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**CIVIL SOCIETY**

**Theories and practices in Vietnam**

*(The role of the civil society for the socio-economic development in  
VietNam)*

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## **LIST OF ABBREVIATION**

SI	Social insurance
CBRIP	Community-based rural infrastructure project
CIVICUS	
SPV	The Socialist Republic of Vietnam
CPRGS	
CRES	Center for Research on Environment and Sustainable Development
PU	Private University
EcoEco	Institute for Ecology Economics
ENV	
FES	Friedrich Ebert Stiftung
GTZ	German Technical Cooperation
HĐND	People Council
HTX	Cooperative
IFAD	International Fund for Agriculture Development
P&I	Planning and Investment
KHXH	Social science
MRDF	Mountainous Rural Development Fund in Vietnam
NGO	Non government organizations
NSNN	State budget
PTDL	Private school
RIDEF	Rural Infrastructure Development Fund
UNCDF	
UNDP	United Nation Development Fund
VACVINA	Vietnam Association for Gardening
VDP	Village Development Planning Project
VUSTA	Vietnam Union for Science and Technology Associations
VWAA	Vietnam Writer and Artist Association
VUFO	Vietnam Union for Peace, Friendship, and Solidarity
WB	World Bank
CS	Civil society

## CIVIL SOCIETY -

### Theories and practices in Vietnam

#### **Forewords**

Vietnam has experienced 20 years of renovation and gained significant achievements. The economy has witnessed continuous economic growth with relatively high rates over many years, living standards have been improved, and poverty has significantly decreased year by year. Making contributions to such achievements is not only reform efforts by the State but the participation of social organizations and unceasingly thrives of private sectors also.

Given remarkably important events happened during 2008, especially the worldwide financial crisis and the global economic regression, Vietnam is facing with many challenges. To further maintain and assure sustainable development of the country, it is required to analyze and figure out crucial factors having positive impacts to the national development cause, particularly issues related to the State, social organizations, and the private sector.

The cause and effect- based analyzation of successes and failures over the renovation process in Vietnam have dedicated that: thanks to renovative thinking of the Party towards “untied” directions, social forces have been able to make important and decisive contribution to the successes of renovation process. Reforms towards more open and democratic have facilitated social organizations to increasingly participate in development policy making and implementation process.

The report aims to study some theoretic and practical aspects regarding the role played by social organizations in the national socio-economic development process. Due to limitations in terms of time and human capacity, there are inevitably some shortcomings. Therefore, the research team expects to be provided with comments and ideas for further completion of the report.

The research team would like to express our sincere thankfulness to Friedrich Ebert Stiftung (FES) for their supports. We also would like to acknowledge Mr. Jörg Bergstermann, Chief Representative of FES to Vietnam, and Mrs. Ngo Lan Anh for their help and encouragement as we conducts the report.

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## **1 Theoretic issues of civil society**

### **1.1 *The formulation and the development of civil society in the world***

*In terms of development history, civil society appeared very early as a social force, right from when the human beings started to exist and being aware of the strength of collectives and cooperation, grouping into clans and communities. The development of civil society has been unceasing, various, and in parallel with human society development as well as increasing and diversifying demands of different people classes.*

In Western region, the concept of Civil Society or Societe Civile appeared in official literatures since the 16<sup>th</sup> century, as people discussed about elite intellectuals in the society, who were operating outside the absolute monarchy at that time. Adam Ferguson, in “An essay on the history of civil society”, 1767, defined civil society is a “counterbalance” entity against the current ruling feudal, civil society could include *all organized activities, beyond the scope of individual or family ones but not belong to the governmental/ administration system*. Thereby, civil society is defined by the organizationally of activities; meanwhile, it is separate from at least three other social entities, namely: the administration (the State), families, and individuals.

Hegel in “Philosophy of rights” defined: “*Civil society is a space between families and the State; that is where individuals are free to cooperate with one another to pursue needs and benefits of their own*”. Accordingly, civil society is distinguished with two major social institutions, namely the family and the state; this means civil society includes all of other social institutions outside the state and/ or family systems, combined by cooperative relations among individuals, for common interests or needs.

CIVICUS, in the Project “Measuring civil society index in Vietnam” provided another conception of civil society, regarding civil society as “*an arena among families, the state, and markets, where civil forces cooperate to promote common interests*”. Comparing to other definitions, the one provided by CIVICUS is beyond ordinary concepts of orthodox socio-politic organizations, recognizing the existence of unorthodox social groups which operate in unofficial conditions to figure out that civil society is a much more comprehensive conception, comparing to the scope of professional and political associations/ unions. Moreover, civil society is seen as an “arena”, which is a complicate social environment with diversified values and interactive rights, consisting of both positive and negative forces. More importantly, while Hegel just distinguished the borderline between civil society and families and the State, the definition provided by CIVICUS tells the differences between civil society and families, the State, and markets. Once regarding civil society as *an arena, a space* among the State, families, and markets, the definition of CIVICUS also showed that boundaries between mentioned entities with civil society are not necessary clear lines, that there are existing many areas with interactions of social life including the State, civil society, and markets (Figure 1).

**Figure 1: Civil society and other social subjects**

Civil organizations are voluntary groups of citizens sharing the same professions, hobbies, genders, etc., regularly operate for common goals are to assemble and unite members, to protect rights and interests of each individual, and support one another in their activities. Civil organizations are of various names given their diversification of approaches, organization, operation, and pursued mandates. (see part I, section II below)



*In Vietnam*, Civil society just appears as a very general concept, while so far, there has been no commonly agreed definition. Even the nominated name is also various: in addition to civil society, others so called “citizen society” and “folk society” is to refer the same concept. Meanwhile, once viewed as a component of the politic system in Vietnam, civil society is defined that it includes people unions and public associations; of which, people unions are understood as *socio-politic organizations*, making up an integral part of the politic system, and *associations are organizations of people sharing the same professions, hobbies, or opinions*, getting together and operating in voluntary basis for protecting common interests of their members.

However, no matter how it is named, civil society is an entity working outside the State. This entity covers activities and organizations which are not put under the state management but managed by the people. Additionally, although there may be variety regarding definitions and names of civil society and civil organizations, such definitions and names, by nature, have a common point that is *considering civil society as*:

- 1 A system of “non-state” institutions, covering relationships and organizations which are not of public powers;
- 2 Organizations operating for non-profit purposes (i.e. non-productive and non-business organizations);
- 3 Organized and operated on a basis of voluntaries, self-control, democracy, transparency, appreciation of consensus, benefit sharing towards a balance, and public and private interest harmonization;
- 4 Diversification of organizational pattern and models, abundance of demands, interests, and targets; horizontal not vertical relationships among related agencies and organizations.

With such understanding, civil society not only consists of socio-politic and social-professional organizations, but also other organizations, unions, and groups of communities and people, including non-official ones.

Given such a definition, natures and roles of civil society will be reviewed and analyzed in sections of the paper hereafter. Although there are recognized differences between the two concepts of “civil society” and “civil organizations”, the two terms are used to refer the same meaning in this paper for the sake of convenient understanding.

## **1.2 Roles played by civil society in national development cause**

### **1.2.1. Relationship between the State, markets, and civil society**

*- The State, markets, and civil society: alternative or complementary relations?*

In a market economy, major players joining the market game are often the State, enterprises (markets), and civil society, in which, ***the State*** is seen as a crucial subject, providing guidelines and assuring stable economic development. Basic functions of the state in a market economy are: (i) to set up institutions; (ii) to supply public goods; (iii) to focus on external impacts, control monopoly, and overcome market failures; and (iv) to coordinate private activities, and redistribute social welfares. However, the state is not multi-functioned, nor always acts properly. The state also faces with potential failures. *The state's failures* derive from interest conflicts, between general development goals and actual behaviors of social groups, including policy-makers as a member in the society.

In the relation with the State and Markets, civil organizations are supposed to play intermediate and connecting roles, as a subject facilitating better State – market partnership. For example, the connecting function of

civil organizations is reflected in the intermediate role played by such organizations between social services producers and their customers. Its intermediate role help to reduce transaction costs, improve service capacity, and increase quality of different social services. Due to its' professional independence and self-control in legal terms, civil society can also plays a role of reconciling relations between the State and market during the socio-economic development policy making and implementation process; allowing the establishment and harmonization of relationship among interest groups. Concerns regarding subjectism and rationalism of individual participation in policy making process will be significantly minimized with the existence of civil organizations. Because, once participating on behalf of a social group and/or a community in policy issues, the community and majority's interest-based trend will become ever stronger.

The above mentioned points demonstrated that: *civil society is not an alternation, but a necessary complementation for both of the State and Markets*. Civil organizations contribute to effective improvement and stability of a democratic administration through internal and external effects of such organizations. Hence, it is necessary to realize that like the State and markets, *civil society with its organizations may also have fundamental "failures" and limitation*. With characteristics of being soft, voluntary, self-managed, and inhomogeneous relations and connections, it is likely that civil organizations just care for partial interests but not social interests as a whole, creating their own "custom" which is not in consistence with State policies and laws, in some cases, they are even disguised to serve for interests of some individuals who occupy dominating positions. Therefore, civil society also needs the supplementation and adjustment by the State.

- *Different models of the State - Markets – Civil society relationship:*

So, the mutual, supplementary, and inter-assisting relationship among three major market subjects, namely: the State, Markets, and Civil society, has been recognized. Here the questions are about levels and natures of such

relations. So far, there are three typical models manifesting the relationship among the three subjects (as demonstrate in Figure 2). Of which, the first mode (1) is the “big government” model – Governmental activities cover almost fields of socio-economic life, meanwhile the existence of other entities is rather vague. With the second mode (2) – “Small government, big society” model – market mechanism is seen as the most effective in supplying services to the public; and the third mode (3) propose an equal relation, with “partnership” between the Government and the rest of social entities, aiming to accelerating development and improving quality of public service supply to the people.

The first model was widely applied in the planning economy, creating many successes but also aftermaths as we all know: the State was incapable of carrying out everything; thus, it experienced some failures in supplying many public services necessary for development. The second model, with dominating role of markets has also gradually exposed its inefficient capacity of meeting demands of all different interest groups, resulting to a fact that the poor and the disadvantage are pushed to margins of the society. While many hopes and expectations are focused on the third model, where the State, markets, and civil society mutually cooperate and supplement to one another instead of mutual competing and annihilating.

## **Figure 2: Different interaction modes of major social entities**

### **1.2.2. Participative democracy and necessary conditions to mobilize participation of civil organizations**

- *Participative democracy*: "Participation" is an increasingly used term in development theories, and defined as a process in which relevant parties affect and/or share the control power to activities and resources, or

development decisions influencing their lives. Participation is seen as one of approaches to increase policies' reliability, and strengthen state management capacity, thereby, accelerating economic development. In a development process, "participation" is often started with the implementation of voicing right by citizens in the formulating process of decisions having effects to people' lives, and then the assurance of other citizenship and democratic rights (UNDP, 2006).

Implementation of participation may follow the "*bottom up*" approach, that means directly meeting people's demands of civic education, awareness enhancement, or public opinion- based assessment and supervision programs. Many countries, with a view to enhancing responsibility and extending participation space for people, have also adopted the "top down" approach. The "top down" approach ranges from creating new legal framework for participation rights in local administration and management, to the implementation of new mechanisms aiming at unlocking information channels, particularly information on public services for people (UNDP, 2006).

Regular elections were often regarded as an important indicator for the representative democracy. Nowadays, however, the focus has shifted to another direction: democracy is defined not only with electoral indicator but more importantly, that whether it is a participative (direct) democracy. The reason is that representative democracies do not always assure participation rights of other relative parties. State officials may be elected by the people, but it does not necessary ensure that elected people will certainly implement participation rights of people, nor represent willingness and rights of their constituency. Moreover, representative democracy is much likely to be "dominated" by interest groups (e.g. top-notch officials, entrepreneurs, and military, etc.), derailing pertinent attention from others, particularly the poor, and the minority. Therefore, *it is not enough with democratic election; it further requires efficient participation of people into that democracy system.*

The goals of adopting of participative democracy are quality improvement of public service, and state management capacity enhancement towards more inclusive and comprehensive trends in social terms. Thus people participation is *encouraged particularly at local administration* where rights of specific individuals are connected to state institutions more closely than ever. That why the conception of “direct democracy” always exists along with *decentralization*. Once properly implemented, direct democracy and decentralization will create good opportunities for citizens’ participation, promoting transparency and effectiveness of public service supply, as well as better protecting rights and interests of disadvantage groups.

In Vietnam, after the central planning era, the Central government cannot spread themselves to cover everything, thus, participative democracy is a tool supporting efforts of public administration reforms. Furthermore, participation is also a way *to ensure political stability*: only where people trust their governments, there comes political stability. Once people are allowed to participate, their confidence and understanding of targets and activities provided by the administration will increase, and this is an assurance for people’s willingness to take part in public work in an active way.

*1 Necessary conditions for implementing participation role of civil organizations*

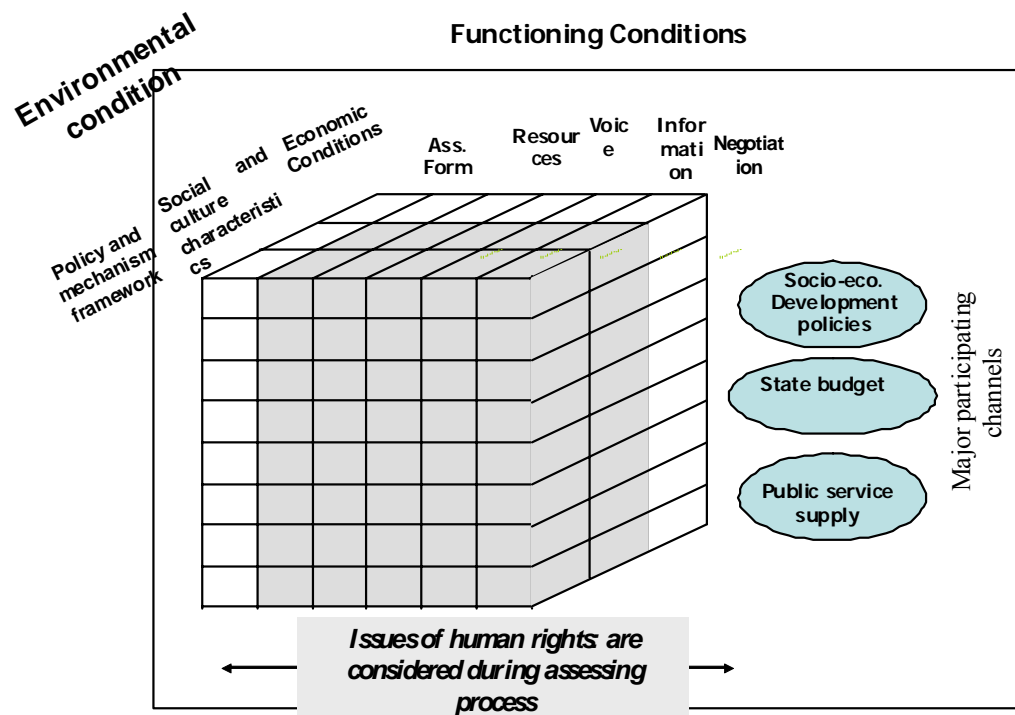
The participation of civil society, via its’ representative organizations, in socio-economic development processes can only be implemented once gathering enough conditions of social environmental. Such conditions include:

- 1 The right to form associations: citizens’ freedom to form association;
- 2 Resources: the capacity of civil society in mobilizing various resources for the fulfillment of proposed goals;

- 3 Positions: the capacity of civil society in forming and exposing their opinion and ideas;
- 4 Information: the accessibility to information sources;
- 5 Negotiation: geography and rules are available for public participation in negotiation and debates.

More importantly, requirements of necessary conditions for full democratic participation by civil organizations in development process are not separate but closely interconnected, making up a “frame” of necessary and sufficient conditions for effective performance of an organization. Such interconnected and intertwine relationship of requirements and conditions are presented in Figure 3 as below.

**Figure 3: Necessary conditions and requirements for effective participation of a civil organization.**



Recognizing major participation channels for civil organizations, and the socio-economic development policy formulation and implementation process

There are currently three participation procedures that are considerable in assessing the role of civil society in socio-economic development policy making and implementation. By studying and analyzing the current status of civil organizations' participation basing on the three procedures, we will capture a more comprehensive picture of actual position and roles of civil society entities. The three procedures are as follows:

- + *The socio-economic development plan making and implementation*
- + *State budget formulation and implementation*
- + *Public service supply*

In all of three mention procedures, roles of civil organizations are considered not only from viewpoints of necessary conditions and factors for them to participate and contribute to policy making, but also from the viewpoints of their *supervision and control* functioning, and their policy criticizing to public authorities. Supervising and monitoring activities of the Government and state agencies are often seen as basic channels to implement direct democracy, therefore, civil organizations' participation in supervising and monitoring work is a good way to "force government of all levels to better fulfill their accountability relating to public policies and services.

#### o **Lessons for Vietnam**

From presented issues, we can draw lessons as follows:

**First**, civil society is a historic category, an indispensable component of the modern society, existing along with the state and markets. The



existence of civil organizations is not a separate product of the capitalism, but it is *an evolutionary result of human civilization*.

***Second***, depending on development forms and levels of each nation – people, organizational models and roles of civil society are variously different. Discussions on natures and roles of civil society have dedicated that this is a complicate and inconstant concept.

***Third***, participation into policy making and implementation is an important process for civil organizations to affirm their roles. However, it requires the assurance of some certain conditions for the implementation of civil organizations' participation.

***Fourth***, the State and civil society is not necessary in mutual “confrontation”. As a matter of fact, in recent years, there have started a trend of building a harmonized society in term of rights, in which the Government and civil organizations have close relation, mutual complementation and supports.

***Fifth***, the role of civil organizations is not only limited as “executors” of policies provided by the State, but active participants in making such policies also.

***Sixth***, harmonized relation between civil society and the State can constitute a foundation assuring social stability, particularly as both of the two entities appreciate transparency, openness, and mutual respect.

## **2 Current status of civil society in Vietnam**

### ***2.1 Overview of civil society in Vietnam***

#### **2.1.1. In the pre-renovation time**

In Vietnam, civil organizations have existed for a long time, even before the establishment of the Democratic Republic of Vietnam. Viet Minh

– the precursor organization of Vietnam’s Communist Party - advocated forming different public association unions, ranging from small village organizations to unions with nationwide scales. After seizing power, Vietnamese Government has continued to appreciate roles of unions and associations.

Right from 1957, the rights of forming public organizations was legalized in the Law No. 101–SL/L.003 (dated 20/5/1957) approved by the President of the Democratic Republic of Vietnam. Number of public unions continuously increased, most of them were advocated by the Party and the State, such as the Trade Union, the Youth Union, the Association of Women, the Association of Farmers, etc.

*In legal terms*, the Constitution of the Socialist Republic of Vietnam (1980), for the first time, formalized the status and roles of some socio-politic civil organizations, including the National Front of Vietnam (Article 9), and the General Association of Vietnam (Article 10). However, in the central planning economy, due to a fact that civil society mostly consisted of public organizations established with avocation of the Party and the State, and funded by the party and the state, activities of such civil organizations were not of independence, creativeness but rather dependence on the state, instead.

After that, in the beginning of 1980s, three other professional association federals were established. Namely: Vietnam Union of Science and Technology Association (VUSTA), Vietnam Writing and Art Association (VWAA), and Vietnam Union of Friendship Organizations (VUFO). The creation of such unions aimed to accelerate activities of people sharing interest in science, technology, and culture, enhance great national unity, and satisfy new demands of national socio-economic development cause in post renovation time.

### **2.1.2. The post renovation time**

Together with economic reforms, the political thoughts of civil

organizations' roles and status in Vietnam have experienced dramatic changes towards more transparent and open directions. The right to form associations was again constitutionalized in the Amendment of Constitution (2001), and was concretized in the Civil Law (1995). Although there has been no separate law on Civil society, in fact, many operational forms of these organizations have been regulated in different Laws and legal documents (Constitution, the Civil Law, the Labour Law, the Law on Lands, etc.) Besides, the Decree on Grassroots Democracy was issued, assuring the right for people of all communities to participate in important decisions relevant to their lives at localities. Similarly, some regulations on the operation of some professional organizations were approved by related state authorities, including: Decree No.177/CP on regulations applied with social and charity funds, approved by the Prime Minister in 1999; the Law on Science and Technology (2000) allowing NGOs in Vietnam register as science and technology organizations under the framework of Vietnam Federal for Science & technology Associations.

Thereby, by issuing Decree No. 88/2003/NĐ-CP, regulating organization, operation, and management of association, the Government – for the first time – legally recognized domestic professional organizations and provided improvements regarding state management of these organizations.

Until now, civil organizations in Vietnam is divided into different groups by researchers and social managers basing on their main functions and activities, including: (i) People Unions (or socio-politic organizations); (ii) nationwide socio-professional organizations; (iii) local professional associations; and (iv) non-official organizations/ union groups (self-controlled organizations).

Vietnam Union of Science and Technology has 114 member associations, of which, 64 are Central leveled professional ones, and 50 are local association unions. In the system, there are 200 science – technology research & development and training organizations; 150 papers, journals, and bulletins. Vietnam Chamber of Commerce and Industry currently

consists of more than 7,783 members who are associations, business unions at local and central levels. If counting both direct and indirect members, the number may reach 50,000 member units representing 150,000 enterprises and 2,5 million registered business households nationwide. In more details:

- *Public unions (socio-politic organizations) belonging to The National Front of Vietnam include:* Vietnam Federal of Labour, Vietnam Union for Youth, Vietnam Union for Women, Vietnam Union for Farmers, Vietnam Union for Veterans, which are of central to local organizational system, operating basing on regulations approved by members at General Meetings or Representative meetings. Such organizations are founded by the State and their operational expenditures are funded by the State. Cadres and staff of these organizations are paid by the state budget. Management positions of these organizations are undertaken by state officials. They are always important partners of the Government, playing an indispensable role in the national socio-economic development process, particularly in poverty elimination work.

- *Nationwide socio-professional organizations (Associations):* are a form of civil society founded by State avocation, and established in accordance with state regulations. These organizations often operate on a self-control basis; inner organizational structure of each organization is decided by themselves without state power. Their staffs are not governmental staff. Management positions are also not undertaken by state officials. They operate with nationwide scale and are often closely connected to Vietnam Union for Science and Technology Associations, or Vietnam Writing and Art Association.

- *Local professional associations (associations at localities):* are socio-professional organizations of social organizations registered with local governments and their operation is just limited in certain localities. Unlike Central socio-professional associations, local professional ones are often formed in “bottom up” basis, with small scales.

- *Self-managed organizations:* Are organizations of working people,

founded by people initiatives. They operate on voluntary and self-controlled basis in a certain operational fields where the state does not provide direct management. This form is found proper with people at community level, particularly in handling minor legal violations and conflicts of people. Small and non-official credit groups are also of this form.

- In addition, there is a new form emerging in Vietnam that is *development organizations*, or so called *Vietnam Non-Government Organizations (NGOs)*, operating on the basis of regulations provided in the Decree No. 35/HĐBT of the Ministerial Council (dated 28 January 1992) on the formation of these organizations as development and non-profit ones.

Recent research results show that activities of civil organizations in Vietnam cover an increasing space of various fields and with more and more diversified models. Number of their members is also on the rise. Table 4 below demonstrates that participation level of Vietnamese people in civil organizations is relatively high, in quantitative term. Not to mention unofficial organizations, members of different civil organizations may reach 65 million of 84 million Vietnamese population.

**Table 1: Civil organizations in Vietnam: organizational levels and number of members**

Organizations	Central/ local level	Number of members	Note
<b>1. Socio-politic organizations</b>			
The national front	Both levels	Fostering 29 different organizations	
Vietnam Association for Women	Both levels	12 million members	
The Association of Farmers	Both levels	Over 8 million members	
The General Federal of Labour	Both levels	Over 4 million members	
The Youth Association Union	Both levels	Over 5 million members	

of Vietnam			
The Association of Veteran	Both levels	Nearly 2 million members	
<b>2. Socio-professional organizations</b>			
Vietnam Association Union of Science – Technology	Both levels, but mostly at metropolitan levels	<ul style="list-style-type: none"> <li>- Central associations appear in 56 different specialties;</li> <li>- 37 association unions of science and technology at localities with 540 member organizations and 350,000 individual members</li> <li>- Total of more than 1.1 million members.</li> </ul>	
Business associations	Mostly at local level	6700 members, in about 200 associations	
Vietnam League of Cooperatives	At both levels, mostly in cities	<ul style="list-style-type: none"> <li>- 17 000 cooperatives</li> <li>- More than 10.5 million members, 17.000 cooperatives</li> </ul>	
The Federal of Culture and Art Associations	At both levels	10 central associations and 60 local associations	
The Association of Elderly People	At both levels	6.4 million	
The Red-cross Association	At both levels	<ul style="list-style-type: none"> <li>- Nearly 5 million members.</li> <li>- 15 000 associations are commune/precinct levels; nearly 13.000 associations in universities; nearly 2000 associations in enterprises and offices.</li> </ul>	

<b>3. Vietnam of Federal Friendship organizations</b>	Local level (just in cities)	47 member associations	
<b>4. NGOs in Vietnam</b>	Local level mostly in cities	- 322 organizations in Hanoi and HCMc (in 200); - 200 social funds; - 800 science – technology organizations	So called “development organizations”
<b>5. Self-managed groups</b>			
Small credit groups, credit cooperatives, credit-deposit groups.	Local level (countryside)	-100.000 credit cooperatives; - about over 11 million members	
Non-official groups (e.g.: sport, entertainment groups, etc.)	Local level	Millions of members	Official data is not available
<b>6. Religious, faith organizations</b>	Both levels but mostly at local level.	Buddhism = 9 million; Catholicism = 5.6 million; ; Hòa Hảo = 1.5 million; Cao đài =1.1 million; Protestantism = 600.000 followers	Some are not registered

*Source: Report of CIVICUS CSI-SAT, 2006.*

The same sources also indicate that a Vietnamese citizen participates in 2.33 civil organizations in average. This figure is much higher than those in China (0.91), Japan (1.41), and even Philippines (1.93) – who has been considered a country with the strongest civil society system in Southeast Asia. This show that once efficiently facilitated, these organizations will bring about significant effects to all aspects of socio-economic life.

## **2.2. Participation Roles of Civil society in The Planning and The**

## ***Implementing of socio – economic policies in Vietnam***

The Government of Vietnam has, in the past several decades, implemented various development policies in order to promote economic development and social progress and equity. Analyzing the concrete contributions of the civil society to each of these policies can help the readers to have specific as well as comprehensive pictures of the civil society in the process of development of the country. In the context of limited nature of the project, the study group concentrates on analyzing the participation of the civil society in three main processes:

- + The process of forming and implementing the socio – economic development plans;
- + The process of forming and implementing the state budget; and
- + The process of realization of a number of essential public services.

### **2.2.1. The Roles of The Civil society in The Process of Forming and Implementing The Socio – Economic Policies**

#### ***1 The Period of centralized economic Planning:***

During this period, civil society consisted mainly socio – political organizations and a few number of socio-professional organizations. Organizations such as the Women Union, the Farmer Foundation, the Youth League are important factors in mobilizing and propagandizing their members and the mass of population to in order that the latter would understand, support and carry out policies and plans worked out by the Party and by the State. No successes in economic construction as well as in the war time of this period were without the contribution of these organizations. In the latter period, many professional associations have also carried out their activities on the whole of the country.

The participation which was *most direct and active* was in the rural areas where civil society and farmers participated in the debate of all issues from the farming and other business activities to the items concerning the



contribution and distribution of the labor results. At the country level, the forming of the socio – economic development plans of this period was a “secret” process in nature, therefore, the participation was very limited. As the socio – economic development plans were set out from the Centre in a “top – down” fashion, the space for the participation did not exist. In fact, the participation of the civil society was superficial, mainly, through their representatives at the administrative offices (such as People’s Council of various levels). At the surface, the “participation” was realized through formal meetings in order that the social societies be “permeated” the contents of the plans which had been adopted by the administration rather than allowing the (public) participation in the discussion and providing ideas for consultation, or debating thoroughly of the contents of those policies.

- *Renovation period (1986) through to the five – year plan of 2001 – 2005:*

Economic renovation required changes not only in the economy, but also in social structure, including the changes in the roles of the civil society. The roles played by the Associations in the participation have changed remarkably: Decision No. 35/HĐBT (dated January 28, 1992) on the Science and Technology Law (2000) has further promoted the development of many social organizations.

However, a big step toward a wider opening of the door for the participation of the civil society was the Decision No. 88/2003/ND-CP by the Government on organizing, carrying out of activities by, and on the control on the Associations. According to this Decision, for the first time ever, the legal status of civil society at the local levels, as well as the right of the Vietnamese Government in controlling of such society has been clearly specified. After that, the Code of Civil Law which has been amended in 2005 has clearer provisions on the participation roles of civil society, or social organizations, or socio – professional associations in the forming and the implementing of local socio – economic development plans.

Besides that, clear commitments and consistency in eliminating

poverty, in implementing of social equity, in accelerating and improving the division of levels of local administration (improving the provision of public services), have been confirmed in various policies and legal regulations, the most prominent of which is *the Decision on the implementation of the democracy at the commune level* (which replaced the Decision 29/1998/ND-CP) issued by the Prime Minister in 2003 which allows the formation of numerous institutions to enable a wide participation by the population as well as to ensure better transparency in the administration by the local authorities. The difference of the above – mentioned Decision from the general nature of the previous papers was the clear definition of what the population should “know”, should “debate”, should “implement” and should “monitor”. In essence, this was the official document of the most importance and most comprehensiveness so far as concerning the “participation” of the population in Vietnam, including the provision of rights and the extents of participation (Box 1).

**Box 1: Decision on Local Level Democracy on The Rights of Participation of The Population**

*Rights to be informed:* Certain types of information should be provided to the population (For example: information concerning land, or the expenditure of the local budget),

*Rights to the discussion and to the decisions:* the population has the rights to discuss and to arrive at decisions in a number of issues – without the interference of any higher level of authorities, (for example: concerning the financial contributions to local projects and/or local activities, internal affairs, village regulations);

*Rights to Discussions:* (but decisions should belong to the authorities): on such issues as the planning for the local areas, the implementing of national programmes and objectives, the compensating of the land using rights;

*Rights to monitoring, examining:* the population has the rights of monitoring, examining of a number of types of activities carried out by the local administration (such as: activities of the People’s Council, expenditure of the State budget, local infrastructure construction).

The all above - mentioned legal documents and regulations constituted a great policy environment favorable to the participation by the civil society in the planning activities which would enable civil society to put forth and to implement initiatives of development for the poor, for the disadvantage groups of the population, of activities for social progress, especially for progress of gender.

**However, in reality**, the participation of the population in general and the civil society in particular in the planning activities happened at a slow speed. In almost all the provinces, the strategic planning and annual planning for plans so far as the five year plan of 2001 – 2005 were still formed according to the old type of planning which was carried out in the “top to bottom” approach. The process of planning continued to be in an enclosed circle done specialized offices of the government; almost without systematic contributions from the civil society, and completely without the participation of individuals of the population.

Not only that the civil society did not have the rights to have their *voices* in the process of forming of the plan, but also that they (including many socio – political organizations such as the National Front) have very little chance to *approach the information* which was necessary for expressing their ideas, exchanging their views or negotiating with each other in related issues. The absence of the forum or the “*space*” necessary for participating in to debate publicly the contents of the plans has prevented the organizations even those who are most close to the administration from truly participating effectively to the forming of the plans, even including those plans that are relating to those of themselves.

- *The period for preparing the forming of the plan of 2006 – 2010 to the current period:* the results of 20 years of the Renovation, the requirements for economic growths and for progresses in social equity, for elimination of famine and alleviation of poverty, for sustained development and for international economic integration required that the planning should be improved further and should be done faster in its contents and its

approaches. This has led to the needs for the participation by the civil society in the forming and implementing of the plans.

In recent years, the real “participation” in the forming and implementing of the plans has been realized at the local levels in the form of the “down to top” approach. However, such direct participation in the forming of the plan are carried out mainly within the framework of the projects of international financing under the form of testing. For example: projects for rural infra-structure development fund (RIDEF) of the United Nations Capital Development Fund (UNCDF); Vietnam – Sweden mountainous rural development programme (MRDF); Community-based Rural Infrastructure Programme (CBRIP) in 13 provinces in Middle part of the country and the Northern Mountainous Rural Development Project funded by the World Bank (WB);

Some rural development projects by the International Fund for Agricultural Development (IFAD), or some projects for village development planning (VDP) supported by German Technical Cooperation) or GTZ as a pilot assistance in Vietnam. At these projects, the population, with the assistance of a number of civil societies, has directly participated in the forming and implementing of the local plans, right at time of their preparation to the time of their deployment as well as to their completion. At these projects, the local community debated and came to decisions on the order of the priority projects that were being invested in the (mountainous) villages, or on the scenarios for local development planning. What was more noticeable in these meetings was that the civil society, especially organized foundations, usually played the roles of the organizers who (in the place of representatives of the authorities as often been seen) guided the discussions. Precious experience of this approach has afterward been institutionalized and applied to other projects, including those of the government.

In parallel with the above efforts, *at the local level*, in order to implement the “Decision of democratization of the local level”, the

communes were encouraged to participate more actively into the activities concerning the forming and implementing of plans. Those fields that most attracted such participation by the population included:

- + The use and the management of the source of public land;
- + The planning of new (habitats) settlement areas;
- + The realization of settlement policies and policies for new economic zone policies;
- + The Projects financially contributed by the local population for the construction of the infrastructure at local areas;
- + The defining, adjusting of administrative boundaries between villages/communes;
- + The land compensation plan; and
- + The implementation of national target programmes at the commune level (UNDP, 2006).

Similarly, the participation of the civil society were seen in the process of implementing of the National Target Programmes on famine eradication and poverty alleviation, of the Programme 135 for small scale infrastructures for regions which suffered special difficulties, of the Programme 134 for support of housing settlement, of land and clean water for ethnic minorities. Of these, in the Programme 135, projects and works for infrastructure investment had been discussed and decided at the commune levels. The civil society and the population have been consulted on the contents of the plans of the projects and works, on the sizes of specific contribution before these projects were approved. In a survey of 3,700 households (at the beginning of 2004) by the UNDP on the famine eradication and the poverty alleviation and on the Programme 135, over 75 percent of those who were interviewed believed that the successes of the Programme were due, in part, to the enlisting, with the participation of and

consultation with the local population, of those who were in poverty that were entitled to the benefits of this Programme (UNDP, 2006).

*At the country level*, Directive No. 33/2004/CT-TTg by the Prime Minister on the forming of the socio-economic development for the five year plan of 2006-2010 has put forth concrete requirements on improving of the way of planning. Beside the requirements for improving of the contents, of the science of planning, the Directive required a realistic improvement of the planning approach in order that the process of forming and synthesizing of the plan should not be limited within the planning agencies as it used to be, but that it should be done in many rounds by way of organizing to collect ideas from various ministries/branches, from the various social strata, from the donor countries in order to reach a consensus in the society, between the Ministries/Branches, in the regions and among the donors.

Therefore, improvements were being realized in the process of preparing for the five-year plan of 2006-2010. The improvements were realized not only in the selecting of the plan targets or the calculation approach, but also in the way to form the plan by way of emphasizing the participation of civil society and other concerned parties.

According to the Ministry of Planning and Investment, during the formation of the five-year plan of 2006-2010, many seminars were organized in Hanoi, in Ho Chi Minh City, in Danang in order to collect ideas from the managers, the scientists and research institutes. The Chamber of Commerce and Industry of Vietnam was the host of meetings to collect the ideas from business associations, from the enterprises

The Economic Association of Vietnam organized seminars for ideas from the economists; ideas contributed by overseas Vietnamese was collected through ‘Summer Seminars’ of Viet kieu (overseas Vietnamese); ideas from the international non-government organizations were organized; ideas concerning gender in the draft plan were also collected from specialists in the gender fields.

The participation of the community and the population during the forming of the plan was also realized through consultations (mainly in mountainous areas, deltas of minorities, other areas where were abounded with difficulties) by suitable means to collect their ideas concerning the development targets and the policy of the Government, especially in relation to the social issues, the policies for the poor areas, the poor group of the population, the minority areas.

By the same approach, at the beginning of 2007, the Ministry of Planning and Investment officially sent letters to scientists, managers in the country, overseas Vietnamese and international experts to in order to collect ideas for the forming of the Outline of 10 Year Socio-Economic Development Strategy (2010 – 2020). Officially, The Prime Minister of Vietnam has entrusted the Ministry of Planning and Investment the duty of consulting with the concerned government agencies, at the same time requested the Institute of Social Science of Vietnam to consult with research institutions, with scientists concerning the forming of this strategy. The consultations on a wide scale for opinions from the population, the community of international donors, the foreign business firms, the overseas Vietnamese, the international community in Vietnam, for the policy, plan and strategic development received a whole hearted support from the experts and the organizations.

Primary results have attracted attention from concerned ministries/branches, especially from the government. Therefore, recently, the Government of Vietnam (through the Ministry of Planning and Investment) started to discuss *the institutionalization and implementation of the process of participation* in the planning system of country. The clearest and strongest indication of this is the fact that the Government of Vietnam was in the process of preparing to submit to the National Assembly *the Draft Law on the Plan Forming* (supposed to be submitted in 2007 but was postponed for some reason) in which, the contents of the participation of the civil society in the planning process shall be officially institutionalized. If it is being adopted and issued, this Law will become an important legal

framework to promote the roles of the non-government organizations in forming and implementing the development plans.

**However**, beside the above – mentioned positive improvements, there are still *short comings* which limit more positive participation of the social societies in the planning of socio-economic development, which should be mentioned are:

*First, there is no permanent structure to ensure the participation of the social societies and the population in the forming of the plan.* Local officials have not been provided with appropriate guides and tools to enable them to carry out the forming of the plans with the participation of the concerned parties. Even the concept of planning with the participation, or planning from “down up to top” has not been rightly and with consistency understood.

*Secondly*, the current process of planning *does not allow the concerned parties to have enough time to participate in this activity.* The annual planning activity was usually restricted within the time frame of one or two months. Therefore, the ministries/branches do not have enough time to collect the ideas on a wide scale. For their part, the social societies do not have enough time to have meaningful contributions as provided in the Directive 33/2004/CT-TTg of September 23, 2004.

*Thirdly*, although the Decision on Local Level Democratization has clearly provided the rights of participation, so far, many important fields of development that civil society do not have the right to access for the information, and are not allowed to take part in, or to be consulted. For example: those fields concerning the land and the natural resources, because most of the plan on the land has been decided at the national, the provincial levels. Usually, members of civil society (especially farmers in the countryside) are only being informed of the decision on the forest/farming land division but not participating in the process of debating and arriving at such decisions.



*Fourthly*, the quality of participation should still be reconsidered: beside the short of “participation culture” – a traditional culture of the Vietnamese – no detail guidance and *the shortage of participation skills* has led to superficially participation activities.

### **2.2.2. The Participation in The Process of Forming and Implementing the State Budget**

*Legally*, the amended state budget law which was supplemented (in 2004) allows a wider power to local legislature bodies, especially the provincial People’s Council. At present, the provincial People’s Councils are authorized to allocate budget to the three levels of local administration: the province, the district and the commune. The provincial People’s Councils decides also the ratio of revenues and expenditures including various types of fees, of contributions from the local population and the rates of financial contributions that different levels of local administration (except the education and research institutions who are following provisions from the Centre) have to abide by.

In addition, The Decision on Democratization at the local level has clearly provided that commune budget, including contributions on the spot, should be brought to the discussion of the concerned parties. Thanks to these new provisions, a number of improvements have been put into effect in the planning and implementing of the budget at the local levels. Programme 135, or National Programme on famine eradication and poverty alleviation are considered the “forerunners” in the application of the method of forming the budget with the participation of the population. A number of other projects which are financed by the international donors are performed in this direction. For these programmes or projects, local population, primarily the organized institutions, have discussed and decided on the way how to expend the money allocated from the budget.

Besides, *the transparency* in the revenue for and the expenditure of the budget has been enhanced. In a number of provinces, districts and communes, the budget has been publicized by various means, including the

putting of the budget expenditure figures on the commune information boards. The enhancement of transparency of the budget has encouraged the population to participate more actively in the process of forming and implementing of the budget. This, in turn, may lead to better results of the administration, to enhancing the effectiveness and saving of the expenditure during the process.

The process of forming of the annual budget for provinces has been clearly defined in the Law on State Budget and has been summarized in Figure 4. In these, the commune prepares the financial plan to submit them to the district; then the district will consider the budget plans in order to put them together into the district budget, and then will submit it to the province for approval. Similarly, the budget plans of provinces are submitted to the Ministry of Finance and to the Ministry of Planning and Investment. These two ministries will compose them into national budget plans in order to submit to the National Assembly for consideration and approval. Similar to the process of forming of the socio-economic development plan, the law provides that the budget plans should be discussed by the concerned parties before they are submitted to the higher level. *However*, in reality, such provision was rarely implemented, or was implemented superficially. Further, according to the process of forming of the budget, there was no space for the participation by the concerned parties. Therefore, the foreseeable results could be seen if the allocation of budget to the local provinces has not responded to the requirements of guaranteeing of equity, effectiveness: the budget is too stretched and without focal points.

**Figure 4: The Process of Forming The Annual Budget**

Opinions of the Executive Committee of the National Assembly as the basis for forming of the draft annual budget (before May 1<sup>st</sup>)

The Prime Minister issues Directive for forming the budget plans (before June)

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Guidance from the Ministry of Finance and Ministry of Planning and Investment

Guidance to various levels (before June 10) and the forming of the draft local budget and the submission to the Ministry of Finance by the province

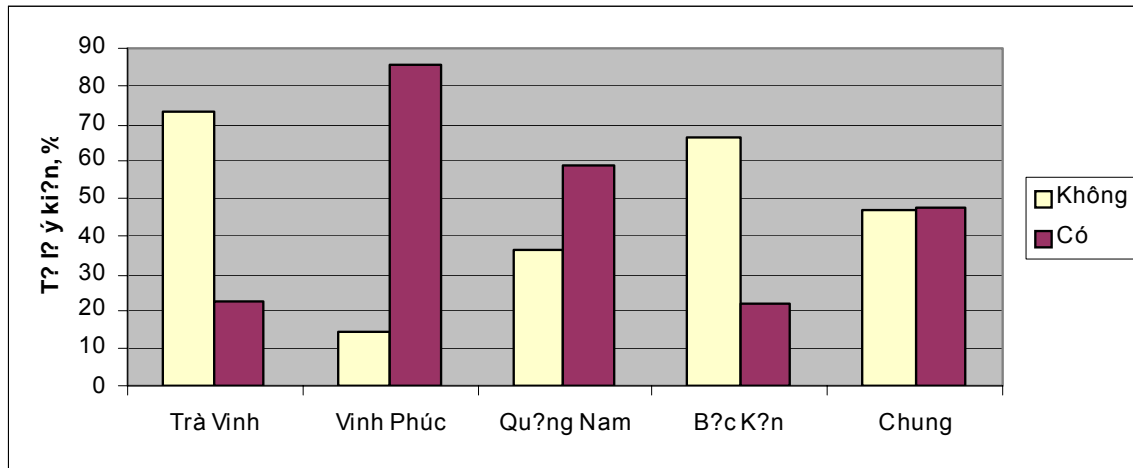
Based on the budget allocated to it, the Provincial People's Committee completes the budget plan and submit it to the Provincial People's Council for approval (before December 10<sup>th</sup>)

After 10 days, the District People's Council have to approve the district budget plan and send the budget plan to communes before December 31

Source: *Evaluation Report on Local Capacity, UNDP, 2006.*

Moreover, the time frame for forming the budget does not allow to come to an effective consultation in this field. Figure 5 shows the results of the survey of opinions from leaders of the financial and planning offices of 4 provinces (Bac Kan, Vinh Phuc, Quang Nam and Tra Vinh), of which, those opinions from the two provinces, believed that the time frame for the planning processes were not enough for the participation, consultation. Although the majority of opinions from Quang Nam and Vinh Phuc provinces considered that the time frame for the planning processes were “enough”, more detail interviews proved that their opinions were right only when the participation and consultation followed the old way, with a limited number of targets such as those of the socio-political organizations of the provinces. While, with the really effective participation and consultation, the time frame as reflected at present was too short.

**Figure 5: Whether The Current Process of Forming of Socio-Economic Plans and Budget Allows An Effective Participation of the Civil society ?**



*Source: Evaluation of the Survey Data “Local Capacity Assessment”, (LCA), UNDP, 2006.*

**Consequently**, the definition of duties was still of an arbitrary, inconsistent and rarely clear nature. The portion of the budget for expenditure was often outdated, not suitable to the requirements the reality and not always in equality. On the other hand, *due to non-participation by the concerned parties, the budget at the provincial and district levels could not attract potential revenues from a number of fundamental public services.* In such fields as education and health, there were considerable “out of budget” revenues (under the forms of fees, expenses and contributions at the local levels). In the context of the revenue for the budget is limited, these “out of budget” revenues have not been incorporated as parts of the financial framework for the region and they usually have negative repercussions creating unjust burden to the poor and disadvantage groups of the population.

The results of the survey could also indicate that the participation of the civil society in this process was limited at many points. *Only a number of representatives of socio-political organizations* was entitled to participate in the budget forming activity of the administration, while other members of the civil society (the enterprises, professional associations, and village and

commune organizations, ...) even have very little chance to participate.

*The forms of participation* were mainly through meetings organized by various levels of administration, or through meetings between the voters and the members of the People's Council of various levels. The form of public referendum on a wide scale has not been applied yet. Offices to receive the opinions of the public at present have been established in a number of areas which are under survey, but the results of such reception are, by evaluation, not high yet.

*The insurance of transparency and of supplying of the information is limited* at all the levels of local administration. This can be observed from two sides: from the administration, the concepts of "participation" and "transparency" were limited to informing the population a number of decisions concerning the budget when it has already been approved, rather than were to enable the participation by the concerned parties in the process of discussion and arriving to decisions of the matters. Moreover, the quality of information provided was poor.

The media transmission of information in order that the population could understand about their rights of participation has not been well performed, thus the public did not understand their roles, their rights and their obligations in the participation, in the consultation concerning budget for their own areas. For them, their involvement in implementing of a number of duties was considered the positive "participation". While the direct and full participation into this process requires that the participation should be realized right from the point of defining of the ideas to the point of arriving at decisions, and should attract as many members of the organizations, and of the community as possible.

Although the Decision of Democratization at the local level has clearly specified that each contribution at the local area and the budget for the commune should be put forth for discussion by the concerned parties, there were still regions which showed their unwillingness to carry out this decision. The results of a quick evaluation by CIVICUS have confirmed the

above-mentioned assessment when it showed that: “until now, activities to form the budget plan have almost closed out to the civil society”.

*Evidently*, although there were legal provisions of the participation by the population and the concerned parties to the process of debating and implementing of the budget, Vietnam, at present, is still in short of necessary and enough conditions to organize the receiving, the analyzing and accepting the contribution of ideas to the budget planning from the civil society and from the population through different information channels. These are also one of the weak points that prevent the participation and the consultation from achieving desired results.

### **2.2.3. The Participation in The Supplying of Public Services**

Recently, the Government of Vietnam has decided to “*socialize*” a number of public services in order to promote the current potentials of the society into the improvement of quality of supplying of a number of essential public services. Resolution 90/CP has indicated the “*necessity of mobilizing and organizing with a wide participation of the population, of the whole society... in order to enhance the level of the enjoyment of the education, the health, the culture and the development of physical and mental abilities of the population. Socialization is to build a responsible community among the strata of the population concerning the establishing and the improving of the economic environment, the healthy society and favorable to the education, health, and culture activities*”. In reality, the policy of “socialization” has started to be implemented within the scope of Programme of Reforming of the Public Administration (since 1995), with the aim, first of all, to enabling the Government to withdraw from a number of fields (due to shortage of budget and other resources) and to promote the private initiatives in order to achieve a greater efficiency.

In order to implement this policy, the civil society have participated more actively in supplying a number of essential public services such as the education, the health, the support services to the businesses, and so on and have made considerable progresses.

- *In the health area:* Right after the Renovation, there were many policy reforms in this area, in the direction of encouraging the participation of civil society and those who are providing the private health services. *In legal term*, beside the Law on Health Protection for the population (1989), the Law on the Social Security (2006), a series of concerned legal papers were issued and put into implementation. Overall, the legal papers of the Government have enabled the widespread of a system of health services where the health of the population were taken care of. Thanks to that, so far, beside the private health places, there were a number of organized associations in the field of health such as the Red Cross of Vietnam, poor patient supporting association who have participated in the supplying of the health services,...

Beside that, many other civil society, including the mass organizations, socio-professional associations, and non-governmental organizations (NGO) have increasingly participated more actively in this field of services. Organizations such as the Vietnam Women's Union, Youth League have increasingly become important actors in activities to prevent and fight the HIV/AIDS. Thanks to efforts from these organizations, the HIV/AIDS prevention has transformed from the type of a "sensitive issue" to the one that draw serious attention from the Government and the society.

Activities concerning the disadvantage groups can be seen as a proof for the increasing role of the mass organizations. Only fifteen years ago, the rights and the interests of the disadvantage groups were rarely cared for, and the disables themselves were considered "invalid". At present, thanks to the supporting activities of the civil society, the organized associations, the disadvantaged groups are more taken care of, enjoying special treatment of their illnesses, are able to participate in a number of social activities (such as: sport movements for the disadvantaged), and what is more important is that, in their daily lives, they are recognized to enjoy equal rights as other normal citizen.

*In the field of education:* Similar to the health services, *in legal term*, in so far as 1997, the Government played mostly a monopoly role in supplying education services in Vietnam. The Paper which officially allowed the private sector to participate in the providing of the education services in the form of “socialization” was the Resolution No. 90/CP of August 21, 1997 on the direction and the policy of socialization of the education and culture activities. After that, a series of legal documents and policies have been issued which marked the birth of various types of non-public schools as types of non-public schools as well as the means to encourage the participation by the non-public sectors. The education law (amended and supplemented in 2005) has provided that beside the guiding role in the course of education development, the State has also encouraged, mobilized and enabled the civil society and the citizens to participate in the development of the education.

Especially, in the area of education and training service supply, the role of the Union of the Technological Associations of Vietnam clearly demonstrated. Within a short expand of time (of nearly one decade), the Union has exerted enormous efforts in disseminating a large amount of scientific and technological knowledge to its members and to the population.

Including of which: concerning the long term training, so far, 3 universities and 4 people founded schools of different levels were born under the sponsorship of, or managed by the member associations. The Dong Do people founded university (by the Physics Association, the Phuong Dong people founded university (by the Hanoi union), the Management and Business people founded university (by the association of economics science), the Marie Curie people founded universal school (the Physics Association), the Dong Kinh people founded universal school (by the Hanoi Union), Trung Vuong people founded school (by the Scientific – Technological Research, Training and Consulting Institute), the Nguyen Thuong Hien people founded primary school (by the Informatics Association). The type of short term training applied by the associations and its members was based on the guideline of “learning what is needed” in



order to respond to different requirements of the members and the laborers. Those organizations have opened many classes of accounting, foreign languages, informatics for hundreds of officials, employees of the member associations; have organized hundreds of classes, for dozens of thousands of learners all over the country, of such contents as sciences, technology, international cooperation, social security, and so on...

- *In the field of environment protection and the management of the national resources:* during the past period, civil society, especially non-governmental organizations, have played a rather prominent role in the management of natural resources and environment protection. VACVINA, EcoEco, environment research centre and sustained development (CRES), Centre of Nature Education (ENV) are non-government organizations of Vietnam who are leading the efforts to protect the environment and who are contributing to the effective management of natural resources. ENV is also an organization that supplies information concerning the environment for education programmes, for the research communities, and even for the government. ENV also established a hotline to collect the information concerning the smuggling of wild animals through the borders in order to help the Government and other concerned parties of reliable information of the issue of such global nature.

Similarly, through the network activities of the community, many development organizations (non-governmental organizations of Vietnam) also participated in efforts to reduce the air, the water, the soil pollutions and to prevent the destruction of the natural environment, to preserve the forests in remote and far away, sparsely populated, not sufficiently enjoyment of the government supported areas. There were hundreds of examples of these non-governmental organizations who have actively participated in the monitoring of the use of soil, water and forests in various regions; or self-managed groups (the unofficial associations) of local communities have actively and successfully demanded the companies to pay attention to improving the environment quality around the living areas of the communities. By way of pushing for requirements to the companies that caused pollution, they have forced the companies to apply means to treat the waste before discharging them to the environment, or to move to other operation sites because the business companies do not respond to

environment protection parameters.

### **2.3. *An Overall Assessment***

#### **2.3.1. Strong points**

- About the forces, civil society of Vietnam has been and is demonstrating as a powerful social force with millions of members. At present, beside the socio-political organizations in the National Front, there is a system of powerful organizations from the Centre to the grass root, with hundreds of organized associations operating in the whole of the country, with thousands of foundations operating at the provincial level, and with thousands of associations operating at lower levels. Not only that the associations have a large number of members, but also that many of civil societies of Vietnam have the networks of operation which deployed systematically according to administrative levels and spread on the whole of the country. Their geographically stretch has brought advantages to the civil societies as to have better accession to the difficulty ridden areas (mountainous, minority areas) and to the vulnerable objects in the society (those who infected with AIDS, invalid people, homeless children); enable the civil societies to access, to understand and to mobilize the population to participate more efficiently to the forming and implementing of policies. Once the policies were formed with the participation of the population, the possibility of their implementation would be enhanced to much greater level.

- Concerning the legal status, the rights of participation of the civil societies of Vietnam have been ensured by the Law right from the foundation of the country. Since then, this status has been constantly be strengthened by the Legislatures and by the laws such as the Code of the Civil Law, the Code of Labor Law, and especially the Decision on Democratization at the local level. Of these, the fundamental rights for the participation of the population in general and the civil societies in particular in socio-economic activities have been officialized into the right to the information, the rights to the discussion and to the decisions, the rights to monitoring and examining of a number of activities of the administrative offices. In more details, for the commune budget, the Decision on Democratization on the local level has provided that the commune budget, including the revenues on the location, should be put forth for discussion by concerned parties.

- Concerning the profession, the knowledge, the civil society is the gathering of various organizations, many individuals in the society; each of which has its own philosophies, its own mandates shared by its members. Many civil

societies take their profession as the base for its foundation and activities, especially the case of specialized associations. At present, thanks to their large number, the specialized associations are the sources for policy-making agencies to consult with in different policies. On the one hand, the civil societies, in general, with their own professional capabilities, have participated in researching, counter-proposing the policy guidelines of the Party and the State (such as contributing ideas to the draft documents of every conference of the Party, socio-economic bills such as bills on the business company, on the investment, on the civil, on the education, extra). On the other hand, each specific civil society has its own strong position when it contributes its ideas to the forming of each specific socio-economic policy. For example, The Union of Scientific and Technological Association of Vietnam has played an important role in the forming of the Law on Science and Technology, the Decision on the Transfer of Technology. While the Literature Association has essential contributions on the adjustment of the textbooks and on the building of the literature museum. The professional associations

Have initiative and positive contributions to the socio-economic policies, especially the policies which relate to their fields of specific activities such as the Investment Law, the Law on Business Company, the Law on Value Added Taxes, the Code of Labour Laws. For specific sectors of the economy such as the aqua product, the textile, the leather, the construction, the professional associations contribute important parts by participating in the forming of the policies and development strategy of the sectors.

- On the experience of participation and its scale of influence, Looking back to the achievements of the participation by the civil societies into the activities of forming and implementing of the socio-economic development in Vietnam, we realize that the contributions of these organizations have been taken notes of since the resistance war to defend and to reunify the country. The participation in the forming and deploying of the local (mountainous village) development plans and of the socio-economic development plan of 2006-2010 are considered the most successful. During the process of drafting this five year plan, various social strata, the ministries, branches, regions, donors and civil societies have been mobilized to participate contribute ideas through the seminars or consultations at different scales.

- Besides, the roles of participation in the supplying of public services of the

civil societies, in recent years, were one of the parts of the activities that have made progresses. The civil societies of Vietnam has been taken notes of having participated rather actively in such fields as the health, the education, the protection of ecology and environment.

### **2.3.2. The short comings**

- The limitation of the legal and management framework: although the birth and the activities of civil societies of Vietnam has been ensured by the Constitution, until now there is not any legal papers which officially focus on showing guides for activities of these entities. The draft Law on the Associations has been in preparation for several years but has not been approved yet. The current legal framework only allows a small part of socio-political organizations to have the rights of fullest participation (including in laws and in the process) in the forming and implementing of policies. Other organizations, including professional associations at the centre, at present do not have the opportunity to realize this role. The civil societies did rarely “know” and “discuss” things, not to mention to have the right of “examination”, as provided by the guideline. In the context of the general nature of the policy and legal frameworks as at present, non-participation of the civil societies to the process of forming of policies may easily imply that the administration of all levels (especially at the local levels) usually explain the policies and the laws wishfully according to what they understand or to what they want. This way of doing things has made the process of making official decisions not as important as the decisions of authoritative individuals leading to personal relationship of “begging – giving” nature between the representatives of the administration and the population. At the same time, the facts have showed that this type of personal relations has led to the increase of the social costs in comparison with the normal implementation of the laws.

- The participation roles in monitoring, assessing and counter-proposing policies by the civil societies are still very opaque.

In Vietnam, though the participation role of the civil societies in the observation of the activities is an important content provided in the Decision on Democratization at the local level even right at the end of 1990s, in fact, only some socio-political organizations (not all civil societies) have the right to carry out the observation, the monitoring and the assessment the implementation of the policies. The absence of the legal framework is a big barrier which limits the direct participation by the civil societies in the implementation of the role of monitoring, assessing and counter-arguing of

the policies.

Besides, the lack of reliable, comprehensive and user friendly information is an important cause that makes it difficult for the monitoring of the process of implementation of the socio- economic policies, for the monitoring of the policies concerning the management and the service supply. Figure 6 shows the problem of information shortage by a large number of people who were interviewed.

**Figure 6: The limits of the information**

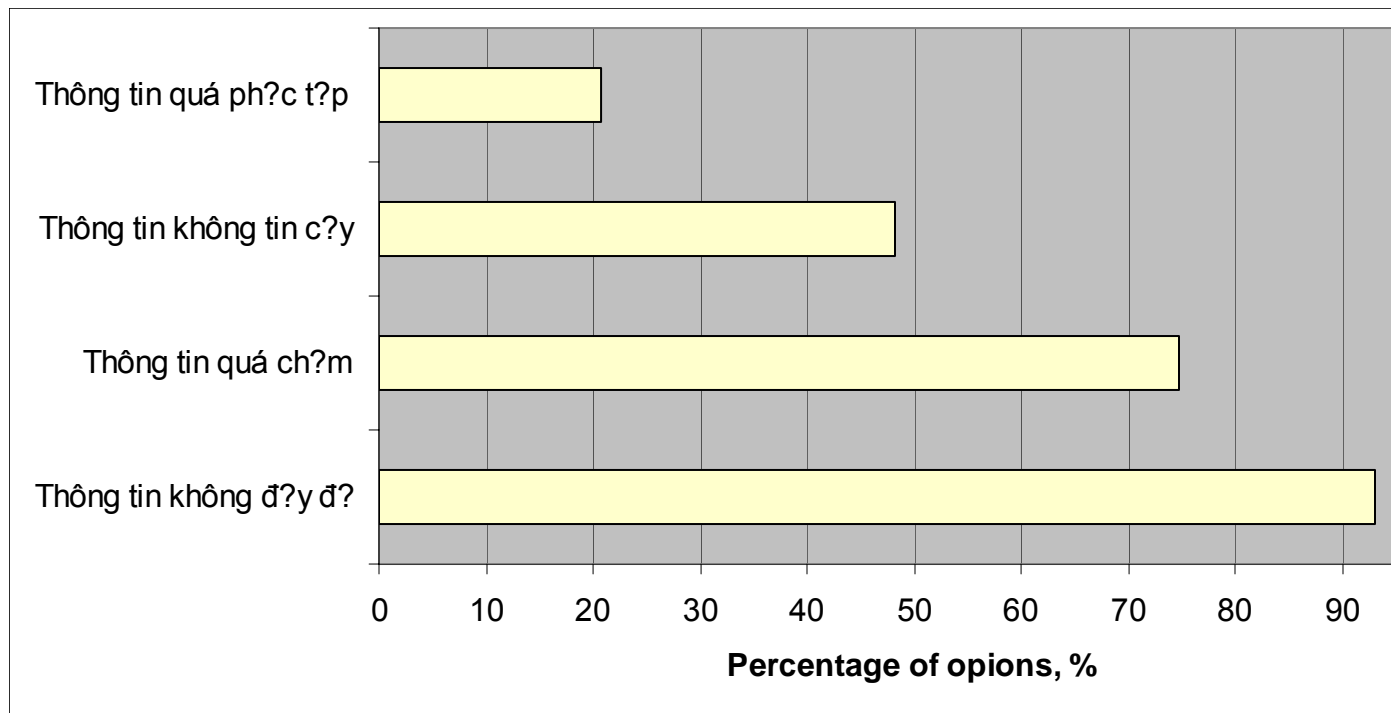
**quality**

Information too complicated (1st bar)

Information not reliable (2rd bar)

Information too late (3rd bar)

Information not sufficient (4th bar)



Source: Investigation data LCA-2.

- Concerning the resources for and the skills of participation, although the sources from the civil societies in Vietnam are considered to be numerous, only a number of socio-political associations were early established and got strong support from the authorities. These organizations, therefore, have left memorable images in the life of the society, while the voices of other civil societies were not much heard of.

On the other hand, most of the societies have difficulties in having the resources. This has limited their capability of participation, not only in their activities to form and to implement the policies, but also badly affecting the normal operation of these civil societies. Usually, the work of the civil societies is considered to be only the secondary one, or is for those who have retired on pension. Therefore, besides being in short of the financial resources or other resources, the civil societies in Vietnam are often facing with the serious shortage of human resources.

- Concerning the excessive dependence of the civil societies on the authorities, the short-of-independent relationship of the civil societies Vietnam as to the authorities precisely applies not only to socio-political organizations which have been established and financed by the State, but also to many of other civil societies which, at present, are existing as satellites around the State. Many business associations, professional associations which seem to be operating independently, but in fact, are existing as dependent offices which are under the "umbrella" of certain government agencies. Many associations were really considered as the "backyards", as the "retiree clubs" or the "kindergarten" of the government officials. Many important places in the civil societies have become concurrent places, or "additional jobs" of Government officials for their retirement period.

The existence of excessive dependency on the authorities has made it difficult for the civil societies to carry out their main functions as the ones who are representing and protecting the interests of their members and the interests of other groups of the population. Even they sometimes have been "administratized" to the extent that they are not able to maintain their independent voices, thus unable to implement effectively their missions of participating in the forming and counter-arguing of the policies.

- Shortcomings in coordination between various civil societies: One of the important reasons that prevent the civil societies from bringing into play their great potentials is the lack of cooperation. The civil societies of Vietnam are usually existing separately, in an "acting on their own" fashion. Therefore, these organizations have proved themselves as the forces, which can gather the forces of the other actors in their negotiations with other players of the societies (for example: with the Government) in order to expand their rights, their dimension of participation, their scale of influence. In the process of forming and implementing of the socio-economic

development, the coordination of activities among civil societies is an important factor in building and maintaining a level of reliability, in enhancing an organization character, and consequently in enhancing their opportunity to participate in this process.

- Considering from the point of essence, the civil societies have certain limitations and challenges. With the characteristics of organizations with soft connections, on the basis of voluntarism, self management, heterogeneousness, there happened the cases where the civil societies are only caring about their partial interests not the overall social interests, leading to separate "practices" which are not suitable to the policies and the laws of the Government. Even the case of disguising of a civil societies in order to serve the interests of a number of individuals who are in controlling positions is not very rare. Therefore, the organizations need to be put under control and guided by laws, to have a healthy environment of democracy, reliable enough for their development in coordination, in a common social environment.

- The absence of "participation culture": A challenge which is not small to the enhancement of the roles of the civil societies is the absence of participation culture in the society. Although civil societies in Vietnam possessed potential strength, many of these organizations do not have experience in independent operation, in their position as equal entity with the Government. Having participated a lot when such participation has not become their self-conscious purposes, a number of civil societies performed such participation as a movement; other civil societies tended to avoid the participation preferring to concentrate on those of their own field of specialization and considered the participation in activities to form policies as "sensitive". The participation was not seen as their rights and as a condition to show their mission is the cause of shortcoming of each organization.

### **3. The Directions for Solutions**

#### ***3.1 The main directions for the enhancement of the participation roles of the civil societies in the forming and the implementing of socio-economic development***

##### **3.1.1. The renovation of the thinking and the perception of the nature and the roles of the civil societies in a new condition of development**

As have been explained in Part I, although "civil societies" is a phrase which has been imported to Vietnam in recently years, in historic and cultural senses, the "civil society" category appeared in Vietnam already in the first days of the foundation of the country, or even earlier. The co-existence of the civil societies with other social institutions such as the State, the family, or the business sector has to be the reality that cannot be denied, and is also necessary. While, for various reasons, at present, there have existed far apart ideas about this institution.

However, there comes the time when one could surely confirm that similar to the "market economy", civil societies are the development achievements of mankind civilization. The development of the civil societies is an objective trend that come with the process of the building of a jurisdictional state, of completing of a legal system in order to enable the population to do those things which are not forbidden by the laws, in order to satisfy their ever increasing and multi facet needs and interests. The development of the civil societies will enable the ever-increasing freedom, more openness of the social connections among the population; thus the needs for contacts, connections between individuals be able to be satisfied; and thus the social activeness of the population, of the organizations, of the non-governmental organizations be ever enhance.

In particular, at present, when Vietnam is transforming from a planned economy to a market one, the need for a civil society, with its focus representative such as the organized civil societies, should be well perceived, first of all for the following reasons:

First, civil society is the environment to practice the democracy and is a factor to contribute to the process of perfecting of a legal State.

Second, the civil societies are positive factors contributing to correct, reduce the shortcomings of the market.

Third, the civil society is a social entity which is able to share positively and voluntarily a number of activities with the Government, is an entity which can supplement and fill up the "gaps" of the Government.

Fourth, civil societies have increasingly proved to be an important "channel" in foreign relations.



Fifth, the presence of the civil societies are necessary in response to the natural requirements of the population as voluntary connections between individuals, basing on mutual reliability, for common interests and purposes.

Sixth, civil societies may have important roles in seeking and maintaining the livelihood of the population.

Seventh, the civil society is one of the best entities to implement the roles of social evaluation and counter-arguing of policies.

### **3.1.2. Ensuring necessary factors and conditions for active and effective participation by the civil societies in the process of forming and implementing of development policies**

In the current condition, in order that the civil societies can really be able to bring into full play of their participation in the forming and implementing of the development policies, the following conditions should attentively be ensured:

First, establishing basic rights and conditions, necessary for the participation by the civil societies, of which, of the most important are (i) the right to establish and to join the civil societies (in accordance with the provisions of the laws and the social standards); (ii) the right and the capacity to access, to mobilize different resources to implement the targets worked out by the civil society; (iii) the right and the capacity to establish civil societies which indicate their ideas, their view points to those issues concerning the national policies and the population's livelihood; (iv) the rights and the capacities to access, to handle necessary information for expressing of opinions, for negotiations, v.v...

Second, diversifying of the composition of the participants.

Third, enhancing of coordination capacity between the participants

Fourth, ensuring the transparency during the process of participation.

Fifth, ensuring the responsibility of explanation during the participation process.

Sixth, attaching the importance to the building of trusts among participating partners

### **3.1.3. Building and strengthening close partner relationship between the Government and the civil societies in the process of forming and implementing the socio-economic development policies**

In Vietnam, in addition to formally emphasizing and recognizing the legal status of many civil societies, the Party and the State has been following the policy of continuing of the "widening and diversifying types of gathering the participation of the population in the mass unions, social organizations, professional, cultural, friendship, charitable-humanitarian associations...". Most recently, at the forth Conference of the Executive Committee of the Communist Party of Vietnam (January 2007), the Party decided that, in order to develop and to integrate successfully, one of the most important duties, in the next period, is to "complete the democratic institutions in order to ensure and to promote the rights mastership of the population".

Means to enhance the participation of the population, in general, of the civil societies, in particular, into the process of forming and implementing the socio-economic policies should applied consistently and thoroughly, in order, first of all, to respond to the needs originated from enormous changes of the renovation of the economy and of the commitments to international integration. At the same time, they are responsive to the requirements of ensuring the social equity and of implementing the rights of individual citizen.

In order to be able to do that, the civil societies should be considered as reliable "partners", at certain dimension, they should have the rights equal to that of the agencies, organizations of the Government. Practical experience and development theories showed that: together with the development of the economy, there will consequently be changes in the roles of the main social institutions. The best choice for achieving the dual target of high growth of the economy and of social equity to a higher level, is to equalize the roles, the positions of the socio-economic entities (Figure 7); is to enhance and to concentrate their potential capabilities in achieving the development targets.

Figure 7: Equal rights of the main social actors in the process of development

What is worth mentioning here is that the widening and enhancing of the participation of the civil societies in the forming and implementing of the

policies need not become a "counter balance" with that of the government. On the contrary, a social society with its healthy activities can surely be a positive supporting force for the system of administrative agencies to better carry out the missions of socio-economic development.

**3.1.4. The enhancing of the participation roles of the civil societies in the process of forming and implementing of development policies should be defined as a condition to increase the power of the citizen and to increase the "social capital"**

In a market economy, civil societies can be successful and positive protectors for the rights and the interests of the citizen, especially the disadvantage group of the society. A market economy regime should be built in the direction which ensures the participation of the civil societies in such activities as: (i) supplying the information and educating the citizen. (ii) Strengthening the capacities of collective activities, helping the population to be self-organized, mobilizing resources and cooperating to solve a number of common issues (for example: cooperating in the efforts to eradicate famine and to alleviate poverty, to protect the environment, and so on); or enhancing the power of the disadvantage groups (the women, the children, the invalid), and (iii) building the "social capital" through other unofficial networks and connections, between the community members, enhancing the creditability, forgiveness and the spirits of "one self for everyone else" in the market interaction. This, in its turn, will help to enhance the power of the population in the society.

Increasing the social capital is one among the important social values could be brought about by the participation process. While participating in the forming and implementing plans, policies for socio-economic development, the capacities of each individual, of administrative agencies, and of the civil societies themselves will gradually be consolidated and multiplied. Individuals of the population themselves who started from the state of being without specialized knowledge of issues under policy performance, who were reluctant to participate in the collective or community activities, have gathered knowledge and experience. Once its members becomes more knowledgeable of the profession and gains experience in participation, hence the capacities of the organization were enhance. At the same time, the administrative agencies also have the opportunities to gain experience in order to coordinate their activities more effectively and to render better services to the population. By such ways, the social capitals are increased.

In addition, the mechanism of participation by the population in the

forming and deploying the implementation of socio-economic policies can help to increase the political support of the mass to the Government, to the planning agencies thus helping the latter to gain, by way of the democratic nature they have shown, further creditability and favorable feelings from the population. In turn, the creditability from the population will encourage the active participation, contributing to a more stable sustained development of the society.

### ***3.2 A number of solutions to increase the roles of the civil societies in the process of forming and implementing of socio-economic development policies***

#### **3.2.1. Groups of solutions on the completion of the legal, policy environment**

a. Completion of the legal framework for the participation by the civil societies in the process of planning and implementing the socio-economic policies

Although the birth of the Decision on the Democratization at the local level is considered as a big step toward widening the opportunity of participation by the population, in Vietnam, it has not been welcome from the angle of basically changing the way of action of the concerned agencies; it also has not been used as a basis requirement and principle- which regulates the right of people to participate in making decisions issues related to their life. Based on the concretization the Constitution on the freedom right of citizens, it needs to issue more concreted legal documents as soon as possible as the following:

- + Institutionalizing the participation right and participation mechanism of the citizens by promulgating soon and implementing the Law of referendum and the guiding document to implement this Law.
- + Passing soon the Law on Association towards expanding the roles and participation of the civil society organizations in making and implementing for the socio-economic policies; the legal documents needs to provide articles for confirming the role and participation of the civil society organizations.
- + Institutionalizing the participation right and participation mechanism of the civil society organizations into making the development plans by promulgating and implementing soon the Law on Planning and the guiding document to implement this Law. In which, it needs to provide clearly steps needed the participation in plan making and implementing; educating people

for democracy and laws, on rights and obligations to participate In making and implementing socio-economic development plans, on rights to supervising public agencies' activities. Therefore, citizens will be more confident and active to contribute for the policies at both levels of local or national.

b. Reforming the method and the pathway to make and Implement the socio-economic, budget development plans and provide public service in the direction of attracting the more active participation of the civil society.

One of the biggest obstacles for civil society organizations into the policymaking process lies on the plan-making pathway. To overcome this weakness, the pathway for making and synthesizing plans and budgets needs to be reformed in the direction to attract more participation of the civil society organizations into all steps of this pathway.

To provide well public services, it needs to make soon policies to strengthen the community participation in the tender and implementing supervision, operating and maintaining infrastructure works at each locality.

b. Strengthening the participation capacity for some civil society organizations In the process of socio-economic policy making and implementing.

- Defining and applying the measures to strengthen capacity suitable with different civil society organizations.
- Forming effective mechanisms to implementing the functions of civil society organizations on supervising, assessing, and policy opposite comments.
- civil society organizations need to be supported to bring into play stronger the spirit of creative ability in the making of socio-economic policies

c. Applying the measures to promote the participation of civil society organizations.

In the context of democracy participatory culture is still limited, along with improvement in terms of laws, the promotion and making incentives for the participation of civil society organizations is necessary. Besides, the promotion needs to be done under many dimensions: not only stop at the compliment to the active and effective participatory organizations, but strengthening measures for punishing and critics those who do not implement well their participatory obligations.

Similarly, It needs to promote the citizens' participation through the dissemination programmes of media, considering the citizens' participation as "good actions" and the active participatory citizens as "good people". By this way, we will build successfully the real democratic culture society.

d. creating rights and expanding spaces for participation of civil society organizations

The expansion the participatory spaces for their civil society organizations, Including non state organizations, may help them both Improve themselves status, and expand the chances to exchange and learn each other, to strengthening "social capital". However, In Vietnam, the official spaces for these objectives are still limited: many civil society organizations have no forum to express their ideas and wishes. Media often pays more attention on disseminating the state policies, from the state than transferring feedback information of civil society organizations, form civil society organizations, or to help them exchange ideas each other, with the state, or with other entities. Meanwhile, It should have feedback mechanism at all policy-making agencies (not limited at the people- elected agencies at present), to gather the ideas of civil society organizations and people in general, because the present feedback channels (EX: complain mail box) are not strong enough.

e. Attracting the participation of civil society organizations in providing some public services via expanding partnership relations between civil society organizations and the state (government) and other social entities.

In VietNam, there are many examples on partnership between government and donors, or government and non- government international organizations. The partnership groups have been effective in the discussion on policies at the national level. However, these relations just have been expressed at the central level, and mainly with the government. The civil society organizations and citizens involve at the limited level into these multi-relations. The international experiences show that, the citizen-government partnership at the local level is very important to assess the public services such as education or healthcare.

f. Building a standard set to assess the civil society organizations participatory level.

At present, the assessment of the participatory level in VietNam is

difficult due to lacking consistent standards. For example: the assessment the implementing the Decree grass root Democracy just based on the reports of the localities/units in terms of whether they issue the individual rules on grass root democracy, and this is seen as an evident that grass root democracy has been implemented at that unit/locality. Other standard is the increase of budget revenue and contribution of people at the localities. However, this is an index which makes understanding on "participatory democracy" distorted, because, the contribution may be mobilized by the compulsory way instead of the measure calling voluntary spirit. The trend to rise/fall complains letters sometimes is used as a standard to measure the participatory level of the civil society organizations. However, the local officials completely can interfere this index by using measures preventing people to complain.

In short, up to now, there are many different ideas on this issue. The suggestions in the UNDP report may be useful for policy makers and researchers' reference. (See Box 2)

**Box 2: Suggestions for standards to measure civil society organizations percolator level**

A number of plans and projects has been implemented under the "bottom up" approach method;

The rate of people participating the meetings at the commune level, especially the rate of weak groups such as women, the poor;

A number of subject has been discussed, a number of people speaking out;

A number of plans based on the ideas of civil society organizations approved by the leaders.

Budget approved at the meetings for making policy at the local level;

Amount of money passed thanks to the participation of civil society organizations into the budgeting process;

A number of cadres of civil society organizations has ability to organize, guide the participatory activities of people;

Source: UNDP "Furthering democracy deepness and strengthening the people's participation ", 1/2006.

### **3.2.2. Solution groups for the establishment and the completion of “participation culture”**

#### *a. Capacity enhancement with a view to forming “participation culture”*

Analyses presented above show that one of reasons resulting to weaknesses in the participation of civil organizations is the absence of

necessary skills and knowledge about *participative natures and procedures*. As a matter of fact, although there has been, more or less, the participation of civil organizations in policy making and implementation process, such participation is rather in form of a movement, or just focus in some certain periods, some specific policy or plan making requirements. Meanwhile, for more stable and sustainable participation of people and civil organizations in socio-economic development policy formulation and implementation, it is required a sound social foundation in the society, that is a new “participation culture”.

There is still a lack of skills guiding the work of plan making, budget planning, public service supply, and participation supervision and assessment, even with textbooks of administration and politic management schools. Whereas, a wide range of experiences gained from international projects and donors, relating to participation capacity formulation for governmental staff and representative of civil organizations have not receive efficient attention. Therefore, closer cooperation between Vietnam Government and these organizations, through experience exchange on stakeholders’ capacity enhancement, is likely to shorten capacity gap of the governmental representatives and civil society as well.

*b. Local government capacity enhancement to meet requirements of the participation process*

Participation of civil organizations, particularly ones which are not belong to the “politic system”, remarkably depends on commitments and the willingness of individuals and bodies of the administration system. Once local governments do not welcome the participation, it is impossible for the success of the “participative democracy”. To socio-economic development policies, if people have no idea about policies provided by state agencies, it would be impossible for them to execute their participation. Welcoming and facilitating the participation of people in policy making process are not responsibility of the central level only, but local levels also.

However, local administration staff should be trained on the participation approach. There have been many projects of the Government and NGOs provided experiences regarding both training approach and content for local cadres and staff of socio-politic organizations. Such experiences, however, are still put outside of formal state training system and excluded from textbooks of regular training facilities. To overcome this shortcoming and transfer above mentioned experiences to current training system in an effective way, it is dramatically necessary to establish Government-NGOs partnership in the time to come.

**3.2.3. Improvement of resource conditions for the participation of civil**



## **society in policy making and implementation process**

### *a. To apply better supporting policies to civil organizations of different groups*

Of all civil organizations in Vietnam, just socio-politic ones belonging to the National Front of Vietnam have received direct supports from the State over the past time. Whereas, most of the others, including association, NGOs, and self-controlled organizations, etc., hardly receive sufficient attention. It is noteworthy that “supports” should not be understood simply as direct financial transfers to civil organizations for “operation expenditures”; more importantly, it should be fundamental help, through providing a training course on favourable policy environment for example, for human resource training and enhancement, establishing initial technical facilities, etc.

- *Supporting policies on human resource for civil organizations*, limitation regarding human resource is one of the most exposed weaknesses of civil organizations in Vietnam.

- *Supporting policies on technical and material facilities for civil organizations*, technical and material supports are also seen as positive measures to promote better performance and participation of civil organizations in effective formulation and implementation of state policies. More concretely, it is necessary to consider allowing civil organizations to use local halls for their meetings, public propaganda, and training on some aspects of their operational framework. Allowing to use of some public assets (for free) serving their certain activities is also worth consideration.

- *Financial support policies for civil organizations*. As a matter of fact, civil organizations which are not belong to the politic system are rather new in Vietnam. Thus, without the foster of the government in financial term, such organizations will face many difficulties once just relying on member fees, this can also lead to that they will more focus on profitable and market-based business opportunities, rather than participate in common activities of interests for the community or the society as a whole.

### *b. To study and adopt lessons from available experiences, particularly experiences gained by relevant pilot projects in Vietnam*

In addition to studying international experiences on civil society participation enhancement, relevant effective practical experiences related to capacity enhancement for civil society’ s participation in policy making and implementation process in Vietnam are also noteworthy. First of all, these are specific lessons on the participation in grassroots democracy implementation, and experimental experiences drawn from pilot projects supported by international sponsors (as presented in Part II of the Report). Second, more comprehensive lessons can be learnt from procedures of

national socio-economic development program implementation, such as the Comprehensive Poverty Reduction and Growth Strategies (CPRGS), or others like Program 135 and 134. These programs and projects have been proofed to be successful, fulfilling targets of attracting full participation of civil society, ensuring information transparency, diversifying sponsor sources and promoting coordination among key stakeholders (the Government, private sector, and civil society). Such valuable experiences are still overlooked by related agencies and the public.

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