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# TỌA ĐÀM CHUYÊN ĐỀ | THEMATIC DISCUSSION

**Thực hiện dân chủ cơ sở ở Việt Nam: Một số mô hình thực tiễn tốt và hàm ý chính sách**  
*Grassroots Democracy Implementation in Viet Nam: Good Practices and Policy Implications*

Hà Nội, 02/11/2022





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PPWG



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THE DOCUMENTS**



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# Grassroots Democracy Implementation in Viet Nam: Good Practices and Policy Implications



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# ABOUT THE RESEARCH

## Research objectives

- 🎯 Analyze some good models with people's participation in supervising, deploying, and benefiting from projects at the grassroots level.
- 🎯 Draw lessons learned to promote grassroots democracy implementation through people's participation.
- 🎯 Provide recommendations for the legal framework (i.e. the draft Law on Grassroots Democracy Implementation) to promote people's active participation.

## Research questions

- ❓ What are the necessary conditions for people to participate effectively in commenting, supervising, deploying, and benefiting from projects, developmental policies at the grassroots level?
- ❓ How should the legal framework (i.e. the Law on Grassroots Democracy Implementation) institutionalize such conditions?



# METHODOLOGY

**Field studies:** Some models in Quang Tri and Ha Noi

**Interview:** September 2022

## Interviewees:

- Community team members
- Local people
- Chairs of local Vietnamese Women's Unions, the Vietnam Fatherland Front committees
- Chairman/Vice chairpersons of commune people's committees
- Agencies supervised: schools, medical facilities
- Members of apartment management boards





# CASE-STUDIES RESEARCH IN QUANG TRI AND HA NOI

## QUẢNG TRỊ

- Hải Định commune, Hải Lăng district: dialogue on communal budget revenue and expenditure
- Đông Giang ward, Đông Hà city: supervising the construction of the community cultural center
- Linh Trường commune, Gio Linh district: implementation of social welfare policies for ethnic minorities
- Gio Việt commune, Gio Linh district: supervising vaccination and medical services

### **Supervised by community groups**

- Community groups founded at the village level with Women's Unions as the core and financial, technical support from Oxfam
- Community groups trained to advance their competence to supervise and communicate.
- The community group is supported with small remuneration for their supervision.

## HÀ NỘI

- Tuy Lai commune, Mỹ Đức district: local environment protection and 'new countryside' projects
- Cầu Giấy, Thanh Trì, Thanh Xuân districts: Building Management Boards
- Chương Dương ward, Hoàn Kiếm district: Rehabilitating the environment at the riverbank area

### **Voluntary by people**

- Initiated by local people affected by environmental pollution
- Circular No. 02/2016/TT-BXD dated 15/02/2016 by the Minister of Construction (with revisions provided in Circular No. 06/2019/TT-BXD dated 31/10/2019, Circular No. 07/2021/TT-BXD dated 30/6/2021)
- Close collaboration between the For a Livable Hanoi network, the local government and the residents living in the area

# ACTIVE PEOPLE'S PARTICIPATION LEADING TO POSITIVE CHANGES (1)

- The village's environmental quality has improved significantly, and the model has been replicated in other villages in the commune (Tuy Lai commune).
- Citizens have been more aware of how much money was contributed, what it was spent on, whether the spending was correct (in the use of contingency funds, national defense funds, poverty reduction funds), thus have contributed more to local projects (Hai Dinh commune).
- Local government officials have concentrated, worked and reported more diligently and accurately. The revenues and expenditures are decided upon the discussion and participation of the people (Hai Dinh commune).
- Working attitudes of medical facilities' employees have improved, as they have become more welcoming and provided greater information to local residents (Gio Viet commune).



## ACTIVE PEOPLE'S PARTICIPATION LEADING TO POSITIVE CHANGES (2)

- The quality of meals at boarding schools have improved, with food origins better guaranteed (Linh Trường commune).
- Community cultural centers and anti-flood houses better aligned with local culture and practice (Linh Trường commune).
- The quality and design of the community cultural center better aligned with the community's needs (Đông Giang ward).
- Garbage dumps removed and green public space created for children, elders, local people, and Ha Noi (Chương Dương ward).





## IMPORTANT POLICIES THAT SHOULD BE CONSIDERED IN THE LAW BASED ON REAL-WORLD EXPERIENCES

01

Supplement the rights to form community-led supervision groups at the village/residential area level to facilitate people's supervision of law and policy implementation at the grassroots level

02

Include more agencies in supervising; stress the roles of civil society organizations and press institutions in participating and warranting the implementation of grassroots democracy.

03

Supplement regulations to guarantee funds for communes, villages, and residential groups to have meetings, conferences, discussions, consultations organized by communes, villages, residential groups and communities.



## IMPORTANT POLICIES THAT SHOULD BE CONSIDERED IN THE LAW BASED ON REAL-WORLD EXPERIENCES (2)

04

Warranting the rights of minority groups and vulnerable groups (e.g. women, ethnic minorities, the disabled and temporary residents) through regulations regarding diverse languages and forms of participation.

05

People's participation rights must be protected and institutionalized (e.g. through the rights to form community supervision groups and by avoiding the use of passive voices like "**citizens are allowed to...**" to "**citizens have the rights to...**"); provide regulations on responsibilities of state agencies and related organizations in warranting and facilitating the practice of grassroots democracy. There should be regulations on sanctions against violation of legal regulations on grassroots democracy implementation.

06

Add regulations about contents, forms and processes for people to discuss, provide comments on and make decisions on issues arising from their localities (e.g. mechanisms for citizens to discuss and make decision upon budget and expenditure at the commune level; dialogues between citizens and commune People's Councils). Four areas that people most care about: (i) infrastructure projects at the village level; (ii) state assistance policies; (iii) attitudes of public service providers; (iv) commune budget revenue and expenditure.



# **COMMENTS ON AND SUGGESTIONS FOR THE DRAFT LAW ON GRASSROOTS DEMOCRACY IMPLEMENTATION**



# GRASSROOTS DEMOCRACY & LAWS

01

The concept of “grassroots democracy” is characterized as highly “artificial” and widely contested. The term is also related to “local democracy”, “local self-governance”, etc.

02

A good law plays an important role in promoting grassroots democracy. Large potential impact: 10,599 communes across Viet Nam.

03

Democracy (the rights to freedom, democratic institutions) is multidimensional, multilayered, difficult to be dichotomized. One law can not influence or cover all aspects of democracy.





## **SOME CHARACTERISTICS OF DRAFT LAW ON THE GRASSROOTS DEMOCRACY IMPLEMENTATION**

- The draft law is based on the 2007 Ordinance on Grassroots Democracy Implementation at the Commune Level and related Decrees.
- The draft law's scope is wide, covering (1) communes and wards; (2) villages and residential groups; (2) organizations, units, and business entities.
- It covers detailed regulations on the rights of people (rights to know, discuss, do, check, supervise and benefit); however, the beneficiary aspect does not stand out.
- Some regulations have implications as “granting” people's rights rather than following the rights based-approach.
- The draft law (October 2022 version) consists of 6 chapters and 92 articles.



# RECOMMENDATIONS (1)

01

## The rights to form supervision groups of communities in villages, residential groups.

- Add one new article in Section 4, Chapter II – People check and supervise (after the sub-section about the People’s Inspection Boards and the Community Investment Supervision Boards):
  - ***“Residents in villages and residential groups have the right to establish and vote for their own Community Supervision Groups to supervise law and policy implementation following a self-governing model.”***
- Add a statement about the village-founded Community Supervision Groups to articles providing for the “People Discuss and Decide” section.



## RECOMMENDATIONS (2)

02

### Widen the coverage of agencies in regulations on participation and supervision

- Widen the coverage of agencies involved in participation and supervision to include civil society organizations and the press (Article 3) and areas under supervision (Clause 2, Article 30...). Clause 2, Article 30 should be rephrased as follows:
  - ***“Citizens supervise the implementation of grassroots democracy in their communities; the implementation of policy and laws by local governments; the performance of public officials, civil servants, public employees and village-level cadres; and the compliance with laws of socio-economic projects being implemented in their villages or residential areas.”***



## RECOMMENDATIONS (3)

03

### Regulate mandates, responsibilities, sanctions towards violation of the law regarding grassroots democracy implementation

- Regulate **mandates** (i.e. Commune People's Committees shall report to Commune People's Councils in Article 86, etc.), **responsibilities, sanctions** towards any violation of the law on grassroots democracy implementation.
- Review and change the wording in several articles to avoid sounding like "**giving/allowing**" (like "**citizens are allowed to...**" in Article 5 or Article 7)



## RECOMMENDATIONS (4)

04

### Publicity must go with transparency

- Publicity must go with transparency (concise, comprehensible, and accessible).
- Warrant the rights of minorities and vulnerable groups (women, ethnic minorities, the disabled persons, etc.).
- Sub-Clause 2, Article 12:
  - ***“Information to be disclosed must be succinct, concise, transparent, comprehensible, accessible for all in the society.***
  - ***Information disclosure means and formats must be suitable for ethnic minorities and those with visual and auditory disabilities. In communes where ethnic minorities take up to 15 percent of the population, information to be disclosed must be translated into ethnic languages for all ethnicities in the communes.”***





# RECOMMENDATIONS (5)

05

## Scope of areas where people discuss and decide

- The scope of areas where people discuss and decide must be expanded to fulfill the requirement for grassroots democracy and ensure the consistency of the Vietnamese law system (e.g. the Law on State Budgets).
- Sub-Clause 2, Article 15 can be supplemented with the following item:
  - ***“People shall discuss and decide on the revenue, expenditure and management of budget of their communes; the revenue, expenditure and management of contributions by people of their communities beyond what the law has regulated; the revenue, expenditure, and management of budget and properties that villages or residential areas are assigned to manage or receive from other legitimate sources, sponsorships and/or donations”.***





## RECOMMENDATIONS (6)

06

**Supplement a regulation on ensuring sufficient budget for communes and villages** to promote citizen participation in meetings, consultations and discussions at the commune and/or village levels in Chapter V. Organization of Implementation (which requires guidelines from the Ministry of Finance)

07

**Supplement regulations to ensure cooperative mechanisms between grassroots state institutions** (such as residential group leads, Vietnam Fatherland chapters and mass organizations) **and other self-governing institutions** (such as Apartment Building Boards and Apartment Building Supervision Board) **to ensure and promote citizen rights to govern at the grassroots level.**

08

**Need to use consistent wording in the draft law, especially in the use of the words “the people”, “citizen”, “community”;** need to adjust several items, clauses to ensure consistency in the approach to the law and the way of expression.



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# THANK YOU!!!

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