

SOME PROBLEMS ON CONTRADICTIONS, CONFLICTS OF INTERESTS IN CURRENT SOCIAL LIFE IN HỒ CHÍ MINH CITY

HỒ BÁ THÂM^()*

The benefit subjects form at the form of populations or social groups which has independent benefit and from that makes the benefit groups/corporate. The impact between the groups that make not only the interest similarities on the manner of mutual benefit but also to form the opposition, the benefits disputes, frictions, conflicts of interest. Therefore, if subjectively having the right policies, prevention and timely treatment may limit the unnecessary conflicts. Conversely, if we fail to promptly review and evaluate, from which propose guidelines and basic solutions to prevent, and resolve. The appearance of conflicts of economic interests can lead to social political conflicts, which will be unpredictable complexity, as more or less happen in the real life. From the initial results in the study "The contradictions, conflicts of interest in social life in Hồ Chí Minh city in the market mechanism: the current status, trends and solutions" (mainly in housing, employment use, education and health), in this article we introduces to readers some of the main results of the study.

I. Some results through the situation research

By analyzing, real research on some of contradictions, conflicts of interest in social life in Vietnam, mainly in Hồ Chí Minh city, there has three types of basic social subjects as seen on the level of generalization, such as: 1) The state which officials are representatives 2) the subject components as the group of investors, production and business; 3) a group of workers, the population, consumers which are benefited from the investment, business or manufacturing activities on the field of economic and social security. When viewing from the perspective of contradictions and conflicts we see contradictions or conflicts of interest are between: 1) the state government and the business or investor group 2) the group of investors and business with a group of workers, or 3) between state government and

^(*) Dr., Head of thesis Ministerial/City level "Beneficial contradiction, conflicts among social life in HCM city in market mechanism, practice situation, development tendency and solution (mainly in real estate, labor use, education and health care) 200 pg, 2011.

citizens groups - laborers, or 4) between the investors and producers together, or 5) between a group of investors which are State enterprises with the State - Nation... Overall, the types of contradictions and conflict of interests overlap quite complex, especially the housing sector.

The above situation shows that there are many objective and subjective reasons, but most importantly due to missing, outdated and inadequate both in terms of attitudes and institutions. But these tricks caused by selfish benefit from government officials when performing their tasks are quite common. Meanwhile, many investors are aware of the profit from loopholes policies, laws and some corrupt officials. Conflicts of interest between the groups seem to be the inevitable consequence of the growth of market economy and industrial society when policies are still inadequate. If we failure to amend and supplement the law, innovate, strong reform and improve the state management, it is difficult to prevent the above complicated situation.

The situation of contradictions, conflicts of interest in social life in Hồ Chí Minh city and its cause has common characteristics of the whole country and also has manifestation of the local - the city which is the most dynamic development and the most complex in Vietnam. Therefore, when studying to solve this problem, we must base on the situation of Hồ Chí Minh city. These conflicts of interest arising from the impact of the guidelines, the policy will increase if the management mechanisms,

social and economic operators are still backward, thereby it will obstruct the fast and very complex movement of economic market with fierce competition. Conflicts of interest arising from the impact of the guidelines, the policy will reduce, if the State adjust policies, appropriately and Hồ Chí Minh city speeds up to reform and build the model of modern urban government, creating "space activities" for the formation of "civil society" in which the ability to adjust and regulate social conflicts, contradictions, conflicts of interest will be more effective and limit the unnecessary conflict of interests.

Notably, at present, there are still many long- day outstanding lawsuits. According to the Government Inspectorate, in the first quarter of 2009, the number of citizen complaints and denunciations in the local lower than the first quarter of 2008, but complaints over the central level increase. At the reception office of the citizen of the the State and Central Committee in Hanoi and Hồ Chí Minh City received 5,178 visitors (up 34.63% over first quarter 2008), 102 groups of people (up 15.91% over first quarter 2008) who go to there to state 1,323 cases. Such conflicts of interest are both up and down.

General comparative evaluation in three areas of research shows:

Firstly, the overall condition of the contradictions, group interest conflicts.

- Conflicts have many contradictions (ranked from highest to lowest): a) the high type: between investors with the people: 88.3%, between the State and the people whose land was revoked:

84.1%, between employers and workers: 80.1%; b) the medium type: between the investor and the people who get benefits from health: 49.9%, between investors (health, education) and state agencies: 43.7%; between the investors and the people who get benefits from first education: 42.7%; between people who get benefits from (health, education) and state agencies: 38.4%.

- From high type to low one, the most intense conflict today is: between the State and the people whose land was revoked: 48%, then between the investors with the people: 34.8%, between employers and workers: 14.9%, between investors and state agencies: 7%, between investors and people who get benefits from health: 1.7%. These contradictions and conflicts shows, the groups which have the advantage are the one which have the economic power, profession, or power management and make corrupt use of these advantages, or take the advantage of created legal gap, such as investors groups, business and disadvantaged groups, losses benefit groups.

- The most damage group (high to low) is: population groups in the projects: 89.6% of comments; group of the state and people in general: 63.1%; group of investors, or group of State management only: 3.1 - 3.9%.

- The group benefited the most: the group of investors, trading profit groups 89.31%, managers groups, civil servants seeking profit: 68.3%, while the State and People: 5.1% - 3.1%.

Secondly is the role and intense, positive and negative nature of interest conflicts.

We can say that conflicts of interest have both positive and negative sides. But through a deeper and comprehensive review, awareness and how to resolve the contradictions, conflict of interest will contribute significantly to the fight against corruption, wastefulness, social stability, ensure equality, consensus, social progress and promote democracy, innovation and sustainable development. This is consistent with the results of sociological surveys, as follows:

- The role and nature of conflicts of interest have both positive and negative sides: 59.2%, including: negative 35.5%, positive 28.9%, contradictions, conflict with social nature 55.1%, contradictions, conflict with the class nature: 24.7%, severe: 30.7% normal: 22.5%, long term: 49.7%, temporary 26%, not large explosion 33.4%; big boom: 15.7%.

- Negative effects are larger than positive one: 35.5% and 28.9% or 21.5% and 10.1%. And many ideas are still long: 49.7%, temporary 26% or 16% and 1.7%.

- About crowded petitions, the majority opinion is litigation rather than protest: 69.3% and 19% or 48% and 4.5%.

- But the idea which has both litigation and protest was 57.3% or 47.5%, mainly in litigation, but still show signs of protest.

Thirdly, about the causes, the majority consensus is the lack of democracy, lack of equity: 82.2%, due to inappropriate planning: 81.1%; due to inappropriate policies and guidelines: 79.8%, due to awareness of the law of the people is low: 77%, by self-seeking officials, far

from population: 76.8%, due to the inspection, inspectors are not objective: 73%, due to market mechanism: 70.4%; due to poor staff capacity: 69.5%; due to party organizations and party officials who less exemplary: 68%, due to the weaknesses of civil society organizations: 60.3%. That means most have emphasized the main cause is from the management activities of state and government, especially civil servants directly perform duties at all levels (on both aspects of capacity and moral alienation), violations of the law, avoid the law, self-seeking. In the area of worker strikes, the majority opinion said that all employers violate of labor law (opinion of workers: 41.6%, the union opinion: 65.5%, employer's opinions: 83.4%).

The conflict of interest in Vietnam and Hồ Chí Minh city is generally presented no big conflicts / or less likely to big conflicts. The conflict is often small. As we began to develop new markets and be at the initial distribution level of benefits; more people also believe in the leadership of the Party, whereas not have many factions. The Party and government adjust and settle step by step of all small conflicts on time. We also limit the spread of these. But crowded petitions with litigation still occur, sometimes less, sometimes more, sometimes tense, sometimes loose. Finally is in the mind and the range in the resolution of the Party and State governments at all levels.

Fourthly, development trend of the phenomenon of contradictions, conflict of interests in Vietnam in general and

the Hồ Chí Minh city in particular, rely heavily on forecasts of economic trends, trends in urbanization, forecasts of economic condition and the global environment.

How trend of contradictions, and conflicts of interest express?

In the context of many impact factors (such as market economy is enlarger more expanding into the fact, its mechanism enter into integration to the world economic system, when we are the member of WTO, and especially over the recent financial crisis, from the process of industrialization and urbanization to the slow and inadequate, somewhat subjective in the policies mechanism and laws with apparatus of the current staff) will also give rise to the complex conflicts of interest, due to the process of reproduce a social structure which is increasingly fragmented and unequal. The development of market economy leads to the appearance of corporations and more diverse benefit group. These appearances have positive side when having the correct and reasonable impact from the policies and laws of the State in the balance of interests among stakeholders. But they will also give negatively impacts if the policy is not near, right and unsuitable.

Through sociological surveys (the respondents) answered about common impact factors causing conflicts of interest show that the impact of market economy is the most reviews: 81%; policy shift: 78.3%, wrong provisions of the State management agencies: 67.6%. About the major factors affecting trend

of contradictions, conflicts of interest show that: the wrong provisions of the State management agencies: 32.5% (highest) market economy: 21.8%, policy shift: 21.9%.

Thus, the most influential factors to the direct conflict of interest are a matter of institutional, policy and law. In general, on the object with level theory, the idea of the impact of market economy and the errors in the policy, or policy shift have nearly the number of reviews, but many more ideas remain on economic market, in some people with high-level reasoning, the idea in favor of the policy shift (88.5% compared with 85.4%).

The contradictions, conflicts of interest on a number of fields will appear, although sometimes reduced but sometimes increased.

Contradictions, conflicts of interest and the trend of workers struggling against the infringement of their rights from the majority of employers in general may be illegal, but would bring more legitimacy, rules (means that strikes with not rules will reduce) when the Union Law and the Strike Law are amended, but can not be reduced immediately (in the Hồ Chí Minh city, from 1995 to 2002 having from 25 to 46 strikes each year, then from 2006 to 2007 was 115 and 109, increasing by 2-3 times).

Vietnam society are forming a network of contradictions, conflicts of interest at many layers, many levels and complex field that the above analysis is only a small part, although there is typical and pressing sides. On the housing sector, contradictions, conflicts still occur even between different state agencies (in the

field of public land use). On the enterprise sector, the strike of workers is increasingly larger, more populated, longer days. On the field of education and health, from the insidious one, it also began to have break-out conflicts.

Fifthly is the actual conflict resolution.

When conflict occurs, both parties are trying to solve. For example, in the strike sector, from 1995 to 2006, 95.24% were cases of employers taking advantage of meeting the demands of striking workers, of which 40.90% according to the needs of workers; 54.34% employers committed to solve; 4.76% employers do not meet the needs of workers.

How to resolve conflicts of interest of the authorities are generally not appropriate more than appropriate. Particularly in the health sector, it is more appropriate than not appropriate. The sector which is not the most appropriate is housing one: 31.3% of comments and 18.6% of appropriate comments. In other sectors, appropriate and inappropriate comments are almost equivalent.

It can be said that interest conflicts group arising from the impact of the incorrect policies, can possibly limit to the minimum gap, the insufficiencies that those can seeking to take advantage of the benefits for a small group if you build up a mechanism for the review, monitoring and operating mechanism, strict scientific management, regular inspection, examination, and strict treatment of violations. This is important when we change the system of thinking and institutional system which is the

barrier of development. From which we not only building the law state of the people, by the people and for the people, but also the state of tectonic development," the state which can prevent and resolve conflicts, at the same time, there is a communal civil society with high civilization development to show true ownership of the people from the grassroots.

II. Some of the raised issues

(1) "If the big corporations have a role which we call the state status, they can have more power that they can create impacts on the government's policies. Then the Government could be standing on the interests of these groups rather than the interests of the people." There is more number of interest groups that have the support of the officials. The worst scenario could happen is a huge asset of the people will no longer belong to the State. Do not stop here, interest groups are and will be entering the policy formation process to utilize all the advantages. To prevent this situation, only having management tools – that is the law - is not enough, because power is supported by the money they can do anything. The fact that, in many interest groups, instead of investing in the economy, they have "invested" in a number of officials to find business advantages for themselves. So the problem here is the people in power apparatus and transparency in all policies to create fair competition between interest groups, to limit their attacks to the formation of policy. It would not be easier if national leaders absent a clear heart.

(2) We supposed that *if we slowly in repairing the Land Law fundamentally and slowly in recovery in land management (including issues of property rights and price)* and continue to loose land management and public assets attached to land, having no new forms replaces the overlap and the condition of fraudulent of governments at all levels, we can not only waste enormous resources of the society but also create fertile ground nurtured corruption and waste, create more environment for corrupt officials, and these are the causes of damage or loss officials and prolonged conflicts of interest, loss of the people's confidence.

(3) If not *forming the tripartite coordination mechanism* and a union based on the civil society's nature and model with a certain independence, combined with the strong enough organizations and social groups in civil society, and if there are no legal provisions, the stricter sanctions to remedy the conditions of business owner looking pinched tricks, invasions of the rights and legitimate interests of workers the strike situation and especially the illegal strike went ahead, killing all three parties benefits including the workers, the government and the enterprises.

(4) *If the education and health sector, have no uniform, rational, progressive reforms and social development management policies, if have no strong enough consumer union with clear specific legal system, especially on safety, proper social welfare, justice of the State, and if we stretch the inadequate as now, the responses of*

conflicts of interest which also implicit from agents causing a conflicts, will be increasingly more outbreaks.

(5) *When the state administration sector continues to mistreat the people*, the people's representatives is heavy in form, not really siding with the people for review, supervision and without a strong reform from the State, especially the administrative system, investment policies and laws, institutions, continue to the bureaucracy, authoritarianism, mistreat the people, distant people, disrespectful people, continued conservative or too hastiness, the gap will arise for corruption and waste, and increase conflict.

And when the political system and social system is passive, sclerosis, lack of control mechanisms, effective monitoring, and lack of democracy, lack of publicity, transparency and weak civil society are forming; Fatherland Front and social organizations are formal, one-sided dependence on state administration, the Communist party, not forming a "democratic partner of the Party and the State," not independence with State because of the goal of democracy, contradictions, conflicts of interest would arise.

(6) Looking more broadly, we see the mafia state - profiteering and even "partial benefit," when making laws and policies in the above situation, is to increase the group / conglomerate who seek profits (and also the most ominous, largest, hazardous from a number of officials and public privileges employees) and the risk of conflict of

interest in our society in many fields, many levels.

(7) Hence, without civilization society, slowly in reform of state institutions, not rules of law implementation, such as decentralization and monitoring, power control in the system of state power, market power, it is difficult to combat abuse of power, spleen law, disregard for the law and fighting against corruption, prevent and remedy conflicts of interest.

(8) Trends and changes in conflict of interest also happen long and sometimes complicated, not only in the field of pure economic interests but also in the field of social - political benefits. These can involve, interact, and transform with each other. Now and in the future, perhaps, in some face, conflict of interest can decrease and but in other face it can increase. A very important part is depending on the policies and laws of the State and how to resolve this problem at all levels of government. If we do not plan to study and forecast, to actively grab the situation and have respond scenario appropriately, we will be embarrassed when it happens and it can cause political instability in society, disadvantages to the trend of peace, stability and sustainable development.

III. A number of proposals

Resolving contradictions, conflicts of interest to promote the innovation and harmonious, sustainable development, in our opinion we should be in sync with the spirit of strong reform of institutions and policies and legislation and to strengthen the review and supervision of the society. Based on the harmonious

combination of interests, but firstly is the national interests, priorities need to meet the interests of disadvantaged people, especially when there is to have conflict. Besides, to use the experience of other countries around the world which have similarities in the context of this work. Here are some recommendations.

Firstly, we need active theoretical research, policy and actual situation contradictions, conflicts of interest and other kinds of conflicts to have measures to prevent and resolve effectively, promote economic and social sustainable development. We need understanding of common viewpoint, towards the specific solutions on the principle of the methodology is to ensure uniformity, related information, creating breakthrough by key solutions to avoid the deflection of the benefits into one side or torn it in the process of development.

We stress the viewpoint of solving contradictions, conflicts of interest by seeing from the role of state government at all levels and the role of civil society organizations from the perspective of institutional and its practical operation.

Secondly, to reform basically and perfect the institutions of the market economy - legitimate state, civil society, which currently focus on social political institutions, not only focus on market economy or reform locally and trivially. For example, we need to have clear decentralization in executive bodies in the area of land acquisition (rights to stipulate land price, settlement of claims). This is the experience that many

countries have implemented within their circumstances and also the fact in many locals in Vietnam when dealing with contradictions, conflicts of interest. So we need to emphasize the state reform system and legislative, executive and judiciary activities, especially the administration, improve leadership and management of all levels of government and promote democracy, implement the best monitoring and social control mechanisms of state power, combine of benefits, interest groups appropriately, limiting the manipulation of self-seeking groups, prevention and avoid unnecessary conflicts which damaging many side benefits.

Thirdly, recently the Communist Party and State have special attention on this problem, but has not been mentioned in the documents of the X and XI Vietnamese Communist Party Congress. We propose that, the Party Committees, especially the macro level must address this issue in the near future. The State must have policies in particular, have laws to prevent and resolve conflicts of interest as some countries as some countries already had.

Scientifically, it should not stop at theory and methods of analysis of social strata, but to develop theories and methodologies as well as specific analytical methods on analyzing interest conflicts of groups, the relationship of interest groups, as well as methods of analysis of conflicts of interest in the conditions of social economic development process in Vietnam. In the model of social stratification, not only focus on analyzing class analysis, but

also focus on analyzing social groups, economic groups, especially interest groups which is an emerging structural component. It is very diverse, flexible and complex related to the contradictions, interest conflicts in the social group associated with the market economy mechanism. This is a new problem and it needs a new perspective in Vietnam. Fourthly, the development strategy not only aimed at economic growth, partially encourage businesses, investors, pay little attention to balance factors and relations in development strategies such as the factors of social security, culture, environment, disadvantage social groups, vulnerable groups.

We need have strategic solutions based on research, forecasting to limit and prevent speculation, and profiteering of interest groups. We need through state policy and mechanisms enabling the disadvantaged social groups, vulnerable groups who unluckily be excluded from growth margin." We should set out the criteria and quantitative targets in terms of society, culture and environment clearer, more accurate, and they must be placed on top to not be forgotten. We

need to pay attention on proposing the mechanism of high-quality social security, instead of investment and economic growth and slowly reform mechanism, outdated institutions. There should have laws which adjust and solve contradictions, conflicts of interest, avoid unnecessary conflict.

Fifthly, we should actively study the theoretical and practical situation of contradictions, conflicts of interest and other kinds of conflicts to have measures to prevent and resolve effectively to promote sustainable social economic development. In the future, conditions for the occurrence of contradictions, conflicts of interest in Hồ Chí Minh city will be more diverse, but actually occur more or less depends on the ability to regulate social rights of the management apparatus and economics operating. On the basis of the movement and the macro reform of the state, functions and responsibilities of the leader agencies, social economic management of Hồ Chí Minh city is to have further vision than the people to soon have forerunners decisions, if we have the forecast of scientific basis, it is the specific additional features to the macro vision.