

ADMINISTRATIVE REFORM

A HARD TASK

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Public administration was established together with an appearing of the state. Initially, public administration was considered as a tool of the government to rule the people. It has changed in a developed market economy into a means by which the government provides public services for people and business. By laws and regulations the public administration maintains social order and orients economic activities towards certain goals.

A regular progress of technology, the economic growth from time to time demanded changes of public administration to keep it abreast of development. Adjusting existing relationships within the administrative system is change; permanently renewing existing relationships is reform. Administrative reform is a political process designed by the government to adjust the relationships between bureaucracy and citizenry or within the bureaucracy itself in terms of improvement of laws and regulations, system of governmental agencies as well as administrative procedures.

Administrative reform is not only a preoccupation of developing but also of developed countries. Together with economic progress, Asian countries such as South Korea, the Philippines, Indonesia, India, Malaysia had national program for administrative reform in early 70s. Although the titles of these programs were different the goals of which were the same: improving effectiveness of governmental agencies to facilitate develop-



ment and to prevent corruption and bribery. In Singapore, the salary of public servants is as competitive as possible to ignore temptation of corruption and bribery. The Singaporean PM's salary is higher than that of Japanese PM or US President. In India, ministers are given free housing and cars; however, they will be removed by the government, if ministers get involved in corruption or bribery.

The main content of administrative reform includes: institutional reform, procedural reform, human resources and civil service, administrative jurisdiction.

Administrative institutions include laws, regulations and rules creating the legal framework for administrative and business activities. The aim of institutional reform has been

focused on improving relationships between government agencies and citizens; government agencies; and government agencies and both foreign and domestic investors. Together with the economic reform, Vietnam has adopted many legal regulations: the Law on Foreign Investment (1987), the Ordinance on Industrial Property (1989), the Ordinance on Inheritance (1990), the Corporate Law (1990), the Law on Private Enterprises (1990), the Ordinance on Housing (1991), the Ordinance on Civil Contracts (1991), the Land Law (1993), the Law on Environmental Protection (1993), the Ordinance on Marriage and Family between Vietnamese and Foreigners (1993). The 1992 Constitution establishes three types of ownership: state, collective, and private. All receive legal protection from the state. Rule of laws is common trend of developing countries to establish the state of law by the people and for the people.

Administrative procedure is a large number of forms and approvals. Comprising many ranks and unclear administrative procedures, they have changed regularly with approximately 120-150 kinds of fees. Current administrative formalities are a burden on people and business. Behind the red-tape curtain there are existing prerogatives and privileges. Legal documents are being distorted by unwritten organizational culture: *phép vua thua lệ làng* [Emperor's rule stops at village gate]. Vietnamese have a habit of looking out for an acquaintance in the concerned agency prior to going there. Yet acquaintanceship



makes people easier to get access to all kinds of official procedures. The procedures should be oriented towards clear terms and openness, emphasizing standardization, simplification, consistency and stability. In public agencies, forms, instructions, time of approvals as well as names, positions of officials, office's working time should be open to the public. Government officials should be trained in the art of communication.

Vietnam society is designed on a centrally planned economy, in which the private sector is very small. The recruitment is based on a system *biên chế nhà nước* [state regular staff], which is funded by the national budget. People of the regular staff work in the state sector such as civil services (government departments), political organizations (party institutions, youth unions), mass organizations (the Confederation of Workers, Vietnam Women's Union), cultural agencies, educational and health care institutions (schools, colleges, universities, hospitals, clinics) and state owned enterprises (in industry, agriculture, and services) which are all classified in one category: *cán bộ công nhân viên* [cadres and workers]. Civil servants were not classified as an independent category of the employment. The rough estimation showed 75% of public servants have not been qualified in specialized administrative tasks. Civil servant is a person who works in the Civil Service. Civil servants consist of employees in government agencies and non-productive institutions supported by national budget. They do not include people elected, employees at village administrative level, in state owned enterprises, police officers, military per-

sonnel, employees in party and mass organizations. Civil servants should be classified by ranks. They are recruited by professionalism.

Administrative jurisdiction is a new concept in Vietnam. A long history of Chinese domination and French occupation established a one-sided relationship: ruler-ruled in Vietnam society. Vestiges of the mandarin are in public administration such that imperviousness, overbearingness, and domineeringness can be identified in administrative behavior. The administrators behave with a sense of *ban ơn* [granting favors] rather than responsibility and obligation. The administrative behavior of people is sometimes like an asking and of administrators, giving. Although the 1992 Constitution affirms the duty of government departments to the people, administrative obligation is a new concept and there is a lack of an administrative jurisdiction system in Vietnam. It's time to consider the necessity of setting up a network of administrative courts in the country. The premise of the jurisdiction is law on public administration and law on civil servants.

The economic reform, in which the Vietnamese government pushed the economy to the free market, had the support of the people in the society. Administrative reform; however, does not get such support. Firstly, the relationship between administrators and administered is fragile and suspended. There is a lack of cooperation and a lot of mutual distrust between them. Both administrators and administered do not really care about the cumbersome and ineffective administrative system as long as they personally do not lose interests.

Secondly, the old habits of working style, psychological worries about changes and unwillingness to re-examine existing values are obstacles to the reform. Thirdly, a group of state employees will lose their privileges and vested interests from the changes, such that resistance can occur in various forms to the administrative reform. Fourthly, a lack of resources is the economic barrier to the administrative reform. And finally, the administrative reform takes a long time in progress and slowly gets a tangible results, such that can happen to the reform by *dầu voi đuôi chuột* [a mountain bringing forth a mouse] or *dánh trống bỏ dùi* [to start an undertaking and leave it unfinished].

Reform based on modern norms without operational feasibility in terms of staff, technical requirements, and financial constraints, can be reduced to formalism. Public agencies should be reorganized to facilitate defined programs of social and economic progress. The goal of reform should be to maximize the use of limited resources in the right place and at the right time through getting broader participation, especially of research centers and universities, strengthening confidence in domestic expertise. The administrative system is conceived as a sub-system of politics and a part of the political reform process.

The contemporary history of the country experienced that social stability is the first concerned problem. Any attempt to reform which leads to disorder and chaos in the society, will be useless. The administrative reform should be put in the context of the political reform process, which takes place carefully and continuously. The reform should be oriented towards the openness in government and administration, the mutual confidence in relations between the citizenry and public authorities. If the administrative reform becomes a national policy, not a local issue which will be allocated appropriate resources, thereby it would be expected to promote official loyalty, preserve stability of administrative apparatus; increase dependence on the rule of laws in administrative behavior. Although the administrative reform is timeless, there should be clear goals and objectives for the particular period. Professionalism is a major principle for the recruitment of civil servants. Finally, the international experiences of the reform should be studied seriously so as to avoid repeating the mistakes of others ■