

Policy Recommendations for VIET NAM Government

June 2012 by Prof. Dr Do Hau, National Coordinator for Viet nam

www.delgosea.eu

Introduction

The Partnership for Democratic Local Governance (DELGOSEA) started with the replication of best practices on local governance in February 2011. Since this time, 16 pilot cities in the five countries Cambodia, Thailand, Indonesia, the Philippines and Vietnam, have gathered experiences in implementing success stories from other countries in their own city. Transferring a best practice beyond political frameworks and cultural backgrounds of course might have impacts on the design of each replication project.

This paper shall share first insides of challenges and restrictions the countries faced implementing project on good local governance. The paper will specifically concentrate on the situation faced in Viet nam. The short and coherent recommendations will be followed by an analysis which explains the need for change and adaptation of certain public policies. The analysis is based on the experiences made in the Vinh, Tra Vinh and Da nang cities within the political framework. At the end of the paper an advocacy plan has been worked out clearly demonstrating the need for changes in the political framework by taking into account the national policy-making opportunities.

With this paper DELGOSEA wishes to strengthen the awareness of policy- and decision-makers and lobby for better frameworks allowing for better local governance in Viet nam.

Recommendations

Based on the input from the second national workshop, the recommendations are:

- Improvement of legal framework(law on local governance, Environmental Protection Law, E-Government)
- Supporting capacity development
- People's participation(The Guidelines for community participation)

Problem Analysis

There are three pilot cities were selected to replicate best practices on 3 topics:



This project is co-funded by the European Union.



A Project implemented by the consortium: Konrad-Adenauer-Stiftung e.V., Thailand Environment Institute (TEI), Local Government Development Foundation Inc. (LOGODEF), United Cities and Local Governments for Asia and Pacific (UCLG-ASPAC), Association of Indonesian Regency Governments (APKASI), Association of Cities of Vietnam (ACVN), and National League of Communes/Sangkats of the Kingdom of Cambodia (NLC/S).



- 1) Vinh replicating the Best Practice on "Eco saver system of Marikina (Philippines)",
- 2) Da Nang, with BP on "Old town preservation and investment attraction for local economic development, Phuket (Thailand)" and
- 3) Tra Vinh with the BP on "E Governance system as the breakthrough for local governance and public services of Yogyakarta, Indonesia".

These three projects are in line with National programs on public administration mission and objectives, Millennium commitment, international integration and investment attraction for development. Vietnam has successfully implemented the "Doi moi" (renovation) and Reforms since 1986, initiated by Vietnam Communist Party at Congress VI and maintained until Congress XI (2010).

The transformation of subsidized economy into market oriented economy, identified in Constitution 1992, and the declaration of building a legitimate state in the Constitution 1992, revised in 2001 are crucial political decisions in Vietnam's reform and open integration process. The accession in ASEAN community in 1995 and WTO in 2007 is an important political milestone for studies and projects, as mentioned above.

Some relevant legal document promulgated promptly are: Environment Law (2005), Investment Law (2003); Grassroots Democracy Ordinance (2005); Law of Local Government organization (People Council and People Committee) in 2003; together with Governmental document: Comprehensive Administration Reform Program (2001-2010), Resolution 8/CP (2004) on Central – Local Decentralization, Resolution on Public Administration Reform period 2011 – 2020), Resolution on developing Vietnam into a strong nation of information technology (2010), etc have targeted to establish a democratic, transparent administration system for the people, and for development. These are solid foundation for the implementation of three above projects.

During more than 25 years of Doi Moi, Vietnam has implemented the open policy and international integration in both economic development and other political, socio cultural aspects, not counting for different political regimes. The country has focused in carrying out studies and programs to adapt new development and governance experience, appropriate for Vietnam condition.

In parallel with fundamental economic development objectives, Vietnam has followed a consistent direction in social development and public private partnership to promote the role of social organizations, NGOs, private sector. Currently, with more than 400 central associations, nearly 5000 association organizations, and NGOs of provincial level; tens of thousands associations of district and ward/commune level, a civil society has been primarily initiated. Those CSOs and the whole people are being mobilized as development resources and are actively involved in State work. Thus the signing of MOU between Danang, Vinh and Tra Vinh with ACVN and DELGOSEA project team is based on a solid legal foundation, which is favourable for successful implementation.



This project is co-funded by the European Union.



A Project implemented by the consortium: Konrad-Adenauer-Stiftung e.V., Thailand Environment Institute (TEI), Local Government Development Foundation Inc. (LOGODEF), United Cities and Local Governments for Asia and Pacific (UCLG-ASPAC), Association of Indonesian Regency Governments (APKASI), Association of Cities of Vietnam (ACVN), and National League of Communes/Sangkats of the Kingdom of Cambodia (NLC/S).

However, during the project preparation and implementation, there are some following obstacles and challenges to overcome:

- Difference in political and legal framework between the Best Practice and Pilot:

Vietnam Constitution identifies that Vietnam Communist party is the only leading force of the State and society, but all party organizations at central and local level act under the National Constitution and Legal system. As identified by the Constitution, Vietnam is a State of Law; all legal documents issued by the State are the foundation for practical execution. However, the establishment of a comprehensive State of Law of Vietnam is still on the way. Organization principles and operation mechanisms have not been adequately formulated.

On the other hand, the Party leads the country by its direction and policies, which have been regulated in the Party Resolution, and specified in Central and Local Legal texts. Thus, we need time to synchronize policies of Local Party Committee and Local Government with the project goals and work plan.

- Vietnam State structure is unique, centralized with decentralization between national and local levels. However, in Vietnam, local autonomy and individual responsibility is still limited, while in other countries, there is already a strong system of local decentralization, with mayor mechanism and individual responsibility. In Vietnam, collective work regime still exists, which constrains dynamic and active performance and hinders management responsibilities. This has resulted in low management effectiveness and time consuming public work.

- Democracy is a process. Vietnam is in this process, however, the State still plays the leading role. Subsidy is prominent. Resources from the people are not well mobilized for public affairs. This is an obstacle for the implementation of 3 pilot projects in Vietnam.

Advocacy Plan

Introduction:

Through the process of applying three BP models in 3 cities ò Vinh, Da Nang and Tra Vinh in recent years, cities faced some difficulties in three main areas that is:

- The policies, institutional issues related to the theme of BP implementation;
- The capacity of staff of local authorities and other relevant organizations;
- The participation of communities.

To help the BP applied cities maintaining and developing in the future as well as to replicate the BP models for other cities in Viet Nam, the formulation of plans to mobilize and organize a meeting with agencies of central government and provincial



This project is co-funded by the European Union.

A Project implemented by the consortium: Konrad-Adenauer-Stiftung e.V., Thailand Environment Institute (TEI), Local Government Development Foundation Inc. (LOGODEF), United Cities and Local Governments for Asia and Pacific (UCLG-ASPAC), Association of Indonesian Regency Governments (APKASI), Association of Cities of Vietnam (ACVN), and National League of Communes/Sangkats of the Kingdom of Cambodia (NLC/S).

governments is essential. Government Agencies involved in recommendations are: Ministry of Interior Affairs, Ministry of Construction, Ministry of Natural Resources and Environment, Ministry of Finance, Ministry of Information and Telecommunications, Ministry of Culture, Sport and Tourism. The policy recommendations have been proposed by the BP applied cities and by DELGOSEA project specialists in the National Workshop II and it will be presented by ACVN and project experts to other State Agencies for reviewing and will gradually change, and complete in the future. This activity will be carried in following forms:

- ACVN setting up meetings in the ACVN office, inviting relevant ministries to show the achievements of the DELGOSEA project and present the policy recommendations;
- ACVN will send documents to the local government at provincial level for Tra Vinh, Vinh and Da Nang city;
- The operations will be deployed mainly in July and August 2012.

Improvement of legal framework recommendations:

Recommendation 1	
Preparing the Law on local government	Concerning the proposed local government legislation, formerly the Government has adopted Law of Local Government organization (People Council and People Committee) in 2003 and Resolution No 8/CP (2004) on Central - Local Decentralization, Resolution on Public Administration Reform period 2011 to 2020). However the decentralization is not mentioned much in the documents.
Requested Amendment:	Law on local government towards more decentralization will raise local autonomy, and self-responsibility and dynamic, creativity in city management. In the short term, it is focused on the decentralization, given sufficient authorization power for cities and towns following the request of the overall program administrative reform.
Addressee:	To Ministry of Home Affair
Submitted by:	ACVN is going to advocate for this



This project is co-funded by the European Union.

A Project implemented by the consortium: Konrad-Adenauer-Stiftung e.V., Thailand Environment Institute (TEI), Local Government Development Foundation Inc. (LOGODEF), United Cities and Local Governments for Asia and Pacific (UCLG-ASPAC), Association of Indonesian Regency Governments (APKASI), Association of Cities of Vietnam (ACVN), and National League of Communes/Sangkats of the Kingdom of Cambodia (NLC/S).

	recommendation.
How to Advocate:	ACVN will hold a meeting with representatives of the Ministry of Internal Affairs to present the recommendations

Recommendation 2:	
Overhauling, reviewing all of the provisions of the Environmental Protection Law and amending and supplementing the Law on Environmental Protection	<p>Environmental laws come to enforced since 2005. However it stopped in principle, the provisions , not specifying to apply. Therefore, it Should be amended and supplemented this law.</p> <p>Decree No. 80/2006/ND-CP of the Government detailing and guiding the implementation of some articles of the Law on Environmental Protection is still too general, difficult to apply.</p> <p>Decree No. 21/2008/ND-CP of the Government has not regulated any provisions for projects which are not required to have environment impact assessment but within the project if there is a work belongs to the subject categories which must have reports on environment impact assessment, the projects are required to report.</p>
Requested Amendment:	<p>-Building a decree on strategic environmental assessment, environmental impact assessment and commitment for environmental protection, decrees on environmental protection fees for waste gas</p> <p>- Amendment of technical regulations on the environment related issues, the legal documents guiding in detail and the provisions of the Law on environmental protection.</p> <p>- The financial mechanisms for the project which serve community such as environmental projects.</p>
Addressee:	To Ministry of Natural Resources and Environment
Submitted by:	ACVN is going to advocate for this recommendation.
How to Advocate:	ACVN will hold a meeting with representatives of the Ministry of Natural Resources and Environment to present the recommendations.

Recommendation 3:	
--------------------------	--



This project is co-funded by the European Union.

A Project implemented by the consortium: Konrad-Adenauer-Stiftung e.V., Thailand Environment Institute (TEI), Local Government Development Foundation Inc. (LOGODEF), United Cities and Local Governments for Asia and Pacific (UCLG-ASPAC), Association of Indonesian Regency Governments (APKASI), Association of Cities of Vietnam (ACVN), and National League of Communes/Sangkats of the Kingdom of Cambodia (NLC/S).

<p>Promulgate norms and criteria for construction of e-government applied for administration levels and incentives policy for people working in informatics technology at district level</p>	<p>Currently in Vietnam, there are no provisions on specific criteria by authorized bodies for building e-government. Therefore, each city developed e-government in different directions leading to the connection between central, local and branches and levels are difficult, inconsistent and wasted.</p> <p>Funding for the implementation applied informatics technology as well as for e-government implementation is very limited and it is not in a certain percentage that leads to inconsistencies in investment of the system and equipment.</p> <p>There is no policy for officials who are in charge of informatics technology management at the City therefore it is difficult to recruit the experts in that field</p>
<p>Requested Amendment:</p>	<p>Promulgate norms and criteria for construction of e-government applied for administration levels</p> <p>Prepare policy provisions to provide funding for the deployment of informatics technology applications and e-government as well as policies and incentives to officials in informatics technology management in cities.</p>
<p>Addressee:</p>	<p>To Ministry of Information and Telecommunication</p>
<p>Submitted by:</p>	<p>ACVN is going to advocate for this recommendation</p>
<p>How to Advocate:</p>	<p>ACVN will hold a meeting with representatives of the Ministry of Information and Telecommunication to present the recommendations</p>

Supporting capacity development recommendations:

<p>Recommendation 4:</p>	
<p>Request international organizations, ACVN and provincial governments continue to support cities to</p>	<p>With BP applied cities, in order to maintain and replicate the model of BPs, should continue to organize training courses to strengthen the capacity of local government and communities.</p>



This project is co-funded by the European Union.

A Project implemented by the consortium: Konrad-Adenauer-Stiftung e.V., Thailand Environment Institute (TEI), Local Government Development Foundation Inc. (LOGODEF), United Cities and Local Governments for Asia and Pacific (UCLG-ASPAC), Association of Indonesian Regency Governments (APKASI), Association of Cities of Vietnam (ACVN), and National League of Communes/Sangkats of the Kingdom of Cambodia (NLC/S).

organize the training courses to improve capacity for local government and communities.	
Requested Amendment:	To organize training courses to enhance the capacity of local governments and communities in BP applied cities.
Addressee:	International Organizations, ACVN, provincial government
Submitted by:	BP applied cities' government
How to Advocate:	ACVN continues to be a bridge between the cities in Vietnam and Southeast Asia countries.

People's participation recommendation

Recommendation 5:	
Develop guidance of community participation in urban planning	In Planning Law as well as Grassroots democracy Ordinance there are regulations on the participation of communities in urban planning. But there are no specific guidelines on the participation of communities in the urban planning. Therefore community participation is limited, there should have specific guidelines to mobilize resources from the community participation in the urban planning activities.
Requested Amendment:	Ministry of Construction issues the Guidelines for community participation in Master plan, Zoning plan and detail plan
Addressee:	To Ministry of Construction
Submitted by:	ACVN is going to advocate for this recommendation
How to Advocate:	ACVN will hold a meeting with representatives of the Ministry of Construction to present the recommendations



This project is co-funded by the European Union.

A Project implemented by the consortium: Konrad-Adenauer-Stiftung e.V., Thailand Environment Institute (TEI), Local Government Development Foundation Inc. (LOGODEF), United Cities and Local Governments for Asia and Pacific (UCLG-ASPAC), Association of Indonesian Regency Governments (APKASI), Association of Cities of Vietnam (ACVN), and National League of Communes/Sangkats of the Kingdom of Cambodia (NLC/S).

Conclusion

The 'Partnership for Democratic Local Governance in Southeast-Asia' project (DELGOSEA) will support any national effort towards the implementation of the above mentioned policy-recommendations.

DELGOSEA Viet nam provides the policy-makers with holistic support in order to pursue the implementation of these policies. The national network of stakeholders consisting of key officials of the Ministry of Home Affair, Ministry of Construction, Ministry of Culture, Sport and Tourism, Ministry of Finance, Academic Institutes such as the Urban Development Agency, Urban Infrastructure Department, Information and Communication Department, Hanoi Architectural University, National Academic of Administration, International and national NGOs/Agencies, and some media groups have been involved and supportive to the DELGOSEA's works. DELGOSEA Viet nam offers assistance through gathering and sharing knowledge within Vietnam and abroad by promoting national dialogues amongst concerned stakeholders as well as with policy-makers on national administrative reform program.

The DELGOSEA network, which consists of 32 partner cities and 11 Local Government Associations (LGAs) in five countries, will contribute to the implementation of the recommendations by providing the empirical and academic knowledge gathered through analysis and project implementation. All DELGOSEA publications are available to policy-makers in order to share already acquired knowledge and experiences on www.DELGOSEA.eu.

Following DELGOSEA's policy recommendations will contribute to the improvement of living conditions of disadvantaged groups in Viet nam by increasing their participation in local planning and decision-making.



This project is co-funded by the European Union.



A Project implemented by the consortium: Konrad-Adenauer-Stiftung e.V., Thailand Environment Institute (TEI), Local Government Development Foundation Inc. (LOGODEF), United Cities and Local Governments for Asia and Pacific (UCLG-ASPAC), Association of Indonesian Regency Governments (APKASI), Association of Cities of Vietnam (ACVN), and National League of Communes/Sangkats of the Kingdom of Cambodia (NLC/S).

