

Chapter 9

Reforming the Governance of Higher Education in Vietnam

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Introduction

Vietnam has been slow to modernise the governance of its higher education system. The forms and structures of governance established during the period of Soviet influence from the mid-1950s up until the end of the 1980s have remained largely intact. Recently, however, within the framework of the Higher Education Reform Agenda (HERA),¹ the government has made a significant commitment to reform in the way the system is governed. This chapter addresses four reform measures in HERA concerning governance of the higher education system. Of interest are the implications of these measures in terms of modernisation of governance of the system. Challenges likely to be encountered in implementing these measures are also discussed. The chapter draws on official documentation and on interview data collected from well-placed senior academics and bureaucrats.² It is informed also by a small but developing body of literature on higher education governance in Vietnam (BICA, 2003; Lam, 2004; Pham & Fry, 2004; Hayden & Lam, 2007).

National and Institutional Setting

The governance of Vietnam's higher education system needs to be seen within the context of how Vietnam itself is governed. Three aspects of national governance are especially relevant. The first is that Vietnam is a one-party communist state in which the party is constitutionally responsible for leading the state. This situation has important implications. It creates, as Truong (n.d.: 131) has identified, a set of circumstances in which the nation's legislature may not stand above the power of

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¹ Resolution no. 14/2005/NQ-CP, dated 2 November 2005.

² Details of the methodology for collecting interview data are reported in a PhD thesis being written by the first author.

the state, yet laws must be made by the legislature that stand independently of the party. For higher education, this means that all decision-making structures normally require a parallel party structure, the role of the party being to assess decisions taken in terms of their consistency with party ideology and, if necessary, to exercise a right of veto.

The second aspect is that, notwithstanding the nation's commitment to Marxism-Leninism and the thoughts of Ho Chi Minh, there is a remarkable tolerance of market-based behaviour and of forms of private ownership that are ideologically at odds with, in particular, Marxism-Leninism. This tolerance is evident in nearly all areas of economic activity in Vietnam. For higher education, it means that, on the one hand, Marxism-Leninism and the thoughts of Ho Chi Minh are a compulsory part of all undergraduate courses,³ while, on the other hand, the state encourages the establishment of "non-public" (in effect, privately owned) higher education institutions – all heavily dependent on market forces for their survival and charging higher tuition fees, on average, than are charged by public-sector institutions. This kind of incongruity lends support to a perception that Vietnam's higher education system is indeed "a site of contradiction between the demands of socialism and the trend towards a market economy" (BICA, 2003: 241).

The third aspect is that, across all areas of government, the regulatory environment (that is, the exercise of authority delegated by the National Assembly to the Cabinet) is of far greater day-to-day significance than the legislative environment (that is, the law-making activities of the National Assembly). While the National Assembly must consider all draft laws prior to their adoption, members of the National Assembly rely heavily on advice from ministries. Ministries, in turn, do not like to include in draft laws any provisions that could be difficult to implement, or in relation to which there may be any ongoing concerns. As a consequence, laws approved by the National Assembly are often no more than a codification of accumulated regulatory decisions. Laws also tend to be written in ways that ensure ongoing ministerial discretion in their interpretation. The Education Law of 2005 is a case in point. It is an update of the Education Law of 1998, with the substance of all resolutions, decrees, and decisions issued between 1998 and 2005 written into it. On contentious matters, such as concerning the exact nature of the distinction between "for-profit" and "not-for-profit" non-public higher education institutions, the Law remains silent – the expectation being that this matter will eventually be clarified by government regulation.⁴

Certain features of the higher education system's institutional setting are also of note. One of these is that the system remains firmly under the control of the state – indeed, the public sector of higher education remains effectively a part of

³ Students are also required to study this topic for their final graduation examination.

⁴ Interestingly, some provisions in laws, such as Article 20 of the Education Law of 2005, that "All acts of commercialization of education are forbidden" can create an opposite problem for regulators, that is, they can create the problem of having to find ways of enabling activities to take place that are essential to the public good even though they are contrary to a literal interpretation of a legal provision.

the state bureaucracy. The state exercises its authority through various ministries, of which the Ministry of Education and Training (MOET) has by far the most extensive responsibilities. In consultation with the Ministry of Planning and Investment and the Ministry of Finance, MOET allocates enrolment quotas for all higher education institutions and controls the maximum level of tuition fees that higher education institutions may charge. It controls the curriculum frameworks for all training programmes⁵ delivered by higher education institutions and regulates all training programme structures. It administers a national University Entrance Examination (currently undertaken annually by over one million final-year secondary school students) and manages the process of selecting students for admission to training programmes. In addition to these responsibilities, it has line-management responsibility for one-quarter of all public higher education institutions, including 12 of the 14 officially designated “key” universities.⁶ For institutions under its direct management, MOET controls the appointment of rectors⁷ and regulates all major decisions about income expenditure. All other public higher education institutions in Vietnam are similarly under line-management control by one ministry or another,⁸ or else by one or other of the provincial governments.⁹ These institutions tend to be much smaller than MOET’s group of universities and colleges, and many of them remain highly specialised in their curriculum focus.

Another feature of the institutional setting is that, within universities and colleges, the office of rector is the established seat of power. Interestingly though, rectors do not have a significant capacity to affect decisions about the curriculum, its delivery, academic standards or the conditions of academic work – these matters are largely determined by MOET. Rectors do, however, have considerable personal authority as a consequence of being able to appoint a senior management team, determine institutional teaching and research structures, make recommendations for promotion to professorial levels, affect decisions about the appointment and promotion of non-professorial staff, and allocate discretionary funds. The office of the rector is also a symbol of the authority of the state, and, as such, is regarded respectfully.

⁵ A training programme is a course of studies leading to the equivalent of a “major” within an undergraduate programme.

⁶ The two “key” universities that MOET does not line-manage are the two national universities, one located in Hanoi and the other in HCMC, both of which report directly to Cabinet because of a special status given to them by the government.

⁷ While ministries are ultimately responsible for appointing rectors, a process of canvassing the views of the staff is usually implemented. This process is often influenced, however, by a tendency for staff to indicate their support for the candidate they consider is most likely to be acceptable to the relevant ministry.

⁸ Currently, there are 13 ministries that exercise line-management control of individual public higher education institutions.

⁹ As discussed later in this chapter, however, HERA foreshadows the elimination of line-ministry control which means specifically that public higher education institutions will need to become self-governing.

Yet another feature is that, since 2003, when the prime minister promulgated a Charter for Higher Education Institutions,¹⁰ all universities and colleges are supposed to have established governing councils¹¹ with responsibilities for:

(1) setting up the mission, goals and strategic plans for the institution; (2) building specific regulations and rules for all activities in the institution; (3) approving important expenditure and investment projects of the institution; and (4) supervising the implementation of democratisation in the institution. (Lam, 2004: 290)

Each governing council was to have an elected chairperson (other than the rector), and its members were to include the party committee secretary, the rector (whose role is to provide strategic plans and proposals), the heads of constituent colleges, and the heads of various unions and associations (including the labour union, youth union, student association, women's association, and veterans' association). Some of the institution's eminent scholars were also to be members.¹² The non-public sector appears generally to have had little difficulty in responding positively to the prime minister's directive. In the public sector, however, progress in establishing governing councils has been slow, a general view being that these councils are unnecessary given the roles already being performed by sponsoring ministries and by rectors.

Finally, and briefly, certain characteristics of the non-public sector are noteworthy. This sector enrolls about 13% of all higher education students. It receives no financial support from the state, but its enrolment quotas, training programme structures, and maximum tuition-fee levels are all strictly regulated by MOET. In general, the sector concentrates on the provision of programmes in areas of significant unmet student demand, such as business studies, information technology, and foreign languages (especially English). Its maximum tuition-fee levels are, on average, double those charged by public higher education institutions.

HERA Provisions

In 2005, the government adopted HERA, a reform plan intended to provide Vietnam with a higher education system that by 2020 is "advanced by international standards, highly competitive, and appropriate to the socialist-oriented market

¹⁰ Decision 153/2003/QĐ-TTg, dated 30 July 2003.

¹¹ Various referred to as institutional councils or university councils for public-sector institutions, and as governing boards for institutions in the non-public sector.

¹² There is currently a draft version of a revised charter. Of interest is the extent to which the proposed membership of a governing council has been broadened. The draft reads, "Governing council members include both *ex officio* and elected members. *Ex officio* members include rector, party secretary, head of registrar/training department, and members who are appointed by the state bureaucracy, including representatives from the State, ex-students, employers, scientists, educational management experts. As for elected members (who can be re-elected), they are: representatives from teaching and administrative staff, students (from second year), various institutional unions and organizations, individuals and organizations taking part in investment/building the university. Chairperson is other than the rector."

mechanism”.¹³ When fully implemented, HERA will result in a system that is three to four times larger than at present, better managed and better integrated, more flexible in providing opportunities for course transfer, more equitable, more financially self-reliant, more research-oriented, more focused on the commercialisation of research and training opportunities, more attuned to international benchmarks of quality, and more open to international engagement. In short, HERA seeks to achieve a comprehensive modernisation of Vietnam’s higher education system by 2020. Thirty-two specific reform measures were endorsed in HERA, addressing nearly every aspect of the higher education system (Hayden & Lam, 2006). Of interest here are four measures that relate directly to reform of the system’s governance.

One of these measures concerns conferring on public higher education institutions “legal autonomy in their operations, giving them the right to decide and be responsible for training, research, human resource management and budget planning”. Though there is an absence of detail in HERA concerning the full extent of what is intended, commentary to date suggests that legal autonomy will mean that public higher education institutions can eventually determine their own training programmes, decide on their own research agendas, manage their own processes for selecting and appointing staff (including to the position of rector), and make their own budgetary arrangements. These developments will result in a significant transfer of decision-making authority from the state to the public higher education system.

A second measure is to “eliminate line-ministry control and develop a mechanism for having state ownership represented within public higher education institutions”. This measure is coupled with a commitment to “ensure community-based monitoring and evaluation, involving unions and community groups especially in monitoring and evaluating higher education quality as it relates to career orientation”. Eliminating line-ministry control is consistent with the proposed conferral of legal autonomy on public higher education institutions, and it will strongly reinforce the transfer of authority from the state to higher education institutions. In the absence of line-ministry control, public higher education institutions will need to assume responsibility for deciding on a diverse range of matters, including their strategic directions, their capital development plans, their management profile, their income and expenditure plans, and their quality assurance arrangements.

A third measure is to “focus State management on the implementation of the development strategy and on the development of a quality assurance and accreditation control for higher education; improve on the legislative and regulatory environment; accelerate the State’s stewardship role in monitoring and inspecting the overall structure and scale of higher education, in order to satisfy the current and future demands of the country’s labour force”. Though difficult to interpret in the absence of further detail, this reform measure indicates, as will be discussed more fully later on, an official commitment to a new kind of relationship between the state

¹³ Resolution no. 14/2005/NQ-CP, dated 2 November 2005, para. 2(a).

and the higher education system – one based on state supervision as opposed to state control.

A fourth measure is to “develop a Higher Education Law”. The significance of this decision is that it shows that the government recognises the need for a legislative framework that takes account of higher education’s distinctiveness.

Implications and Challenges

Embedding Institutional Autonomy

The issue of control permeates discussion about higher education in Vietnam. While official policy favours “decentralisation of management to local agencies”,¹⁴ higher education institutions do not, in fact, have much institutional autonomy. Over recent years, there have been initiatives to increase their levels of autonomy, but these have either been modest in scope, for example, MOET delegating some of its financial decision-making responsibilities to the universities and colleges under its line-management control in response to a government directive,¹⁵ or not very effective, for example, the prime minister requiring universities and colleges to establish their own governing councils. The current situation is one, therefore, in which the state makes all the important decisions – about training programmes, curriculum frameworks, enrolment quotas, tuition fees, expenditure norms (for public-sector institutions), and capital expenditure (for public-sector institutions). Except for the two national universities,¹⁶ public-sector higher education institutions remain strongly accountable to MOET, as well as to their respective sponsoring ministries or provincial governments. Non-public higher education institutions remain accountable to MOET for the approval of their enrolment quotas, training programmes, and the setting of maximum tuition-fee levels.

Against this background, the decision to confer *legal autonomy* on public higher education institutions represents a very significant policy shift. It may be, however, that this policy shift will be slow to have impact. Ideally, legal autonomy for public higher education institutions would translate into meaningful levels of *institutional autonomy* for these institutions, as indicated by the existence of both *substantive autonomy* (being able to decide on their own academic goals and programmes) and *procedural autonomy* (being able to decide how they should utilise their resources) (Berdahl, 1990: 171–72). The concept of institutional autonomy is not widely understood in Vietnam, however, and there has been a marked tendency

¹⁴ Law no. 38/2005/QH11, adopted by the National Assembly on 14 June 2005, Article 14.

¹⁵ Decree no. 10/2002/ND-CP, and Inter-ministerial Circular no. 21/2003/TTLT-BTC&BGD-BNV.

¹⁶ These two universities have autonomy in curriculum matters, though, in practice, they do not appear to exercise it very widely. They also have far more autonomy than other public-sector institutions in relation to their expenditure decisions.

to interpret it as referring only to a decentralisation of accountability for the management of resources. In the Education Law of 2005, for example, Article 14 provides that the state will “implement decentralisation of management to local agencies and enhance the autonomy and accountability of grassroots education establishments”. It is evident throughout the Law, however, that this provision was not intended to provide higher education institutions with the freedom to decide for themselves on matters related to their academic goals and programmes (that is, substantive autonomy),¹⁷ and it was only in a restricted sense that they were being permitted to decide on how they should allocate their resources (that is, procedural autonomy).

A further consideration is that most public higher education institutions in Vietnam do not have adequate administrative systems for the purposes of being able to exercise institutional autonomy effectively. Many do not yet even have a governing council. A sustained effort to build institutional capacity in this regard will be required. Whether or not it is prudent to try to build this capacity across all public universities and colleges is a matter that will need to be addressed. Some public universities and colleges are very small and could be better off being amalgamated to form larger institutions that are more able to invest in their governance infrastructure.¹⁸ The issue of amalgamation of public higher education institutions is, however, politically sensitive, involving as it does the aspirations of provincial governments and of local municipalities, as well as, of course, the interests of some powerful ministries and of rectors. There are, in addition, particular problems in trying to achieve the successful amalgamation of institutions that are mono-disciplinary.

A delay in achieving institutional autonomy may also be expected on account of the need to provide for a clearer separation of powers between governing councils, party committees and the rectorate. The Charter for Higher Education Institutions lays down a foundation set of specifications for the roles and responsibilities of governing councils and rectors. On matters related to the role of the party, however, it provides limited guidance. According to draft guidelines attached to the Charter, the rector is supposed to develop strategic plans and projects that are consistent with party resolutions. The rector is then to submit these strategic plans and projects to the governing council of the institution so that the council can “advise the State bureaucracy or rector prior to issuing policies, regulations, curriculum and the university’s organizational structure through public debates, discussions, and votes”.¹⁹ If, however, as now occurs in a growing number of instances, rectors also perform the role of party committee secretary for their institution, then any separation of powers

¹⁷ In Article 41 of the Law, for example, MOET’s role in “compiling and ratifying curricula used at universities” is enshrined – which is contrary to the ideal of a substantive autonomy.

¹⁸ There is, of course, also a problem concerning public universities that have become too large for effective governance. The two national universities, for example, are now so large (in excess of 100,000 students) that they are required to rely heavily on a high level of self-governance by the constituent colleges.

¹⁹ Role on “University Council” stipulated in University Regulations, in revised draft Charter, 2007, Section 3, Article 34.

between the rector and the party committee secretary is extinguished. Furthermore, if a party committee, which is entitled to contribute to institutional governance by being represented on a governing council by the party committee secretary, is permitted also to exercise a right of veto over decisions made by a governing council, then the point in having a governing council with a membership representing a wide range of stakeholder interests becomes questionable. These matters are difficult to address in Vietnam because the party is the leading force in the state. One possible solution might be for the party committee secretary (but not the rector) always to be appointed as chair of the institution's governing council, with one-half of the remaining members also being regular party committee members.²⁰

Eliminating Line-Ministry Control

The decision to eliminate line-ministry control of public higher education institutions is radical for Vietnam. Line-ministry control is a deeply entrenched feature of the higher education system, and even an attempt during the 1990s simply to bring all public higher education institutions under the control of just one ministry, MOET, was strongly resisted by the other parties concerned. In this matter, as in the matter of granting institutional autonomy, Vietnam has been extremely cautious about embracing change. It is, in fact, one of the few former Soviet-bloc countries to have maintained line-ministry control over public higher education institutions. Hungary, for example, abolished line-ministry control in 1993, and China took the same decision in 1998. Vietnam is also one of the few remaining former Soviet-bloc countries not to have extended legal autonomy to its public higher education institutions.²¹

Eliminating line-ministry control will not, however, be a simple matter. For one thing, there will almost certainly be intense bureaucratic resistance. At present, line-ministry control of public higher education institutions provides many opportunities for access to benefits and privileges for the ministries concerned. Personnel departments within these ministries reap considerable gain from being able to recommend academic staff for senior appointments, including to the position of rector. Finance departments are similarly placed because of their capacity to influence budget allocations.²² With line-ministry control removed, access to these benefits and

²⁰ This outcome is, to an extent, inevitable because, normally, only regular party committee members would hold positions as rectors, vice-rectors, deputy party secretaries, and heads of constituent colleges.

²¹ For an account of the ways in which four former Soviet-bloc countries in Eastern Europe proceeded during the 1990s to abandon line-ministry control and to implement institutional autonomy in their public higher education systems, see File and Goedegebuure (2003).

²² There exists a well-established "asking-approving" mechanism in Vietnam that characterises relationships between state instrumentalities. In the context of higher education, universities must *ask* MOET and the line-ministries to which they report for permissions and approvals in matters related to budget, projects, personnel, infrastructure, curriculum, and so on. Ministries then *approve*

privileges will disappear. Ways of getting around the reform may, therefore, be pursued. The decision in HERA to replace line-ministry control with “a mechanism for having State ownership represented within public higher education institutions” may, in fact, provide one such avenue for circumventing decentralised control. If this decision is interpreted to mean that there should be a significant, or even a majority, proportion of ministerial appointees on the governing councils of public higher education institutions, then line-ministry control, under a new guise, could well be reinvented.

The rectorate may also be resistant to the elimination of line-ministry control. Though, as reported earlier, rectors of public higher education institutions do not decide about matters related to the curriculum, its delivery, academic standards, or the conditions of academic work, they do make decisions about matters that impact significantly on the career opportunities of individual members of staff, and they also control discretionary funds made available to their institutions. They have considerable authority within their institutions, therefore, and their status is enhanced by the fact that they also occupy a significant position of authority within the bureaucracy of the state. The removal of line-ministry control will change the circumstances of their employment. Their burden of responsibilities will inevitably increase because policies and decisions now being determined centrally within ministries will need to be made by rectors, in consultation with an institutional governing council. Many rectors will have great difficulty in managing this change because the centralised system of budgets and management gave them no opportunity to develop relevant skills. Perhaps even more challenging will be their new line of accountability – to their institution’s governing council. In this regard, they will be much more socially accountable because the membership of governing councils will reflect a wide range of stakeholder interests.

The decision to eliminate line-ministry control has been accompanied in HERA by a decision to “ensure community-based monitoring and evaluation, involving unions and community groups especially in monitoring and evaluating higher education quality as it relates to career orientation”. Unions and community groups have not to date had much experience in formally and systematically monitoring and evaluating the quality of training programmes in higher education. A significant investment in capacity building will, therefore, be required. There are risks in what is being proposed. If unions and community groups were to begin to exert a significant influence over what is taught by higher education institutions, the impact on the professional autonomy of members of academic staff would be adverse. Furthermore, curriculum content might begin to be influenced by parochial considerations rather more than by international benchmarks of academic quality. There might also be a tendency to be too responsive to immediate labour market needs, ignoring in the process the long-term labour market needs of the economy.

“privileges”, that is, they grant the permissions and approvals, but often only if intensively lobbied, including by means of “beneficial arrangements”.

The elimination of line-ministry control will almost certainly create the need for new system-wide coordination mechanisms. At present, the forum within which all ministries can contribute to decision making about the coordination of higher education is the Cabinet. With elimination of line-ministry control, Cabinet will become less effective as a forum for making detailed decisions about how to implement national policies for higher education. In this circumstance, it would make sense either to delegate to MOET the responsibility for making recommendations to the government on a wide range of matters related to coordination of the higher education system (for example, allocating funds to higher education institutions, enforcing guidelines for national awards and qualifications, establishing system-wide initiatives to encourage excellence in teaching and research, and so on), or to establish an independent statutory body that coordinates the higher education system at arm's length from direct ministerial involvement, as happens, for example, with the National Council of Higher Education in Malaysia. There is little in HERA that indicates what the government may finally decide in this regard. The government should not, however, overlook the advantages in creating an independent body to implement necessary coordinating mechanisms for the higher education system. Ministries in Vietnam are quite powerful, and rivalry between them in seeking to influence the ways in which public funds are spent on higher education could best be arbitrated by an independent body, rather than by MOET. At the same time, however, any "buffer agency" established by the state would need to remain accountable to the government.

Redefining the Role of the State

The third of the HERA decisions addressed here contains a number of elements that collectively suggest a different future role for the state in relation to the higher education system. The state will, for example, focus on "implementation of the development strategy", "development of a quality assurance and accreditation control", "the legislative and regulatory environment", and "monitoring and inspecting the overall structure and scale of higher education, in order to satisfy the current and future demands of the country's labour force". There is also reference to a "stewardship role". The tone in these provisions is qualitatively different from the tone of Article 14 of the Education Law of 2005, which stated that: "The State exerts unified management of the national educational system with regard to the objectives, programs, contents and plan of education; the criteria for teachers, the regulations on examinations and the system of diplomas; . . .". What HERA has effectively signalled is that the role of the state in the governance of the higher education system will progressively change from being one of *control* to being one of *supervision*.

The transition from state control to state supervision is a familiar theme in the scholarly literature on the governance of higher education systems. Amaral and Magalhaes (2001: 14) report on the transition as it took place during the 1980s in Europe:

... the model of state control has given way to the model of state supervision. In the state supervision model, central government administration downsizes its interference in

the daily decisions of institutions which are given “autonomy”, and government tries to promote the self-regulatory capacities of institutions, limiting its own activities to long distance steering.

Writing in more detail about the same phenomenon, DeBoer and Goedegebuure (2003: 210–211) report:

In the state control model – traditionally found in continental Western Europe – the government is the overarching and highly powerful regulator of the system. In such systems the government controls nearly all aspects of the dynamics of higher education. It regulates access conditions, the curriculum, the degree requirements, the examination systems, the appointment of academic staff, etc. The government finds legitimisation for the detailed control of the system in its self-proclaimed task to steer and further the nation’s economy. The state control model reigned supreme in the 1970s, as described earlier. In the state-supervising model – traditionally found in the US and the UK – government’s role is more limited. The government sees its task only as supervising the higher education system in terms of assuring (academic) quality and maintaining a certain level of accountability for the use of public funds. It respects the autonomy of institutions and stimulates their self-regulating capabilities. This model found increased resonance in continental Western Europe from the mid-1980s onwards.

DeBoer and Goedegebuure proceed to describe more recent augmentations of the state-supervising model. These augmentations include the selective use of market mechanisms (competition, tendering, differential funding) to achieve general efficiencies as well as particular outcomes, increasingly sophisticated accountability requirements to achieve compliance with quality standards, and strong financial incentives for the commercialisation of research.

Vietnam’s higher education system is very much at an early stage of what for it will be an immense transition. Once triggered, the transition will develop its own momentum, and the speed with which it occurs will be intensified by Vietnam’s need to transform its economy and labour force so that both are more internationally competitive. At the same time, there will be the drag effect of limited resources to pay for capacity building, and there will be enormous pressure associated with refining the operation of governance infrastructures and developing functional accountability relationships.

The government may wish to regulate the transition very carefully – in this regard, its tendency to be cautious in reforming the higher education system may prove to be a virtue. Strict conditionality in removing higher education institutions from centralised state control appears to be warranted. In particular, the state should not extend institutional autonomy to any higher education institution until it has a strong sense of *trust* in the institution’s decision-making structures, the capabilities of its decision makers, the incorruptibility of its decision-making environment, the robustness of its institutional audit processes, and the strength of its internal, line-management accountability systems.

It is important in this regard for Vietnam to learn from the experience of other comparable higher education systems with recent experience of making the transition from state control to state supervision of their higher education systems. Based

on the experience of the Czech Republic, Poland, Slovenia, and Hungary, all former Soviet-bloc countries, De Boer and Goedegebuure (2003: 228–229) observed that:

The reality is that in many of the institutions in the four systems, there is a serious lack of formal authority at the central institutional level to take decisions and to implement them. There is also no strong tradition of professional institutional administration. And the core academic staff is “appreciative” of being steered. The “steering capacity” that has been devolved in the system to an extent then disappears into black holes of academic decision-making; the energy gets lost and the overall system underperforms.

In Vietnam, governing councils of higher education institutions need to be made fully operational as soon as possible. It should then be up to them to convince the state that their institutions are ready to become self-governing, thereby enabling them to shift to a different form of relationship with the state.

A Higher Education Law

A higher education law is important because there are a great many issues concerning institutional autonomy, academic freedom, quality assurance, strategic planning, and the attainment of equity of access that have particular significance in the context of higher education, but which are not easily addressed in more general legislation, such as the Education Law of 2005. HERA provides no indication as to what might be included in a higher education law, and it is difficult at this point to prescribe what should be included, other than in a general sense.

There is certainly a pressing need for the law to take account of the particular circumstances of the non-public sector of higher education. The non-public sector is all but ignored by HERA – apart from indicating that by 2020 this sector will enrol 40% of all higher education students. The issue of how the non-public sector will relate to the state over coming years is urgently in need of attention, as is the matter of whether or not the non-public sector should operate on a “for-profit” basis.

The law must also address the aims of higher education. At present, higher education is subject to Article 2 of the Education Law of 2005 which prescribes that:

Education aims at achieving all-round morally, intellectually, physically grown persons who are loyal to the ideal of national independence and socialism; developing and cultivating personalities, qualities and abilities to meet the need for building and defending the Nation.

The generic nature of this statement of aims limits its applicability and impact in the context of higher education. Higher education institutions are not, for example, likely to be concerned with achieving “physically grown persons”, and the extent to which they can achieve morally grown persons is limited. More broadly, the statement is not well integrated with education frameworks globally. UNESCO, for example, espouses four pillars of learning: learning to know, learning to do, learning to live, and learning to be. Embedding these goals in the proposed new higher education law would contribute significantly to the modernisation of the system because these kinds of goals give expression to universal aspirations and provide a strong

foundation for the adoption of holistic approaches to curriculum planning and the development of the general capabilities of graduates.

Conclusion

Vietnam is at an early stage in terms of the modernisation of governance of its higher education system. The system remains centrally controlled, more or less in the Soviet mould, and a small non-public (effectively, a private) sector has been allowed to develop to address the problem of unmet demand for higher education. The system is not in great shape, however, as was officially acknowledged in the preamble to HERA, which acknowledged that the system had not:

risen to the level of meeting the people's demands for learning, industrialization, modernization and global integration. It is necessary to overcome many weaknesses and shortcomings in sector management, system structure, higher education institution network, training process, teaching and learning methodology, teaching staff, education managers, and resource use, as well as corruption in exams and degree issuance and other education activities.

Accordingly, HERA proposed sweeping reforms for the system, among which were reforms of the system's governance. These included measures to confer legal autonomy on public higher education institutions and to eliminate line-ministry control. More broadly, HERA has signalled that the relationship between the state and the higher education system must change, from one characterised by state control of the system to one characterised by state supervision.

A critical issue of governance in the context of higher education concerns institutional autonomy. In this regard, what is happening in Vietnam is remarkable for the insights it provides about a higher education system in the process of obtaining more institutional autonomy. The government has clearly decided that freeing itself of direct control of the higher education system, thereby making higher education institutions more responsible for their own sustainability, will have a positive impact on a sector that is of significant national economic importance as a source of new knowledge and of labour market expertise. At the same time, however, the government has no experience of what institutional autonomy implies. Furthermore, it faces a significant challenge in having to develop an infrastructure of institutional self-governance, build expertise, harmonise relevant legislative and regulatory provisions, and codify a wide range of accountability relationships so that governing boards, rectors, and government instrumentalities know precisely how they are accountable to one another. There is also the potentially difficult challenge of determining the role of the party with respect to institutional self-governance, and, more broadly, with respect to whether the [arty or individual higher education institutions should be deciding what is taught in the curriculum.²³

²³ A possible tension line could be in relation to the compulsory examination of knowledge about Marxism-Leninism in all undergraduate training programmes.

There is no set template for institutional autonomy in higher education. Vietnam is, therefore, on a voyage of discovery that will result in a form of institutional autonomy that best meets its circumstances. There is no doubt that institutional autonomy is a necessary element in the modernisation of the higher education system in Vietnam. Institutional autonomy is, however, a right granted by the state to individual higher education institutions. Though it provides higher education institutions with enormous freedom, including potentially academic freedom, it also imposes obligations on them in relation to the state. Having regard to the present circumstances of higher education in Vietnam, and taking into account the recent experiences of other former Soviet-bloc countries, it would be advisable for the government to drive a hard bargain with individual higher education institutions whereby the availability of institutional autonomy is made strictly conditional upon the existence of rigorous systems and protocols for internal accountability and for good institutional governance.

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