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**Tran Thi Minh Tuyet**

## **RENOVATION OF VIETNAM NATIONAL ASSEMBLY DURING ITS 14TH TENURE (2016-2021): SITUATION AND SOLUTIONS**

**Abstract:** Since its establishment in 1946 up to now, the National Assembly of the Socialist Republic of Vietnam (VNA) has always been affirmed as the highest representative body of the people, the highest body of state power. After 70 years of development, the 14th VNA tenure (2016–2021) has inherited many achievements and experiences from the previous period. Along with the country's increasingly deep renewal process, the 14th VNA tenure has made efforts to renovate its organization and activities to better perform its functions and tasks and contribute positively to the country's renovation ("Doi Moi") process. The results are undeniable, but the country's development and extensive international integration require the VNA to innovate more strongly. Basing on the analysis of renovation effectes during the 14th VNA tenure, either achievements or limitations, the author proposes a system of solutions to overcome the limitations and accelerate the renewal process of the VNA, to create momentum for the country's solid development in the future.

**Keywords:** Vietnam National Assembly (VNA), 14th tenure, renovation of organization and activities.

**Чан Тхи Минь Туэт**

## **ОБНОВЛЕНИЕ НАЦИОНАЛЬНОГО СОБРАНИЯ ВЬЕТНАМА В ПЕРИОД 14-ГО СОЗЫВА (2016–2021): ТЕКУЩАЯ СИТУАЦИЯ И РЕШЕНИЯ**

**Аннотация.** С момента своего создания в 1946 г. по настоящее время Национальное собрание Социалистической Республики Вьетнам является высшим представительным органом народа, высшим органом государственной власти. После 70 лет становления и развития Национальное собрание в период 14-го созыва (2016–2021) унаследовало многие достижения и опыт предыдущих периодов. В условиях все более глубокой модернизации страны Национальное собрание предприняло усилия по перестройке *структуры и деятельности* для совершенствования выполнения своих функций и задач и увеличения позитивного вклада в процесс обновления страны. Эффективность этой работы не подлежит сомнению, но развитие страны и широкая международная интеграция требуют от парламента более глубокого обновления. Проанализировав инновации в деятельности Национального собрания 14-го созыва, отметив достижения и недостатки, автор статьи предлагает ряд решений для преодоления слабых мест и ускорения процесса его обновления в целях создания импульса для устойчивого развития страны в будущем.

**Ключевые слова:** Национальное собрание Вьетнама, 14-й созыв, обновление организации и деятельности.

### **Introduction**

Choosing the topic “Renovation of the 14th VNA tenure (2016–2021)” as a research issue primarily comes from the “pillar” position of the VNA in the Vietnam’s political system. Carrying out the renewal process, the Communist Party of Vietnam (CPV) has determined: Focusing on economic innovation, step by step to reform in politics [CPV 1991: 54] and the essence of political reform aims at building a socialist democracy, ensuring the people shares the power [CPV 1991: 125]. Therefore, renewing the VNA, the highest representative body of the people, is an inevitable step.

The 14th VNA tenure began when it has gone through 70 years of growth and development along with 13 terms. On the basis of inheriting and promoting the achievements and experiences of the previous period, the 14th VNA tenure VNA has made an effort to implement the directive of the CPV set out at the Twelfth National Congress on “continuing to renovate the organization and activities of the National Assembly” [CPV 2016: 177]. Implementing that strategy, over the past four years, the VNA has increasingly strengthened its organization, style and operation methods. However, the increasingly higher demands for economic reform and international integration require the VNA to have stronger development steps. At the time when Vietnam is standing on the “threshold” of the election of the 15th VNA tenure (2021–2026), the assessment of the renewal of the VNA over the past four years not only suggests directions and solutions for the next term but also contributes to propaganda for the election of the 15th tenure which will take place on May 23, 2021.

The actuality of chosen topic derives from Vietnam’s preparing to celebrate the 75th anniversary of the VNA establishment (1946–2021). At this time, the objective review of each development period will contribute to honoring the position and role of this elected body.

Also, in nearly 35 years of “Doi Moi”, the VNA has had a close interaction with the parliaments of many other countries in the region and all over the world. In addition to multilateral relations, the VNA also developed bilateral relations with the parliaments of many countries which had traditional relationships with Vietnam, including the State Duma of the Russian Federation (the Inter-Parliamentary Commission on Cooperation was established in December, 2018). The 2020 is the time for Vietnam to assume the role of President of the ASEAN Inter-Parliamentary Assembly (AIPA) and the chairman of the 41st AIPA General Assembly. Information about the VNA will enhance the understanding on contemporary Vietnamese politics, on that basis, partners will have their orientation of investment and cooperation.

Studying the renovation of the 14th VNA tenure is therefore really an objective requirement, a task with profound theoretical and practical significance.

### **Literature review**

Referring to the renovation of the 14th VNA tenure means to discuss on recent changes of the VNA. Therefore, there are few researches directly related to it, only studies about the innovation of the Vietnam’s state and the VNA in general. Typically, the research is as follows:

Regarding the state’s issue, in his monograph Bui Xuan Duc has devoted a chapter to discuss on “*Renovating the Organization and Activities of the National Assembly*”. In this content, the author has analyzed the position and role of the VNA, given directions and solutions to renovate it, after having asserted that the renovation is an urgent task [Bui Xuan Duc 2007].

On the 65th anniversary of the VNA (1946–2011), Phan Trung Ly, with the experience of a member of the VNA in four terms, in addition to analyzing the legal status and functions of the VNA, discussed in depth the qualifications of a member of the VNA [Phan Trung Ly 2010].

As soon as the VNA started its 13th tenure (2011–2016), Dinh Xuan Thao on the basis of evaluating the status of the organization and activities of the 12th tenure, has clarified the principles, directions and solutions to renovate the 13th tenure. The content of this book is quite similar to our research topic; they only differ by the time of doing research [Dinh Xuan Thao 2011].

“The Institute for Legislative Studies”, the book issued in 2016, summarized the development of the VNA during its 70 years’ history, analyzed in-depth the innovation of the 13th tenure and pointed out the shortcomings that the 14th tenure needed to solve [The Institute for Legislative Studies 2016].

Due to the undeniable achievements of the “Doi Moi” process, the innovation issue of the VNA has also attracted the attention of many international researchers. Research published abroad have had a “multidimensional” analysis.

In 1988, when Vietnam had not yet started the process of reforming its political system, the researcher from the University of Victoria, Canada, stated: *“Since 1945, the National Assembly has served as a rubber stamp body for decisions previous made by the highest organs of the only legally recognized political party”* [Ferguson 1988: 257]. Contrary to that statement, another author argues that Vietnam has undergone reforms aimed at *“strengthen the role of elected bodies, and enhance, within certain limits, the scope of popular participation in the country’s political institutions. These reforms, their implementation and outcomes have had considerable impacts on the development of Vietnam’s political system”* [Vasavakul 2014: 42]. Along with that view is the statement that: *“the Congress agreed to endorse gradual and limited efforts at political reform”* [Thayer 1995: 51].

Also, discussing on the VNA but a number of other authors are interested in exercising the functions of the VNA because they argue that: *“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”* [Toward More Effective 2012: 1]. However, because VNA members often lack legal capacity and knowledge, *“Consequently, government has played very important role in law-making development program. For example, the number of proposals submitted by Government has been accepted by National Assembly and Standing Committee accounts for 83 %”* [Phan Thi Lan Huong 2014: 18]. Regarding the monitoring activities of the VNA, *“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”* [Toward More Effective Government Oversight: 25.06.2020].

Russian scientists have made positive assessments about the changes in the direction of democracy of the VNA. G. Lokshin repeatedly emphasized: *“Unlike some of the parliaments as we know, the National Assembly of the SRV has more than once become a place of political discussion in these years... Opened discussion sessions on questioned issues and the government’s answers were broadcasted live on television and radio. From now on, each member of the NA has his/her own website on the Internet where their voters can contact them for any question. The response of the member of the NA is required”* [Lokshin 2012: 30].

Also affirming the increase in the VNA’s role among Vietnamese political institutions, G. Murasheva commented: *“With the appointment of Mr. Nguyen Phu Trong, who is considered to be the Party’s thinker, as the Chairman of the National Assembly of the SRV, the role of the legislature*

and the influence of the Chairman of the NA in the political life of the country have increased significantly” [Murasheva 2011: 79]. It should be added that until the 14th VNA tenure Vietnam had its first Chairwoman of the VNA. This has shown an increasing role of women in Vietnam’s politics.

### Content

The Constitution of the Socialist Republic of Vietnam stipulates that each term of the VNA is 5 years. Over the past four years, the 14th tenure has been innovating in terms of organization and operation.

#### *Organizational method of the VNA and the process of reforming the organization of the 14th tenure*

In terms of *organizational structure*, the VNA is organized in a unicameral manner. This is due to historical tradition of North Vietnam political system where the CPV holds the leading power (since its establishment in 1946, the VNA has only one parliamentary chamber).

The VNA does not operate regularly, and it is led by the *Standing Committee of the VNA*. Like parliament of other countries, the VNA establishes its *Committees*. Currently, apart from the Ethnic Council, the VNA has 9 Committees operating regularly. During the 14th term, the organizational structure of the VNA has not changed significantly, but the tasks and powers of the agencies directly under the VNA have been delimited quite specifically.

In terms of the *deputies’ structure*, the election of 14th VNA tenure has the following results: from 870 candidates, more than 67 million voters nationwide (99.35 %) voted 496 members of the VNA. Among them, full-time deputies in both central and local agencies were 167 people, accounts for 33.6 % (in the 13th tenure 30.8%), 86 ethnic minorities representatives, accounts for 17.3 % (in the 13th tenure 15.6 %); 133 female deputies, accounts for 26.88 % (in the 13th tenure 24.4 %); 6 religious dignitaries (in the 13th tenure there were the same equal to 1.2 %). Among 97 non-party members who ran for candidacy 21 people were elected, accounts for 4.2 % (in the 13th tenure 8.4 %); 2 persons are self-nominated deputies, accounts for 0.4 % (in the 13th tenure 0.8 %). There were also 17 delegates who are business managers. The rate of non-party and self-nominees elected deputies in the 14th VNA tenure decreased compared to the 13th tenure, and religious dignitaries in general accounted for a low rate that can be explained by many reasons. Looking at the voting results, it was mainly due to the choice of voters (15 candidates nominated by the Central Committee of CPV were not elected), but the CPV’s decisive role on the composition of the VNA’s deputies cannot be denied.

In terms of the *way of operation*, the VNA holds a plenary meeting 2 times a year; its Standing Committee, Ethnic Council, 9 Committees are regular agencies. During the 14th tenure, the way of operation of the VNA has had many changes. It is easy to see that the nature of opened discussion is increasingly shown. The VNA is moving from the *National Assembly of presentations to the National Assembly of discussion*, debating, asking and answering questions. To direct these activities, in November 2016, the VNA passed a *Resolution on asking and answering questions*. Since 2017, the VNA has increased the questioning time from 2.5 to 3 days in one session. At the fifth session (in June 2018), the VNA also passed the regulation: Each delegate can only ask question(s) for 1 minute and respondents must not read the text, must answer question(s) according to a *group of issues* and each answer should not exceed 3 minutes. This regulation requires everyone to get into central matters. In order to help delegates do their task well, since the eighth session (in November 2019), the provision of information and documents to the delegates has been completely implemented by application software installed on each delegate’s smartphone.

The ninth session of the 14th tenure VNA has created a new step in the mode of holding plenary meeting when combining *online and centralized* forms. The online meeting at first was just a “situational solution” in the raging COVID-19 pandemic, but it showed the flexibility, convenience and economy. Therefore, its tenth session also was conducted according to these two modes. This is the premise for building the “Electronic National Assembly”, the inevitable trend of the “Digital era”.

In addition to the achievements, the organization of the 14th VNA tenure still has some shortcomings. The election results show that there are many part-time deputies (323 deputies, accounting for 66.3 %) and the rate of non-party deputies in the VNA is too low (accounting for 4.2 %). Besides, the quality of delegates is not really guaranteed to meet the requirements, the evidence is that over the past 5 years, 6 delegates have been disqualified or dismissed from their duties because of serious mistakes.

### ***The status of renewing activities of the 14<sup>th</sup> VNA tenure***

The 2013 Constitution of the SRV stipulates three basic functions of the VNA are to legislate, exercise supreme supervision over the activities of the State and decide key issues of the country. The 14th VNA tenure has made great efforts to reform its functional activities.

#### ***On constitutional and legislative activities***

Like parliaments of other countries, the constitution and the legislature are the foremost important functions of the VNA. At the opening of the first session of the 14th tenure VNA, General Secretary Nguyen Phu Trong stated: The 14th tenure must focus on formulating and completing a comprehensive legal system, legalizing the orientations and guidelines of the Twelfth National Congress, Vietnam strives to have all the necessary basic laws to regulate social relations by 2020 [Toàn văn: 10.11.2020].

Because Vietnam focuses on economic innovation, the 14th VNA tenure has passed many economic laws to create a legal framework for the development of a socialist-oriented market economy. The 14th tenure also issued and revised a number of laws related to social concern such as the *Anti-Corruption Law* (amendment), the *Law on Denunciation* (amendment), and the *Law on Cyber security*. Also, in 2018, the VNA ratified the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (CPTPP). In general, while the 13th tenure has enacted 108 laws and acts, from the beginning of the term to May 2020, the 14th tenure has passed 65 laws and acts [Thông cáo báo chí: 15.08.2020].

Not only changing the quantity, the legislative process of this term is also renewed and the most update point is: The law projects have focused on analyzing and forecasting the impact of legal policies on economic-social issues. The legislative process has reduced the enactment of “framework” laws that require the guidance documents of government to be implemented. However, it must be admitted that the legislative capacity of the delegates is not yet commensurate with the practical requirements, especially for the people who are the members of the VNA for the first time. Some laws also show subjective will, low predictability and low deterrence. For example, according to Decree 167/2013/ND-CP, the penalty for harsh, provocations, tease gestures and words that insult the honor and dignity of others, cause disorganization in public places differs only from VND 100,000 to 300,000 [Decree No.167/2013: 12.11.2013]. The 14th tenure has not yet issued some laws that have been specified in the Constitution such as the *Law on Protests*, *Law on Associations* etc. [see: Constitution of the SRV 2014: 18]. Although these are laws with complicated rules and regulations



that need to be carefully prepared, their delay also shows that the process of social democratization still faces many difficulties.

*On activities to decide important issues of the country*

The 14th tenure has clearly defined the responsibilities of each Committee in the investigation and preparation of reports on issues that need to be decided by the deputies. A major event in the country's political life is that at its sixth session (October 23, 2018), the VNA elected General Secretary Nguyen Phu Trong as President of the Socialist Republic of Vietnam for the term of 2016–2021 by secret ballot with a result of 99.79 % in favor. However, the General Secretary made it clear: This is not a unification, but only a situation, when the President Tran Dai Quang passed away [Thang Quang 2018]. Therefore, in the term of 2021–2026, merging the two most important titles into one person is unlikely to happen. To prepare for the important political event, the election of the 15th VNA tenure to take place in May 2021, the VNA has established the *National Election Council* chaired by Nguyen Thi Kim Ngan.

On socio-economic issues, the VNA approves every year the resolutions on socio-economic development plans, state budget estimates and settlement, central budget allocations, national key projects and works etc. Talking about the VNA's right to veto the Government's proposal, G. Lokshin gave evidence: *"Delegates forced the Government to abandon the construction of the Hanoi-Ho Chi Minh City high-speed railway which was jointly built by Japanese companies due to the high cost. The government was also strongly criticized for its involvement in several major corruption cases"* [Lokshin 2016: 34]. In particular, on November 22, 2016, at the second session, the VNA approved the decision of stopping the project of Ninh Thuan nuclear power. It was not due to technological reasons but because Vietnam can use wind and solar energy with cheaper prices. Clearly demonstrating its role in economic decisions, at the sixth session, the VNA asked the Government for the first time to have a *mid-term report* on the implementation of socio-economic development tasks. On November 23, 2017, the VNA passed the *Law on Public Debt Management* (amended) and affirmed its determination to strictly control the public debt at a safe level (i.e., below the ceiling of 65 % of GDP).

In addition to the positive aspects, the decision-making activities on major national issues are sometimes still formalistic. The influence of the VNA on fiscal policy is quite limited.

*On supervising activities*

The VNA is the only body assigned by the people to supervise and the 14th tenure has exercised supreme supervision through the following methods: examining the reports of the President, the Standing Committee, the Government, the Supreme People's Court, the Supreme People's Procuracy at the VNA's session; examining the legality and constitutionality of legal documents of concerned agencies. The most important, direct form of supervision is to *conduct questioning sessions* on people taking up positions elected by the VNA. Unlike asking for information, the questioning is to clarify the responsibilities of the head and help delegates and voters assess the capacity and level of completing the tasks of the person who needs to be supervised.

The VNA also exercises *supervision by voting* of confidence with individuals elected and approved by the VNA at the middle and the end of its term. During the 14th term, the vote of confidence for 48 titles took place at the sixth session (November 2018) with 3 ratings: high credit, credit and low credit. The delegates with the highest number of votes of low credit were only 137 (28.25 %). No one elected by the VNA has been dismissed or resigned. Therefore, voting is meant only to encourage and remind [Quoc Huy 2018].

Although the 14th tenure has made many improvements and innovations in supervision, Vice Chairman of the VNA Do Ba Ty admitted: Due to the wide scope of supervision, the VNA has not fulfilled all the regulations; the formalism in monitoring activities still exists [Phan Phuong 2019]. The monitoring of the implementation of the *Anti-Corruption Law* is still not strict. The supervision of legal documents from the submitting agencies is mainly at technical examination. The way of organizing thematic monitoring activities is unclear, not clearly distinguishing the nature of “supervising” or practical “survey”. In particular, there is still an “overlap” on the supervising subject, especially between the *Standing Committee* and other *Committees*.

### ***The recommended system of solutions to promote the innovation process of the VNA***

The situation of the VNA’s renovation in all aspects over the past four years has suggested the following solutions.

First, *continue to renew the CPV’s leadership towards the VNA*. In Vietnam, the CPV is a comprehensive leadership force, so it is impossible to renew the VNA without renewing the Party’s leadership. It is necessary to clearly define the scope and contents of the CPV’s leadership and the authority of the VNA according to the principle: The CPV must practice democracy in its leadership mode and the VNA must effectively implement the right to supervise Government’s officials, most of whom are CPV’s members.

Second, *further promote the role and reform the structure of the specialized Committees of the VNA*. Regarding the important role of the Committees, W. Wilson, the 28th President of the United States concluded: “*Congress in session is Congress on public exhibition, whilst Congress in its committee-rooms is Congress at work*” [Wilson 1981: 69]. In Vietnam, the VNA does not work regularly, the majority of VNA’s deputies work concurrently, so it is necessary to further enhance the role of the standing agencies; they are responsible for handling all the duties between the two sessions and preparing for the plenary session. It is necessary to study and separate a number of Committees with too many functions to specialize in activities, helping these agencies to better perform their advisory tasks to the VNA.

Third, *continue to improve the election mechanism, thereby improving the quality of VNA’s deputies*. The quality of deputies determines the effectiveness and efficiency of the VNA’s activities, so improving the quality of deputies is an important solution. However, that requirement “entangles” the principle of ensuring the representative structure of the VNA. Solving the relationship between standards and structure of deputies is an ongoing requirement, but standards still have to be on the top. It is also necessary to overcome the situation of biased representation by regions and areas with little attention paid to representatives by industry, gender, and occupation. It is needed to increase delegates who are experts and entrepreneurs in the economic fields.

In order to select qualified people with a reasonable structure of delegates, it is necessary to renew the negotiation process towards democracy and objectivity. In the 14th VNA tenure election (May 2016), only 11 self-nominated people “came to” the official list. Regarding the election campaign, it is necessary to allow candidates to conduct their own election campaign in accordance with national cultural traditions. Becoming a member of the VNA is difficult but fulfilling the responsibilities of a representative of the people is still more difficult. Good members of the VNA must be good at many things, proficient in many skills, but the most important thing is that they must “speak well the people’s voice” and avoid “making a promise”.

Fourth, *it is necessary to continue to improve the number and quality of full-time deputies of the VNA*. From the eighth plenary session of the 7th Central Committee of the CPV (1995), the CPV affirmed: “The long-term direction is that the National Assembly will gradually move to regular activities” [CPV 1995: 27]. However, that goal must be approached gradually. At this time, it is necessary to implement the CPV’s directions at the Twelfth National Congress of “improving the quality of the delegates, increasing properly the number of full-time delegates” [CPV 2016: 177] and “reasonably reduce the number of the National Assembly’s deputies working concurrently in executive agencies” [CPV 2017: 55]. The Law on Organization of the National Assembly (revised) in 2020 has increased the proportion of full-time delegates to 40% (compared to the current rate of 33.6 %) but this proportion still needs to continue to increase, at least to 50%. Although the VNA must ensure the representation, this is an objective trend.

Fifth, *continue to renew the legislative process and improve the legal system*. At this time, the legislative activities need to be reformed in the direction: After having been issued, laws and ordinances must be immediately applicable to life without guiding documents. In particular, the Committees of the VNA must be the direct subjects to develop law projects. In the future, the VNA needs to promote the drafting and ratification of the Law on Protests, Law on Associations etc, as stipulated in the Vietnam’s Constitution.

Sixth, *it is necessary to promote democracy in the activities of the VNA*. At this time, increasing the number of representatives outside the Party is needed to make its representation of the people more clearly. Referring to the Party, Ho Chi Minh even said “*Our Party is the Party of the class, at the same time of the nation*” [Ho Chi Minh 2011: 275]. Being the Party of the nation, as an elected agency, the VNA’s representative of the people must be made clearer. It is also necessary to increase the time for questioning and discussion at the VNA’s forum and to have a mechanism for delegates to assess the ministers’ answers, considering it as a criterion for evaluation. The vote of confidence must take place annually on the basis of comparing the commitments with actual implementation. It is also needed to strengthen and renew the meeting between deputies and voters in the direction of getting more into reality. The composition of voters must be more diverse to avoid the phenomenon of using “professional voters” as in some localities.

In addition, it is necessary to continue to consolidate and strengthen the advisory, assisting apparatus and accelerate the *Project of e-National Assembly*, an inevitable step in the future.

### Conclusion

Over the past three decades, Vietnam has consistently carried out comprehensive “*Doi Moi*” process. The VNA is an important political institution, so the renewal of the VNA is an inevitable step in the renewal of the entire political system.

Inheriting the achievements and experiences of 70 years of growth and development, over the past 4 years, despite experiencing many changes in politics – economy – society, the 14th VNA tenure (2016–2021) has made efforts to innovate both in its organization and mode of operation. The main results are: the activities of the sessions have become more substantive, more democratic, and in a more diverse manner; deputies’ qualifications have been gradually improved; the activities of the VNA in all the three aspects of the legislature, the supervision and the decision-making of important issues of the country have all made important progress etc. Innovation and creativity of the VNA have contributed to the creation of new vitality for both the political system and the democratic atmosphere in the country.



However, the transformation of the VNA from occasional to a regular, professional operation and truly being an active form of the highest representative body of the people, as the highest authority of the State, is not easy. The reality that will continue to raise new and *constantly innovating* issues, it is the existence and development principles of the VNA.

The term of the 14th VNA tenure is gradually “coming to an end”, the 14th tenure is not only a “step” in the process of renewing and democratizing the country, but also leaves a lot of experience for the 15th tenure and next terms. The spirit of innovation, creativity, solidarity and the actual results achieved by the 14th tenure are worthy of recognition and should be further promoted.

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**Author:**

**Trần Thị Minh Tuyết**, PhD (History), Associate Professor, Academy of Journalism and Communication, Vietnam. ORCID: 0000-0002-8132-8352. Email: [tuyetminh1612@gmail.com](mailto:tuyetminh1612@gmail.com)

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***Автор:***

**Чан Тхи Минь Туэт**, к.и.н., доцент, Академия прессы и пропаганды, Вьетнам. ORCID: 0000-0002-8132-8352. Email: tuyetminh1612@gmail.com.

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