

STRENGTHENING LAW AND GOVERNANCE IN VIETNAM

The Asia Foundation supports Asian initiatives to strengthen institutional and human resource capacity, public-private partnerships, and policy reform in the fields of governance and law. Through a combination of grants, exchanges, and technical assistance, the Foundation assists public and private organizations throughout Asia on a range of critical issues including national and local governance, legislative development, elections, access to justice, and conflict resolution.

As a complement to its economic reform agenda, Vietnam is taking steps to ensure that all citizens and public officials understand their rights and responsibilities as prescribed by Vietnamese law, and to promote greater transparency, accountability, and citizen participation in public decisionmaking and development planning. To assist official Vietnamese initiatives in these areas, The Asia Foundation supports the efforts of government agencies, professional associations, and mass organizations through its governance and law programs.

HIGHLIGHTS OF FOUNDATION PROGRAMS

LEGAL EDUCATION AND AWARENESS

The Foundation recently completed a seven-country study on Legal Literacy for Supporting Governance on behalf of the Asian Development Bank. The study considered the experience of Pakistan, Bangladesh, Mongolia, Thailand, the Philippines, Indonesia, and Vietnam. The Vietnam country study, conducted by the Institute of Law Research of the Ministry of Justice, indicates that the extent to which the poor, women, and other disadvantaged citizens understand and exercise their rights under Vietnamese law can affect their economic circumstances and quality of life.

While knowledge of the law is an essential first step through which citizens are empowered to exercise their legal rights, the study confirms that knowledge alone is not sufficient. The

Government of Vietnam recognizes the need to help disadvantaged groups resolve their legal problems. Through a service delivery network that extends from the central government to the commune level, the Ministry of Justice and other government agencies—together with mass organizations such as the Vietnam Women's Union and the Vietnam Farmers' Union—provide legal information, training, and other support services where they are most needed.

The findings and recommendations of the Vietnam legal literacy study confirm the strengths of existing legal aid mechanisms, while identifying areas and opportunities for improvement. The report serves as a valuable planning tool for informing ongoing efforts to enhance the quality of legal services and decisionmaking in Vietnam.

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COMMUNITY LEGAL ASSISTANCE EFFORTS

As a follow-up to the legal literacy study, the Foundation plans to support a model community legal assistance project conducted by the Vietnam Farmer's Union, in partnership with the Ministry of Justice. The project will test a series of innovative solutions for methodological and other constraints that prevent current legal aid efforts from achieving their full potential.

By helping rural farming communities resolve their most common legal problems related to land rights, forestry, environmental management, and domestic conflict, the project will serve as a laboratory for developing new methodologies to help citizens better understand the law in practical terms. The project will also facilitate the establishment of a community legal support capacity at the commune and village levels by creating a cadre of paralegal workers to educate fellow citizens about the law, and assist them in reaching solutions to legal problems. The dispute resolution skills of local conciliation groups will also be enhanced.

The model project will include opportunities for law students to gain experience in community legal services through short-term assignments, and a media component to help publicize the impact of the new methodologies. The project will be introduced on a pilot basis in a select commune in 2001, will expand to at least two additional communes in other provinces, and will complement the Foundation's ongoing support to the Women's Union to advance women's legal rights. With financial assistance from the Foundation, the Women's Union has already conducted a survey of women's understanding of their legal rights, and produced a comprehensive training manual on laws relating to gender equity, which it is

disseminating through training courses and through the mass media.

INCREASING COMMUNITY PARTICIPATION IN LOCAL GOVERNANCE

The Government of Vietnam is committed to encouraging citizen participation in local governance and development planning, and to increasing the transparency and accountability of public institutions and decision-making processes. The Regulation on the Exercise of Democracy in the Communes, introduced by the government in 1998, provides a legal framework for consultative relations between local-level administration and the people, and affirms the role of citizens to provide input and oversight in selected areas of local planning and decision making. By encouraging consultations, participatory decision making, and supervision by citizens, the regulation enhances the transparency of the plans, expenditures, and activities of People's Councils and People's Committees at the commune level.

While some progress has been achieved in implementing the regulation, further efforts are required to raise awareness about the newly-introduced consultative procedures. In partnership with the Canadian International Development Agency and the Policy Implementation Assistance Project in Hanoi, the Foundation has responded to a request from the Government Committee on Organization and Personnel (GCOP) to support the regulation's implementation on a broader scale. Foundation-supported activities include a study on the government's initial experience; development of an "implementation guidelines handbook" and of training materials to assist local officials with implementing the regulation; and seminar discussions on how the regulation might be improved in light of experiences to date.