



Australian Government

Aid Program

CONCEPT NOTE

VIETNAM COMMUNIST PARTY ANTI-CORRUPTION PROGRAM 2011-14

Version 29 July 11

BACKGROUND

Corruption in Vietnam

Corruption has been identified by the Communist Party and the Government of Vietnam (GoV) as a major obstacle to development. Vietnam rates poorly on international corruption indices. With a 2010 Corruption Perception Index score of 2.7 (out of a perfect 10), Vietnam still ranks well behind countries like Thailand, China (3.5) and Malaysia (4.4), not to mention Singapore (9.3). The 2008 Vietnam Household Living Standard Survey - Governance Module (released at the end of 2009) reports 65% of respondents admitting corruption as a problem for their family. Reporting on corruption in the media remains muted and is confined mainly to the activities of low-level officials. The new Law on Access to Information, considered a foundation for a future Press Law, has been delayed.

Anti-corruption efforts of Vietnam

In the single Party state, the Communist Party is the most powerful political institution in Vietnam. The majority of GoV officials are Communist Party members. The most senior GoV officials including Prime Minister, Deputy Prime Ministers and key Ministers (such as Defence, Public Security, Finance, etc.) are members of the Politburo. In the one-ruling Party policy context of Vietnam, the Communist Party Inspectorate, therefore, has the most significant role in addressing anti-corruption within the Communist Party system.

In the last few years, Vietnam has made significant efforts to develop the legal framework and institutional structure for anti-corruption. In 2005, the National Assembly (NA) of Vietnam passed the Anti-corruption Law. In 2006, the Government Inspectorate established a specialised anti-corruption bureau, in charge of anti-corruption within the Government system. In 2007, the Steering Committee on Anti-Corruption was established as an overarching body to oversee implementation of the Anti-corruption Law. Vietnam ratified UNCAC in June 2009. In mid 2011, Vietnam will conduct its first self-assessment process against UNCAC for two (2) out of eight (8) UNCAC chapters which are international cooperation and criminalization-enforcement.

Communist Party anti-corruption efforts

In May 2010, the Politburo endorsed the Communist Party's anti-corruption strategy to 2020. The Strategy lays out the key role of the Party Inspectorate in establishing Vietnam's anti-corruption strategy, supporting and influencing other anti-corruption agencies. The Strategy focuses on 3 areas (i) raising awareness of the Communist Party's inspection and monitoring roles; (ii) strengthening the Communist Party's inspection and monitoring policies including oversight of implementation of the Anti-corruption Law; and (iii) improving the quality of inspection and monitoring.

Australia enjoys a unique opportunity as a Western donor with a direct relationship with the Communist Party Inspectorate. Other international partners to the Communist Party Inspectorate include Laos, Cambodia, China (through Chinese Communist Party's Inspectorate) and Singapore. These countries are all from region and, in the case of Laos and China, have similar political structures to Vietnam.

Anti-corruption Dialogues

There has been bi-annual high-level Anti-corruption Dialogues (ACD) between the GoV and donors since 2007. ACDs have become a strategic entry point where donors and Vietnamese institutions can discuss frankly key corruption issues and solutions. Examples of themes include media, civil service, construction, health, education and land.

Strategic Foundations for the proposed program

Vietnam–Australia Comprehensive Partnership endorsed in 2009 highlighted Australia's position as a long-term partner in Vietnam's development.

Australia's Strategic Approach to Aid in Vietnam 2010-15 indicated a shift from supporting direct service delivery towards long-term partnerships and policy discussion on emerging challenges. This includes Australia's engagement, in cooperation with other donors, to support Vietnam's efforts to combat corruption.

Supporting the implementation of Vietnam's anti-corruption strategy is aligned with AusAID's anti-corruption policy "Tackle corruption for growth and development". This policy highlights long-term sustainability achieved through a partnership approach where Australia supports the priorities and plans of partner countries to improve governance and tackle corruption.

AusAID funded anti-corruption training programs in 2008/09 and 2009/10

Responding to an identified need and the Communist Party of Vietnam's request for assistance, AusAID funded training programs on anti-corruption for the Communist Party and GoV in 2008 and 2009. These programs were delivered by the Crawford School at the Australian National University (ANU). The program facilitated the development and initial implementation of the Communist Party's anti-corruption strategy. The design of this new 3 year program draws on lessons learned from these earlier courses.

Expanding our cooperation

In October 2010, the Communist Party Inspectorate requested an expansion of Australia's support for implementation of its strategy to 2020. AusAID and the Communist Party Inspectorate have discussed an outline proposal for a 3-year program with a combination of Australia-based and in-country activities. It was agreed that the program should support implementation of the Communist Party's anti-corruption Strategy to 2020. The Communist Party Inspectorate's newly appointed leader (5-year term) met with the Australian Ambassador in March 2011 where both sides agreed to proceed with approval for the program.

PROGRAM GOAL, OBJECTIVES

Goal

The ultimate goal of this program is to contribute to a reduction in corruption in Vietnam. This will be achieved through supporting the objectives of the Communist Party's anti-corruption strategy to 2020.

Objectives

1. Support implementation of a number of areas identified in the Communist Party's anti-corruption strategy to 2020:
 - strengthen the policy framework for anti-corruption implementation;
 - address corruption in sectors most prone to corruption in Vietnam such as natural resources management (extractive industries, land, etc.); state owned enterprises (SOEs) management; public investment, public assets management; foreign direct invested projects management; tax and customs management; law enforcement;
 - improve coordination between the Communist Party Inspectorate and media, political-social organisations and citizens in anti-corruption;
2. Facilitate closer bilateral ties between Australia and the Communist Party of Vietnam

PROGRAM STRUCTURE

The program is structured with 3 components: (i) high-level policy training; (ii) thematic operational training; and (iii) support for continuous development.

1. High-level policy training on anti-corruption

- Focus: anti-corruption policy/strategy development and implementation.
- Topic: a comprehensive set of anti-corruption and broader good governance issues such as systems of governance, transparency and accountability in government, systems analysis, anti-corruption organisation structure, public raising awareness activities including coordination between anti-corruption agencies and media, social organisations and citizens, coordination among anti-corruption agencies, and anti-corruption investigation measures and related judicial appeals.
- Participants: 25 high-ranking officials involved in policy/strategy development from the Communist Party Inspectorate, Office of the Steering Committee on Anti-corruption (OSCAC) and Government Inspectorate (GI).
- Duration: 3 weeks (1 in Vietnam and 2 in Australia)
 - o 1 week in Vietnam: Two to three Australian course conveners will deliver course introduction, initial training sessions. Alumni of 2008/2009 courses will outline how the group can make the most of the training and site visits to Australia. The week also allow course conveners to gain better understanding of local context.
 - o 2 weeks in Australia: Class-type presentations, workshops, site visits, course debriefing and evaluation.

2. Thematic and operational training

- Focus: areas/sectors most prone to corruption in Vietnam such as extractive industries, public investment, SOEs management, etc. as identified by the Communist Party Inspectorate; and strengthened anti-corruption key functions (prevention and investigation).
- Topic: Each course will address a limited number (1 to 2) of areas/sectors from the two (2) following topic groups:
 - o *Group 1: Thematic approach:* Natural resource management (extractive industries, land, etc.); state owned enterprises (SOEs) management; public investment, public assets management; foreign direct invested projects management; tax and customs management; law enforcement; etc.

- *Group 2: Operational approach:*
 - Prevention techniques (improving transparency, disclosure and accountability of the Government, raising awareness on anti-corruption including coordination between anti-corruption agencies and media, social organisations and citizens, etc.);
 - Investigation techniques (including related judicial appeals, whistleblower protection, etc.).
- Participants: 20 officials in charge of specific anti-corruption areas/sectors from the Communist Party Inspectorate, OSCAC, GI and relevant agencies with respect to thematic approach courses (such as Ministry of Natural Resources or Ministry of Industry and Trade for extractive industry topic).
- Duration: 2 weeks (1 in Vietnam and 1 in Australia):
 - 1 week in Vietnam: Two to three Australian course conveners will deliver course introduction and initial training sessions. The week also enables course conveners to gain better understanding of local context.
 - 1 week in Australia: Workshops, site visits, course debriefing and evaluation.
- 3. Support for continuous development:** enabling the continuous development of course participants via the facilitation of informal and formal linkages, including 2 activities
 - *Anti Corruption International Conference Delegations:* a small delegation (up to 5 officials including interpreter) to attend international conferences on anti-corruption for learning and networking opportunities, for example the Australian Public Sector Anti-Corruption Conference held biannually, the International Anti-corruption Conference (IACC) and other ADB/OECD initiatives; and
 - *Annual Alumni Workshops in Vietnam:* to be held in Vietnam in order to share lessons learned, reinforce key aspects of the training programs and evaluate the program with recommendations for improvement.

This component, however, will allow flexibility to other activities such as analytical work or researches as required by the Communist Party Inspectorate, OSCAC, GI and agreed by AusAID.

PROGRAM DELIVERY

Service provider

A qualified service provider to deliver the program was selected from an AusAID restricted tender with a competitive selection process.

The service provider is required to work in partnership from tender preparation with key anti-corruption bodies in Australia (such as New South Wales Independent Commission Against Corruption –NSW ICAC, Queensland Crime & Misconduct Commission, etc.). The service provider will also partner with a Vietnamese organisation for in-country activities.

Program delivery schedule

The program will be a three-year initiative and is expected to commence in 2011. Each year will have one (1) full course cycle consisting of three (3) components.

In 2011/12: there will be one (1) high-level policy training course (Oct/Nov 2011), one (1) delegation to international conference (Nov 2011), one (1) thematic and operational training

course (Mar/Apr 2012) and one (1) alumni workshop (Jun/Jul 2012). The thematic and operational training course in 2011/12 will be either extractive industries (thematic) or investigation techniques including whistleblower protection (operational).

In each year of 2012/13 and 2013/14: there will be one (1) high-level policy training course, two (2) thematic and operational training courses (1 thematic and 1 operational), one (1) delegation to anti-corruption international conference delegation, and one (1) alumni workshop. However, details on number of specific activities and topics will be agreed by AusAID and Communist Party Inspectorate at Activity's Annual Plan development.

Target Participants

Specialised anti-corruption units: Participants are from and/or will work for specialised anti-corruption units of Communist Party Inspectorate, OSCAC and GI following the training participation.

On-going service: Participants will be in service in the Communist Party Inspectorate, OSCAC and GI for a number of years (example 3-5 years) following the training participation.

Gender: There should be 10% of women participants.

Trainers: There should be 10% of trainers in high-level policy and thematic operational training courses to facilitate post-course train the trainer activity and further dissemination of information.

Interpreter: There should be an interpreter included in the total number of participants at each training course. He/she will work with service provider's interpreter to ensure quality.

Financial contribution

AusAID will provide up to AUD 2,800,000 to support this program. This will cover implementation, management and monitoring of the program. With respect to Vietnamese participants, the program will provide international airfares, accommodation, per diems, inter-city domestic travel, pastoral care, social and networking functions, medical insurance and sequential interpreters and translational services for out-of-Vietnam activities.

Counterpart costs of Vietnam side will cover travel, accommodation, per-diems and passports/visa formalities for Vietnamese participants with respect to activities in Vietnam.

Program Management

AusAID will manage the tender process, the performance of the service provider and work closely with the Communist Party Inspectorate during program delivery.

The Program Coordinator and the Program Coordinator Assistant will be nominated from the Communist Party Inspectorate's Personnel and External Department and the Communist Party External Affairs Commission respectively. The Program Coordinator and Program Coordinator Assistant will work closely with AusAID and the service provider to ensure Activity cohesion and accountability. The Program Coordinator was a member of the Technical Assessment Panel and will participate in the Activity's first training course. Engagement will mainly be (but not restricted to):

- tender assessment.
- training program development.
- sending appropriate delegations
- facilitating Vietnam based training segments and alumni workshops.

- program evaluation and improvement.

Language: Simultaneous interpretation will be considered to improve efficiency.

MEASURING SUCCESS

As outlined in the risk section, corruption is a significant issue for Vietnam. The objectives and assessment of the outcomes of the program should be as realistic as possible and acknowledge that many inputs, beyond the scope of this program, will be required to reduce corruption in Vietnam.

Examples of what success will look like

The program's success will be measured by evidence of some value added deriving from the program. For example:

- quality anti-corruption policy developed and implemented. Example is a policy paper related to the topics of the program's high-level policy training course submitted to Communist Party Inspectorate's leadership.
- improved coordination between the Communist Party and GoV's anti-corruption. Example is Communist Party Inspectorate's active participation in the ACDs.
- solution to address corruption in sectors most prone to corruption that were chosen as topics for the program's thematic courses. Example is lessons learnt from the training course reflected in content of a specific sector anti-corruption action plan.
- improved coordination between the Communist Party Inspectorate with media, political-social organisations and citizens in anti-corruption. Examples are regular press conferences or established mechanism to engage political-social organisations and citizens.
- behavioural change in Communist Party Inspectorate's anti-corruption prevention and investigation activities.

Higher level measures: Vietnam's broader progress on anti-corruption can be measured by:

- Vietnam's rating in the Global Corruption Perception Index (currently rated 116 of 178 countries) and other country-specific reporting by Transparency International.
- monitoring of reporting of corruption in the media.
- GoV's M&E system to capture corruption and Vietnam's anti-corruption efforts (in development by GI).

Program evaluation

Proper program evaluation is important to the program's success and to AusAID's capacity to justify the investment to the Australian public.

At the inception stage of the program, the service provider will develop a basic M&E framework to capture the program's achievements and enable us to demonstrate its influence. Evaluations will be conducted at the end of each individual course, each full course cycle (combined with annual alumni workshops) and full 3 year program.

Evaluations of the program will draw on case studies provided by anti-corruption agencies and interviews with course participants to demonstrate that:

- knowledge gained from the training courses has been applied.

- information has been disseminated beyond just course participants (by trainers participants run courses to their colleagues based on program's courses).
- the program meets specific anti-corruption needs of Vietnam.

RISKS

As noted in the Background section, corruption is a significant issue for Vietnam. This program will result in increased capacity of a small group of people; however, the ability of this program to measurably contribute at the macro level to a reduction in corruption in Vietnam is limited. This program will only be able to achieve its goal if supported by a political commitment to reduce corruption in Vietnam. It is our assessment that this commitment does currently exist in the system.

Key risks and mitigation measures are identified below:

1. The Communist Party's Inspectorate might not have experience in managing an international cooperation program of this nature which could limit the efficiency and effectiveness of implementation (ex: poor contribution to the training plan, poor selection of participants, poor understanding of M&E requirements). Mitigation measures include:
 - 1.1. From the outset AusAID has requested the Communist Party Inspectorate assign sufficient resources to support program management and monitor progress throughout implementation.
 - 1.2. AusAID will work closely with the Communist Party Inspectorate to ensure that:
 - the training program is in line with the Communist Party's priorities.
 - participants sent are in line with agreed principles (seniority, gender, trainer).
 - M&E requirements are fully understood and implemented.
2. Complexity for service provider of managing relationships with relevant institutions in Australia (key Australian anti-corruption bodies, civil society, ombudsman's offices, etc) may undermine the cohesion of the program. To mitigate the risk:
 - 2.1. The tender assessment process will include assessment of demonstrated capacity to manage/coordinate complex programs with inputs from multiple different organisations
 - 2.2. The tender documents will outline that the services provider is required to work in partnership with key anti-corruption bodies in Australia **from the stage of tender preparation.**