

Briefing for International NGOs by Mr. Vu Xuan Hong, National Assembly Member and VUFO President on the recent National Assembly Session, 28 June 2004

Meeting Notes

The mid-year session of the National Assembly had the following activities:

1. reviewing the situation in the first 6 months of 2005
2. implementing the legislative program of the National Assembly
3. National Assembly questions for the members of Government
4. discussion of major economic, social, foreign affairs and defence issues

1. Reviewing the situation in the first 6 months of 2005

a. drought has had a significant impact, especially in the central provinces. There has been a lack of electricity in the north due to water shortages, with blackouts for the first time. Avian influenza is also still threatening.

b. generally, economic growth has been pretty good, with GDP at 7.5-7.7% annually. However, Vietnam has set a target of 8%+. To reach this will require hard work in the remaining 6 months of 2005.

Agriculture is developing, especially in terms of restructuring. Exports are up. Investment – both internal and external – is according to the plan. In the first 6 months of 2005, 350 foreign investment projects were approved, with a total capital of 1.9 billion dollars. Together with some projects now requesting approval, the total amount is around 2 billion dollars.

Poverty reduction is continuing. Disaster relief is now showing a positive result. Public security is going quite well according to the Government plan. Foreign affairs is also building on the basis of 2004, as reflected in the historic visit of the Prime Minister to the United States of America.

Economic and Social Development Challenges

- competitiveness of the economy remains low
- exports are focused on agriculture, handicrafts and heavy industry, without high technologies
- the increase in oil prices, leading to increases in prices for other basic items
- education, health and training still face difficulties
- corruption and wastefulness in construction and infrastructure
- traffic accidents
- increase in HIV infections

Five Main Solutions identified by the Government

1. increase in export production to increase competitiveness and growth
2. restrain pricing increase in the market, control inflation, control the macro-economic environment

3. accelerate the process to access WTO membership – Vietnam has been given support by ASEAN, European, African and South American countries, and has also accomplished negotiations with Japan, South Korea etc. Most important are the negotiations with China and the USA. President Bush announced strong support to Vietnam's WTO bid. In mid-July, Vietnam's President will visit China. It is expected that Vietnam will receive support from China during this visit. Therefore it is possible to accomplish important negotiations by September to give more consideration at the Hong Kong meeting at the end of the year.
4. Addressing social issues: management of some services and sectors, including sport, education and health; increase supporting systems and reform of salary policy; increase the quality of poverty reduction and job creation
5. increase and accelerate administrative reform; fighting against corruption, wastefulness and organised crimes; enable procedures regarding land and property ownership and review registration procedures regarding these at the local level, accelerating anti-corruption and eliminating wastefulness

2. Implementing the legislative program of the National Assembly

During Mr. Hong's last presentation (on the mid-year National Assembly session in 2004), he announced that the number of new laws to be passed on the agenda of the National Assembly was around 1000. As of now, 200 laws have been passed, leaving a further 800. More specialised members have been appointed and some National Assembly agencies have been restructured, leading to more progress with this agenda. The current session achieved a record in legislation, with 15 laws ratified and 9 bills proposed for opinions and discussions.

Specific laws approved during the recent session:

1. Civil Code amendment – regarding civil rights and obligations in social transactions, definition of sex, compensation policy over the dignity of humans in the case of false accusation
2. Education law – some provisions amended, including canceling junior high school examinations, consolidating the teaching curriculum across the country, basic principles on teaching language for ethnic groups, and issues regarding education management especially of non-state institutions
3. Army Service law amended – to reflect the peacetime situation in reducing the drafting age and army service periods, as well as discussing principles for vocational training for army personnel
4. Investment law amended – directly related to WTO accession, covering principles of operation of foreign representative offices and arbitration between Vietnamese and international law
5. Maritime law – amendments relating to navigation, sea rescues and conflict resolution
6. Pharmacy law – amendments relating to the quality of medications, and to management of addictive drugs, mind-altering substances and radioactive materials
7. Railway law – amendments relating to safety, state management in the context of connection with other countries such as China
8. Auditing law – new law, which ensures independence of auditing policies to ensure a healthy economy; State Audits will be appointed by the National Assembly
9. Law on signing, joining, implementing and withdrawing from international treaties

10. Customs law – amended to address technical issues related to modernisation
11. Defence law – covering the new situation of peacetime and international integration of Vietnam
12. Tourism law – based on tourism ordinance, covers state management of natural resources and tourism industries
13. Mineral Resources – specific policy regarding planning and policies for the use of mineral resources
14. Import and Export law – amendments and additions, especially regarding quotas for imports and exports with China, Cambodia and Laos
15. Adding some provisions to laws on commemoration – recognising heroic cities and provinces

Bills discussed during the recent session

1. Environment protection
2. Transfer tools
3. Intellectual property
4. Electronic transactions
5. Housing
6. Youth
7. People's and public security
8. Anti-corruption
9. Saving practices and anti-wastefulness

Of these, 8 and 9 were supposed to be addressed in 2006 according to the agenda, but were moved forward in response to the current situation. It is hoped they will be ratified by the end of 2005.

3. National Assembly questions for the members of Government

Prior to certain sessions, National Assembly members visit constituents to gather opinion. This time, there were 979 appeals from people submitted to the National Assembly, covering:

- inflation
- state budget investment
- quality of construction and public works
- management of land
- vocational training
- job creation and employment
- other issues including labour export, corruption and wastefulness, and inequalities in management of education, health and culture

189 appeals were proposed by National Assembly members and delegations to the Chair of the National Assembly and Government for explanation. 3 days were set aside for direct questions to Deputy Prime Ministers and 9 other Ministers:

- the Minister of Industry about the lack of electricity
- the Minister of Health about healthcare quality and medicine prices
- the Minister of Education and Training about training quality and education issues

- the Minister of Agriculture and Rural Development about forest plantations, dam/dyke construction, environmental protection and salt production
- the Minister of Finance about financial policies re state personnel, etc.
- the Minister of Home Affairs about administrative reform, salary increases and quality of state management mechanisms
- the Minister of Construction about the quality of public works
- the Minister of Natural Resources about land use, etc.
- the Minister of Public Security about crime and organised crime

These question and answer sessions are a new tradition in Vietnam, and are one result of the democratic reforms of the National Assembly. It is believed that Vietnam is the only country in Asia to have such sessions, which are also televised to the people.

4. Discussion of major economic, social, foreign affairs and defence issues

- Construction of Dung Quat oil refinery: this was planned for completion in 2005, with initial production in 2006. However, construction has been delayed - the joint venture has been dismissed, state capital provision has not been timely, preparation of personnel and resources has been slow, and land clearance problematic. There is even an idea that the location was wrongly selected. The Government has formally apologised to the people for the slowness, and the National Assembly also apologised for their delay in supervision. The National Assembly has decided to complete the project with Vietnamese and foreign capital by 2008, to be operational by 2009.
- Ratifying the State Budget for 2003: this is an annual task of the National Assembly
- Additional program of law discussions for the National Assembly: this was discussed in view of the current situation
- Admission to WTO: members of the National Assembly and National Assembly agencies are working to ensure that Vietnam is accepted to WTO ownership from the point of view of reform of the legal framework

Questions and Answers

Q. We have heard of a case recently involving a journalist charged under the Law on State Secrets, and then later released. Clearly every country needs to ensure the national interest through protecting state secrets, but has there been any discussion in the National Assembly about how to avoid abuse of this law by those in authority, for example by clarifying the implementation of this law to remove discretion by those in power?

A. Vietnam is in the transition period. We have the journalism law to promote and encourage the mass media. We also have the ordinance on state secrets, a usual part of the security system of any country. The question is how to open up democracy, especially during the integration period, with respect to human rights, yet ensuring the national interest and national security protection.

The National Assembly has not specifically discussed the issue, but we have discussed the practice of law and implementation. The situation with that journalist is now resolved. In general, we have been working and at the same time learning.

Q. We welcome the proposal of the draft Anti-Corruption Law, but we have some concerns about the article on 'mitigating circumstances' and the idea that punishment might be reduced if the corrupt person has previously made an outstanding contribution to the nation. Wouldn't this be better left to implementation guidelines, or preferably still to the discretion of judges?

A. These concerns have been discussed by the National Assembly members. Questions of culture, values, history, etc. have been taken into consideration in drafting the law. Many members are concerned about distinguishing contributions and wrongdoings, and there are different ideas on this. The draft law will be presented for public consultations during the next 6 months, and ideas and opinions will be solicited, especially regarding the currently controversial articles. We also appreciate the contributions of INGOs, especially based on the laws in their own countries.

Q. What is the involvement of the National Assembly in the development of the 5-year Socio-Economic Development Plans 2006-2010?

The Party Congress will be held next year. Prior to this, during 2005 local congresses will be held, and early in 2006 provincial congresses will take place to create and propose ideas and plans for the next five years. Based on the five-year plan submitted by the Government, each locality will then prepare plans. Together with David Payne and the Resource Centre Steering Committee, we will have ideas from INGOs.

Q. In relation to the quality of construction, there is a decree referring to community-based supervision and People's Councils are also responsible to supervise. However, it has not been clearly stated how to carry out consultations. Will beneficiary groups be able to supervise construction works?

A. Community supervision was discussed during the questioning of the Construction Minister. People's Councils are responsible for all supervision at the local level, and are also responsible for attracting community participation in such works. So far, local people are responsible for supervision when contributing their own resources.

In the case of state budget works, the functions of the state and people need to be carefully defined. The role and responsibility of the people is very important.

Q. Under the move to decentralisation, construction capital up to VND 3 Billion will be under local supervision. What about the quality of different localities' management skills and systems?

A. The National Assembly is working to increase decentralisation, based on reality, which shows that increased decentralisation leads to faster implementation. Of course there are

differences from area to area. Capacity building is needed to ensure projects are carried out effectively. Not just projects, but also public service sectors need to be decentralised.

Q. What is the National Assembly view on culture promotion and development and related issues?

The National Assembly have received a lot of strong complaints and accusations regarding culture development. They have launched a recent campaign tackling issues regarding karaoke, nightclubs, ecstasy-using and prostitution. These issues also have some involvement of foreigners.

There is a consistent policy to increase culture and art exchange with other countries. The only difficulty is limited state budget capital. Many National Assembly members are working in culture and art organisations, and are very concerned about this. Mr. Hong is willing to act as a bridge for INGOs in this area.

Q. Can you give us any feedback on participatory approaches to the development of laws, and ways to expand civil society participation in coming years when so many laws have to be developed?

A. There has been great consideration of this by the National Assembly, especially regarding civil rights, the role of the Fatherland Front, and the participation of civilians in the development of the country. The Government has passed Decree 88 on Associations. Now the National Assembly is working to pass a law on foundations and associations, hopefully within the next couple of years.