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E-government without E-democracy in the case of Vietnam: Transparency has been a sham?

ABSTRACT

For over decade, Vietnam has made many efforts to promote e-government and improve efficiency and effectiveness of its public administration. As a result, the administrative system becomes more transparent time after time. However, E-democracy does not go hand in hand with e-government in the case of Vietnam wherein a non-democratic government has to strike the balance between economic and political openness. This paper aims to shed more light on a case of an authoritarian regime in the path from e-government to e-democracy. This is such a long, tough, and rocky journey linked with democratization in an authoritarian regime.

Keywords: Vietnam; e-government; open government; openness dilemma

I Introduction

Recently, many scholars have praised the usage of e-government system and other informational and communicational technologies (hereinafter, ICT) as an effective tool for reducing corruption (Heeks, 1998) and, to some extent, a mean to promote transparency and other elements of good governance (von Waldenberg, 2004). Yet, there has been a lack of scholar papers or discussions proving the causal effect of e-government and other ICTs on the likelihood to establish transparency and open government. As Bertot et al (2010) conclude:

> The extent to which ICTs can create a culture of transparency and openness is unclear; However, initial indications are that ICTs can in fact create an atmosphere of openness that identifies and stems corrupt behavior.

This paper will argue that, in specific cases of closed regime, e-government does not go hand in hand with e-democracy, thus producing the so-called "discretionary transparency" and "inefficacious transparency". The case of Vietnam can be used to demonstrate this reality: the efforts to develop the system of e-government cannot automatically create the culture of transparency and open government at a whole, or in other words, transparency has been a sham in case of authoritarian regime.

Since Doi moi,[1] Vietnam has tried to send a signal to the world that it has changed to openness by promoting "information work, the press, radio, television, cinema, publishing, libraries and other means of mass communication", but on the other hand, detrimental culture and information to national interest shall be prohibited.[2] This "two-face" policy reflects the openness dilemma through which the political leaders in Socialist states want to open their economy as much as they can in order to enjoy the growth resulting from international integration on the one hand, and attempt to maintain the *status quo* of political order on the other hand. As a result, the Vietnam Government has built and developed the system of e-government by encouraging certain kinds of national telecommunication, while maintaining the Internet security policy that strictly controls the information flow. The closed regimes, such as China and Vietnam, share this similar dilemma in their international integration process, as Kalathil and Boas (2010, p. 168) observed:

> Since even authoritarian countries are under pressure to conform to global economic norms, pushing for more liberal access and content policies in the context of economic development may be an effective if less tangible way to influence Internet diffusion and use in authoritarian countries.

Consequently, despite many national programs to promote E-government, Vietnam's ranking is still low in E-government index surveyed by the UN[3] (ranking 99/193). Thus, a more democratic government and a system of administrative agencies for people are desiderata. Administrative

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[1] Vietnam Communist Party (VCP) officially withdrew the central planning model based on socialism at the 6th National Congress in 1986. "Doi moi" or renovation movement was built on the statement "market-oriented socialist economy under state guidance."

[2] Article 33, the 1992 Constitution. English version is available at [Last visited Jan 10,2016] www.vietnamlaws.com/freelaws/Constitution92(aa01).pdf

[3] United Nations E-Government Survey 2014, available at https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/2014-Survey/E-Gov_Complete_Survey-2014.pdf

reforms have been carried out with the improvement of the quantity rather than the quality itself. Consequently, the number of computers in agencies, websites with .gov.vn domain prospers multiply year by year. Unfortunately, this progress is not adequate for a significant change in awareness of bureaucrats and public servant, and in the prevailing administrative inertia of the government services. As Mr Le Manh Ha – Vice chairman of the Government office said at the National Conference on E-Government, E-Health and Intelligent Transportation System 2015[4] :

> The later the government makes decisions for improving e-government, the more difficult the administrative system is reformed. Consequently, now we have to face with an inefficient, ineffective administration that has resulted in harassment and corruption, thus constraining the economic growth and lessening the public trust.[5]

Clearly, the path from e-government to e-democracy, and open government is such a long, tough, and rocky journey linked with democratization's process. This paper aims to shed more light on Vietnam's efforts in building the system of e-government in which administrative procedures and public services have been provided promptly and adequately (in prima facie), but transparency and democracy have not automatically flowed through this system. Particularly, in section 2, this paper will first identify the political and institutional characteristics of Vietnamese contemporary polity, and then analyze the tensions between the Communist party and the nascent civil society that can be considered a key factor for building a truly open government for Vietnam. This paper will argue, without solving this openness dilemma in an authoritarian regime, the e-government may not transform into an open government, thus producing the so-called open authoritarian regime. Methodologically, the theoretical framework of this article concentrates on the case of Vietnam in promoting E-government and solving the dilemma between economic and political openness. In so doing, the traditional legal method will be utilized in a combination with socio-political discipline.

II National Programs to Promote E-government

An up-to-date idea coming from the age of information technology is the concept of "e-government" that highlights the role of technologies in facilitating the information flow from the government to citizen and vice versa (Silcock, 2001), or the role of the Internet continues in increasing public participation and public scrutiny (Schelin, 2003). E-government is considered a solution to disseminate government information and provide public services online via digital means (West, 2000). Some public policy scholars have argued that e-government may improve public trust (Tolbert & Mossberger, 2006; Welch, Hinnant, & Moon, 2005), and enhance accountability and publicity (characteristics of democratic system), thus being labeled as "e-

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[4] Held by Ministry of Information & Communications, on July 27, 2015, Ho Chi Minh city, available at http://www.egov.org.vn/2015/index.php?lang=en

[5] Le, M.H, *Ibid*, Welcome remarks

democracy" (Clift, 2004; Wong & Welch, 2004). Consequently, e-government and e-democracy may overlap with the concept of open government, particularly in the computer science where scientists virtually focus on using technological means in an e-government system (Hansson, Belkacem, & Ekenberg, 2014). For example, the government authorities use computer software and network technology to manage and maintain their daily office in a transparent manner (Jun, 2011). Hence, the final goal of an e-government system is to open the government's activities to the public by sharing data and processes, and promoting public interaction and participation (Kook et. al, 2009). Scholars from other disciplines, such as public policy, legal study, and international relation, also alternatively use the three concepts, particularly when they want to emphasize the role of ICT in promoting the environment of transparency. However, let alone the ICT, open government carries a different meaning in institutional democratic perspective. Open government, in simple parlance, is a state having an institutional structure that strictly complies with the transparency norms.

The efforts of international organizations in reducing information asymmetry within state Members have stimulated a global trend toward utilizing ICTs in public administration. Globalization and harmonization have created "[a] new set of complex and interactive stimuli, demands, and opportunities in the external environment of national public bureaucracies, whose origin is not traceable to any particular nation" (Wong & Welch, 2004). These "global pressures" ultimately push the domestic bureaucracies for a significant change. Vietnam, for example, has launched a series of national programs to strongly promote e-government from central to local authorities since 2000, in pursuit of the World Trade Organization (WTO) membership. On October 17, 2000, the Political Bureau of the Communist Party of Vietnam Central Committee promulgated the Resolution No.58-CT/TW[6] on accelerating the use and development of information technology for the cause of industrialization and modernization, the objectives of this Resolution are to promote the use of IT in all state's activities, computerize the Party's bodies and Government agencies, establish the Websites and portals of the Party and the Government, and develop e- services in financial areas (taxation, treasury, auditing, etc), banking, customs, civil aviation, trading, E-commerce and public services (education, distance learning, telemedicare, E-library, etc).

Subsequently, the Government issued a numerous administrative rulings to deploy the implementation of Resolution No.58. One of the most important documents is the Decision 112/2001/QD-TTg on ratifying the project on the state administrative management computerization in the 2001-2005 period,[7] in which the Vietnamese government defines the aims

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[6] It is necessary to note that Resolution issued by the Communist party and its agencies is not officially recognized as one of legal document that listed in the Law on promulgation of legal documents (2008, 2014), but having said that Vietnamese (and other Socialist states as well) legal research should begin at relative policies of Communist party, without which the laws and regulations would not have been passed and issued.

[7] The full text of the Decision is available at (Retrieved on Jan 6 2016) http://thuvienphapluat.vn/archive/Quyet-dinh/112-2001-QD-TTg-vb71787t17.aspx

at: (1) Building the system of the state administrative management computerization for directly serving administrative processes, (2) Computerizing public services in order to improve the capacity of administrative agencies in serving the people and enterprises comfortably and promptly, and (3) Establishing the informational network of e-banking, e-finance, e-custom and in national defense and security. Modernization of the administrative system toward building high quality e-government has been repeatedly emphasized in many legal documents issued by Prime Minister, including the Decision 136/2001/QD-TTg[8], Decision 94/2006/QD-TTg[9], Decision 30/2007/QD-TTg[10]. Prominently, on April 10, 2007, the Decree 64/2007/ND-CP[11] on information technology application in State agencies' operations was enacted, through which the Government undertakes the responsibility to streamline, innovate, simplify and clarify all of administrative processes and bureaucracy's activities. In this period, the Government determines that information technology is an indispensable condition for the cause of industrialization and modernization, e-government development is a motivation for not only administrative effectiveness but also international integration.

Connectively, another national program has been launched in 2011. On August 27, 2010, the Vice Prime Minister Nguyen Thien Nhan signed the Decision 1605/QD-TTg[12] on approving the national program on application of information technology to operations of state agencies during 2011-2015 which is aimed at building and consolidating information infrastructure as a basis for developing an e-government, extensively applying information technology to internal operations of state of state agencies, to raise productivity and reduce operating costs. According to the new administrative rulings, all meetings of the Prime Minister with ministries and provincial-level People's Committees may be held online. Further, "All state agencies of district, provincial department or equivalent or higher level will have e-portals or websites for providing sufficient information providing all public services online, and most basic public services online for people and businesses".

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[8] Available at https://luatminhkhue.vn/en/decision/decision-no-136-2001-qd-ttg-dated-september-17--2001-of-the-prime-minister-approving-the-overall-program-on-state-administrative-reform--the-2001-2010-period.aspx (Retrieved Mar 3, 2016.)

[9] The full text of the Decision is available at (Retrieved on Mar 3, 2016) http://thuvienphapluat.vn/van-ban/Bo-may-hanh-chinh/Decision-no-94-2006-QD-TTg-of-April-27-2006-approving-the-plan-on-state-administrative-reform-in-the-2006-2010-period-72988.aspx

[10] Available at http://moj.gov.vn/vbpq/en/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=4349 (Retrieved Mar 3, 2016.)

[11] The full text of the Decision is available at (Retrieved on Jan 6 2016) moj.gov.vn/en/Documents/QD_Cuc%20CNTT.doc

[12] Retrieved from http://vbqppl.mpi.gov.vn/en-us/Pages/default.aspx?itemId=2f08f00c-71cf-4b07-bef8-b6b9a76ab9b6&list=documentDetail (June 6, 2016)

Building the e-government has been invested by the Vietnamese Government since 2010, and most of public services has been provided online to people and enterprises. In doing so, Vietnam has taken efforts toward government transparency and accountability, thus promoting public participation. To test this hypothesis, bearing in mind the role of e-government[13] in facilitating public participation, this paper uses E-government Readiness Index published by the United Nations to measure the degree to which e-government in Vietnam has been impacted by national programs. This variable (UN e-government surveys[14] were published in 2003, 2004, 2005, 2008, 2010, 2012, and 2014) is a comparative ranking of the countries based on two basic indicators: the state of e- government readiness; and the extent of e-participation (scale 0-1), with details as follows:
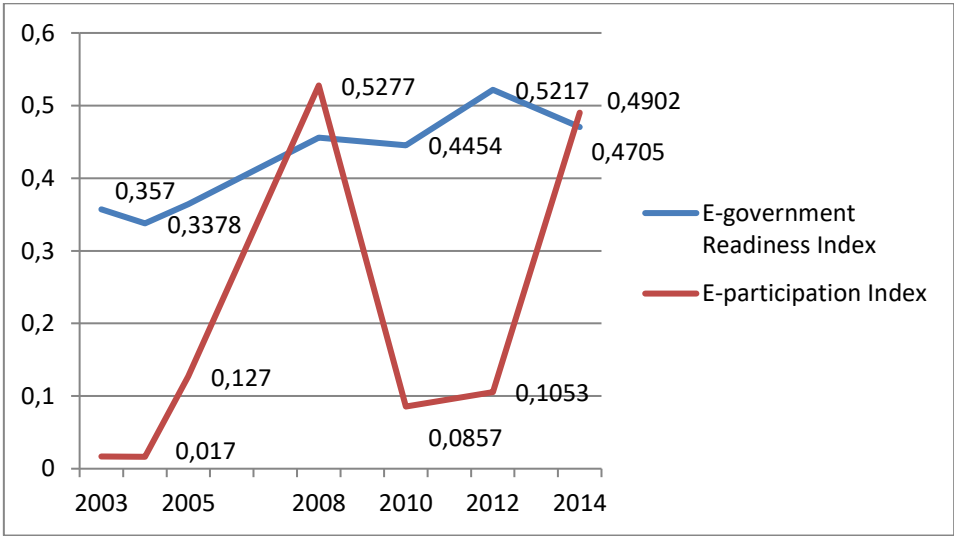

Figure 1. E-government Readiness Index and E-participation Index of Vietnam
(Source: UN E-Government Survey 2003, 2004, 2005, 2008, 2010, 2012, 2014)

The first indicator, e-government readiness, includes three sub-indicators: Web measure index, telecommunication and infrastructure index, and the human capital index. It has been used to capture the overall availability of ICTs, and ability of a country to implement e-government. In fact, this variable just reflects the efforts of governments in modernizing the governance by

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[13] According to Almarabeh and AbuAli (2010), A general framework for e-government: definition maturity challenges, opportunities, and success. *European Journal of Scientific Research*, 39(1), 29-42, E-government raised by former U.S. vice president (Al Gore) that links the "citizen to the various agencies of government for getting all kinds of government services in an automated and automatic way, in addition to the completion of the government working itself depending on information and communication networks to reduce costs, improve performance, speed of delivery and effectiveness of implementation".

[14] The interactive e-Government Development Database is available at
https://publicadministration.un.org/egovkb/en-us/#.VtgGvH1961s (Retrieved August 3, 2016.)

exploiting ICTs. As we can see in Figure 1, Vietnam has slightly increased the value of e-government readiness since 2003, though not consecutively, because most portals and websites have remained stagnant in terms of developing new features, and the regression occurred in the whole region in 2010 (United Nations, 2010, p. 69). However, the general trend is progressive, significantly.

In contrast, there is a dramatic fluctuation in E-participation Index of Vietnam. In 2008, the UN praised Vietnam for its successes in e-participation promotion when it impressively jumped from 63rd in 2005 to 16th in 2007 in the world ranking. Concretely, Vietnam enhanced national portals which include features that increase citizen engagement by online consultation and interaction (United Nations, 2008, p. 59). Unfortunately, this progress has not been maintained not because of technological issues, but due to political and institutional obstacles. Proactive transparency that promotes accountability, may not accompany with public participation as hypothesized. Indeed, Vietnam has to face with the openness dilemma that will be discussed later. Eventually, transforming into democratic government is still so far from complete.

Looking through the legal institutional reform under the auspice of transparency norms international law, we can see that the authoritarian regimes all have to deal with a dilemma in a complex context in which economic openness is *at odds* with political openness, or "openness dilemma." This term describes the situation in which the political leaders in nondemocratic countries want to open their economy as much as they can in order to enjoy the growth resulting from international integration on the one hand, and attempt to maintain the *status quo* of political order on the other hand. Hence, Vietnam, China and other authoritarian regimes share the development trend in e-government and e-participation, as presented in the following figure:
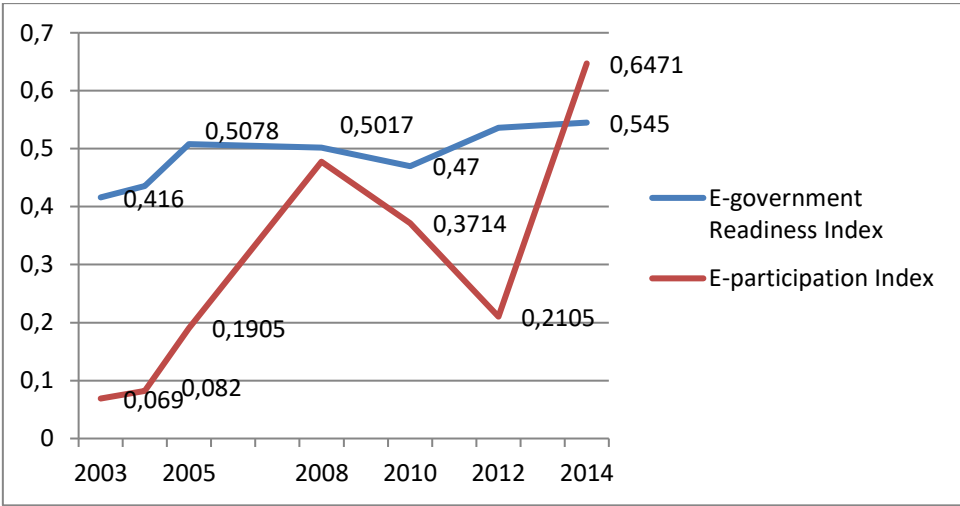

Figure2. E-government Readiness Index and E-participation Index of China
(Source: UN E-Government Survey 2003, 2004, 2005, 2008, 2010, 2012, 2014)

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Having noted that transparency and openness always have the political implications (Berliner, 2014), economic openness likely stimulates political transparency and participation that pose a challenge to the dictatorship of political parties. Through the eyes of parties' leaders in authoritarian regimes, economic openness and political openness should not come together, as happened in the East Europe. Hence, the ruling parties have continued to maintain their dictatorship by eliminating political participation while "trying to reap the benefit of foreign trade, investment and technology", as Yingjie Guo observed (2008). The slight and slow increases of E-government Readiness Index and the dramatic fluctuations of E-participation Index in Vietnam and China as indicated in Figure 1 and 2, succinctly illustrate this openness dilemma.

In response, on Oct 14, 2015, the Government issued the new Resolution No.36a/NQ-CP[15] on e-government, which aims to boost the e-government development. This new Resolution is expected to accelerate the e-Government development, to improve the quality and effectiveness of State agencies, and to provide better services for people and businesses, as well as increasing the status of Viet Nam's e-Government on the United Nations' rankings[16] . To do so, in the period 2015-2017, the Government will consecutively boost the administrative reform process by enhancing information technology application in providing online public services. Unlike the previous programs, the new project embedded in Resolution 36a/NQ-CP does not concentrate on modernization and computerization of states agencies, but the quality of online public services and effectiveness of e-government. After 5 years of e-government evolution, the Government acknowledges that building e-government is not simply to modernize and computerize the state authorities, and ICTs eventually are tools, not solutions.

Needless to say, Vietnam has made many efforts to promote e-government and improve efficiency and effectiveness of public administration. However, as Wong and Welch (2004) argued, e-government may change the traditional relationship between government and citizens by facilitating the interaction thereof, through which public trust may be improved. In a nutshell, e-government can make the Government more transparent in the public eyes, and make the interactions between agencies and the public more convenient, ultimately increase the public trust by facilitating public participation. Regarding the openness dilemma, this article argues that Vietnam has recently implemented a "two-faces" policy, through which, it promotes the effectiveness of e-government and public services on the one hand, and control and restrict the political e-participation. This trajectory may be labeled as non-democratic openness that can be easily observed across the closed regimes. Wong and Welch (2004) in their empirical research highlighted this type of openness:

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[15] English version is available at (Last visited July 07, /2016) http://news.chinhphu.vn/Home/Resolution-on-eGovernment/201510/25749.vgp

[16] *Ibid*, II. Objectives and Key Performance Indicators

This means that transparency and interactivity can serve different and separated political and strategic functions for the bureaucracy. Bureaucrats can therefore use the web as a tool for information dissemination on the one hand while trying to use it to limit interaction on the other hand. For example, in a civil service system of a high mission level, bureaucracies show greater transparency but place greater interactivity restrictions in their websites. (…) [G]overnments can place what they want people to know, or what they believe they have a duty or desire to share in the public domain, yet, prefer to limit direct interaction.

Therefore, e-government does not always go hand in hand with e-democracy because information technology is just a tool for governing in a modern state that may be or may be not democratic. Thus, culture of bureaucracies, institutional infrastructure, and socio-political circumstances determine whether e-government may increase or decrease democratic accountability and participation. Generally, closed regimes tend to use the Internet policy as a measure to control the information flow in favor of political interests. Similarly, Kalathil and Boas (2010, p. 24) pointed out that states commonly use the Internet for two main purposes, e-government and propaganda. According to them, e-government is likely to contribute to public satisfaction with public services, and thus increasing public trust. On the other hand, government's websites or portals may be used as the channel for propaganda for national or international audiences. Conclusively, e-government is for the regime, not for the people, especially in authoritarian society. Kalathil and Boas (2010) stated that Vietnam has tried to follow the steps of Singapore in building a comprehensive system of e-government in which administrative procedures and public services have been provided promptly and adequately, but transparency and democracy have not automatically flowed through this system.

Vietnam may want to study from the Singapore model, as the most successful non-democratic regime in the Association of Southeast Asian Nations (ASEAN), as mentioned above. On the other hand, I am skeptical about the success of this measure, because determinants such as culture of bureaucracies, institutional infrastructure, and socio-political circumstances of Vietnam and Singapore are much different, especially the role of nascent civil society in Vietnam that may bring a challenge to policies relating to the control of information and expression from the Government. E-government therefore may shift to open government, in association with democratization and political openness in a long-term prospective study.

III E-government Without E-democracy: Prima Facie Transparency

Generally, e-government is such an instrument of open government, and a non-democratic e-government cannot constitute an open government. Graham (2002) indicated the value of open society that emerged from the U.S administrative system in the 21th century, for building the reliable information system by which empowering public participation and resulting in good governance. By and large, open government is commonly understandable as a government

characterized by two core elements: democratic accountability and public participation[17]. It is striking that the concept of "open government" has been flourishing in the past six years, since the Obama Administration begun in 2009. The Memorandum on Transparency and Open Government (Obama, 2009) issued by the 44th President of the U.S did establish the bedrock for the notion of open government. According to this bedrock, an open government shall take responsibilities "[t]o ensure the public trust and establish a system of transparency, public participation, and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government." Transparency norms are a prerequisite for building an open government, and information technology or e-government system is just a tool for boosting the interaction between the state and the citizen. Therefore, there may be an overlapping meaning between e-government and open government if the element of participation (or collaboration) is eliminated. Open government does not only focus on the right to know of the people but also democracy, by improving transparency, participation, and collaboration. As a result, both the states and the citizen can enjoy the mutually beneficial cooperation (win-win cooperation) through which a foundation of sustainable democracy shall be established (Hansson et al., 2014). In case of Vietnam, the path from e-government that discussed above to open government needs to be studied to find the way for overcoming the institutional obstacles to meeting democratic ideals.

Even though the right to information has been constitutionalized or regulated directly and early by the first Constitution of a newly independent Vietnam in 1946, proceeding to subsequent Constitutions in 1980, 1992 and 2013. The Vietnam's Law on Access to information has just passed by the National Assembly on June 2016, after being stalled for seven years. In fact, this FOI regime is likely to be "formalistic, innocuous and inefficacious", due to the fact that it is impossible to attack the state secrets legislation[18]. The freedom of information in a socio-political circumstance of a closed regime like Vietnam has been, and shall be exercised to the extent that it does not disorganize the leadership of Communist party or destabilize the polity of single-party state allegedly as a longstanding culture of secrecy and authoritarian. The "two-faces" transparency policy reflects the awkward situation of the Vietnamese government in striking the balance for transparency policy, and solving the openness dilemma. Recently, it can be seen that the Vietnamese Government and its cabinet members have evolutionarily exploited social media to polish their images before the domestic and international audiences. Evidently, at a meeting to review the past performance of the Government Office and discuss tasks for 2015 on Jan 15, 2015, Prime Minister Nguyen Tan Dung said that government authorities have to provide the public with official and accurate information in a timely manner on social media. He emphasized:

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[17] Evidently, The mission of the Open Society Foundations- a NGO dedicated to promoting transparency globally, is to build vibrant and tolerant democracies whose governments are accountable and open to the participation of all people. See, for close-up view https://www.opensocietyfoundations.org/about/mission-values (Accessed July 12, 2016)

[18] See Tran, Van Long (2016), Vietnam's Draft Law on Access to Information: Solving the Transparency Policy Dilemma, *International Journal of Transparency and Accountability in Governance*, vol.2

Everybody here has been using social networking, everybody can use Facebook at any time to read, to watch, to search information. The problem is that we need to ensure that information should be accurate and official, since we cannot restrict people from using social media. Information has to be provided timely and accurately to direct the public opinion on the Internet. Whatever people talk about the state, the Party, the Government, but we need to provide them official information from the Government, by which people can trust in the Government. And this is a new objective that we need to pay attention this year.[19]

On October 2015, the Government office has launched its first Facebook page[20], which aims to implement the direction of the Prime Minister. Before this event, a few cabinet members have used Facebook as a channel to provide administrative information and interact with the public, such as Minister of Health- Nguyen Thi Kim Tien and Minister of Traffic and Transportation- Dinh La Thang. Following the Resolution No.36a/NQ-CP on e-government, there has been a wave of enthusiasm for the use of websites, portals, social networks from the central government to the lowest local government body, namely, People's Committee of Ward or Ward's Farmers Union. Ironically, most of them are not substantially useful because of the lack of necessary information and lack of updating in many fields.

The government has tried to show itself as a transparent government, in a *prima facie* sense. Transparency is allegedly to provide adequate information relating to what the government has done, is doing and will do for the public. Therefore, e-government is to put government information online by utilizing the ICTs (McDermott, 2010). But in case of Vietnam, and other Socialist states as well, information is a national asset then it should be governed and controlled by the power of the state with the aim to "direct the public opinion". Eventually, beneficial and positive information has been provided, meanwhile adverse information keeps being stashed in the dark, thus creating the so-called controlled transparency or "discretionary transparency." To the Government, this seems to be the acceptable solution for solving the openness dilemma, at least until now.

On the other hand, e-government without e-democracy cannot bring about democratic government. The notion of democratic government hereby discussed concentrates on two democratic perspective of open government: participation and collaboration. Governance scholars believe that public participation enhances government effectiveness and regulatory efficiency, to do so, the Government has to provide opportunities for the public to substantially

[19] BBC. (15/01/2015). Prime Minister Dung: No restriction on Social Networking. BBC Newspaper (Vietnamese). Retrieved (August 1, 2016) from
http://www.bbc.com/vietnamese/vietnam/2015/01/150115_pmdung_social_media

[20] Government Information Facebook page is now available at https://www.facebook.com/thongtinchinhphu/ (Last visited August 1, 2016)

participate in decision-making or policy-drafting process (McDermott, 2010). Moreover, collaboration is a must in the structure of open government. The public often accesses to a government's website to collect information or data they need, but in fact, they rarely expect to collaborate with government. Hence, applications of social networks like Facebook seem to be a good environment for collaboration (Sandoval-Almazan & Gil-Garcia, 2012). A truly open government must have a close-knit network between its agencies and include NGOs, media-newspaper, television and other communication networks for an extensively and effectively collaboration (McDermott, 2010; Sandoval-Almazan & Gil-Garcia, 2012). Therefore, e-government without e-democracy (aspects of e-participation and e-democracy) cannot qualify as an open government, *ergo*, the path from an e-government to open government is inherent in the process of democratization.

Collating with the case of Vietnam, Vietnam seems to be more transparent time after time in association with the promotion of e-government as discussed in previous section. However, building an open government is still too far to reach in the sense that the ruling Party has faffed about looking for an appropriate measure to deal with the openness dilemma: How to increase the economic openness and trade freedom without opening the political and institutional spaces? In order words, how to find a *modus vivendi* for conflicting national interests: economic growth and political stability?

In one-party system, the ruling Party is always vigilant for the theory of Western democracy that contains political competition, thus generating the so-called Socialist democracy. For example, Article 69 of the 1992 Constitution, repeated in the Article 25 of the 2013 Constitution[21], solemnly declares that: "The citizen shall enjoy the right to freedom of opinion and speech, freedom of the press, of access to information, to assemble, form associations and hold demonstrations. The practice of these rights shall be provided by the law." Frustratingly, the relevant laws on implementation of these rights[22] have all been stalled up to now. Consequently, the Constitution provides a rubric of nominal human rights, and the Article 25 is rendered meaningless by a subset of authoritarian regulations and administrative rulings that strictly control the exercise of freedom of speech and association, such as:

-        The Penal Code 1999 with Article 88 (conducting propaganda against Vietnam) and Article 258 (abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens) keep being used to suppress

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[21] English version can be found at http://www.constitutionnet.org/vl/item/constitution-socialist-republic-vietnam-amended-2013 [Accessed August 3, 2016]

[22] They are Law on Associations and Law on Public Demonstration. The draft laws are now available on http://duthaoonline.quochoi.vn/DuThao/Lists/DT_DUTHAO_LUAT/View_Detail.aspx for public comments (Last visited August 1, 2016)

opposition to the regime. According to a report of Reporters without Borders[23] (hereinafter, RWB), there were no less than 48 bloggers and human rights activists prosecuted by Vietnamese Government, with 166 years in jail sentences and 63 years of probation in 2012 (Reporters Without Borders, Sept 2013)

- Decree No. 45/2010/ND-CP[24] on the Organization, Activities and Management of Associations maintains rigorously controlling over the registration and operation of associational groups.

- Decree No. 72/2013/ND-CP[25] dated July 15, 2013 of the Government on management, provision and use of Internet services and online information prohibits using Internet services and online information for opposing Vietnam; "threatening the national security, social order and safety; sabotaging the national fraternity; propagating wars and terrorism; arousing animosity and among races and religions, revealing state secrets, military, economic, diplomacy secrets, and other secrets defined by the State; providing false information, slandering or damaging reputation of organizations or dignity of individuals."[26]

Taken together, the constitutionally guaranteed human rights, including freedom of information, freedoms of the press, speech, assembly, movement, and association tend to be meaningless due to the maintenance of authoritarian rules, as mentioned above. Unquestionably, democracy has not yet come in Vietnam, in the sense that basic human rights have been profoundly violated thus resulting in *prima facie* transparency. The road to democracy and truly open government therefore remains challenging and requires the collaborative effort between pro-democratic politicians, reformers, think tanks, multidisciplinary scholars, and especially the growing numerous civic groups. "Where there is a will, there is a way" which relies on:

Firstly, there has been a battleground between reformers and conservatives within the Vietnam Communist Party's elites. Pro-democratic politicians have tried to boost freedom of expressions in other to reduce corruption and promote the national image before the international community.

Secondly, there have been a growing number of democratic scholars and human right activists who have utilized the strength of social media to launch numerous websites, blogs to strongly

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[23] The report is available at http://en.rsf.org/vietnam-programmed-death-of-freedom-of-23-09-2013,45222.html [Accessed Jan 10, 2016

[24] English version is available at (Last visited 03/03/2016) http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/84259/93533/F1158441545/VNM84259.pdf

[25] English version is available at (Last visited 03/03/2016) https://www.vnnic.vn/en/about/legaldocs/decree-no-72-2013-nd-cp-july-15-2013-management-provision-and-use-internet?lang=en

[26] *Ibid*, Article 5

criticize public policies, play a role as a watchdog, or open for unlimited public debate. For example, the founder of a famous dissident website called Bauxite Vietnam[27] is Dr. Nguyen Hue Chi, a renowned academic, a former chairman of the Scientific Council of the Institute of Literature of the Vietnamese Academy of Social Sciences. A blog named "Anh Ba Sam" is one of the best-known websites for political news coverage created by Nguyen Huu Vinh, a former police officer turned private investigator (Reporters Without Borders, Sept 2013). Many of activists have been arrested under Article 88, Article 258 of the Penal Code. However, in an optimistic view, the increase of suppression reflects the growing number of dissident bloggers and democratic activists in Vietnamese contemporary society, the more repression is used by the state, the more it may be frightened of the possible consequences from domestic resistance and international pressure.

Thirdly and most importantly, international integration, social modernization, and economic reform have mutually contributed to the emergence and development of independent civil society in Vietnam, as some scholars observed (Thayer, 2009). Since Doi Moi, under the pressure of international integration, Vietnam opened its polity to the international community. As a result, international organizations, especially the WTO, and many foreign (mostly Western) NGOs, have come to Vietnam and deployed various models of development and transformation. They have stimulated the wave of civil society activity and pro-democratic groups. Beside the existence of civil society organizations that directly governed by the state, namely Trade union, Women's Union, Farmer's Union; Overseas Vietnamese anti-communist groups (basically located in the U.S) and international NGOs have supported the nascent autonomous civic groups, and nonviolent political activists. These civic groups and activists have used the social media networks to promote democracy and challenge the communist party, thus operating an opposition movement. This movement is associated with the campaign for the rule of law, for freedom and basic human rights, for the raising of independent civil society (Phuong, 1994).

In this circumstances, Vietnam has to solve the openness dilemma described as a "bird in a cage" by Acemoglu and Robinson (2012, p. 479) when they referred to China's economy. The Communist parties' control is such a cage that needs to be opened to foster a growing birth, as much as it can. In so doing, the cage has to reluctantly accommodate other creatures that may harm the cage itself. Eventually, the cage needs to be consecutively strengthened and enlarged at the same time, until there comes a point at which the cage is broken and the bird is liberated by harmful creatures. And aforementioned independent civic groups, pro-democratic activists have played the role of "harmful creatures" in this metaphor. Professor Fukuyama (2014) also believes that middle class tends to generate a growing nascent civil society that may open the closed door of political regime. Social mobilization will be a motivation for political change, through which

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[27] Bauxite Vietnam is website originated from a petition calling for the end of bauxite mining in the central highlands. The founder of the website states that "Bauxite Vietnam is not a political opposition website. It is a site where intellectuals can express their constructive opinions about the country." The website is available at http://boxitvn.blogspot.jp/ (Last visited August 9, 2016)

the civil society will demand a more accountable and transparent state, and subsequently political competition. Similarly, Professor Carlyle A. Thayer (2008) delineated the contemporary politics and economy in Vietnam as:

> [V]ietnam has experienced an explosive growth of associational activity particularly at grassroots level by community-based organizations. These associations can be expected to play even greater roles in the coming years. In recent years, in urban areas especially, Vietnam has witnessed the creation of an increasing number of political advocacy groups on such issues as human rights, democracy and religious freedom.

According to him, political civil society groups have been posing a challenge to the one-party system by pressing the National Assembly to enact laws related to freedom of expression. Hence, middle class, or civic groups' activities in the coming years will be the most important condition for proceeding democratization and building a truly transparent government. Of course, this path to development is lengthy, painful, and stepped.

IV Conclusion: Which Way for Vietnam's Open Government?

Kalathil and Boas (2010) stated that Vietnam has tried to follow the steps of Singapore in building a comprehensive system of e-government in which administrative procedures and public services have been provided promptly and adequately, but transparency and democracy have not automatically flow through this system (Singapore model). Appropriately, this paper argues that, under the global pressure emerging from international integration, Vietnam is pursuing the principle of transparency without democracy, or the core policy of "open authoritarian regimes" as conceptualized by Linz (2000) and developed by Barma, Ratner, and Spector (2009). Barma et al states that:

> There regimes deliver economic success to their populations through versions of state-controlled capitalism, and excel at plugging into the international system in ways that allow them to benefit from global connectivity while retaining their grip on domestic power. It is their very openness to the liberal international order that sustains their authoritarian model.

East Asia seems to be the birthplace of this kind of regime. South Korea, Taiwan, Singapore, Malaysia, as the authors pointed out, have successfully articulated the policies through which they can use their closely connection to the international system, like the WTO, as policy anchor for strengthening the rule of law and good governance at home. By integrating and harmonizing with the liberal international order, these countries can boost the economic growth while maintaining illiberal or non-competitive political systems. In this sense, Vietnam has gradually transformed from a closed-authoritarian regime into an open authoritarian regimes, and with the success of the economy, the emergence and development of domestic civil society, some democratic transitions will be likely to occur. The only question is how soon. Economic

development have continuously improved the growing of nascent civil society, and this factor keeps fighting for democracy. In this battlefield, the international elements (supranational organizations, Non-governmental organizations) will play an intermediary role to explicitly and implicitly hasten the transition process by anchoring policy in a wider set of domestic legal framework and diffusing global norms. In an optimistic view, this regime of *prima facie* transparency will likely be transformed.

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