

Responsibilities Of Heads Of State-Run Agencies For Guaranteeing Commendation Principles In Accordance With The Law On Emulation And Commendation

Ph.D. Le Thi Thuy

Faculty of Political Science and Educational Psychology – Hung Vuong University



Abstract – The heads of state agencies play a significant role in guaranteeing commendation principles in order to promptly encourage individual and collective achievements and contributions. Properly awarding right people for their proper achievements requires great responsibility as well as a strong sense of fairness that rest with those heads. Therefore, the article focuses on clarifying the responsibilities that heads of state agencies have for guaranteeing commendation principles under the Law on Emulation and Commendation. Thereby, some solutions are proposed to deal with the subjectivity of emotions, factionalism and lack of democracy caused by those leaders when it comes to commendation.

Keywords – Heads, Commendation, Commendation principles, Law on Emulation and Commendation.

I. INTRODUCTION

The act of commending is very practical and meaningful to motivate and encourage individuals and organizations that have made achievements and contributions to collectives and the society. If there is emulation only without commendation, emulation movements will not fulfill their purposes and cannot achieve far-reaching effects. Yet, improper commendation will result in a sense of egalitarianism, boredom and unwillingness to strive among cadres, civil servants, public employees and the whole society. Properly awarding right people for their right achievements to show fairness, transparency and democracy requires great responsibility as well as a strong sense of fairness that rest with the heads of state agencies and collectives.

The documents of the 12th Party Congress affirm: "The unclearly stated authority and responsibilities of cadres and civil servants, especially those of leaders" [4, p.193] is one of the shortcomings of Party building in the 2011-2015 period. The documents of the 13th Party Congress continues to point out that one of the subjective reasons leading to the shortcomings of Party building for the 12th congress is that "in some places, the heads fail to take on full responsibility, lack bravery, are not exemplary, still passive and evasive, or rely on the directions and guidance of their superiors"; "The assignment of responsibilities of the head in relation to the party committee and the board of leaders is unspecified; the role of each individual in a collective is not fully defined." [5, p. 225]. In fact, some agencies underestimate emulation and commendation, and fail to create a motive force for collectives, individuals and employees, which results in low work efficiency. That partly shows that their leaders's lack of attention and inadequate awareness of the role played by commendation.

In this article, the author focuses on clarifying the responsibilities that heads of state agencies have for enforcing commendation principles under the *Law on Emulation and Commendation*. Thereby, some solutions are proposed to deal with the subjectivity of emotions, factionalism and lack of democracy caused by those leaders when it comes to commendation.

II. HEAD OF STATE AGENCIES, ORGANIZATIONS AND UNITS

Article 2 of Decree No. 157/2007/ND-CP issued by the Government provides that the liability regime applicable to heads of state agencies, organizations and units in performing tasks and public duties is defined as follows :

1. This Decree applies to heads of the following state agencies, organizations and units: a) Ministries, ministerial-level agencies and government-attached agencies; administrative organizations under ministries, ministerial-level agencies or government-attached agencies; b) People's Councils and People's Committees at all levels: boards of provincial- or district-level People's Councils; professional agencies of provincial- or district-level People's Committees; c) The State President's Office; the National Assembly's Office, the Nationalities' Council and Committees of the National Assembly; the Office of the Central Steering Committee for Corruption Prevention and Combat; the State Audit; people's courts and people's procuracies at all levels; military courts and military procuracies at all levels; d) State-run organizations and non-business units; e) State-owned economic groups, corporations and companies (below collectively referred to as state enterprises).

2. Deputy heads of state agencies, organizations or units defined in Clause 1 of this Article shall also be held responsible like their respective heads for the domains under their leadership, management and administration as authorized or decided in writing by their respective heads or by superior-level agencies.

3. Heads and deputy heads of organizations constituting state agencies, organizations or units defined in Clause 1 of this Article shall also be subject to the liability regime while making proposals, advices, reports or performing their assigned tasks related to the regime of liability of heads of state agencies, organizations or units.

According to the Great Vietnamese Dictionary (compiled by Nguyen Nhu Y), responsibility is "something that must be done, shouldered or taken on by oneself" [6, p.1678]. Responsibility is an obligation to do something which must be done as a commitment. Hence, it can be understood that the heads of state agencies take responsibility for the performance of their assigned tasks and powers delegated to them and shall be disciplined in case of violations.

Article 7 of Decree 157 stipulates contents of the liability regime applicable to the heads. In particular, Clause 5, Article 7 states that the head is responsible for recruiting, employing, training and managing cadres, civil servants and employees, raising their wages, appointing them to participate in rank-promotion exams and deciding on their rank promotion, appointment, **commendation**, disciplining and retirement in strict accordance with the Party undertakings and policies and the state laws. The heads are responsible for all activities of agencies, organizations or units they are assigned to lead and manage.

The heads play a very important role in the organization and operation of their agencies or units, but do not take over all of the agency or unit's tasks. They can only directly decide on the management and use of cadres, civil servants and employees under their direct leadership. They can ask competent authorities to consider and decide the planning, appointment, promotion, commendation, disciplining of their subordinates, especially their deputy heads. At the same time, they must bear shared responsibility for their deputies and subordinates' violations and be disciplined in strict accordance with the Party undertakings and policies and the state laws. The heads have responsibility of great significance to the development of the agencies and collectives, of which enforcing commendation principles within the agencies and collectives can be named.

III. RESPONSIBILITIES OF HEADS OF STATE AGENCIES AND UNITS IN ENFORCING COMMENDATION PRINCIPLES

Commendation means "praising and awarding in kind for achievements and merits" [6, p.896] of collectives and individuals. Commendation has very good purposes which help create a motive force to encourage individuals and collectives to strive for achievements and make contributions to the society. It is highly practical, a method of active propaganda and education to encourage creativity, determination among individuals, collectives, and employees to achieve goals or outperform their tasks. Therefore, in order for commendation to really promote its value, it must be carried out in a right way, and go hand in hand with rewards, especially in state-run units. This requires the role of the heads of state agencies or units in enforcing commendation principles as prescribed by law. At the same time, it is necessary to be flexible and reasonable when it comes to proposals for and implementation of commendation.

In Article 6 of the 2003 Law on Emulation and Commendation, the principles of commendation are stipulated to include: a) Accuracy, publicity, fairness and timeliness; b) One commendation form may be awarded many times to one subject; c) Assurance of uniformity between nature, form and subject of commendation; d) Close combination of spiritual encouragement with material benefits.

The mending and supplementing Law on a number of articles of the Law on Emulation and Commendation dated November 16, 2013 adds "no more than one commendation form may be awarded for a single achievement;" to point b, Clause 2,

and "To guarantee gender equality principles in emulation and commendation" to Clause 3. Accordingly, in Article 3 of Decree 91/2017/ND-CP dated July 31, 2017 detailing the implementation of a number of articles of the Law on Emulation and Commendation, commendation principles are specified as follows:

1. The forms of commendation must be suitable to the subjects, functions and assigned tasks of collectives or individuals and recorded achievements;

2. Commendation must be based on conditions, criteria and recorded achievements, a low-level form of commendation is not required for the awarding of a higher-level form. Pay attention to rewarding small-sized collectives and individuals who directly work, produce, study or combat.

No more than one commendation form may be awarded for a single achievement. Periodic commendation shall not be qualified for a proposal for state-level commendation.

When there are many individuals and collectives that meet the same conditions and criteria, a female nominee or a nominated collective with a female percentage of 70% or more shall be proposed for commendation. For female leaders to be proposed for commendation in terms of their dedication to work, the period of time they have been holding their positions is reduced by 1/3 compared to the general regulations; In case their statutory retirement age is higher, the period of time they have been in their positions shall comply with the general regulations.

In order to enforce the principle of accuracy, publicity, fairness and timeliness, the heads of state agencies and units need to comply with general provisions on commendation stipulated in Clauses 1, 3, 5 and 9 of Article 2 of this Circular as follows:

1. For forms of state-level commendation, the evaluation, recognition of achievements and recommendation for commendation shall be carried out by the heads of ministries, departments, branches and provinces who are held responsible before law.

For forms of commendation to be decided by ministries, departments, branches and provinces, the evaluation and recognition of performance level of assigned tasks and the scope of influence of achievements shall be determined by them.

3. Forms and levels of commendation must correspond to achievements. It is necessary to pay attention to commending typical advanced collectives and individuals in emulation movements; people coming from ethnic minorities, frontier regions, islands, remote rural areas, and individuals who are creative in their labor, study and work.

5. Only commendation results that are based on merits and achievements can be grounds for consideration of commendation or recommendation for commendation. Periodic (thematic) commendation results are recognized and prioritized when it comes to consideration of commendation or proposal for commendation.

Rewarding or proposal for commendation of collectives or individuals shall be postponed while competent authorities are considering disciplinary enforcement or investigating, inspecting or examining when there are signs of violations or while complaints are being handled.

9. While rewarding collectives and individuals that are not under their management in terms of personnel and salary funds, ministries, departments, branches, and provinces give commendation forms within their competence only without proposing state-level commendation. Thematic commendation shall comply with the provisions of Clause 3, Article 4 of this Circular.

Regarding commendation forms, Article 3 of Circular No. 12/2019/TT-BNV dated November 4, 2019 detailing the implementation of a number of articles of Decree No. 91/2017/ND-CP dated July 31, 2017 issued by the Government guiding the implementation of a number of articles of the Law on Emulation and Commendation stipulates:

1. Competent agencies shall, based on the subjects and their assigned functions, tasks and recorded achievements of collectives and individuals award or make proposal for appropriate commendation forms.

2. Multiple forms of commendation shall not be awarded to a single achievement. Collectives and individuals that meet criteria for any commendation form or level shall be considered and awarded that form or level, but not higher one.

For collectives and individuals with sudden outstanding achievements, the heads of ministries, departments, branches and provinces shall commend them within their competence; when the achievements exert an influence on a field under the management of such ministry, departments, branches and provinces, state-level commendation shall be proposed.

3. A proposal for awarding 02 forms of state-level commendation to a collective or an individual is not allowed in one year (except for unexpected commendation; commendation for years-long dedication to work; commendation for mandatory years of service).

In order to guarantee the above principles, the head of state agencies or units must, first of all, take responsibility for finding out and getting hold of criteria, processes and regulations related to commendation in order to make proposals for commendation and commend accurately and appropriately, thereby avoiding the situation in which either unqualified individual is proposed or qualified individual is not proposed for commendation. Those heads must be aware of the laws, decrees and circulars on emulation and commendation. To that end, they must constantly self-study, improve their legal knowledge and cultivate their moral qualities and conduct.

Secondly, the heads of state agencies or units are held responsible for actively monitoring and grasping the situation of and authentic information about the achievements recorded by their subordinates so that they can commend right people at the right time for right achievements, or promptly take solutions to guarantee the honoring of titles and the awarding of prizes are strictly supervised without possible mistakes, unpleasant incidents, especially in cases of unexpected achievements as well as periodic or thematic commendation. The leaders must keep a very close eye on the work of emulation and achievements recorded by their subordinates. Commendation is based on recorded achievements without multiple commendations for one single achievement. Besides, it is also necessary that the evaluation of achievements be based on the process in which individuals and collectives strive for such achievements.

The heads of state agencies and units also need to be aware of their own roles in and responsibilities for motivating, encouraging, putting in requests, creating all necessary conditions both materially and spiritually for their subordinates to actively participate in emulation movements and perform their tasks well. From such movements, they will be able to find out, foster and replicate typical advanced models. This is an elaborate work, resulted from the fact that the leaders closely follow emulation movements, try to get hold of experiences and achievements of each individual and collective. The leaders must also be well aware of their responsibility for quickly fostering typical advanced models to become the core force of their agency or unit.

Thirdly, for every unit and agency, the excellent performance of key tasks is a prerequisite for its development. Therefore, commendation and commendation proposal must always follow closely the agency or unit's key tasks and the achievements recorded by individuals nominated for commendation. The heads must be responsible for orienting, paying attention to the achievements that contribute to the implementation of their agency's key tasks and the development of their agency.

Fourthly, having a good grasp of regulations and achievements of their junior colleagues, the leaders must be responsible for assessing the relationship between achievements of individuals and key tasks of the collective and the scope of impacts such achievements have on the society, thereby selecting typical achievements that closely adhere to the agency's key tasks as well as commendation criteria and social needs, that is, to select the most deserving individuals.

Fifthly, the heads must make the selection and evaluation of individuals to commend or propose for commendation in an open and transparent manner within their agencies on the basis of facilitating and motivating deserving people who meet commendation criteria for each title. It is necessary to organize a preliminary ceremony and a closing ceremony to select and award collectives and individuals with achievements in emulation movements. Reports on individual and collective achievements must be made clearly and fully before such ceremonies, upholding the spirit of self-criticism and criticism, based on which other individuals in the unit can make a fair selection. That also shows democracy and objectivity in emulation and commendation. In particular, it is a must to avoid autocracy, the subjectivity of emotions, and non-public internal commendation proposals. Only then can we guarantee the principles of fairness and selectivity in commendation.

Sixthly, once they well carry out the above responsibilities, the leaders can proceed to urge, request, and consult with superior leaders to accurately and timely commend individuals with outstanding achievements in emulation movements. Commendation, apart from its material incentive, is also to affirm personal branding and reputation of individuals and units, so

proposals for and implementation of commendation must be fair and equitable. The consulting work is a close and reliable communication channel for the implementation of commendation, so advisors and consultative opinions are very important. Consultation that is objective and equivalent to achievements must be included in responsibilities resting with the heads. At the same time, the heads must maintain a close association with the Emulation and Commendation Council at their management level to exchange and update information in order to guarantee top-down united leadership and direction and bottom-up proposals in compliance with stipulated principles and regulations. Thereby, thrill and trust will be felt; and subjectivity, simplification, credit taking, and blaming will be avoided.

In Clause b, Article 2 of Circular No. 12/2019/TT-BNV detailing the implementation of a number of articles of the Government's Decree No. 91/2017/ND-CP dated July 31, 2017 detailing the implementation of a number of articles of the Law on Emulation and Commendation clearly states the responsibilities of the heads:

2. The heads of ministries, departments, branches and provinces have the authority to commend or submit commendation dossiers to their superiors for approval. They take responsibility for publicizing collectives and individuals nominated for the awarding of Medals, State honorable titles, "Ho Chi Minh Prize", "State Prize", "National Emulation Fighter" title through the mass media under their management: e-portals, magazines, sectoral and local newspapers before the Council for Emulation - Commendation at the ministerial-, branch- and provincial levels has a meeting for considering and conferring such commendation forms and emulation titles.

Opinion polls on the mass media and the results of information processing (including written complaints and denunciations, if any) must be reported to the Emulation and Commendation Council at the ministerial, branch and provincial levels prior to a decision on commendation or submission of commendation dossiers to senior units for approval.

If individuals and collectives participate in emulation movements and successfully complete their tasks, they can be conferred a commendation form multiple times. Achievements that are recorded in difficult conditions and that are hugely influential are commended at a higher level. Attention should be paid to the commendation of individual workers and individuals with a lot of creativity in labor and work. When leaders of state agencies and units are nominated for commendation, collective achievements of those agencies and units shall be considered for approval.

When it comes to commendation, well promoting the sense of responsibility resting with the leaders will create motivation for collectives and individuals to well perform their assigned tasks. Leaders and managers with conscious mind and undoubted talent are able to do that. Hence, commendation will not only be based on legally stipulated principles, but also on the leaders' conscience and the consciousness of their responsibilities for cadres, state agencies, units, people, the Party and central government. The leaders must really be pioneers and exemplars who have a sense of responsibility and tolerance and who fight against narrow-mindedness, self-absorption, even have the guts to refuse commendation when they see themselves undeserving.

IV. SOME SOLUTIONS TO DEAL WITH THE SUBJECTIVITY OF EMOTIONS, FACTIONALISM AND LACK OF DEMOCRACY IN COMMENDATION WORK CAUSED BY THE HEADS OF STATE AGENCIES AND UNITS.

First of all, it is necessary to better institutions on the tasks, powers, positions and liability regime of the heads in state agencies; impose specific and strong handling measures on those heads when they violate commendation principles because that violation also means a violation of liability regime of the heads specified in Article 7 of this Decree.

In the second place, the responsibility of the leader must be associated with the responsibility of the collective. It is a must to promote the collective's role, understanding and solidarity in the implementation of commendation work; to well educate collective consciousness, solidarity and mutual assistance based on comradeship for shared benefits; to drastically fight against competition mindsets, localism, credit-driven practice for the sake of personal benefits and motivation and dishonest expressions in emulation.

In the third place, the heads must be held responsible for leading, directing and organizing the implementation of commendation. Emulation results should be considered as a criterion for evaluating leaders and managers.

In the fourth place, the heads of state agencies should be trained and given refresher courses on improving their capabilities and ethics. They must comply with the principles of obeying the Constitution and the law, offering transparency, using proper

authority and making inspection and supervision; ensuring consistency, continuity, smoothness and efficiency in the process of performing public duties.

In the fifth place, individuals in agencies and units must also study and be well aware of commendation criteria so that they know how to protect their interests if they record an achievement and meet commendation criteria as well as putting forward reasoned arguments when their leaders' wrongdoings are discovered in commendation work. At the same time, they can advise and give suggestions on commendation work to their heads.

Finally, the leaders can be commended for their good performance in commendation work.

V. CONCLUSION

Guaranteeing commendation principles in state-run units plays a significant role in boosting personal development, retaining talented people in the face of the current brain drain, and providing a healthy and fair working environment. That the heads of such units properly and reasonably implement the principles of commendation will contribute to creating internal consensus and building a strong unit. At the same time, it contributes to affirming the prestige of the Party and the State, strongly promoting the meaning of emulation because those heads bridge the People, the Party, the State and the cadres – their servants. In the coming time, when the draft Law on Emulation and Commendation (amended) is implemented, with adjusted commendation principles and a better legal system on commendation, the heads should promote better their roles and responsibilities in the implementation of those principles.

REFERENCES

- [1] Ministry of Home Affairs, Circular No. 12/2019/TT-BNV detailing the implementation of a number of articles of the Government's Decree No. 91/2017/ND-CP dated July 31, 2017 detailing the implementation a number of articles of the Law on emulation and commendation, November 4, 2019.
- [2] Government, Decree No. 157/2007/ND-CP stipulating the liability regime applicable to heads of state agencies, organizations and units in performing tasks and public duties, October 27, 2007.
- [3] Government, Decree No. 91/2017/ND-CP detailing the implementation a number of articles of the Law on emulation and commendation, July 31, 2017.
- [4] Communist Party of Vietnam, *Documents of the 12th National Congress*, Office of the Party Central Committee.
- [5] Communist Party of Vietnam, *Documents of the 13th National Congress, Volume II*, National Political Publishing House.
- [6] Nguyen Nhu Y, *Great Vietnamese Dictionary*, Culture - Information Publishing House, 1998.
- [7] National Assembly, Law on Emulation and Commendation No. 15/2003/QH11, 2003.
- [8] National Assembly, Amending and supplementing Law on a number of articles of Law on emulation and commendation No. 39/2013/QH13, dated November 16, 2013.