In recent years the National Assembly of Vietnam has emerged as a respected institution in its efforts to strengthen its legislative, oversight and representation functions. Laws submitted to the National Assembly (NA) are undergoing lengthier and more in depth discussion than in the past, and increased attention is being paid to the development of monitoring and supervision mechanisms. In the recent October-November 2012 session, the 13th National Assembly spent two and a half days publicly questioning not only the three Ministers of Health, Industry and Trade, and Construction, but also the Governor of the State Bank, but also the Prime Minister. In 2012 the NA issued 35 monitoring and supervision reports on important topics, ranging from public investment in agriculture and rural sectors to land disputes. Clearly, the NA’s ‘giam sat’ – the monitoring of government activities and scrutiny of the government’s implementation of laws – has evolved significantly over the past two decades since the advent of doi moi.

The NA has long held formal powers to scrutinize State action, but it is only in recent years that the NA has institutionalized its right to question representatives of the government. The 1992 Constitution gave the NA increased independence, reinforcing its role as the supreme supervision authority for all the activities and operations of the State, with the right to monitor, examine and assess how agencies, organizations and individuals are implementing the law. However, monitoring and supervision activities during the 1990s tended to be ad hoc, irregular and overly formal, with little real scrutiny of government activity or impact.

Following the passing of the 2001 Law on the Organization of the National Assembly, and the 2003 Law on National Assembly Supervisory Activities, the NA began to increase its monitoring and supervision activities, commissioning reports and conducting questioning of officials. The NA’s monitoring and supervision work expanded with the 12th National Assembly in 2006, which defined ten thematic areas for regular oversight, carried out more supervisory missions across the country, and launched televised question and answer sessions of top officials, including cabinet ministers and even the Prime Minister. While the quality and consistency of ‘giam sat’ activities still varied significantly, at the end of its five-year term in 2011, the 12th National Assembly could point to concrete examples of where its monitoring and supervision had led to action by government on issues as diverse as planning regulations, management of golf course licensing, coordination of rice exports, capital construction projects, planning and licensing of small and medium sized hydropower plants, and regulation of gold and exchange markets.

The 12th National Assembly also introduced a series of initiatives to make monitoring and supervision more systematic. Issues were now grouped for the Q&A sessions, allowing deputies to pursue topics more coherently and in greater depth. Monitoring and follow-up of the implementation of promises made in question sessions was also improved. The NA now issues a resolution following each Q&A session, so as to increase clarity and accountability for the responses provided. The NA has also begun to conduct repeated supervision on issues such as state-funded capital construction. Returning to the same issues has allowed deputies to build up their base of knowledge and develop effective recommendations.

The important efforts of the 12th National Assembly aimed to institutionalize and systematize monitoring and supervision work, and the 13th National Assembly...
has continued to push this agenda forward. In November 2012, the NA passed a resolution that will enable its 500-member body to cast no-confidence votes on 49 of the most senior government officials, starting in 2013, with resignation expected of those who receive no confidence votes from two-thirds of the NA deputies across two consecutive years. This is a significant step forward, and it remains to be seen how this new resolution will actually be implemented.

Meanwhile however, oversight of government implementation of laws remains limited, given the current NA structure and practices. The Q&A component of the NA’s regular sessions continues to be an important means for the NA to demand answers from members of government on issues affecting the public interest, but there tends to be little follow up. Committed individual deputies have achieved successes in specific interest areas, but the paths they chose and the techniques they employ often rely on individual initiatives, rather than from a clear understanding of their powers or available mechanisms and methods for more effective oversight. With nearly three quarters of NA deputies replaced every five years, and the current cohort only having been in post since July 2011, there is a danger that knowledge and experience gained on oversight in recent years will be lost, effective models of monitoring are not developed further, and as a consequence the institutionalization of the NA as a base for effective scrutiny of government action is undermined.

THE RESEARCH

Given the context outlined above, in 2012 The Asia Foundation collaborated with the Finance and Budget Committee (FBC) of the National Assembly to document the NA supervisory experience for more effective government oversight. By drawing on the experience of a range of key players in the oversight process within the NA, government and civil society, the study provides an evidence base for improving the structure and approach of NA monitoring, as well as the awareness and ability of NA deputies to make the most of those opportunities.

Co-funded by the UK Government, the research was carried out through: a) a desk study of literature pertaining to NA monitoring and oversight activities; b) a series of focus group discussions and key informant interviews in Hanoi, Da Nang and Ho Chi Minh City, comprising NA deputies and former deputies, representatives of NA committees, representatives from NA delegations and People’s Councils, researchers, and select civil society organizations engaging with the NA in monitoring and oversight activities. The research focused on six main issues: 1) the concepts and objectives of NA supervisory activities; 2) the procedures for selecting and organizing supervisory missions; 3) the sources of information used by the NA in conducting supervisory activities; 4) the coordination in the implementation of supervisory activities; 5) the timing of supervisory activities; and 6) the results of NA supervisory activities and post-supervision follow-up activities. To illuminate these issues concretely, the research also carried out an in-depth case study analysis of a series of supervisory missions to nine provinces and one ministry, undertaken by the NA’s Economic Committee from March to April 2012.

RESEARCH FINDINGS

Increasing systematization of supervision, and the development of practical examples where supervisory efforts have made a contribution to improved governmental effectiveness, have been complemented by an improved regulatory structure and continued overt endorsement of the role of NA monitoring and supervision from the highest levels. Political reports by the Vietnam Communist Party (VCP) Central Committee at the 11th National VCP Congress in early 2011 reaffirmed the role of the National Assembly in monitoring, but also recognized current limitations, demanding improved supervision activities on “… decision-making and supervision of critical national issues, especially on national key projects, the distribution and implementation of state budget; supervision of judiciary agencies’ activities, preventing and working against bureaucracy, corruption and waste…”

However, there remain some basic conceptual, procedural and practical issues that limit the effectiveness of the National Assembly’s monitoring role. Some of the key issues identified by the research include:

The concepts and objectives of supervisory activities carried out by the NA are unclear. The boundaries between supervision and similar functions performed by other agencies and organizations of the government – such as check/control, inspection and investigation – are not clearly delineated. The current laws do not contain a strongly articulated legal definition of each function in relation to the others. Many definitions overlap, leading to a general lack of a clear understanding of the differences among those functions among all key stakeholders, from the NA to government agencies and the public. This problem has led to the perennial requirement of explaining and debating what supervision means during the course of each supervision activity. The scope and
the depth of what is an appropriate supervision activity are contested by the subjects of supervision, the public, and even within the NA supervisory teams. With limited time and resources, this structural uncertainty undermines the ability of supervisory teams to explore issues in depth, reach effective conclusions, and recommend implementable solutions.

Inflexible and uncoordinated rules and regulations governing the NA supervisory agenda and activities seriously and adversely impact on the independence and effectiveness of NA oversight. The NA, for example, must approve the supervision agenda annually. Once the annual supervision plan is set, however, there is no mechanism to amend it, even if an urgent issue arises during the year. Moreover, current regulations stipulate that only NA deputies can propose the targets of the up-coming supervision program. As such, even if government agencies have already identified issues that would benefit from NA supervision, they cannot recommend subjects for supervisory activities. This means that the foci of supervision are not as targeted as they could be.

Furthermore, the regulations that set down the structure and timing of supervision activities lack the coherence and logic needed to make them more effective and timely. For instance, the deadlines for the objects of oversight to provide information to the NA team mean that often reports are not available until the mission arrives in the relevant locality. NA deputies, therefore, have little or no time to study or request complementary information before the supervision mission starts. Independent investigation is also hampered by the fact that the localities for field work are typically chosen by the organizations/agencies being supervised themselves, thereby diminishing the integrity and rigour of the oversight being conducted. Finally, schedules for supervision missions allow the team only a couple of days in each locality. That time is often dominated by highly formalized senior level meetings, leaving little time for in-depth investigation.

It is challenging to recruit a supervisory team with sufficient broad experience. The current arrangements for selecting members of supervisory teams can also undermine the effectiveness of supervision. While team leaders are required to select a team drawn from representatives of the different groups within the NA, many NA deputies participating in these activities lack relevant capacity and experience. Part-time deputies find it particularly challenging to reconcile the intensive time demands of taking part in supervisory activities with their other commitments. While active and knowledgeable supervision mission leaders can use their influence to shape a professional and experienced team, selecting strong team members and allocating appropriate tasks to each of them, they are further constrained by the practice that the pool of prospective team members is typically restricted to the Committee responsible for organizing the supervisory mission.

The NA and its deputies lack access to sources of reliable information for supervisory activities. Although the assistance of support departments within the Office of National Assembly (ONA) is recognized, NA deputies are generally not able to access a wider range of reliable information beyond that provided by the agency or institution that is the object of the supervision. Again, this undermines the integrity of the supervisory team’s work. There are examples of a number of active NA deputies who have taken the initiative in collecting, processing and analyzing information related to their supervisory tasks themselves, employing thematic experts or engaging outside organizations, often expending their own funds to do so. This approach has gained considerable praise from colleagues, but is limited to those few NA deputies with strong networks and financial resources of their own that they can access. On the whole, coordination remains poor, with no systematic mechanism to mobilize pertinent contributions from outside agencies, organizations and individuals. Where they have been engaged it has mostly been done independently, under individual initiatives, and without any budgetary support.

There is insufficient follow-up after supervisory recommendations are made. Comments on this issue were consistent from a broad range of stakeholders. Currently, nearly all supervisory activities end with the completion of the supervision report, and little attention is paid to ensuring subsequent compliance with supervision report’s recommendations. This is due to the lack of post-supervisory regulations and mechanisms, and necessary supporting arrangements. But it also reflects the fact that most NA deputies are part time, and those who are full time have an overloaded schedule of competing tasks and assignments.
RECOMMENDATIONS

Based on the analysis of the data collected through desk research, focus group discussions and in-depth interviews of key stakeholders in the NA supervisory process, the research team produced two groups of recommendations for improving the effectiveness of NA monitoring and supervision. The first group is related to improving the Law on National Assembly Supervisory Activities and related regulations and guidelines, while the second focuses on improving the NA deputies’ necessary skills and access to information that would lead to more meaningful supervisory activities and outcomes. The latter set of recommendations can be achieved through the development of a handbook focused specifically on NA supervision and usefully integrated into current training programs for NA deputies.

1. Recommendations to improve the Law on National Assembly Supervisory Activities:
   - Clarify the objectives and practices of NA supervisory activities, and clearly differentiate them from the investigative and monitoring work of other government agencies;
   - Establish more clearly and with greater detail the responsibility and accountability of the agencies, organizations and individuals who become the objects of supervision by the NA, both to provide information and also subsequently comply with recommendations;
   - Establish an improved funding mechanism for supervisory activities, so as to enable NA deputies to gather a wider range of pertinent information;
   - Increase the proportion of full-time deputies in the NA overall, and particularly the proportion of full-time deputies in the supervisory mission teams.

2. Recommendations related to the skills of, and information for, National Assembly deputies to improve the quality of supervisory activities:
   - Increase the NA deputies’ knowledge and understanding of key principles of supervision and the legal framework of the supervisory activities, including the objectives of supervisory activities and the major differences between supervisory activities and activities such as inspection, control and investigation;
   - Introduce NA deputies to the rights, authority and responsibilities they have in the various types of supervision activities allowed under the Law on National Assembly Supervisory Activities, from reviewing laws to assessing government responses during the Q&A sessions, to responding to citizens’ petitions, to supervisory missions that the NA carries out;
   - Introduce NA deputies to the rights, duties and responsibilities of the objects of supervision in each of the various types of supervision, so as to more actively and confidently determine the most appropriate recommendations;
   - Provide practical guidance and skills on how to: identify relevant information sources, elicit information from official sources, work with experts, analyze documents, profiles and reports, assess the reliability of information collected, adopt effective approaches to cross-examination during Q&A sessions, and effectively contribute opinions to supervisory reports.