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An institutional study of autonomisation of public universities in Vietnam

Minh Thị Hải Võ [1] · Rob Laking [1]

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Abstract
Autonomisation, allowing public organisations greater freedom from central control, has been extensively debated in the public policy literature as a means of increasing their efficiency and effectiveness. The government of Vietnam has adopted autonomisation as a key policy in reforming public service delivery. This paper investigates the autonomisation of Vietnamese public universities through an institutional study of autonomy policies and empirical analysis of autonomy practices amongst selected public universities in Vietnam. It pays particular attention to the evolution of the autonomy reforms and their implications for higher education governance in Vietnam. We argue that the autonomy of Vietnamese public universities is apparently growing, but does not reflect a broad transfer of power from the central state to public universities. Instead, autonomisation has a more limited objective of reducing public universities' claims on the central budget by presenting them with both the opportunity and the incentive to generate alternative sources of revenue to fund their operating budgets in the face of diminishing state subsidies. Many significant central controls remain over operations, particularly human resources and curricula. The result has been a significant shift of the costs of higher education onto students, which may be a factor in declining new enrolments, and in many cases the misuse of university revenues for private purposes, but little evidence of improvement in the quality of the education provided. Although it is a study of a specific instance of autonomisation in Vietnam, the paper has policy implications for developing and transitional countries that seek to improve the quality of their higher education through reforms to its governance.

Keywords Autonomy · Public universities · Higher education · Institutions · Vietnam

✉ Minh Thị Hải Võ

[1] School of Government, Victoria University of Wellington, Rutherford House, 23 Lambton Quay, Wellington 6140, New Zealand

Introduction

Since the *Đổi Mới* economic reforms in the 1980s, the Vietnamese government has delegated some operational authority to lower levels of government, particularly the provinces and subordinate units of central administration. Reduction of detailed central control over public organisations, which either remain legally part of their parent ministry or acquire their own legal status, is known as "autonomisation".[1] Autonomy reform began with state-owned enterprises (SOEs), to make them more responsive to market forces, but has become part of the broader "market socialisation" initiative aimed at improving service outcomes. "Socialisation"[2] was a policy response to the rapid deterioration in the fiscal deficit from 2007, driven by a combination of a downward trend in tax revenues as a share of GDP, continuing high expenditure on infrastructure and rising recurrent expenditure, particularly on wages.[3] The measures in response to this increasing fiscal risk included enforcing financial responsibility on SOEs and public service delivery units (PSDUs) and shifting their financing into the private sector; shifting expenditure and its financing onto lower levels of government, increasing private investment in infrastructure and other assets and increasing private participation in services; and attempting to force "efficiency" onto public agencies by imposing clamps on their public budget allocations.

An element of this strategy has been to separate service provision from state administration (Vasavakul 2002) by delegating some management authority to SOEs and PSDUs. Universities are defined as PSDUs, and autonomisation in universities is in fact best seen as part of the party-state's broad socialisation strategy.

During the past two decades, Vietnam's higher education governance reforms have included granting public universities varying degrees of autonomy over finance, personnel and curricula. A landmark decision was Government Decree 10 issued in 2002 conferring financial autonomy on PSDUs, including public universities.

In this article, we examine the effects of the autonomy reforms on public universities and their implications for higher education governance in Vietnam. We argue that autonomisation of higher education in Vietnam is an instance of how formal institutional transmission of policy is significantly shaped by local and informal institutional responses. Our basic assumptions are that policy change will be path-dependent: constrained by the pre-existing institutions of a society and its politics (Peters 1999; Béland 2009; Hall and Taylor 1996), and that both formal and informal rules, procedures, routines, norms and conventions will shape collective behaviour and political outcomes (Campbell 1998; Hall and Taylor 1996).

Our research draws on document analysis and interviews with key informants. We reviewed the legal documents governing the autonomy of Vietnam's PSDUs in general and public universities in particular. We also interviewed staff from three universities and Ministry of Education and Training (MOET) senior officials, focusing on the development and administration of autonomy policies. Our interview sample is set out in Appendix Table 1. MOET officials determined which universities could be included. All three offer a full range of degree options and graduate as well as undergraduate study. They have different degrees of self-funding, an important factor in their institutional autonomy: one fully self-financed university

[1] In Vietnamese: *tự chủ hóa* or *tự chủ*
[2] In Vietnamese: *xã hội hóa*
[3] Growth slowed markedly from 2007 (Tran 2013) but state spending, particularly on infrastructure and wages, remained high, resulting in a rapid rise in the fiscal deficit and in public debt (see Government of Vietnam and World Bank 2017; International Monetary Fund 2018).

and two with different levels of partial state subsidy. In each university, the university administration selected the interviewees. At the researcher's request, they included senior and middle-level staff in charge of finance, personnel, research, academic affairs and quality assurance (a new role that was established at the fully self-financed university). Although the primary focus was on university management, a number of interviewees were also academics with direct experience of teaching or research while holding administration functions. Three interviewees had current teaching responsibilities; some others were full time in administration but had previously held teaching positions. The researcher also interviewed two current senior officials and one former senior official of MOET.

MOET and university officials exerted a good deal of control over who could be interviewed. Furthermore, although all interviewees were assured of confidentiality, not all were fully comfortable with participating and appeared cautious in their responses. This is not an uncommon experience in seeking information from Vietnamese officials. We are nevertheless confident with the coverage of our sample and the information obtained. The frankness of some interviews speaks for itself. We can only summarise these responses here and some key points. A fuller treatment is available in Vo (2018).

The interviews took place from November 2015 to January 2016. The key lines of enquiry for the interviews were the actual practice of autonomy amongst public universities in finance, personnel, governance and academic affairs and the influence of both formal and informal rules and norms on autonomy practices. Interviewees mostly talked about their experiences and perceptions regarding the impacts of government decrees and circulars (as opposed to laws) on their performance. The researcher also provided them, before the interview, with a set of questions addressing the effect on workplace practices of both formal autonomy measures and informal social controls. The questions on informal controls were based on discussions in the literature and the researcher's own experience in Vietnamese public organisations. They covered the effects of informal controls such as traditional hierarchical relationships, moral principles and group sanctions. They also specifically referred to reported cases of nepotism, clientelism, rent-seeking and corrupt practices and asked how these might be addressed in work units. The semi-structured, open-ended format of the questions however allowed the interviewees to move beyond them to express their own views about a particular issue or a past event relating to the topic.

University autonomy

At the most, general-level autonomy, or the ability to govern oneself, is the same for universities as for any other organisation. Anderson and Johnson (1998, p. 8), in their study of universities in 20 countries, defined autonomy as "the freedom of an institution to run its own affairs without direction or influence from any level of government". The unique dimensions of a university's autonomy are its academic freedom: to determine the content and methods of its teaching and research, as distinct from more general aspects of organisational autonomy such as staffing and finance. Anderson and Johnson (1998, p. 1) assessed the extent of institutional autonomy on seven broad dimensions. Some are clearly directly related to the university's academic mission: student admissions, progress and discipline; curriculum and teaching—methods, examination, content, textbooks; academic standards—degree standards, quality audits, accreditation; research and publication—postgraduate teaching, priorities, freedom to publish; and governance—councils, academic

boards, student associations. Others are more or less common to all organisations: appointments, promotions and status of academic and senior general staff; and administration and finance—funding of institutions, operating grants, capital and equipment grants, one-off tasks, non-government funding and accountability arrangements. But academic freedom and general organisational autonomy are connected. The general requirements of organisational sustainability—particularly sources of finance—will have a significant effect on the university's academic operations.

Studies of university autonomy in Vietnam

Existing research has examined the limits of university autonomy in Vietnam. In a case study of a key regional university, Dao (2014) observed that the university could award degrees, but only on blank certificates purchased from MOET, and could deliver study programmes, but only when approved by MOET. He found also that university staff had little influence over senior management appointments. George (2011) reported extensive state intervention in higher education curricula: not only for Marxist-Leninist studies, which are compulsory with highly prescriptive content, but also for other non-compulsory specialist studies. Based on a study of curricula in economics, social sciences and humanities, she found that university teaching staff had limited power to determine course content. MOET also had an effective monopoly on higher education textbooks, with almost no academic input into their selection.

Other studies have associated autonomisation with revenue generation. Pham (2012) explored the common practice of investing in staff and facilities for increasing enrolments in fee-generating "informal" in-service and on-site programmes, where MOET's oversight was limited and there was high student demand. Equally, Nguyen et al. (2016) discovered that the revenue opportunities of programmes where English was the teaching language led the university to lower entry requirements to boost student numbers.

Vietnam's higher education system

MOET figures showed that Vietnam had 223 universities (163 public and 60 private) in the academic year 2015–2016 (Nguyen and Ta 2018). An estimated 2.2 million students were enrolled in higher education in 2016, mostly in public universities (Le and Hayden 2017).

Participation rates (ratio of total student numbers to the official post-secondary cohort) in tertiary education in Vietnam grew dramatically from about 19% in 2008 to a peak of 30% in 2014 (UNESCO 2016), close to the average for lower-middle-income countries like Vietnam,[4] but have fallen since then. MOET figures showed a fall in annual new enrolments of about 16% between 2016 and 2018 (MOET 2019). But demand for higher education in Vietnam still far outstrips its supply. Only one third of secondary school students taking the entrance examination are able to enrol at a Vietnamese university.[5] In the last 5 years, the annual

[4] At about US$6800, Vietnam's per capita GDP is close to the average for lower-middle-income countries (source: World Bank—real per capita GDP on a PPP (purchasing power parity) basis. "World Bank Open Data". https://data.worldbank.org/).

[5] Vietnamese universities provide room for only 600,000 students of more than 1.8 million students taking the university/college entrance exams (source: https://www.export.gov/article?id=Vietnam-Education-and-Training).

number of Vietnamese in tertiary education outside Vietnam has increased by 30%, which is some indication of the pent-up demand.[6]

Nevertheless, the recent evidence suggests that the relative demand for Vietnamese university education is lessening. Although some of the decline in new enrolments may be due to restrictions imposed by the universities themselves on new entrants, there may also be changing perceptions amongst high school students and their families about the value of a university education relative to its cost. While fees are still low by regional standards, the fee increases may well be causing students to consider their options. On the other side of the equation, the general impression amongst Vietnamese students is that the quality of their education is low and heavily weighted to subjects such as ideological training of little value in securing employment. There is also a growing realisation that a degree does not guarantee a job. A recent survey indicates that, although the overall national unemployment rate is about 2.3%, amongst university graduates, it is 17%.[7]

Responsibility for higher education is fragmented. MOET oversees 54 public universities and colleges including all of the key universities; at least 13 other ministries, provincial governments and social-political organisations are responsible for the rest (Dao 2014; Hayden and Lam 2010). However, all higher education institutions, except for the two national universities under the direct management of the Prime Minister, must follow MOET's guidelines regarding academic matters including admission, curriculum, opening of new programmes and tuition rates (Nguyen et al. 2013).

The chronic under-resourcing of the sector remains a significant barrier to higher participation and greater quality. Vietnam's higher education system relies on a combination of government funding, tuition fees and other sources including private grants or gifts. The contribution of government funding to higher education is relatively low, accounting for approximately 0.25% of Vietnam's GDP (Australian Government 2018). While total expenditure on higher education from all sources increased considerably from 0.36% of GDP in 2001 to 1.0% of GDP in 2012, this expenditure was not adequate for public universities to provide quality teaching and research as required to be globally competitive (Le and Hayden 2017). In fact, Vietnamese universities do not rank highly in the region.[8]

Vietnam's university autonomy policies and incentives

Socialist-oriented market economy and implications for autonomy reforms

In 1986, Vietnam began an institutional transition, called *Đổi Mới*, from a centrally planned to a socialist-oriented market economy, a structure officially characterised as a multi-sectoral commodity economy regulated by the market mechanism but operating under the management of the state driven by a socialist orientation (Party Central Committee 2006). The consequence of this ideological choice is that Vietnam's economic reforms have always been structured by a mix of statist and neoliberal policies (Painter 2005). The reform of the higher education sector is no exception.

[6] Source: UNESCO: 2011–2016. data.uis.unesco.org

[7] From a Bloomberg survey, cited in BBC (2017)

[8] For example, Asian regional rankings by TES/Elsevier, Ranking Web of Universities and QS Rankings. The two national universities (Hanoi and HCMC) are the only ones that appear anywhere in Asian regional rankings and then well down these lists.

The Education Law in 1998, the first following reunification, established universities as legal entities with independent management external to the state. Its successor Law on Education in 2005 specified that the role of the State was to "increase the autonomy and raise the sense of responsibility of educational institutions" (National Assembly of Vietnam 2005 article 14). However, both Laws contained little specific on autonomy and maintained the state's overall authority. Article 14 of the 2005 Law said that the state "exerts unified management of the national educational system with regards to [its] objectives, programs, content, plans, teachers' standards, examination regulations and system of degrees/diplomas".

Vietnam's first specific Higher Education Law of 2012, together with Government Resolution 77 (2014), empowered universities to offer new study programmes from an approved list; determine their enrolment quotas; manage their academic affairs; issue degrees to their graduates; and choose an education quality accreditation agency from a list approved by MOET. They could also develop strategic plans; set up, reorganise, integrate, separate and dissolve their departments; appoint and dismiss staff; and charge tuition fees within the tuition fee ranges set by MOET. MOET and other line ministries however retained the power to appoint and promote university rectors. MOET and line ministries thus continued to significantly limit universities' legal autonomy.

The amended Higher Education Law in 2018 appears to reinforce university autonomy across three key aspects (finance, personnel and organisation, and academic activities). The amended provisions in the Law however still remain general and are subject to further detailed regulations in secondary law. For example, the amended Law empowers the university council to decide appointment and dismissal of the principal and deputy principal but the council decisions must still be referred to MOET for "assent".[9] In addition, the Law no longer specifies an approved list of study programmes; universities are allowed to offer new programmes. However, universities can offer new study programmes only when satisfying MOET-prescribed criteria and are not allowed to offer new study programmes in the healthcare, teacher training, security and defence.

So far, existing regulations governing line agency approvals have remained in force. As is common in Vietnamese public law, laws governing higher education are implemented through more specific decrees and circulars. This secondary law in practice gives substance to the general and sometimes ambiguous provisions of the principal Law. In 2002, Decree 10 gave PSDUs autonomy over spending and allocation of net revenues graduated according to their dependence on the state budget. Universities could borrow, have bank accounts, carry over annual surpluses and use net revenues for investment and staff bonuses. But numerous restrictions applied. Budget had to be earmarked first for asset acquisitions and staff remuneration, and there were caps on additional staff income and allowances.

Decree 43 (2006) further expanded autonomy for PSDUs on service provision, joint ventures, equipment procurement, spending and investment. PSDUs could borrow from credit institutions and encourage investment in service activities by their staff. For fully self-financing units, Decree 43 also somewhat relaxed the caps on staff additional incomes.

Discretion in other dimensions remains limited. Many decisions over staff or curricula still require the approval of MOET or other controlling Ministries. Further, many of the legal requirements are not clearly specified, so that Ministries have considerable discretion on how they regulate universities' decisions. We cannot see that this discretion has been substantially altered by the 2018 amendments.

[9] Our inference. The Vietnamese in the Law is ambiguous.

"Socialisation" and revenue generation in higher education

The increased flexibility granted by Decrees 10 and 43 was mainly aimed at increasing incentives for revenue generation, a key element of the party-state's socialisation strategy. Universities were not immune. In fact, the first significant policy change predates the 1998 Education Law. In 1993, for the first time, public universities were allowed to collect tuition fees, albeit within strict limits (Hayden and Lam 2010). The Law also provided for private universities with funding entirely from tuition fees.

Decree 43 spelled out a specific objective of autonomisation for universities "to increase revenues to … materialize the undertaking of 'socialization' of service provision to mobilize social contributions to public services, thus reducing the state budget subsidy". Government Resolution 77 (2014) was a pilot scheme for fully self-financing universities to increase their average tuition rates to recover the equivalent of the state subsidy in fees and to vary tuition for individual courses, provided their average fee rate stayed within the cap. By 2017, 23 universities were taking part in the scheme (Dantri 2017). The Resolution also allowed universities to determine additional income for employees without reference to the state-regulated caps.

Resolution 77 appears to offer some modest additional incentives for full cost recovery. But there are various conditions attached. In line with the Higher Education Law of 2012, universities must meet specific criteria for new study programmes; fix their enrolment targets according to state regulations; set specific targets for joint-venture study programmes with domestic and foreign partner universities; set aside at least 25% of revenues for the capital fund; and generate surpluses for the other funds defined in Decree 43.

Government Decree 86 (2015), stipulating the adjusted tuition fee schedules for public universities, further shifts universities towards cost recovery. Self-financing units can set fees and charges themselves; units subsidised by the state budget must set fees and charges on the basis of a specific scale of "norms" set by the controlling Ministries. The norms increase to an assessed "full cost" from 2016 to 2020, implying an equivalent reduction in their state subsidy. This approach to setting tuition fees continues to be reinforced in the amended Higher Education Law in 2018. The private cost of university education in Vietnam, whether at subsidised or unsubsidised universities, remains low relative to other countries in the region, but with the requirements of Decree 86 to move to full cost recovery over 2016–2020, it has been rising. Next year, the fees for a basic bachelor's degree will be about US$1100 in fully self-financing universities or about US$560 in subsidised ones; at the top end, annual fees for specialised qualifications in medicine will be respectively US$2900 and US$820 (Zing.vn 2019).[10]

In sum, the principle of university autonomy in the legislation is heavily qualified by the limits set by the state. Perhaps, the only area of significant change has been in the strong commitment to a full cost recovery of higher education services by giving universities a range of incentives to generate revenues.

[10] It is hard to find conclusive evidence about what high school graduates are substituting for university, apart from longer periods of unemployment or work outside Vietnam. In terms of further education, part of the response may have been an increase in the number of students going offshore: between 2014 and 2017, the numbers increased from 59,000 to 70,000; but this explains only a small part of the shift away from Vietnamese universities. The MOET official view is that graduates are shifting into non-university vocational education, where job prospects are better: the surveyed unemployment rate for those attending short-term vocational training is only 6%. We cannot find published statistics to test this proposition.

Autonomy in practice: three public universities

The following discussion draws on the interviews with staff in the three public universities and senior officials from MOET, covering finance, personnel management and governance, together with educational issues related to student enrolment, study programmes and curricula, and research. University staff also discussed informal practices like the receipt of under the counter payments.

Financial management

Fees and charges and state subsidy

The state regulates tuition fees of all three universities, whether fully self-financing or partly self-financing. Many employees believe that the caps on tuition fees significantly restrict service quality:

> Some universities can invest in high-tech equipment but refrain from allowing students to practise on the equipment due to the fear of incurring costs for major repair. Meanwhile, a number of universities do not have enough money to invest in equipment and laboratories. Vietnamese students are strong in theory, but poor in practice and technology (deputy principal, university C).

Interviewees in university A (fully self-financing) thought that the state-prescribed tuition fees disadvantaged it compared to partly self-financing units. According to a deputy principal, the caps on tuition fees, coupled with MOET-prescribed limits on student-lecturer ratios, led many universities to inflate the number of lecturers on their payroll by signing fake contracts with outside lecturers in order to be able to admit more students to generate revenues.

The state subsidy to partly self-financing universities is based on norms (*định mức*) (principally student admission targets, number of permanent employees and pay rates, and campus sizes—broadly the number of students that can be accommodated by the teaching spaces). However, the state does not guarantee that this supplement will meet the gap between fees and costs. A deputy principal of university B complained that the state set norms for numbers of staff, but did not ensure sufficient funds to pay them.

The state budget that actually reaches universities can be more or less than the amount required by the norms. Actual budget allocation is heavily influenced by the common Vietnamese "applications-grants" process[11]: the legislature approves annual budgets for PSDUs but these units must then apply to their controlling authorities for funding. The power of these authorities to control budget setting can be abused and lead to bribery (deputy principal, university B).

Spending

Government Decrees 16/2015 and 41/2012 prescribe that all PSDUs fix their staffing based on official staffing structures (*cơ cấu viên chức và vị trí việc làm*). State-subsidised PSDUs must get approval from their controlling authority for their staffing plans. Fully self-financing units need only inform their controlling authority of their staffing plans, but various provisions discussed below restrict this apparent greater flexibility.

[11] Literally translated as the "asking-giving" mechanism (*cơ chế xin cho*).

All universities, state-subsidised or not, are subject to norm limits for other expenses, including cars, phones, per diems, hospitality and conference fees. Most of these spending norms (*định mức chi tiêu*) are also "irrationally low" (deputy principal, university A). Many respondents confirm that universities game this system of norm-based spending control. For instance, the state sets a tight limit on spending on receiving visitors. Consequently, universities will make up a virtual number of visitors higher than the actual number. Similarly, a low spending cap is placed on travel, and universities inflate the reported travel days above the actual number. A deputy principal of university A observed: "so this system is a sham. MOET overlooks these frauds even when the ministry is aware of them. The system is not operational in the sense that regulations are ostensibly respected but fraudulent acts are used to counteract unrealistic provisions".

The state supplements formal rules and norms with informal controls on all types of universities, including fully self-financing units assigned autonomy in a number of spending items. The informal control is maintained by the university's Party Committee. The party-state requires that all types of universities establish their own internal expenditure regulation (*quy chế chi tiêu nội bộ*) conforming to the official norms. Under Party rules, the spending level of the items not regulated by the state must be jointly established and agreed on by all employees, but in practice by the senior members of the Party Committee.

The party-state also maintains its control of universities' spending by requiring them to pay all revenues, budgetary and non-budgetary, into accounts of the State Treasury. Many respondents said that the state regards fees and charges as state budget revenues, even though PSDUs are legally empowered to retain them. Respondents claimed that the Treasury's role, which includes pre-audits of expenditures against budget with attendant processing delays, demonstrated that the legal principles of autonomy cannot be realised in practice.

Personnel management

Recruitment, appointment and dismissal of state employees

Universities' freedom to manage their own human resources is also significantly restricted by both formal regulation and informal practice. For all universities, MOET effectively controls all academic employment above the grade of senior lecturer. Principals and deputy principals are classified as civil servants under the Law on Cadres and Civil Servants; all three universities confirm that MOET controls their recruitment, appointment, increase of ranks and grades, secondment, dismissal and performance appraisal. MOET also decides the appointment of senior academic staff (associate professors and professors), although neither the 2012 Law nor Decree 43 gives it this authority.

Remuneration of permanent staff is similarly regulated. The state sets pay scales for all universities based on national scales for state employees and civil servants. The official basic rate is regarded "low" and "not down to earth" (deputy principals of university A and university B). It has been adjusted over time for rising living costs, but is still significantly short of a basic living wage (see Bruynooghe et al. 2008; Poon et al. 2009). The differential between wages for lower- and higher-level positions is also arguably too small to be a meaningful incentive for performance (Bruynooghe et al. 2008; Poon et al. 2009).

All three universities can legally employ contract lecturers but there are significant restrictions on their ability to do so. The rates that partly self-financing units such as universities B and C can offer contract lecturers are limited by payroll norms. Fully self-financing units can

pay above the official contract rates: university A maintains a low number of permanent lecturers and attracts more prestigious and well-qualified lecturers on contract (finance manager, university A), but this too has its restrictions.

Firstly, all universities face other restrictions on payroll size. For example, replacement of departing staff has been restricted by various regulations aimed at downsizing PSDUs. The most recent, Decree 108/2014, limits recruitment to half the vacancies created by departing staff. In 2013, MOET directed university A, which has the legal authority to determine its own payroll, to freeze teaching and administrative staff numbers below its approved establishment of 300: "an example of half-hearted, formalistic and fake autonomy; actual autonomy is not too different from independence within an iron cage" (personnel manager, university A).

Limits on universities' ability to recruit additional staff also effectively limit student admissions. MOET's Circular 32/2015 limits the number of students the university can admit by the number of permanent teaching staff (with different ratios for different qualifications). For example, in 2015, university A enrolled 2300 students, well above the permitted maximum number per lecturer. As discussed above, the university had some flexibility to meet the shortfall by contracting outside lecturers but is not allowed to include these lecturers as part of its payroll, except those on a minimum 12-month contract. The lecturers must also be employed only by the university and not on the payroll of any other state agency. As of 2017, university A could employ only a few dozen of these lecturers, many fewer than required to meet the prescribed staff/student ratio.

The Higher Education Law empowers universities to do their own recruiting, but this power too is restricted by various decrees, circulars and instructions. These provisions set out detailed procedures for recruitment, but, from the viewpoint of respondents, following them is not worth the effort when a qualified applicant does not wish to take the job because of the low state-regulated basic wage and the modest additional income that the university can offer.

Appointment procedures are no easier than those for recruitment. A personnel manager of university C claimed that "the appointment process is too lengthy. Following the process requires lots of hard work. Since the process involves meticulous steps, it inevitably results in shortcuts". The respondent provided an illustration: "good health is a requirement for promotion but officers may have to "buy health": if they do not wish to take a medical examination, they can give an "envelope" (bribe) to a health practitioner to obtain a certificate.

Recruitment and appointment of university staff, like other state employees, are influenced and constrained not only by formal rules but also by informal factors, of which the most notable are nepotism and cronyism. Some respondents believed that these are the norms in Vietnam's public sector:

> … nepotism and cronyism have become unwritten rules in the Vietnamese public sector. The rule of law principle is in many cases breached because people in power still grant positions in PSDUs to their children and networks (deputy principal, university A).

A personnel manager of university C regarded nepotism and patronage as the most important informal criteria in recruitment and promotion, referring to the Vietnamese popular saying "descendants come first, relationships second, money third, and knowledge fourth" (*nhất hậu duệ, nhì quan hệ, ba tiền tệ, bốn trí tuệ*).

Some respondents believe that the value of sentiments over reasons (*trọng tình hơn lý*) and the cultural belief that "a bad compromise is better than a good lawsuit" (*dĩ hòa vi quý*) are the

major informal factors that affect universities' decisions on personnel matters, including dismissal. These cultural values, underpinned by Confucianism and Buddhism, emphasise that legal rules are subordinate to moral and pragmatic expediency.

For example, Decree 29/2012 provides that PSDUs can terminate an employment contract with state employees for two consecutive years of weak performance or if their skills are no longer needed. But this is easier said than done. In university B, the dismissal of lecturers in French and Russian language was a formidable task even though the teaching of these languages had become redundant:

> For example, the university recruited a few lecturers to teach Russian and French, but … [after course demand has dropped] the university continues to employ them and has transferred them to other faculties/departments of the university. The university does not fire them because of the long-time commitment they have made to it. The state's downsizing policy stipulates that lecturers have to achieve a foreign language standard to be able to take a test to become permanent employees. In practice, if they do not meet the standard, they still can work for the university under a temporary contract. Their benefits are the same. The only difference is that they are not promoted. In reality, many staff who are under temporary contract may work for the university for a long time (deputy principal, university B).

This example, while showcasing how legal rules are superseded by moral and pragmatic expediency, points to the career-based nature in Vietnam's public sector which tends to prize seniority above professional expertise and practical skills (see also Bruynooghe et al. 2008).

Performance appraisal, wages and additional income

Performance appraisal of state employees is at the discretion of university principals. At university C, payment of additional income for employees takes performance into account. A personnel manager of university C said that performance is assessed based on employees' self-evaluation, the assessment of the employee's line manager and of the university's evaluation committee, and students' course feedback; it is based in practice mostly on task completion and compliance with professional regulations although with some regard to engagement in other university activities.

Despite the emergence of performance-based pay, the practice is generally formalistic because the basic wage has already been prescribed by the state according to employees' positions or grades. Performance-based pay also makes little difference to salary margins in the three universities. For university A, functional departments/teaching faculties are supposed to appraise employees' task achievements every month. In principle, the university pays more for those who have better performance, but this is not implemented consistently or frequently (personnel manager, university A). In university B, it is difficult to realise performance-based pay in practice because the university applies a "soft" approach to appraising its employees given the "educational environment" (personnel manager, university B).

Governance

The Higher Education Law and Decree 16/2015 mandated the establishment of a governing council (*hội đồng trường*) for each university to decide long-term strategies and plans. This

role is arguably in conflict with existing Vietnamese governance structures. All public entities in Vietnam, including all public universities, already have a Party Committee with key staff as members. Party Committees uphold the Party's guidelines and lead the overall entity operations. All three universities believed that a governing council was unnecessary because most council members were also members of the Party Committee and most of the council's tasks are similar to those of the Party Committee. A personnel manager of university A maintained that the governing council was definitely subordinated to that of the Party Committee, which is the leader of all aspects of the university including personnel, organisation and finance.

The governing council is also perceived to have little significance in key personnel matters. In principle, the council should appoint the university's rectors but, in practice, it is limited to proposing candidates: the line ministry (*bộ chủ quản*) of the university holds the real power of appointment (deputy principal, university B). A former senior manager of MOET said that the line ministry's personnel department is deeply involved in these senior appointments and its process can override the council. Thus, the line ministry's role is seen as greatly undermining the council's mandate and effectively contradicting its reason for being. The line ministry of a university also effectively controls personnel and financial management, nominally the council's responsibility. These conflicting mechanisms effectively render the governing council redundant. University governing councils still exist but are thus widely viewed as a formal legal requirement with no substantive role.

An interviewee contended that the university council has not been able to appoint the principal and deputy principal because MOET does not want to relinquish the substantial benefits arising from the power of appointment:

> The Higher Education Law is administered by MOET, which, like any executive agency, pursues its own interest. The interest groups of MOET want to concentrate as much power as possible in themselves. Hence, the interest groups create various 'applications-grants' mechanisms, such as the authority of the governing council to propose candidates for universities' principals and deputy principals, so that they can get private benefits at the expense of the public interest. If the governing council had the power to make these appointments, the Personnel Department of MOET would lose that great power, which itself breeds many great benefits. The Department has thus sought to maintain that power to protect the accompanying benefits (former senior manager, MOET).

The recently amended Higher Education Law strengthens the power of the university council in appointing the principal and the deputy principal. Nevertheless, given the limitation in the amendment, MOET still can exert its control in the process through giving assent to the university council's decisions. The policy intent in mitigating the rent-seeking and corrupt issues bred by existing "applications-grants" mechanisms is thus questionable.

Teaching

Student admission

Since 2011, MOET has allowed universities to set their student admission targets according to their permanent staff numbers and the size of their campus. Previously, MOET assigned

university admissions targets, which could be lower than the universities requested. A deputy principal of university B does not see this permission as an entitlement:

> Under the current rule, universities are granted autonomy in student admission targets, but they must base them on their number of lecturers and facilities. This mode of control is irrational for personnel management and productivity since universities can contract adjunct professors to deliver lectures.

This control, though less restrictive, has led universities to pad lecturer numbers to increase their student admission targets (academic affairs manager, university A). Similarly, some universities have been tempted to invest further in high-tech equipment and facilities to be able to admit more students and get more research funds, rather than to serve academic purposes (deputy principal, university C). As noted above, this practice can lead to expensive equipment lying idle because budgets do not cover its maintenance.

Universities can set their annual student admission targets but, according to current rules, once MOET has agreed to targets, they cannot be exceeded. An academic affairs manager of university A considered that this rule carried risks. If universities exceed the targets, for example by lowering the minimum national exam marks required for entry, they may be penalised. If they fall short of targets, they may suffer a revenue shortfall.

An academic affairs manager of university B argued that this regulation holds universities to an unreasonably precise forecast of admissions. An academic affairs manager of university C, which was once penalised for admitting students above forecast, argued that universities should be able to determine their student targets as long as they bear full responsibility for the quality of their outputs.

Establishing high-quality classes and new study programmes

MOET's Circular 23/2014 stipulates that "high-quality" study programmes are those with quality and output standards higher than the equivalent mass study programmes and which meet criteria specified in the Circular for curriculum, admission, lecturers and professional staff, organisation and provision of educational services, research, international cooperation, and facility and infrastructure. Universities can provide "high-quality" classes if they meet these criteria and set their tuition fees free of state control.

There is thus a strong incentive for universities to create approved "high-quality classes" to generate more tuition fee payments. It is questionable if these classes are indeed all of higher quality than normal classes. A deputy principal of university C said that the high-quality classes are different not because of their quality, but because "students are examined on what they are taught whilst students [in mass study programs] are not".

As with high-quality classes, universities can offer new study programmes providing that they meet MOET criteria. One important criterion is the required quantity and quality of permanent teaching staff. In this regard, the requirements placed on private universities are more relaxed than on public universities: for example, a private university can appoint a retired professor to the permanent teaching staff; a public university cannot (academic affairs manager, university C). The creation of new study programmes may also be driven mainly by the desire to increase revenues: "a lot of universities are rent-seeking in providing mass study

programs and opening up new study programs extensively. They have especially been rushing to launch study programs that promise to be profit-making whilst avoiding the basic science which requires huge investment but attracts only a few students" (academic affairs manager, university C).

Academic curricula

MOET regulations and guidelines cover almost every aspect of academic services. Some are detailed and compulsory, while others provide flexibility for universities to decide themselves (academic affairs manager, university A). For example, the universities have to follow the MOET's frameworks for academic curricula, but have some room within these frameworks to construct their own curricula. With relative independence in the development of academic curricula, the three universities appear able to some extent to build on their strengths. For example, university A has based its curricula on three orientations: research-oriented, practice-oriented and application-oriented. University B has been able to revise its curricula every year, aligning them with changes in Vietnam and the world at large. The university has gradually increased the proportion of work in labs or with equipment, as well as internships. University C has developed a profession-oriented higher education programme with standards based on industries' requirements for specific disciplines.

While universities are mostly able to decide the knowledge content of disciplines they offer, they must include the MOET's prescribed common knowledge in every discipline. This core requirement includes Marxist-Leninist political sciences, scientific socialism, history of the Communist Party, Ho Chi Minh Thought, defence and security education, and physical education. MOET prescribes the curriculum, materials, volume, time, examinations and assessment for these courses in detail. The three universities studied in this research take compliance with these requirements for granted as an element of the Vietnamese political system. An academic affairs manager of university C associates the study of these common courses with the understanding of the country's political contexts and the ability to think "philosophically" and "logically" while another academic affairs manager at university A considers their content "essential" and "foundational".

Research

Interviews with the three universities show that universities are entitled to decide research topics if they are funded by their own budget. They have less discretion with respect to ministerial- and state-level research funded by MOET and other ministries. During 2012–2014, universities could bid for ministerial-level and state-level research funding for their projects. From 2015 onwards, MOET reverted from taking bids to allocating research funds a priori, based on a number of additional criteria not directly related to research performance including (according to respondents) number of students, number of permanent lecturers including doctors, associate professors and professors, campus size, number of research projects completed, textbooks written, and national and international research papers. The main reason for the switch was that many small universities could not compete with bigger universities for ministerial-level research; it was "inevitable" because ministerial-level research was an important criterion for ministerial-level and state-level performance awards (research manager, university A).

For university A, this funding approach is unfavourable because it focusses on distance study and has limited on-campus size and a relatively low number of permanent teaching staff. Although its number of admitted students and academic performance (measured through the percentage of graduates in employment) are said to be comparable to many bigger universities, the MOET's research funding does not take these criteria into account. University C faces a similar disadvantage. Even though its research capacity of the university is perceived to be comparable to that of bigger universities, this is just one of MOET's criteria:

> Research capacity is in many cases secondary in the funding decision. The research funding decision is predominantly characterised by the 'applications-grants' mechanism. Some universities must have good relationships with MOET to be allocated research funds. The close connection would have brought huge benefits for MOET given that universities must '*ask*' to be 'given' whilst they ought not to '*ask*' but still should be 'given' based on their research capacity (research manager, university C, with the emphasis on 'ask' implicitly meaning 'bribe').

Research is a MOET requirement of academic staff. MOET's Circular 47 requires at least one third of a lecturer's working year to be devoted to research and that their annual performance evaluation take this obligation into account. A research manager of university C confirms that, in practice, lecturers can convert compulsory research time into teaching hours. For example, in university C, a lecturer's compulsory time for research in a year is equivalent to 150 standard hours of teaching in that year. Most lecturers regularly exceed the standard teaching time. Many lecturers also teach at other universities outside their working hours at their own university. In the respondent's view, the switch from research to teaching is common because staff are not keen on doing research, which is seen as a hard job with unsatisfactory income and a discouraging research environment, including the difficulty in extracting research funds from MOET.

Choice of research topics is also restricted; this may also be an important demotivating factor. In this regard, a former senior manager of MOET refers to the revocation of the Master's degree of Do Thi Thoan[12] as "a typical example of the brutal violation of academic freedom in Vietnam" and "a convincing proof that Vietnam cannot have academic freedom due to its political characteristics".

The solicitation and receipt of "envelopes"

Interviewees referred to the practice of "envelope" or "under the table" payments from students in exchange for getting higher marks or passing courses. A deputy principal of university C believed that this form of petty corruption is common. A financial manager of university A said that it would be a "delusion" to believe that "envelope" payments no longer exist.

Most academic affairs managers and quality assurance managers of the three interviewed universities, however, believe that "envelopes" related to exams may have reduced because, with the separation of educational activities from testing and marking, exams are now being carried out in an independent and objective manner. Course lecturers do not know which exam questions will be used in a particular exam: they are taken from the university's exam question

[12] Ms. Thoan's thesis was criticised in the state media for lack of political correctness; her degree was revoked, she lost her job as a contract lecturer and her supervisor was forced into early retirement (Lebowitz et al. 2014).

banks managed by the university's Testing and Quality Assurance Department. Course lecturers also cannot know the identity of the owners of the exam papers they are marking because this detail has been encrypted by a separate team also from the Testing and Quality Assurance Department. The solicitation of "envelope" payments in exchange for higher marks or exam passes seems therefore to have considerably decreased.

There is no evidence of a similar improvement with respect to home-based assignments and theses. Some respondents referred to the rumours that theses at different levels of study (i.e. undergraduate and postgraduate) have different prices: the higher the degree, the more expensive the thesis. There is even a rumour that advice is passed to Master's students on the minimum amount of money to be put in an envelope for each examiner of a thesis defence.

The incentive to solicit "envelope" payments is arguably a consequence of low state-regulated basic wage coupled with the limited additional income due to the stringent caps on tuition fees (deputy principal, university C). The "asking-giving" culture is also probably a factor: "Supervisors behave as if they are giving favours rather than delivering services while students act in the manner of asking for favours" (academic affairs manager, university B).

Discussion and conclusion

The evidence from these three universities demonstrates that actual autonomy is constrained not only by formal state-specified rules, regulations, norms, quotas, procedures and processes but also by the informal control of the party-state and various informal social norms and cultural values. Party-state control mainly concentrates on the choice and use of resources in service provision, primarily to secure universities' strict adherence to centrally imposed rules and regulations. State employees are thus generally administrators preoccupied with conforming, or pretending to conform, to rules rather than managers more concerned about achieving targets and responding to clients. On the other hand, regulatory control is not fully effective in practice: universities may violate state regulations when they have personal or organisational incentives to act outside the rules.

These findings show the very limited scope of autonomy of public universities in Vietnam. Apart from the measures intended to shift the financing burden of higher education away from the state budget and towards students and their families, the policy changes do little to increase universities' substantive academic or management autonomy. The increased flexibility that universities achieve in practice is almost entirely due to their ability to game the formal controls in place to secure additional revenue for the organisation and individual staff members. These findings resonate with Dao's (2014) claim that autonomy granted from MOET is conditional and especially restricted in some dimensions. Interestingly enough, this research while supporting George (2011, p. 227) who notes that in Vietnam the state oversight of Marxism-Leninism curriculum remains "non-negotiable" appears to slightly depart from her finding when exploring that the MOET-prescribed curriculum frameworks provide some room for universities to construct their own curricula. This finding indicates that the state may over time keep a less tight control over non-compulsory studies.

The official definition of autonomisation in Vietnam bears little correspondence to the concept of "agencification" in OECD countries. With few exceptions, universities in Vietnam are seen as dependent agencies in an administrative hierarchy with Ministries and the

Communist Party of Vietnam at its apex. Public administration in Vietnam is founded firmly on preserving the authority of the party-state and the public sector carries forward the hierarchical principles of democratic centralism which vests supreme and unquestionable leadership in the Party. Cutting across all managerial aspects of universities is the presence of the organisational network, together with the operational principles, of the party elites. In personnel, the Party retains its political power through control of the appointment, dismissal and performance appraisal of universities' principal and deputy principals. In payroll, the Party maintains a national basic salary system to uphold its core egalitarian tenet even though that system fails to recognise performance. Under democratic centralism, the academic curriculum and research of universities is closely supervised, to ensure consistency with the ideology and principles of socialism. Each university's Party Committee is deeply involved in its administration, and reports to the Party on key decisions and on any matter that may affect the Party's power and legitimacy. University staff interviewed governing councils as no more than window dressing. Overall, given the Party networks' extensive and deep penetration in all universities' operational areas, there is little likelihood that autonomisation will give Vietnamese universities any real autonomy over staffing and curricula.

Ironically, while upholding the socialist philosophy in governing and controlling public universities, the party-state seems to be marching forthrightly on the path of commercialisation of public universities through incentives to increase their non-budget revenues. As shown, such autonomy approach has resulted in a number of revenue-maximising practices (e.g. the inducement of students into high-quality classes, the extensive opening up of profit-making study programmes and the breach of the state-prescribed ratios of students per lecturer) and in many cases the misuse of university revenues for private purposes. In this respect, the research accords with Pham (2012) and Nguyen et al. (2016) who find that the expansion in student enrolment in study programmes is mainly a strategy to gain resources but unfortunately is not accompanied by an increase in educational quality. The research's further evidence strongly associates the hazards of autonomy with the commercialisation of higher education with little regard to quality improvement. Corresponding restrictions on state budget revenues have led to universities' gaming MOET rules. Opportunities to increase non-budget revenues have also contributed to their misuse for private purposes. Poor regulation adds to the problem.

Vietnam's experiences of university autonomy offer two valuable lessons to post-colonial and transitional countries which reform their higher education along market lines. First, substantial autonomy is necessary for universities if they are to improve the quality and diversity of their offerings to meet student needs. Second, appropriate incentives and regulations are important to ensure universities use their increased flexibility for wider social benefits. The infusion of market forces such as user charges, competition, freedom of choice, individual responsibilities and flexibility into the publicly financed systems of higher education services are aimed to increase efficiency and responsiveness, but state regulation and public financing still remain important mechanisms of coordination. The regulation of government and allocation of public resources are to ensure many key public values such as equity are maintained throughout the reforms.

Whatever the reason for the apparent recent decline in student demand, the evidence from our research and from recent published statements is that university academic staff are aware of the poor reputation of Vietnamese universities and the need to invest in staff and facilities to improve the quality of both teaching and research. So far, it is not evident that the autonomisation strategy has given their universities the freedom or the resources to meet this challenge.

Appendix

Table 1 Interviewees: university study cases and MOET

University study cases	Characteristics	Interviewees
Interviewees from universities		
University A	A public university under the direct control of MOET. The university provides a wide range of disciplines and applies various forms of education and training including normal, distance and in-service at different levels from colleges, undergraduate and postgraduate and transfer programmes (junior college–college–undergraduate). The university fully self-finances operating and capital expenditure.	Managers in finance, personnel, academic affairs, research, quality assurance and a deputy director (6 interviewees)
University B	A regional-level public university under the direct management of MOET. The university is considered as one of Vietnam's key universities. The university provides a wide range of disciplines and applies various educational forms including full-time undergraduate, post graduate, distance and in-service. The university is a partly self-financing unit.	Managers in finance, personnel, academic affairs, planning and 2 deputy directors (6 interviewees)
University C	A public university under the direct control of MOET. The university provides a range of disciplines and applies various forms of education and training including full-time undergraduate, post graduate and in-service. The university is a partly self-financing unit.	Managers in finance, personnel, academic affairs, research and a deputy director (5 interviewees)
Interviewees from Ministry of Education and Training (MOET)		
MOET	MOET delivers the state management function over higher education.	2 senior managers in finance and personnel and 1 former senior manager in higher education (3 interviewees)

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