR.

Eighth, adjust, innovate salary system, bonus to government officials so they can live lining on salary without under money table or money from corruption. Although, salary system innovation need accompany with systemized solution such as reducing regulation complex, increasing inspection, monitoring. Separate the senior officials have more opportunities to corruption... we can reduce corruption.

Ninth, perfect the staff and servants mechanism, increase servant’s effective management and punish official’s staff with corruption sign.

Tenth, upgrading the social awareness about signs, causes and effects of corruption. Inform to people aware of corruption and fight against corruption.