

Public Participation in Decision-Making Towards Accountable and Transparent Governance in Vietnam

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Abstract

Public participation is one of the key elements in ensuring democratic values in any country. People have the right to participate in the decision-making process and express their ideas and needs. While Vietnam has developed a legal framework for legislation that stipulates the obligation of drafting committees to open draft laws for public comment (Law on Promulgation of Normative Legal Documents 2015, amended 2020). However, Vietnamese citizens and legal entities still cannot participate in the drafting of laws and policies because many obstacles exist: (1) the law does not clearly define the authorities' obligations to respond to people's comments/feedback; (2) there is a lack of an effective mechanism to ensure that individuals and organizations can participate in the decision-making process, especially in the pandemic situation - Covid 19; (3) there is a lack of an effective mechanism for policy impact assessment. Thus, the question is how to promote public participation in the decision-making process to ensure that policy meets the interests of the public and the needs of the people. This paper aims to assess the current situation of public participation in decision-making and propose solutions to develop active and meaningful participation of people in formulating problems, planning, implementing, and tracking the implementation of policies towards accountable and transparent governance in Vietnam.

Keywords: Public Participation; Accountable; Transparent; Decision-Making; Democracy; Rule of Law

A. Overview of public participation in decision-making in Vietnam

Public participation is a process that integrates public concerns, needs, and values into decisions issued by the government. Public participation does not only provide information but also creates an interaction channel with the decision-makers to allow people to participate.¹ Public participation is a process that includes key four steps (1) Inform the public; (2) Listen to the public; (3) Engage in problem-solving; and (4) Develop agreement.² Through participation in decision-making process, people can access information, express their ideas, needs as well as contribute to problem-solving. Hence, the decision will be reflected and protect public interests.

Public participation has played important role in building a democratic society. The key value of democracy is to ensure that individuals and organizations can take part in planning, drafting, and following the process of law enforcement. Making the decision is one of the most important processes in governance. State organs exercise their power by deciding to decide the important issues of society. The decision issued by authorities needs to ensure public interests. In other words, authorities may take advantage in issuing decisions for the group's interest rather than the public interest. According to Huntington's views indicated that regulatory agencies were influenced by the interest groups.³ For example, powerful private interest groups may cause serious risk to the integrity of policy-making when lobbying government to enact policy for their special interest.⁴ Participation plays important role in reflecting and constituting citizenship, the public, and public values. Public decisions must ensure

1 James L. Creighton, *The Public Participation Handbook: Making Better Decisions Through Citizen Involvement* (John Wiley & Sons, 2005), p. 7.

2 *Ibid.*, p. 9.

3 Daniel Carpenter and David A. Moss, *Preventing Regulatory Capture: Special Interest Influence and How to Limit It* (Cambridge University Press, 2014), p. 27.

4 OECD, *OECD Public Governance Reviews Preventing Policy Capture Integrity in Public Decision Making: Integrity in Public Decision Making* (OECD Publishing, 2017), p. 36.

public interests. As a result, participation can prevent corruption in the law implementation process because it requires the government to be more transparent in exercising state power.

It is worth noting that the concept of decision used in this article refers not only to regulatory but also policies and administrative decisions.⁵ Public policies refer to the process of formulating the "rule of the game" including laws, regulations, and institutions to address a problem or achieve a policy goal.⁶ Therefore, participation in decision-making includes the participation in process of formulating laws, regulations as well as the process of law implementation. Through participation, individuals may interact with authorities that create or implement laws and policies to reflect their needs. Public participation in decision-making prevents the government from being influenced by interest groups (capture regulatory theory).

Public participation has numerous potential benefits. Participation can contribute to decisions by providing new information, different ways of solving issues as well as it contributes to developing an accountable and transparent governance. International Association of Public Participation illustrates the core values for the practice of public participation as follows:⁷

The public should have a say in the decision about actions that affect their lives.

Public participation includes the promise that the public's contribution will influence the decision.

The public participation process communicates the interests and meets the process needs of all participants.

The public participation process seeks out and facilitate the involvement

5 Administrative decision as a unilateral decision taken by the administration in an individual case which produces direct legal consequences, for example under Vietnamese Law, decision on employment of a public officer or decision to impose administrative sanction to individual who committed an illegal act (but not a crime).

6 OECD, p. 14.

7 "Core Values - International Association for Public Participation," accessed July 25, 2021, <https://www.iap2.org/page/corevalues>.

of those potentially affected.

The public participation process involves participants in defining how they participate.

The public participation process provides participants with the information they need to participate in a meaningful way.

The public participation process communicates to participants how their input affected the decision.

Public participation ensures democracy in the decision-making process. It prevents authority from dictatorship. Based on public opinion, the authority must consider every perspective impact of the decision upon public interests, and potential problems can be raised and discussed comprehensively. Public participation in decision-making process will support to detection of errors and problems earlier.⁸ Consequently, the government must be responsible to respond to public comments and inputs in decisions that affect directly or indirectly their interest. Hence, public participation is a common motivation to ensure accountability and transparency of government.⁹ In other words, public participation is one of the solutions to prevent regulatory capture and create an accountable and transparent government. However, “there is no formula for good participation. A legitimate, stable, and well-functioning polity is based on a strong relationship between citizens and the state.”¹⁰ Therefore, every country must create a mechanism to ensure citizens take part in planning, formulating, and following the implementation process of laws and policies.

Vietnam has embarked on reforming its economic regime central-planned economy to open market economy since 1986. Under central-planned economy or commanded economy, public partici-

8 “Why Is Public Involvement in Planning Important?,” *Planning Democracy* (blog), September 20, 2011, <https://www.planningdemocracy.org.uk/2011/why-is-public-involvement-in-planning-decisions-important/>.

9 Kern, A. (2017). *The Effect of Direct Democratic Participation on Citizens' Political Attitudes in Switzerland: The Difference between Availability and Use*. *Politics and Governance*, 5(2), p. 16-26. <https://doi.org/10.17645/pag.v5i2.820>

10 *Ibid.*

pation was not paid attention to. The government had played the dominant role in all aspects. During the central-planned economy period, public participation in decision-making was not paid attention to. Since 1992, the amendment of the constitution guaranteed the right to participation in state management. Significantly, when building a rule of law state and democratic society, the right to participation in decision – making process is guaranteed by Constitution and Laws. To respond to the transitional economy, Vietnam has carried out administrative reform through the development and implementation of the Master Plans on administrative reform 2001-2010 and 2011-2020 periods. Master Program on State Administration Reform (PAR) 2011-2020 period defines the objective as follows:

Administrative reform will focus on institutional reform; building and raising of the quality of the contingent of cadres, civil servants and public employees, attaching importance to reforming salary policies as a true momentum for cadres, civil servants and public employees to perform public duties with high quality and effectiveness: and raising the quality of administrative and public services.¹¹

Since 2011, Vietnam has conducted institutional reform through amending the 1992 Constitution in 2013.

In addition, the Vietnamese Government issued Resolution No.76/NQ-CP dated 15 July 2021 on the National Plan of Administrative Reform 2021-2030 period. This program defines the main objective of administrative reform as continuing to build a democratic, professional, modern, streamlined, effective, efficient, and capable of creating development, integrity, serving the people following the viewpoints and policies of the Party's toward a socialist rule of law state of the people, by the people, for the people in the period of 2021 - 2030.

In Vietnam, rule of law is quite a new concept and officially stipulated under the 2013 Constitution: “The Socialist Republic of Vietnam is a socialist rule of law State of the People, by the People

11 Resolution No.30c/NQ-CP on Master Program on State Administration Reform (PAR) 2011-2020 period, dated 08 November 2011, Article 2.

and for the People.”¹² In addition, Article 28 defines that: “Citizens have the right to participate in the management of the State and management of society, and to discuss and propose to state agencies issues about their base units, localities, and the whole country.” Vietnam Law on Referendum No. 96/2015/QH13 enacted in 2015 to state that: “Referendum means an occasion held by the state for all the people in the country to vote on important issues according to this Law” (Article 3.1). This law also determines the referendum principles; duties and authority of agencies and organizations in the referendum; sequence and procedures on decisions on the organization of referendum; result of the referendum and its effect (Article 1). Hence, it is a legal ground for citizens to express their ideas on important matters of the country.

In addition, The Vietnam Ordinance on the exercise of democracy in the commune, wards, and towns (2007), Article 10 defines the contents that must be directly discussed and decided by the people: “People directly discuss and decide on undertakings and levels of contributions to the construction of infrastructures, public facilities within the scope of communes, villages, population groups, to which people fully or partially contribute funds and other matters within-population communities under the provisions of law.” According to this provision, citizens have the right to contribute their opinion to local government at the commune level (grassroots level).

Vietnam has carried out administrative reform since the 1990s intending to build an effective, efficient, accountable, and transparent government. Communist Party also strongly confirmed that: citizens have the right to know, the right to discuss, and the right to monitor. Hence, laws and policies have been enacted to promote access to information, public participation. For example, The Vietnam Law on Access to Information 2017 was enacted to ensure the right to know. And some related legal documents such as the Vietnam Law on Handling Administrative Violation (2012, amended in 2020) define public hearing in process of handling the violation. Unlike other countries,

12 Constitution of Vietnam 2013, Article 2(1).

participation in decision-making of executive organs remains a challenge because Vietnam does not promulgate the Administrative Procedure Act like other countries such as Japan or the US.

Rule of law state and good governance requires to ensure accountable and transparent government system in which citizens have the right to access information and raise their voice. Nowadays, "citizens are increasingly demanding greater transparency and accountability from their governments."¹³ Therefore, a nation needs to develop a legal framework to promote public participation as one of the standards of good governance. For instance, Vietnam is evidenced for building a rule of law state and democratic society through reforming the legal system. Significantly, the Constitution of Vietnam amended in 2013 determines the aims at building a rule of law state and democratic society in which rights to public participation and access to information are guaranteed. Vietnam has amended the related laws and regulations on promoting public participation in the decision-making process. However, public participation remains a challenging issue especially in the pandemic of Covid -19. Hence, it is essential to examine the current issues of public participation and gives recommendations to promote public participation in the specific context of Vietnam.

B. Current Issues of the Public Participation in Vietnam

Public participation in decision-making is not a single activity. It is a process that allows stakeholders to give input at specific points and on the specific issues to help the government to shape the decision or action. Reforming the legal system toward a rule of law state and democratic society is a specific development goal of Vietnam. Although a right to participate in decision-making process is guaranteed by laws in Vietnam, it remains challenging in promoting the effectiveness of public participation.

13 OECD, *Evaluating Public Participation in Policy-Making* (OECD Publishing, 2005), p. 10.

a. Participation in Law-making

Vietnam does not apply a separation of power like other countries in the world, but it applies the "*democratic-centralism*" principle. However, the Constitution 2013 distributes legislative, executive, and judicial functions (distribution of functions among state organs). National Assembly is the highest state organ that holds power to enact the law (legislative function). The law-making process in Vietnam often includes the four main steps: (1) National Assembly approves the law-making program for every 5 years and annually; (2) Selecting state organ that is responsible for drafting laws; (3) Open draft law for public comments and assessment; (4) Passing the draft laws by National Assembly.¹⁴ It is worth noting that almost all laws have been drafted by Government. Government establishes the drafting committee combining members from different ministries. Ministry that has key functions related to draft law will play a key role in the drafting committee. For example, when drafting the law on higher education, the Ministry of Education and Training plays a leading role in the drafting committee.

The right to participation in legislation is guaranteed by laws. Since the first Vietnam Law on Laws was enacted in 1998 and after several times of amendments, the current Law on Laws (Article 6. (3) Law on Laws 2020) defines that:

During the formulation of legislative documents, the drafting agencies and relevant organizations must enable other organizations and individuals to provide opinions about the formulation of legislative documents and draft legislative documents; seek opinions from entities regulated by legislative documents.

According to this provision, the drafting committee is responsible to share the draft of legal documents with relevant organs and individuals. Hence, it means that not everyone can give inputs to the draft laws. The lack of an effective mechanism for public participa-

14 See more at The Role of Vietnamese Government in Legislation – in Comparison with Japan “CALE Discussion PaperNo11.Pdf,” accessed July 30, 2021, http://cale.law.nagoya-u.ac.jp/_userdata/CALE%20Discussion%20PaperNo11.pdf.

tion in legislation remains a key issue in Vietnam.

Currently, there are several measures for collecting public comments of draft laws or decrees with the remaining issues as follows:

Firstly, conducting social reviews through Vietnam Fatherland Front. Article 6 of Law on Laws defines that:

1. Vietnamese Fatherland Front, Vietnam Chamber of Commerce and Industry, other associate organizations of the Vietnamese Fatherland Front, other agencies, organizations, and individuals are entitled and will be enabled to provide opinions about the formulation of legislative documents and draft legislative documents.
2. The Vietnamese Fatherland Front shall make social criticism about draft legislative documents following the Law and the Law on the Vietnamese Fatherland Front.

The social criticism shall be made while an agency, organization, or National Assembly deputy in charge of drafting a legislative document seeks opinions about the legislative document. For the legislative document about which the social criticism has been made, the dossier on project/ draft of the legislative document to be submitted for appraisal or validation or submitted to a competent authority shall include a document stating the social criticisms.

Vietnam Fatherland Front (VFF) has played important role in reviewing draft laws. VFF is a representative organization combining social-political organizations and Vietnamese people (members of VFF). VFF is guaranteed the power to review the draft laws because it represents for Vietnamese people to give inputs/comments to draft laws. This way refers to representative participation. VFF is set up from the central to grassroots level and organizations at each level can review draft law. However, the main concern is the capacity of VFF in reviewing draft laws and how they can determine people's needs. There is no clear mechanism for VFF to collect inputs from local people so it cannot represent for opinions of all people.

Secondly, organizing workshops/conferences or roundtable discussions to collect comments and inputs is the official way to ensure public participation in legislation. The drafting committee will or-

ganize the workshop and invite relevant experts to review and give inputs to the draft. In addition, if a draft law is paid by the public, many international organizations or political social organizations also organize the workshop to collect the inputs and comments for the draft. For example, when drafting Penal Code 2015, many workshops were held to collect comments from relevant stakeholders. However, this way cannot enable all people to participate in the legislation process.

Thirdly, upload the draft to the website for public comments. Draft laws or decrees will be uploaded to different websites such as websites of government and related ministries. This measure allows individuals or organizations to access draft laws and send back their comments by email or by post. It is the fact that there is no assessment of the effectiveness of this measure because there is no regulation to require the drafting committee to respond to comments sent by email or post. It also lacks communication between the drafting committee and recommenders. In addition, disadvantaged groups or ethnic minority groups cannot contribute their idea to draft laws because of limited internet access.

Fourthly, writing journal articles: when drafting laws is opened for public comments. Many researchers will write journal articles to give comments or recommendations to draft laws. This measure also reveals some limitations because it may not reach the drafting committee directly. Significantly, this measure only focuses on a small number of people who are interested in the topic. As a result, it is not considered an effective way for public participation in legislation.

Fifthly, participation in process of impact assessment. There is a requirement for regulatory impact assessment (RIA) in the legislation process. However, RIA has been carried out ineffectively in Vietnam. There is no independent agency to conduct RIA. For example, public participation in environmental protection policies should be opened for public participation in assessment. However, only selected people can involve in process of assessment, consequently, this process can give priority and a privileged voice to a self-selected interest group that can gain benefit from the decision.

As a result, several draft laws recently were paid attention to by the public such as Cybersecurity Law (enacted in 2018), or the Penal Code (enacted in 2015 and amended in 2017). Due to the lack of effective public participation in legislation, the Penal Code is an example to show the weakness because it must be amended soon after enactment. In addition, the draft Law on special economic – administration zone was pending until 2021 because of faced many objections from citizens. However, due to the lack of an effective mechanism for public participation in the law-making process then several groups organized demonstrations that are considered as illegal way because the Law on protest has not yet been enacted in Vietnam.¹⁵

b. Participation in Planning and Policy-making

Planning and policy are different from the laws and regulations, but it also has strong impacts on public interests. During the process of planning and decision making, people should be involved early in the planning process to fully express their views, then, the plan-maker can respect and consider the comment/inputs before enacting a decision.¹⁶ The Vietnam Law on planning (2017), Article 19 (3) define that:

The public's opinions on the planning shall be sought through website of the planning authority, public places, questionnaires, conferences, workshops and in other forms under regulations of the law on the exercise of democracy in communes, wards, and townships.

Drafting organs shall be responsible for collecting the public's opinion through different channels. In addition, this article also stipulates that:

15 “Chưa Bàn Luật Biểu Tình, Luật Đặc Khu Tới Hết Năm 2021,” [https:// thanhtra.com.vn](https://thanhtra.com.vn), accessed July 30, 2021, [https:// thanhtra.com.vn/chinh-tri/doi-noi/chua-ban-luat-bieu-tinh-luat-dac-khu-toi-het-nam-2021-163721.html](https://thanhtra.com.vn/chinh-tri/doi-noi/chua-ban-luat-bieu-tinh-luat-dac-khu-toi-het-nam-2021-163721.html).

16 United Nations Economic Commission for Europe, *Good Practice Recommendations on Public Participation in Strategic Environmental Assessment: Prepared under the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)* (United Nations, 2015), p.12.

Opinions must be considered, responded to, and reported to a competent authority before the planning is appraised, decided, or approved. The planning authority shall make opinions and responses to opinions publicly available.

Currently, many projects have been opened for public comments, for example, the Hanoi authority has sought public opinion on a subway station located in Hoan Kiem Lake (an old quarter of Hanoi capital - Vietnam).¹⁷ This law also determines the responsibilities of competent organs in responding to public comments. However, public participation in planning remains a challenging issue, especially in land management and planning. In Vietnam, the land is state-owned and the government can make a plan of using land for development purposes. According to the plan of land using approved by competent organs, land acquisition is an enforced measure to transfer land use rights from land users to the government through local administration agencies or investment bodies. Hence, land acquisition decisions are made on several grounds: national defense, public security, or socio-economic developments for the benefit of the nation and the community. In such cases, the land user has no recourse and is primarily concerned about compensation and resettlement. The fact reveals that land dispute is a significant issue in Vietnam because land using policies have not yet been evaluated based on the ground of reasonability. It is worth noting that Vietnam Law on Complaint (2011) and Vietnam Law on Administrative Lawsuit determine those illegal decisions, and acts are objects to be reviewed by courts or administrative organs.

The policy decision is not yet regulated by law. In other words, there is no distinction between laws and policy decisions. Competent organs or authorities can promulgate a policy decision that may cause serious impacts or affect the rights of individuals. For example, policy on building a new garbage factory that polluted

17 “Hà Nội: Lấy ý Kiến Người Dân về Quy Hoạch Ga Tàu Điện Ngầm Hồ Hoàn Kiếm,” hanoimoi.com.vn, accessed July 29, 2021, <http://hanoimoi.com.vn/media/giao-thong/895180/ha-noi-lay-y-kien-nguoi-dan-ve-quy-hoach-ga-tau-dien-ngam-ho-hoan-kiem>.

Significantly, during COVID 19, Government must issue several policies to prevent and respond to COVID 19, particularly Directive No.16/CT-TTg dated 31 March 2020. For example, The Vietnamese Government Office has just issued Document No. 2601/VPCP-KGVX conveying the Prime Minister's direction on the implementation of Directive No. 16/CT-TTg on urgent measures for prevention and control of COVID-19. Based on this Directive, Ministry of Health People can go outside in three cases: (1) Buying food, foodstuff, pharmaceuticals, and other essential goods and services; (2) Emergency cases such as emergencies, medical examination, and treatment; natural disasters, fires, etc; (3) Working at authorized agencies, units, armed forces, diplomatic agencies, and facilities.¹⁸ Based on this policy, local governments and relevant ministries have issued guidance on the list of essential goods, for example, the Ministry of Trade and Commerce issued Administrative Guidance No. 4481/BCT-TTTN dated 27 July 2021 on the list of essential goods and services. It is very important guidance to identify what are essential goods and services. If individuals or organizations sell or deliver such goods that are excluded by the list, then they will be imposed an administrative sanction or not allowed to enter the city. As the result, trucks carrying sanitary napkins and diapers are blocked to enter Ho Chi Minh City because they are 'not essential goods'¹⁹, or a man was imposed a fine of 2 million Vietnam Dong because of going out to buy bread by commune authority in Khanh Hoa Province. In addition, this man was also imposed a dismissal penalty by his company.²⁰ This fact indicates that decisions/policies made in emergency

18 Vietnam Social Security, Guidance on the implementation of Directive No. 16/CT-TTg on urgent measures for prevention and control of COVID-19, "External Information," accessed July 25, 2021, <https://vss.gov.vn/english/news/Pages/external-information.aspx?CateID=0&ItemID=9252>.

19 VnExpress, "Xe chở băng vệ sinh, tã bỉm bị chặn vì 'không phải thiết yếu,'" vnexpress.net, accessed July 29, 2021, <https://vnexpress.net/xe-cho-bang-ve-sinh-ta-bim-bi-chan-vi-khong-phai-thiet-yeu-4331958.html>.

20 "Bánh Mì Không Phải Thực Phẩm Thiết Yếu" và Nỗi Buồn Mất Việc Của Nạn Nhân | Đời Sống | Thanh Niên," accessed July 29, 2021, <https://thanhnien.vn/doi-song/banh-mi-khong-phai-thuc-pham-thiet-yeu-va-noi-buon-mat-viec-cua-nan-nhan-1417174.html>.

cases have caused many issues in law implementation and enforcement. Public participation in policymaking in emergency cases has not yet been paid attention to. In other words, there is no regulation to ensure the right to participate in the policymaking process during an emergency while governments can apply preventive measures to limit the rights of individuals. Therefore, it also raises controversial discussions about the limitation of citizens' rights. However, there is no regulation on how to ensure public participation in the policymaking process during an emergency.

c. Participation in the Law Implementation Process

Laws play important role in protecting the rights and legitimate interests of people. Administrative organs are responsible for law implementation. Individuals and organizations often exercise their rights through the law implementation process. For example, a citizen applies for a business license or working permit. The public official will issue the business license based on laws and regulations. However, the public officer may violate human rights during the process of exercising his/her power as authorized by laws. Participation in the law implementation process is crucially important to protect human rights. Public participation ensures that people who are affected by the decision/plan/program must be given access to all necessary information and be able to participate in meetings or hearings related to the decision. The public hearing is considered an important procedure in the law implementation process. The public hearing is a core value of open and transparent government.

Until now, Vietnam has not yet promulgated Law on Public Administrative Procedure to determine the process, competence, and responsibilities of authorities to conduct a public hearing in issuing an adverse decision or carrying out an adverse action. Adverse decisions/acts must impose a burden or impact on citizens' rights. However, the public hearing is not defined as a compulsory procedure in process of making adverse administrative dispositions. Article 61 defines that an individual shall have a right to explain directly or

by sending a letter when he/she has been imposed a sanction such as depriving the rights of using licenses, professional practice certificates indefinite time or suspension of operation indefinite time or apply the maximum fines of the fine frame for those acts from VND 15,000,000 or more than for individuals. As a result, individuals cannot take part in decision-making in any case. For example, in the case of imposing relief and recovery measures in illegal construction, the authority shall require the house owner to destroy his/her building or destroy the part that violates the license of construction. This adverse decision has a strong impact on the benefits of individuals. However, many people do not request a competent person to conduct a public hearing because she/he does not know about this procedure. In addition, if a case is related to the jurisdiction of a different state organ, the public hearing is essential to ensure the common understanding in law implementation. However, it is not defined as a compulsory procedure in this case. Consequently, the administrative complaint remains a significant issue in Vietnam. For example, in 2020, administrative organs at all levels solved 24.275 cases of complaining and denouncing and returned 42.1 billion VND and 72.7 hectares of land to organizations and individuals.²¹

Lack of compulsory public hearing in process of issuing adverse decisions also causes a problem such as corruption or abuse of state power. The public hearing is considered an effective measure to prevent corruption because it requires the authority to be more accountable and transparent in decision – making process. Corruption remains a serious issue in Vietnam. According to Transparency Index 2020, Vietnam ranked 104th amongst 180 countries and territories, dropping by 13 places compared to 2018.²² This number reveals that fighting against corruption is one of the significant challenges in the

21 “Cơ quan hành chính nhà nước các cấp đã giải quyết 24.275 vụ việc khiếu nại, tố cáo thuộc thẩm quyền,” Ban Nội Chính Trung ương, accessed July 30, 2021, <http://noichinh.vn/tin-tuc-su-kien/202010/co-quan-hanh-chinh-nha-nuoc-cac-cap-da-giai-quyet-24275-vu-viec-khieu-nai-to-cao-thuoc-tham-quyen-308627/>.

22 “Vietnam,” Transparency.org, accessed July 29, 2021, <https://www.transparency.org/en/countries/vietnam>.

process of building rule of law and good governance.

C. Conclusion

To develop an accountable and transparent government, this article recommends that Vietnam needs to promote public participation in the planning, formulating, and law implementing the process because it will ensure that laws, policies, and specific decisions respond to people's needs. It also contributes to limiting interest groups from capturing competent organs of authority in decision – making process. In other words, public participation is an important human right to ensure citizens can express their needs and wills because decisions are enacted for public interests. Significantly, Vietnam needs to promulgate the Law on Administrative Procedure in which includes a provision on compulsory public hearing in process of issuing an adverse decision or conducting an adverse action. Vietnam needs to follow the guideline for establishing essential participation steps in the planning, formulating, and law implementation process. The key steps ensure that competent organs can select the right stakeholders and design effective ways to collect public opinion. Developing an effective mechanism for public participation in process of planning, formulating laws and policies, and law implementation, especially ensures the participation of disadvantaged groups (ethnic minority, people with disabilities) to contribute their opinion in decision – making process. Significantly, depending on the impact of the decision to different local or central levels, competent agencies can set up an appropriate channel for public participation. Significantly, with the rapid development of the Fourth Industrial Revolution (4IR), Vietnam needs to create a flexible mechanism by using advanced technology in collecting public opinion in an emergency, such as using mass media to conduct an online survey or create an official forum for public comments. A contest or competition for initiating solutions to solve problems is also an example of collecting public opinion in governance. Moreover, Vietnam needs to consider including reasonable standards in reviewing administrative decisions/acts issued by

administrative organs in the law implementation process.

In brief, promoting public participation in decision-making is a requirement for every country to follow rule of law and good governance standards. Accountability and transparency are crucially important to ensure that the government acts for public interests and prevents corruption. Public participation is not only essential to ensure the accountability and transparency of government but also to support the development of a democratic society. Public participation in decision – making process ensures the feasibility of the decision because it is viewed from different approaches. Public participation in decision-making of Vietnam remains a challenging issue, therefore Vietnam needs to conduct reforming current laws and regulations on public participation toward an accountable and transparent government.

Annex 1:

Vietnam, Law on Promulgation of Legal Normative Document 2015 (amended 2020), Article 4 provides legal normative documents including:

1. The Constitution.
2. Codes and Laws (hereinafter referred to as Laws), Resolutions of the National Assembly
3. Ordinances, Resolutions of the Standing Committee of the National Assembly; Joint Resolutions between the Standing Committee of the National Assembly and the Management Board of Central Committee of Vietnamese Fatherland Front; Joint Resolutions between the Standing Committee of the National Assembly, the Government, the Management Board of Central Committee of Vietnamese Fatherland Front.
4. Orders, Decisions of the President.
5. Decrees of the Government; Joint Resolutions between the Government and Management Board of Central Committee of Vietnamese Fatherland Front
6. Decision of the Prime Minister.
7. Resolutions of Judge Council of the People's Supreme Court.

8. Circulars of executive judge of the People's Supreme Court; Circulars of the Chief Procurator of the Supreme People's Procuracy; Circulars of Ministers, Heads of ministerial agencies; Joint Circulars between an executive judge of the People's Supreme Court and the Chief Procurator of the Supreme People's Procuracy; Joint Circulars between Ministers, Heads of ministerial agencies and executive judge of the People's Supreme Court, the Chief Procurator of the Supreme People's Procuracy; Decisions of State Auditor General.
9. Resolutions of the People's Councils of central-affiliated cities and provinces (hereinafter referred to as provinces).
10. Decisions of the People's Committees of provinces.
11. Legislative documents of local governments in administrative-economic units.
12. Resolutions of the People's Councils of districts, towns, and cities within provinces (hereinafter referred to as districts).
13. Decisions of the People's Committees of districts.
14. Resolutions of the People's Councils of communes, wards, and towns within districts (hereinafter referred to as communes).
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