

# STRENGTHENING LAW & GOVERNANCE IN VIETNAM



The Asia Foundation supports initiatives to strengthen institutional and human resource capacity, public-private partnerships, and policy reform in the fields of governance and law. Through a combination of grants and technical assistance, the Foundation assists organizations throughout Asia on a range of critical issues, including national and local governance, legislative development, elections, access to justice, and conflict resolution.

As a complement to its economic reform agenda, Vietnam is taking steps to ensure that all citizens and public officials understand their rights and responsibilities as prescribed by Vietnamese law, and to promote greater transparency, accountability, and citizen participation in public decisionmaking and development planning. The Foundation assists Vietnamese initiatives in these areas by supporting the efforts of government agencies, professional associations, and mass organizations through its governance and law programs.

Since the national government began implementing its *doi moi* (renovation) program two decades ago, Vietnamese officials have approved various initiatives intended to promote greater grassroots involvement in the lawmaking process. Nevertheless, obstacles to full participation remain, and the Foundation is working with Vietnamese partners to enhance citizen involvement at all levels of government.

## MORE RESPONSIVE LAWMAKING PROCESS

The Asia Foundation works in close partnership with the Office of the National Assembly (ONA) to strengthen the capacity of Vietnam's legislature, an increasingly important and active institution as the country generates and amends law to keep

pace with rapid economic growth and WTO compliance. The Foundation is supporting the ONA for a project intended to enhance the skills of Vietnam's lawmakers and create more opportunities for citizens to participate in the lawmaking process. Through this project, the ONA conducted a study assessing the scope and effectiveness of citizen participation over the last two decades and explored ways to increase it. The findings of this research are being used to develop a training manual for legislators, outlining basic concepts of public participation, and offering strategies for seeking citizen input. The project will also include the development of a web application to allow National Assembly members to solicit citizen opinions about draft legal documents via the Internet.

## ENHANCED PUBLIC CONSULTATION AND PARTICIPATION

The Asia Foundation also assisted local partners in the process of delivering their input to government around draft laws. Environmental concerns are one area where citizen input to lawmaking has been particularly successful, and the consultations have included citizens, business, and government. As part of the regional US-AEP Environment and Civil Society Partnership Program, the Foundation supported the effort of the Center for Education and Communication on the Environment (CEACE) to gather comments from its members and constituency (through forums, seminars, media events, and surveys) and participate in the drafting of the amended Law on Environmental Protection. Program activities are designed not only to enhance CEACE's capacity to participate in lawmaking, but also to improve the actual content of this amended law through consultation with stakeholders.



### VIETNAM

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The Foundation provided another grant to the Vietnam Environment & Sustainable Development Institute (VESDI) to work with Vietnam National Administration of Tourism to gather public comments and opinions on the drafts of the new Tourism Law through a series of small-scale surveys, workshops, and community meetings. Specifically, VESDI works with targeted groups including Vietnamese non-governmental organizations; professional associations in the field of environmental protection, sustainable development, rural development, and poverty alleviation; mass organizations involved in tourism activities; and communities in selected tourist areas in highland, midland, lowland, and coastal areas to improve public legal awareness on the law and to gather public comments/opinions during the drafting process.

### IMPROVED LOCAL GOVERNANCE

In recent years, Vietnam's national government has passed important initiatives calling for less central planning and granting more decision-making authority to local governments. But the implementation of these policies has been uneven. The Asia Foundation has launched two projects to shed light on the obstacles to local involvement and to promote transparency in the provincial budgeting process. These efforts have gained attention from the donor community and from the highest levels of the Vietnamese government.

In the first project, the Foundation is supporting the Hanoi Institute of Social and Economic Development Studies (HISEDs) to explore where opportunities may exist for greater public participation in the local budgeting process in Ha Tay Province. The Foundation expects to continue to work closely with local officials, citizens, and partners in Ha Tay to support targeted training and other activities aimed at building greater

understanding by commune officials and citizens of the budget process, their respective roles, and responsibilities under a more decentralized fiscal environment, and how they can become more engaged in the budget process for greater transparency and accountability.

The second initiative is a broader enquiry into local budgetary practices the Foundation undertook with the World Bank and Vietnam's Ministry of Finance in selected communes in Hanoi, and Ha Tay and Phu Tho Provinces. This study sought to understand the constraints to and incentives for communes enacting transparent budget processes, such as information disclosure about draft budget and final account balance. The findings of this study were published in the latest *Vietnam Development Report*, an annual compendium of cutting-edge development ideas published by the World Bank and other major donors.

This research also identified a weakness in the operation of some local governments: many People's Inspection Boards – intended to act as government watchdog agencies – were inactive or not operating at full capacity. They lacked staff, resources, and an understanding of the role set out for them in Vietnamese law. The Foundation is supporting the effort of the Government Inspectorate (GI) to build the capacity of People's Inspection Boards at the grassroots level. GI has worked closely with the Fatherland Front (FF) to provide training on the organization and operation of the People's Inspection Boards. The Foundation also supports GI and FF in the consultative process to solicit comments on the draft regulations guiding the implementation of provisions on People's Inspection Boards under the Law on Inspection. Taken together, these efforts are a means to increasing transparency and accountability at the local level.

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