GRASSROOTS DEMOCRACY IN VIETNAMESE COMMUNES

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INTRODUCTION

A number of principles are relevant in examining the issue of democracy in Vietnam. There is an initial distinction between Asian Confucian values and the Western liberal values discourse. More unique to the Vietnamese context is the socialist guiding principles of centralised democracy (tap trung dan chu) that allows the central authorities to direct the flow of democratic rights to citizens. Within the international context, the movement towards the system of democratic government is reflected in Article 25 of the International Convention on Civil and Political Rights (ICCPR), to which Vietnam is a party, which obligates states to provide citizens the right to participate in public affairs, to vote and to have equal access to the public service. In gauging whether the Vietnamese system of government is fundamentally democratic, it is useful to gauge the Vietnamese system by reference to the general comments on Article 25 by the Human Rights Committee that provides for minimum democratic standards.

The issuance of Decree 29/1998/ND-CP in May 1998, later amended by Decree 79/2003/ND-CP in July 2003, by the Vietnamese government was an effort aimed at reinforcing the rights of the people at the commune and village levels to participate in local government affairs. The Decrees which outlines what the local people can say and do to influence local government decisions and practices is, in the opinion of one commentator, to provide training to the people at the village level to demand greater accountability and transparency by local authorities so that a transition to a more direct system of democracy in the future could be realised.\(^1\) It is interesting to see, simply by visiting the Government’s publishing house and bookshops, that since the issue of the grassroots democracy Decree in 1998, an abundance of academic materials on democracy has been published. Most of the materials of course reflect the Marxist-Leninist ideologies on democracy and commentary on other forms of democracy, in particular western liberal democracy, are often made in a negative slant.

\(^1\) Interview with Nguyen Chi Dzung Editor in Chief Law and Legislative Forum, December 2003.
What lies ahead for democracy in Vietnam following the grassroots democracy decrees is hard to predict. On the one hand there are those who believe grassroots democracy is a response forced on the government to set a path for greater accountability and openness and, potentially, pluralism in politics as demands by the people continue to surface. On the other hand, grassroots democracy is seen by others as having no real value and is only a means for the government to continue to hold a grip on power using grassroots democracy merely as an exercise in legitimisation. Then there is the Government’s view, which is that no evolutionary process is taking place and grassroots democracy is simply a reinforcement of village democracy which has been practiced since the Nguyen and Le dynasties.

This paper will provide an analysis of the grassroots democracy initiative by examining the legal provisions, the implementation of the Decree by local authorities and how grassroots democracy fits within Vietnamese politics and law. Part I navigates through the contradictory system of democracy in Vietnam by discussing the arguments which the Vietnamese authorities give to identify itself as democratic. A discussion of the paradoxes that make up the Vietnamese arguments and the explanations for the existence of those paradoxes will also be pursued. Part II focuses on the implementation of the grassroots democracy initiative, the rationale behind the Decree’s implementation and a presentation on the progress of the Decree in terms of the impacts it is having on local perceptions and values of leadership and democracy. Finally, Part III comments on the prospects for genuine democratic change by focusing on the democratic theories that might be acceptable for the Vietnamese conditions.

PART I THE VIETNAMESE DEMOCRATIC SYSTEM

1.1 Overview of the Vietnamese Democratic System

The text of the 1992 Constitution of the Socialist Republic of Vietnam has provisions that reflect a democratic system of government in which the Vietnamese people are

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3 Interview with Officials from Ministry of Home Affairs.
sovereign. They elect representatives to the National Assembly and the People’s Councils under the principles of universal, equal, direct and secret suffrage.\textsuperscript{4}

However, amongst the broad ranging rights given to the people there are limitations which are determined and controlled by the Government, the Fatherland Front and the Communist Party, the force leading the state and society. In the Vietnamese context rights granted are accompanied with duties and are usually placed in the widest terms. For example the duty to show loyalty to the motherland\textsuperscript{5} or the duties to respect and protect the property of the State and the public interest\textsuperscript{6} are capable of being interpreted widely to place heavy restrictions on any constitutional rights.

In Vietnam the National Assembly is the highest representative organ, with the power to amend the constitution and enact legislation.\textsuperscript{7} The Standing Committee is a permanent Committee of the National Assembly and its role, amongst other things, is to interpret the Constitution and the law.\textsuperscript{8} The National Assembly, the State President, and the Government comprise the centralised government authority and together they depend on the feedback on the implementation of laws, decrees circulars and other legal instruments by the local organs of State power being the People’s Council and People’s Committee of the Provinces, Districts and Communes. This hierarchical structure embodies the concept of centralised democracy which is the premise of the Vietnamese democratic system.\textsuperscript{9}

Democratic centralism is a Marxist-Leninist construction and is the basis for the Vietnamese socialist orientation.\textsuperscript{10} Democratic centralism revolves around the notion that the people are the masters who take charge through the collective leadership and representation of the Communist Party. That is, the central authority represents the individuals collectively and leads according to the will of the working class who in Vietnam comprises the eighty per cent of the population, mainly living in the rural areas.\textsuperscript{11} Hierarchy and order is emphasised where the minority will refer to the

\textsuperscript{4} Articles 6 & 7 of the 1992 Constitution of the Socialist Republic of Vietnam \\
\textsuperscript{5} Article 76. \\
\textsuperscript{6} Article 78. \\
\textsuperscript{7} Article 83. \\
\textsuperscript{8} Article 91. \\
\textsuperscript{10} Id p..21-24. \\
\textsuperscript{11} Id p.25.
majority, lower levels comply with the higher levels, local authorities will take heed of the central government’s authority, review and self-criticism is made from the bottom-up as well as from the top-down in the local-central structure where individuals must adhere to the establishment.\(^{12}\) The people are encouraged to make suggestions and give opinions about the work of the State, however, this right is restricted to members of the Communist Party who must not criticise an issue once the Party has made a resolution settling the issue. The rationale is that members must give their full concentration to the effective implementation of the decision.\(^{13}\)

Self-criticism, open discussions and being able to reflect upon the people’s opinions are important to the decision making process of the Party and Government. Based on centralised democracy, the views of the people at the local levels do not directly reach the central authorities but are summarised and reported up the local-central chain of command. That is, the commune local government (\(xa\)) will summarise the people’s concerns at that level and report them to the district level (\(huyen\)). This process of summarisation is repeated from the district level to the provincial level (\(tinh\)) and finally from the provinces to the central authority (\(trung uong\)). Furthermore, the State’s policies or legal instruments flow down from the same hierarchical structure and are then implemented by the relevant local authorities in order to have a real legal effect upon the individuals.

Through the participation of the people in varying aspects of public affairs, the Vietnamese government and some academics argue that Vietnam has both a direct and representative democracy where democracy is the source of state authority.\(^{14}\) Direct democracy is practiced through: participation by individuals in voting for members to the Local People’s Council and the National Assembly; allowing the people to discuss, monitor, inspect and place opinions on the work of the local governments as is provided for in the grassroots democracy initiative; direct comments and opinions by the people are given to members of the National Assembly; participation by the people in the social organisations under the

\(^{12}\) *Id* p.26.

\(^{13}\) Article 9 of the Constitution of the Communist Party of Vietnam.

Communist Party such as the Women’s Union and Youth League. Representative democracy is reflected through the representation of the constituencies by the elected members of the National Assembly and the local People’s Council.

However, there are some academics in Vietnam who believe that there are contradictions in presenting the country as having a genuine democracy. In an opinion article in reply to an article by Hoang Van Nghia, Vo Tri and Vo Vi argued that direct and representative democracy operating together to represent the true will of the people through elections must be protected by human rights such as the freedoms of association, speech and religion. Article 25 of the ICCPR places obligations on all states to adopt a minimum form of democratic government so that citizens can participate in public affairs.

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15 Ibid.
17 Hoang Van Nghia, supra n 14.
18 Vo Tri & Vo Vi, supra n 16, p.23.
The above diagram is a generalised account of the system of democracy in Vietnam. Following the model of Article 25 in the ICCPR, democracy at its minimum means people’s participation in public affairs or the people’s rights to exercise political power. More specifically, it encapsulates the power to make decisions about local issues, universal suffrage that is free, fair and without discriminatory distinctions and the protection of the rights to freedom of political communications that includes freedom of expression, assembly and association.20

In Vietnam’s report to the UN Human Rights Committee, the Vietnamese government reported that the rights and protections under article 25 were effectively discharged.21 Vietnamese citizens are able to choose their representatives to the National Assembly and also their representatives to the leadership positions in the People’s Council of the Communes, Districts and Provinces. The Law on the Election of Members to the National Assembly22 and the recent amendment on the Law on Elections of the People’s Council23 stipulate that anyone over the age of eighteen can participate in universal, free, equal and direct elections through a secret ballot and can stand as a candidate for elections at the age of twenty-one. In relation to representations at the commune levels, the Law on the Elections of the People’s Council states that in communes of non-mountainous areas, people can elect five members out of the twenty-five available candidates24.

Freedom of expression and association are fundamental to the freedom of political communication and citizen’s participation in the conduct of public affairs, is purportedly protected through Article 6925 of the Constitution. A free press is essential to check the powers of the State and the citizen’s right to freedom of the

20 Human Rights Committee, ‘The right to participate in public affairs, voting rights and the right to equal access to public service’ General Comment 25 12/07/1996.
21 Supra n 19.
22 Articles 1 & 2 Law on the Elections of Members to the National Assembly 15/4/1997.
24 Id, Article 9.
25 Article 69 states: “The citizen shall enjoy freedom of opinion and speech; freedom of the press, the right to be informed, and the right to assemble, form associations and hold demonstrations in accordance with the provisions of the laws”.

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press and freedom of speech in the press is purportedly under Article 4\textsuperscript{26} of the Law on Press.

The General Comment by the Human Rights Committee suggests that citizens should have the right to take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives.\textsuperscript{27} In Vietnam the Law on Citizen’s Claims and Denunciation\textsuperscript{28} permits citizens to lodge complaints (Khieu Nai) and denounce (To Cao) decisions made by Government agencies and state organs. Citizens are able to make submissions in support or disagreement to legal instruments that are being considered by the National Assembly or Standing Committee under Article 39 of the Law on the Promulgation of Legal Documents.\textsuperscript{29} However, the ability of citizens to engage with their local representatives is the main purpose of the grassroots democracy Decree where a number of democratic rights are granted to the citizens including the requirement to be consulted on projects that affect the commune.

1.2 Paradoxes and Contradictions

Having formally articulated a legal system that protects democratic rights according to the Vietnamese State authorities, the rhetoric is sometimes paradoxical and contradictory due predominantly to the looseness of the legal provisions that give wide discretions to state officials. Although a Vietnamese citizen can stand as a candidate for elections at the age of twenty-one years without having to be a member of the Communist Party, the candidate must be approved by the Fatherland Front and satisfy all the election criteria.\textsuperscript{30} The criteria are broad ranging, subjective and potentially exposed to arbitrariness. What does it mean to be faithful to the Fatherland

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\textsuperscript{26} Article 4 states: “Citizens shall have the right: 1. To have access via the press, to information on all aspects of domestic and world affairs; 2. To contact, and submit information to press offices and journalists; to send news, articles, photographs and other works to the press without being subject to censorship by any organisation or individual, and to take responsibility for the law for the contact of the information submitted; 3. To express opinion on domestic and world affairs; to present views on the formation and implementation of the Party directions and policies and of the law; 5. To air views, criticisms, proposals, complaints and charges in the press regarding the Party and State authorities and social organisations and the members of such organisations”.

\textsuperscript{27} Human Rights Committee, Supra n 20, para 7.

\textsuperscript{28} Promulgated on 12/12/1998.

\textsuperscript{29} Promulgated on 23/11/1996.

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of Vietnam, to strive to undertake national renovation and regional development or to have virtue and be a model legal citizen? The Fatherland Front does the background checks and screening of all candidates and recommends candidates to appear on the ballot paper. This implies that it will be very difficult for a person to stand for elections who does not uphold the Socialist ideals or a political view consistent with the Communist Party. It is then questionable whether the criteria can give effect to the free expression of the will of the electors if there are no different or alternative political views in the community being represented. Furthermore, the right and opportunity to stand for election to the People’s Council is being placed with restrictions that are unreasonable and discriminatory in that the person standing for elections will have to have political affiliations with the Communist Party directly or, indirectly by being screened through the process by the Fatherland Front.

The freedom of expression and association is protected and enjoyed to a certain limit in Vietnam by placing greater emphasis on individual duties and a highly skewed balance towards the public or national security interests. This is not keeping in faith with good human rights practices and is inconsistent with the Johannesburg Principles on National Security, Freedom of Expression and Access to Information. Although the Principles are non-binding, they are based on international and regional law and standards relating to the protection of human rights, evolving state practices and the general principles of law recognised by the community of nations. As was stated above the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential to a democratic system.

Amnesty International argued that Vietnam violated the freedom of expression in the sentencing of the so called cyber dissidents who were charged with crimes against national security under Articles 80 & 88 of the Criminal Code 1999 for spying and

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33 Human Rights Comittew, Supra n 20, at para 22.
conducting propaganda against the State.\textsuperscript{36} The criminal activities included translating the text of “What is democracy” from the United States embassy in Vietnam and forming an independent political party.

The Johannesburg Principles stipulates that any restrictions on freedom of expression must be prescribed by law and only as necessary in a democratic society to protect a legitimate national security interest.\textsuperscript{37} Such restrictions in a democratic society should be the least restrictive possible and be compatible with democratic principles and employed only where there is a serious threat to a legitimate national interest.\textsuperscript{38} Restrictions sought to be justified on the ground of national security are not legitimate if their genuine purpose or demonstrable effect is to protect interests unrelated to national security, including, for example, to protect a government from embarrassment or exposure of wrongdoing, or to conceal information about the functioning of its public institutions, or to entrench a particular ideology, or to suppress industrial unrest.\textsuperscript{39} However, the Vietnamese authorities argue that the activities of ‘dissidents’ and other organisations not within the control of the Communist Party seriously affect the social order of Vietnam.

The overemphasis on duties and protection of national security or preservation of community order affects the way that Vietnamese citizen exercise their right to denunciate and practice their democratic rights. For example, the crime of disrupting public order under Article 245 and the crime of taking advantage of democratic right so as to encroach upon the right of the State and the lawful interest of the community under Article 258\textsuperscript{40} of the Criminal Code 1999, are broad and subjected to wide

\textsuperscript{36}\hspace{1em}Amnesty International ‘Socialist Republic of Viet Nam Freedom of expression under threat in cyberspace’ at \url{http://web.amnesty.org/library/Index/ENGASA410372003?open&of=ENG-VNM} access website on the 18 February 2004.

\textsuperscript{37} Principle 1(d).
\textsuperscript{38} Principle 1.3
\textsuperscript{39} Principle 2.
\textsuperscript{40} Article 258 of Criminal Code 1999: “The Crime of taking advantage of the democratic rights so as to encroach upon the interest of the State or lawful interest of the organisation and community. (1) Anyone who takes advantage of the freedom of speech, freedom of the press, freedom of belief, religion, association, assembly and other democratic rights contrary to the interest of the State, the lawful interest of the organisation and the community will be punished by a warning, re-educated but not
official discretion. There are no meanings given to “disruption of public order” or “taking advantage of a democratic right” and thus these provisions could be interpreted to prevent individuals from fully exercising their democratic rights.

There is however provisions within the Criminal Code 1999 that protects individuals, when lodging a claim or making a denunciation to a government agency, by penalising those who fail to investigate a claim, those who uses one’s position to influence the results or those who victimise individuals who make a complaint or denunciation.41

1.3 Explanations and Ideology

The curtailment of individual rights is made possible under a legal system where the rule of law is weak and where the power to make laws and interpret laws, including the Constitution, is held concurrently with the National Assembly and its delegated body, the Standing Committee.42 Thus, to reconcile the rationale that enables the state to curtail individual rights, it is appropriate to examine the Vietnamese socialist law based state and to ask, ‘What is law?’ in such a system.

For Vietnam in the 1970s and 1980s, law was simply an instrument that gave effect to Party policy and did not override policy.43 The Communist Party provides the leadership and the State organ merely implements Party policy for the people’s collective mastery (lam chu tap the). This notion of collective mastery is important for the state to legitimise its power. That is, since eighty per cent of the population live in the rural areas, the Party maintains that it is best to represent the struggle of the

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41 Article 132 of the Criminal Code 1999. Source above at note 41 at p.64.
working class. The Party thus claims a mandate from the majority rural collective to control and rule the country. The Party’s moral legitimacy continues to be upheld through championing the successful struggle against the French colonialists and the reunification of the country following the American war in Vietnam.

Following the amendments to the Constitution in 1992, law became superior to that of policy, and law was considered to have a binding effect. The elevation of law having a higher status is reflected in one of the key principles of the Vietnamese legal system where anything that is not passed in law or explicitly provided for in a legal instrument is prohibited. The shift to a socialist law based state where law takes precedence over Party policy does not mean that the Communist Party no longer continues to have a powerful role. The Party continues to provide the moral and revolutionary leadership and the National Assembly readily passes laws that are in line with Party policies. The State can legitimately maintain laws that are adverse to individual freedoms for the benefit of the people in a way which the State thinks proper for the collective mastery. Thus, even under a Socialist law-based State, there does not seem to be impediments on the State to exercise its sovereign power, as would be the case if there existed the rule of law and separations of power between the different arms of Government. The interpretation of laws remains an important part of the State’s powers. The State as managers of the ruling proletarian class decides which laws benefit and reflect the will of the people. The State through the Party provides the moral examples where the dictates of popular or community interests tend to be infallible. Western notions of individual rights and freedoms are characterised as bourgeois and used only to serve the interest of the ruling minority elites.

48 Truong Trong Nghia, Supra n 46, p.133.
Moral virtue and concepts of morality are rooted in the Vietnamese Confucian (*Nho Giao*) tradition which has been slowly resurrected and used in the Asian values discourse to reconcile Vietnam’s unique system of democracy. The support for the Asian values agenda to instil a cultural relativist perspective to universal human rights and democratic rights was the aim of the controversial Bangkok Declaration in 1993.\(^{49}\) The obstacle for Vietnam to engage in the Asian values discourse with the core neo-Confucian values is to harmonise these values and traditions with the Marxist-socialist ideology.\(^{50}\) However, despite the recent influences of Marxism and Leninism, Confucian traditions still govern the behaviours of and relations between Vietnamese people.\(^{51}\) Under Confucian traditions, the Vietnamese people generally place the interests of the society above those of the family and of themselves. The rights of each individual are respected on condition that they are not in opposition to those of the family, village and country.\(^{52}\) There is a danger in using the Asian values debate to maximise political and economic gains by blending local culture together with nationalism to legitimise a regime.\(^{53}\) However, at the same time, Confucianism continues to persist in a significant form in the ordinary lives of the people regardless of the political philosophy of the regime, thus, making the legitimisation argument less strong.\(^{54}\) In Vietnam even with Marxist-Leninist ideologies, Confucian beliefs are widely practiced.

There are therefore aspects of Vietnamese and Asian Confucianism that may make Vietnam and other East Asian countries difficult subjects for liberal democracy.\(^{55}\) The maintenance of harmony, free of conflicts so as to save face and preserve relationships, coupled with the endeavour to achieve benevolence (*nghia*) are key precepts that underpin the Vietnamese political system. This tends to lead to

\(^{51}\) *Id.*, p.7.
\(^{52}\) Vu Khieu (2000) ‘Vietnam vis-à-vis Asian and European Values’ paper presented at *Asian Values and Vietnam’s Development in Comparative Perspectives* conference, National Centre for Social Sciences and Humanities. p.27
\(^{55}\) *Ibid.*
ineffective opposition parties, non-competitive elections and party led consensus
decision making.\textsuperscript{56} This analysis is exemplified in elections of Vietnam’s National
Assembly members and is even more revealing in the elections of the local People’s
Council where the people will usually vote for candidates who are thought to be
virtuous and of high moral standing rather than because of their policy platforms.\textsuperscript{57}
Competition amongst candidates at the national level are usually issues oriented and
involves informal debate or persuasion of certain policy and do not focus on an attack
on the character of standing candidates.\textsuperscript{58} Although factions exist within the Party, all
decisions made by the Party must be consensual and lobbying previously made by
different factions are left in the background of informal politics so as not to allow the
loss of face or conflicts to resonate onto the public sphere.\textsuperscript{59}

The Party usually argues that democracy flourishes when a certain level of economic
development is reached.\textsuperscript{60} That is, the need to clothe, feed and shelter ordinary people
precedes democratic rights. Vietnam is one of the poorest countries in the world and
in the Party’s view, democracy is of less importance to ordinary people in their daily
struggle to survive. This seems to support the theory that economic development leads
to democracy as a country becomes richer and the middle class expands, people’s
knowledge also expands giving rise to demands by the people for greater individual
freedoms and democratic rights.\textsuperscript{61} However, the evidence in Southeast Asia is thin.\textsuperscript{62}
It is argued in Vietnam that a government and political structure that is stable and
works to increase levels of economic growth is more valued than a functioning
multiparty system.\textsuperscript{63}

\textsuperscript{56} Pham Duy Nghia, 	extit{Supra} n 50, p.10.
\textsuperscript{58} Id, p.284.
\textsuperscript{59} Ibid.
\textsuperscript{60} Luong Gia Ban (2003) 	extit{Dan Chu va viec thuc hien quy che dan chu o co so}, Nha Xuat Ban Chinh Tri
Quoc Gia: Hanoi, p.12.
to the Southeast Asian and East Asian cases’ in 	extit{Democratisation in Southeast and East Asia} ed
\textsuperscript{62} Id, p.5
\textsuperscript{63} Id, p.19.
PART II THE IMPLEMENTATION OF GRASSROOTS DEMOCRACY

For the people to achieve collective mastery they must be able to engage with their representatives. Grassroots democracy embodies the Vietnamese ideal of people’s participation at the lowest level of government, being the communes. “People know, people discuss, people do and people monitor” (Dan biet, dan ban, dan lam va dan kiem tra) is the official mass line that reinforces the democratic rights which the people possessed since the beginning of the mass struggle for independence against the French colonialists. The ability of the people to participate in the local affairs of the communes is a laudable feature of the ostensible Vietnamese democracy. This part attempts to go beyond the Party rhetoric to find out whether there is a genuine potential for grassroots democracy to work. That is, whether the will of the people is genuinely expressed and people’s concerns are judiciously attended to. The analysis in this part will: examine the rationale behind the policy on grassroots democracy; detail the elements of the Grassroots Democracy Decrees 29/1998/ND-CP and 79/2003/ND-CP, the democratic rights conferred on the people and the obligations of local officials; evaluate the progress on the implementation of the Decree since 1998; and attempt to understand the impact of the Decree on the local people through their perceptions and values of grassroots democracy.

2.1 Policy Rationale

It was stated by Nguyen Van Sau and Ho Van Thong that President Ho Chi Minh, representing the moral infallibility of the country, had encouraged the cadres and officials to be closer to the people, to listen to them and to take the people as the foundation for policy making. Thus, the democratic rights proposed in the current Grassroots Democracy Decree were promoted by President Ho Chi Minh during the struggle for independence. For the President to quote from the Declaration of Independence of the United States to incorporate basic freedoms and rights implied that he wanted a similar system of human rights and protection for the Vietnamese people. Nevertheless, the democratic rights that were promoted by Ho Chi Minh could

65 Nguyen Van Sau & Ho Van Thong, Supra n 44, p.20.
not come to full fruition because of the subsequent conflicts and the American War in
Vietnam. It has only been in recent years that the country was able to recover and
slowly in a step by step fashion allow the people to regain and practice their
democratic rights.\textsuperscript{66}

To say that Vietnam operates exclusively in a top-down hierarchical structure is not
always correct. There were moments in history, particularly during the struggle for
independence, in which local opinions swayed the top decision makers. This was a
form of quasi-democracy where the Party needed to be “mass regarding” to obtain
popular support for the revolution.\textsuperscript{67} Similarly, over the years, peasant pressure has
forced the Party to respond in real policy terms. Professor Kerkvliet argues that the
mass disregard for the policy of collectivisation including “sneaky contracts” and
other schemes by local officials and villagers to bypass the inefficient system of
collectivisation forced the Party to allow the process of de-collectivisation.\textsuperscript{68}

In similar ways, the reinforcement or modern introduction of grassroots democracy
was in response to a series of rural and urban unrests over, amongst other things,
unfavourable land reforms, mass corruption and embezzlement of commune funds.
There was overall disenchantments with the leadership of local officials throughout
the country. The rural unrest was most concerning for the central administration in
May 1997 where thousands of farmers and families converged on the provincial
capital of Thai Binh province to protest against corruption, notably irregularities in
the financial management and embezzlement of wide-ranging local infrastructures in
which the local villagers were asked to contribute.\textsuperscript{69} Violence ensued when a number
of officials were attacked and their homes were set alight. There were also officially
reported cases of popular anger in Quang Binh, Thanh Hoa, and the southern province
of Dong Nai over very similar issues.\textsuperscript{70} The official reports stated that the people were
protesting against the loss of democracy and against the lifestyle of the local officials.

\textsuperscript{66} Interview with Nguyen Chi Dzung.
\textsuperscript{68} Id, p.407.
\textsuperscript{69} Vasavakul T. (1998) ‘Vietnam’s one-party rule and socialist democracy?’ in Southeast Asian Affairs
\textsuperscript{70} Ibid.
The reports noted that the people in Thai Binh had never protested against the Party or State because it was a province that had produced numerous revolutionary fighters.\textsuperscript{71}

The culmination of popular anger forced the central government to take action. Do Muoi, General Secretary of the Communist Party, attributed the unrest to a lack of democracy and failure of the local leaders to be closer and accountable to the people and proposed the institution of what is now the grassroots democracy Decree.\textsuperscript{72} The Party and Central Government had to be seen to be taking the people’s concerns seriously. After all, the large number of people who had protested were from the working class of rural Vietnam, the Party’s sole constituency. Thus, a failure to adequately respond would make the Party lose its credibility.

Fighting corruption was one of the key rationales behind the grassroots democracy Decree.\textsuperscript{73} Allowing people to inspect and monitor the internal workings and financial management of the local communes, help make the local leadership and officials accountable to their constituency. The greater openness and participation in the workings of the local communes by the people enhances the financial integrity of the system.

Much of the Vietnamese literature on the rationale for grassroots democracy makes the argument that democracy in local communes enhances its economic development.\textsuperscript{74} This line of argument is supported by a representative of an international non-government organisation in Vietnam who stated that when they argue in favour of the benefits of democracy or people’s participation, they do so in terms of the economic benefits which the local people will enjoy, that is, the benefits people gained from being better consulted or more involved in the modernisation of the local communes.\textsuperscript{75} It is interesting that the rationale for greater democratic rights excludes the fact that all people are inherently entitled to those rights because of their humanity and because those rights represent the basic fundamental rights of humankind.

\textsuperscript{71} Xuan Hai & Ha Nhan (1997) ‘Doi dieu rut rat u tinh phuc tap o mot so dia phuong tinh Thai Binh’ \textit{Tap Chi Cong San} (Communist Review) 20(10) 1997 No. 530, p.41.
\textsuperscript{72} Vasavakul T., \textit{Supra} n 69.
\textsuperscript{73} Xuan Hai & Ha Nhan, \textit{Supra} n 71, p.44.
\textsuperscript{74} \textit{Supra} n 14 and n 54.
\textsuperscript{75} Interview with representative from the Asia Foundation.
Furthermore, on a practical level, the fact that people need to plan their lives by having certainty and the capacity to choose from various options make it imperative that democratic rights are genuinely conferred.76 People in communes need to know and be consulted about land planning or where bridges will be built so that they can adjust their interests, economic or otherwise, to make sound choices.

2.2 Elements of Grassroots Democracy Decree

Do Muoi lobbied for strengthening of democracy at the local levels and on 18 February 1998, the Party issued Directive 30-CT/TW that instilled the phrase dan biet, dan ban, dan lam va dan kiem tra in the psyche of local officials.77 It is interesting to note that Party policy alone, although it represents the moral leadership, did not produce that sense of obligation in local officials even though grassroots democracy had theoretically existed before the introduction of Decree 29.78 Commentators have stated that laws must be issued to reinforce the democratic rights of the people and the Decree was meant to confer that sense of obligation.79 Thus, this sense of obligation reflects the Socialist law-based system as discussed above where law is superior to that of Party policy and an expectation for law to give clarity to official conduct.

Decree 29/ND-CP in 1998 was issued following Directive 30 and grants four general democratic rights to the people at the commune level: work to be informed, work to be directly discussed, work to be consulted, and work to monitor or inspect. However, it is deceiving to call them rights because individuals have no judicial or administrative avenues to enforce those rights, rather, they are better considered as democratic guidelines or practices in which local commune officials are obligated to follow. All decrees issued by the Central Government must be followed and implemented by the lower levels of government. However, what makes it difficult and cumbersome in the Vietnamese hierarchical structure is that at each level of government, instructions on how the Central Government’s decree should be

76 Hoang Van Sau & Ho Van Thong, supra n 44, p.18.
78 Interview with officials from the Ministry of Home Affairs.
79 Xuan Hai & Ha Nhan, supra n 71, p.43.
implemented must be given to the lower level. That is, the province must provide implementing guidelines to the districts and the districts to the communes.\textsuperscript{80} The process is to ensure that the central government decree can be implemented and accommodated into local conditions; however, at the same time it is time consuming.

Decree 79/ND-CP of 2003 amended Decree 29 to make the implementation process faster by specifically naming the commune People’s Council and People’s Committee\textsuperscript{81} as directly responsible for implementing grassroots democracy without having to wait for the implementing instructions from the higher authorities. Generally, Decree 79 also extended the lists of works permitted within the democratic practices\textsuperscript{82} and extended and clarified the methods used to implement those practices.\textsuperscript{83} With exceptions to those already mentioned amendments, the structure of both Decrees is identical. That is, the first section of each Part of the four democratic practices exhaustively lists the work or the extent of the people’s ability to participate. The second section outlines the methods in which the officials can go about implementing those practices. Given a legal system that precludes and prohibits acts that are not explicitly provided for by law, the officials and the people can only exercise democratic practices to the extent that are explicitly provided for by Decree 79.

In the preamble of Decree 79 all the elements of the Decree are to be implemented equivalently in the city precincts or districts and townships and the Ministry of Home Affairs is to guide through the successful implementation of the Decree. The responsibility in executing the Decree is also held by all the Government ministries and agencies along with the President of the People’s Committee at the provincial and city level.

\textsuperscript{80} Interview with Nguyen Chi Dzung.
\textsuperscript{81} Contrast Article 1 in Decree 79 and Article 1 in Decree 29 where Article 1 of Decree 79 adds the People’s Council and People’s Committee as responsible for implementing the full democratic guidelines.
\textsuperscript{82} For example, the need to inform the people about the results and methods used in government procurements and tenders for projects and investments: Article 5(14).
\textsuperscript{83} For example, if compared with Article 8(2) of Decree 29 and Article 9(2) of Decree 79, Article 9(2) reduced the quorum for a meeting of household to discuss and vote openly about work of the communes from two-thirds down to fifty per cent.
Part one of Decree 79 is a general provision that incorporates the guidelines on grassroots democracy into the work of the local People’s Council and People’s Committee. The Decree succinctly summarises the rationale of grassroots democracy then emphasises a few caveats for bringing into full play the people’s mastery (phat huy quyen lam chu cua nhan dan). That is, grassroots democracy must be closely linked with the socialist orientation and with the division of the roles where the Party acts as leaders, the State as managers and the people being the masters.

There is a caveat where people abusing democracy will be firmly dealt with. This provision is vague as it does not define what it means to abuse democracy and what penalties will ensue if there is a breach. The effect of the provision will have a chilling effect on people wanting to participate in the affairs of the local commune as an individual’s legitimate claim may be interpreted to mean an abuse of democracy.

Officials from the Ministry of Home Affairs tried to clarify the provision by stating that a breach of democracy will entail such things as using democracy to defame another person, using democracy so as to advance the selfish personal interests to the detriment of society or using democracy in breach of the Constitution or Vietnamese law. It would appear that the explanation would create further ambiguities because there is no mention of what the process or test will be to balance the interest of society as a whole. Democratic rights do not act to trump other Vietnamese laws. Even though elements of democracy are present in the Vietnamese Constitution, there is no Constitutional court or a judiciary with the power to judge whether a Constitutional breach has occurred.

An important aspect is the language that is used in the text of the Decree which supports not only the Confucian values of community interests over the individual interests, but also the socialist ideology of collective mastery. The text refers to the ability of the people (nhan dan) to be informed about certain matters, the people to discuss directly the work of the commune, the types of work in which the people

84 Article 1 Decree 79/2003/ND-CP.
85 Article 3 Decree 79/2003/ND-CP.
86 Article 4 Decree 79/2003/ND-CP. “Democracy must be within the framework of the Constitution and laws; rights must go hand in hand with obligations democracy must go hand in hand with order and discipline, any acts of abusing democracy to violate the Constitution and laws and infringe the people’s democratic freedoms shall be firmly dealt with.”
87 Interview with officials from Ministry of Home Affairs.
should be consulted, and the areas of work in which the people can inspect or monitor. Thus, it implies that response and action by the local officials will only be followed where there is a sizeable mass collective. Furthermore, in the section where the Decree specifies how officials can fulfil the people’s democratic practices, individual’s concerns are seen to have been effectively dealt with if it is channelled through a social organisation such as the Fatherland Front, Vietnamese Youth League, the Women’s Union or through the village head. The concept of the individual (canhán), is not present in the text of the Decree which is consistent with the way Socialism has contested individualism in favour of the spirit of the collectivity (tap the) or community (doan the).89

The table below summarises the democratic guidelines within Decree 79 detailing the four main democratic practices. The table includes examples of the democratic practices within the exhaustive list and stipulates the modes of implementation of a democratic practice.

<table>
<thead>
<tr>
<th>Democratic Guidelines</th>
<th>Examples of practices in the exhaustive list</th>
<th>Examples of Modes of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part II</strong></td>
<td>Resolution of the People’s Council and People’s Committee, policies and legal instruments of the State, administrative fees, taxes or government charges, annual financial records of the commune, poverty reduction strategies and infrastructure projects proposals: Article 5.</td>
<td>Collaboration with the Fatherland Front and the village head but may involve: posting notices outside the local commune government offices, through the public loudspeakers, organising meetings with electors and representatives, meetings of the commune People’s Council and People’s Committee, send information to the village head: Article 6.</td>
</tr>
<tr>
<td><strong>Part III</strong></td>
<td>The amount of contribution to</td>
<td>Holding meetings with the</td>
</tr>
</tbody>
</table>

88 Confer Articles 6, 8, 11(1) and 14. Decree 79/2003/ND-CP
| Work that the people at the village and commune can discuss and decide directly. | building the commune and public projects that benefit the community e.g. electricity, roads, schools, hospitals, cultural centres; building village codes, creating civilised ways of living and maintaining security and order; establishing supervisory board to oversee special projects which the people have contributed money towards: Article 7. | people of the communes, secret ballot and polling. The local administration must act upon a majority consensus on a matter voted by the people: Article 9. |
| Part IV | Draft resolutions of the commune People’s Council, draft of a scheme or plan to boost the yearly socio-economic development of the commune, plan of land use rights and land subdivisions, draft plans to implement national targets, policies to reduce unemployment in the commune: Article 10. | In collaboration with the Fatherland Front: meeting with the people or head of family for public debate, distribute surveys to collect opinions, meeting with economic organisation for debate, suggestion boxes: Article 11 |
| Part V | Activities of the local authorities, social, professional and political organisations; results of the implementation of the resolution of the People’s Council; activities of the President of the People’s Council and People’s Committee, financial statements of communes; administration of land use rights at commune level: Article 12. | People can directly or indirectly inspect or monitor by attending meetings (if invited) or through representative of social organisation of the local authorities on a matter that is at issue; lodge an opinion on the annual and bi-annual budget of the commune: Article 13. |
2.3 Progress and impact of implementation

Over the five years since the introduction of grassroots democracy in 1998, the implementation has seen many positive impacts on the ability of villagers to participate and influence the work of the local communes. However, despite the Decree obligating all commune authorities to comply with the provisions of the Decree, the overwhelming impression is one of inconsistent implementation of grassroots democracy throughout the country.90 The hierarchical structure and the need for implementation guidelines as discussed above have not helped in speeding up the implementation process to allow the people to reap the benefits of the Decree. Thus, the willingness of the local officials and their leadership to make grassroots democracy a reality is apparently lacking.

A study by Nguyen Van Sau and Ho Van Thong at the Ho Chi Minh National Political Science School in Hanoi on grassroots democracy, provided government statistics, based on the Prime Minister’s Instruction number 22/1998/CT-TTg91, obligating local authorities to submit reports to the central government on the progress of the implementation of grassroots democracy. The statistics reveal that 18-20 per cent of communes successfully implemented the provisions of the Decree, 60-70 per cent of communes had average implementation and 10-15 per cent of communes had poor implementation of the Decree.92 What the authors defined as good or successful implementation was where the communes actually exploited the full extent of the provisions of the Decree, where the local leaders understood the full intention of the Decree and where the leadership showed experience in working with the community to allow the people to enjoy the full entitlements under the Decree. An average performing commune was one where the local leadership has only generally used the modes of implementation in the Decree and allowed the people to exercise a few democratic practices. There was low motivation in implementing the Decree. A

90 Zingerli C., Supra n 2, at p.77.
92 Nguyen Van Sau & Ho Van Thong, Supra n 44, p.54.
poorly performing commune was a product of poorly educated local officials who do not know how to implement the provisions of the Decree.\textsuperscript{93}

A soon to be released report on the implementation of grassroots democracy by Oxfam and the National Centre for Social Sciences and Humanities revealed that 89 per cent of the interviewees in three provinces surveyed were aware of the Decree while 75-85 per cent of the all households participated in local meetings.\textsuperscript{94} Generally, people now know more about the activities of the local commune because of the information dissemination. At the same time the media readily report on corruption, people’s participation in poverty reduction programs and where grassroots democracy has benefited a community. In the year 2000 there were a total of seventy-five reports by the government newspapers on the implementation of the grassroots democracy decree.\textsuperscript{95}

Grassroots democracy in some parts of the country has allowed for better management of contributions by the people to infrastructure projects and public facilities by making the local leadership accountable for the people’s money and requiring financial and budget statements to be open for inspection by the people.\textsuperscript{96} Greater accountability by officials is linked with an expectation by the people for better leadership. The increase in participation of people in the political process at the local areas has influenced the political dynamics and personality of the communes. Malarney in his study of two former leaders of the People’s Council in Thinh Liet commune supported the fact that good leadership involved possessing good virtue, benevolence and the ability to develop a relationship (\textit{tinh cam}) with the local people to ensure that the leader will be elected by the constituency into the People’s Council.\textsuperscript{97} Grassroots democracy offers the people the ability to inspect and monitor the work of the local leadership and as such if the leaders want to be re-elected they

\textsuperscript{93} Id, p.55.
\textsuperscript{94} Summary of Draft findings for paper titled ‘Strengthening grassroots democracy for hunger eradication and poverty reduction in rural Vietnam’ by National Centre for Social Sciences & Humanities and Oxfam Great Britain.
\textsuperscript{96} Hoang Ngoc Giao & Le Trong Vinh ‘Danh gia thuc trang sau nhung nam trine khai thuc hien quy che dan chu co so va Phuong huong trong tho gian toi’ in \textit{Dan Chu: Boi canh hinh thanh va phat trine, noi dung, co the thuc hien dan chu o nuoc ta}, Centre for Legal Research Services: Hanoi. p.13.
must not only satisfy the Fatherland Front, but more importantly, ensure that the public perceives the leader as being clean and honourable. Thus, there is a need to change the leadership style from a less authoritarian one towards a participatory one.

It should be noted that the positive aspects only reflect a small minority of communes who have successfully implemented the Decree. Many of problems with implementation are more to do with the commitment by the local leadership. There are around 17 per cent of communes in Vietnam who do not report on their progress on implementing the Decree to the Central Government. 98 However, the Central Government must also show commitment in providing the necessary tools for the local leaders to actually implement grassroots democracy. Many local leaders are ill trained or do not understand what is required of them under the Decree. The Ministry of Home Affairs coordinates the Decree’s implementation and are supported local and international NGOs by providing human resources and funding. 99 However, the Ministry of Home Affairs should become more active in training the local leadership so that there is greater consistency in the Decree’s implementation.

One shortcoming of grassroots democracy Decree is that there does not seem to be any measure of the quality of participation by the people. How well are the ethnic minority people given the opportunity to participate? There are reports that the local communes do provide the ethnic minorities with information that is translated in the various ethnic languages, but again they reflect exceptional high performing communes. 100 Furthermore, the head of the households are given the right to participate in certain democratic practices, but the head of the household is usually the male giving little opportunity for women to participate in local government.

2.4 Local perceptions and values

Grassroots democracy is supposed to be for the people. However, one voice that is missing is that of the people. What do the people think grassroots democracy has done for them and how beneficial has it been? What are their perceptions of democracy and

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98 Hoang Ngho Giao & Le Trong Vinh, Supra n 96, p.16.
99 Interview with representative from Asia Foundation.
100 Oxfam, Supra n 94, p.4.
what are their aspirations for a democratic state? All these questions require a research thesis within itself to answer, however, this section attempts to reveal an initial impression based on interviews of predominantly local commune officials and some villagers in the Central North region of Vietnam. The author was able to attend a five days conference in Ha Tinh province sponsored by the World Bank whereby the Centre for Legal Research Services at Vietnam National University held a training program to boost the leadership skills of the local commune officials. The interviewees were participants in this conference.

It appears that the leaders in the People’s Council recognise that they have to be accountable to their constituency if they expect to get re-elected for another term in office. One president of a local commune at the conference commented that:

“The people will not elect me for another five years term if they think I am doing a bad job. The people will vote for local leaders who are educated and have a good conscience (luong tam). I need to better understand and respond to the needs of my local villagers.”

As was stated above, grassroots democracy has encouraged an active leadership style where the leaders have to be closer to the people and lead by virtuous examples if they are to get the respect of the villagers. One member of the commune People’s Council who was also the president of the local Women’s Union went out of her way to personally borrow funds under program 135 or the Hunger Eradication and Poverty Reduction program to purchase livestock for the very poor farmers in her constituency.

A major aim of grassroots democracy is to reduce corruption at the commune levels, however, one president of the Commune People’s Council disputed the fact that rampant corruption happens at the local level. He stated that:

“Corruption seldom exists at the local level but exists more at the higher level, if you squander public funds in the village the local people will know. The people will ask where he has got the money to build a new house, buy jewellery or send the children overseas to study.”
When speaking to the villagers at a commune in Ha Tinh province about the effect that grassroots democracy had on their commune, the answers were in agreement with the research by Oxfam and the National Centre for the Social Sciences and Humanities to the effect that people felt that they know more about the work of the local commune as compared to ten years ago. Many attended local meetings when the issue interests them. However, it should be noted that many do not feel that they can change things and that even though a decision is presented to the public for debate, the officials usually act on their pre-determined decision.

Even with the greater ability for the people to exercise their democratic practices, politics is of little interest to the local people and they will only take an interest if it concerns a serious encroachment on their personal economic interests, such as land use rights and the misuse of the commune’s social security fund. The people tend to agree that they are more worried about their livelihoods than monitoring what a politician does. Many of the people tend to be apathetic about corruption in that they think what ever they do, nothing will change old ways. They usually comment that it is up to the personal conscience (luong tam) of the leaders and the leaders would have to deal with that moral dilemma in this lifetime or the next.

PART III PROSPECTS FOR DEMOCRATIC CHANGE

In what ways will grassroots democracy contribute, if any, to democratic change or pluralism in Vietnam? On one hand, grassroots democracy strengthens the Communist Party by endowing the Party with greater legitimacy. On the other hand, grassroots democracy provides the training necessary for ordinary people to practice democracy so that some form of direct or genuine democracy may exist in the future. However, the talk of pluralism is hugely controversial in Vietnam with dissidents demanding the seemingly non-controversial process of “peaceful evolution” being expelled from the Party or placed under house arrest.

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101 Interview with Mr Nguyen Chi Dzung
As grassroots democracy was a Party initiated policy it is primarily an exercise in reforming the bad elements within the Communist Party. These bad elements include, amongst other categories, corrupt and weak local leaders. Thus, the reform is a capacity building project for local leaders. The Party in issuing the policy directive, and the Prime Minister in stamping the directive with the necessary legality, dictated which democratic practices may be exercised by the people and which modes of implementation the leaders may pursue. The grassroots democracy Decree is thus partly an exercise in maintaining control and partly a public relations exercise.

Any proposition for democratic change should be balanced against the standardised World Values Survey conducted in Vietnam in 2001 where 90 per cent of the people interviewed declared their confidence in the national government, parliament and the Party. Furthermore, 96 per cent of people were positive about the current political system in Vietnam. There was however a caveat stating that the statistics may be influenced by the fear of the people speaking against the central authorities. Nonetheless, these highly positive results give the Party a certain measure of legitimacy to lead without opposition.

As things stand, the movement for any easing of the authoritarian rule or any form of democratic reforms will only come from within the Party. The Party itself is not a monolithic creature. It has a number of informed and shifting factions operating to sway public debate and to lobby National Assembly members. However, the factions are usually moderate and members will not openly lobby for peaceful evolution for fear of their employment status being lost or worse, being subjected to criminal punishment. Political stability and economic progress achieved through single Party is preferred to a poorly performing economic system with multiparty rule. Political instability that ensued in some post-communist States in Eastern Europe arising from major political reforms with little economic success was the anecdotal evidence relied upon to support the current Vietnamese regime.

104 Ibid.
105 Abuza Z., *Supra* n 102, p.239.
106 Pike D., *Supra* n 57, p.283.
Nonetheless, Vietnamese democratic reforms are less adventurous than those of China, its trading competitor and communist partner. China has allowed its communes to have independent candidates running against the candidates from Communist Party in local elections without being heavily restricted by a body such as the Fatherland Front.\(^{107}\) With a certain success, China introduced policies of grassroots democracy in the early 1980s which have allowed the communes greater freedom and independence to pursue their own strategies in implementing the Central Government’s policies.\(^{108}\) Grassroots democracy in China has meant greater decentralisation and economic development, but decentralisation in Vietnam is a rocky process which the country is only trying to come to terms with. Many of the government programs instituted by the grassroots democracy initiative, e.g. Program 135 and the UN’s Rural Infrastructure Development Fund, have allowed greater participation by the people and allowed the local communes to determine for themselves the implementation of national policies.\(^{109}\) However, it is not accurate to describe the decentralisation process in Vietnam without mentioning the barriers that undermines the process of delegating power to the local authorities. They include the strong command and control structure by the different line ministries responsible for a given government portfolio, mistrust of local officials by the central authorities and an ineffective local leadership that has little skills for implementation of central government policies.\(^{110}\)

If, triggered by the grassroots democracy process, further democratic change occurs in Vietnam, what will that democracy look like? It has been mentioned from the discussions above that a western liberal democratic system is not keeping with the values derived from the rich Vietnamese history, traditions and cultures. Molly Beutz proposed that a functional democracy with an emphasis on accountability and

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\(^{110}\) *Id*, p.18.
openness is an approach to democracy that may accommodate a one-party state.\textsuperscript{111} When analysing the different approaches to democracy, Beutz argues that there are traditionally two schools, one concentrating on processes and elections while the other placing great emphasis on the substance of democracy. Beutz proposes a third school known as functional democracy where democracy should be tied to its main function: making representatives accountable. A purely procedural form of democracy that focuses on institutional arrangements or rules of decision for determining who is to govern, fails to adequately address issues of structural inequality, social justice or the interests and rights of the minorities. According to Beutz, procedural democracy merely allows society to select a pre-packaged candidate as well as achieving international validation by having the proper electoral procedures in place even though the representatives may remain unaccountable to their electorate.\textsuperscript{112}

A substantive vision of democracy, says Beutz, offers little practical implementation because the vision is usually subjective and presupposes a consensus on what constitutes a just and fair democracy.\textsuperscript{113} The elaboration of the substantive vision usually flows from the right to democratic governance. However, these rights are most often indeterminate and follow the liberal-democratic worldview.\textsuperscript{114}

Functional democracy does not divest itself from processes and substance, but uses them to produce measurable outcomes for the people most affected by a decision. This is done by allocating the power to make decisions to the people, providing space for public dialogue and holding leaders accountable for their actions.\textsuperscript{115} Accountability mechanisms provides incentives for leaders to effectively respond to the needs of the people because they know they can be criticised and sanctioned by the citizens. The ability of all citizens to sanction their leaders and hold them responsible means that the affected people are consulted about their needs before decisions are made. This form of democracy is robust because issues of social and material inequality are addressed on a basis that is practical and best serves the interest of the people who are most affected by a decision.

\textsuperscript{112} Id, p.398-99.
\textsuperscript{113} Beutz M., Supra n 111, p.401.
\textsuperscript{114} Ibid.
\textsuperscript{115} Id, p.402.
Grassroots democracy operating at the commune level is intended to produce a set of accountability mechanisms pursuing the functional vision of democracy. Theoretically, citizens are given the necessary information about matters that affect their communes, they are then able to participate in public debate and discussions about certain issues and the citizens are required to be consulted on resulting decisions. Social programs such as poverty reduction initiatives, infrastructure projects and national social targets are made available to the local community to discuss. Citizens are able to sanction their local leaders by lodging complaints and denunciations and pointing to corrupt practices. However, Beutz makes the important point that the ability of the people to sanction their leaders in a functional democracy must co-exist with the freedoms of expression, association or assembly as well as other international human rights norms.\textsuperscript{116} A process of democratic change in Vietnam thus requires stronger protection for people to make denunciations and claims without being affected by the fear that any criticism of the government will lead to penal punishment.

Grassroots democracy is therefore a possible middle path to a functional vision of democracy. It can become a reality if the national political structures require greater accountability mechanisms and allow greater participation by the people in national politics. The push for democratic change in Vietnam as stated above depends on the political will of Communist Party members, there are, however, exogenous forces that may in the future persuade the Party to offer some political concessions. The international economic and trading dependencies and the imminent entry of Vietnam into the World Trade Organisation, means that political reforms will inevitably be on the agenda. The driving force for political reforms will be profound when the ASEAN Free Trade Agreement comes into full force in 2005. The open access to Vietnamese land, infrastructure and material wealth coupled with the increasing exposure to the globalised world may precipitate the Vietnamese people to question the role of the government and the political system in advancing Vietnamese interests. Having said that, it remains difficult to gauge whether any further political reforms from the Party will be forced upon it exogenously because in trade and commerce it is often easier in

\textsuperscript{116} Id, p.390.
the short term to deal with an authoritarian regime for stability sake then having to factor political change.

CONCLUSION

A political analysis of Vietnamese democracy is hardly illuminating if it merely tries to explain why Vietnam is not, or could not become a democracy. Rather there should be attempts at trying to understand the political realities of society that informs a system of democracy. Democracy does not require objective structural conditions and as discussed throughout this paper a liberal world view of democracy is not suitable for every nation state. Vietnam as with countries in Asia holds certain endogenous values and cultures that shape its political system. International law does not require a particular electoral or political system. However, there are certain minimum standards of democracy and international human rights, particularly the freedoms of expression, assembly and association that must be respected for the minimum democratic standards to apply.

Vietnam has lived through decades of conflict and it is only recently that it is able to begin the slow process of reforming its system of administration to allow people to practice a form of democracy. Grassroots democracy is a positive step towards holding leaders accountable for their actions at the commune level and to ensure that the people are placed at the centre of the decision making process on issues that most concern them. It is over five years since the grassroots democracy Decree was introduced and it has allowed the people at the commune a new sense of empowerment entitling them to participate in affairs that concern their local community. However, the inconsistent implementation of the Decree and the absence of commitment to the process by many local leaders make the overall implementation disappointing.

The concept of democratic centralism makes any effort to decentralise government functions to the local authorities difficult. However, grassroots democracy has in a way tried to decentralise the work of the central government by allowing local communes and the people to take greater ownership in designing and managing social programs and infrastructure projects. One thing the grassroots democracy initiative has achieved is a change in leadership style by building the capacity of local leaders to become more participatory and to manage an open and clean local administration. The more the people know, the better they can discuss and contribute to the affairs of the community. Local authorities are however controlled by the provincial and Central Government. If grassroots democracy brings benefits at the local level, will this create a demand for greater democracy at higher levels of government?

As thing stands, changes in democracy and political reforms in Vietnam can only be made by the Communist Party. The Party has not expressed any interest in undertaking dramatic political changes in the near future. Maintaining political stability is the catch cry of many within the Party and this is likely to continue for some time. Grassroots democracy is a small but controlled concession made by the Party. It will be interesting to observe if small concessions might lead to calls for more sweeping reforms.
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