Promoting People's Participation and Governance in Vietnamese cities through the Association of Cities if Vietnam (ACVN)

Assessment Study Results

People's Participation and Local Governance -
CHALLENGES AND OPPORTUNITIES FOR MUNICIPALITIES

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ABBREVIATIONS

ACVN	Association of Cities of Vietnam
DED	German Development Service
EU	European Union
FCM	Federation of Canadian Municipalities
GRDO	Grassroots Democracy Ordinance
KAS	Konrad-Adenauer-Stiftung
LDP	Local Detailed Development Plans
MOHA	Ministry of Home Affairs
MONRE	Ministry of Natural Resources and the Environment
MOC	Ministry of Construction
OSS	One-Stop-Shop
PAR	Public Administrative Reform
SOE	State Owned Enterprise
WTO	Word Trade Organization

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1. Project Background

In 2008, the Association of Cities of Vietnam (ACVN) together with the Konrad-Adenauer-Stiftung (KAS) of Germany submitted a proposal for funding by the European Union (EU) entitled *"Promoting people's participation and governance in Vietnamese cities."* The project is intended to strengthen participation of citizens in the governance of Vietnamese cities by strengthening municipal-citizen partnerships to improve local governance. Doing so should result in larger numbers of citizens involved in more deliberative and inclusive local government processes.

The key issues the project addresses is the pace and depth of change in government-citizen communication, changes proscribed by a body of recent legislation [in particular, the Public Administrative Reform and the Grassroots Democracy Ordinance]. Several studies show that original reform targets have not yet been met, and that a strong contributing factor is the limited access municipal authorities (and citizens) have to training in (a) what kind of behavior changes were intended by the legislation and (b) practical skills and administrative tools to actually involve citizens in local planning.

In 2008, the EU proposal was accepted for funding; implementation began in February 2009. During the 30-month life of the project, training courses designed to transfer skills to municipal officials for involving citizens more fully in local planning will be developed and tested. These courses are to become a permanent core service of the ACVN; the Project's target group is the municipal authorities of 30 Vietnamese cities, ACVN's longer term target is all towns and cities in Vietnam.

1.1. Policy Context

1.1.1. Conformity with Vietnam Development Strategies

Vietnam is at the early stages of a historic transition from a primarily rural to a primarily urban economy accompanied by a transition from a state dominated economy to a socialist market economy. Its poverty reduction and economic growth achievements of the last 15 years place Vietnam among the most impressive economic development successes ever. Real income in Vietnam has grown 7.3 percent per year over the last 10 years with per capita GDP climbing from US$170 (1993) to over US$1,000 in 2008. The poverty rate has fallen from 58 percent in 1993 to 16 percent in 2006. Accession to the World Trade Organization (WTO) in January 2007 has since resulted in lower barriers to trade and opened service sectors to competition.

Fundamental policy reforms underpin Vietnam's transition and economic dynamism. Beginning in the 1990s, Vietnam began a process of decentralization, moving away from the centrally planned economic approach adopted after the end of the American war. By 2001, amendments to the Constitution had empowered the National Assembly to hold votes of no-confidence in the leaders it elects, including ministers; The State Budget Law of 2004 expanded these powers by making the National Assembly responsible for the approval of the budget. In parallel, there has been a steady move to decentralize, notably through the Public Administration Reform (PAR), the Grassroots Democracy Decree (now the Grassroots Democracy Ordinance), and the State Budget Law (allowing

allocations to lower levels of government). Important measures have also been taken to fight corruption.

In response to the economic openings, the structure of the economy is also rapidly changing: as of 2008, 70 percent of total economic output was generated by Vietnam's cities and towns and the pace of rural-urban migration is accelerating.[1] Local Economic Development theory in general and evidence throughout East Asia indicates that urban business clusters serve as economic pace setters for economics and potent vehicles for generating and utilizing knowledge. Hence, it is expected that Vietnam's future economic growth will depend on its ability to both develop economic opportunities in urban areas and to absorb the rapid growth in urban populations. Municipalities, charged with delivering public services, will need to move swiftly to address all the problems and challenges arising from these fundamental changes in local economic and social structures.

Central to this, in turn, is strong planning – land use and urban development planning. Strong planning needs to take into account local realities and priorities as well as newly created opportunities (e.g., industrial expansion) and attendant problems (e.g., pollution). Unfortunately, the transformation of the economy and in budgeting process in recent years has not been matched by a similar transformation in planning processes. The preparation of 5-years plans is still often conducted without integrating the opinions or perspectives either citizens or producers of goods and services. These, often outdated, 5-year plans continue to be used to set detailed targets across a range of sectors. In addition to rising social tensions (e.g., from resettlement and compensation issues), despite the relatively high quantity of investment there are a lot of problems with the *quality* of those investments.[2]

With a population of 85.7 million in an area of roughly 330,000 km[2,] Vietnam is one of the most densely populated countries in the world. The current urbanization rate of 27% is expected to increase to 45% in 2020.[3] In addition to increased housing needs, strong economic growth and demand for industrial and commercial land are placing severe strains on land in towns and cities. To address these multiple challenges, municipalities are needed to strengthen their local planning approaches.

1.1.2. Public Administrative Reform (PAR)

The ongoing decentralization process means that an increasingly larger number of government decisions are being made at ever lower levels in the administrative structure, especially at the province level. In particular, the PAR focuses on improving efficiency

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[1] Ninety percent of the poor in Vietnam and three quarters of the population, live in the rural areas. In 2000, 29.7% of rural and 7.8% of urban people were classed as poor. Agriculture accounts for only 22 percent of GDP (30% of exports), but 60 percent of employment. The Ministry of Construction's 1999 decree on urbanization predicts an urbanization level of 45% by 2020. With the acceleration of rural-urban migration, it is to be expected that concentration of poor shall increase in cities and towns.

[2] Out of a set of 23 countries, Vietnam came in third in terms of its investment rate, but seventeenth in terms of investment quality. P. 55. "Governance," World Bank.

[3] The Population of Hanoi, HCMC and Haiphong is expected to triple by 2020.

and effectiveness of investments by delegating decision-authority and supervision to levels of government closer to where investments are actually made. Accordingly, the public administration reforms (including improving public administrative services to citizens) constitute one of the core policies with direct implications for governance.

One-Stop-Shop (OSS)[4] was identified in particular as a key instrument to ensure public administrative service transparency, effectiveness and efficiency. The PAR Master Programme for 2001–2010 states that "the One-Stop-Shop will be applied widely by public administrative institutions at all levels in delivering services for the people and businesses." As such, the OSS is seen as a public administrative mechanism to provide citizens and organizations with several administrative services (e.g.: business registration, notarization and authentication, land administration, etc.) that were previously provided by agencies in separate offices together under one roof. In other words, the OSS signals a move to a "one door for many services" model as a means to improve efficiency, accessibility and transparency. The first city to establish an OSS was Ho Chi Minh City in 1995. It was followed in 1997 by four other cities and provinces – Hanoi, Haiphong, Binh Duong and Hoa Binh – which also piloted the OSS programme.

Considerable progress has been made since then, with OSSs operational in all cities. As cities gather experience with operating OSSs, the number of ward and commune level OSSs (and the range of services offered) continue to expand. According to the latest official statistics provided by MoHA, OSS models have been implemented in 669 out of 676 districts, and 10,342 communes and wards. Still, additional budget and training will be needed to reach the government's target of an OSS in all communes, districts, provinces.

1.1.3. Grassroots Democracy Ordinance (GRDO)

"Democracy Strengthening at the Local Level Decree" (Decree 29/1998/ND-CP of May 11, 1998), succeeded by the "Grassroots Democracy Decree" (Decree 79, 2003) before being upgraded to an Ordinance in 2007 [Grassroots Democracy Ordinance" (GRDO) 34.2007.PL-UBTVQH11)] have put in place the legal framework required to expand direct citizen participation in local government. This legislation confers upon citizens the right to be informed of government activities that affect them, to discuss and contribute to the formulation of certain plans and projects, to participate in local development activities and to supervise government performance. This intention of the legislation to more strongly involve citizens in governance was underscored not only by the PAR, but by a decentralized State Budget Law (2004) and a new Law on Complaints and Petitions of Citizens and the first official ordinance on anti-corruption measures.

Nevertheless, by the mid-2000s, the GRDO was remained unevenly implemented. Participation at higher levels of governance, such as the district and province, remains weak or non existent. On the municipal level, many local authorities remain unsure of the

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[4] The OSS Decision 93 2007 QD-TTg June 22, 2007 modified the Prime Minister's Decision No. 94/2006 QD-TTG on April 27, 2006, promulgating the Plan on State Administrative Reform in the 2006-2010 period. Article 17 of the Prime Minister's Decision No. 181/2003/QD-TTg requested that OSS be operational in all districts and provinces by January 2004 and in all communes from January 2005.

legislation's *intention,* not understanding that citizen involvement is seen as a way to help local governments improve the pace and depth of local development. Even those who understand the law's intentions typically lack the training, methods and administrative instruments to shift from a "top-down" system to one which seeks local citizen involvement in decision making.

In those municipalities where sincere efforts were made to engage citizens in planning and implementing projects and policies, local authorities report an increase in the efficiency and effectiveness of state-financed projects. This has been particularly evident where municipal staff had the opportunity to work on international projects that required citizen involvement (where local staff not only received training, but had access to funding as well as on-the-job coaching from international experts).

1.2. Project Partners

As mentioned above, the Association of Cities in Vietnam (ACVN) and the Konrad Adenauer Stiftung (KAS) jointly submitted the successful proposal. These two organizations are described briefly, below.

1.2.1. Association of Cities in Vietnam (ACVN)

1.2.1.1. Mandate

The Association of Cities of Vietnam is a voluntary social association of Vietnamese cities and towns. Representing the interests of cities and towns both domestically and internationally, the ACVN also promotes united, cooperative relationships among cities in the fields of urban construction, management and development. ACVN strives to provide municipalities with specialized services, bringing together national experts and civil servants together with specialized international experts to spread knowledge and best practices among its members to all parts of the country.

Within its mandate, ACVN is specifically responsible for the following:

- Organizes activities to facilitate information exchange among partners as well as identifying cooperative opportunities for mutual development
- Researches issues/policies related to urban planning, construction, management and development. The Association also provides comments to cities upon request on applications and other legal documents and orientations in urban matters
- Organizes training courses in administrative and technical expertise to enhance managerial capacity in urban development and management.
- Acts as a focal point for cooperation in the field of urban planning with foreign cities and international organizations for knowledge and technical training exchanges as well as capacity building in the field of management.
- Seeks financial support for the member cities to facilitate urban development.

1.2.1.2. Organization

Members of the ACVN are composed of Vietnamese cities and towns who participate on a voluntary basis. The member city's Chair (Mayor) is the representative for that city. An Executive Committee is elected during ACVN Congresses to serve a 5-year term. The PC Chair of Hanoi serves as the Chairperson of the Committee backed by four vice-chairs (Ho Chi Minh, Hue, Can Tho, and Lang Son representatives).

1.2.2. Konrad-Adenauer-Stiftung (KAS)

The Konrad-Adenauer-Stiftung[5] is named after and guided by the principles of Konrad Adenauer (1876-1967), the first Chancellor of the Federal Republic of Germany. A non-governmental foundation, KAS serves as a think-tank and a training institution for the Christian Democratic Union (CDU) Party of Germany as well as providing training for the general public. With its headquarters in Berlin, KAS also operates one academy, two centers and 21 institutes of political education. Dialogue, education and development programs are run by 68 overseas representative offices, in partnership with more than 200 foreign organizations in more than 120 countries.

The international activities of the Konrad-Adenauer-Stiftung, launched in 1956, focus on advancing the principle of non-violent conflict resolution, supporting democracy and the rule of law, respecting human rights, furthering mutual understanding, respect, appreciation and cooperation between different nations, cultures, ethnicities and religions. KAS also promotes the unique German social market economy concept: a holistic concept of a sustainable market economy encompassing well-balanced economic, social, ecological and ethical development, providing help towards self-help in development, fighting the causes of poverty and encouraging environmental protection.

In 1994, the KAS program in Vietnam began with support to the legal and administrative reform process initiated under Doi Moi. Working closely together with the Institute of State and Law (ISL), the Government Committee on Organization and Personnel (GCOP – now the Ministry of Home Affairs) the Institute of State Organizational Sciences (ISOS), the Center for Rural Progress (CRP) and the Socio-economic Development Center for Coastal Areas of Binh Thuan Province (SEDEC), KAS has supported Vietnamese initiatives to strengthen civil society and build an enabling framework for economic self-help.

1.3. Project Description:

The "Promoting people's participation and governance in Vietnamese cities" objectives are presented fully in it logical framework (Annex 1). For the purpose of brevity, its objectives are summarized here.

1.3.1. Project Objectives: *People's participation in Governance*

Goal *(long term goals toward which this project should contribute)*:

(1) increased people's participation on the local level in Vietnam

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[5] Known in English as the Konrad-Adenauer-Foundation

(2) Improved governance and independence of local self-administration in Vietnam.

Purpose: (what this project should achieve during its lifetime)

Strengthen the capacity of the Association of Cities of Vietnam to promote people's participation and governance in its member cities.

Results/Outcomes *(actual accomplishments expected)*

(1) Communication between citizens and city administrations involved in the action and service delivery in 30 target cities have become more transparent and effective;

(2) The implementation of the decree on grassroots democracy has improved in the cities involved in the action;

(3) Sustainable improvement of people's involvement in development planning and land use planning in the cities involved in the action;

(4) ACVN has been strengthened with regard to the relevance of training services and with regard to its financial sustainability.

1.3.2. Target Group: *ACVN and its Membership*

- The staff of ACVN and 24 external trainers will be qualified, i.e. at least 8 core trainers for each of the three thematic fields.

- 300 officials/civil servants, among them at least 50% women, from 30 municipalities will be trained in 4-days-training courses, 75 in each of the fields listed above. Furthermore they will receive advice and support in the practical application of the training contents.

The cities and towns selected for the involvement in the project include 2 special class municipalities, 5 Class I municipalities, 6 Class II, 10 Class III and 7 Class IV small district towns, namely:

(1) Dien Bien Phu City (North-west mountainous region)
(2) Ha Giang Town or Lao Cai Town (North-west mountainous region)
(3) Muong Lay Town (North-west mountainous region)
(4) Viet Tri City or Ha Long City (North-east region)
(5) Thai Nguyen City (North-east region)
(6) Lang Son City (North-east region)
(7) Hanoi (Red river delta)
(8) Nam Dinh City (Red river delta)
(9) Hung Yen City (Red river delta)
(10) Phu Ly City (Red river delta)
(11) Bac Ninh City or Vinh Yen City (Red river delta)
(12) Tam Diep Town or Ninh Binh City (Red river delta)
(13) Hue City (Middle-west region)
(14) Vinh City (Middle-west region)
(15) Dong Ha or Quang Tri Town (Middle-west region)
(16) Quy Nhon City (Middle-south region)
(17) Nha Trang City (Middle-south region)
(18) Da Nang or Phan Thiet City (Middle-south region)
(19) Da Lat City (Tay Nguyen region)
(20) Pleiku City (Tay Nguyen region)
(21) Gia Nghia Town (Tay Nguyen region)
(22) Kon Tum City (Tay Nguyen region)
(23) Vung Tau or Ho-Chi-Minh City (South-east region)
(24) Bien Hoa City (South-east region)
(25) Tay Ninh Town (South-east region)
(26) Thu Dau Mot Town (South-east region)
(27) Can Tho City (South-west region)
(28) Long Xuyen City (South-west region)
(29) Chau Doc Town (South-west region)
(30) Go Cong Town (South-west region)

1.3.3. Project Themes: *Communication between municipalities and their citizens*

Improved communication between municipalities and its citizens is the central concern of the ACVN/KAS project. in particular in the areas of

> (a) administrative services (one-stop shop),
>
> (b) GRDO implementation,
>
> (c) land use planning and
>
> (d) socio-economic development and urban planning.

It is the conviction of ACVN and KAS that with improved information about and involvement of communities in these areas, that government investments will be more effective, waste and/or underutilization of resources reduced, and thereby local quality of life improved. In the case of projects requiring site clearance, improved communication and cooperative planning should result in less conflict, reduce the number of complaints and lead to fewer forced evictions.

For ACVN and KAS, citizen "involvement" or "participation" means the involvement of ordinary citizens (not just block leaders or official representatives) in considering, reflecting upon and questioning the best ways to advance social and economic objectives not only in their immediate living areas, but in their towns and cities. As village and commune development planning (VDP/CDP) has shown throughout Vietnam, projects tend to be more effective (and relationships with citizens are better) when government authorities spend the time necessary to plan with citizens from the very beginning. The "up-front" cost in time by cooperative planning is generally rewarded by smoother implementation and fewer cost overruns due to fewer delays in implementation.

Consequently, the four issues named above served as the focus of the Assessment, and are expected to be the subjects of the courses to be developed.

1.4. Institutional Orientation

Although budgetary and other authorities have been delegated to provinces, thematic ministries in Hanoi continue to define the general socio-economic development framework and recommend specific techniques and/or approaches to be used locally. Hence, the People's Committee at district or municipal level has staff that represent (and receive instruction from) central ministries.

Given the project's focus on communication between government authorities and citizens combined with our themes, the Assessment team identified those thematic ministries that are typically most directly involved in working directly with citizens and urban planning. For the first two themes of "administrative services" and "GRDO implementation," our key ministry is the Ministry

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Cost/Benefits of Involving Citizens in Planning

Benefits

- More effective & efficient use of resources
- Fewer planning & construction mistakes (fewer costs, complaints)
- Better quality infrastructure and better sustainability
- More transparency in decision making and contracting
- Heightened community confidence and competence:
  capability, pride, ownership, social coherence, mutual support
- High level of citizen satisfaction

Costs

- Capacity building takes time and requires trained trainers
- New institutions need time to master new responsibilities
- Participation takes "up-front" time (although saves time later by avoiding mistakes)

of Home Affairs, whereas for urban development planning and land use planning the key ministries are the Ministry of Construction (MOC) and the Ministry of Natural Resources and the Environment (MONRE)

1.4.1. Ministry of Home Affairs (MOHA)

The Ministry of Home Affairs (MOHA) is a government agency responsible for the management of the state administrative apparatus, including organization of local administrations, administrative land borders, cadres and public servants, associations and non-governmental organizations and state records and archives. MOHA also exercises the state management function over related public services.

MOHA is organized into 12 departments. The two most relevant to this Project are the "Local Government Department" and the "Public Administration Reform Department." The *Department of Public Administrative Reform* advises the minister on public administrative reform, specifically: formulation of normative documents, providing guidance on implementation, monitoring and undertaking preliminary and final reviews of the reforms carried out by the ministries, central agencies and localities. Whereas the PAR Department monitors reform implementation on the provincial level, local People's Committees are responsible for reform implementation in their localities. The agencies in charge are the provincial Departments of Home Affairs in the central cities and provinces, and Sections of Home Affairs in the provincial districts, cities and towns.

The *Department of Local Government* advises the Minister on the formulation and implementation of the grassroots democracy ordinance (GRDO), participates in the central steering committee for GRDO implementation, collects implementation results, produces an annual report on GRDO implementation and submits it to the government and the steering committee.

1.4.2. Ministry of Construction

The Ministry of Construction, together with the Ministry of Natural has been formally designated as the lead Ministry on issues of urban development. The MOC continues to master plan the urban system, planning for an urban system composed of two national "mega cities", six class I cities, 12 class II cities, 43 class III cities/ towns, and 26 class IV cities/towns.
Within the Ministry of Construction, the Department of the Urban Development (established in 2009) advises the minister on formulation of the strategic planning for city system development and categorization of cities; provides directions, guidance and monitoring of the construction planning of cities and towns throughout the country.

1.4.3. Ministry of Natural Resources and Environment (MONRE)

Established in 2003, MONRE is charged with developing laws and regulations, strategies, etc. for land, water, mineral resources and environment, hydrometeorology, survey and topography. (Decree 86/2002/ND-CP). With respect to land resources, the Ministry is specifically charged with:

- Appraising/formulating land-use plans and planning nationwide,

- Assisting provincial and national city's People's Committees in (a) determining land prices for different types of land, (b) issuing land use right certificates, (c) managing land-use right allocations and transfers.
- Directing the implementation of surveys, assessments, measurements, classifications of land and setting up cadastral topography.

The Department of Planning (established 2009) advises the minister on planning and central strategic plans of land use provides directions, guidance and monitoring of the planning development and implementation, local plans of land use, especially in cities and towns.

In addition, at the Municipal level, the Assessment Team met with representatives of the units most directly involved in communicating with citizens and in general with the Assessment's four themes, namely:

The People's Council (legislative representative)

The People's Committee (executive representative)

General Office of the People's Committee (OSS manager)

One-Stop-Shop

The Departments of: Urban Management, Natural Resources and Environment, Home Affairs and Labor & Social Affairs

Site Clearance Boards

Fatherland Front and other mass organizations (Veterans Association, Women's Union)

Although these ministries and government representatives are important in **all** of the target cities, there are other ministries that are important in **some** of the target cities, or don't work directly with citizens. For example, the Ministry of Culture is an important player in urban development in Hue. Nevertheless, given the time constraints and the focus of the Assessment it was decided to focus at this point only on those institutions with the most citizen contact and broadest impact on ACVN's target cities.

2. The Assessment

2.1 "Government of the people, by the people and for the people"

This Assessment looks at ways in which people participate in the making of government decisions that affect their lives, how they interact with elected officials and government institutions and how these institutions and officials in turn respond to increased citizen action and participation. To this end, "participation" or "involvement" has several different stages, ranging from a relatively static one (i.e., being informed by someone else), to a very active and influential role (i.e., electing officials, voting on policies). For the purposes of this Assessment it is important to note that planned training courses are expected to strengthen both (a) 'community participation', understood as local involvement in development projects and community-wide contributions to government

projects, and (b) 'participation in citizenship' which means involvement in local decision-making and in increasing the accountability and effectiveness of government.

2.2   Assessment Objectives

The Assessment was designed to capture the perceptions of municipal authorities on the 4 themes in order to define training objectives. The content of the curricula will focus on skills needed for the effective implementation of the ordinance on grassroots democracy, namely

- Transparent and efficient administrative procedures and public administrative services including functioning of one-stop-shops and the use of e-governance;
- Participatory urban development planning and land-use planning on city and town level;

Our questions were therefore organized around two main issues: (a) *how* communication between municipalities and citizens functioned and (b) *how effective* communications actually are in informing citizens (i.e., did citizens actually understand the information they were given) and gathering/feedback citizen opinion into plans.

The findings are intended to summarize the:

- quality of administrative services and of communication between municipal administration and citizens,
- involvement of people in development planning and land use planning and the implementation of the Ordinance on Grassroots Democracy,
- shortcomings and problems to be targeted by future training

2.3   Methodology

2.3.1 Target Group

Four municipalities, all active members of the ACVN, were selected to represent different types of municipalities (types I, II, III and IV), different regions and different economies in Vietnam, namely:

	Lang Son	*Nam Dinh*	*Hue*	*Thu Dau Mot*
Location	North east	Red River Delta	Center	South
Class of city	III	II	I	III
Wards/communes	5/3	24/3	24/3	11/3
Population	148,000	492,000	350,000	200,000
Land Area	79.2 km^2	46.4 km^2	83.3 km^2	88 km^2

2.3.2 Process

2.3.2.1 Timing/Coordination with the Poll Team

During June, ACVN and KAS finalized the Poll Questionnaire to be administered to citizens. Together with the Poll Team, the Assessment Team (charged with capturing the opinion of local officials) traveled to the 4 target cities in the month of July 2009, spending roughly 2-3 days in each.

2.3.2.2 The Team

Mr. Thuc (ACVN), Ms Aylette Villemain (Int'l Expert), Ms. Ly (National Expert) with the support of KAS and ACVN staff comprised the Assessment Team.

2.3.2.3 Questionnaires

Initial meetings in Hanoi (June 29-30) were used to finalize the interview questionnaire for the Team plus a GRDO, an OSS and a "Construction" questionnaire intended to be handed out to interviewees and then collected for assessment.

After our first visit (Nam Dinh, June 30-July 2), the questionnaires were all converted into "checklists" for interviewers after realizing they didn't work well: interviewees tended to answer what they thought they "should" say, not what they thought. For example, after saying they were informed "a great deal, during discussion they would later complain that they had in fact NO information on that topic. Hence, handing out such checklists for individual responses was not helpful. Instead, the questions were subsequently used as the basis for discussions from which answers were derived.

The main checklist was used as the City Report format, with one team member "filling in" the report and collecting/integrating the notes of the others to generate a composite report covering the key areas of concern.

2.3.2.4 Meetings

Meetings in Hanoi were held with the Ministry of Home Affairs, Ministry of Construction and the Ministry of Natural Resources and Environment (see Annexes for lists of meetings and names)

In each City, we met with leaders, municipal and ward functionaries, the OSS as well as one block. A list of actual people met can be found in the Annexes, but in general meetings were held with

- City leaders (People's Council, People's Committee Chair),
- Mass Organizations (Fatherland Front, plus others involved in mobilizing citizens for planning),
- Private Sector representatives
- Functional Departments charged with
    - involving citizens in planning (e.g., Urban Management, Natural Resource and the Environment, Resettlement Boards
    - Administrative services (General Office, City OSS, Ward OSS).

In addition, a community meeting was organized to discuss what information they felt that had in truth they had received, how it was delivered, how much they actually "understood" and discuss how information delivery could be improved

In some cases (e.g., Nam Dinh), we met with the highest level representatives. In other cases (e.g., Hue) we met with the Deputies.

During these meetings, officials were asked to describe their work after which the team asked questions. The team was supplied with a checklist to guide their questions, as well as a questionnaire for construction projects and a second questionnaire for the OSS.

2.3.2.5 Documents

A variety of documents were requested, both beforehand and during meetings for two reasons: First, in an effort to collect physical evidence to substantiate statements made in meetings about the frequency and/or type of participation (e.g., minutes of meetings with citizens containing feedback, materials that are regularly posted at ward offices, etc). Second, to test for the "quality" of the communication, again searching for evidence of efforts by local authorities to help citizens understand and to encourage their participation.

2.3.2.6 Itinerary (2009)

- Nam Dinh: June 30-July 2
- Hue   July 8-10
- Thu Dau Mot   July 16-18
- Lang Son   July 20-21

2.4   The Four Target Cities (An Overview)

Vietnam is divided into 64 provinces, ranging in population between approximately 5.5 million and 0.3 million (three cities have provincial status: Hanoi, Ho Chi Minh City and Hai Phong). The provinces are subdivided into approximately 611 districts including roughly 192 cities and towns with widely varying characteristics.[6] Many rural provinces have very dispersed populations, some exhibit comparatively low levels of administrative skills and/or populations of mixed ethnic backgrounds. Some of these communes may be too small to efficiently deliver public services to both to scattered populations and physical barriers (rivers and mountains). These areas have very different problems than their highly urbanized counterparts (such as Hanoi, Ho Chi Minh City, Hai Phong and their surroundings).

The first task of this Project is thus to identify issues common to the majority of towns and cities in Vietnam. From these issues, the Project plans to develop four training courses for municipal authorities. These four courses are to address issues common to all, but with case studies and specific discussion subjects adjusted to categories of

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[6] Rural *communes* are administratively equivalent to urban *wards*. Their roles and responsibilities differ, however. Unlike the rural communes, urban wards do not have separate budgets and many functions differ (e.g., health services are more centralized in urban areas)

towns/cities. In other words, although issues of land use planning are common to all, the dimensions and quality of the problem are different for rural communes than for highly urbanized wards of major cities. Hence, it is expected that techniques for involving citizens in land use planning will organize the course, but individual offerings will vary their examples for different categories of towns and cities and different regions.

The planned course themes are: land use planning, urban development planning, grassroots democracy and administrative services. To identify the common concerns and cross-cutting issues related to these four themes, the Assessment team visited four cities of very different characters. Ranging from Class I to Class III, located in the north, the middle and the south, with and without minority populations, some agricultural, some industrial economies. Hence our analysis starts with examining the individual characteristics of these cities, Lang Son, Nam Dinh, Hue and Thu Dau Mot, and then moves on to examining concerns they share.

2.4.1 Nam Dinh (Class II City)

Nam Dinh is a Class II City located in the Red River Delta roughly 2 ½ hours south of Hanoi. An ancient historical city, Nam Dinh blossomed under the State controlled economy during the 1980s, converting agricultural land to industrial, becoming a major textile center. With the Government's decision to move toward a socialized market economy in the 1990s Nam Dinh's fortunes turned dramatically as State Owned Enterprises (SOE) were closed down and those remaining significantly reduced production, resulting in swelling ranks of unemployed.

As the municipality sought to reorient the economy and generate employment, it took considerable advantage of several international projects. These projects brought with them not only technical assistance and financing (in particular for infrastructure), but gave those officials working with the project teams first hand experience with standard international participative approaches. The Federation of Canadian Municipalities, the World Bank, and Luxemburg Development Cooperation were all active in Nam Dinh. For the purposes of urban development planning, however, most notable, perhaps, is the over 10-year relationship with SDC (Swiss Development Corporation), including the Nam Dinh Urban Development Project (NDUDP, 2001-2007). Under the aegis of NDUDP, Nam Dinh established the City One-Stop Shop (OSS) and a highly consultative City Development Strategy (CDS) that led to the development of Local Detailed Development Plans (39 out of 44 wards have approved LDPs).[7]

This comparatively long exposure to and experience with participative techniques has positioned Nam Dinh well for deepening and broadening the process. Not only have City leaders embraced the lessons learned as best practices, but have since built on them (ward level OSSs, Site Clearance Board participative practices).

2.4.2 Hue (Class I City)

Outside influences were more prevalent in Hue than any other city visited. A former Imperial City located in central Vietnam, Hue is blessed by a distinguished history that

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[7] Project for urban capacity building in land taxation administration by IT supported by the Federation of Canadian Municipalities (FCM) and ACVN.

has left innumerable physical relics. The old city, with the ancient Forbidden City at its center, is a UNESCO World Heritage site and major tourism destination around which the biannual international Hue Festival is organized.

For all their positive aspects, these relics also considerably complicate land use and socio-economic development planning for City officials. The World Heritage designation means planning in the old city is largely dictated by UNESCO and overseen by the Ministry of Culture in Hanoi -- planning processes in which even the Province, much less the City, has little say. This urban management dichotomy (part managed by the City, part not) is one of the defining characteristics of Hue's urban management challenge. Here GRDO, PAR, OSS regulations apply fully to the "newer" areas of the City, but UNESCO rules dictate the degree to which local residents in the Old City may influence local planning. Although the "newer" areas of the city (i.e., outside the World Heritage Site) are under City management, they too present special difficulties. In addition to historical vestiges (e.g., the Royal Tombs), there are numerous "Special Use" sites – areas typically managed, but not owned, by local clans where the worship of ancestors takes place.

Additionally, Hue had less access to the kinds of training courses in GRDO and its companion legislation (e.g., administrative reform in general, OSS in particular) offered typically through international projects. International projects active in and around Hue tend to target minority and remote areas rather than the City itself, limiting the opportunity of local officials to work with and become comfortable with the participative techniques typical of international development projects. This situation combined with the strong influence of the Ministry of Culture in the management of the old city have meant that Hue's municipality continues to exhibit a comparatively traditional governance style where commitment to informing the people is strong, but evidence of participative planning techniques is limited. Nevertheless, the establishment of the Consulting Board to support the Chair is a clear commitment to ensuring governance is honest and correct.

2.4.3 Thu Dau Mot (Town)

Thu Dau Mot, a Category three city, is the capital of the province with one of the most dynamic investment rates in the country: from 2007 to 2009 investment more than doubled from 150 to 371 billion VND.

Located in the center of the southern economic development region, Thu Dau Mot has enjoyed favorable conditions for development. The locally established poverty line is triple that of the national, namely 600,000-750,000 VND/person/month. Families meeting this criterion are eligible for free health insurance.

Thu Dau Mot leaders show considerable interest in the concerns of the people as well as in transparency, openness and respect for the people. Its spacious Office of Citizens is open daily and the working days of city leaders clearly posted. A book is kept to record meeting results. All state-financed infrastructure construction and environmental projects are to be discussed with and decided by the people.

A huge level of investment has been accompanied by changes of land use in the municipality. 10,000 requests concerning land issue have been sent to municipality in

2008. In the last weeks of the year, the OSS has been known to receive as many as 1,000 dossiers a day, an indicator of the shear number of investment projects.

In this competitive and booming environment, the OSS in Thu Dau Mot has distinguished itself with a variety of innovations to improve service quality. Processing times for various steps are regularly reviewed and analyzed for opportunities to save time. All staff members are invited to suggest improvements. Business licensing, for example, was reduced from 37 to 32 and finally 27 days (and is an ISO recognized service).

As in any dynamic situation, there are always strains to the system. For example, there seem to be some issues with citizens and businesses being inadequately informed of at least some site clearance plans. In addition, the OSS offers a relatively small range of services compared with the other 3 cities. And finally, in discussions with the team, government officials also voiced frustration over the fact that private companies are sometimes better informed about procedures and rules than they themselves.

2.4.4 Lang Son (City)

Lang Son is a Class 3 city which borders China in the northeast. One of only three border cities in the North, Lang Son is the most important of the three for trading and tourism: Trading, services and tourism represent 70%, industry and construction range 26% and agriculture 4% of the economy.

City upgrading and development has advanced considerably, with Lang Son mobilizing funds from a variety of sources and citizens contributing substantially toward road and pavement improvement projects. At present, cement roads are in place in 80% of villages, and 100% pavement in the city has been tiled.

City management is also very supportive of the Grassroots Democracy Ordinance and improving administrative service provision. The OSS itself is housed spaciously (937 m2, 4.5 billion VND investment) and is outfitted with state-of-the-art IT equipment, including touch screens where citizens can trace processes and procedures as well as the progress of their application processing. In fact, the Chair of the municipality monitors the OSS from a screen in his office. Lang Son is furthermore a leader in e-government, as a result of support by ACVN and Netcom (Germany). .

As a province, however, Lang Son depends predominantly on agriculture and forestry. Consequently, only 15% of the province's population lives in the cities and ethnic minorities are strongly represented. The poverty rate is about 20% (among the highest in the country); industry and services are undeveloped. ,

Although communication between the citizens and local authorities has improved there is still much to be done to strengthen skills for urban and land use planning as well as moving GRDO implementation from a largely "formal" exercise to one which engages citizens more fully.

3. Findings: How Government-Citizen Communication Works
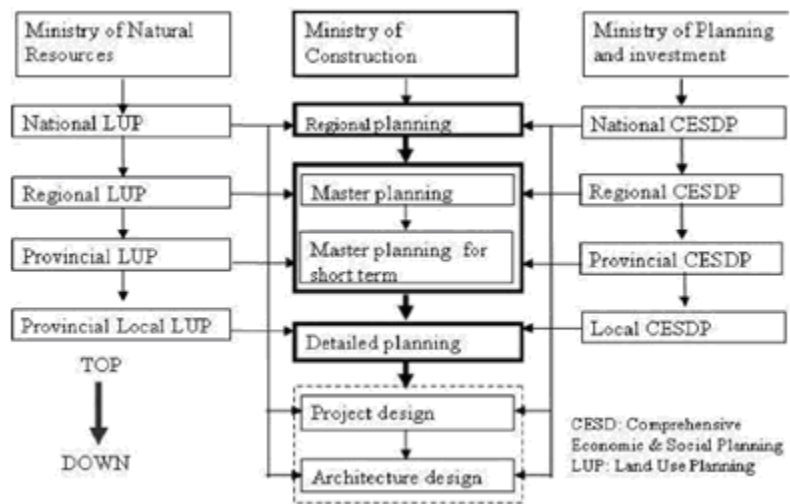
Source: Urban and Regional Planning System in Vietnam (TU Berlin: Urban Development Network. Web address: urdn.tu-berlin.de/activities/country-profiles/vietnam.php)

3.1   Urban Development Planning

According to the Law on Urban Planning, there are three levels of urban planning: regional planning, master planning and detailed planning. Regional and master planning is integrated with planning of other areas, especially regional and urban socio-economic planning. Socio-economic plans include such indicators of socio-economic development as GDP per city, GDP per capita, employment, social infrastructure, technical infrastructure, environmental protection. Major projects, especially infrastructure (e.g., transport, drainage, industrial zones and new living quarters) are proposed in regional and urban plans. Regional and master plans are used as legal documents for detailed planning. All steps in regional and master planning are expected by national bodies to involve some level of community participation, but are not widely in evidence.

3.1.1 Master planning:

The provincial Department of Construction (DOC) is responsible for preparing master plans for municipalities located in the province and submitting them to the respective authorities for approval.[8] Due to the limited capacity of the staff of the provincial DOCs, provinces often seek assistance from the Institute of Planning and Architecture (previously known as the Institute of Urban and Rural Planning) for city/town master planning. These planning service providers normally prepare plans and obtain feedback from provincial, city or town leaders and leaders of the related provincial professional

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[8] Plans of Class II municipalities and those of higher classes are approved by the Prime Minister, and plans of Class III municipalities are approved by the Minister of Construction, plans of Class IV and Class V municipalities are approved by the Provincial People's Committees.

institutions at a feedback meeting. The plans then are revised based on the given feedback before being submitted for approval.

After approval urban master plans are exhibited at the provincial construction department and the city/ town People's Committee offices. Citizens are not involved in any steps of this planning process nor are they informed about the existence or location of these plans.

3.1.2. Detailed urban construction planning

Based on an approved master plan, People's Committees (PC) of a provinces cities and district town are expected to design a detailed construction plan to be applied in wards and communes. Due to inadequate capacity, facilities and technical training, the PCs normally have to outsource this work either to provincial offices or outside consultants. As with general/master planning, detailed planning rarely involves citizen participation. [9]

At the Municipal and Ward level (where citizen participation is most prevalent) there are no guidelines on "how" to inform citizens. In other words, they may be informed via loudspeaker, by posting information, through meetings, but information is rarely summarized or presented so that it can be *understood*. Information is often passed to block/village representatives rather than directly to citizens. Similarly, there are no clear guidelines about when or how to collect or integrate citizen feedback. There was no example of citizen participation in early planning. With exceptions (e.g., Ministries of Natural Resources & the Environment and of Construction) there is typically minimal coordination and cooperation across government agency lines, which can result in conflicting spatial planning (e.g., 2 ministries with different plans for the same area).

Designed by outsiders without people's participation, these plans rarely take into account local characteristics or residents' priorities or concerns. Consequently, there is typically considerable resistance when local authorities try to implement them. Consequently, both master plans and detailed plans are not only largely inappropriate, of questionable feasibility and out-of-date, but lack the support of the citizens.

It is common sense that planning requires proper capacity of human resources and good condition of facilities; however, it is impossible to make good plans without local experience and input. Local residents need to be considered as experts on the local situation, with unique knowledge about what problems, opportunities and priorities. Only they know about the history of establishment, natural and social conditions, practices, and customs of the place where they have been living and working. Furthermore, they are not simply the objects of planning, but are often expected to make contributions of labor, money, land, and even relocate. Thus, planning processes can only be sound, practical and feasible when the people are genuinely involved from the beginning.

3.1.3 Recurrent Issues

- Provincial plans are not freely shared with municipalities.

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[9] Recently, Nam Dinh City engaged in a highly consultative process to generate a City Development Strategy with considerable technical and financial support from SDC (Swiss Development and Cooperation). Although the CDS is considered one of the best in the country, with the cessation of funding and technical assistance, Nam Dinh has not been able to maintain this level of consultation.

- Municipal and ward officials don't always understand plans and laws well themselves, making it difficult to explain to citizens

- There are no clear steps or criteria when plans are discussed or how they should be discussed nor how feedback should be collected and structured so plans can be revised accordingly

- If citizens are informed, it is almost always only about issues immediately affecting them, limiting their ability to express opinions about other planned developments. There is virtually no reporting back to citizens on the impact of any feedback they may have given.

- Citizens tend not to make much effort to inform themselves, have low understanding of development plans, and are typically only interested in investments sited within their neighborhood's boundaries

- There is a lack of horizontal coordination among agencies.

- There are inconsistencies between national plans and local plans. For example, the Ho Chi Minh City Mater Plan is based on a population of seven million in 2020 (a level which may have already been reached) while the MOC urbanization forecasts would imply a population of 13-19 million by 2020.

3.2   Urban land use, planning and management

In Vietnam, one plot of land can have many kinds of certificates: land use right certificates based on the Land Law of 1987, 1993, 2003, house ownership certificates under Decree 60, etc. Information about houses and land are archived at two different state agencies, which makes searching for real estate information difficult. The project team focused on three key areas relating to urban land use which are of great concern of cities, district towns, namely: i) land use planning; ii) land use right certificate and housing ownership and iii) compensation and resettlement policies .

3.2.1   Land use planning

The Land Law of 2003 was designed to speed the country's industrialization and modernization process. Decree No. 84/2007/ND-CP (May 2007) added provisions on issuing land use right certificates, procedures on land compensation focusing on the legal criteria for recognizing legitimate claims from land-users lacking proper legal documents.

The current Land Law states that land use planning should take place every 10 years and land use plans produced every 5. In urban and peri-urban areas, there are construction master plans, transportation plans and land use plans which result in overlaps between agencies. Public participation is legally required at commune level planning only, in present legislation, although commune planning depends upon higher level planning. This, however, is not now practiced (in several instances it was reported that citizens were in fact discouraged from asking questions about provincial projects).

As with urban construction planning, People's Committee of cities and district towns typically outsource land use planning to provincial offices with qualified staff. These plans tend to be based on politically generated targets rather than on local demand or spatial constraints. There is no involvement from the people; people are not informed about the plans even once they are approved. Consequently, citizens are often resistant,

frequently opposing these plans when the authorities try to implement them. In addition, as mentioned above, since urban planning departments typically do not coordinate with one another concerning spatial implications, plans may conflict with one another in a specific location (e.g. a road, a park, and a tree planting all planned for the same spot).

In addition, the current format of land use planning documents is difficult for a non-technical person to understand. They are heavy documents filled with tables and forms but few maps, and no maps that show land use change.

People are often:

(a) informed after the fact – sometimes from the construction firm that has been engaged to do the work,

(b) given conflicting information about what is to happen and their role in the process, and

(c) are instructed that they have no choice, are cajoled by the mass organizations to accept, and may even be threatened with various types of enforcement (including forced evictions).

As a consequence, citizens tend to receive information passively even when they are opposed to whatever is being proposed and plan to resist.

3.2.2 Land use rights and house ownership certificates

The issuing of land use and house ownership certificates accounts for about 60% although often higher in some towns and cities (92% in Thu Dau Mot town).[10] Nevertheless, land titling remains problematic – for example, in Hanoi, only 10% of private housing has legal title, although private houses account for 70%.[11] In addition, in economically active cities and towns where real estate is busily changing hands, there may be many land use and ownership changes requiring certificates (e.g. in Thu Dau Mot, over 10,000 land dossiers were handled in 2008 and over 6,000 in the first six months of 2009).

During the last 2 years the process of certifications has become even more difficult, as the "straight forward" cases finish and "problem cases" begin to dominate the case lists. Incomplete documentation, land abuse or misuse (e.g., houses built on agricultural land), ownership issues and other disputes slow certification processes. The biggest challenge is typically to determine land origin and the length of land use. There are also many cases of villagers avoiding the application process in order to avoid land use fees. Increasingly there are cases where conflicts between regulations and "reality" means that cities and towns require input from others, including provincial leaders and frequently the Ministry of Natural Resources and the Environment (MONRE). These increasingly difficult and conflict-ridden cases are slowing the overall pace of land use/house ownership certificate issuance in all four cities visited.

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[10] Land use right certificates can be used for mortgage, bought and sold, inherited, used to build houses or offered; therefore, land certificates are the pressing needs of the urban citizens

[11] World Bank. "Issues and Dynamics: Urban systems in Developing East Asia: Vietnam." P. 2.

The importance to citizens that they possess land use and house ownership certificates cannot be overstated. Consequently, greater efforts need to be applied to solve outstanding problems. To this end, it would be helpful, for example, for both MONRE and provincial officials to discuss and work more closely with towns and cities to resolve problems.

3.2.3 Support for site clearance, compensation and resettlement

The related issues of site clearance, compensation and resettlement are the most challenging and complicated tasks facing cities and towns. Citizens tend to resist when government agents instruct them to relinquish land and/or move. Even with the participation of the Party cells, governments and Fatherland Fronts at all levels, conflict remains high and cases of forced evictions common in the four cities.

In all four cities, considerable effort has been made to reduce conflict and ease the process. In accordance with Chapter V, Article 49 of Decree No. 84/2007/ND-CP (May 2007), paragraphs 2 and 3, People's Committees are expected to issue documents on land recovery guidelines and announce these guidelines, compensation, support and resettlement upon recovery of land "for defense and security purposes, for the sake of national interests, public interest and economic development." Commune-level PCs in areas where land is to be recovered are to post guidelines at their offices and public meeting places as well as making public announcements. In Nam Dinh City, the guidelines developed by the Resettlement Board number 29; in Hue and Lang Son[12], 15-steps are described.

Exceptionally, Thu Dau Mot has not developed any locally detailed procedures, reflecting the difference in their situation. Here, government invested projects are less important than in other cities (mostly road widening and town maintenance). The larger projects are in fact private investments. In these instances, the private investors deal directly with the people, with minimal local government support.

In principle, the law guarantees land owners a compensation price that should allow them to purchase a comparably-sized home of equal or greater value. In addition, according to Decree 84 and required city procedures, the people have nine rights and an obligation.

- Right to know the policies of investment, site clearance and land taking which are publicized in mass media, posted at the office of the commune and ward People's Committee. Related households are invited to the meeting to be informed of the decision by the authority.
- Right to have 1 – 2 representatives in the Site Clearance and Resettlement Board.
- Right to have forms to filled in
- Right to participate in surveying and measuring land and house, sign to confirm the property in the land.
- Right to give opinions to the general planning
- Right to be formally consulted within 20 days before compensation
- Right to be informed of the approved detailed planning
- Right to register land or house in the resettlement areas
- Right to have questions answered and complaints handled

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[12] Decision No. 13 by the Province chairperson in Lang Son

The obligation is to obey strictly the decisions made.

Although the people nominally enjoy these rights and tend to support the policy of imminent domain of the government, they continue to resist, complain and even refuse to move for state invested projects, even after the Fatherland Front and others have worked to persuade them to do so. Privately invested projects have far fewer problems with citizens who have agreed to move than state invested projects. The question for the assessment team was, why?

Through the surveys in the four cities, the issues generating the most complaints were the following:

- Land position and area determination as well as land classification (housing/ garden/agriculture; legal/illegal; inner/outer/peripheral, etc.)
- Determination of property value in the land and grave moving
- Determination of compensation price
- Relocation.

Of these, *low land prices are the most frequently sited issue*: in short, the "market price" is often disputed.

- Provincial governments fix the land prices on the 1st of January for the calendar year. Regardless of changes during the course of the year, this unit cost will be applied. In general, citizens demand the market price at the time land is taken (in accordance with the land law regulations). All too often, the price set in January has lagged behind the market price.

- In areas where the private sector is competing for scarce land and bidding up the prices, the government often assigns a different (lower) price than those paid by private investors, leading citizens to argue the government price is not the "market price."

- Often the price of resettlement land is higher than land repossessed by the government (exceptionally, this appears not to be the case in Thu Dau Mot Town, Binh Duong Province, at present).

- Frequently the process of site clearance takes several years, but compensation is fixed at the beginning of the process. This puts citizens at a double disadvantage: their money devalues as land prices rise.

Secondly, *relocation/resettlement is not seriously addressed*, all too often leaving citizens to hastily construct temporary shelters until their situation is reviewed.

- Although all cities have a "process" for site clearance not one of them has a "process" – not even a step -- for resettlement or relocation (although it is an issue discussed in Nam Dinh).

- In none of the four cities was there evidence that dispossessed citizens were relocated in a timely fashion to a property of equal or higher value.

- Sometimes there is no land for resettlement (Lang Son, Hue).

- Infrastructure and houses in resettlement areas are often in poor condition and of a much lower quality than the properties that have been repossessed by the government.

Examples abound of vastly complicated situations which leave citizens with little hope or recourse, such as Lang Son's, Ba Trieu Road Project: six years passed between the compensation payment and the finishing of the resettlement area by which time land prices had changed so that the compensation payment no longer covered the cost of the new area. As with most such tales, it was nobody's fault -- but in the end it was the well-being of the citizens that suffered (and continue to suffer) the most. By far the worst case scenario for all involved is the "stalled project": every city has its tale of a state-supported project where people were moved (but not adequately resettled) only to have the planned construction delayed, halted or canceled while former neighborhoods deteriorate into wastelands.

Site clearance is inevitable in the process of urbanization. It is also to be expected that the process will continue for many years to come. It will never be easy. Nevertheless, the process can be improved greatly. To ensure the interests of the people are considered as seriously as those of the State and investors, it is imperative that citizens be involved from the beginning of investment planning. The "rights" above can not be adequately guaranteed in a "top-down" approach. How can the "right to give opinions to the general planning" be guaranteed when the people are informed at the last moment and instructed to accept the decision without discussion? The people support the policy of site clearance; they support socio-economic development. By involving them completely and early on in the process of deciding what should be done and how it should be done, the projects will be better designed and easier to implement: The need for forced evictions should all but disappear. Ensuring the people's support will ease a complicated and difficult job in the spirit of ex-President Ho Chi Minh who said:

> "Without the people's support, the possible could be made impossible.
> With their support, the impossible becomes possible".

3.2.4 Recurrent Issues[13]

Although documents were requested to back up the statements below, they were not provided. Nevertheless, these points represent common perceptions described to the team in various meetings in all cities.

- Citizen complaints (mass organizations, particularly the Fatherland Front, Women's Union and Veteran's Association, are often called in to help smooth citizen – government relationships)

- Provincial land use plans are not discussed directly with nor communicated to citizens – they are not always discussed with Municipalities.

- "Stalled projects" – areas where residents were moved, but where the investment is seriously delayed or abandoned – continue to plague municipal plans.

- Citizens aren't consulted on site clearance plans until just before site clearance is supposed to begin

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[13] These findings are corroborated in Ngo Viet Hung's article, p. 4.

- Citizens typically do not understand the site clearance and resettlement processes, prompting many cities to develop more detailed "steps" to ease the situation

- Resettlement is NOT part of the process of site clearance, which results in households being left homeless (at least temporarily)

- Forced evictions remain common.

- The two key points of conflict between the government and citizens in site clearance are

    (a) Differences in opinion on the market value of the property in question (local governments set market prices once a year, on 1 January: market prices have been rising significantly and steadily over the last years) and

    (b) Questions about resettlement – residents are "entitled" to a house/property of "similar or greater" value, but rarely are such properties available at the time of site clearance, leaving many to build temporary shelters until the issue is resolved.

3.3   One-stop-shops mechanism

In all four visited cities, OSS offices are well established.[14] As the ward level there was considerable similarity with work organized into three divisions: i) land, housing and construction; ii) business registration; iii) jurisdiction and civil status.   Typically, an existing ward official assumes responsibility for OSS functions. Opening days and hours vary, but ward level offices often offer some level of services on Saturday mornings.

In contrast with the ward-level OSSs, the OSS systems in the three cities and district town differed importantly. The OSS in Nam Dinh had ten functional divisions, Hue nine and Lang Son six. Thu Dau Mot on the other hand limited its services to four functional divisions, namely business registration, housing, land use, and dossier responding (Nam Dinh, in contrast, also offers divisions in land use fees/charges, taxes, housing & construction).[15]

Information relating to dossiers, procedures, fee rates and timing of administrative dossier process are publicized at all OSS offices. Cities and district town have installed modern information technology (e.g., touch screen) to help citizens look up required forms and procedures, as well as to monitor the processing of their dossiers.   Civil servants manning the service windows would still benefit from a stronger "customer service orientation," but are generally considered helpful and friendly.

OSS office staff is managed in one of two ways. First, as in Lang Son city and Thu Dau Mot town, officers are managed directly by the General Office of People's Committee. Second, as in Nam Dinh and Hue cities, the OSS unit is managed by the General Office,

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[14] Having benefited from significant outside investments, the OSS office in Lang Son was the most spacious and best equipped (937 m^2, a total investment of 4.5billion VND).

[15] One division in charge of social policies used to be set up in the same system, however, recently it has been transferred under the control of other functional office.

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but the individual civil servants by their functional departments. Both models have advantages and disadvantages. Professional background and expertise is strongest among those staff linked to a specific functional department. Managing OSS resources, incentives and coordinating salaries is easier where the General Office manages. A combination would be optimal.

The opening of OSSs has brought great improvement in terms of public administration reform. Roughly 90% of all dossiers are completed on time in all four cities. The improvement has been hailed, appreciated and supported by the people. At the same time, city authorities push for improvements (e.g., eliminating superfluous dossiers, shortening the process timing, facilitating joint-one-stop-shops, and improving customer orientation).

The OSS office clearly enhances communication and direct interaction between citizens and the authorities. In keeping with the Vietnamese expression: "serve the people well whenever they come and leave the office," efforts to improve the OSS services themselves with regard to infrastructure, equipment and staff training should continue. Expanding service offerings, particularly in OSSs with few divisions, improved staff skills (particularly professional background, administrative and communication skills) and improved/simplified (no overlapping) forms should be encouraged. Decentralization should also be pushed ahead, with more power granted to wards and communes concerning issues of construction, housing, land use, business, civil status, justice, notarization (except for foreigners and overseas Vietnamese). We would furthermore encourage the OSSs to examine rules, regulations and forms keeping in mind that, as the Prime Minister stated: "At least 30% of current regulations concerning administrative services should be simplified by eliminating the ones which are unnecessary, unreasonable, and illegal."

Although the General Office promotes a collaborative, cooperative working approach among responsible functional departments, there are still difficulties in implementation. All too often the different, scattered roles of various departments (e.g. tax division and State Treasury) still makes it necessary for citizens to visit several offices in order to collect all required documents for the dossier required by the OSS. In addition, overlapping roles and tasks in city's departments and divisions could be clearly seen. For instance, there were several instances where a ward measured land for an assets clarification only to have the city or district town repeat the measurement work.

Hence, there is still a lot of work to do before the OSS mechanism satisfies the broad range of demands of not only citizens but also of enterprises and investors. Great strides have already been taken, but there strong orientation and guidance from the central government together with great efforts by local governments of all levels are needed to gain people's participation, consensus and support.

3.3.1 Recurrent Issues

- All Municipalities reported concern with the poor communication skills among OSS staff.

- In several cities and towns, urban planning and management tasks fall to civil servants who lack professional training in these fields.

- There is no effective system to gather customer feedback or comments to improve administrative service delivery

- All Municipalities would like to see improved technical and professional skills among the functional department staff.

- Land related issues were in all OSSs the most problematic (and usually most popular) service. The filing and processing of citizen complaints was less well organized or transparent.   Sometimes organized through the OSS, sometimes by the Office of the Citizens, but with no clear rules or criteria for managing the process and with very little transparency

Aspects about which citizens are informed:	
Thu Dau Mot	• Site Clearance, • Compensation and Contributions, • Environment & Hygiene, • Road building • trade center construction • Urban construction
Lang Son	• Site clearance • Roads, sidewalks, road landmarks for main roads in areas with detailed planning • Rural roads • Trade Center • Culture house construction. • Urban culture lifestyle • Garbage collection • Fees and charges
Nam Dinh	• Site clearance (29 steps): • Compensation: resettlement area • Taxes/taxation • Urban development projects, since 2002 • City planning • Construction planning
Hue	• Site Clearance (15 steps) • Compensation (property inventories, measurements) • Detailed plans for construction projects, esp. when contributions are required • Roads • Taxes • Resettlement (house boat community) • Green areas, parks • Irrigation, land law

3.4   GRDO: It's not only what it says, but what it means!

The GRDO lists things about which the people should (a) be informed, (b) decide on their own, (c) be consulted before decisions are made, and (d) supervise. In discussions, all informants agree that all points of the GRDO have been fulfilled at least if form (although written evidence was difficult to obtain).   In brief, Municipal Mass Organization leaders inform ward leaders (usually in meetings) and the ward leaders then organize meetings for block/village heads (sometimes even at the neighborhood level, if deemed appropriate).   Loudspeaker broadcasts may be used to inform people who don't attend the meetings; occasionally written materials are distributed. In theory, information on all topics listed in the GRDO to be made available to the citizens is in most cases available in some form at the ward level.

The fact remains that municipalities are abiding by the letter of the law, at least down to informing block/village leaders, but that the transfer of information from block/village leaders to the citizens is less consistent. It was not possible for this team to trace communications directly to citizens (no written records were made available to the team) but communications appeared neither systematic nor especially reliable for many topics named in the GRDO.

The first table shows the aspects that were generally (more than 2 informants, including citizens) reported as subjects about which people are informed. The second shows the numbers of projects the cities reported the GRDO was being applied to. Accordingly, the topics about which citizens are most likely to know something are infrastructure and site clearance. Even in these areas, however, given the responses recorded in the second table, the actual *number* of projects where people are consulted is generally low.

3.4.1 Who is charged with communication?

If the quality of the communication could use improvement, the question becomes who is actually in charge of informing, consulting and discussing with the citizens.

The People's Committee and The Fatherland Front are charged with the implementation of the GRDO. Typically, the FF is active, engaged and motivated, taking the lead in GRDO affairs. Sometimes they are joined by (or may in fact partially delegate to) other locally active and respected mass organizations (e.g., the Women's Union and Veteran's Association). These mass organizations' main function is to convince and cajole citizens into accepting plans and projects promoted by the government (they frequently use the word "coerce" to describe their role). For their part, they often complain that mass organizations are kept only partially or intermittently informed by the Government. Called in to mediate conflicts between the Government and citizens (typically over compensation or site clearance issues), they often discover agreements or decisions have been made along the way of which they were not informed (compromising their credibility with the citizens). On the other hand, being as they are, organs of the government, their ability to "represent" citizen view points is considered (by themselves) to be limited. In general, although mass organizations are skilled in using collective, social approaches that successfully mobilize citizens, they are not always well-informed about the subjects they are expected to communicate to citizens.

Numbers of projects reported by city where:				
Works to be …	Nam Dinh	Hue	Thu Dau Mot	Lang Son
publicized to the people (Ch. II, A. 5-9)	15	3	3	5
discussed and decided by the people (Ch. III, Art. 10-18)	11	2	3	2
discussed or commented by the people before they are decided by competent bodies (C. IV, A.19-22)	10	1	2	1
supervised by the people (C.V, A23-26)	8	1	1	1

Most projects involved infrastructure, but Hue's list included only infrastructure and resettlement.

Concerning the People's Committee, often the Municipal PC and the FF information meetings are restricted to ward officials. These wards level PC and FF representatives are then expected to convey the information to the citizens. In point of fact, they hold meetings to inform block/village heads (and post or make available materials at the ward offices), but usually do not actually inform the citizens. It is assumed that the block/village heads will do this. This appears, however, to be a weak link. The information actually reaching citizens this way is minimal and often of poor quality or even inaccurate.

3.4.2   How and of what are citizens "informed"?

Citizens are to be informed through (a) meetings, (b) loudspeakers, (c) posting of material at the ward level offices. There are no rules about which approach should be used in which circumstance. Meetings are used to present detailed information. Typically limited to representatives (largely due to meeting space limitations), these meetings are not very effective in reaching citizens. The exception is site clearance meetings where living area citizens are invited. Loudspeaker coverage is not blanket, the quality of the messages is uneven, acoustics are often so poor that announcements cannot be understood. Citizens often live far from ward offices and are not able to pass by during working hours, so that posting or making available materials in these offices is not a very satisfactory way of informing citizens – or raising understanding.

Citizens tend to be well-informed about site clearance and projects they must make contributions to, somewhat informed about other infrastructure projects in their neighborhood (if it is a municipal and not provincial project), and unevenly informed about all other topics.

Given the interest of our Assessment, we specifically looked into involvement of citizens in planning. As it turned out provincial plans are never presented nor posted – not to the citizens, not to the municipalities. City development plans, in limited instances, are presented to "citizen representatives" but not posted. Detailed planning (where it exists) is supposed to be presented by ward leaders to those citizens directly affected by planned projects (detailed plans are, for all intents and purposes, a list of planned infrastructure projects). In such cases, citizens are typically informed over loudspeakers, sometimes in meetings. Often, ward leaders only invite block leaders to the meetings (due to space constraints) and then assume the information will be passed on. Copies of plans are in some cases made available to citizens to review in the ward offices, in others not.   Maps are usually not available (i.e., no spatial representation of the planned infrastructure projects). The style of presentation of these plans makes it difficult for local citizens to determine how projects may affect them; they are unlikely to comment on projects for other living areas.

3.4.3   Discussion/Consultation

Discussions/consultations are arranged in a block/village appear to be organized only when a specific infrastructure investment is expected to directly impact that area – and just before the investment is to happen (i.e., after the planning stage).

For such meetings, ward officials and other key parties (project management units, Site Clearance Boards, outside contractors) meet with citizens to discuss the consequences for specific households. This typically means citizens are informed about contribution expectations, site clearance and compensation plans. For infrastructure improvement, normally citizens are expected to contribute financially (often called "participation"). Where a new investment is planned, families may be asked to resettle.

In these instances, although citizens are not involved in original planning, these discussions typically do lead to changes that are in fact reported back to citizens. Negotiations over site clearance may indeed be conducted on the individual household level.

3.4.4 Feedback

Feedback is gathered either (a) in discussions/showing of hands in meetings, (b) on pre-prepared forms distributed at the meeting or (c) on plain A4 paper where each citizen can write his/her comments. There are no clear criteria for when feedback is collected, when different feedback methods should be used, how forms should be developed, or how to structure and report feedback so it can be integrated into plans.

To the best of their ability, local authorities try to incorporate these comments both by noting them in Memoranda of Meetings and in reports (although we were not able to obtain copies of such memoranda, nor reports). All groups of informants confirm, however, that officials do alter plans in response to feedback whenever possible (e.g., instead of widening a road and evicting residents the road was strengthened and improved). It was nevertheless difficult for the team to collect any written evidence of such feedback.

Municipal authorities report that citizens are typically only interested in projects to be built within their boundaries – although citizens don't actually have access to information on projects in other areas, making it difficult to judge their interest level. In Nam Dinh, where there is a longer experience using participative approaches in planning, officials did report that citizens make more effort to inform themselves because they now understand how the plans affect their lives.

Recurrent Issues (with the exception of Site Clearance)

- Citizens don't "understand." Assuming the point of informing people is to gain understanding and assistance (either support, or constructive criticism), the information component of the GRDO is not very successful

- Information is not systematically getting to the citizens

- Understanding of the GRDO and its intention is low across the board. Many citizens suggested it was simply a public relations ploy. Many authorities blamed the citizens for not being informed. On all sides "participation" was broadly understood to mean "monetary contributions," not involving citizens in decision making.

- Among officials who have worked closely with citizens (e.g., Site Clearance Boards), concerns focused on the fact that officials weren't doing a good job of informing people. Not only did they lack a variety of different kinds of presentation skills, but circulars and plans were not easily understood by staff nor presented well making it doubly difficult to communicate their meaning to citizens.

4. Overall Assessment of the 4 Cities

Not only did the team work to find common problems where ACVN courses can be effective, but for "best practices" and other valuable experiences that can be used as case studies and the basis of experience sharing workshops. Hence, with an eye on how to strengthen the municipality-citizen partnership through improved communications between them, we came to the following analysis.

4.1 How it works

The system is in place and the "letter of the law" is largely observed. Municipalities forward circulars and information to Wards as required. OSSs are up, running and generally doing a good job in improving communications, transparency and accountability between government offices and citizens. Whenever possible (and financially affordable, often through internationally funded projects), the People's Council, the Fatherland Front and the PC offer training on laws and occasionally on participative approaches. These opportunities are, however, few and far between in part due to funding constraints, in part because the importance of such training is only now beginning to become apparent.

For their part, Wards post information on the topics required by the GRDO. Block leaders (not part of the formal reporting system) are the elected representatives of individual neighborhoods. Ward officials generally consider informing block heads to be equivalent to informing the citizens. This is, however, not the case. Block heads are unreliable about reporting back to citizens about meetings they've attended. This is not because they are necessarily unwilling, but it isn't traditionally part of their "job description" nor is it easy – space constraints apply equally to urban blocks. Presumably, these leaders are also not clear about this new governance role: training in how/what to report back to community and how to engage communities in document reviews would likely repeat benefits quickly.

4.2 How well it works

4.2.1 Considerable room for improvement ….

The Cities are committed to advancing GRDO in a difficult context. In the *first* instance, their superiors (Provinces) do not recognize a need to inform or discuss socio-economic development nor urban and land use plans with Municipalities. (In at least two cities, citizens were even instructed *not* to discuss Province projects.) How are Municipalities to discuss these plans with citizens when they don't even have access to them themselves? *Secondly*, municipal personnel lack training to prepare them to reassess and change conventional "top-down" working habits. In particular they have no experience (a) presenting information so that it is interesting and comprehensible to the average citizen, (b) using participative techniques to gather and structure citizen feedback, (c) working with citizens (i.e., a service orientation). *Thirdly*, citizens, unaccustomed with the demands of decision-making do not show much initiative in informing themselves about plans and other issues. All too often citizens interpret "democracy" as the right to complain while failing to recognize their responsibility to help define solutions.

Fourth, from the highest levels to the lowest there seems to be a fundamental problem with the definition of the word "participation." "Participation" is a word associated with the Grassroots Democracy Ordinance. It is also often understood as "monetary contributions to infrastructure projects". Hence, in many people's minds "democracy" quickly gets associated with monetary contributions (or disorderly conduct). The consequence is citizens contributing funds for, say, road building in the amount proscribed by the government, is considered by many to be adequate and sufficient to satisfy the intent of the GRDO: e.g., quote from a PC chair: "*All steps should be publicized: from the step of contribution to the step of implementation*" – but it's the planning and deciding

that are most important. Similarly, this confusion leads to comments like *"the citizens don't understand democracy"* -- this usually means citizens don't accept proposed contribution or compensation levels.   Participation defined as a process involving consulting, discussing, structuring feedback and reporting on results as a means to improve the quality and effectiveness of investments is familiar to very few of our interviewees.

As a consequence, citizens are generally not well informed, they rarely "understand", and consequently do not now contribute much to planning – with some very interesting and valuable exceptions. One clear exception, however, were site clearance boards; they reported close consultation with citizens and regular reporting back on results from their feedback.

4.2.2   … but clear experience with "best practices" that could be transferred

All four cities had Site Clearance Boards that used participative techniques (albeit starting with "approved plans" never before seen by local residents). Nevertheless, these plans were presented with a reasonable degree of transparency, spelling out the implications for local citizens. Feedback was collected in an organized way (down to the household level when necessary), reported back to functional departments where intensive negotiations might be held (particularly over land value) and the results were then reported back to the citizens, again, occasionally even to individual households. Staff members of these boards have showed initiative in addressing a variety of issues (e.g. redefining "steps" to help citizens understand roles, responsibilities and timing better, pushing for clear plans linking site clearance to resettlement) and resolving large numbers of conflicts. And perhaps this is a key point; site clearance has a clear objective: reducing the number of forced evictions.   It might be useful to define similarly clear objectives for other areas of planning.

5. Other Issues

5.1   Citizen Competence

For a discussion or consultation to be serious, it requires respect from all parties for all others. Municipal (and even ward) officials routinely underestimate citizen competence. Officials sometimes display a paternalistic point of view. It was only in 2003 that most citizens were given the right to self-organize, to get involved, to question, to be informed. They have no habit to inform themselves (although experience has shown they learn quickly when given the chance). Instead, they have an unfortunate tendency to sit back and complain without giving thoughtful or helpful comments.

To speed implementation of GRDO, an information and education campaign and/or training about the roles (and responsibilities) of citizens in governance would benefit both municipal officials and average citizens alike.

5.2   Gender Participation

The target group of the training is supposed to be city officials, but 50% of the participants are intended to be women. Since many municipal departments do not have 50% women professionals, this may well be difficult. Similarly among local authorities, whereas many Deputies are indeed women, Chairmen tend to be male both at the City

and the Ward level (with the exception of the Women's Union). Course identification may therefore need to focus on needs in departments with a higher representation of women (e.g., OSS) if this 50% female target is to be met.

5.3   Citizen participation in plan drafts

Citizen participation in planning at the highest levels is unlikely in the near-term. Laws governing land use and construction planning that charge provinces with developing land use and urban development plans do *not* require citizen input. The GRD *Ordinance* ranks below *laws* in legal importance. In addition, the GRDO only requires public participation at the commune/ward level. Hence, although citizens are supposed to be able to give opinions to drafts, the province is in charge of planning and not required by law to include the citizens.

6. Conclusions and Recommendations

The team was unable to identify any documents that discuss a role for cities in implementing the GRDO. Cities have been given no formal instructions, no explicit responsibility, no power nor budget for GRDO implementation. According to the GRDO, implementation is the responsibility of communes/wards.

Nevertheless, cities are concerned and do want citizens more involved. Complementing this interest, the Poll tells us that citizens want more information about plans and planning. Ward officials do follow guidance on "informing" citizens, but they lack the training and methods to communicate this information so that citizens "understand" and are "involved." A key recommendation of the team is hence to strengthen the city-ward relationship for implementing the GRDO. To this end, city-level people's committees and mass organizations need to play a greater role in supporting and training ward officials. To do so, however, city officials need training themselves, not only in key skill areas required by the GRDO, but in how to train and support their ward colleagues.

The Team was also able to confirm that the general course themes are appropriate, namely:

> o *participative techniques in urban land-use planning*
>
> o *participative techniques in development planning*
>
> o *participative techniques in providing administrative services*
>
> o *participative techniques in implementing GRDO*

It is expected that the trainings themselves will combine the teaching of soft skills, participatory techniques as well as introduce new institutional concepts (e.g., in the field of Municipality Citizen relations – Information and Communication Policy of the city) with improved procedures for a limited number of Public administrative services. More specifically:

With *local development planning*, course designers should focus on presenting techniques and models developed and tested in Vietnam (e.g., the VDP/CDP experience for rural areas and the Community Management Model (SDC and ADB with Colenco Engineering) for urban areas]. Both models feature approaches for helping local communities self-organize, self-plan and self-implement projects. Both emphasize transparent, participative and accountable systems based on Project Cycle Management (including communities at the very beginning of the project conception process) and using metaplanning techniques for soliciting and structuring community feedback. Case studies should focus on the ability of local communities to build their competence for small-scale infrastructure quickly. With experience "in the driver's seat" even poor communities can contribute thoughtfully and meaningfully to local planning and decision-making – given a chance. This course should also address the roles and responsibilities of Community Supervision Boards in the monitoring process.

With the *land-use planning course*, it is recommended that initial work focus on (a) procedures, techniques for civil servants to involve the people at the early planning stage before decisions on how to use the land have been taken, and (b) improving site clearance planning and implementation. This responds to current municipal demand (and local initiatives) for techniques to reduce conflicts and avoid forced evictions. Consequently, this course should feature case studies of Vietnamese experience with both "best" and "worst" practices. Although the case studies should focus on municipal interest in improving site clearance, the skills introduced will be transferable to other instances of other types of land use planning. The course should furthermore work with participants to identify additional ways to improve the process, for example, (a) beginning planning work with target areas early in the planning stages and (b) addressing the issue of relocation and resettlement of displaced households. It is furthermore recommended to include a "conflict management" session.

For the course for *administrative services*, better institutional capacity to provide reliable and better quality of information as well as procedural improvements to reach a better quality of services (e.g., Land Use Certificates delivery). It is therefore expected that the OSS/Communication Group will focus on procedural improvements in administrative services where citizens expressed most concerns, on communication policies (international experiences, role of press office department of cities etc/ improved access to information.) as well as a variety of communication and cooperation issues that introduce the concept as "customer as king." All municipalities voiced the need for better customer service skills, including being pleasant and showing respect for clients. Hence, this course should emphasize the need for quality customer feedback, addressing techniques for soliciting feedback and then managing it (especially complaints). Better filing and data management may also prove a useful session. Above all, however, participants should be cajoled into adopting service-oriented behavior (i.e., not "municipal employee" but "public servant."

Finally, *the GRDO course* needs not only to deliver techniques, and improve the implementation guidelines at city level for different GRDO topics as well as work on building support for a municipal-citizen partnership for local governance. This course's challenge is to use national/international best practices on implementing guidelines to convince city officials that GRDO is their opportunity to get the feedback they need to do their job better, that the citizens have expert information on their local area, and are, in

principle, their natural support group   No one cares more about how the city is doing than its citizens. Lingering vestiges of paternalistic behavior by municipal employees need to be identified, recognized and addressed, with the importance of attitude change emphasized.

Communication approaches at both the ward and city levels left considerable room for improvement, particularly in the area of "discussion" and "consultation." Here, each city should develop guidelines for which kinds of information methods are appropriate for what kind of materials (e.g., meetings are required to seek feedback for site clearance plans, whereas loudspeakers are sufficient for informing people about changes in officials) Linked to this are skills for managing information.

Participative techniques to be taught should focus on improve communication with citizens with the objective of *citizen understanding*. Such skills would include presentation skills, skills for running meetings, developing quality feedback forms, using metaplanning to gather and structure citizen feedback, etc. In addition, sessions on when these techniques should be used, for what subjects, and by whom (ward leaders, block leaders, municipal staff?) should be organized so participants can start developing guidelines for their own municipalities.

Each of the four courses can be standardized. In scheduling training, however, ACVN needs to consider differences in development, in geography, in economic structure of target municipalities. It is recommended that ACVN structures its course offerings to ensure course participants come from municipalities with comparable backgrounds.

It is further recommended that during the testing of these initial general courses that course participants and trainers work to define a list of specialized courses (e.g., holistic urban management) for future development.

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