



## THE ORGANIZATION OF LOCAL GOVERNMENT IN VIETNAM

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**Abstract** - Local governments in numerous countries are divided into several levels, but how they are set up depends on each nation's political, cultural, and social characteristics. In terms of management, how to organize a lean, effective, and efficient local government is a constant concern for the leaders of every nation to save the state budget and best serve the people's rights and interests. In terms of research, the organization of local government is another research topic that many academics are interested in because it plays a crucial role in the construction of the state apparatus. In this paper, the author primarily focuses on studying the actual organization of local government in Vietnam and contrasting it with several global models of local governments. By using the qualitative research method of secondary document synthesis and analysis, the author of this paper highlights some widely used organizational principles and models of local government around the world, thereby underlining the benefits and drawbacks of the Vietnamese local government's organization. Since then, he contributes some innovative research recommendations based on that practice to enhance the effectiveness and efficiency of Vietnam's local government apparatus.

**Keywords:** Government; Local government; Decentralization; Vietnam.

### INTRODUCTION

According to the provisions of the Constitution [18] and the Law on Organization of Local Government [19], local government in Vietnam is divided into three provincial, district, and commune levels. The People's Council, the People's Committee, and the specialized agency (or professional civil servant) under the People's Committee are the established bodies that uniformly carry out the model of government structure at each level. The general and unifying principle controls the organization and operation of local governments, which means voters elect the People's Council for the duration of their term of office; the People's Council shall establish the People's Committee and the specialized agency under the People's Committee; and lower-level local governments are supervised by and must comply with commands from higher-level governments.

According to official statistics on administrative units, Vietnam now has 63 provincial-level local government agencies, 705 district-level local government agencies, and 10.599 commune-level local government agencies [6]. Each provincial and district government agency typically has 16 to 20 specialized agencies under the People's Committee. These are the ones that directly perform state management tasks under the branches and specialized fields in the locality. In particular, commune-level government agencies structure their apparatus into specialized civil servants who directly undertake state management activities in the commune-level locales rather than specialized bodies (there are seven titles of commune-level civil servants).

Local government in Vietnam was established in 1945, and its organizational structure and principle as well as methods of operation have been inherited and improved ever since. The organization of government has changed the course of the nation's history to suit its actual situation and the world administration. As a result, it is always necessary to study local government organizations. In line with

this trend, the author has conducted this study by scrutinizing and assessing how local government is structured in Vietnam and comparing it to local government organizational models in some other developed nations.

## 1. SOME THEORETICAL ISSUES ABOUT LOCAL GOVERNMENT ORGANIZATION

According to the general tendency of modern administration, local governments are autonomously constituted in terms of functions, duties, and powers and are democratically chosen by the local populace. Because there is independence and democracy in terms of organization, it is possible to exercise initiative and autonomy and promote the people's mastery in the implementation of local tasks based on decentralization under the laws and only comply with the law, not subject to the influence and intervention of superior authorities [3]. Many researchers who have studied the organization of local government in many nations have generalized their findings into the models listed below:

### DECENTRALIZED MODEL

According to this model, local governments are autonomously structured and decide on local issues in a decentralized manner. The local government systems in the United Kingdom, the United States, and Japan were all developed under a decentralized model, giving their local government levels autonomy and a high degree of self-responsibility in terms of organization and operations. This is a prerequisite for them to perform their local government duties.

Despite having a constitutional monarchy, the UK is seen as a democratic nation [15]. Three levels of local governments (the province, district, and commune) are set up using universal suffrage and run according to self-governance, independence, and self-responsibility concepts. The local government levels are independent, without interdependence, and can make decisions about their local issues based on compliance with the law and under the supervision of the court system. It means that the central government is not the superior management agency and does not control the locality. The majority party's leader serves as the head of local government, while local councilors are responsible for carrying out local state management duties [12].

The body of local government (county, city, and township) in the United States is an elected assembly organized and operated democratically, with the people holding the ultimate power. A prominent individual is directly elected as the head of the government. Government levels have high independence and are free to choose organizational models (Mayor-Council model, Committee model, City manager model). They operate on the principle of self-governance with clear decentralization that is of full authority to handle their affairs without the need for central patronage; Central obedience and central supervision over the locality is primarily through the law and judicial activities [5], [17]. The organization of the local state apparatus in the United States adheres to the principle of separation of powers, which means the legislative, executive, and judicial branches operate separately and in balance to avoid abuse of power [13].

While the national government in Japan is similar to that of England (constitutional monarchy), its local government is structured more simply, in the form of direct democracy, with the separation of powers like in the United States. It consists of only two levels - province and county-and they operate separately with nonhierarchical relationships in the administrative system. It is permitted to make its regulations and policies, and the government is not allowed to meddle in local affairs. To perform its functions and tasks to suit the actual situation of the locality. In Japan, local governance entails the coexistence of resident and government self-governances. This self-governance is conducted under the law and the independent oversight of the courts [16].

### DOUBLE SUPERVISION AND DUAL SUBORDINATES

With this organizational structure, local government is overseen and directed by higher authorities rather than promoting each level's independence and self-determination. China and the French Republic serve as this organizational model's representative nations.

In the French Republic, the three-level local government exercises self-governance through decentralization and self-determination, which means that it independently performs local governance tasks under the decentralization requirements prescribed by law without the involvement of the superior authorities and under the supervision of the central authority located in the locality. It is seen

as double supervision [12]. The Constitutional Council (the highest judicial body of the State) safeguards the self-governance model's operations for local governments. However, in the French Republic, the localized head is elected by the local council rather than the populace. It means that the local council has a significant influence in the choice of the localized head, who must be exceptional to carry out the duty of local development governance [15].

In China, four-level local government is organized in a combination of autonomous and non-autonomous, whereby autonomous localities (autonomous regions, autonomous regions, autonomous districts) are more decentralized than other localities. The local executive body (local people's government) is elected by the state power agency (local people's congress) at the same level, and it is subject to the supervision and direction of this agency. The lower-level People's Governments are directly under and under the oversight and direction of the superior People's Governments, and they are led by the Party Committees of the same level (dual subordinates), whereby making it hard to establish a system of local self-governance [7]. Although there are two subordinates, and the local government head is not directly elected by the populace, the regulation that the local people's government operates under the headship regime has made the role of the heads of the government demonstrated, contributing to the breakthrough in many localities when they are talented individuals.

## 2. PRACTICAL ORGANIZATION OF LOCAL GOVERNMENT IN VIETNAM

Vietnamese local governments are composed of the People's Council, the People's Committee, and the specialized agency (or professional civil servants) in the People's Committee. These bodies are organized at the level of administrative units (province, district, and commune) and operate with legal authorization and decentralization under the law. The People's Council, which is the entity that represents their wishes and aspirations in the community, was established by the people using their democratic right to vote. This right is demonstrated by voters having the right to self-nominate, to directly express their confidence in the candidate at the constituency conference before the election, and to conduct public elections. This way of the organization demonstrates the democratic nature of the organization of the government apparatus; nonetheless, local governments are influenced and dependent on higher authorities, limiting their independence and autonomy [4]. In addition, people are not allowed to directly participate in the establishment of an executive authority that will oversee and manage local socio-economic activities and protect their legitimate rights and interests.

### THE ORGANIZATION OF LOCAL GOVERNMENT IS DOMINATED AND SUBORDINATED BY THE SUPERIOR GOVERNMENT

According to Vietnam's Law on Local Government Organization, elections are required to construct the local government apparatus: The People's Council, the local state power agency that represents the will, aspiration, and mastery of the people, is elected by local voters for a term by universal suffrage and The People's Committee, the People's Council's executive body and the local state administrative body, is chosen by the People's Council at the same level [19, Article 6 & Article 8]. However, each level's local government organization is still subject to control and dependence from higher authorities, namely:

- The Chairman of the People's Committee at a higher level shall approve the results of the election, dismissal, and removal of the Chairman and Vice Chairman of the People's Committee at the lower level; mobilize, suspend or dismiss the Chairman and Vice-Chairman of the People's Committee at the lower level; delegate the authority to the Chairman of the People's Committee at a lower level in case the position of the Chairman becomes vacant between two sessions of the People's Council at a lower level. Even the provincial government can intervene at the commune level: The Chairman of the Provincial People's Committee has the authority to request the Chairman of the District People's Committee to suspend or dismiss the Chairman and Vice Chairman of Commune-level People's Committees when they fail to fulfill their assigned tasks or violate the law [19, Article 22].

- When the lower-level People's Council seriously jeopardizes the interests of the people, the higher-level People's Council has the authority to dissolve it. The district-level People's Council dissolves the commune-level People's Council and submits it to the Provincial People's Council for approval; The Provincial People's Council dissolves the District People's Council and submits it to the National Assembly Standing Committee for approval.

With the above provisions, it can be seen that the organization of the local government apparatus in Vietnam is different from that of many developed countries such as the United Kingdom, the United States, Japan, and the French Republic. Accordingly, the local governments at each level in these

nations are organized independently in the spirit of self-governance, only abiding by the law without the direct approval of the superior government. This gives the government apparatus its independent nature, resulting in the formation of a self-governing system of government to carry out the tasks of local governance in the United Kingdom, the United States, Japan, and the French Republic. In Vietnam, the superior government participates in the organization of the lower-level government apparatus and even gets involved at the commune level, leading to a reliance on the higher government for the administration of each level of government's apparatus [9]. As a result, it is challenging to create a comprehensive self-governing system that can effectively carry out local governance tasks.

**PEOPLE ARE NOT ALLOWED TO DIRECTLY PARTICIPATE IN THE ESTABLISHMENT OF AN EXECUTIVE AUTHORITY TO MANAGE AND ADMINISTER LOCAL SOCIO-ECONOMIC ACTIVITIES AND UPHOLD THEIR LEGITIMATE RIGHTS AND INTERESTS**

The People's Committee is the body that exercises the executive power to regularly manage and administer local socio-economic activities and ensure the people's legitimate rights and interests. By using the votes of the elected deputies, the People's Council of the same level establishes the People's Committee and appoints, removes, and dismisses the committee's chairman and vice chairman as well as its members.

As a result, the People's Committee is indirectly elected by the People. Critical decisions regarding local state administration must be taken by the collective since the People's Committee is governed by a collective regime (the Chairman and its members) and under the responsibility of the head (the Chairman of the People's Committee). It also implies that it will be challenging to assign blame to the chairman of the People's Committee serving in an executive capacity for problems that arise in state management [8]. And it will also be problematic to carry out the duties of local governance effectively if the head of the People's Committee lacks talent and distinction. Not only does he fail to promote his roles and responsibilities, but he can also easily push the responsibility to the collective.

In terms of state organization science, the organization of the local state administrative apparatus in Vietnam is carried out in the form of representative democracy [11]. This way of organization has restricted people's ability to directly choose the heads of the agencies executing the executive function who have exceptional talent to develop a powerful executive apparatus [10]. The characteristics of the political system and how the state apparatus formally and legally originated are the root causes of the above issues. Namely:

- First, Vietnam is a unitary state where the National Assembly holds legislative authority. As a result, only the National Assembly has the right to make laws, and other government entities, including local ones, are required to abide by those laws. It demonstrates that, unlike many federal systems where the states have their laws and are organized differently according to their economic and social characteristics, Vietnam has no "local state" concept to distinguish it from the "central state". The construction of a democratic political system and a unitary state structure have created unity in the organization of the Vietnamese local government apparatus. However, because models of local government can be organized in a variety of ways, many unitary countries have been fulfilling local governance duties rather successfully. Therefore, organizational issues can still be adjusted for each content to ensure consistency according to each defined specific criterion, for example: Classifying localities into natural and artificial administrative units while prescribing a unified organization method for them to have a local government apparatus suitable for the characteristics of the local population.

- Second, the state power is unified with the assignment, coordination, and control among state agencies. The Communist Party of Vietnam is in charge of state management activities, which are carried out according to the principles of harmony, smoothness, and combination of management by sector and territory, thereby producing an incomplete decentralization mechanism. That is, local governments are decentralized to perform tasks within their jurisdiction within the territory, but are placed under the inspection, examination, and supervision of the superior authorities and management agencies; Additionally, they are also under the leadership of the party committees at the same level, which prevents them from effectively promoting their autonomy and high levels of self-responsibility within the territory.

### 3. ISSUES THAT NEED RESEARCHING AND INNOVATING IN VIETNAM'S LOCAL GOVERNMENT ORGANIZATION

From the practice of organizing local government in Vietnam and the model of local government organization of some countries in the world mentioned above, the author suggests some suggestions that need researching and innovating towards promoting democracy, building a lean, efficient and effective local government apparatus in Vietnam, that is building a regime of direct participation of the people in the organization of the local executive apparatus.

#### **Objectives to increase direct participation of the people in the organization of the local executive apparatus**

It is necessary to increase the direct participation of the people in the organization of the local state administrative apparatus (the apparatus for exercising executive power, also known as the executive apparatus) to promote democratic principles in the organization and operation of the state apparatus and ensure that all state power belongs to the people. In addition, it strives to create a powerful executive branch of government to secure the best advancement of the legitimate rights and interests of the populace in line with the spirit of the 2013 Vietnamese Constitution.

#### **Content and significance of expanding direct public participation in local executive apparatus organization**

- Establishing a local government apparatus, including the People's Council and specialized agencies established by the People's Council (for provincial and district levels) or civil servants directly performing executive functions according to their professional field (for commune level). In such cases, the People's Council serves as the state power body with the right to make local policy decisions; The People's Council created specialized agencies which serve as the regional executive apparatus and wield executive power and implement local policies.

- Implementing a system whereby the local executive branch is chosen by the head of the local government, who is directly elected by the populace.

The construction of a mode of the public's direct involvement in the organization of the local executive apparatus is of great significance for both streamlining the apparatus and assuring its operational effectiveness. In particular:

- First, disband the People's Committee and create a local executive structure consisting of the People's Council, specialized state management agencies organized into branches and domains (for provincial and district levels), and professional civil employees (for commune levels). Heads of specialized agencies (for provincial and district levels) and professional civil servants (for commune levels) are appointed by the Chairman of the People's Council at the same level and are answerable to the Chairman of the People's Council. That will contribute to a lean local government apparatus, relimiting 10.599 commune-level People's Committees, 705 district-level People's Committees, and 63 provincial-level People's Committees with more than 24.000 titles of Chairman and Vice Chairman of the People's Committee as of present.

- Second, streamlining the apparatus while maintaining the local government's operational effectiveness. This is because the People's Committee currently oversees specialized agencies under its control at the district and provincial levels and professional civil officials at the community level for direct handling the populace's requests. And even if the People's Committee institution is abolished, the tasks of specialized agencies (district and provincial levels) and professional civil servants (commune level) are still performed regularly under the reporting regime and be accountable to the head of the local government who is the Chairman of the People's Council.

- Third, the establishment of the regime whereby the people directly elected heads of the local government, who then appoint the leader of the local execution apparatus will produce the best candidates for those in charge of the local government apparatus who are skilled in implementing local socio-economic development tasks and serve and best meet the legal requirements of the people.

#### **The rationale for explaining the establishment of the regime for the people's direct engagement in the organization of the local executive apparatus**

- On the theoretical basis: According to many researchers and academics who subscribe to the theories that governmental authority belongs to the people and the rule of law, the main issue with the rule of law is democracy: Democracy is the central issue in the philosophy of the rule of law, and the rule of law must also include democracy as a goal [14]; or the rule-of-law state, considered

practically, is the arrangement of state authority, putting democracy into practice [3], and it encompasses both direct and indirect democracy. Promoting the people's right to mastery thus requires establishing a system of direct public engagement in the construction of the local executive apparatus in line with scientific theories and viewpoints on a rule-of-law state.

- On the legal basis: The Vietnamese Constitution was formulated by the principle that the State ensures the advancement of the people's rights to mastery and that the People's Committee, the local executive structure, is primarily responsible for ensuring that such rights are exercised [18, Article 3]. However, the organization of the local executive apparatus is not directly elected by the populace, but by the elected body (the People's Council), while the local government's regulations cover both types of these agencies: "Local government includes the People's Council and the People's Committee... The People's Council is elected by the local people... The People's Committee is elected by the People's Council of the same level [18, Article 111, Article 113, Article 114]. The people do not have the right to directly eThe executive apparatus including the People's Committee (state administrative agency with general competence) and specialized agencies under the People's Committee (state administrative agency with professional competence) as prescribed in the Law on Organization of Local Government [19].

This issue is posing challenges for innovation in theoretical and management thought. One of the orientations for timely adjustment in the current context to the new requirements of state administrative reform is that the 12th Central Committee of the Communist Party of Vietnam continues to take the lead in innovating and restructuring the political system apparatus toward a streamlined, effective, and efficient operation [2]. This is a crucial foundation for the State to continue to modify the legal framework relating to the structure of the state apparatus, with a focus on streamlining the state administrative apparatus while promoting the people's mastery of the reality of the nation's administrative reform, as well as the movement trend of global politics. One of the adjustments related to this is that it is needed to be researched to create a system for the direct participation of the people in the organization of the streamlined local executive apparatus, which consists of local elected bodies - the People's Council and specialized agencies in state administrative management by industry and field, without the People's Committee and put it into practice.

- On the basis of practice: Since the beginning of democracy in Vietnam, the local government apparatus has been established through direct democracy to the body representing the people's will and aspirations, the People's Council<sup>1</sup>, and through an indirect form to the executive apparatus (the People's Committee)<sup>2</sup>: "The people exercise state power through direct democracy, by the people representative owner through the National Assembly, the People's Council, and through other state agencies" [18, Article 6]. The local executive apparatus, which directly implements policies and addresses citizen requests, is not directly elected by the people, operates under a combination of collective responsibility and head's authority, and has not been evaluated as a strong executive apparatus. This method of organizing the government apparatus has also revealed some limitations [1]. In addition, the local government system consists of professional civil servants (at the commune level), the People's Council, the People's Committee, and specialized agencies under the People's Committee (at the provincial and district levels) is also viewed as being burdensome: The People's Council is an elected body that makes local policy decisions; The People's Committee is the People's Council's executive body and uniformly organizes and manages the implementation of such local policies; Specialized organizations working under the People's Committee (for the province and district levels) and professional civil employees (for the commune level) carry out local policies in their respective industries and professions under the People's Committee's unified management.

In essence, the People's Committee directs the implementation of the policy and serves as an intermediary agent in the decision-making process. This means that the People's Council makes policy decisions; specialized agencies (for district and provincial levels) and professional civil servants (for commune levels) under the People's Committee directly implement the policies of the People's Council while the People's Committee serves as an intermediary to receive information and reports on policy

<sup>1</sup> Direct democracy is determined by the right to elect to establish the National Assembly and People's Councils: The election of deputies to the National Assembly and People's Councils shall be conducted according to universal, equal, direct, and secret suffrage [18, Article 7].

<sup>2</sup> Representative democracy is determined by the right to vote for the people through the National Assembly deputies, and the People's Council deputies to establish the administrative apparatus: the National Assembly establishes the Government, elects, dismisses, and removes the Prime Minister [18, Article 70]; The People's Council established the People's Committee of the same level, elects, dismisses, and removes Chairman, Vice Chairman, and members of the People's Committee of the same level [19].

implementation results from specialized agencies and professional civil servants<sup>3</sup> and then continues to report to the People's Council at the same level. One issue is that, while the direct resolution of people's requests is delegated to specialized agencies under the People's Committee (for district and provincial levels) and professional civil servants (for the commune level), is it necessary to establish a People's Committee? or is it only needed to delegate this responsibility to the People's Council, specialized agencies (for the provincial and district levels), and professional civil servants (for the commune level) who are directly responsible for the results of state management activities by branch or field before the Chairman of the People's Council? This is an issue that requires further study to implement the spirit of Resolution No. 18-NQ/TW dated October 25, 2017, of the 12th Central Committee of the Communist Party of Vietnam on continuing to renovate and reorganize the apparatus of the streamlined political system lean political system with effective and efficient operations [2].

This restriction must be amended and modified to reflect the current circumstances and the global trend of many nations with advanced administrative systems. Under the Resolution No. 18-NQ/TW of the 12th Central Committee of the Communist Party of Vietnam, dated October 25, 2017, it is needed to continue to enhance the institution and legal framework of the organization of local government in the direction of abolishing the institution of the People's Committee. As such, the local government is solely composed of the People's Council, specialized agencies (for the province and district levels), and professional civil servants (for the commune level). This still ensures that there is a local policy decision-making body (the People's Council) and agencies directly implementing local policies (professional agencies and professional civil servants). As a result, the local government apparatus will be streamlined, resulting in a decrease in the more than 24.000 titles of Chairman and Vice Chairman of People's Committees at all levels while maintaining the efficient and regular operation of the system.

Local governments around the world, including those in the UK, include local councils (directly elected by the people) and specialized agencies (boards) of local councils that carry out state management tasks under decentralized areas and fields [12]. Local government in the United States is structured in a variety of ways, but all have an elected Council that is chosen by the residents of the area. Specialized agencies of the Electoral Council carry out state management duties by decentralizing sectors and fields, similar to how local government is structured in the United Kingdom [13]. Local governments in Japan also have a variety of organizational models including elected councils and local executive heads that are directly elected by the local people. The head of the local executive branch suggested a system of specialized agencies that support the local government to establish and appoint a person in charge of administration [16].

The structure of local government in the UK, the US, and Japan demonstrate that the local populace directly exercises their right to vote to establish the local executive branch. Therefore, they have numerous options to select a capable government leader and establish a small, compact form of government with a potent local executive apparatus. The above theoretical, legal, and practical bases have explained the necessity and superiority of applying direct election to organize the local executive apparatus, contributing to building a lean and efficient local government system in Vietnam.

## CONCLUSION

With a theoretical approach to a local government organization, the author has highlighted the benefits and drawbacks of the actual practice of local government organizations in Vietnam. He has also suggested the issue of ongoing research on innovation, which is to create a system of direct citizen participation in the organization of the local executive apparatus. The theoretical, legal, and practical underpinnings of the above problems are also explained by the author as the research findings are not only important for the author's future research on the subject of local government structure, but they are also a useful guide for decision-makers as they modify laws and policies to continue reforming and creating a streamlined government apparatus that best meets the needs of serving the populace.

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<sup>3</sup> In addition to obtaining information and reports on the outcomes of policy implementation from specialized agencies and qualified civil servants, the People's Committees perform the direction, inspection, and supervision according to the law. In the absence of a People's Committee, the People's Council may carry out this function for specialized organizations and qualified state workers engaged in implementing local policy.


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