



Promoting inclusive parliaments:

The representation of minorities and indigenous peoples in parliament

CASE STUDY / PARLIAMENT / VIET NAM

Representation from the top:

Ethnic minorities in the National Assembly of Viet Nam

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Executive summary

Since its reunification in 1975, the Socialist Republic of Viet Nam has sought to address the needs of its ethnic minority population. With dedicated machinery of government, including in the National Assembly, the 54 ethnic minorities of Viet Nam are a widely-recognised, key indicator of the country's demographics. While disparities exist between the Kinh (the majority Vietnamese group), and most other minorities, attempts to reduce these continue to be made. Indeed, in May 2010, the first Nationwide Representative Congress of Ethnic Minorities in Vietnam brought together representatives of each of the country's minority groups to consider a unifying approach to national development. It was also an opportunity for senior leaders, including the Communist Party General Secretary, Nong Duc Manh and Chairman of the National Assembly, Nguyen Phu Trong, to listen to minority voices and to hear their aspirations for the future. In July 2010, the Vietnamese press widely reported the visit of the UN Independent Expert on minority issues, which aimed to examine the human rights situation of the country's numerous minority groups.

The National Assembly of Viet Nam is easily described as the country's most representative body with its 493 deputies, elected by a majority system, for five-year terms. The Assembly leadership sets targets to achieve a certain measure of representativeness, particularly for ethnic minorities and women. Of the 54 ethnic minority groups living in Viet Nam, 33 are represented in the current legislature. Kinh deputies constitute 82.5% of the National Assembly, while the remaining 17.5% of deputies are representatives of 32 diverse ethnic minorities. More than 30% of all women deputies are representatives of an ethnic minority group (other than the Kinh).

33

Of the 54 ethnic minority groups living in Viet Nam, 33 are represented in the current legislature

The main channel through which ethnic minority issues are addressed in the Assembly is its Council on Ethnic Minorities. This is a body consisting of 40 deputies, charged with the responsibility to contribute to, investigate and oversee legal documents and legal procedures relating to ethnic minorities. This forum is said to allow deputies, regardless of ethnicity, to work together with a shared voice. The Council, however, does face some challenges. Most ethnic minority deputies have no legal background, and are therefore limited in their ability to carry out

the Council's functions. Despite a strong mandate for oversight laid out in the Law on the Organisation of the National Assembly, the Council is not always able to critically assess all of the Government's activities relating to minority issues.

These issues predominantly relate to high levels of poverty. In addition, ethnic minorities in Viet Nam are disadvantaged by low levels of education and income, harsh living conditions (being situated in rural and remote areas)—coupled with less productive lands and an associated difficulty in moving away from these areas—restricted access to health care, micro-credit and legal services, and poor transportation infrastructure.

The National Assembly is increasingly regarded as playing a more active and independent role in Vietnam's political life.

A number of studies have identified an important key to the reduction of poverty in ethnic minority areas to be greater consultation with the people of those communities, and improved governance structures. Yet those representing ethnic minorities in parliament face serious challenges in their work. A stereotype of backwardness and passivity is associated with ethnic minorities, including those in positions of political power. Ethnic minority deputies have difficulty engaging with their constituencies and earning their trust and respect. They also face challenges in being able to address ethnic minority concerns within the National Assembly. To date, for example, no law on ethnic minorities has been passed by the Assembly.

Introduction

In 2010 Viet Nam achieved middle-income status. This remarkable achievement is indicative of the great strides the country has made towards economic prosperity since it opened its doors to international markets in 1986 under the *Doi Moi* reforms. Its governance structures are similarly, if much more slowly, becoming more open. The National Assembly of Viet Nam is a body of 493 deputies, elected by a majority system, for five-year terms. The latest elections were held in 2007, and elections will be held again in 2011. While most deputies are part-time, the 2001 Law on the Organisation of the National Assembly mandates a minimum percentage of full-time MPs.¹

The National Assembly is increasingly regarded as playing a more active and independent role in Vietnam's political life. The 1992 Constitution established the Standing Committee of the Assembly as an independent body from the executive. Over time, the Assembly's mandate has expanded to include budget and audit oversight powers, including the power to monitor anticorruption, and to cast votes of confidence. Although most legislation originates from the Government, draft laws and ordinances are now more debated and considered in the Assembly. Its committees have begun to conduct public consultations to ascertain the effect of both draft and enacted laws on the population. Importantly, the Assembly's activities are frequently reported more in the State-owned media, including analysis of each session. Recently, the electorate has been allowed to ask questions of their elected officials through online media sites.

The National Assembly can also be considered a representative body. Of the 54 ethnic minority groups living in Viet Nam, 33 are represented in this congress. The Kinh (Viet) people account for 87% of the population and mainly inhabit the three major delta areas (around the Red River, the central coast, and the Mekong River) and the major cities. The other 53 ethnic minority groups, totalling 12 million people or 14% of the population, are dispersed over mountain areas (covering two-thirds of the country's territory) spreading from the north to the south.

To a large extent, deputies in the National Assembly mirror the composition of ethnicities in the population: Kinh deputies constitute 82.5% of the National Assembly, while the remaining 17.5% of deputies belong to one of 32 ethnic minorities. Moreover, the distribution of minorities across Viet Nam's provinces means that minority policy concerns are often relevant. A 1999 survey found that 11 of the 61 provinces in Viet Nam were composed primarily of non-Kinh peoples, while a further 28 provinces had at least one district where non-Kinh people were in the majority.² Today, according to one of the Assembly's most senior ethnic minority deputies, it is estimated that 49 provinces have at least 30% ethnic minority populations.

The 53 non-Kinh groups are commonly, but mistakenly, considered homogenous. While many are long standing and pre-date Vietnamese settlement, some are more recent migrants to the country. The largest of the non-Kinh group is the Tay minority, with almost 1.5 million people. The smallest minority is the O Du group, with only 300 people. Minorities also vary in terms of their assimilation and levels of economic success, with some groups having achieved commensurate levels with Kinh, while others struggle to educate their children.³

49

It is estimated that 49 provinces have at least 30% ethnic minority populations.

"I am Muong, from Hoa Binh province in the North East of Viet Nam. The Muong are one of 53 ethnic minorities in Viet Nam, and one of five groups with over one million people. The Muong belong to Vietnamese and Muong language groups, so those who do not live in our province can also understand our language. The Kinh and Muong have lived together for a long time. We have 90% in common, and only a few differences."

Bui Thi Binh, Vice President
Council on Ethnic Minorities

While each group has its own cultural, social, and religious mores, there has been a tendency to distance the 53 ethnicities from the Kinh on the basis

Introduction

of development. Certainly, there is some reason for doing so: national poverty rates reduced from 58% to 16% between 1998 and 2006, while the poverty rate among ethnic minorities has not reduced as significantly. Today it remains at 52%, down from 86% in 1998.⁴ According to the World Bank, this is despite large government transfers, and dedicated policy and practice towards ethnic minorities in Viet Nam.⁵

In addition to high levels of poverty, ethnic minorities are disadvantaged by low levels of education and income, harsh living conditions (being situated in rural and remote areas), coupled with less productive lands and an associated difficulty in moving away from these areas, restricted access to health care, micro-credit and legal services, and poor transportation infrastructure. Roads, for example, can be so poorly built in ethnic minority areas that they are easily washed away by floods.

The discrepancy is also explained by a pervasive image of 'primitive' ethnic minority cultures being 'behind' and in need of 'catching up' with the modern Kinh population. In this view, the cause of poverty for ethnic minorities is their 'backwardness and passivity'. Unfortunately, this developmental philosophy has underpinned most Government policies to support ethnic minorities in overcoming poverty and achieving development. Slogans such as 'help the mountains to catch up the plains' have been common among policy makers as well as local authorities.

It has become clear, however, that an important key to the reduction of poverty in ethnic minority areas lies in greater consultation with the people of those communities, and improved governance structures. There is currently a disjuncture between the people elected to represent ethnic minorities at the National Assembly (not to mention those at district, commune and provincial levels), and the ethnic minority people themselves. Ethnic minorities are often noted for their low levels of confidence and self-esteem, particularly in raising

their voice and speaking up for what they need. Moreover, for various reasons, the people elected to serve ethnic minorities are not always seen as the most reliable source of assistance. Greater trust needs to be built between the two groups and there may be merit in the Government of Viet Nam accommodating the different kinds of leadership structures already in place in some ethnic minority areas.

This case study presents findings from research conducted in Viet Nam on the question of how inclusive the National Assembly is of ethnic minorities. Following an assessment of the current representation levels of ethnic minorities in the nation's peak legislative body, including from a gender perspective, the case study explores the main channels through which ethnic minorities are elected and some of the challenges inherent in this electoral system. The study then turns its attention to the institutional mechanisms of the National Assembly by which ethnic minority affairs are considered and legislated. In Viet Nam, these primarily rest on the Council of Ethnic Minorities, one of the largest bodies in the National Assembly. The case study concludes with some consideration of good practices in Viet Nam, and areas for improvement.

Deputies of the National Assembly, staff of the Office of the National Assembly, and officers of international and bilateral donor organisations were asked a series of questions as part of this research. A list of interviewees is at Annex 1. In addition, a recent series of interviews has been conducted with a broad range of MPs by one of the country's media outlets, the VietNamNet Bridge. These interviews are being prepared in the lead up to the 2011 elections, as a means by which to engage the community with its deputies. Excerpts of these interviews have also been used to illustrate the case study.

17.5%

17.5% of deputies belong to one of 32 ethnic minorities.

The presence of ethnic minorities in the National Assembly

The National Assembly of the Socialist Republic of Viet Nam is primarily composed of deputies from one party: the Communist Party of Viet Nam. Slightly less than 10% of the 493 members do not formally associate themselves with this party. Only one Deputy in the current Assembly nominated himself for election.

Candidate lists for election are compiled by the Viet Nam Fatherland Front. Nominations and endorsements are sought from workplaces and local communities. 'Outstanding candidates,' defined as party members or those with a university degree such as doctors and teachers are highly encouraged to stand for election. Once this approval is given, a candidate must present him or herself before a selection panel, to present his or her agenda for the community they hope to represent. In this process, the candidate essentially demonstrates his or her ability to speak in public; skills considered necessary not only for the electoral campaign but for representing voters' interests in the National Assembly. Candidates must also prove an ability to consider carefully legislation and other policies of national importance. If successful, the candidate's name will be included on the ballot paper for election. During the election campaign, all candidates are required to attend community hall meetings where they field questions from the voters.

"The university organized a meeting to introduce me and then the Vietnam Fatherland Front's negotiation meeting considered my case. The Election Council then presented me to run for election in Lang Son province. I was astonished in my electoral campaign in Lang Son. I had to present my action plan on local radio stations and in newspapers, plus travel to districts and communes to meet voters. I had to learn from senior deputies to work out an action plan and persuade electors."

Professor Nguyen Minh Thuyet,
Deputy from Lang Son Province

"I strongly believe that in the next election, there will be many more self-nominated candidates to the National Assembly. People who really want to be legislators should have the chance to serve. After this session, I will retire, like an old soldier who's served his time on the battlefield."

Nguyen Minh Hong, Deputy from Nghe An Province

Elections are by a system of majority vote in two rounds. Within each electoral unit, candidates exceed the number of seats to be filled. Those obtaining the most votes and more than one half of the votes cast in the unit are declared elected. If, within a unit, all seats are not filled or if the number of voters is less than half of those registered, a simple majority second round vote takes place among the original candidates.⁶

In compiling candidate lists, the Viet Nam Fatherland Front and the Communist Party aim to mirror the composition of the population. It is, in fact, party policy that the National Assembly be a body representative of all sections of Vietnamese society. To ensure this representativeness, a numerical target of ethnic minorities is projected. For example, much debate is currently taking place concerning the number of deputies in the National Assembly, with suggestions that it increase to 500 in 2011. In this scenario, the target for deputies from ethnic minorities would be around 100.

Bearing this target in mind, a two-way process unfolds. Both the Fatherland Front and ethnic minority associations search for suitable candidates for those provinces where there are many ethnic minorities. In the ethnically diverse province of Lac Son, the provincial electoral council will invite nominations from the minority associations for 'outstanding ethnic minority deputies'. The Fatherland Front will also nominate ethnic minority candidates. Thus the nominations process happens from both the top and the bottom. A further boost is provided to ethnic minority candidates in the form of electoral

The presence of ethnic minorities in the National Assembly

training. This is organised by the National Assembly's Council on Ethnic Minorities.

In this way, the Assembly reaches its target for representativeness. In the current Assembly, the majority (82.5%) of National Assembly deputies are Kinh, the remaining 17.5% represent 32 ethnic minority groups. Table 1 details the diversity of ethnic minority representation at the national level.

While the representation of 33 of the 54 minority groups is impressive, the Vice President of the Council of Ethnic Minorities, Bui Thi Binh, wanted to explain why not all 54 minorities are represented in the National Assembly. "Some minority groups have less than 1000 people and often live together with other groups. Therefore, it is not possible for these smaller groups to be represented."



TABLE 1

Ethnicities represented in the 2007-2011 National Assembly

Ethnicity	Number of Deputies	Number of Women	Ethnicity	Number of Deputies	Number of Women
Ba-Na	2	0	Kinh	407	88
Bô Y	1	0	Kor	1	1
Chăm	2	1	Lào	1	1
Cô ng	1	1	M Nông	3	2
Dao	5	2	Mông	7	2
De -Triêng	1	1	M ng	11	4
Ê-đê	1	0	Nùng	5	2
Giáy	1	1	Pu Péo	1	1
Hà Nhì	1	0	Ra-glai	1	1
H'Mông	1	0	Sán Chay	1	1
Hoa	1	1	Sán Dìu	1	1
Hrê	1	1	S'tiêng	1	0
Jrai	2	1	Tày	14	5
Ka dong	1	0	Thái	5	2
Khmer	9	4	Vân Kiê u	1	1
K'ho	1	0	Xê-đăng	1	1
Kh -mú	1	1			
			TOTALS	493	127

Source

National Assembly of Viet Nam, www.na.gov.vn, accessed April 2010.

The presence of ethnic minorities in the National Assembly

→ More than 30% of all women deputies in the National Assembly are representatives of an ethnic minority group (other than the Kinh), while less than 20% of all male deputies are classified as being of a non-Kinh minority. Of the 33 ethnicities, 14 are exclusively represented by a woman, and a further seven by a man. The larger groups, however, such as the Tay, Nung, Muong, Mong, Nung and Khmer,

are represented by a larger proportion of men deputies.

Of the 127 ethnic minority deputies, however, few have leadership positions in the National Assembly, apart from those on the Council on Ethnic Minorities (see below). One of the four Vice Presidents of the Standing Committee is from an ethnic minority.



Representing ethnic minorities

“Muong people raise the same questions as Kinh. They are interested in economic stability, and improving their living standards. But they are also concerned about the rights of women and children. Living in remote mountainous areas, they always ask for infrastructure to be improved in their local communities. They also ask the Assembly to approve appropriate policies so that they can catch up with the rest of the country.”

Deputy Binh, Vice President
Council on Ethnic Minorities

Cultural comparisons

The National Assembly is expected to treat all its deputies equally, be they men or women, Kinh or non-Kinh, young or old. This is one of the fundamental tenets of the Socialist doctrine by which the country is organised. This notwithstanding, perceptions of ethnic minorities in Viet Nam tend to foster unspoken expectations of minority deputies. More specifically, the culture of ethnic minority people is generally considered to be less aggressive than that of the Kinh people. Many people from ethnic minorities are not comfortable in speaking out. Indeed, Kinh deputies are quick to point to non-Kinh MPs' lack of education, lack of confidence, lack of support from their family, and general lack of experience in representative functions such as public speaking or constituency relations.⁷ This view, compounded by widespread cultural stereotypes of the deficiencies of ethnic minority deputies (and peoples more generally) among the Kinh population, often translates to ethnic minority deputies having less 'capacity' and less political power than Kinh deputies.

Multiple 'constituencies' to represent

It often goes without saying that deputies are elected to serve all their constituents. In Viet Nam, it is rare for an ethnic minority deputy to be elected

solely by ethnic minority constituents. While two-thirds of Viet Nam's provinces have at least 30% minority populations, many minorities do not live in geographic areas separated from Kinh or other minorities. Therefore, an ethnic minority MP is expected to represent all constituents' concerns which essentially results in minority MPs having multiple 'constituencies' to represent.

“I must fulfil all the functions and obligations of other deputies of the National Assembly. I must represent the will and aspirations of the Muong people where I was elected. I must represent not only the ethnic minorities of my constituency, but the Kinh. I am also the Vice President of the Women's Parliamentary Caucus, so I also need to understand women's needs and present their views to the National Assembly.”

Deputy Binh, Vice President
Council on Ethnic Minorities

Consulting with minorities

Engagement with constituents happens four times a year in Viet Nam: before and after each of the two National Assembly sessions (in May and October). Deputies are expected to visit their provinces before the session so that voters can raise issues they wish deputies to address on their behalf during the Assembly, and then again after the Assembly session so that deputies can relate back to voters its outcomes. A number of related problems arise for ethnic minority MPs in this respect. First, not all ethnic minority concerns are homogenous. While most are clearly concerned with the need to improve education standards, accessibility and mobility, and the promotion of their local culture, the diversity of ethnic minorities means that there is concurrent diversity of issues to represent. This complexity is expressed well by a deputy from Ha Giang province.



Representing ethnic minorities

→ *"[Ethnic minority concerns] are legitimate but in the current climate, they cannot be satisfied completely. But my biggest concern is about the life of government employees in the border areas. They always ask for increased salaries because their wages are very low. The life and the work of teachers [in Ha Giang province] is very hard but in some places, their salary can be paid several months late. Last year, the local media reported that teachers at the Ta Su Choong primary school in Hoang Su Phi district, Ha Giang province weren't paid for four months just because the accountant was on maternity leave! Without them, how could mountainous dwelling children go to school while our policy is popularizing education? We must ensure income for mountain teachers and encourage them, and also health workers as well as grassroots officials. It is also a matter of importance that we invest in infrastructure facilities. In some places, local people have to build roads to their villages by themselves. In the western area of Hoang Su Phi district [Ha Giang], roads are eroded and broken all the time because of floods. Local people have to rebuild roads every year. Their contribution is great. Meanwhile, people in the four mountain districts of Dong Van, Meo Vac, Yen Minh and Quan Ba are thirsty this season. They have to travel dozens of kilometers to carry water home. In 2007, the Prime Minister agreed to build 30 lakes at a cost of 90 billion dong. Around ten lakes have been built and local people were very glad. But in remote areas, where there are no such lakes, it has become very difficult to build them because of escalating costs. Many people in northern mountainous region migrated to the Central Highlands to have an easier life. It is important to ensure a good life for the border people. If they leave, who will defend our border?"*

Trieu Thi Nai

Ethnic Minority Deputy of Ha Giang Province

Secondly, most ethnic minorities live in remote areas, making it extremely difficult for deputies

to visit and engage with them. This is made more difficult by the fact that not all deputies live in the province they represent, in which case, receiving constituents becomes complicated.

"It is a problem for National Assembly deputies to receive citizens when they represent the people in a province but they don't live in that province. In my case, it is really difficult. I should not see them at my home. The office of the National Assembly delegation of Dong Nai is located in Bien Hoa city. I cannot see them at the office of the Vietnam Historical Association because it is too small. I have to hire an office and hire young staff to be on duty at the office and I have to do some other jobs at this office to share leasing fees."

Duong Trung Quoc

Deputy from Dong Nai Province

Trust issues

A subsequent challenge for ethnic minority MPs in representing minority issues relates to the very process by which they are chosen. Because of the Communist Party's policy in choosing 'qualified' deputies for the National Assembly—meaning they should, at the very least, speak Vietnamese and preferably have university qualifications—most of the MPs chosen to represent minorities have benefited from government education in boarding schools, away from their communities. In this process, they are seen by minority groups as having lost some connection to their people. Moreover, these deputies are seen as being from Hanoi, that is central government, which in the view of many people has repeatedly imposed its programmes for reform, without extensive consultation, on these communities. Not surprisingly, deputies lack a degree of trustworthiness found instead in those who tend to work in the local villages, such as military personnel or non-government organisations.

Mainstreaming ethnic minority concerns

Legislation

In Viet Nam, legislation may originate from a number of sources, including the President, the Government, the National Assembly Committees, individual National Assembly deputies, the Supreme People's Court, the Supreme People's Procuracy, the Viet Nam Fatherland Front, the Women's Union and the Youth Union. Draft legislation is generally submitted with the prior approval and guidance of the Communist Party.

A five-year legislative agenda is determined and approved by the National Assembly. The agenda is essentially a legislative plan; a resolution which sets out the expected bills to be drafted and passed over the forthcoming period. A draft agenda is submitted by the Government to the National Assembly. The Standing Committee of the National Assembly considers this draft as well as proposals from other agencies entitled to propose bills, such as the Fatherland Front, the Women's Union, or the Youth Union. In considering the agenda, the Standing Committee includes any ordinances to be passed.

The agenda is passed by way of resolution in the final days of the National Assembly's term. This notwithstanding, in the first or second sitting of the new National Assembly, the agenda may change and a new resolution may be passed giving priority to other bills. This generally depends on the economic and social circumstances of the day. Every six months the National Assembly may review the legislative agenda and may seek to change the priority of bills to be considered by it. The National Assembly has, for example, decided to defer debate and consideration of certain bills, and bring on new bills in their place.

No law on ethnic minorities has been enacted, although policies and programmes to promote development abound:

No law on ethnic minorities has been enacted, although policies and programmes to promote development abound.

- Programmes 135 and 134 for poor and mountainous areas have been implemented over many years;
- Resolution 30A (2008) included a support program for rapid and sustainable poverty reduction for 61 of the poorest districts;
- Decision 1592 (2009) relates to the cultivation of land, housing and water required to support ethnic minority households;
- Decision 70 (2009) focuses on capacity building and rotation of key local leaders in the poorest districts, and encourages young intellectuals to work at the commune level.

Bui Thi Binh also referred to a number of laws which include specific articles relevant to ethnic minorities, such as the law on education which gives priority to ethnic minorities in accessing educational facilities, and the law which provides for interpretation for minorities when using the courts so that "they can express their views before the court." She also noted that the National Assembly's yearly resolutions always referred to the need to "create favourable conditions for the people of ethnic minorities".

This notwithstanding, the absence of a law on ethnic minorities in Viet Nam does leave some cause for concern. While one has been drafted, the Government has not yet approved it. Two reasons have been suggested for this: first, that the



Mainstreaming ethnic minority concerns

- Constitution of Viet Nam already establishes that all people are equal. Discrimination on the basis of ethnicity would be considered unconstitutional, and therefore, there is no need for a dedicated law to protect the rights of minorities. Secondly, the Government is concerned that a law would open a Pandora's box of claims – for land, cultural rights, and so forth—that could not be controlled.

The Council on Ethnic Minorities

56%

It is noteworthy that this Council is the only body of the National Assembly on which women constitute the majority (56%).

The main channel through which ethnic minority issues are addressed in the Vietnamese National Assembly is the Council on Ethnic Minorities. This is a body consisting of 40 deputies. Its main duties are to contribute to, investigate, and oversee legal documents (laws, acts, ordinances) and legal procedures regarding ethnic affairs. More specifically, the Law on the Organisation of the National Assembly defines the Council's responsibilities and powers as:

1. To verify bills, draft ordinances and other drafts related to ethnic matters;
2. To supervise the implementation of laws and resolutions of the National Assembly, ordinances and resolutions of the National Assembly Standing Committee in the field of ethnic minorities; supervise the activities of the Government, the ministries and the ministerial-level agencies in the implementation of programs and plans on socio-economic development in mountainous regions, areas inhabited by ethnic minority people;
3. To contribute its opinions on the drafts of legal documents issued by the Government, the Prime Minister, the ministers, the heads of the ministerial-level agencies, the Supreme People's Court or the Supreme People's Procuracy, the legal documents issued jointly by competent central State agency or jointly by competent State agencies and the central committees of

socio-political organisations, related to ethnic matters and supervise the implementation of those documents;

4. To propose to the National Assembly or its Standing Committee issues on ethnic minority policies of the State; matters related to the organisation and operation of concerned agencies; propose to the Government, the Prime Minister, ministers, heads of the ministerial-level agencies and other State bodies at the central and local levels matters related to ethnic minorities.

The Council is chaired by a President and four Deputy Presidents. These leadership positions are all held by deputies from ethnic minorities. Membership of the Council is not, however, exclusive to non-Kinh deputies. All 33 minorities represented in the National Assembly are represented in Council, including 2 Kinh deputies. It is noteworthy that this Council is the only body of the National Assembly on which women constitute the majority (56%). As is the case in the Assembly generally, not all of the deputies on the Council are members of the Communist Party.

The Council of Ethnic Minorities is considered to have a higher political and legal standing than the other Committees of the National Assembly. This is the forum through which ethnic minority deputies, regardless of their ethnicity, work together, with "the same voice."

One of the Council's main areas of activity is its oversight of the Government's national long-term strategies for ethnic minorities and mountainous people, in particular the P135 and SEMA poverty reduction strategies. Every year, the Council produces a report on implementation of these government policies.

"The Government reports to us on its activities and then we organise a field visit to assess the effectiveness of the programme. The Council asks

Mainstreaming ethnic minority concerns

what the government is doing at the central and provincial level. Sometimes, we identify mistakes by the government. Sometimes these mistakes are made by the localities. In those cases, we report underperforming local government agencies to the central government.

We have a good relationship with government. They often accept our recommendations. The idea is that we don't always agree with the government, but we present reasoned, logical arguments to them, based on what we have found on our field visits."

Deputy Binh, Vice President
Council on Ethnic Minorities

"Emigration and resettlement to gain land for big projects like the Son La hydro-power plant and smaller projects in the central province of Nghe An or the central and central highlands regions are also matters for debate. Last month the National Assembly's Council for Ethnic Affairs was still receiving complaints from Nghe An's people related to unsatisfactory land compensation at the Ban Ve hydropower project. Recently the Assembly discussed the emigration and resettlement associated with the Lai Chau Hydropower Plant and the Ninh Thuan Nuclear Power Plants. Many deputies asked the government to instruct ministries and provinces to learn from the experiences of other projects to better prepare infrastructure before moving people to new homes. It is also required that we teach people how to plant and breed animals at their new homes because conditions can be very different."

Trieu Thi Nai
Ethnic Minority Deputy from Ha Giang Province

As with ethnic minority deputies more generally, the Council faces certain challenges in its work. The most significant of these concerns the deputies on the Council, and the staff who support its work, all of whom are regarded as having less capacity to review legislation.⁸ While it is the case that certain-

The Council of Ethnic Minorities is the forum through which ethnic minority deputies, regardless of their ethnicity, work together, with "the same voice."

members of the Council have held high standing positions within the Communist Party and at the provincial administrative level, others are significantly less educated and have limited knowledge of the law and legislative process. The ability of the Council to receive international support, moreover, is limited by language.⁹ No ethnic minority Deputy or staff member speaks a foreign language. They are therefore limited in their ability to relate to lessons learned in other countries on the subject of ethnic minorities.

"I have not had any support from experts at this moment. In building laws, specialised National Assembly deputies need to have the assistance of experts. But I haven't had opportunities to ask for help from experts yet."

Trieu Thi Nai,
Ethnic Minority Deputy from Ha Giang Province

Secondly, the work practices and remit of the Council pose some problems. The Council tends to talk to other officials at the provincial level, rather than at the district or commune Level. It is the case that a strong network of (parliamentary) councils and (government) committees on ethnic minorities exist at the provincial level, especially in those provinces where ethnic minorities constitute at least 30% of the population. While it is natural for these bodies to work with the Council at the national level, this relationship often bypasses more grass-roots relations with minority people themselves. →

Mainstreaming ethnic minority concerns

- For example, in 2009, the Council decreed (Decision 236) that committees for socio-economic development among disadvantaged ethnic minorities and mountainous areas be established between 2011 and 2015. Under this decision, these committees are to be established at the central level and managed by the Council itself, dismissing other, more local levels of government which are arguably more in touch with minority concerns.

The scope of the Council's activity is also problematic, bearing in mind its limited capacity to review legislation and a lack of political will from the higher echelons of the Assembly. Staff of the Department supporting this body described the Council as a 'small parliament', as it deals with all issues as they pertain to ethnic minorities. The 17 staff members, however, are not experts across the entire range of portfolio areas considered by the Council such as health, education, and the economy.

Moreover, given the complexity of ethnic minority issues in Viet Nam, and the geographic spread of these communities across the countries, mainstreaming minority concerns into all legislation is particularly difficult. The Council does visit ethnic minority areas and prepares reports on these visits.

To Assembly outsiders, however, there is a perception that recommendations are often proposed knowing what Government will agree to, that they lack innovation, and tend not to change the status quo.

Committee cooperation mechanism

At the first meeting of a newly elected National Assembly, deputies are asked to register their interest for committee membership. The Assembly then votes on the allocation of deputies to bodies, depending on individuals' expertise, education and constituencies. Deputies may only be a member of one committee in the National Assembly. To some extent, this limits the ability of many minority deputies to mainstream minority issues in the work of other committees given they are on the Council. However, as Vice President Binh noted, there is a 'cooperation mechanism' which allows committees to hold joint activities, such as field visits or public consultations, where an issue is relevant to both. Thus, the Committee on Social Affairs has invited Council members to participate in some of its activities, and the Council has reciprocated.



Conclusion – Sustainable and equitable development for all: the road ahead

In terms of ethnic minority inclusivity, Viet Nam presents an excellent case study of an attempt to create the perfect representative body. A significant proportion of the nation's ethnicities are represented in the National Assembly, thanks to the Government's targets and nomination processes. The Assembly also has a dedicated body to address the needs and aspirations of ethnic minorities.

These are significant steps and demonstrate the seriousness with which Viet Nam treats these issues. However, it is also the case that ethnic minority deputies face far greater challenges in their work than Kinh deputies, not only because of their qualifications and experiences, but because of their own distance from the world they are elected to represent. Areas for improvement have been suggested from both those inside and outside the National Assembly:

1. Improved democratic governance

The electoral system of Viet Nam is becoming increasingly more competitive with voters having more of a choice between candidates proposed for election by the Communist Party. However, for ethnic minority constituencies to feel more comfortable with those representing them, they should be entitled to a greater say in their selection. For this to occur, local communities should be empowered, and the national level ought to take more heed of the existing—albeit different—governance structures in ethnic minority communities.

For example, in ethnic minority communities cohesion is enhanced through the continued practice of customary law (village constitutions, conventions and regulations), and the continuing authority of village elders. However, these structures have not been recognized by state law. As a result, customary law, culture, leadership and confidence of ethnic minorities have been eroded.

Secondly, to focus the attention of deputies on their representative duties, calls are often made

For ethnic minority constituencies to feel more comfortable with those representing them, they should be entitled to a greater say in their selection.

(by both deputies and those outside the Assembly) to increase the number of full-time deputies. The National Assembly only includes 29% of its current membership as full-time deputies, and most of these are senior, high-ranking officials, chairs of committees and members of the Standing Committee. Part-time deputies find it extremely difficult to maintain their own professional responsibilities (for which they are paid) when they are expected to attend to their constituents' needs (work for which they are not paid). Increasing the number of full-time MPs would therefore effectively increase the number of those able to make dedicated contribution to the work of the Assembly. Obviously, this should also apply to the number of full-time minority deputies.

2. Legislate at the national level

A dedicated law on ethnic minorities in Viet Nam would constitute not only a symbolic gesture to ethnic minority peoples that the Government heeds their concerns, but would ensure the protection of the rights of all minorities. The Government recently introduced a Law on Gender Equality, following pressure from the international community for Viet Nam to meet its obligations under the Convention on the Elimination of all Forms of Discrimination Against Women. Such pressure should be brought to bear with respect to minorities, particularly as Viet Nam is a signatory to the UN Convention on the Elimination of Racial Discrimination. The Government would benefit from the



Conclusion – Sustainable and equitable development for all: the road ahead

- lessons learned globally on legislating for minority rights, and resources should be devoted to this.

3. Strengthen the Council and its oversight powers

Elected representatives in Viet Nam are often motivated people who wish to improve the well-being and livelihoods of their constituents but do not have the capacity to effectively represent the interests and needs of ethnic minority communities.

While the Council currently has a strong remit, as defined by the Law on the Organisation of the National Assembly, it does not have the specific responsibility to monitor the work of the Government's Committee on Ethnic Minorities, primarily as its work relates to presenting a clear and consistent message on minority affairs. While this would be an improvement in the functioning of the Council, both deputies and staff still require significant capacity building and on the job training to ensure more effective oversight of ethnic minority policies.

While the creation of the Training Centre for Elected Representatives is commendable and has contributed to the professional development of many MPs in Viet Nam, dedicated courses on mainstreaming minority concerns into legislation and public consultation processes specifically for the Council should be run.

4. Awareness raising to change discriminatory stereotypes

The 'Hanoi knows best' approach that has operated in development programmes for ethnic minority people has contributed to both a reluctance and a lack of confidence on the part of ethnic minorities to engage with their elected representatives. Minorities' personal and collective self esteem are crucial for promoting development processes and in increasing the impact and effectiveness of their representatives. Two changes should be encouraged. First, the mode of interaction with ethnic minorities should change from one of top-down knowledge transfer, to a more consultative, collective learning process. Informal discussions with rice wine have been more effective than formal meetings. In this way, ethnic minorities will have greater ownership over their development, and the outcomes will be more reflective of the culture they serve to protect. Secondly, the National Assembly should carry out awareness raising activities to improve the way ethnic minorities are regarded in Viet Nam, and to accept the richness brought to all societies through cultural diversity.

Annex 1: List of interviews

Deputies of the National Assembly

- Bui Thi Binh, Vice President of the Council on Ethnic Minorities, National Assembly
- Truong Thi Mai, President of the Committee on Social Affairs, National Assembly, Hanoi

Extracts from VietNamNet Bridge interviews (<http://english.vietnamnet.vn/>)

- Nguyen Minh Thuyet, Deputy from Lang Son Province, "Insider view of National Assembly"
22 January 2010
- Duong Trung Quoc, Deputy from Dong Nai Province, "Endeavour to be independent voice"
29 January 2010
- Trieu Thi Nai, Deputy of Ha Giang Province, "Return congress woman battling for ethnic minorities"
10 February 2010
- Nguyen Minh Hong, Deputy from Nghe An Province, "A deputy is no different from a farmer"
2 March 2010

Parliamentary staff

- Nguyen Duy Hoang, Department of Ethnic Minorities, Office of the National Assembly, Hanoi
- Truong Quoc Hung, Deputy Project Manager, ONA-UNDP Project on Strengthening Representative Institutions in Viet Nam, Hanoi

International Donor Community Advisors

- Marcia Monge, Senior Technical Advisor, ONA-UNDP Project on Strengthening Representative Institutions in Viet Nam, Hanoi
- Nguyen Quoc Viet, Senior Programme Manager, AusAID, Australian Embassy in Hanoi
- Vu Ngoc Binh, Parliamentary Advisor, UNIFEM, Hanoi

References

- 1 As of 2010, 29% of all deputies are full time.
- 2 Goodkind, D. 2002. "Ethnic counting: Growth, distribution and change among Vietnam's ethnic groups since 1979." Paper presented at the Association for Asian Studies Annual Meeting, Washington, DC, March 25-29, 2002.
- 3 World Bank, 2009, *Country Social Analysis: Ethnicity and Development in Vietnam*. Hanoi, p. 1.
- 4 Viet Nam Academy of Social Sciences (VASS), 2009, *Report on Rapid Impact Monitoring of Global Economic Crisis: Short-Term Vulnerability and Long-Term Measures for Sustaining Poverty Reduction in Viet Nam*, Report by for the Consultative Group Meeting, Hanoi, 3-4 December 2009, p. 1.
- 5 World Bank, 2009, *Country Social Analysis: Ethnicity and Development in Vietnam*. Hanoi.
- 6 IPU, Parline Database, [www.ipu.org/parline-e/parlinesearch.asp] accessed April 2010.
- 7 Response to IPU Questionnaire C, January 2010. This view is consistent with that of ethnic minorities in the general population who have expressed a lack of confidence and hesitancy in dealing with the outside world. For example, going to the market and asking for higher prices for their goods, or even buying other goods is complicated because they are not able to negotiate in Vietnamese. Similarly, they are often unable to communicate with government services and therefore do not receive the services and benefits they are entitled to. World Bank, 2009, *Country Social Analysis: Ethnicity and Development in Vietnam*. Hanoi, p. 4.
- 8 This is reflected in the view expressed by one interviewee that employees of the Department of Ethnic Minorities within the Office of the National Assembly came from the provinces, while most other employees of the ONA came from Hanoi.
- 9 This differs, for example, from the Committee on Social Affairs which includes a number of deputies who speak a second (foreign) language, and the Director of the Department speaks French. This Committee has received considerable assistance from a range of international agencies.

Image references

p.14: By DXLINH, from Wikimedia Commons

About the project

Promoting inclusive parliaments: The representation of minorities and indigenous peoples in parliament

Many situations around the world demonstrate that an adequate representation of minorities and indigenous peoples in policy- and decision-making by society is instrumental in breaking the cycle of discrimination and exclusion suffered by members of these groups, and their ensuing disproportionate levels of poverty.

Yet minorities and indigenous peoples often remain excluded from effective participation in decision-making, including at the level of the national parliament. One of the criteria for a democratic parliament is that it should reflect the social diversity of the population. A parliament which is unrepresentative in this sense will leave some social groups and communities feeling disadvantaged in the political process or even excluded altogether, with consequences for the quality of public life or the stability of the political system and society in general.

The Inter-Parliamentary Union (IPU) and the United Nations Development Programme (UNDP) are undertaking a project which aims to understand and promote the effective representation of minorities and indigenous peoples in parliament. The objectives of the project are to:

- Increase knowledge of the representation of minorities and indigenous peoples in parliament
- Provide tools for parliaments and other stakeholders to promote inclusive parliaments
- Build capacity to advocate for more inclusive parliaments

The project is funded by the Canadian International Development Agency (CIDA) for the period 2008-2010. More information is available at www.ipu.org/minorities-e and <http://www.agora-parl.org/node/1061>.

Case studies

Case studies are being carried out in selected parliaments in every geographic region. Case studies aim to gather first hand experiences from parliaments on working methods, procedures, challenges and opportunities for working towards more inclusive parliaments. Interviews with leading actors inside and outside parliament inform the preparation of each case study.

The case studies seek to:

- Describe the current level and historical trends of representation of minorities and indigenous people in parliament, including from a gender and social perspective.
- Investigate the main challenges that minority or indigenous representatives face as members of parliament.
- Identify how parliament as an institution seeks to include minorities and indigenous peoples in its work.
- Identify examples of good practice, and highlight particular challenges to be addressed.

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