

A case study on the people's participation in local governance in Vietnam

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Abstract

Local governance is associated with the local government's management activities and the people's participation (including citizens and social organizations), which shows the interaction between them in the process of social management in the locality. In fact, there are many factors affecting local governance activity, among of which the citizens' involvement in the local authorities' activities plays the most crucial role. Therefore, the study of the democracy of a country is always associated with that of the people and is a research topic of great interest in the field of political and management sciences. Within the scope of this paper, the author focuses on analyzing the people's participation in local governance activity in Vietnam as prescribed by current laws. A qualitative method is used to analyze secondary data collected from the literature. Its research findings denote the advantages and limitations of local governance activity in Vietnam from the perspective of the people's participation so as that he makes some recommendations for further research related.

Keywords: Local governance, Local authority, The people, Vietnam.

1. Local governance

The term "local governance" appeared not long ago in state management activities in the world, and it is, therefore, still a new issue in many countries, including Vietnam. It has even yet to be officially used in the Party's political documents and the State's legal ones. Regarding its connotation, there have been numerous scientific viewpoints expressed in independent research works relevant. For examples, in his work 'Gouvernance locale', Milohin Dêdêgnon argued "local governance" implies the adoption and implementation of any organizations and institutions' regulations and procedures for giving their citizens permission to express their concerns and involvement in local development activities (Milohin Dêdêgnon 2013). Ann O'M. Bowman and Richard C.Kearney defined "Local governance" as a form of local government's self-governing activity and many subjects' participation in community affairs (Ann O'M. Bowman, Richard C.Kearney 2011). A French national report on human development pointed out that Local governance emphasizes its entities (including local authorities, social organizations and citizens managed by local government as prescribed by law; social organizations and citizens actively participating in local authorities' policy-making process), and the need to overcome narrow legal frameworks, etc...; Also, it stresses on the relationships between local

authorities, local partners and central authorities (Ngo Sy Trung 2019). According to USAID, “local governance” is a governing activity at grassroots level, which belongs to not only local public authorities and residential community but also the interactions between them (USAID 2000).

Recently in Vietnam, there have been a number of researchers who are interested in the term ‘local governance’ and tried to explain its connotation. In his paper, Luu Anh Duc defined “Local governance is the democratization of decision-making processes for the management of a territory, which involves both the state and territorial units’ exercise of responsibility and the population, non-governmental and local organizations’ participation” (Luu Anh Duc 2016). Dao Bao Ngoc approached 'local governance' on the basis of local self-governance, that is “local self-governing bodies’ powers and actual capacities are to make decisions on national affairs, to administer them on the basis or within the framework of the law, to hold themselves accountable to and to perform them for the local people’s benefits. Such powers are discussed through councils meetings and exercised by figures who were elected on the principle of free, secret, equal, direct and universal suffrage (Dao Bao Ngoc 2013). Nguyen Van Cuong affirmed that 'local governance' is carried out on the principle of local self-governance, whereby " the local residential community has the entitlement to self-determination of how to deal with general issues of community within the framework of the Constitution and laws for common interests” (Nguyen Van Cuong 2021).

It can be seen that the above-mentioned researchers completely agree on local governance, which is a form of self-government including the participation of both local authorities and the people; At the same time, it clearly shows the interactive relationship between them in local governance activity. Their research viewpoints have contributed to clarifying the connotation of the term ‘local governance’ in order to serve as a basis for future researchers to inherit and develop its content and approach. In this paper, the author supports the aforementioned research standpoints; However, it is necessary to emphasize that the people's participation in local authorities’ activities must comply with the law to ensure the order and stability of social management in the locality. In other words, Local governance is an activity by self-government, in which the people's participation in the local authorities’ decision-making process is based on the principle of compliance with the law and the interactions among the participating entities.

The above concept affirms that the subject of local governance includes both local authorities and the people. All of them interact with each other within the framework of the law aiming at a common-interest community; In addition, its object is also the people, who are influenced by the local authorities’ state powers which ensure their legitimate rights and interests with the aim of maintaining the stability, order, and development of local society. In this case, the author is heterogeneous between local governance and local government. Accordingly, the local government is an institution of state apparatus established to manage society according to state management tasks decentralized and authorized; Depending on the political characteristics of each country, it is possible to establish a system of local government operating on the principle of self-government, also referred to as local self-governing government, in which the decentralization of state management is stressed¹. And local

¹ In the establishment of local self-government (under the principle of self-governance), the central government transfers (by the Constitution and by law) to local authorities independent and complete administrative powers (including material, finance, human resources...); Accordingly, they shall exercise them proactively, independently and self-responsibly within their scope. The European Charter of 1985 on local self-governance also emphasized the local

governance is a form of local government's activity, in which state management activities according to its decentralization and the people's involvement are highlighted; i.e. underlining the interaction between the government and the people in the performance of social management tasks in the locality.

2. The people's participation in local governance

In local governance activity, the crucial task that local authorities need to perform is to attract the people's participation in order to maximize their human and material resources for local socio-economic development. The reason for that comes from the characteristics and objectives of local governance, which has been mentioned by many researchers (USAID 2000; Ann O'M. Bowman, Richard C.Kearney 2011; Nguyen Van Cuong 2021), namely:

- Building a government close to the people: Local authorities must create favorable conditions for their citizens to participate more in local affairs, contributing to strengthening their responsibility in the issue and implementation of management decisions.
- Decentralizing state management activities: It is most clearly shown through the local government's self-governing activities, which means the local government has the power to mobilize all local resources to perform its development tasks and the people's participation is among great resources that cannot be ignored.

Attracting the people' participation is often done in many forms suitable to the country and locality's political, economic, and cultural characteristics, both directly and indirectly.

- Direct participation: The people have the right to join discussions and make their recommendations to local authorities on local issues, and to directly give their own opinions into their policy-making process. Accordingly, before promulgating policies, the local authorities need to hold referenda, which is clearly institutionalized. This is seen as a high-level form of democracy, which has been being very effectively implemented in many countries throughout the world and become the political culture in each country.
- Indirect participation: The people express their own opinions, aspirations and recommendations to elected deputies in accordance with the law. Accordingly, they will represent the people to participate in policy-making process and handle local affairs. This is a common practice in the contemporary world; However, voting in each country also has certain differences depending on their political, cultural, etc. characteristics . In other words, the people's indirect participation in local governance is not the same in each country.

In order to attract the people's participation, in addition to the legal regulations on the right to vote, standing for election, the right to supervise, petition, referendum, etc., local leaders must facilitate for their citizens to participate more in local affairs. This must be officially and clearly done by institutionalization in which it is necessary to specifically define what contents of local governance activity they are entitled to take part in; For instance, they shall take part in self-governing activities or discussing and making policy recommendations to the administration, etc., thereby contributing to

authorities' rights and economic capacity, whereby they are entitled to determine their own administrative structures; have their own revenue and freely use it to exercise their powers assigned by law. This content is commonly used by countries joining the European Union (Council of Europe 1985; Nguyen Van Cuong 2021; Truong Dac Linh 2002).

strengthening the local government's responsibility in promulgating and implementing policy decisions.

Depending on the political characteristics in each country, this institutionalization shall be specified in the central legal documents and uniformly applied to localities (usually in unitary countries) or in the official regulations of each locality (usually in federal states). The institutionalization of the people's participation in local governance activity should be paid attention to in terms of both organization and management, which shows the significance of respecting their democratic freedoms in a democratic institution. This is considered as a progressive government organization trend in the contemporary world. Along with the management of decentralized affairs, that of the people's participation when clearly institutionalized according to the scope of state management will help local authorities easily mobilize the people's power to solve their tasks in each assigned field. Local governance activity, from then on, can promote their major roles and be really meaningful when both local authorities and the people interact to effectively solve local affairs, which benefits for both sides.

3. The reality of the people's participation in local governance in Vietnam

In Vietnam, that the people exercise the right to participate in local governance activity is clearly stipulated in many legal documents related to the government organizations and democracy at grassroots level (Vietnam Government 2015; Vietnam National Assembly 2015; Vietnam National Assembly Standing Committee 2007), namely:

a) The people discuss and directly decide on local governance tasks.

The people make comments and directly decide on guidelines as well as their fully or partially contribution to infrastructure construction, public welfare works and other issues at the commune, village residential groups, etc. levels in accordance with the law. If more than 50% of the total number of voters or those representing households in the village, residential group or in the whole commune agree, then it will come into effect (Article 10, Article 12, Ordinance 34/2007/PL-UBTVQH11) under the supervision of local authorities and mass organizations.

Perhaps, this is just among the local issues (e.g. infrastructure and public welfare works) which the people have the authority to self-determination and direct financial contributions with their own funds. In fact, there are many others that need to be discussed and decided by them because they are directly related to their economic, cultural and social life. Taking production and business activities associated with the community and local residents' indigenous cultures (like community-based tourism business; traditional products production and trading, etc.) as examples. These need to be further studied to continue promoting the people's right to self-determination of the matters directly related to their economic, cultural and social life in residential areas.

b) The people discuss and vote for competent authorities to decide on local development management tasks

The people voice their opinions and cast their votes for/against villages and residential quarters' conventions and regulations; elect, relieve/remove village and residential quarter heads from duty; elect and/or remove local People's Inspection Committee and the Investment Supervision Board

members from office. The enforceable effect of such matters is determined as follows (Article 13, Article 15, Ordinance 34/2007/PL-UBTVQH11):

+ For commenting and voting for/against villages and residential quarters' conventions and regulations: if more than 50% of the total number of voters or those representing households in the villages or residential groups agree, it shall be enforceable after the district-level People's Committee issues its recognition decisions..

+ With regard to electing, relieving or removing village heads from duty: if more than 50% of the total electors or those representing households in the village or neighborhood group approves, it shall take effect after the commune-level People's Committee promulgates its recognition decisions.

+ For voting and/or removing members of the People's Inspection Committee and/or the Community's Investment Supervision Board from the office: if more than 50% of the total number of voters or those representing the household approves, it shall be executable after being recognized by the commune-level Fatherland Front Committee of Vietnam.

In addition to the community self-governing apparatus organization recognized and supervised by competent local authorities and mass organizations (the vote, relieving/removing village heads, and/or People's Inspection Committee and Community's Investment Supervision Board members from office), it can be seen that the local community's internal affairs include not only internal conventions (e.g. villages and residential quarters' conventions and regulations) and community self-governance but also superior authorities' close involvement (at district level) in the form of ratification and recognition. This has, formally, reduced the spirit of the local people' real ownership.

c) The people contribute their opinions on programs and projects built and implemented by local authorities related to local socio-economic development.

Local authorities are responsible for notifying the people to know and contribute their ideas to the aforesaid commune-level programs and projects and at the same time they take in charge of synthesizing, researching and absorbing to complete and implement them (Article 13, Decree 04/2015/ND-CP). Programs and projects that need their opinions include (Article 19, Ordinance No. 34/2007/PL-UBTVQH11):

+ Plans/ projects/ schemes on the socio-economic development, the business production, the economic restructuring, the sedentary cultivation, settlement and new economic zones building, and the development of handicraft industry.

+ Detailed plans/ projects on the adjustment and use of land; the management and use of land funds.

+ Plans on the implementation of other commune-level programs and projects; policies and plans on the compensation and support of site clearance, infrastructure construction and resettlement; schemes on residential area planning

+ Schemes on the new establishment, merger, division of administrative units, and the adjustment of administrative boundaries directly related to communes and administrative units

+ Other issues that need to be consulted the people according to the provisions of law, at the request of competent state agencies or commune-level administration if necessary.

This content shows that the people exercise their ownership rights to participate in and contribute their ideas to the local authorities' programs and projects, but they have yet to be given permissions in the self-construction of those related to local socio-economic development or to propose the local government to study and implement them. This remains also a problem that needs to be seriously studied so that the people can actually become the owners of their regions.

d) The people make recommendations and reflect to the local government leaders through constituency meetings, citizen reception programs, and comment boxes by local authorities.

The local government is responsible for organizing voters gatherings at constituency conferences before and after the People's Council meetings to collect their opinions and aspirations; arranging citizen reception places to receive them; building comment boxes; assigning persons in charge of administrative affairs along with the representatives from the People's Inspection Committee to open comment boxes on a weekly basis with the aim of studying and proposing feasible solutions to the submitted comments, and then making reports for local government leaders to solve them (Article 13, Decree 04/2015/ND-CP). This is a measure that has been being taken in many countries so that the people can exercise their ownership on a regular basis. However, its effectiveness greatly depends on how it is implemented in practice (e.g. frequency of citizen reception; cadre and civil servants' attitude and sense of responsibility in collecting their opinions, etc.).

Commenting on the practice of the people's participation in local governance activity in Vietnam as specified by current laws, some advantages and limitations can be found as follows:

- Firstly, their direct participation in local governance activity shows the direct democracy nature and the advantages of the interaction between the local government and the people. This is considered as among important factors for building a rule of law state. Here are some contents regarding to their direct participation: (1) Giving opinions on socio-economic development programs and projects built and implemented by local authorities; (2) Discussing and directly deciding a number of issues under the tasks of local administration (e.g. guidelines on and contribution levels to infrastructure construction and public welfare works); (3) Discussing and voting for/against a number of issues under the tasks of local governance (e.g. villages and residential quarters' conventions and regulations; votes, relief from duty, removal from office of villages and residential quarters heads, the People's Inspection Committee and/or the Community's Investment Supervision Board members); (4) Making petitions and reports to the local authorities through constituency meetings before and after the People's Council meetings, citizen reception programs and comment boxes.

- Secondly, the people's participation in local governance activity is limited to a certain extent in both form and content, which is considered as limitations that need further research attention, namely:

+ The people can only discuss and directly perform some of local governance tasks, which is only the self-determination of guidelines and levels of financial contribution to infrastructure construction and public welfare works. Nonetheless, they are not entitled to directly discuss and decide on the issues related to economic, cultural and social development activities such as business production activities

with the association of local communities, local cultures, community tourism business, traditional products production and trading, etc.

+ The people are not authorized to propose initiatives on local socio-economic development activities in association with their legitimate rights and interests, or bring pressure to bear on local authorities to research and implement them. Meanwhile, this is seen as a form of their direct and democratic participation in local governance activity at a high level, which has been being successfully implemented by many great powers (such as the United States, Japan). Vietnam should, thus, pay much attention to the research and implementation of this issue.

4. Suggestions for further research

From the above-mentioned practice of local governance activity in Vietnam, the author suggests recommendations for further research, which is to expand the people's rights to participate in this activity.

a) The objective of expanding the people's right to participate in local governance activity

The expansion of the people's right to participate in local governance activity aims to both promote the people's mastery and ensure the maximum mobilization of the local government's resources for its socio-economic development activities.

b) The content and significance of expanding people's right to participate in local governance activity

- Establishing the people's right to propose to local authorities their development initiatives, programs and projects; or to be given legal permission to bring pressure to bear on them to study and implement such affairs in order to serve the common good of the community.

- Building the local government's sense of responsibility in absorbing the people and other organizations' development initiatives, programs and projects; in organizing the research and implementation of such issues in order to best serve their legitimate rights and interests.

If that expanding the people's right to participate in the above local governance activity is realized, it will be beneficial to both sides, the local government and its people, namely:

- When the people have the right to propose their local development initiatives, programs and projects, they will be supportive of the local government's affairs and actively contribute to them for socio-economic development. This also clearly shows the interaction between the local government and its people in the implementation of the common tasks of the locality.

- When the people have the right to request or bring pressure within the framework of the law to bear on the local government to study and implement such issues, it will take focus more seriously on promoting local resources. Since then, it has a better choice for policy decisions serving socio-economic development, meeting the locals' expectations.

c) The rationale for the extension of the people's right to participate in the local government's management activities

- *On the theoretical basis:*

When it comes to local governance, many scientists and managers throughout the world have mentioned, analyzed and confirmed the interaction of the local government and the people in this activity, which is “The local government’s self-governing activity and many subjects’ participation in community affairs” (Ann O’M. Bowman, Richard C.Kearney 2011) or “Not only does local governance belong to the local government and the residential community but it also appertains to the interactions between them” (USAID 2000). In which, the basic principle for implementation is that "the residential community has the right to self-determination of how to deal with common affairs within the framework of the Constitution and the law for the common interests" (Nguyen Van Cuong 2021). The expansion of people's participation in local governance activity is, therefore, consistent with the general concepts and principles that the community cares about, affirms and acknowledges in a democratic society.

- On the legal basis:

There have been many contents about human and citizens' rights; cadres, civil servants and state agencies’ responsibilities in meeting the people's legitimate rights and interests specified in the 2013 Constitution of Vietnam. As for the state, “it shall guarantee and promote the people's right to mastery; recognize, respect, protect and ensure human and citizen's rights; reach the goal towards the rich people, and a strong, democratic, fair, civilized country where every citizen has a prosperous, free and happy life and enough conditions for comprehensive development. (Article 3) and “State agencies, cadres, civil servants and public employees shall respect and devote themselves to serving the people, stay in close contact with them, listen to their opinions and be under their supervision”. (Article 8). For the people, "human and citizens' rights shall be restricted only in accordance with the provisions of law in necessary cases for reasons of national defense and security, social order and safety, social ethics, and community health” (Article 14) and “citizens have a sense of responsibility to fulfill their obligations towards the state and society; Citizenship is inseparable from civic duty” (Article 15).

Thus, human and citizens' rights are only limited in the Constitution in cases of necessity related to national defense and security...; state agencies, cadres and civil servants are obliged to listen to the People's opinions... , which shows that proposing local development initiatives, programs and projects is among the people’s basic rights associated with their obligation while the local government shall respect by showing its responsibility in absorbing, researching, implementing them to better serve them. Therefore, the expansion of their right to the participation in local governance activity as mentioned above is consistent with the 2013 Constitution, demonstrating the spirit of promoting human rights, citizenship and state agencies’ responsibilities in ensuring such rights.

- On the practical basis:

In Vietnam, its citizens have the right to comment on local development initiatives, programs and projects built by the local government, but they have yet to be given the official entitlement to propose or ask it to study and implement them. Not only does this limit human rights but it also restricts the use of resources for local development activities, although this issue has been being discussed and successfully implemented in many countries. For examples, in the United States, its people have the right to directly propose their initiatives to the local authorities in the form of projects/ schemes and at the same time request votes for/against them, and in fact there are times when about 75% of the local government adopt the people's initiatives (Tocqueville, A. 2002). In Japan, its inhabitants are

empowered the self-governance that is similar to that of the government, which means they may decide themselves on local issues and their own destiny, including consultation and proposal of policies and action plans. In addition, they are entitled to enjoy mental activities; have physical freedom; exercise economic activities; demand basic social, employment, equality, etc.. rights before the law (Phuong Huu Tung (2018). For the French people, they also have the freedom to exercise their human and citizens' rights including extensive participation in local government's activities in accordance with the law. The French law only prohibits actions that are harmful to society, but encourages democracy, freedom and community creativity, including those of immigrants who create cohesion and harmony, and contribute to building, maintaining and developing solidarity and cooperation between parts of the population community (Sylvia Zappi).

From the above theoretical, legal and practical bases, it has shown the necessity and relevance of expanding the people's right to participate in local governance activity in Vietnam. Not only does this actualize the spirit of the Constitution on human and citizens' rights but it also realizes the provisions on the state agencies' sense of responsibility in the implementation of such rights. In addition, it also helps them to maximize all resources for local socio-economic development.

Conclusion

With such a theoretical approach to local governance, the author has pointed out the advantages and limitations from the practice of the people's participation in local governance activity in Vietnam. He has also offered a number of suggestions for further research, which is to expand the people's right to participate in this activity. It can be confirmed that not only are the research findings meaningful for himself in carrying out his further studies related but they also have reference value for leaders in the adjustment of policies and laws in order to further reform and promote the people's right to mastery.

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