

Raising awareness of conflict of interest in performing public services of cadres, civil servants, and public employees

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Abstract: *Conflict of interest represents an objective situation tied to the public service activities of cadres, civil servants, and public employees. If not fully recognized, it can negatively affect the quality and efficiency of public service execution and undermine public trust in the leadership of the Party and the State's governance, compromise transparency and objectivity in public service. Unchecked conflicts of interest potentially lead to embezzlement, corruption, harmful practices, and group interests. These risks contribute to moral decline, ethical degradation, and the alienation of officials, civil servants, and public employees, threatening the Party's sustainability. Therefore, raising awareness among officials, civil servants, and public employees about conflicts of interest in public service execution is a critical and objective task. It plays a significant role in promoting Party building and strengthening efforts.*

Keywords: *Conflict of interest; public service execution; Party building and strengthening; cadres, civil servants, public employees; raising awareness.*

1. Introduction

Benefits are “how individuals satisfy their needs in social and economic relationships between people. Socially, there are as many benefits as there are needs” (Tham, 2021). Accordingly, benefits, especially economic and political ones, are fundamental causes of organizational conflicts and disputes. The English-Vietnamese Law Dictionary defines a conflict of interest as “a conflict of rights, a disparity between position and title and the personal interests of the officeholder, or the use of one's position for personal gain” (Hung et al., 2000).

The execution of public duties refers to the activities carried out by state agencies and public employees authorized by the State under legal regulations to fulfill the State's functions and responsibilities to serve the Nation and its People. Conflicts of interest in executing public duties arise when public employees are influenced or impacted by personal interests or the interests of their relatives, leading them to misbehave in fulfilling their roles, responsibilities, and obligations for personal gain, thereby harming the interests of the State and society.

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Conflicts of interest are an objective reality that public employees may face. They occur when decisions must be made, but employees are torn between personal benefits and their assigned duties, responsibilities, and authority to serve public objectives and values. In such scenarios, public employees may choose to act - or not act - in ways that favor their interests.

Conflicts of interest inherently accompany public service activities. The higher the position and authority held, the more frequent and significant these conflicts become. Whether the outcome is positive or negative depends on whether the employee exploits the situation for personal benefit. A conflict of interest is not inherently detrimental if the employee refrains from acting for personal gain. However, conflicts of interest cause harm when public employees misuse their authority for self-interest while executing their duties.

Therefore, understanding the intrinsic nature of conflicts of interest as an objective situation can help public employees behave appropriately when encountering such scenarios. It can also aid organizations and agencies in recognizing and identifying conflict of interest, enabling them to implement detection, prevention, and resolution measures. This contributes to preventing corruption, improving the effectiveness of public service delivery, and fostering a transparent, accountable administrative system.

2. Practical regulations of the Party and the State on identifying conflicts of interest in public duty execution

Although conflicts of interest are an objective and inherent aspect of public service that public employees may encounter, the understanding and identification of such conflicts remain unclear. Most cadres, civil servants, and public employees become aware of conflicts of interest through personal work experiences rather than formal dissemination. Many continue to interpret conflicts of interest as disputes between parties or perceive them in colleagues' actions

while failing to recognize conflicts of interest within their public service roles. As a result, conflicts of interest are often perceived as consequences that negatively impact agencies, colleagues, or organizations rather than as issues stemming from individual awareness and behavior in executing public duties.

Recognizing the essence of conflicts of interest is vital, particularly for those directly involved in public service activities. A proper and thorough understanding can guide appropriate actions, ensuring conflicts of interest do not result in adverse outcomes. Enhancing this awareness aims to help cadres, civil servants, and public employees understand that conflicts of interest are significant issues in state governance. They must avoid the negative repercussions of such conflicts on national socio-economic development, diminishing public trust in governmental agencies and exacerbating corruption, negativity, and inefficiencies in public service.

To meet these objectives, the Party has gradually issued regulations to define and clarify specific conflict-of-interest situations, making it easier for public employees to identify and address these in practice.

On July 11, 2023, the Politburo issued Regulation No. 114-QĐ/TW, focusing on controlling power and combating corruption in personnel management. It identifies three main categories of corrupt and unethical behaviors within personnel-related activities:

(1) Abuse or misuse of position and authority

This group includes behaviors where individuals exploit their position or influence to interfere in personnel decisions. Specific examples include: using personal reputation, influence, or familial connections to pressure others into decisions such as evaluations, nominations, or votes of confidence; allowing family members or close associates to exploit one's position to manipulate or intervene in

personnel processes; disclosing or sharing confidential personnel information or documents.

(2) Office-seeking practices

This category addresses unethical means to secure positions, including: offering or accepting bribes, either directly or indirectly, to gain promotions or appointments; providing gifts, money, real estate, or other tangible or intangible benefits, organizing recreational activities or events for key decision-makers in exchange for support, to gain favor in personnel matters.

(3) Other unethical or harmful behaviors

This group captures additional misconduct, such as unauthorized meetings or discussions with candidates during the personnel process; causing unnecessary delays or setting unreasonable conditions during personnel reviews; neglect or intentional actions that lead to the loss or mishandling of personnel documents under one's responsibility.

The regulation also specifies that relevant agencies are required to guide individuals involved in conflict-of-interest situations on how to fulfill their duties appropriately. It further mandates that these agencies outline the specific responsibilities and obligations expected in each scenario.

From a legal perspective, conflicts of interest in public service operations lack specific and direct regulations addressing the situations and contexts in which they might arise. This lack of clarity has resulted in limited preventative effectiveness. Existing legal provisions related to conflicts of interest are scattered across several specialized legal documents, often needing more consistency and coherence, reducing their practical efficacy. Moreover, the legal framework must clearly define the authorized entities responsible for enforcing laws concerning conflicts of interest in public service. This absence of designated authority further

complicates efforts to manage and resolve such situations, leaving room for ambiguities and inefficiencies in implementation.

There are legal provisions regarding the transparency of the activities of public servants in public procurement. However, significant shortcomings and limitations still create conditions conducive to conflicts of interest. Violations of the Bidding Law currently focus on two main issues: breaches related to “price appraisal” and “contract awarding”, both stemming from “unintentional legal loopholes.” These gaps allow for overpricing, leading to budget losses, and facilitate personal gain in the contract assignment process.

Legal regulations limiting the benefits of public servants, including the management and verification of the origins of their assets, are particularly challenging to implement due to their complex processes. These procedures require the involvement of multiple entities, and more specialized agencies are needed to oversee the fluctuations in the assets of individuals in positions of power. Additionally, the current legal framework must provide a clear and effective mechanism for monitoring asset changes, making it difficult to ensure transparency and accountability.

Furthermore, the legal provisions regarding activities that public servants are prohibited from engaging in, such as secondary employment and post-retirement work, are only broadly addressed in the Law on Anti-Corruption and the Law on Saving and Waste Prevention. These laws impose penalties for violations in general terms but do not specify penalties for individual violations related to these activities.

3. Solutions to raise awareness for cadres and Party members about conflicts of interest in performing public duties

The erosion of moral standards and lifestyles is intrinsically linked to the corruption of political motivations and

revolutionary ideals. A weakening of political thought and organizational structure accompanies this decline. When officials engage in bribery, corruption, and legal violations, they undermine public trust in the Party and erode the vital relationship between the People and the Party. This highlights the crucial role of ethics in political consciousness, ideology, and organization, which becomes one of the central components of the Party's mission to build and rectify itself.

To enhance the awareness of public employees and Party members about conflicts of interest in the execution of public duties, several solutions are necessary:

Firstly, it is crucial to clarify further the meanings and boundaries of the concepts “conflict of interest” and “managing conflicts of interest.” This is important to ensure that public employees, civil servants, employees, citizens, and businesses all have a shared understanding of the manifestations of relationships that involve conflicts of interest in practice. This clarity will empower employees to avoid situations that pose risks of conflicts of interest and adopt objective, impartial, and transparent behavior when performing public duties.

A precise explanation of the core elements and scope of managing conflicts of interest will also lay the foundation for determining the legal frameworks and boundaries necessary to regulate such conflicts. The law primarily focuses on conflicts of interest within the individual's role as a public servant. However, conflicts of interest can also arise between public institutions while executing public duties. For instance, agencies tasked with protecting their sector's interests may create regulations that benefit them, leading to higher public service costs or wasted resources. Furthermore, since conflicts of interest are tied to public duties that serve the public good, they involve multiple actors, not just individuals performing the public service. A broader approach is necessary to address

conflicts of interest in public service execution in order to ensure consistent understanding and action across the entire public service system.

Secondly, it is necessary to clearly explain the regulations regarding the forms and manifestations of conflicts of interest by categorizing them according to their potential risks of abuse of power for personal gain and the likelihood of harm to the public interest. These categories can be outlined as follows:

(1) High-risk conflicts of interest: Situations with a high potential for corruption should be controlled by regulations prohibiting Party members, public employees, civil servants, and employees in state agencies from engaging in such activities. These regulations aim to ensure that no one in a position of authority can exploit their role for personal benefits that could undermine the integrity of public administration.

(2) Lower-risk conflicts of interest: Regulations should impose restrictions on forms of conflict of interest with a lower risk of corruption. If these actions are carried out, there must be a responsibility to disclose and explain the actions to the public, media, and relevant authorities to ensure transparency and avoid personal gain. It should be emphasized that the duty to disclose and provide explanations is a responsibility and a right of public employees to share information transparently, thereby fostering public trust and consensus on decisions.

(3) Difficult-to-eliminate conflicts of interest: Guidelines should be established for managing difficult-to-eliminate conflicts of interest or where the risk of abuse is vague and speculative. These guidelines should avoid creating a negative reputation for the decision-maker and ensure that potential conflicts are handled to minimize harm to public trust and the integrity of the decision-making process.

Thirdly, it is essential to clearly explain the regulations regarding the procedures and

steps for monitoring civil servants, public employees, and agencies that carry out functions related to managing and controlling conflicts of interest. This should also include clarifying the authority of the institutions responsible for overseeing and ensuring the effectiveness of these controls.

Fourthly, the Law on Anti-corruption should incorporate provisions specifying various responsibilities for failing to fulfill or inadequately fulfilling obligations to control conflicts of interest. It should also: (1) Define specific responsibilities and penalties: The law must detail the administrative, civil, or criminal liabilities applicable to violations. This clarity will reinforce accountability and act as a deterrent for non-compliance; (2) Establish a dedicated supervisory body: A specialized agency should be designated or created to monitor, oversee, and enforce compliance with conflict-of-interest obligations. This agency would also be responsible for ensuring the timely investigation and resolution of violations; (3) Adopt immediate activation of conflict-control mechanisms: Organizations and individuals must promptly activate their conflict-management duties when a conflict of interest is identified. These measures include informing and reporting to competent authorities, implementing transparent actions, and ensuring appropriate oversight during the resolution process; (4) Promote ethical standards and resignation culture: Alongside legal enforcement, efforts should be made to instill an ethical sense of accountability. Public officials violating conflict-of-interest obligations should be encouraged to resign voluntarily.

Fifthly, it is essential to raise awareness among public employees, civil servants, and employees regarding conflicts of interest and their management in executing public duties. To ensure the effectiveness of awareness-raising activities, it is crucial to employ a

variety of communication channels to enhance the understanding of public employees, civil servants, and those involved in public service. This approach helps them comprehend the essence of conflicts of interest.

Agencies and organizations should develop plans to organize annual training programs and workshops to provide knowledge and legal updates on conflicts of interest. These sessions should promptly incorporate adjustments and updates to the institutional framework. Training methods include inviting speakers or experts in anti-corruption or utilizing user-friendly printed materials that are easy to understand and remember.

Sixthly, mass media platforms should develop specialized columns, features, and reports to provide a comprehensive, diverse, and objective reflection on conflicts of interest and the practical management of such conflicts in executing official duties in Vietnam. Agencies specializing in preventing conflicts of interest and anti-corruption should actively disseminate and promote legal provisions related to conflicts of interest and anti-corruption measures.

Seventhly, educational and training institutions should incorporate specialized content on managing and controlling conflicts of interest in public service into their training programs to enhance the capacity of public employees. Specifically, this content should be included in leadership and management skills development programs at all levels and political theory training for individuals in political and state organizations from the central to the grassroots level. Recognizing, identifying, and addressing conflicts of interest should be treated as mandatory content in fostering integrity education for public employees and civil servants who are Party members holding management or leadership positions.

Additionally, efforts should be made to innovate the content and methods of political and ideological education to improve its quality. These improvements aim to foster a positive shift in awareness and actions among employees and Party members regarding preventing conflicts of interest.

Eighthly, it is necessary to enhance the awareness and accountability of Party committees, organizations, members, cadres, civil servants, and employees in combating corruption and other negative behaviors. Emphasis should be placed on the responsibility to set an example and encourage self-discipline in cultivating ethical values, particularly among leaders, managers, and heads of departments at all levels. It is vital to strictly enforce the Party's regulations on exemplary behavior and the 19 prohibited actions for Party members.

4. Conclusion

Conflicts of interest in the performance of duties and public service are a critically important issue that requires timely detection of corruption within agencies and organizations and effective resolution through preventive and deterrent measures prescribed by anti-corruption laws. This responsibility lies with Party committees, governmental authorities, socio-political organizations, unions, and the heads of agencies, organizations, units, and localities. Their role is to ensure that individuals holding positions of power and authority operate strictly within their capabilities, limits, and the boundaries of their authority when exercising power, thereby safeguarding the integrity and effectiveness of duty and public service execution.

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