

# Local governance in Vietnam

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*Abstract: Local governance is associated with local authorities' management activities and local people's participation, which demonstrates the mutual interaction between local authorities and the citizens during the process of social management in localities. In this paper, the people's participation in local governance activities in Vietnam according to current legal regulations is mainly analyzed in the form of direct participation and indirect participation. Given strengths and weaknesses of local governance in Vietnam, suggestions are recommended as innovations to promote the people's initiative and local authorities' efficiency in mobilizing resources for local development.*

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## LOCAL GOVERNANCE

The term "local governance" has appeared in state management activities in many countries since the 1960s; however, this term is still a new issue in Vietnam. It has even been officially used in the Party's political documents and the State's legal documents in the last decade. In the field of research, there have been different scientific perspectives and approaches to local governance. According to Ann O'M.B. et al (2011), local governance refers to both the self-management activities of local authorities and the participation of different entities in community affairs. Sharing the same viewpoint, Milohin Dêdêgnon (2013) affirms that local governance includes the adoption and implementation of regulations and procedures by organizations and institutions that allow people to express their concerns and exercise the right to participate in local development.

Similarly, there have been Vietnamese researchers addressing on the participation of different entities in social governance activities in localities. Ngoc, D.B. (2013) approaches local governance on the basis of local self-governance activities, that is: The rights and capacities of local self-governance agencies to make decisions and regulate national affairs; to manage those affairs within legal framework, with self-responsibility and for the benefit of local people; The rights are exercised through councils or conferences consisting of people elected according to the principles of free, secret, equal, direct and universal elections. Furthermore, Cuong, N.V. (2015) affirms: Local governance is implemented on the principle of local self-governance, whereby the local community is allowed to essentially decide for themselves how to resolve common affairs of the local community in accordance with Constitution and legal framework for the common benefit. According to Duc, L.A. (2016), local governance is the democratization of decision-making processes for the management within a territory, involving the exercise of responsibilities by the state and territorial units and the participation of local people, non-governmental organizations and grassroots organizations in the decision-making process.

It can be seen that these researchers have similar views on local governance, that is, local governance is basically explained as a self - management activity of local affairs, with the participation of both local authorities and the people. Accordingly, the interactive relationship between the local authorities and the people in local governance are clearly demonstrated. This paper is in agreement with the above research viewpoints; however, it is necessary to emphasize that people's participation in local authorities' activities must comply with the law to ensure order and stability in social management in localities. This means local governance is defined as a self-management activity of local affairs, in which the people participate in the decision-making process of local authorities based on the compliance with the law and mutual interactions among participating entities.

The theoretical background of this study shed the light on the affirmation that the participating entities of local governance include both local authorities and the people. There is mutual interaction between the two groups of entities within the legal framework to aim for the common interests of their

community. The subjects of local governance are the people, influenced by the exercise of the state power by local authorities to ensure their legitimate rights and interests and maintain stability, order and social development in localities. However, depending on the political characteristics of each country, it is possible to establish a local authority system operating on the principle of self-management, also known as local self-government, which emphasizes the state management by decentralization and the people's participation; the mutual interaction between local authorities and the people in performing social management tasks in localities.

## LOCAL GOVERNANCE IN VIETNAM

The basic characteristic of local governance is the participation of different entities in social governance activities; therefore, the important task of local authorities is to attract the people's participation to maximize resources to serve local socio-economic development. Ann O'M.B. et al (2011) and Cuong, N.V. (2015) emphasize the reasons for local authorities to attract the people's participation in local governance, which are: (1) Building a local authority closely connected to the people, which means that the authority must create conditions for the people to more participate in local affairs, contributing to strengthening the authority's responsibility in issuing and implementing management decisions; (2) decentralizing state management activities, which means that the local authority has the right to mobilize all local resources to carry out development tasks and the people's participation is one of the great resources.

National governance practice in Vietnam shows that attracting the people's participation in local authorities' management activities is often carried out in both direct and indirect forms, in accordance with political, cultural and ethnic characteristics of the country and its localities.

- Firstly, in terms of the people's direct participation, Vietnamese law (VNA, 2022) stipulates that the people have the right to participate in direct discussions and decide on self-governance tasks of the residential community. This refers to direct discussions and decisions on policies and contributions to the construction of infrastructure and public welfare works in communes and villages with funds contributed by the people. These discussions and decisions are made under local authorities' supervision. If more than 50% of the total number of voters or voters representing households in the village or the entire commune agree, the conclusion of the discussion will be decided and valid for implementation. Moreover, the people are given the rights to participate in direct discussions and decide on village regulations and conventions; elect and dismiss the Village Head; elect and dismiss members of the People's Inspection Board and the Community Investment Supervision Board. Meetings and decisions are made under the local authorities' supervision. Again, if more than 50% of the total number of voters or voters representing households in the village or the entire commune agree, the conclusion of the meeting will be decided and valid for implementation. Along with these rights, Vietnamese law (VNA, 2015; VG, 2015) allows the people to directly contribute opinions on programs and projects related to the socio-economic development in their localities. This is announced and implemented by local authorities. The programs and projects include: plans for socio-economic development in communes, plans for implementing programs and projects in communes, projects for new establishment, merger, division of commune -level administrative units, projects for adjustment of commune -level administrative boundaries; plans for land use in communes.

Although the people can participate in deciding local issues, there are certain limitations on the people's self-determination of infrastructure and public welfare works funded by the people themselves, of rules, regulations and self-management apparatus in villages. The people are allowed to participate in contributing ideas to the projects and programs built up by local authorities; however, the self-development of programs and projects related to the socio-economic development of localities and proposals to local authorities for implementation have not been clearly demonstrated. In fact, there are other issues that need the people's discussions and direct decisions in residential communities such as: production and business activities associated with community connection and indigenous culture of local people. Those issues are directly related to the economic, cultural and social life of residential communities in localities.

- Secondly, in terms of the people's indirect participation, Vietnamese law (VNA, 2015; VNA, 2022) stipulates that the people can indirectly participate in local management activities with recommendations and feedback to local agencies in voter contact conferences, citizen receptions and through suggestion boxes. In voter contact conferences which annually organized by commune-level

authorities (before and after the meeting of the People's Council - the local elected body), elected representatives listen to the people's feedback; then, synthesize, analyze, and report to the People's Council. In the form of a citizen reception program, local authorities organize citizen receptions periodically every year. In addition, it is legally stipulated that a suggestion box is mandatory at government headquarters. Civil servants in charge of administrative work of local authorities and the representative of the local People's Inspection Board are responsible to weekly open the suggestion box (VG, 2015) to synthesize, analyze and propose solutions to the inquiries sent, then report to local authority leaders to decide on appropriate solutions.

It can be seen that local governance practices in Vietnam show both strengths and weaknesses in terms of local people's participation in government activities. That local people can directly participate in management activities of local authorities and the nature of direct democracy and the mutual interaction between the local authorities and citizens are demonstrated are considered significant elements to build a rule – of – law state; however, local people are allowed to self – determine certain local development management tasks as infrastructure construction and public welfare works with their own contributions. The self-development of programs and projects and proposals to local authorities for consideration and implementation have not been clearly demonstrated. This situation raises an issue for further discussions and innovations to promote local people's more participation in local activities as well as support local governments mobilize more local resources for the socio-economic development.

## **DISCUSSION ON INNOVATIONS OF LOCAL GOVERNANCE IN VIETNAM**

Local governance practices in Vietnam have shown limitations in local people's rights to participate in management activities of government agencies. In the trend of increasing decentralization and building local self-government in many countries around the world, which is also Vietnam's current direction, local governance innovation is truly in need. Therefore, this paper is mainly discussed about increasing local people's rights to participate in local authorities' management activities, which aims to both promote local people's ownership and ensure local authorities' mobilization of different resources for local development.

Increasing local people's rights to participate in local authorities' management activities refers to: (1) providing local people with rights to propose initiatives, programs, local development projects to local authorities; rights to put pressure on local authorities to consider and implement the initiatives, programs, local development projects to serve the common interests; (2) having responsibilities to local authorities to consider and implement local development initiatives, programs, and projects proposed by local people. These suggestions are meaningful to local governance in Vietnamese context in a sense that the more local people's rights to participate in local authorities' management activities are, the more attention they will pay to the local authorities' management activities; local people will be more willing to contribute to their local authorities for local development; local people actively interact with local authorities to implement common local tasks. On the other hand, local authorities will show more consideration for building up local resources; enhance their responsibility to serve the people; promote local resources to have better choices for policy making to better serve the socio-economic development and local people. This discussion can be both theoretically and legally explained as follows:

- Firstly, with reference to theoretical background explaining the increasing of local people's rights to participate in local authorities' management activities, that the mutual interaction between local authorities and local people in state management activities is an essential condition for building self-government have been discussed by different researchers. According to Cuong, N.V. (2015), local governance is implemented on the principle of self-governance, that is, a local community can essentially decide for themselves to resolve common affairs of the local community within the legal framework for the common good. Phuong, N.T. (2018) also expresses scientific arguments about local governance and emphasizes: local governance is not only the duty of the government apparatus but also the participation of different social entities, demonstrating the mutual interaction between the community and local government agencies. Therefore, increasing local people's right to participate in local management activities is reasonable and theoretically explained.

- Secondly, with regard to the legal basis explains the increasing of local people's rights to participate in local authorities' management activities, Vietnamese Constitution (VNA, 2013) establishes the rights of citizens to participate in state management and Vietnamese government agencies are responsible for ensuring the rights. As for the state government, "The State guarantees and promotes the

People's mastery; acknowledges, respects, protects and guarantees human rights and citizens' rights; implements the objectives of prosperous people, state powers, democracy, justice, civilization, and all people enjoy a prosperous, free, happy life with conditions for all-round development. " (Article 3) and "all state agencies, cadres, officials and employees must show respect for the People, devotedly serve the People, maintain close contact with the People, listen to their opinions and submit to their supervision" (Article 8). As for the people, "Human rights and citizens' rights shall only be restricted when prescribed by law in imperative circumstances for the reasons of national defence, national security, social order and security, social morality and community well-being" (Article 14) and "Citizens are responsible to practice their duties to the State and society; Citizens' rights are inseparable from citizens' duties" (Article 15). Therefore, increasing the people's rights to participate in local authorities' management activities is proven with legal basis for further consideration and implementation. Local people should have the rights to propose initiatives, programs and projects for local development and local authorities should have their responsibilities to listen, synthesize and analyze the feasibility of the proposals for implementation to better serve the people.

## CONCLUSION

With a theoretical approach to local governance, this paper analyzes local governance practices in Vietnam through local people's participation in government management activities. It can be shown in practice that there are certain limitations on local people's discussion and decision on local development management tasks: local people are allowed to self – determine certain local development management tasks as infrastructure construction and public welfare works with their own contributions; meanwhile, the self-development of programs and projects and proposals to local authorities for consideration and implementation have not been clearly demonstrated. This situation raises an issue for further discussions and innovations to promote local people's more participation in local authorities' management activities. This discussion issue is both theoretically and legally explained, valuable to government leaders in adjusting policies and laws to better reform and promote the people's mastery.

Within a wider scope, the issues discussed in this paper are also consistent with the trend of expanding democracy in government organizations of different developed countries. For example, in terms of democracy implemented in America, people have the right to directly propose initiatives in the form of projects and request for consideration and implementation from local authorities (Cuong, N.V., 2015). The Japanese can be taken as another example, they are given the right to self-governance; the rights to decide on common local issues, including the right to consult, propose policies and action programs; the right to spiritual and economic activities (Phuong, N.T., 2018)). The practices of the above countries can be seen as experiences which can be applied in accordance with the political and social conditions of Vietnam. Accordingly, the discussion on increasing local people's rights to participate in local authorities' management activities in Vietnam has become more and more meaningful.

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