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RESEARCH REPORT

OVERSIGHT PROCEDURES OF THE NATIONAL ASSEMBLY AND STANDING COMMITTEE OF THE NATIONAL ASSEMBLY

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AUTHORS

Nguyen Thi Mai Thoa

Nguyen Phuong Thuy

Warren Cameron Cahill

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INTRODUCTION

1. Background

Together with law-making and deciding matters of national interest, oversight is another important function of the National Assembly (NA). Effective oversight has a positive impact on the results of legislation and decisions on matters of national interest. The oversight activities do not only aim at bringing better laws into life and ensuring laws are enforced consistently throughout the country but also at raising the responsibilities of state bodies and contributing to building a state based on the rule of law, by the people and for the people.

The Constitution provides for an effective and close system of oversight. *The National Assembly and its Standing Committee are ultimately responsible for ensuring effective oversight occurs including reviewing the reports and recommendations of those delegated with oversight responsibilities.*

The Law on the Oversight Activities of the National Assembly also stipulates that at plenary sessions, the National Assembly carries out supreme oversight over the government's activities. The National Assembly does this in a variety of ways such as reviewing activity reports, questioning, document monitoring, vote of confidence and establishing interim committees for oversight. Besides, the National Assembly authorizes the Standing Committee, the Ethnic Council, the Committees, Delegations of National Assembly Deputies and National

Assembly Deputies to carry out oversight in the interval between the two annual plenary sessions. The National Assembly Standing Committee is in charge of carrying out oversight activities and preparing for the National Assembly to conduct supreme oversight at plenary sessions. The Ethnic Council, National Assembly Committees, Delegations of National Assembly Deputies and National Assembly Deputies play an important role in oversight over professional matters, specific matters in provinces and local departments, organizations and agencies.

There are many factors influencing the effectiveness and efficiency in oversight activities of the National Assembly and the National Assembly Standing Committee. These include, the nature of regulations governing oversight activities, the extent of oversight activities and the time available to undertake them, oversight methods employed, support mechanisms including financial support and the range of staff and information resources available.

The National Assembly's and National Assembly Standing Committee's oversight processes are a complex set of legal procedures and steps. They are also the tools guaranteeing the quality, efficiency and integrity of oversight activities as well as the legality of oversight results. While oversight processes are themselves not sufficient to ensure the efficient oversight over entire activities of state apparatus, including law and policy implementation and state budget expenditure, improving them may lead to critical impact on efficiency of oversight activities of the National Assembly.

Ever since the Law on the Oversight Activities of the National Assembly was passed, the National Assembly's oversight activities

have been improved and enhanced. However, as seen from the activity reports of the National Assembly and its agencies since the 11th term up to now, oversight activities continue to develop and mature.

Based on the importance of oversight and its relevance to increasing the quality and effectiveness of the work of the National Assembly and the National Assembly Standing Committee, **the research on the Oversight Procedures of the National Assembly and the National Assembly Standing Committee** is of prime importance and significance in the current period.

2. Objectives

- Increase the awareness by key stakeholders about the National Assembly's procedures and processes for undertaking its oversight responsibilities;

- Promote the activities of the National Assembly and National Assembly Standing Committee for achieving maximum quality and efficiency of oversight;

- Address the inherent challenges and limitations to effective oversight by analysing and evaluating current oversight procedures and processes;

- Develop recommendations for the amendment and supplement to the Law on the Oversight Activities of the National Assembly, Law on the Organization of the National Assembly and related legal documents.

3. Methodology

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The key activities undertaken included research, desk study, analysis, comparison, seminar, feedback, consultative meeting, in-depth interviews and field trips.

4. Scope

Under the regulations of the Law on the Oversight Activities of the National Assembly, entities which have the right to implement oversight activities include National Assembly Standing Committee, the Ethnic Council, Committees, Delegations of National Assembly Deputies, and National Assembly Deputies. The law regulates the power, scope, contents and tools for these entities' oversight activities. The report therefore focuses on the oversight activities of the National Assembly and National Assembly Standing Committee; the procedures on developing oversight program, examining work reports, questioning, examining legal normative documents, establishing provisional committees to investigate a certain issue, and establishing oversight teams.

I. SOME THEORETICAL ISSUES ON OVERSIGHT ACTIVITIES AND OVERSIGHT PROCEDURES OF THE NATIONAL ASSEMBLY AND NATIONAL ASSEMBLY STANDING COMMITTEE

1.1. Overview on the oversight activities of the National Assembly and Standing Committee of the National Assembly

Oversight is one of the basic functions of democratic legislatures around the world. That is, legislatures such as the National Assembly are empowered and responsible to study, review, amend and pass proposed laws, oversee how they are implemented and enforced by the relevant State agency and ensure that public funds are expended efficiently and transparently for the benefit of the people. Responsibility to represent the voters is the driving force for the oversight activities of the National Assembly.¹

“As a representative body of the people, Parliament is expected to ensure that the implementation of public policies reflect and meet people’s expectation and needs. Also parliament should guarantee approved policies are implemented in a sound manner and targeted to the right citizens as identified by the law makers. This is the parliamentary oversight function.”

In Viet Nam, besides the functions of legislation and making decisions on important issues of the nation and representation, oversight is one of the important Constitutional functions undertaken

¹ Nguyen Si Dung, *Oversight rights of the National Assembly, contents and practice from the referent perspective*, Justice Publishing House, 2004, p. 9-16.

by the highest organ of State power, the National Assembly Item 1, Article 2 of the Law on Oversight Activities of the National Assembly provides:

“Oversight means that the National Assembly, the National Assembly Standing Committee, the Ethnic Council, the Committees of the National Assembly, delegations of National Assembly deputies and National Assembly deputies oversee, consider and assess activities of the agencies, organisations and individuals that are subject to oversight in the enforcement of the Constitution, laws and resolutions of the National Assembly as well as ordinances and resolutions of the National Assembly Standing Committee”.

The quality of oversight activities has a positive impact on the quality of legislation and decisions on important issues. Oversight activities of the National Assembly are not only to ensure that the law is enforced strictly and consistently throughout the nation but also to heighten the responsibility of state agencies, helping to put the law into life and build the state ruled by law of the people, by the people and for the people.

The National Assembly exercises its supreme oversight power during its sessions. The oversight competence of the National Assembly is provided in Article 3 of the Law on the Oversight Activities of the National Assembly as follows:

“The National Assembly oversees activities of the President, the National Assembly Standing Committee, the Government, the Prime Minister, ministers and other Cabinet members, the Supreme People’s Court and the Supreme People’s Procuracy in the enforcement of the Constitution, laws and resolutions of the National Assembly; oversees

legal normative documents of the President, the National Assembly Standing Committee, the Government, the Prime Minister, the Supreme People’s Court and the Supreme People’s Procuracy”.

The oversight competence is provided specifically in Article 7 of the Law on the Oversight Activities of the National Assembly as follows:

- 1. “Examining work reports of the President, the National Assembly Standing Committee, the Government, the Supreme People’s Court and the Supreme People’s Procuracy;*
- 2. Examining reports of the National Assembly Standing Committee on the implementation of the Constitution, laws and resolutions of the National Assembly;*
- 3. Examining legal normative documents of the President, the National Assembly Standing Committee, the Government, the Prime Minister, the Supreme People’s Court or the Supreme People’s Procuracy, which display indications of contravening the Constitution, laws and resolutions of the National Assembly;*
- 4. Examining answers of the President, the Chairman of the National Assembly, the Prime Minister, ministers and other cabinet members, the President of the Supreme People’s Court and the Procurator General of the Supreme People’s Procuracy to questions;*
- 5. Establishing a provisional committee for investigating a certain issue and examining the report on investigation results of the Committee.”*

During the 12th National Assembly, along with legislation and decisions on important issues of the nation, oversight activities were strengthened and resulted in improved recommendations on the amendment and supplementation of policies and laws; promoting positive action and minimizing adverse consequences of proposed policies; the timely correction of errors which ensured that authorities implemented their responsibilities according to law. Oversight activities covered almost all government endeavours including economics and society, state budget and finance, culture, education, science, technology, national defence, foreign affairs, and activities of the judicial agencies. Basically, the 12th National Assembly contributed to highlighting the crucial role and responsibilities of the National Assembly through improved oversight activities, which ensured that the interests and aspirations of the people were more effectively represented².

Under the provisions of the Constitution and the Law on the Organization of the National Assembly, *the National Assembly Standing Committee* is the standing agency of the National Assembly, established by the National Assembly to execute activities of the National Assembly. In addition, based on the meeting requirements of the National Assembly which holds two sessions each year, the National Assembly Standing Committee exercises some activities delegated by the National Assembly. The quality and efficiency of activities implemented by the National Assembly Standing Committee has great impact on the overall performance of the National Assembly. In the Law on the Oversight Activities of the National

² Report on the results of the 12th National Assembly.

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Assembly, the competence of the National Assembly Standing Committee is provided as follows:

*“The National Assembly Standing Committee oversees activities of the Government, the Prime Minister, ministers and other cabinet members, the Supreme People’s Court, the Supreme People’s Procuracy and the People’s Councils of the provinces or centrally run cities in the implementation of the Constitution, laws and resolutions of the National Assembly, ordinances and resolutions of the National Assembly Standing Committee; and oversees legal normative documents of the Government, the Prime Minister, the Supreme People’s Court, the Supreme People’s Procuracy, resolutions of the People’s Councils of provinces and centrally run cities; and assists the National Assembly in exercising the oversight power under the assignment by the National Assembly”.*³

The National Assembly Standing Committee conducts oversight activities through the following activities:

1. *“Examining work reports of the Government, the Supreme People’s Court and the Supreme People’s Procuracy in the recess between two National Assembly sessions;*
2. *Examining legal normative documents of the Government, the Prime Minister, the Supreme People’s Court or the Supreme People’s Procuracy which display indications of contravening the Constitution, laws or resolutions of the National Assembly, ordinances or resolutions of the National Assembly Standing Committee;*

³ Article 3, Law on the Oversight Activities of the National Assembly.

3. *Examining the questioned persons' answers to questions in the recess between two National Assembly sessions;*
4. *Examining work reports of the People's Councils of provinces and centrally run cities; examining resolutions of the People's Councils of provinces and centrally run cities which display indications of contravening the Constitution, laws or resolutions of the National Assembly, ordinances or resolutions of the National Assembly Standing Committee;*
5. *Examining the settlement of citizens' complaints and denunciations;*
6. *Organising oversight teams".⁴*

During the 12th National Assembly, the National Assembly Standing Committee, being aware of the importance of oversight activities in performing functions of the National Assembly, actively directed the development of tentative oversight program, implementation, review and reporting; coordinated, monitored the implementation of recommendations after oversight, and brought the oversight activities of the National Assembly and National Assembly Standing Committee to a new level. As a result the oversight activities of the National Assembly and National Assembly Standing Committee have changed much in contents and methods and achieved some remarkable results.⁵

⁴ Article 3, Law on the Oversight Activities of the National Assembly.

⁵ Work report of the 12th National Assembly Standing Committee.

1.2. Some theoretical issues about the process and procedures on operation of the National Assembly in general and oversight procedures of the National Assembly.

Process and procedures are generally the arrangement of work according to certain priorities and procedures. Parliamentary law and practice usually establishes strict procedures for the order of business and the passing of legislation and motions.

The process and procedures for operation of the National Assembly are the legal procedures that must be complied with when conducting the sessions in order to perform the functions, duties and powers of National Assembly.

The Law on the Oversight Activities of the National Assembly establishes the legal processes and procedures under which the National Assembly exercises supreme oversight over all State functions. How the law is implemented depends on a number of internal factors including legal precedent, relations with the Executive, and the experience and support provided to National Assembly Deputies in implementing the process. The Law on the Oversight Activities of the National Assembly is also important as it ensures that the National Assembly undertakes its oversight functions in a transparent, open and democratic manner. Further, it creates sustainability in the activities of the National Assembly and relevant entities in the oversight process, ensuring the appropriate assignment of work among relevant organizations and agencies, and the necessary constructive working relations and mutual respect between State agencies and the National Assembly.

It is essential that the legislative processes and procedures are appropriate, correct, simple, scientific, open and transparent, to ensure the effectiveness of oversight activities.

1.3. Some requirements on the oversight procedures of the National Assembly and National Assembly Standing Committee

1.3.1. Requirements on sufficiency

One of the principles in developing rules and procedures of the National Assembly is that to each kind of work, there should be specific procedures in place. Only when there are appropriate procedures to implement specific activities, can the National Assembly make use of the whole of its competence. In many cases the law provides only the competence but not the specific rules to implement and effectively develop the competence. In many cases the processes and procedures may be derived from the actual operation of the National Assembly. It is important that the National Assembly should make these processes and procedures clear and available to key stakeholders and the public. In parliaments of many countries, such procedures and precedents are consolidated and recorded formally in the rules of procedure or rulings from the Speaker.

1.3.2. Requirements on scientific, rational, clear and specific oversight procedures

The oversight process and procedures of the National Assembly and National Assembly Standing Committee should properly support their respective oversight roles and responsibilities.

The procedures support oversight by providing a specific timetable of oversight programming including the reporting and

monitoring of recommendations that are the outcome of oversight activities. Lack of time impedes effective oversight and limits the capacity to take proper account of the opinions of National Assembly Deputies. Therefore, regulations on reasonable duration for each stage of the procedures in a logical and consistent manner will have significant impact on the effectiveness of oversight activities.

The supreme oversight activities of the National Assembly are implemented to special subjects of the highest State agencies and individuals elected and verified by the National Assembly. Therefore, the oversight procedures must be implemented carefully and scientifically, otherwise it will affect the political prestige of the relevant organizations and individuals. The oversight procedures should apply principles of procedural fairness and allow all relevant subjects to have the opportunity to express their opinions in the appropriate forum.

1.3.3. Requirements on transparency and democracy

Transparency, accountability and responsiveness are hall marks of a strong and effective democracy. To this end, the oversight procedures of the National Assembly must be open, enabling the participation of the public, mass media and community groups in that work. In this way the people are engaged and aware of the operation and the oversight procedures of the National Assembly and the oversight results. This also reflects the openness and transparency of the other activities of the National Assembly such as lawmaking and reaching consensus on policies of the National Assembly for society.

Participation of the public and mass media in oversight activities of the National Assembly creates the openness and transparency of the

representative body, and is an essential channel of information to better undertake oversight by the National Assembly. Different and varied sources of relevant information and entities participating in oversight activities gain a full picture of the subjects which are being inquired into and reported on.

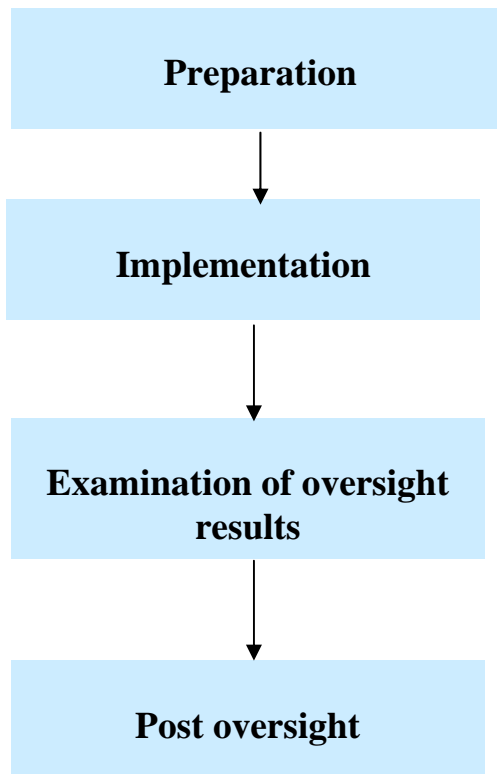
1.3.4. Requirements on seriousness

Given the participation of many National Assembly Deputies, who represent different interests, the National Assembly requires an active and participatory system of oversight procedures that encourages the involvement of Deputies at all levels.

In addition, for the National Assembly, the compliance with oversight procedures contributes to the decentralization of power and creating stability and authority in the work of the National Assembly Deputies and helping to continuously increase the professionalism and effectiveness of the National Assembly into the future.

II. CURRENT SITUATION ON THE OVERSIGHT PROCEDURES OF THE NATIONAL ASSEMBLY AND NATIONAL ASSEMBLY STANDING COMMITTEE

Oversight activities of the National Assembly and National Assembly Standing Committee are based on established procedures with the following steps:



Depending on the type and tool of each oversight activity, the stages may vary and result in different legal consequences. For the same oversight method, the oversight procedures applied by entities have certain similarities. For example, besides the differences in competence and oversight time, the procedures on examining the work reports of the National Assembly and National Assembly Standing Committee are similar. Therefore, when analyzing the current situation of the oversight procedures of the National Assembly and National Assembly Standing Committee, we do not assess the procedures of each entity, but assess the oversight procedures of each oversight tool and separate the two entities to specific consideration when necessary. Then, after the assessment on the development and approval of the oversight program of the National Assembly and National Assembly Standing Committee, we will present the procedures on examining reports; overseeing legal documents; questioning; and vote of confidence of the two entities.

2.1. Procedures on developing oversight programs of the National Assembly and National Assembly Standing Committee

As mentioned, there are a number of oversight activities which are applied regularly or periodically such as:

- the oversight of legal normative documents (to be applied regularly upon the receipt of the documents),
- examining work reports (every six month or annually, at sessions),
- questioning (regular questioning in forms of writing and oral at sessions).

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The development of oversight contents and programme is for the implementation of oversight tools and establishment of oversight teams.⁶ The development of oversight programmes also establish the oversight activities of the agencies, and serves as the basis to implement oversight activities by the Ethnic Council, Committees of the National Assembly, Delegations of National Assembly Deputies and National Assembly Deputies. Ensuring that issues of important public interest are well scrutinised enables the activities of the National Assembly to be linked closely to pressing issues of society.

Under the Law on Oversight Activities of the National Assembly: *“The National Assembly shall decide on its annual oversight programs at the proposal of the National Assembly Standing Committee, the Ethnic Council, the Committees of the National Assembly, delegations of National Assembly deputies, National Assembly deputies, the Central Committee of the Viet Nam Fatherland Front and on the basis of the opinions and petitions of voters nationwide.*

The National Assembly Standing Committee shall elaborate an oversight program of the National Assembly and submit it to the National Assembly for consideration and decision at the year-end session of the previous year and organise the implementation of such program”⁷.

“The National Assembly Standing Committee shall decide on its quarterly and annual oversight programs on the basis of the oversight program of the National Assembly, the proposals of the Ethnic

⁶ See Annex 1 - Resolution on the oversight program of the National Assembly in 2010.

⁷ Article 8, Law on the Oversight Activities of the National Assembly.

Council, the Committees of the National Assembly, delegations of National Assembly deputies, National Assembly deputies and the Central Committee of the Viet Nam Fatherland Front as well as opinions and petitions of voters nationwide.

Based on the approved oversight programs, the National Assembly Standing Committee shall assign its members to materialise the contents of the programs. It may assign a number of program contents to the Ethnic Council or the Committees of the National Assembly for implementation then reporting on the results to the National Assembly Standing Committee; and decide on the implementation progress and measures to ensure the implementation of the oversight programs”⁸.

Thus, the Law on the Oversight Activities of the National Assembly only provides the bases and competence to decide oversight program but not the order and procedures on how to develop the program. However, based on the Working Regulations of the National Assembly Standing Committee and the current practice, the procedures to develop the oversight program of the National Assembly and National Assembly Standing Committee are applied as follows:

Step 1: Preparation:

Under regulations at Article 8 of the Law on the Oversight Activities of the National Assembly and Article 16 of the Working Regulations of the National Assembly Standing Committee, the National Assembly Standing Committee shall take responsibility to prepare the oversight programs of the National Assembly, and the National Assembly Standing Committee prepares its own oversight

⁸ Article 16, Law on the Oversight Activities of the National Assembly.

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program. However, as time is constrained, the preparation of oversight programs of the National Assembly and National Assembly Standing Committee is done at the same time. The only difference is the time for approval of the program.

To prepare for the oversight programs, the National Assembly Standing Committee directs the Office of the National Assembly to inform the Ethnic Council, Committees and Boards of the National Assembly and the Central Committee of the Viet Nam Fatherland Front (by the second half of August) to propose their opinions on the oversight program for the next year of the National Assembly and National Assembly Standing Committee.

The Office of the National Assembly collects and consolidates opinions and recommendations of the aforementioned agencies on the proposed oversight program of the National Assembly and National Assembly Standing Committee. During the preparation of the draft statement on the proposed oversight program, the Office of the National Assembly takes opinions of the Standing Board of the Ethnic Council, Committees of the National Assembly and Boards of the National Assembly Standing Committee. After having taken opinions of these agencies, the Office of National Assembly finalizes the statement and submits it to the National Assembly Standing Committee for comments at the plenary session.

Step 2: The National Assembly Standing Committee shall give its comments on the oversight program of the National Assembly and National Assembly Standing Committee:

At its session, the National Assembly Standing Committee shall discuss and give its comments on the oversight program of the

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National Assembly and National Assembly Standing Committee in the following order:

- The Chair of the National Assembly Standing Committee presents the draft statement of the Office of the National Assembly on the proposed oversight program of the National Assembly and National Assembly Standing Committee.
- The National Assembly Standing Committee discusses the oversight program.
- Concerned agencies invited to the session speak on the matters of the oversight program.
- The chairperson of the session concludes.
- Based on the discussion results at its session, the National Assembly Standing Committee directs the Office of the National Assembly to revise and finalize the statement on the proposed oversight program.

Step 3: The National Assembly, National Assembly Standing Committee examine and decide the oversight programme:

At the year-end session, the National Assembly examines and decides the oversight programme in the following order:

- The Chair of the Office of the National Assembly presents the statement on the proposed oversight program of the National Assembly.
- The National Assembly discusses the oversight program at groups of the National Assembly Deputies (if any) and at

the plenary session on the proposed oversight program and draft resolution.

- The secretariat collects and consolidates collected opinions at group discussion of the National Assembly Deputies.
- The National Assembly Standing Committee directs the Office of the National Assembly to study and revise the proposed oversight program based on opinions of the National Assembly Deputies and to prepare a draft resolution on the oversight program of the National Assembly to submit to the National Assembly for consideration and approval.
- The National Assembly approves the draft resolution on the oversight program at its plenary session. The draft resolution is approved when more than half of the National Assembly Deputies vote in favour of it.

Based on the oversight programme of the National Assembly, the National Assembly Standing Committee decides its oversight programme.

“Oversight contents have focused on pressing issues of life, covering all fields of socio-economics, state budget, culture, education, science and technology, national defence, foreign affairs, and operation of judicial agencies...”⁹. The oversight programmes of the National Assembly’s agencies, Delegations of National Assembly Deputies and National Assembly Deputies are implemented uniformly;

⁹ Report on the results of the 12th National Assembly.

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the quality and effectiveness increased; fulfilling the scheduled program in the resolution of the National Assembly”¹⁰.

However, besides the achievements gained, there are some limitations in the implementation of procedures on developing the oversight program of the National Assembly and National Assembly Standing Committee. These include:

1. In legislative activities, the Law on Laws Chapter III provides the legislative procedures issues on competence, time for motions and recommendations on draft laws and ordinances, formulation of tentative law and ordinance passage programs, and the order of considering and adopting tentative law and ordinance passage programs are regulated specifically. However, in the Law on oversight Activities of the National Assembly and other relevant documents, such detailed procedures have not been developed. This has required the Office of the National Assembly to initiate procedures which would have better legal effect if they were regulated in the Law on oversight Activities of the National Assembly.
2. Under Article 16 of the Working Regulations of the National Assembly Standing Committee, the Committee shall notify tentative oversight programmes of the National Assembly to the Ethnic Council, the Committees of the National Assembly, delegations of National Assembly deputies, National Assembly deputies and the Central Committee of the Viet Nam Fatherland Front so that these agencies, organisations and

¹⁰ Report on the oversight activities in 2010 of the National Assembly Standing Committee, submitted to the National Assembly.

individuals prepare their comments on such programmes. This regulation limits the activeness of the agencies in sending their motions and recommendations to the National Assembly and National Assembly Standing Committee to develop oversight program (the motions and recommendations on oversight programme of the National Assembly and National Assembly Standing Committee depend on the notice of the National Assembly Standing Committee).

3. The procedures do not provide important entities such as the Supreme People's Court, Supreme People's Procuracy, State Auditing Agency the opportunity to provide comments on the proposed programme. When developing the oversight programme, the opinions of such agencies would provide valuable input and potentially improve oversight contents and help ensure that they reflect requirements and priorities of society.
4. Under regulations at Article 8 of the Law on oversight Activities of the National Assembly, the number of agencies which are authorised to make recommendations on the oversight programme of the National Assembly and National Assembly Standing Committee is large (10 agencies of the National Assembly, 2 Boards of the National Assembly Standing Committee, Delegations of National Assembly Deputies of 63 provinces and centrally-run cities and the Fatherland Front), therefore, suggested contents for the programme can be very broad¹¹, while the Law does not

¹¹ According to survey results, in recent years, pressing issues concerned by voters are economic, planning, investment, construction, finance, budget, administration, legal and judicial affairs, healthcare, education, culture, society, natural resources with 30 motions

provide clear criteria to select the final oversight contents.

5. The current procedures contain the inheritance and the sequence in the development of the oversight programme of the agencies. Upon the completion of the oversight of the National Assembly, the programme of National Assembly Standing Committee is developed, which leads to scheduling and time pressures to meet the progress of the agencies in the beginning of the year. This requires a scientific implementation and a capable group of supporting staff.

In short, regulations regarding the procedures on developing, examining and approving oversight programmes of the National Assembly and National Assembly Standing Committee need to be reviewed and amended to provide for greater clarity and improved effectiveness.

2.2. Procedures on examining reports under regulations of law

2.2.1. Work reports

Examining work reports is an important oversight activity of the National Assembly at its session. The examination of work reports helps the National Assembly to oversee the activities of the President, National Assembly Standing Committee, the Government, the Supreme People's Court, and Supreme People's Procuracy. Through the activity, the National Assembly obtains information on the enforcement of the Constitution, and other laws and increases the

and recommendations, and each contents of these issues received only 1-3 motions, recommendations.

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responsibility and accountability of those agencies to the National Assembly and the people.

With regard to the competence, *at a year-end session*, the National Assembly shall examine and discuss annual work reports of the National Assembly Standing Committee, the Government, the Supreme People's Court and the Supreme People's Procuracy. At a mid-year session, these agencies shall send their work reports to National Assembly deputies; when necessary, the National Assembly may examine and discuss them. *At its term-end session*, the National Assembly shall examine and discuss the term-long work reports of the National Assembly, the President, the National Assembly Standing Committee, the Prime Minister, the President of the Supreme People's Court and the Procurator General of the Supreme People's¹². *In the recess between two National Assembly sessions*, the National Assembly Standing Committee shall examine work reports of the Government, the Supreme People's Court and the Supreme People's Procuracy; and may request these agencies to report on other issues when considering it¹³. Procedures of the National Assembly Standing Committee on examining these reports are taken similarly as the procedures on examining work reports at sessions of the National Assembly.¹⁴

¹² Article 9, Law on the Oversight Activities of the National Assembly.

¹³ Article 17, Law on the Oversight Activities of the National Assembly.

¹⁴ For the procedures, to promote the application of this tool at the sessions of the National Assembly, during the recess between the two National Assembly sessions, Ethnic Council, Committees of the National Assembly shall verify reports, and National Assembly Standing Committee examines and gives comments on the reports before submitting to the National Assembly (as the Standing agency of the National Assembly takes responsibility to prepare, convene and chair sessions of the National Assembly) and the agency which is authorised to oversee the activities of the Government, the Supreme People's Court and the Supreme

2.2.1.1. Preparation of work reports

Basically, the work or stages of preparation of work reports by the President, the Government, the Supreme People's Court and the Supreme People's Procuracy do not depend on the working procedures of the National Assembly and the National Assembly Standing Committee. However, the responsibility of the National Assembly is to set out standards for the development of such reports. Article 77, 78 of the Law on the Organization of the National Assembly and Article 9 of the Law on oversight Activities of the National Assembly provide the examination of work reports, but focus on the time and order of the examination. These regulations have not included relevant standards or compulsory contents, analysis, evaluation, causes and solutions. Therefore, work reports across agencies may lack consistency. For example, while the President, the Supreme People's Court and the Supreme People's Procuracy develop work reports based on their tasks and functions described by law, the Government does it based on Resolution of the National Assembly on the annual plan for socio-economic development.

2.2.1.2. Verification of work reports

In principle, work reports by agencies (annually) and individuals (term-end session), (except those of the National Assembly, the National Assembly Standing Committee and the President), must be verified by the Ethnic Council and/or Committees of the National

People's Procuracy. The submission of reports for verification, comments, examination, discussion, and promulgation of a resolution is taken under a close procedure, which is described by laws with the following steps: preparation of reports, verification, examination, discussion and approval.

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Assembly under the assignment of the National Assembly Standing Committee.¹⁵ Under Article 29 of the Law on Oversight Activities of the National Assembly, the verification of work reports shall be carried out in the following order:

- The head of the agency which has compiled the report presents the report;
- The representatives of agencies and organisations are invited to attend the meeting give their opinions;
- The Ethnic Council and the Committees of the National Assembly hold discussions;
- The chairperson of the meeting makes conclusions.

Article 46 of the Rules on National Assembly Sessions provides the order applied by the National Assembly to examine and discuss work reports of the National Assembly Standing Committee, Ethnic Council, Committees of the National Assembly, the Government, the Supreme People’s Court and the Supreme People’s Procuracy.

The verification of work reports of concerned agencies is done regularly by the National Assembly’s agencies at their plenary sessions. To serve this work, the Ethnic Council and Committees of the National Assembly have organized appropriate field visits; collected opinions and recommendations of voters, mass media, reports on topical oversight and the settlement of petitions; and used experiences of the members as the basis for the examination and evaluation. The verification reports of the Ethnic Council and Committees have reflected and assessed

¹⁵ Item 2, Article 9, Law on the Oversight Activities of the National Assembly.

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comprehensively the quality and effectiveness of activities of the Government and judicial agencies. They have also identified limitations and shortcomings and made recommendations for settlement, thus serving as the basis for the National Assembly and its Deputies to discuss, question, and evaluate the activities of agencies at the National Assembly's sessions. Recommendations made after verifying work reports have been taken into consideration by concerned agencies, after reaching the consensus of the National Assembly, and are considered to put into a resolution of the National Assembly.

However, there are certain limitations in verifying work reports of concerned agencies. These include:

Firstly, the law has not provided issues that need to be verified in the work reports of concerned agencies. As there are not standards, contents of these work reports are varied, mostly based on practice and experiences of each Committee.

Secondly, the work report by the Government has a range of content including different fields. This report is verified by all Committees and the Ethnic Council according to these fields. The coordination mechanism with agencies would have increased efficiency if greater clarity was brought to the process. Currently Committees assigned by the National Assembly Standing Committee to verify the work report send the work reports to their members and the member provides his/her opinions. It is clear that the opinions of one member cannot represent all members of Committees however processes are not in place to develop a final consensus report agreed on by the whole committee.

Thirdly, the competence of verifying agency is not regulated specifically. Therefore, it is not clearly indicated in the verification report. Through verification of work reports of concerned agencies and practice, the Ethnic Council and Committees have the right or not to make recommendations to concerned agencies (legal validity to those subject to the oversight) or make recommendations directly to the National Assembly, serving as bases for the National Assembly and National Assembly Standing Committee to examine and discuss the work reports.

Those are issues which need to be further clarified in the stage of verifying work reports of the Government, Supreme People's Court and the Supreme People's Procuracy.

2.2.1.3. Examination, discussion and approval of work reports

The examination and discussion of work reports of the Government, Supreme People's Court and the Supreme People's Procuracy are done in two stages: at the session of the National Assembly Standing Committee; and at the session of the National Assembly.

As mentioned, the National Assembly Standing Committee is also an entity, which has the right to exercise oversight activities by examining work reports of the Government, Supreme People's Court and the Supreme People's Procuracy during the recess between the two sessions of the National Assembly. However, as the standing agency of the National Assembly, the National Assembly Standing Committee also takes responsibility to prepare the agenda for sessions of the National Assembly. Therefore, the examination and discussion of work reports by concerned agencies at sessions of the National Assembly Standing Committee have two sides: an oversight activity, and the preparation for

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the supreme oversight activities of the National Assembly at its session. But, it is necessary to clarify the fact that the National Assembly Standing Committee gives comments on work reports. The system of oversight will be considerably advanced if the National Assembly Standing Committee holds the role as the standing agency responsible for examining these work reports thoroughly to know whether the reports are reliable to submit the National Assembly or not.

At its session, basically, the examination of work reports of concerned agencies and individuals is seriously done by the National Assembly and under the regulations of law. While discussing work reports, the National Assembly Deputies reflect opinions of voters, assess the strengths and weaknesses, and discuss options for improvement. Through the examination of work reports, the National Assembly collects much important information on the organization and operation of agencies, while the agencies have opportunities to review their strengths and weaknesses for better implementation and service delivery in the light of the oversight provided. Many contents of work reports have been discussed by the National Assembly and shown in the resolutions of the National Assembly in its session or a separate resolution, contributing to improving results of oversight activities of the National Assembly.

However, there are some limitations in examining work reports including:

Firstly, like verification activities, during the examination and discussion of the National Assembly and National Assembly Standing Committee, the legal bases to assess work reports of concerned agencies and individuals requires greater clarity.

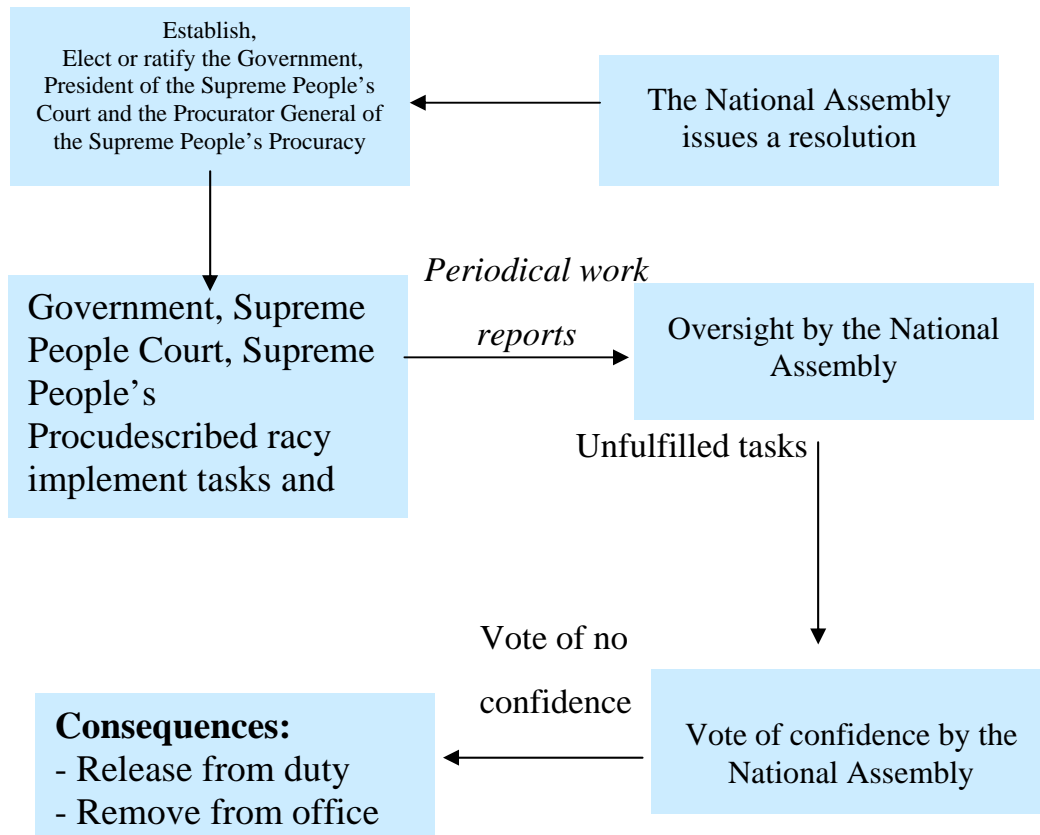
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Secondly, with regard to the decision of the National Assembly after having examined and discussed a work report, regulations have not provided the “necessary cases” that result in a resolution of the National Assembly on the topic. This needs to be clarified so that the activity will actively be implemented and in line with regulations of law.

Thirdly, there need to be more specific regulations on the legal consequences of oversight activities following the examination of work reports. The National Assembly having discussed and made recommendations or passed a resolution on the subject, what will the consequences be if the same limitations and shortcomings are identified in forthcoming years? The following diagram provides a possible process leading to legal consequences of oversight activities:

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II. CURRENT SITUATION ON THE OVERSIGHT PROCEDURES...



This also reflects the nature of operation of the National Assembly in general and oversight activities in particular. That is the mechanism to control the division of power in the State apparatus. Not really separated as in state institutions based on the principle of separation of powers, but it reflects the mechanism of concentration, unification of power, the assignment of responsibility, and close coordination between the agencies. Of course, not all oversight activities will lead to legal consequences, but the National Assembly should have in hand the necessary tools to be used in special cases where action is considered to be necessary. That also means the oversight procedures

of the National Assembly in general and the procedures on examining reports in particular should make clear the link between the examination of reports and the tools that the National Assembly may use such as vote of confidence, release from duty and remove from office, should it be considered by the National Assembly to be necessary.

Besides that, it is necessary to consider the connection between examining reports and questioning. During the process of examining work reports, the National Assembly should have the capacity to invite the Prime Minister, Chief Judge of Supreme People's Court and Chief Prosecutor of Supreme People's Procuracy to discuss and clarify any issues of concern. This process will help to increase the debates and discussion in the plenary sessions and improve the efficiency and democracy of National Assembly sessions.

2.2.2. Other reports

Under its competence, every year the National Assembly examines reports of National Assembly Standing Committee on the implementation of the Constitution, laws, resolutions of the National Assembly; examines investigation reports of the provisional committee; and the implementation of some specialised laws. The National Assembly Standing Committee also examines the activity reports of People's Councils of provinces and centrally-run cities.

Regarding the procedures on examining "*Reports of National Assembly Standing Committee on the implementation of the Constitution, laws and resolutions of the National Assembly*" under regulations of Law on Oversight Activities of the National Assembly, this is one of five contents of the supreme oversight of the National

Assembly.¹⁶ However, the law has not clearly stipulated the contents and scope of the reports; order, procedures and responsibility of concerned agencies in preparation, coordination, time and steps to examine and revise reports so as to submit to the National Assembly for examination and discussion. Therefore, since the promulgation of the Law on Oversight Activities of the National Assembly, this oversight tool has not been used.

For procedures on examining other reports under regulations of specialised laws, for example, report on corruption prevention; State's annual report on foreign affairs; report on the status of national defence and security; Government's report on the prevention and fight against violations of laws and crimes; Government's report on thrift practice and waste prevention; reports of the Government, Supreme People's Court and Supreme People's Procuracy on the settlement of complaints and denunciations of citizens; the Government's report on the implementation of the National Assembly's resolutions on the works of national importance¹⁷ the National Assembly's examination, discussions and comments on the reports are oversight activities over the implementation of laws and resolutions issued by the National Assembly. Most of the aforementioned reports are verified by concerned agencies before being submitted to the National Assembly for consideration and comment. Some reports are regularly discussed at plenary sessions of the National Assembly or given comments at meetings of Groups of the National Assembly Deputies. However, the procedures on preparing, verifying, examining and giving comments on the reports are not mentioned in the Law on oversight Activities of

¹⁶ Article 7, Law on the Oversight Activities of the National Assembly.

¹⁷ According to preliminary statistics, there are 24 regulations that management agencies report on the implementation of laws to the National Assembly annually.

the National Assembly. Moreover, besides reports discussed at meetings of Groups of the National Assembly Deputies or at plenary session, most of the reports are sent to National Assembly Deputies for consideration. The decision on which report is presented and discussed at the plenary session of the National Assembly, and which is sent to National Assembly Deputies for consideration is based on practice or recommendations of concerned agencies and individuals. However it is a matter that might be reviewed to increase the consistency, level and impact of oversight activities and unscientific procedure.

2.3. Oversight procedures on legal normative documents

Oversight of legal normative documents is one of the important oversight activities of the National Assembly, its agencies and Delegations of National Assembly Deputies. This activity is regulated in many legal documents including the Law on the Organization of the National Assembly, Law on the Oversight Activities of the National Assembly, Law on Laws, Working Regulations of the National Assembly Standing Committee, Ethnic Council and Committees of the National Assembly. Oversight activities on legal normative documents are to detect documents which may contravene the Constitution, laws or resolutions of the National Assembly and in a timely way suspend the implementation, amend, supplement and annul parts or whole of the legal normative documents; and to request authorised agencies to identify responsibility of agencies and individuals who issued such legal documents¹⁸. Also through this activity, the overseeing agencies detect legal documents which are unclear, interpreted and applied inconsistently, serving as bases for the

¹⁸ Article 87, Law on Laws.

abolishment, suspension or for the explanation of the Constitution, laws and ordinances. In addition, the oversight activities on legal normative documents ensure that the legislative activities of authorised organizations, agencies and individuals is in line with the Constitution, laws and resolutions of the National Assembly, and the ordinances and resolutions of the National Assembly Standing Committee.

Under regulations of law, the National Assembly has the right to examine legal normative documents of the President.

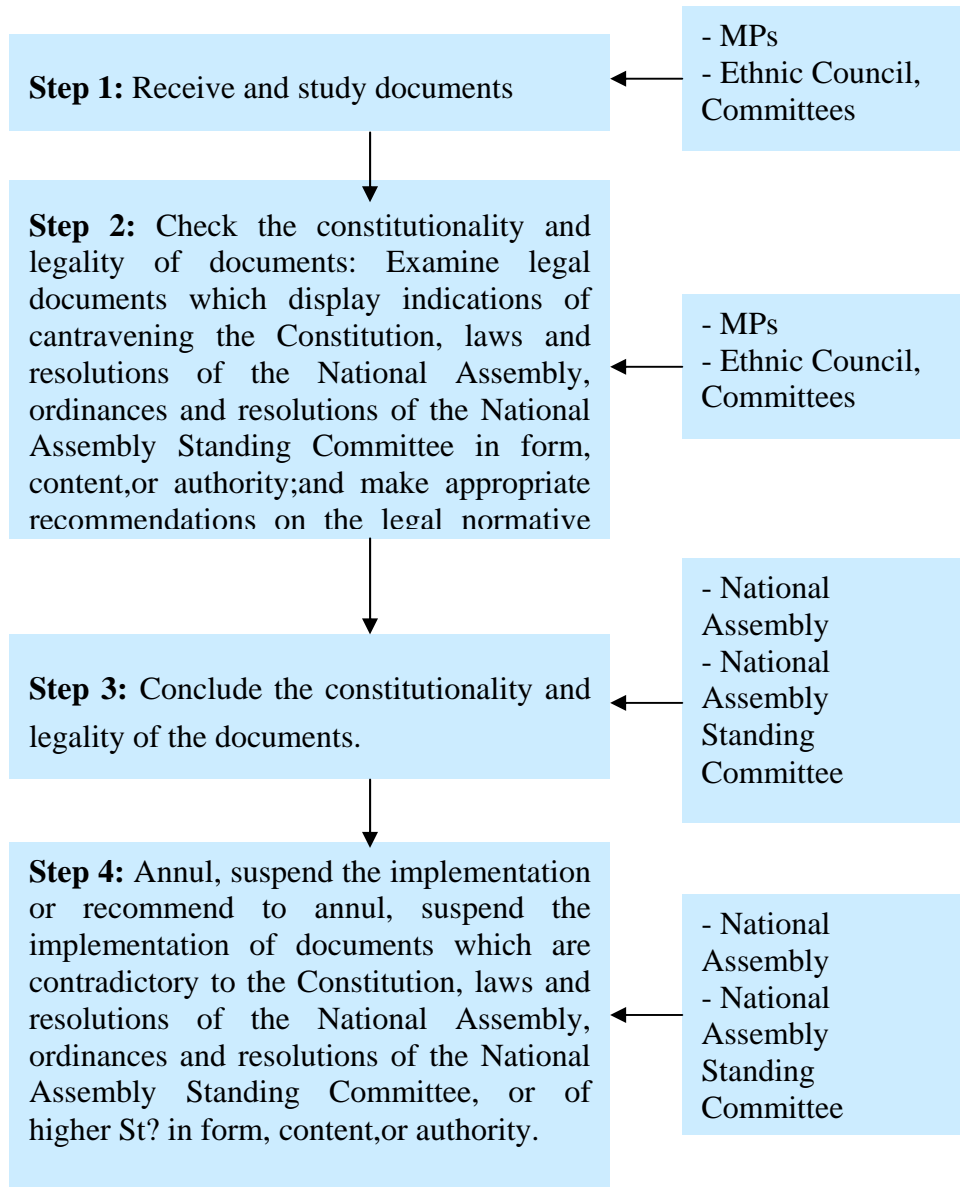
Under regulations of law, the National Assembly shall perform its oversight function through examining legal normative documents of the President, the National Assembly Standing Committee, the Government, the Prime Minister, the Supreme People's Court or the Supreme People's Procuracy, which display indications of contravening the Constitution, laws and resolutions of the National Assembly¹⁹. The National Assembly Standing Committee shall conduct oversight activities through examining legal normative documents of the Government, the Prime Minister, the Supreme People's Court or the Supreme People's Procuracy which display indications of contravening the Constitution, laws or resolutions of the National Assembly, ordinances or resolutions of the National Assembly Standing Committee²⁰.

The oversight activities on legal normative documents of the National Assembly and National Assembly Standing Committee can be summarised as follows:

¹⁹ Item 3, Article 7, Law on the Oversight Activities of the National Assembly.

²⁰ Item 2, Article 15, Law on the Oversight Activities of the National Assembly.

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II. CURRENT SITUATION ON THE OVERSIGHT PROCEDURES...

From the diagram and regulations of law, it can be seen that the National Assembly and National Assembly Standing Committee do not directly implement oversight activities on legal normative documents, but verify the oversight undertaken by the National Assembly Deputies, Ethnic Council, and Committees. The procedures on examining legal normative documents are as follows:

Procedures on examining legal normative documents of the National Assembly Standing Committee, the President, Prime Minister, Government, Supreme People’s Court and Supreme People’s Procuracy.

At the sessions of the National Assembly Standing Committee

- When detecting that the legal normative documents of the National Assembly Standing Committee or President display indications of contravening the Constitution, laws and resolutions of the National Assembly, the National Assembly Deputies shall propose the National Assembly Standing Committee or President to amend or annul parts or whole of such documents. The National Assembly Standing Committee or President shall examine them and reply to the National Assembly Deputies.
- The National Assembly Standing Committee shall, on its own or at the request of the Ethnic Council, Committees of the National Assembly, Delegations of National Assembly Deputies or of National Assembly Deputies, examines the legal normative documents of the Government, Prime Minister, Supreme People’s Court and Supreme People’s Procuracy which display indications of contravening the Constitution, laws and resolutions of the National Assembly, or ordinances

and resolutions of the National Assembly Standing Committee. The National Assembly Standing Committee may assign the Ethnic Council or Committees of the National Assembly to prepare opinions on those legal normative documents for reporting to the National Assembly Standing Committee.

- The National Assembly Standing Committee issues resolution on the matter that legal normative documents do not contravene Constitution, laws, resolutions of the National Assembly, ordinances and resolutions of the National Assembly Standing Committee or repeal a part or entire legal normative document contravening any of the above and submit to National Assembly for consideration and decision in the coming session.

At the sessions of the National Assembly

Under regulations of law, the National Assembly Standing Committee is the only agency which has the right to submit to the National Assembly to examine legal normative documents of the President, National Assembly Standing Committee, Government, Prime Minister, Supreme People's Court and Supreme People's Procuracy which display indications of contravening the Constitution, laws and resolutions of the National Assembly in the following order:

- The National Assembly Standing Committee submits to the National Assembly to examine legal normative documents which display indications of contravening the Constitution, laws and resolutions of the National Assembly.
- The National Assembly discusses the matter. During discussion, the head of the agency that has promulgated the legal normative documents present opinions on relevant issues.

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- The National Assembly may issue a resolution stating that the legal normative document is not contrary to the Constitution, laws and resolutions of the National Assembly; or decide to annul parts or whole of the legal normative documents contrary to the Constitution, laws and resolutions of the National Assembly.

The National Assembly Standing Committee shall examine resolutions of Provincial People's Councils which display indications of contravening the Constitution, laws and resolutions of the National Assembly, ordinances and resolutions of the National Assembly Standing Committee.

Besides the examination of legal normative documents of Prime Minister, Government, Supreme People's Court and Supreme People's Procuracy, the National Assembly Standing Committee is authorised to examine resolutions of the People's Councils of provinces and centrally-run cities which display indications of contravening the Constitution, laws and resolutions of the National Assembly or ordinances or resolutions of the National Assembly Standing Committee²¹. The examination is conducted in the following order:

The National Assembly Standing Committee may decide on its own or at the proposal of the Prime Minister, the Ethnic Council, the Committees of the National Assembly, the delegations of National Assembly deputies, or National Assembly deputies to examine resolutions of the People's Councils of provinces and centrally run cities. The National Assembly Standing Committee may assign the Ethnic Council or the Committees of the National Assembly to

²¹ Article 20, Law on the Oversight of the National Assembly.

prepare opinions on those resolutions for reporting to the National Assembly Standing Committee.

At its session, the National Assembly Standing Committee shall examine resolutions of the People's Councils of provinces and centrally-run cities and make a decision on the issues that resolutions of the People's Councils of provinces and centrally-run cities do not contravene Constitution, laws, resolutions of the National Assembly, ordinances and resolutions of the National Assembly Standing Committee; or repeal a part or entire resolution of People's Councils that is assessed as doing so.

Though the oversight on legal normative documents is considered an important oversight activity of the National Assembly and National Assembly Standing Committee, the activity has not yet received sufficient attention to ensure that legal normative documents which are contrary to the laws are amended, supplemented or annulled in a timely fashion. In addition to subjective causes one explanation for this that has been proposed is that the oversight procedures on legal normative documents are unclear.

Firstly, the oversight procedures on legal normative documents of the National Assembly and National Assembly Standing Committee appear in different documents²², and the documents mainly regulate

²² The oversight procedures on legal normative documents of the National Assembly Standing Committee, the President, Prime Minister, Government, Supreme People's Court and Supreme People's Procuracy; Resolutions of the People's Councils of provinces and centrally-run cities which display indications of contravening the Constitution, laws and resolutions of the National Assembly or ordinances or resolutions of the National Assembly Standing Committee are regulated at the Law on the Oversight Activities of the National Assembly. The procedures on examining ordinances and resolutions of the National Assembly Standing Committee adopted by National Assembly Deputies upon detection of indications of contravening the Constitution, laws and resolutions of the National Assembly are regulated at the Working Regulations of the National Assembly Standing Committee.

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the oversight competence and the legal consequences of oversight activities while the method, order and process are less well defined.

Secondly, legal documents have regulated only the procedures to settle the issues when detecting legal normative documents of concerned agencies which display indications of contravening the Constitution, laws and resolutions of the National Assembly, or ordinances and resolutions of the National Assembly Standing Committee, but not regulated fully the procedures to detect the contrary indications of those documents.

In fact, the detection of legal normative documents which display indications of contravening the Constitution, laws and resolutions of the National Assembly or ordinances or resolutions of the National Assembly Standing Committee comes from the topical oversight activities, examining reports, field visits of the Ethnic Council, Committees of the National Assembly, Delegations of National Assembly Deputies and National Assembly Deputies. However, the current law does provide that when receiving legal normative documents forwarded by concerned agencies, the Ethnic Council or Committees of the National Assembly, Delegations of National Assembly Deputies and National Assembly Deputies shall study or examine their contents²³, but does not provide oversight procedures on legal normative documents through the combination of other oversight tools.

In addition, the study and examination of legal normative documents face difficulties due to the sending of guiding documents on the implementation of laws and ordinances, and because the requirement to send issued legal normative documents for appropriate

²³ Item 2, Article 30 and Article 41, Law on the Oversight Activities of the National Assembly.

oversight is not always strictly adhered to by all concerned agencies. As a result, it is currently quite difficult to detect violations. Scrutiny should be based on other oversight activities such as oversight on specific work by organised oversight teams to oversee the implementation of law by concerned organizations and agencies in a certain field, or oversee the settlement of complaints and denunciations of citizens. This will assist to establish a framework or rules to assess whether legal normative documents are appropriate, feasible or consistent with principles and regulations of laws and ordinances.

Thirdly, regulations that only the National Assembly Standing Committee has competence to make submissions to the National Assembly to examine legal normative documents as well as regulations that provide that only National Assembly Deputies have the right to request the National Assembly to examine legal normative documents of the President and National Assembly Standing Committee do not make use of the role of the Ethnic Council and Committees of the National Assembly.

In fact, oversight activities of National Assembly Deputies have traditionally faced certain limitations including those related to time, skills, legal knowledge and information as well as the social relations that the legal normative documents adjust. Therefore, the detection of legal normative documents which display indications of contravening the Constitution, laws and resolutions of the National Assembly had been somewhat problematic. Through oversight activities, field visits and examination of citizen's petitions, the Ethnic Council and Committees of the National Assembly are well placed to detect legal normative documents which are contrary to the Constitution, laws and resolutions of the National Assembly and not submitted to the

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National Assembly. These documents are only submitted to the National Assembly Standing Committee for examination. The submission of legal normative documents to the National Assembly depends totally on the National Assembly Standing Committee. Moreover, the Ethnic Council and Committees of the National Assembly do not have competence to request the National Assembly Standing Committee to examine legal normative documents of the President, National Assembly Standing Committee, which are contrary to the Constitution, laws and resolutions of the National Assembly. This has partly limited the effectiveness of the operation of the National Assembly and its agencies in this field.

Fourthly, there is a lack of regulations of competence and order of oversight procedures on legal normative documents of the National Assembly, which are contrary to the Constitution. Item 2, Article 81 of the Law on Laws 1996 provides that: “*At the request of the National Assembly Standing Committee, President, Ethnic Council, Committees of the National Assembly, Government, Supreme People’s Court, Supreme People’s Procuracy, Viet Nam Fatherland Front and its member organizations, National Assembly Deputies, and National Assembly shall examine and decide to annul parts or whole of the law or resolution of the National Assembly which are contrary to the Constitution*”. However, in the Law on Laws 2008 (amended), this regulation is annulled. The reason is that the National Assembly has assigned the Law Committee which has tasks and functions to ensure the constitutionality, legality and consistency of the legal system to draft laws, resolutions before these documents are submitted to the National Assembly, National Assembly Standing Committee for approval as regulated in the Law on the Organization of National Assembly.

However effective oversight of regulations on competence, oversight procedures on examining legal normative documents of the National Assembly, which may be contrary to the Constitution remains important and necessary as a check of last resort for example in the event that the agency verifying the constitutionality and legality of draft laws and resolutions makes an error, particularly in cases where regulations are unclear and sensitive.

2.4. Procedures on questioning and answering

Questioning is one of the direct oversight tools and considered the most powerful and effective oversight tool of the National Assembly and National Assembly Deputies. Through questioning, National Assembly Deputies show their responsibility as the elected representatives. Many pressing issues are mentioned and solutions sought at the sessions of the National Assembly. Through examining the answers, the National Assembly assesses the quality and work effectiveness of the questioned persons. Questioning and answering contribute to enhancing the capacity, knowledge and responsibility of the questioned person and all those involved in the process including all Deputies. The process also has direct relevance to questions of confidence, release from duty, or removal from office of the officials being questioned.

Under regulations at Article 98 of Constitution 1992, Article 49 of the Law on the Organization of the National Assembly, item 4, Article 7 and Article 40 of the Law on the Oversight Activities of the National Assembly, the questioned persons at sessions of the National Assembly include: the President, the Chairman of the National Assembly, the Prime Minister, ministers and other cabinet members, the President of the Supreme People's Court and the Procurator General of the Supreme People's Procuracy.

Assigned by the National Assembly Standing Committee to verify the work report Regulations also provide the right of the National Assembly Deputies to question as well as the obligation to have their questions answered by the relevant person; the competence, procedures on questioning and answering at sessions of the National Assembly as well as during the recess between the two sessions of the National Assembly. The questioning tools include: questioning and answering in writing; questioning and answering in plenary sessions of the National Assembly, and National Assembly Standing Committee.

In the 12th National Assembly, the Ethnic Council and Committees of the National Assembly organized some sessions inviting concerned ministers to explain issues under consideration by the Ethnic Council and Committees. The nature of the activity is similar to the committee hearings held in many countries and similar to questioning in Viet Nam. However, the questioning and answering at sessions of the Ethnic Council and Committees of the National Assembly have not been regulated. Within the scope of this research, we shall study and assess procedures and questioning and answering at sessions of the National Assembly, sessions of the National Assembly Standing Committee, and questioning and answer in writing.

2.4.1. Procedures on examining answers at sessions of the National Assembly

Under regulations Article 11 of the Law on the Oversight Activities of the National Assembly, Article 25 of the Working Regulations of the National Assembly Standing Committee, Article 43 of the Rules on the National Assembly Sessions, the questioning and answering at sessions of the National Assembly are conducted in the following order:

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- National Assembly deputies clearly write the questioned issues and the name(s) of the person(s) to be questioned on the question cards and send them to the Chair of the National Assembly for forwarding to the questioned persons. The session secretariat assists the Chair of the National Assembly in summarising the questions of National Assembly deputies for reporting to the National Assembly Standing Committee;
- The National Assembly Standing Committee prepares a list of persons responsible for answering questions at each session and reports this to the National Assembly for decision.
- At the questioning session, the questioned persons answer directly and fully questions of the National Assembly Deputies and determine the responsibilities therefore and remedies. The maximum duration for answering questions on an issue is fifteen minutes.
- National Assembly Deputies may raise more questions on answered issues within three minutes.
- After hearing answers, if National Assembly deputies disagree with the answers, they may propose the National Assembly to continue discussions at such meetings, to put up the issues in question for discussion at other meetings of the National Assembly or propose the National Assembly to examine the responsibilities of the questioned persons.
- If questioned issues must be investigated, the National Assembly may decide to allow the answering of questions

to be conducted before the National Assembly Standing Committee or at the subsequent sessions of the National Assembly or allow the answers to be provided in writing. When necessary, the National Assembly may issue a resolution on answering of questions and responsibilities of questioned persons.

- Persons who have answered questions at National Assembly sessions, at sessions of the National Assembly Standing Committee or provided written answers to questions of National Assembly deputies shall send reports to National Assembly deputies on the realisation of matters they pledged in their answers to questions at the coming session.

Over time, the questioning activities of the National Assembly have been strengthened and increased to improve the quality of oversight. Particularly the method and management of a questioning session have been refined including for example the decision not to read the full answer to written questions in the plenary session and therefore allowing more time for direct questions and answers; questioning on groups of selected issues based on the collection of questions by the National Assembly Deputies; increased time for dialogue between the questioned persons and National Assembly Deputies; and the promulgation of resolutions on questioning.

However, besides these positive changes the following limitations are also evident:

Firstly, the procedures on preparing questioning and answering should be more specific and include regulations on verifying question

cards and sending questions to the questioned persons for answers that make clear the rights and responsibilities of all parties. There have also been no regulations which formalise the comments and further opinions of National Assembly Deputies on answers in writing in cases where the questioned person does not “answer directly and fully questions of the National Assembly Deputies and determine the responsibilities therefore and remedies” (Rules on the National Assembly Sessions).

Secondly, procedures on selecting the answerers and “groups of issues” to focus on during questioning and answering periods at every session are not specific. In fact, the secretariat of a session assists the Chair of the National Assembly in summarising questions of National Assembly Deputies so that the National Assembly Standing Committee discusses with the Government before preparing the list of persons responsible for answering questions at each session. The National Assembly Standing Committee then reports to the National Assembly for decision. This method may result in the selection of issues that do not reflect the will of National Assembly Deputies or their constituents particularly if the matter omitted is a particularly pressing issue and as a result cause a level of tension or conflict with the concerned Deputies.

Thirdly, with regard to the promulgation of a resolution on questioning and answering, the Law on the Oversight Activities of the National Assembly provides that “after hearing answers, if National Assembly deputies disagree with the answers, they may propose the National Assembly to continue discussions at such meetings, to put up the issues in question for discussion at other meetings of the National Assembly or propose the National Assembly to examine the responsibilities of the questioned persons. The National Assembly

shall issue resolutions on answers to questions and responsibilities of the questioned persons when considering it necessary". However, there have been no detailed regulations for the aforementioned principles, therefore, the understanding of the regulation is not consistent: for example, "when considering it necessary" is not easily defined, what is the relationship between questioning and answering and the vote of confidence? Therefore, when the National Assembly issued a resolution *questioning* and answering (at the 4th session and 6th session of the 12th National Assembly), there were different opinions on the legal basis of the activity.

Fourthly, with regard to the post questioning, there are two issues to address, first, "*the questioned issues need to be investigated*" and second "*responsibilities to report to the National Assembly Deputies in writing on promised issues*". In the first case, there are three possibilities that can be applied under regulations of law: "answer in front of the National Assembly Standing Committee"; or "at the coming session of the National Assembly"; or "answer in writing", but the current law has not clearly provided "the questioned issues need to be investigated" and when to apply the aforementioned possibilities. Therefore, the regulation is not clear, and in fact the National Assembly has not decided on any *questioned issues that need to be investigated* and therefore the three possibilities have also not been applied.

Regulations on responsibilities to report to the National Assembly Deputies in writing on promised issues are effective, which is of significance in improving oversight activities of the National Assembly. In fact, the implementation of the regulations has produced pressure on the answerers regarding the implementation or settlement of issues raised by the National Assembly Deputies during question

time. However, the regulation on reporting time “*answers to questions at the coming session*” is not as effective because whether the questioned persons actually provides an answer at the coming session depends on a number of external factors. Therefore, a specific time should be regulated, for example within 6 months, during which the questioned persons are responsible to report to the National Assembly Deputies in writing on their promised issues.

2.4.2. Procedures on examining answers at the recess between the two sessions of the National Assembly.

In the recess between the two sessions of the National Assembly, the National Assembly Standing Committee examines the answers of questioned persons to the National Assembly Deputies at the session of the National Assembly Standing Committee and other questions sent to the Standing Committee. The National Assembly Standing Committee organizes the questioning and answering at a session in the recess of the two sessions of the National Assembly in the following order²⁴:

- National Assembly Deputies clearly write the questioned issues and the name(s) of the person(s) to be questioned on the question cards and send them to the National Assembly Standing Committee;
- The National Assembly Standing Committee directs the Board on Deputies’ Affairs to assist the National Assembly Standing Committee in receiving questions from National Assembly deputies in the recess between two National Assembly sessions for forwarding to the questioned

²⁴ Under regulations of Article 16 and 49 of the Law on the Organization of the National Assembly, Article 11 and 19 of the Law on oversight Activities of the National Assembly and Article 25 of the Working Regulations of the National Assembly Standing Committee.

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agencies or persons. Depending on the contents, National Assembly Standing Committee shall decide on time limits and forms of answering the questions.

In the case that the National Assembly Standing Committee decides the answering questions of the National Assembly Deputies at the session of the National Assembly Standing Committee, or there are questions of the National Assembly Deputies that the Standing Committee decides to be answered at the session of the National Assembly Standing Committee, the answers to questions shall be conducted in the following order:

- The Chair of the National Assembly puts forth questions of National Assembly deputies, which have been decided by the National Assembly to be answered at the sessions of the National Assembly Standing Committee and other questions forwarded to the National Assembly Standing Committee in the recess between two National Assembly sessions;
- The questioned persons answer directly and fully the issues questioned by National Assembly deputies and clearly determine the responsibilities therefore and remedial measures;
- The questioning National Assembly deputies may be invited to attend sessions of the National Assembly Standing Committee and give their opinions.
- After hearing answers to questions, the National Assembly Standing Committee may issue resolutions on the answer to questions and the responsibilities of the questioned persons when considering it necessary.

- When National Assembly Deputies fail to attend such meetings, the contents of the answers to their questions and the outcomes of the meetings shall be sent to them within seven days after the conclusion of the meetings of the National Assembly Standing Committee; if National Assembly Deputies disagree with the answers, they may request the National Assembly Standing Committee to raise the issues for discussion at a National Assembly session.

In practice, questioning and answering at sessions of the National Assembly Standing Committee were conducted for the first time in the 12th National Assembly, and in the whole period of the legislature the National Assembly Standing Committee organized 5 sessions with questioning and answering. This was an extremely important development in terms of increased oversight by the National Assembly and the National Assembly Standing Committee.

However, some limitations in questioning and answering at sessions of the National Assembly Standing Committee can also be identified:

Firstly, the law has not consistently provided conditions for conducting this activity, under the Constitution, Law on the Organization of the National Assembly, Law on Oversight Activities of the National Assembly, and Working Regulations of the National Assembly Standing Committee.

Secondly, similarly to the questioning and answering at sessions of the National Assembly, conditions for the National Assembly Standing Committee to issue resolutions on questioning and answering; time to report to the National Assembly Standing

Committee, and National Assembly Deputies on promised issues need to be specifically regulated.

2.4.3. Procedures on conducting written questioning and answering

Regulations on questioning and answering in writing are somewhat limited. According to regulations of Article 98, Constitution 1992, in case an investigation is needed, the National Assembly may decide the answers in writing (if the answers are not made at sessions of the National Assembly Standing Committee or at the coming session of the National Assembly). The Law on the Organization of the National Assembly provides that *“In the recess between the two National Assembly sessions, the questions shall be sent to the National Assembly Standing Committee, which shall forward them to the questioned agencies or persons or decide on the time limits for submission of answers”*. Given this, questions will be answered in writing under the time limits regulated by the National Assembly Standing Committee. The Law on Oversight Activities of the National Assembly does not provide this type of questioning. The most sufficiently legal document on the issue is the Working Regulations of the National Assembly Deputies and Delegations of National Assembly Deputies which states:

“In the recess between two National Assembly sessions, the National Assembly Deputies shall send the questions to the National Assembly Standing Committee, which shall forward them to the questioned agencies or persons and decide on the time limits for submission of answers.

If National Assembly Deputies disagree with the answers, they may request the Chairman of the National Assembly put them up for

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discussion before the National Assembly or the National Assembly Standing Committee.

The questioning and answering persons may be invited to attend sessions of the National Assembly Standing Committee on the issue.

*When necessary, the National Assembly or the National Assembly Standing Committee shall issue resolutions on the answer to questions and the responsibility of persons questioned”.*²⁵

At present, the questioning and answering is done in writing during and between sessions of the National Assembly. Statistics show that before each session of the National Assembly, members of the Government receive hundreds of questions, and the number increases at each session.²⁶ Most of the questions are answered in writing and sent to the National Assembly Deputies. Due to the fact that the time for the question time is 2.5 or 3 days, about 30-40 questions of National Assembly Deputies are answered. In the 12th National Assembly, the National Assembly conducted questioning and answering under groups of issues, most of questions out of the groups were answered in writing. Therefore, given the number of National Assembly Deputies (the 13th National Assembly has 500 Deputies) and the time for question time is limited, questioning and answering in writing is necessary. However, there are still limitations in regulations on questioning and answering in writing:

²⁵ Article 11, Working Regulations of National Assembly Deputies and Delegations of National Assembly Deputies

²⁶ At the 2nd session of the 12th National Assembly, there were 230 questions of 107 deputies. At the 3rd session, 304 questions of 133 deputies and at the 4th session, 307 questions of 131 deputies from 50 Delegations of National Assembly Deputies sent to the Prime Minister, President the Supreme People’s Court and Procurator General of the Supreme People’s Procuracy and members of the Government.

Firstly, this type of questioning is not regulated in the Constitution, Law on the Organization of the National Assembly, Law on oversight Activities of the National Assembly, and only some simple regulations and procedures are found in the Working Regulations of the National Assembly Deputies and Delegations of National Assembly Deputies.

Secondly, the National Assembly Standing Committee may on its own decide the time limits of answers on specific questions without general principles or conditions.

Thirdly, there are no regulations addressing the issue of those who do not answer questions or do not answer in writing and in the time allocated. In addition, when the National Assembly Deputies disagree with the answers, they may request for discussion at sessions of the National Assembly or National Assembly Standing Committee, the National Assembly and National Assembly Standing Committee shall organize discussion on the issue or not.

2.5. Procedures on organizing oversight teams

The oversight activities by oversight teams of the National Assembly and the National Assembly Standing Committee are called “topical oversight”. Oversight topics are selected under a regulated process (as analyzed in item 2.1) and noted in the annual oversight programme of the National Assembly, and National Assembly Standing Committee. The oversight topics are pressing issues of the State such as healthcare, supporting development policies for agricultural and rural areas; privatization of state owned enterprises,

socialization in public healthcare; investment and education quality and administration reform.²⁷

Under regulations of law, the procedures on organizing oversight teams of the National Assembly and National Assembly Standing Committee are as follows:²⁸

Step 1: Establish the oversight team:

Basing itself on its oversight programmes or at the request of the National Assembly, the proposal of the Ethnic Council, the Committees of the National Assembly, the Delegations of National Assembly Deputies or National Assembly Deputies, the National Assembly Standing Committee may decide to form oversight teams. The National Assembly Standing Committee's resolution on forming an oversight team must clearly define the oversight terms of reference and plan, the composition of the oversight team and the agency, organisation or individuals subject to oversight.²⁹

Normally, for oversight topics of the National Assembly, the composition of the oversight team includes one Vice-chair of the National Assembly, acting as the team leader, one member of the National Assembly Standing Committee (chair of the Ethnic Council or Committee) as the standing deputy head of the team and some vice chairs as deputy heads; standing members of the Ethnic Council and Committees as members of the team. In addition, representatives from ministries, committees and experts are invited to join the oversight team.

²⁷ Proceedings of the 11th National Assembly, Annex on the oversight activities of the report on results of the 12th National Assembly.

²⁸ Articles 15, 27 and 38 of the Law on the Oversight Activities of the National Assembly.

²⁹ Item 1, Article 23, Law on the Oversight Activities of the National Assembly.

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For oversight topics of the National Assembly Standing Committee, the composition is similar to that of the National Assembly. However, the leader of the team is a member of the National Assembly Standing Committee (chair of the Ethnic Council or Committees in charge of the oversight topics).

Step 2: Implementation of the oversight activities and reporting:

Based on the Resolution to establish the oversight team of the National Assembly Standing Committee and the oversight plan, the oversight team shall conduct the following tasks:

- To request the agencies, organizations, or individuals subject to oversight to make written reports, supply information and documents related to the oversight terms of reference.
- To work with representatives of the Government, ministries, and relevant organizations and agencies to hear reports on oversight topics; and to explain matters in which the team is interested.
- To organize oversight teams at relevant localities. For large-scale oversight topics, the oversight team cannot go to all localities, the team may delegate to the Delegations of National Assembly Deputies, Provincial People's Councils, and oversight reports are then sent to the oversight team.
- Based on the oversight results, the team shall direct the study and development of the draft report on oversight results to submit to the National Assembly Standing Committee.

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Moreover, depending on each terms of reference, the oversight team may organize seminars, workshops and conferences³⁰ to listen to information and feedback from the people and collect comments on the report on oversight results.

Step 3: The National Assembly Standing Committee examines reports on oversight results:

At its session, the National Assembly Standing Committee examines a report of the oversight team in the following order:

- The head of the oversight team presents the report.
- The representatives of organizations, agencies invited to attend the meeting give their opinions.
- The National Assembly Standing Committee discusses. In the course of discussion, representatives of the oversight team may present additional relevant issues.
- For the oversight topics of the National Assembly Standing Committee, the National Assembly Standing Committee issues resolutions on the oversight issues. The resolution shall be sent to organizations, agencies and individuals subject to oversight.

³⁰ On 30/3/2010 in Ho Chi Minh city and on 2/4/2010 in Ha Noi, the oversight team on the topic “the implementation of laws and regulations on the establishment of universities, investment and ensurance of tertiary education quality” organized workshops to listen and collect opinions for the report on oversight results with the participation of experts, heads of universities and colleges.

On 18/8/2010, at the head quarter of the Vietnam Chamber of Commerce and Industry (VCCI), the oversight team on the topic “the implementation of administration reform in some fields related to citizens and enterprises under the overall program of State administration reform in the period of 2001 - 2010” organized a workshop to collect opinions of enterprises and association of enterprises on the oversight contents.

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- For oversight topics of the National Assembly, the National Assembly Standing Committee shall continue directing the oversight team to finalise the oversight report to submit to the National Assembly at its session.

Step 4: The National Assembly exercises its supreme oversight power at its session:

At its session, the National Assembly conducts topical oversight in the following manner:

- A member of the National Assembly Standing Committee is assigned by the Committee to presents a report on topical oversight results.
- Representative of the Government or Supreme People’s Court or Supreme People’s Procuracy presents a report on oversight contents.
- The National Assembly discusses.
- The National Assembly issues a resolution on overseen issues. The resolution is sent to organizations, agencies and individuals subject to oversight.

In recent times, the topical oversight activities of the National Assembly and National Assembly Standing Committee have resulted in remarkable achievements, and have allowed pressing issues of the people to be raised and resulted in recommendations being made to address and overcome problems and shortcomings in the fields under investigation. In addition, the topical oversight results have contributed to assisting the verification of draft laws by the Ethnic Council and Committees and strengthening the National Assembly’s

functions of legislation and decision making on important issues of the nation.

However, certain limitations can be identified regarding the procedures of the activity, particularly:

Firstly, there have been criteria to differ oversight contents which are under the authorisation of the National Assembly and National Assembly Standing Committee, therefore the selection of oversight topics in the oversight program of the National Assembly and of National Assembly Standing Committee is based on the suggestions of Office of the National Assembly and on the collection of opinions of the Ethnic Council, Committees of the National Assembly, Delegations of National Assembly Deputies, Central Committee of the Fatherland Front of Viet Nam or on the proposals of some members of the National Assembly Standing Committee at its session on the annual oversight program. In some cases, selected issues are those which were overseen and considered by the Ethnic Council and Committees of the National Assembly, even the oversight on decisions of the Prime Minister.³¹

Secondly, given the procedures on establishing oversight teams of the National Assembly and National Assembly Standing Committee, it is possible to duplicate the work of the Ethnic Council and Committees. The oversight contents are also fields assigned to the Ethnic Council and Committees, and composition of the oversight team is mainly standing members of the Ethnic Council and

³¹ Topic *The hunger elimination and poverty reduction of the Program 135, phase II (2006 -2010); the management, integration of national target programs and projects related to hunger elimination and poverty reduction in communes with difficulties* overseen by the National Assembly Standing Committee in 2010.

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Committees³². Moreover, the head of the working group of the oversight team to localities is a vice-chair of a Committee³³. The composition is similar to that of the Ethnic Council and Committees (a working group may have 2 or 3 National Assembly Deputies, the rest is supporting staff including Deputy-Director, staff of relevant departments and units of the Office of the National Assembly). And, in some cases, when conducting topical oversight activities of the National Assembly and National Assembly Standing Committee, Committees may integrate their oversight references.

When working with concerned agencies and provinces, there is no difference in authority, content and scope of oversight between Chair of a National Assembly Committee conducting topical oversight activities under oversight the programme of the National Assembly or National Assembly Standing Committee and topical oversight activities under Committee oversight programme. There is also no regulation requesting that agencies under oversight have to better

³² For example: in 2009, the oversight activity of the National Assembly Standing Committee on the topic “*the organization and implementation of the work on corruption prevention and the detection and dealing with corruption acts of the authorized agencies*” was assigned to the Justice Committee. The oversight team had 18 members including 8 members of Justice Committee. In 2010, the oversight activity of the National Assembly on the topic “*the implementation of laws and regulations on the establishment of universities, investment and ensurance of tertiary education quality*” was assigned to the Committee on Culture, Education, Youth and Teenagers. The oversight team had 11 members including 5 members of the Committee.

³³ In 2010, the oversight team of the National Assembly on the topic “*the implementation of laws and regulations on the establishment of universities, investment and ensurance of tertiary education quality*” worked with ministries, sectors and education settings at central level, and conducted oversight activities in Can Tho, Ho Chi Minh, Hue, Da Nang, Dak Lak, Thai Nguyen, Hai Phong, and Ha Noi. However, to oversee education settings, the oversight team divided into working groups with a vice-chair of Committee as the head of the working group. The group worked with the People’s Committees of some big cities on oversight contents, members of the National Assembly Standing Committee only appeared at these meetings.

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coordinate or report more closely when working with oversight team of National Assembly Standing Committee than that team of Committees. A topical oversight team of National Assembly Standing Committee led by a leader of National Assembly may be greeted with different ceremonials, but there is no difference in authority. It can be seen that greater clarity could be achieved between organizing oversight team and topical oversight activities of National Assembly, National Assembly Standing Committee and Committees.

Thirdly, procedures on conducting oversight activities and reporting of the National Assembly and National Assembly Standing Committee are similar. The oversight activities are conducted in the recess between the two National Assembly sessions and *assigned to the Ethnic Council and Committees for implementation*. The Ethnic Council and Committees frequently have workloads which are well beyond the capacity of the available resources and manpower, which leads to delay in work, and even overlapping work.³⁴

Results of the oversight activities are consolidated in a report, and this report is submitted to the National Assembly Standing Committee for consideration, discussion, and issuance of a resolution. or commented on before submitting to the National Assembly for consideration and decision if the topic is of the oversight program of the National Assembly. This is the only difference in the procedures,

³⁴ Given this, since 2008, the National Assembly Standing Committee has organized coordination meetings on oversight activities to revise the oversight programs of National Assembly's agencies as follows: *at a locality, there will not be more than 2 oversight teams per month, and Ha Noi and Ho Chi Minh of not more than 3 oversight teams per month*. (See the report of the meeting on the implementation of oversight activities in the second half of 2008 of the National Assembly's agencies, no. 1075/VPQH-TH, dated on 4/6/2008).

and as analysed, there is no difference in preparation process, criteria on contents and quality of the report.

Fourthly, regulations of law and the current implementation of this oversight tool has missed out an important stage, which is the assignment for monitoring the implementation of recommendations as well as a clear legal mechanism relating to that process. In other words, the post oversight process is not sufficiently focused, which affects the overall effectiveness of the topical oversight activities.

2.6. a provisional committee to study and verify a draft document or Procedures on establishing investigation committees

Like a Select Committee in Westminster parliaments, the provisional committee of the National Assembly is established to implement a specific task in a certain period of time and dissolved when its task is completed.

Under Article 23 of the Law on the Organization of the National Assembly, when considering it necessary, the National Assembly may set up investigate a certain issue.

The establishment of the provision committee of the National Assembly is conducted in the following order:

- When considering it necessary, the National Assembly Standing Committee shall, of its own volition or at the proposal of the President, the Prime Minister, the Ethnic Council, a Committee of the National Assembly or National Assembly deputies, propose the National Assembly to decide on the establishment of a provisional committee of the National Assembly to investigate a certain matter.

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- Within thirty days after receiving a request for establishment of a National Assembly provisional committee, the National Assembly Standing Committee shall consider and notify the requesting agency or individual of its opinions on this matter. If it decides to propose that the National Assembly set up a provisional committee, the National Assembly Standing Committee shall propose the organisational structure, the membership, tasks, powers and operation duration of the committee and submit these to the National Assembly for consideration and decision.
- At the plenary session of the National Assembly, the National Assembly Deputies discuss and vote on the resolution proposing the establishment of the provisional committee, including the composition, tasks, power and operation time of the committee.
- After being established, the provisional committee shall study and investigate the issue and submit the investigation report to the National Assembly.
- The provisional committee terminates its operation when the assigned task is completed.

Regulations on the provisional committee anticipates a special case where the National Assembly considers special and intense oversight is required on a particular subject or issue which is beyond the capacity of other oversight mechanisms at its disposal.. In such cases the National Assembly may establish a provisional committee to oversee the special inquiry in a specified period of time.

However, since the promulgation of the Law on the Oversight Activities of the National Assembly, the National Assembly has not used this mechanism at its disposal. Despite some requests/motions for the establishment of provisional committee to investigate some certain issues³⁵, the National Assembly Standing Committee has so far decided that it was not necessary to set up a provisional committee.

2.7 Procedures on casting votes of confidence

Casting votes of confidence is a special oversight tool within the oversight activities of the National Assembly. In 2001, the National Assembly approved a resolution on the amendment and supplementation of the Constitution 1992, in the following terms: “to cast votes of confidence on persons holding posts elected or ratified by the National Assembly”.³⁶ The regulation is the basis for the Law on the Organization of the National Assembly,³⁷ Law on the Oversight Activities of the National Assembly,³⁸ Rules on National Assembly Sessions,³⁹ Working Regulations of the National

³⁵ National Assembly Deputy Nguyen Duc Dung requested the National Assembly Standing Committee to set up a provisional committee to examine the quality of education, when he was not satisfied with the answers on the issue of the Minister of Education and Training Nguyen Minh Hien at the question time of the 4th session of the 11th National Assembly (11/2003).

At the 8th session of the 12th National Assembly (11/2010), National Assembly Deputy Nguyen Minh Thuyet requested the National Assembly Standing Committee to set up a provisional committee to investigate responsibilities of some Government members in violations of Vinashin Corporation. 3 other deputies Le Van Cuong, Huynh Nghia and Pham Thi Loan had the same request.

³⁶ Item 7, Article 84 of the Constitution 1992 amended under Resolution no. 51/2001/QH10 dated on 25/12/2001.

³⁷ Articles 2, 12, 21, 50 and 88 of the Law on the Organization of the National Assembly 2001 (amending and supplementing a number of articles in 2007).

³⁸ Articles 13, 34, and 44 of the Law on the Oversight Activities of the National Assembly 2003.

³⁹ Article 34 of Rules of National Assembly Session issued with Resolution no 07/2002/QH11 dated on 16/12/2002.

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Assembly Standing Committee,⁴⁰ Working Regulations of the Ethnic Council, Committees of the National Assembly,⁴¹ Working Regulations of the National Assembly Deputies and Delegations of National Assembly Deputies⁴² on the contents and procedures on casting a vote of confidence on persons holding posts elected or ratified by the National Assembly.

Only the National Assembly has the power to cast a vote of confidence on persons holding posts elected or ratified by the National Assembly. The Ethnic Council, Committees of the National Assembly, the National Assembly Deputies have the right to propose the National Assembly Standing Committee to consider the submission or when considering it necessary the National Assembly Standing Committee may on its own submit the proposal to the National Assembly for the casting of a vote of confidence on persons holding posts elected or ratified by the National Assembly. The procedures on casting vote of confidence are as follows:

Step 1: The National Assembly agencies and National Assembly Deputies propose the National Assembly Standing Committee to consider the submission of casting vote of confidence to the National Assembly:

The Ethnic Council, Committees of the National Assembly request to cast vote of confidence:

⁴⁰ Articles 27 and 52 of the Working Regulations of the National Assembly Standing Committee issued with Resolution no. 26/2004/QH11 dated on 15/6/2004.

⁴¹ Article 33 of the Working Regulations of the Ethnic Council and Committees of the National Assembly issued with Resolution no. 27/2004/QH11 dated on 15/6/2004.

⁴² Article 11 of the Working Regulations of the National Assembly Deputies and Delegations of National Assembly Deputies issued with Resolution no. 08/2002/QH11 dated on 16/12/2002.

With the functions and tasks, the Ethnic Council and Committees of the National Assembly implement oversight activities as regulated by law. In the course of oversight, if detecting that the persons holding posts elected or ratified by the National Assembly commit acts of violation of the law or fail to properly and fully perform their assigned tasks or vested powers, thus causing serious harms to the interests of the State, the legitimate rights and interests of organisations or individuals, the Ethnic Council or the Committees of the National Assembly may propose the National Assembly Standing Committee to consider and propose that the National Assembly cast a vote of confidence in such persons.

The procedures that the Ethnic Council and Committees of the National Assembly consider and request the National Assembly Standing Committee to submit to the National Assembly for the casting of a vote of confidence on persons holding posts elected or ratified by the National Assembly are as follows:

- The Ethnic Council or the Committees of the National Assembly organise meetings to consider, discuss and assess acts of violation by the persons under consideration and proposal for the casting of votes of confidence by the National Assembly;
- Representatives of agencies or organisations invited to attend the meetings give their opinions;
- Representatives of organizations and agencies invited to the session present opinions;
- The persons under consideration and proposal for the casting of votes of confidence may be invited to attend the

meetings and present their opinions on matters in which the Ethnic Council or the Committees of the National Assembly is/are interested;

- The Ethnic Council or the Committees of the National Assembly hold discussions;
- The Ethnic Council or the Committees of the National Assembly cast votes.

When at least two-thirds of the total number of members agree that a vote of confidence is required, the Ethnic Council or the Committees of the National Assembly shall propose that the National Assembly Standing Committee consider and propose the National Assembly to cast a vote of confidence on such persons.

National Assembly Deputies request the vote of confidence:

Through the oversight activities on the implementation of laws at localities, oversight activities on the legal normative documents, settlement of complaints and denunciations of the people, and particularly through the questioning of the President, Chair of the National Assembly, Prime Minister, members of the Government, President of the Supreme People's Court, Procurator General of the Supreme People's Procuracy, the National Assembly Deputies have the right to request the National Assembly Standing Committee to cast a vote of confidence on persons holding posts elected or ratified by the National Assembly. Requests of National Assembly Deputies are sent to the National Assembly Standing Committee in writing with clear reasons.

National Assembly Standing Committee considers, decides on the proposals or on its own submits recommendations for the cast of confidence to the National Assembly:

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In preparing to propose the National Assembly cast a vote of confidence on persons holding posts elected or ratified by the National Assembly, the National Assembly Standing Committee directs the Board of Deputies' Affairs to assist the National Assembly Standing Committee to receive requests of the National Assembly Deputies or of the Ethnic Council and Committees on the vote of confidence. When written requests of at least twenty percent of the total number of National Assembly Deputies have been received, or requests of the Ethnic Council and Committees, or when considering it necessary, the National Assembly Standing Committee may on its own decide to submit a proposal to the National Assembly for consideration of a vote of confidence.

The National Assembly Standing Committee shall consider proposing the National Assembly to organize votes of confidence on persons holding post elected or ratified by the National Assembly in the following order:

- The National Assembly Standing Committee hears summary reports on recommendations of National Assembly deputies, the Ethnic Council, the Committees of the National Assembly or reports and recommendations of the National Assembly Standing Committee members on the vote of confidence on a person holding a post elected or ratified by the National Assembly;
- The person on whom the vote of confidence is organized shall be invited to attend the session may present his/her own opinions;
- The President, the Prime Minister, the President of the Supreme People's Court, the Procurator General of the

Supreme People's Procuracy, representatives of the Ethnic Council and the Committees of the National Assembly shall be invited to attend this session. When necessary, the session chairperson may invite representatives of agencies or organisations and individuals to attend the session and speak on relevant matters;

- When considering that there are adequate recommendations of National Assembly deputies or recommendations of the Ethnic Council or the Committees of the National Assembly, the National Assembly Standing Committee may decide to propose that the National Assembly organise a vote of confidence on the person holding a post elected or ratified by the National Assembly.

When the National Assembly Standing Committee considers by itself to propose the National Assembly to organise a vote of confidence on a person holding a post elected or ratified by the National Assembly, the National Assembly Standing Committee shall discuss and vote on the proposal to the National Assembly. The decision to propose the National Assembly to organise a vote of confidence must be approved by more than half of the total number of National Assembly Standing Committee members.

Step 2: The National Assembly casts vote of confidence:

The National Assembly casts votes of confidence on persons holding posts elected or ratified by the National Assembly in the following order:

- The National Assembly Standing Committee proposes the casting of a vote of confidence to the National Assembly;

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- The person/s subject to the votes of confidence may present their opinions before the National Assembly;
- The National Assembly holds discussions. In case of necessity, National Assembly Deputies may discuss in their delegations; the Chairman of the National Assembly may meet with heads of delegations of National Assembly Deputies to exchange opinions on relevant matters;
- The National Assembly Standing Committee shall report to the National Assembly on results of discussions with delegations of National Assembly Deputies;
- The National Assembly establishes a Vote Count Committee at the request of the Chairman of the National Assembly;
- The National Assembly casts votes of confidence by secret ballot;
- The Vote Count Committee announces results;
- The National Assembly discusses and adopts a resolution on casting votes of confidence;
- For persons who do not receive a vote of confidence of more than half of the total number of National Assembly deputies, the agencies or persons that have recommended them as nominees for posts for the National Assembly to elect or ratify their appointment shall propose to the National Assembly for consideration and decision the release from duty or removal from office or for ratification

the release from duty or removal from office of those persons.

It can be said that votes of confidence have marked a “milestone” in the reform process of democracy in Viet Nam.⁴³ Votes of confidence are actually an oversight tool which has contributed to increasing the effectiveness of scrutiny by the National Assembly.

The oversight activities have been conducted and televised including the examination of work reports and legal normative documents of the President, National Assembly Standing Committee, Government, Prime Minister, Supreme People’s Court, and Supreme People’s Procuracy. However, there exist some circumstances where the persons subject to oversight and questioning do not answer satisfactorily or do not answer recommendations following oversight and questions of the National Assembly Deputies. Therefore, the regulation on the right to cast votes of confidence enables the National Assembly and its agencies to address such situations.

The casting of a vote of confidence on a person holding a post elected or ratified by the National Assembly is the highest form of scrutiny of a government official and ensures that persons holding such posts, particularly ministers, see their responsibilities and the work of ministries that they manage as under the authority and scrutiny of the National Assembly.

Regulations of votes of confidence have been in existence for ten years, but have not been applied by the National Assembly at its sessions. In fact, National Assembly Deputies have proposed to cast

⁴³ Quoted from the interviews of Mr. Vu Mao, former Chair of the Committee on Foreign Affairs of the 11th National Assembly “why has votes of confidence not been applied?” at dantri.com.vn on 19/11/2010.

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votes of confidence on some ministers,⁴⁴ but these proposals have not been successful. The main reasons are:

(i) *There exists no coordination mechanism between Party agencies and the National Assembly on procedures to cast a vote of confidence as well as the legal responsibilities, political responsibilities of the persons subject to votes of confidence.*

(ii) *Subjects for proposed votes of confidence have been many and often inappropriate.*

Under regulations of the Constitution and Law on the Organization of the National Assembly, persons holding posts elected or ratified by the National Assembly can be divided into two groups:

Group 1: Chair and Vice-chairs of the National Assembly, and members of the National Assembly Standing Committee, President, Vice-President, Prime Minister, President of the Supreme People's Court, Procurator General of the Supreme People's Procuracy, Deputy Prime Ministers, Ministers and other members of the Government, Vice-chairmen and members of the Council on National Defence and Security, Chief of State Auditing. Those are the persons who directly use State power in relations with the people. Their decisions shall

⁴⁴ At the 5th session of the 11th National Assembly in 5/2004, the National Assembly Deputy Nguyen Duc Dung proposed the votes of confidence on 4 ministers (Minister of Health, Minister of Education and Training, Minister of Post and Telecommunication and Minister, chairman of the Committee on Sports) when the medicine price is too high, the result diseases are serious in education, violations in bidding of telephone fee and the waste in works supporting SEA GAMES.

At the 7th session of the 12th National Assembly in 6/2010, the National Assembly Deputy Nguyen Dinh Xuan proposed the votes of confidence on Minister of Agriculture and Rural Development Cao Duc Phat on issues on lending forest land to foreigners.

At the 8th session of the 12th National Assembly in 11/2010, National Assembly Deputy Nguyen Minh Thuyet proposed the votes of confidence on the Prime Minister on economic violation of the Vinashin Corporation.

directly affect the development of the nation and the right and interests of the people.

Group 2: Vice-chairs and members of the Ethnic Council, Vice-chairs and members of the National Assembly Committees, and members of the National Assembly Secretariat. Those are persons who do not directly use State power in relations with the people.

According to the analysis of some researchers,⁴⁵ the combination of the persons in group 2 into group 1 has increased the number of persons subject to votes of confidence, which is impractical and inappropriate. The responsibilities to use State power among those persons are not equal; after oversight and questioning, persons in group 2 may propose votes of confidence on persons of group 1, and may in turn face votes of confidence, which may affect their motivation for submitting such a proposal.

(iii) The mechanism to have twenty percent of National Assembly Deputies propose a vote of confidence on persons holding posts elected by the National Assembly is not clear and feasible.

The work reports of the 11th and 12th National Assembly assert that: some regulations in the Law on the Oversight Activities of the National Assembly are too general and inappropriate with current demands and that such regulations have not been amended or supplemented in a timely way.⁴⁶ The Article regulates the National

⁴⁵ “Oversight activities of the National Assembly - theory and practice” - Authors: Dr. Dinh Xuan Thao, Le Nhu Tien, Public Security Publishing House 2010.

⁴⁶ Item 2, Part I of Report no. 18/2007/QH11 dated on 27/4/2007 on the work of the 11th National Assembly (2002-2007) presented by Chairman of the National Assembly Nguyen Phu Trong at the 11th session of the 11th National Assembly.
Item 1, Part 4 of Report no. 09/BC-QH12 dated on 13/4/2011 on the work of the 12th National Assembly (2007-2011) presented by Chairman of the National Assembly Nguyen Phu Trong at the 9th session of the 12th National Assembly.

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Assembly Standing Committee to submit written recommendations of at least twenty percent of National Assembly Deputies to the National Assembly for the casting vote of confidence on relevant officials. Therefore, it can be understood that twenty percent of National Assembly Deputies are required to send such recommendations to the National Assembly and National Assembly Standing Committee individually (through the Board of Deputies' Affairs).⁴⁷ In addition, if National Assembly Deputies discuss and send recommendations together, they may be considered having idea of "factions". Moreover, the time to calculate the number of National Assembly Deputies who send recommendations on the votes of confidence is not clearly defined. For example does it cover a whole term, each year or each National Assembly session.

Many say, the rate of twenty percent of the total number of National Assembly Deputies is too high and extremely difficult to achieve.

(iv) The rate of part-time National Assembly Deputies is high, particularly those holding key positions in executive agencies, which leads to hesitation, fear of conflict in oversight activities in general and in vote of confidence in particular.

Requests from the Ethnic Council and Committees have never been applied because the number of National Assembly Deputies in the Ethnic Council and Committees is smaller with many part-time deputies holding positions in executive agencies. As a result, it is difficult to achieve the required twenty percent of National Assembly Deputies of the Ethnic Council and Committees, and then the

⁴⁷ Item 1, Article 27 of the Working Regulations of the National Assembly Standing Committee issued with Resolution no. 26/2004/QH11 dated on 15/6/2004.

agreement of majority of National Assembly Deputies (two thirds of the total number of members of the Ethnic Council and Committees as regulated by law for the votes of confidence.

Even when reaching the number of twenty percent of the total number of National Assembly Deputies, or the Ethnic Council or a Committee proposes the votes of confidence it is not clear whether the National Assembly Standing Committee conducts procedures on casting votes of confidence or the decision must reach the agreement of all members of the National Assembly Standing Committee. Therefore, some may say that the Ethnic Council and Committees propose, but do not have the right to submit recommendations on votes of confidence to the National Assembly.⁴⁸

(v) The National Assembly cannot directly conduct punishment on persons holding an elected post or being ratified by the National Assembly.

Under item 2, Article 88 of the Law on the Organization of the National Assembly, when not more than half of the total number of National Assembly deputies cast votes of confidence, the agencies or persons who have recommended the persons for election or proposed the ratification of their appointments shall submit to the National Assembly for consideration and decision the removal from office or dismissal of the persons who no longer gain the confidence of the National Assembly. In terms of procedures, if the agencies or persons who recommended the persons for election or proposed ratification shall not submit or delay the submission to the National Assembly for

⁴⁸ Proposal project “Increasing the effectiveness and efficiency in oversight activities of the National Assembly” of the party committee of the 12th National Assembly. “Oversight activities of the National Assembly; theory and practice”. Authors: Dr. Dinh Xuan Thao, Le Nhu Tien, Public Security Publishing House 2010.

consideration and decision the removal from office or dismissal of the persons, the National Assembly shall not do it. It would appear therefore that regulations regarding the removal from office or dismissal of the persons are not clear.⁴⁹

It can be said that the feasibility of success under the current procedures on casting votes of confidence is low. In theory, the above reasons can be identified, however in practice the main reasons are that law-makers do not support the process being undertaken regularly and easily. This is because the casting votes of confidence on one or some individuals may affect society and politics positively or negatively. However, based on the requirements of the reform of the organization and operation of the State agencies toward transparency and democracy to enhance the effectiveness and efficiency of government, it may be time to undertake a review of procedures on casting votes of confidence.

2.8. International experiences

The right of parliamentary oversight is based on the representative democracy principle. In particular, government being responsible to the parliament, whether under the presidential model such as the United States, Korea and Indonesia or parliamentarism such as

⁴⁹ At the 9th session of the 11th National Assembly, on 28/6/2006, when the National Assembly voted the Resolution on removal of 8 positions under the Statement of the Prime Minister Nguyen Tan Dung, there were 31,03% of National Assembly Deputies who did not agree on the removal of office, but dismissal of Minister of Transportation Dao Dinh Binh. Some said, the mentioned rate showed the non-confidence of the National Assembly to Minister Dao Dinh Binh, and the dismissal should be applied. However, the Vice-chairman of the National Assembly Nguyen Van Yeu explained that under regulations of the Constitution and the Law on the Organization of the National Assembly, the National Assembly shall examine, ratify the appointment, removal of office and dismissal of Deputy Prime Ministers, Ministers and other members of the Government at the request of the Prime Minister. Therefore, if the Prime Minister requested the removal of office to Minister Dao Dinh Binh, the National Assembly shall decide whether to ratify or not.

Britain, Australia and including Socialist Republics Democracy such as Viet Nam and China. For example:

In Australia:

"The government is accountable to Parliament both collectively and individually. By convention, all ministers are prepared to accept collective responsibility for the policies and actions of the government. Ministers are expected to accept personal responsibility for their oversight of a government department and for their personal integrity."⁵⁰

In the United Kingdom:

"It is a fundamental tenet of the Westminster system that Government is accountable to Parliament. This is illustrated in a resolution that was passed by both Houses in 1997. It stated that ministers "have a duty to Parliament to account and to be held to account, for the policies, decisions and actions of their departments". Thus, Government is collectively accountable to Parliament, and its ministers are also individually accountable for the actions of their departments."⁵¹

In China:

"The State Council is collectively responsible, and reports on its work, to the National People's Congress or, when the National People's Congress is not in session, to its Standing Committee (Article 92 of the Constitution)."⁵²

⁵⁰ See attached IPU report on Australia - Parliamentary Oversight p. 2.

⁵¹ See attached IPU report United Kingdom - Parliamentary Oversight p. 2.

⁵² See attached IPU report China - Parliamentary Oversight p. 2.

The followings are experiences in oversight procedures of some parliaments:

Questions and Answers:

The ability to ask questions of Ministers in the plenary sessions of Parliament has long been a regular component of the daily business in Parliament in many jurisdictions.

In Australia, for example, this occurs on each sitting day and involves the Prime Minister's attendance at each question time to respond to questions without notice. Over time rules have been developed to manage question time which include the time available to ask and answer questions and a provision for asking supplementary questions. In Australia, the upper house or Senate has the following system for asking questions in the House:

"Senators may question ministers and other Senators in the Senate by questions without notice put orally to a minister in the Chamber at question time, as well as by questions on notice, put to the minister or other Senator concerned in written form at any time, and published in Hansard and on the Notice Paper. Question time in the Senate is scheduled to begin at 2 p.m. on each sitting day and usually continues for an hour. At the conclusion of question time, a Senator may move a motion to take note of an answer relating to any answers given on that day. This provides the Senate with an opportunity to debate matters raised in questions, for a period of up to thirty minutes.⁵³

The provision for a senator to move a motion to take note of an answer given on that day provides the Senate with considerably more power to debate matters raised in questions than is available in many

⁵³ IPU op cit p. 4.

parliaments and is no doubt the result of the government seldom having a majority in that house. Because the government currently does not control the House it faces a range of such additional oversight mechanisms that are not common in unicameral parliaments where the government holds a clear majority.

By contrast in China questions are provided on notice in writing and responded to similarly:

"Deputies to the National People's Congress during its sessions, and all those on its Standing Committee during its meetings, have the right to address questions, in accordance with procedures prescribed by law, to the State Council or the ministries and commissions under the State Council, which must answer the questions in a responsible manner (Article 73 of the Constitution). The deadline for replies is determined according to the nature of the question."⁵⁴

In Indonesia, questions may be asked by members in the plenary sessions but questions to the President may only be put in writing except in special circumstances:

"The parliament exercises oversight over the actions of the administration through oral and written questions. Members of the parliament may pose questions individually or jointly. Questions to the President must be in writing, be composed briefly and clearly, and be submitted to the Speaker. The latter passes the question to the President with a request that an answer be given within the soonest possible time, and distributes copies to the other parliamentarians. For written replies from the President, no discussions can be held thereon.

⁵⁴ IPU op cit p. 2.

For oral replies, at the meeting determined therefore by the steering committee, the questioner may ask a short supplementary question so that the President will be able to give a clear explanation of the matter being raised. In special cases, such as questions relating to human rights, social welfare or the state budget, questions can give rise to a debate."

In the United Kingdom, while question time occurs on most sitting days they are normally asked to only one Minister at each question time. Prime Minister's question time however occurs once a week for half an hour. Over 60,000 oral and written questions have been answered in one year.

"A period of approximately one hour (question time) is given over to oral questions to ministers at the start of each sitting day (except Fridays). Questions for oral answer must be submitted before 12.30 pm on a sitting day, three sitting days in advance of the question session for all but questions to the territorial departments and Advocate General, for which the deadline is five sitting days. Ministers are questioned orally on the floor of the House on average once every sitting month. Questions to major departments last between 45 and 55 minutes; those to other departments last between 10 and 30 minutes. The Prime Minister answers questions for half an hour, once a week. In addition, the Speaker may allow urgent questions, i.e., questions of an urgent character that relate either to matters of public importance or to the arrangement of business, to be taken after question time. In the case of statements and urgent questions the length of the questioning period is set at the discretion of the Speaker.

Questions for written answer may be tabled at any time when the House is sitting. Questions which have been put down for answer on or before the last sitting day before a recess may be answered during the recess. Members may specify that a question is for priority written answer on a named day (the minimum period of notice being three days) or for ordinary written answer, in which case departments are expected to answer within seven days. Departments may give initial "holding" answers within the deadline, with a substantive answer to follow. There is no formal mechanism for enforcing a deadline for replies, but members who are dissatisfied with the timeliness of written answers may raise the matter on the floor of the House or privately with the Speaker or may table further questions.

Applications for urgent questions are submitted to the Speaker by specified times on the day they are to be asked. If the Speaker grants leave, the question is asked on the floor of the House immediately after question time. The responsible minister will answer and be questioned further, first by the member asking the initial question, and then by other members. Although the session may take on the characteristics of a debate, there is no question (proposition) before the House to be debated.

Once a Member of Parliament has received an answer to the oral question standing in his or her name on the order paper, the Member may ask one supplementary question: Opposition party leaders and spokespersons are also allowed to intervene with questions when called by the Speaker. There are no formal mechanisms for following up questions to the executive, in

either oral or written form, although members regularly bring unsatisfactory oral and written answers to the Speaker's attention after question time as a means of placing their dissatisfaction on the record and embarrassing the Government. They may also table further questions. The rules of the House prevent members from tabling questions that are identical to ones already answered in the current session. Members may also give notice in the light of an unsatisfactory reply that they will seek to raise the matter on the adjournment. That prevents any further supplementary questions from being asked.

Around 60,000 oral and written questions were asked in the 2003-2004 session."⁵⁵

Therefore, it can be seen that, in some countries, procedures of questioning and answering are regulated clearly and a regular activity of the parliament. Questioning in many circumstances is also regulated such as questions on notice, direct questions and questions with written answers. Procedures also exist in many jurisdictions for follow up in cases where the answers have not satisfied MPs.

Establishment of Select Committees

All parliaments establish Committees often called Standing Committees as professional agencies to support the House or Plenary for the duration of a Parliament. In many cases they are recreated each Parliament and have gone on to have a long history. The main activity of committees is to conduct inquiries and report to the House. It is common for committees to investigate policy issues, proposed legislation, or monitor executive activity. On other occasions the Parliament will create a committee to undertake a specific inquiry on

⁵⁵ IPU op cit p. 5.

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its behalf and report its findings within a specified time (often called Select Committees). These committees expire after they complete the work allocated to them.

In many parliaments, Committees are authorised to call people or require the Government to provide information and other material for the inquiry and investigation. Competence of the committees are regulated in legal documents, rules on procedures, or a specific resolution. In most cases, inquiries are implemented in the manner of goodwill and bipartisanship. It is an accepted fact that those parliaments that have extensive authority and powers delegated to committees such as calling of witnesses and the power to order documents from the Executive will conduct oversight more effectively:

In the Republic of Korea:

"The parliament may inspect affairs of state or investigate specific matters therein, and may demand the production of documents directly related thereto, the appearance of a witness in person, and the furnishing of testimony or statements of opinion.

Immediately after the opening ceremony each autumn, the Assembly determines the period during which the state administration will be inspected and then goes into recess. During the recess, standing committees draw up and discuss the plans for inspection. A plenary session is called to approve the inspection of agencies and the chamber then goes into recess again. During this second recess, committees prepare for the inspections. Twenty days during each session are allocated for the inspection of the state administration. After the inspections are completed, the government introduces its budget plan for the next year and committees begin reviewing the budget proposals."

In China:

"The National People's Congress exercises oversight over the actions of the government administration through committees of inquiry and missions to governmental departments. Furthermore, the Standing Committee of the National People's Congress and other special committees carry out law enforcement inspections each year. The reports on the findings of these inspection missions are delivered to the law-enforcing departments, which must submit written reports or, in case of misconduct, proposals for improvement to the Standing Committee within six months."⁵⁶

The power of China's Standing Committee of the National People's Congress and other special committees to carry out law enforcement inspections each year, the reports of which are delivered to the law-enforcing departments who must respond, is an uncommon power amongst most other legislatures. Parliament's inquiry powers are usually separated from the police and the courts as part of the broader separation of powers. If, during an inquiry, allegations of misconduct of a criminal nature are raised with the committee, the Committee may decide to hear the matter in private to protect the natural justice of the person who is being accused. Such matters are not usually the subject of parliamentary inquiries and when they arise and if they are aired in public they can deter the work of the committee while natural justice principles are followed.

However such matters will invariably arise considering the broad range of scrutiny undertaken by parliament. In such cases while matters may be referred to the police for investigation, police and the courts may not make substantive use of any of the evidence or records

of the committee as witnesses are protected by parliamentary privilege during their appearances to ensure that they are not constrained in the evidence that the present to parliament. That said, the law enforcement inspections and missions undertaken by China's special committees would undoubtedly be a serious deterrent to gross mismanagement, misconduct or corrupt conduct by officials.

Similarly the 20 days allocated by the Korean National Assembly for the inspection of the state administration is a very proactive and extensive oversight initiative. It provides for more intense scrutiny of agencies in the workplace which may lead to further investigation where required. The fact that the inspections occur prior to the government introducing its budget plan indicates that there is also a strong focus on financial oversight.

Oversight over legal normative documents

The power to draft and issue secondary legislation or regulations is most commonly undertaken by the executive branch of government. This based on traditions that provide that the parliament passes statutes or primary legislation and the executive is responsible or is delegated responsibility for establishing the rules or regulations which give effect to the legislation. Much of people's daily lives are controlled by such laws and it is therefore essential that parliament reviews and monitors those laws as they come into operation. If having delegated this responsibility parliament does not keep a strong and effective check on it, the parliament is abrogating much of its responsibilities.

In many jurisdictions parliaments have established Regulation Review Committees to monitor and review the impact of secondary legislation and report to the plenary. Parliaments normally have provisions for the disallowance of all or part of regulations following

their publication. In some parliaments in developing countries where government printing services are poor and slow the parliament is severely limited in its capacity to effectively review the regulations issued by the executive. This has often allowed the executive to bypass the parliament on important issues that have had adverse effect on the economy and people's social well being and also resulted in increased levels of corruption.

The role and responsibilities of the Joint Committee on Scrutiny of Regulations in Canada are as follows:

"Whether any Regulation or other statutory instrument within its terms of reference, in the judgment of the Committee:

1. is not authorized by the terms of the enabling legislation or has not complied with any condition set forth in the legislation;
2. is not in conformity with the Canadian Charter of Rights and Freedoms or the Canadian Bill of Rights;
3. purports to have retroactive effect without express authority having been provided for in the enabling legislation;
4. imposes a charge on the public revenues or requires payment to be made to the Crown or to any other authority, or prescribes the amount of any such charge or payment, without express authority having been provided for in the enabling legislation;
5. imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
6. tends directly or indirectly to exclude the jurisdiction of the courts without express authority having been provided for in the enabling legislation;

7. has not complied with the Statutory Instruments Act with respect to transmission, registration or publication;
8. appears for any reason to infringe the rule of law;
9. trespasses unduly on rights and liberties;
10. makes the rights and liberties of the person unduly dependent on administrative discretion or is not consistent with the rules of natural justice;
11. makes some unusual or unexpected use of the powers conferred by the enabling legislation;
12. amounts to the exercise of a substantive legislative power properly the subject of direct parliamentary enactment;
13. is defective in its drafting or for any other reason requires elucidation as to its form or purport..."

Some parliaments such as in the United States, Canada, France, and in Northern European countries regulate in detail the amendment and annulment of documents contravening laws and the responsibilities for checking, systemizing and controlling the consistency of documents under laws. In the United Kingdom, to release the pressure of time on the Parliament, the basic laws regulate that Ministers and some agencies (agencies that are directly responsible before the Parliament) are authorized to issue regulations monitoring the administrative issues in details. However, through study on some other parliaments, oversight over legal normative documents is not considered as a particular activity of the Parliament as this function is normally a matter for the Courts. Based on the judgements of the of the Courts, the Government through its agencies may recommend to the Parliament the amendment, supplementation or repeal of contravening laws or regulations.

2.9. General assessment

Over recent years, and particularly since the promulgation of the Law on the Oversight Activities of the National Assembly, scrutiny and oversight by the National Assembly has markedly increased, as has the effectiveness and efficiency of that oversight. Oversight has encouraged and promoted the Government, Supreme People's Court, Supreme People's Procuracy, other concerned organizations and agencies to better implement their assigned tasks and functions. This has contributed to better implementation of the functions of legislation and better decision making on important issues of the nation, thus ensuring socio-economic development and maintaining order and discipline of the nation.

To this end, besides subjective and objective reasons, the process and procedures of the National Assembly in general and the oversight procedures of the National Assembly and National Assembly Standing Committee in particular have improved and been applied seriously. The Law on the Oversight Activities of the National Assembly and relevant legal documents have regulated the procedures to implement oversight activities, and contributed to enhancing the effectiveness and efficiency in oversight activities of the National Assembly.

In general, regulations of law on developing annual oversight programs of the National Assembly, National Assembly Standing Committee and procedures on examining work report, legal normative documents, questioning, organizing oversight teams, have been implemented seriously.

However, the oversight activities of the National Assembly and its agencies face limitations. Besides the issues of competence, oversight contents and tools, the oversight procedures of the

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National Assembly and National Assembly Standing Committee contain issues, which impact on the effectiveness and efficiency and capacity for the respective bodies to undertake their oversight responsibilities. They are:

First, regulations of law regarding oversight procedures are scattered in different legal documents. At present, the process and procedures on operation of the National Assembly, National Assembly Standing Committee are found in the Law on the Oversight Activities of the National Assembly, Law on the Organization of the National Assembly, Law on Laws, Rules on the National Assembly Sessions, Working Regulations of the National Assembly Standing Committee, Working Regulations of the Delegations of National Assembly Deputies and National Assembly Deputies. These legal documents were not promulgated at the same time, and some regulations overlap and raise questions of consistency and interpretation. Activities of the National Assembly in general or at least oversight activities of the National Assembly, its agencies and members of parliament need to be regulated consistently in one legal normative document.

Second, it is timely to have a review of the effectiveness of the processes and procedures currently in place and which govern the oversight and scrutiny by the National Assembly and National Assembly Standing Committee including: the National Assembly's procedures on examining reports of the National Assembly Standing Committee on the implementation of the Constitution, laws, resolutions of the National Assembly; examining reports under regulations of law; the National Assembly Standing Committee's procedures on examining legal documents of the People's Council which are contrary to the Constitution, laws, resolutions of the

National Assembly, ordinances and resolutions of the National Assembly Standing Committee; oversight procedures on documents of the National Assembly which are contrary to the Constitution; procedures on written questioning and answering; and conditions for the establishment and procedures on the operation of the investigation committee. Certain oversight procedures of the National Assembly and National Assembly Standing Committee should be reviewed to improve clarity and effectiveness. The oversight activities of the National Assembly for each field for example might be improved by separate procedure. Other oversight orders and procedures of the National Assembly are not sufficiently flexible and a result do not meet the requirements of the supreme oversight activities of the National Assembly. This can be seen clearly in the procedures on casting votes of confidence, legislative process, and operation of the provisional committee as mentioned above.

Third, the oversight process and procedures of the National Assembly and National Assembly Standing Committee would improve with greater participation of concerned organizations, agencies, socio-political organizations, social and occupational organizations and individuals. The mass media and people are accessible to oversight activities only at the final stage at the oversight sessions of the National Assembly and National Assembly Standing Committee, which impacts adversely on the level of openness and transparency of oversight activities.

Lastly, the stage of “post oversight” has not been focused on sufficiently in the laws and procedures supporting oversight. It is an important stage which greatly impacts on the effectiveness and efficiency in oversight activities of the National Assembly and National Assembly Standing Committee.

III. SOME RECOMMENDATIONS ON THE REFORM AND IMPROVEMENT OF THE OVERSIGHT PROCEDURES OF THE NATIONAL ASSEMBLY AND NATIONAL ASSEMBLY STANDING COMMITTEE

3.1 General direction for the reform of the oversight procedures of the National Assembly and National Assembly Standing Committee

Firstly, it is recommended that the reform of oversight procedures occur in a holistic manner and consider issues including, oversight competence, oversight subjects, contents, and scope. While procedural reform cannot guarantee the effective oversight over the entire activities of state apparatus they are essential to providing Deputies with the opportunity to scrutinise the exercise of government authority and the expenditure of public funds. Procedural change should also reinforce the coordination of all oversight activities of the National Assembly including overseeing implementation of policies and law and state budget expenditure.

Secondly, reform should focus clearly on regulating steps under which the oversight competence of all subjects, tools, and contents have established procedures. The oversight procedures of the National Assembly and National Assembly Standing Committee should be reformed toward maximising public access and input into oversight processes thus enabling the participation of relevant stakeholders who can provide the required information and ensure the effectiveness, democracy and transparency in activities of the National Assembly.

Thirdly, raise the awareness of the importance of current and any new regulations and resolutions of the National Assembly in general and the oversight activities in particular to ensure that oversight can be undertaken effectively and according to law.

3.2. Some specific recommendations

3.2.1. Procedures on developing oversight programs

To ensure that the oversight programs of the National Assembly are sufficient, scientific, covering all fields of life and meeting the requirements and needs of the people, it is recommended to regulate in detail the procedures on developing oversight programs. This includes the preparation, collection of recommendations, development of programs, collection of opinions, examination, and also the implementation of resolutions of the National Assembly and National Assembly Standing Committee on the annual oversight program. It is necessary to expand the subject over which oversight is conducted, clarify the oversight contents, the time available for oversight and to propose solutions and recommendations. It is also necessary to regulate agencies which have responsibilities to respond to requests for information and to implement recommendations in order that the will of the National Assembly and National Assembly Standing Committee is undertaken in a timely fashion.

3.2.2. Procedures on examining reports

With regard to work reports, it is necessary to regulate criteria on contents of these reports, which serve as basis for the development, verification and examination of the issues considered. It is recommended that responsible agencies coordinate oversight activities and organize meetings of Standing members or all members of the Ethnic Council and Committees to examine, discuss, verify and send

verification reports to the verifying agency. It is also necessary to clarify “necessary cases” to issue resolutions on reports and the legal consequences of the examination of work reports of agencies and individuals elected or ratified by the National Assembly.

For other reports, it is recommended to regulate specifically the procedures on contents and method to develop, verify reports of the National Assembly Standing Committee on the implementation of the Constitution, and laws and resolutions of the National Assembly. It is also necessary to regulate the criteria to define which reports are required to be submitted to the National Assembly for discussion, and which reports should be sent to National Assembly Deputies for study.

3.2.3. Oversight procedures on legal normative documents

It is recommended that the agencies which have competence to issue legal normative documents abide by regulations on sending guiding documents for the implementation of laws, ordinances, resolutions of the National Assembly to National Assembly Deputies and agencies of the National Assembly for oversight.

The current legal framework regulates the oversight over legal normative documents as a regular activity implemented continuously after receiving documents issued by authorized agencies. However, in fact, oversight over legal normative documents has not been carried out regularly. This is due to the fact that agencies issuing documents have not seriously implement regulations on sending documents after issuance. In addition, deputies are also too busy with legislative, oversight activities, and meetings with voters. Therefore, in order to fulfil its assigned tasks, some NA agencies and MP delegations have conducted this activity under the form of topical oversight teams or combining with other oversight activities. Such initiatives in oversight

over legal normative documents should be promoted and regulated in legal normative documents for consistent implementation such as:

- Every year or twice each year, those who have competence to oversee legal normative documents develop plan and organize topical oversight teams on issuing legal normative documents under their authority. For instance, Provincial MP delegations oversee matters at the provincial level and Ethnic council and National Assembly Committees oversee matters under their authorized fields.
- The process of overseeing and examining work reports, organizing topical oversight team and establishing provisional committees, should be combined with oversight over legal normative documents of subjects or fields under oversight. For instance, during the oversight process over the matter of settlement of polluted environment in traditional handicraft villages, the oversight team should oversee legal normative documents in this field. When examining annual work reports of Supreme People’s Court, Justice Committee also conduct oversight over legal normative documents issued by Supreme People’s Court and the President of Supreme People’s Court.

This activity should be regulated clearly in annual oversight programmes to allow concerned agencies to be active in the process.

In addition, it is recommended to supplement the competence of the Ethnic Council and Committees to empower them to submit recommendations to the National Assembly to examine legal normative documents of the National Assembly Standing Committee, President, Prime Minister, Government, Supreme People’s Court,

Supreme People's Procuracy which are contrary to the Constitution, laws and resolutions of the National Assembly (similar to National Assembly Deputies, but Deputies have the right to propose the National Assembly Standing Committee to recommend the issue).

In support of the rule of state law Constitutional protection, the National Assembly is recommended to have a "self-oversight" mechanism and issue regulations on overseeing laws issued by the National Assembly.

3.2.4. Procedures on questioning and answering

To questioning activities at sessions of the National Assembly, it is recommended review and amend as required procedures including the order and time from preparation (checking question cards, selecting persons to be questioned and groups of issues for questioning); the chairing of questioning and answering groups of selected issues, the procedure on evaluating written answers; the conclusions of the question time at sessions of the National Assembly; and defining which issue the National Assembly shall promulgate resolutions on. In addition, it is recommended to regulate the criteria of "questioned issues that need to be investigated" so that the National Assembly and National Assembly Standing Committee can select the possibilities for application (answer before the National Assembly Standing Committee, at the coming session of the National Assembly, or answer in writing). It is also recommended to regulate the time that the questioned persons report to the National Assembly on their implementation of promises, for example 6 months or one year depending on issues what can be settled straightforward or pending the amendment and supplementation of laws.

In relation to questioning activities during sessions of the National Assembly Standing Committee, besides facing similar issues present at

sessions of the National Assembly (mentioned above), it is recommended to regulate consistently the procedures under which this activity is undertaken at sessions of the National Assembly Standing Committee.

To written questioning and answering activities, while is form of scrutiny is applied in and out sessions of the National Assembly effectively, it is recommended that this form of scrutiny should be included in the Constitution, Law on the Organization of the National Assembly, and other relevant legal documents like the Law on the Oversight Activities of the National Assembly, Working Regulations of the Delegations of National Assembly Deputies and National Assembly Deputies., particularly strengthening the powers related to the time allowed to answer, and cases where answers are not made in a timely way and response to recommendations of National Assembly Deputies on questioned contents.

3.2.5. Procedures on organizing oversight teams

It is recommended to regulate clearly criteria, tools, order, procedures, legal consequences of topical oversight activities in general, and of the National Assembly and National Assembly Standing Committee in particular. It is necessary to differentiate the procedures on the establishment and operation of the topical oversight team of the National Assembly and of the topical oversight teams of the National Assembly Standing Committee, Ethnic Council, and Committees. It is recommended to supplement regulations on monitoring the implementation of recommendations of the National Assembly and National Assembly Standing Committee through topical oversight activities, legal mechanisms to implement recommendations and resolutions after oversight, etc. It is also recommended to supplement regulations on communication

work, supporting oversight activities, disseminating information, oversight plans, and contents to draw the attention of the people and the mass media and in this way to increase the effectiveness of oversight activities.

In long-term basis, it is recommended not to continue the organization of oversight teams or topical oversight activities of the National Assembly and National Assembly Standing Committee because these activities are overlapped with those of the Ethnic Council and Committees. The oversight activities of the Ethnic Council and Committees should be focused; when finding it necessary, the Ethnic Council and Committees should propose the National Assembly Standing Committee or National Assembly examine oversight results and issue topical resolutions on content overseen by the Ethnic Council and Committees to ensure the effectiveness and efficiency of the oversight activities and to save the time of the National Assembly and National Assembly Standing Committee.

With regard to the procedures on post oversight activities, the effectiveness of oversight activities can only be increased when the issues of post oversight are thoroughly settled and recommendations made after oversight are implemented and issues detected in oversight are settled. In the future, it is recommended that plans for organizing oversight teams should mention clearly the assignment of work, personnel and the budget for activities after the oversight activities at sessions. In addition, National Assembly Deputies should exercise their right to question at sessions of the National Assembly and National Assembly Standing Committee about the level of implementation of conclusions and recommendations following oversight by the National Assembly and National Assembly Standing

Committee. The National Assembly and National Assembly Standing Committee should also re-oversee some issues of groups of issues after 3 or 5 years to examine the impacts of the implemented oversight activities.

3.2.6. Procedures on establishing investigation committees

To make the form of establishing provisional committees an effective tool, it is recommended to revise regulations on the competence of the National Assembly Standing Committee to propose that the National Assembly decide on the establishment of provisional committees.

Ensuring the independence of the provisional committees is very important, therefore members of the provisional committee and their supporting staff should be provided with a separate budget so that their work will not be affected by their main tasks. Conflict of interest provisions would also empower such committees and strengthen public confidence in their work.

In operation, the provisional committees should define procedures to be applied to the collecting of evidence; whether courts and local governments are responsible to legally and professionally support the provisional committee or not; the requirement for public meetings (except in special cases); whether the provisional committee may summon witnesses like the President, Prime Minister, Chair of the National Assembly or persons elected or ratified by the National Assembly or not, and the power to enforce witness attendance.

The Law on the Oversight Activities of the National Assembly only provides that: the provisional committee is established and dissolved upon completion of its work, but not the time of its operation. Particularly during elections periods it is not clear if the

provisional committee continues its work or not? Thus, it is recommended to regulate the operation time of the provisional committee.

3.2.7. Procedures on casting votes of confidence

Casting votes of confidence is a critical tool in oversight activity of the National Assembly. Therefore the National Assembly should use this tool in a more effective manner. In order to implement casting votes of confidence, it is recommended to reform many factors such as coordination mechanisms between the Party Committee of the National Assembly and Political Politburo and the Party Secretariat. The percentage of full-time deputies should be increased up to 50%. There are many possibilities to make casting votes of confidence become a regular activity in the work of the National Assembly with either regular or extraordinary votes of confidence being considered. The following points should be taken into consideration when amending regulations:

Firstly, it is recommended to limit subjects to the votes of confidence, who currently include the President, Chair of the National Assembly, members of the National Assembly Standing Committee, the Prime Minister and members of the Government, the President of the Supreme People's Court, the Procurator General of the Supreme People's Procuracy, and the Head of the State Auditing Agency. Those persons are authorised to use state power and individually responsible to the National Assembly as regulated in the Constitution.

Secondly, it is recommended to regulate in detail responsibility of the Secretary Group of the National Assembly session in conducting consultation with deputies when there is requirement to cast votes of confidence. If the results of the vote show that more than 20 percents

of deputies agree, the National Assembly Standing Committee would consider and make decision about the submission to the National Assembly to cast votes of confidence.

Thirdly, time and steps to cast votes of confidence should be regulated clearly (time to conduct consultation after receiving requests, time to conduct casting votes of confidence, issues for discussion before casting vote of confidence and the results of the vote).

Besides defining a feasible procedure on casting votes of confidence, when necessary, it is recommended to regulate a procedure on casting votes of confidence in the mid-term basis. Thus, all aforementioned subjects shall be cast votes of confidence to evaluate their fulfilment of work and capacity as regulated by law. This will be a very simple procedure which is applied at a year-end session in the mid-term of the National Assembly. The procedure can be as follows: after the National Assembly examines the work reports (as stipulated in current law), the National Assembly shall cast votes of confidence on persons holding posts elected or ratified by the National Assembly; if more than half of the total number of National Assembly Deputies disagree with the person, the National Assembly shall take procedures on removal of office or dismissal of that person (as stipulated in current law).

3.3. Some recommendations on the amendment and supplementation of some regulations in the current law

To improve regulations on oversight procedures of the National Assembly and National Assembly Standing Committee, after having reviewed, the authors would like to recommend the amendment and supplementation of relevant legal documents with specific articles as follows:

3.3.1. The Constitution

- **Amend item 7, Article 84 of the Constitution**, toward the limitation of subjects to be cast votes of confidence; supplement regulations on casting mid-term votes of confidence.

- **Amend Article 98 of the Constitution**, toward regulating on issues to be questioned at sessions of the National Assembly Standing Committee; supplement the form of written questioning and answering.

3.3.2. Law on the Organization of the National Assembly

- **Amend Article 12** supplementing regulations on casting mid-term votes of confidence.

- **Amend Article 16**, regulating in details issues to be questioned at sessions of the National Assembly and National Assembly Standing Committee.

- **Amend Article 49**, regulating clearly the form of written questioning and answering.

3.3.3. Law on the Oversight Activities of the National Assembly

- **Supplement in Article 7**, the National Assembly shall examine reports of concerned agencies under regulation of law and resolutions of the National Assembly.

- **Supplement in Article 8 and Article 16** the responsibilities of the Supreme People's Court, Supreme People's Procuracy, State Auditing Agency to propose the National Assembly and National Assembly Standing Committee the annual oversight program; regulating in details the procedures on developing, deciding and implementing the annual oversight programs of the National Assembly and National Assembly Standing Committee.

- **Supplement 1 article** regulating the order and procedures on the development and contents of *Reports of the National Assembly Standing Committee on the implementation of the Constitution, laws and resolutions of the National Assembly* regulated at Article 7 of this Law.
- **Amend Article 9** toward regulating contents of work reports of agencies and individuals.
- **Supplement 1 article** regulating procedures on examining reports of agencies as stipulated in specialised laws.
- **Article 10:** amending and supplementing toward regulating a separate procedure of the National Assembly on examining legal normative documents which are contrary to the Constitution.
- **Supplement 1 article** regulating oversight procedures on legal normative documents in combination with other oversight tools.
- **Supplement 1 article** regulating the procedures on the development and operation of the topical oversight teams of the National Assembly toward: regulating the criteria for selecting oversight topics of the National Assembly and National Assembly Standing Committee; procedures on establishing oversight teams and their responsibilities; procedures on implementing oversight activities, examining oversight results and legal consequences.
- **Article 11:** Item 2, regulating procedures on selecting groups of issues for questioning, and persons to be questioned. Item 4, amending toward regulating which issues the National Assembly promulgates resolutions on questioning and answering, and contents of the resolutions. Item 5, amending regulation on the time to report the implementation of promises.

- **Supplement 1 article** regulating procedures on written questioning and answering.
- **Article 12:** regulating procedures on the development, competence, working relations, operation time of the provisional committee to investigate a certain issue.
- **Article 13:** Based on the amendment of item 7, Article 84 of the Constitution, Article 13 should be amended toward limiting subjects to be cast votes of confidence, and regulating procedures on casting votes of confidence in the way that during the question time and based on the ideas raised at the question time, the National Assembly may decide the votes of confidence without the agreement of twenty percent of the total number of National Assembly Deputies or submission of recommendations to the National Assembly Standing Committee; clearly regulating the collection of recommendations of twenty percent of National Assembly Deputies and simplifying procedures on proposing recommendations of the Ethnic Council and Committees.
- **Supplement 1 article** regulating procedures on casting mid-term votes of confidence.
- **Supplement 1 article:** regulating the procedures that the National Assembly conduct the removal of office and dismissal, or ratification of persons to be cast votes of confidence when more than half of the total number of National Assembly Deputies disagree.
- **Item 3, Article 15 and Article 19** should be amended and supplemented toward regulating procedures on questioning activities of the National Assembly Standing Committee in the spirit of the Constitution and the Law on the Organization of the National Assembly. Under which, questioning activities can only be implemented at sessions

of the National Assembly Standing Committee when the investigation is needed and when National Assembly Deputies do not agree with the written answers of the ministers at the recess of the two sessions of the National Assembly. Item 2 of Article 19 should be amended toward regulating which issues the National Assembly Standing Committee promulgates resolutions on questioning and answering and contents of the resolutions.

- **Article 10 and Article 15** should be amended toward dealing with the overlapping in competence and subjects to be overseen between documents of the National Assembly and National Assembly Standing Committee.

- **Article 15:** item 1 regulating the examination of work reports at the recess of the two session should be abolished, this should be considered the preparatory stage for the National Assembly exercise its oversight functions at the session.

3.3.4. Rules on National Assembly Sessions

- **Article 42 and 43:** should be amended to be in line with contents of the Constitution, Law on the Organization of the National Assembly and Law on the Oversight Activities of the National Assembly on issues of questioning and answering as mentioned above; regulating procedures on preparation for questioning activities and procedures on preparing to submit the resolution on questioning and answering to the National Assembly for consideration and approval.

- **Article 47,** supplementing verification procedures on some work reports of the whole legislature.

- **Supplement 1 article** regulating procedures on examining other reports under competence.

3.3.5. Working Regulations of the National Assembly Standing Committee

- **Amend Article 16 and Article 18** on the development and approval of the oversight programs of the National Assembly and National Assembly Standing Committee to be in line with Law on the Oversight Activities of the National Assembly.
- **Amend Article 25** on the tasks and power of the National Assembly Standing Committee in exercising its right to question National Assembly Deputies to be in line with recommendations on the amendment of the Constitution and Laws as mentioned above.
- **Amend Article 26**, regulating in details the establishment and operation of the provisional committees of the National Assembly.
- **Amend Article 27**, regulating the tasks and power of the National Assembly Standing Committee in casting mid-term votes of confidence.
- **Amend Article 51**, regulating the preparatory stage of the questioning and answering at sessions of the National Assembly Standing Committee.

3.3.6. Working Regulations of the Delegations of National Assembly Deputies and National Assembly Deputies

- **Amend Article 11**, regulating time for the written answers to questions of National Assembly Deputies; clearly defining responsibilities of the National Assembly Standing Committee in conducting questioning before the National Assembly Standing Committee or discussion at the session of the National Assembly when National Assembly Deputies are not satisfied with answers.

CONCLUSION

The oversight procedures of the National Assembly and National Assembly Standing Committee is an integral part of the overall effectiveness and operation of the National Assembly and its agencies. Comprehensive oversight procedures will enable the National Assembly to fulfil its assigned tasks and functions as regulated by law, and through which the National Assembly manifests its role as the highest organ of the State power of the people, by the people and for the people.

The reform of working procedures of the National Assembly in general and oversight procedure in general requires to be implemented over time taking into account the political, economic, cultural and historical factors at play. The reform should be tested and analysed through actual implementation and agreed by Deputies, National Assembly agencies, the Government and other concerned agencies on its pre-eminence. Therefore, it is not an easy task. However, small and effective initiatives can be the basis and driving force for more critical reforms that have impact over the entire system.

The reform of the procedures on the operation of the National Assembly and National Assembly Standing Committee in general and of the oversight procedures in particular can only take place effectively when the reform of the organization and operation of the National Assembly and its agencies take place at the same time, and in a broader manner, the reform of the organization and operation of the

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State agencies and the whole political system occurs in tandem. Through this research, the authors would like to make some recommendations. Some of the recommendations are relatively easy to implement as they propose to improve the current methodology in implementing the tasks and functions of the National Assembly, which can immediately be applied, and some recommendations on the amendment and supplementation of regulations of current laws which may take some time. It is hoped that the results of this research will contribute to reforming the organization and operation of the National Assembly and to the overall reform of Viet Nam.

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