FORMS OF ENGAGEMENT BETWEEN STATE AGENCIES & CIVIL SOCIETY ORGANIZATIONS IN VIETNAM

STUDY REPORT

Forms of Engagement Between State Agencies & Civil Society Organizations in Vietnam Study Report

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Acknowledgments

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Foreword

Vietnam has changed rapidly in the past 20 years. Prominent features include renovation (đổi mới) policies, administrative reform, democratization and decentralization processes, wide-reaching international engagement, and re-integration into the global economy. Among the many changes in Vietnam in recent years is the emergence of civil society.

Several studies focusing on civil society and civil society organizations (CSOs) exist for Vietnam. Many of these have analysed the existing types of CSOs in Vietnam, the legal and regulatory framework, the roles played by CSOs etc. One recent study clustered the different type of organisations in Vietnam into four broad categories: mass organizations, professional associations and umbrella organizations, Vietnamese NGOs, and community-based organizations (Norlund, 2007: 11). International NGOs, by this reckoning, are not included, but rather are facilitators and supporters of both CSOs and government (Norlund, 2007: 11). A related study breaks the clusters down further into mass organizations, umbrella organizations, professional associations and VNGOs in science and technology, other VNGOs, informal groups, faith-based organizations, and international NGOs (CIVICUS, et al., 2006: 38-39). Some analysts, however, because they want to avoid boundary issues between society and the state, prefer not to use the term "civil society organizations." Wischermann, Bui The Cuong, and Nguyen Quang Vinh use "civic organizations" (COs), which they cluster into mass organizations, professional associations, businessmen and women associations, and issue-oriented organizations (Wischermann and Vinh, 2003: 186; Bui The Cuong, 2006: 122).

Whatever the terminology, organizations are widespread and diverse in Vietnam, maybe over 300 operate nation-wide, over 2,000 are at provincial levels, and tens of thousands exist at lower levels (Hoang Ngoc Giao, 2007: 3; also see Norlund, 2007: 14). A study based on a large survey created a long list of groups and organizations to which about a quarter of Vietnam's population are reportedly members and usually active in. This list includes organizations involved with political matters (the largest membership), women's affairs, social welfare, local community activities, sports and recreation, education, the arts, music, youth affairs, health, professions' affairs, unions, religion, peace activities, conservation and environment, and development and human rights matters (the lowest membership) (Dalton and Nhu-Ngoc, 2004: 3-4).

A general picture that emerges from most studies touching on CSO-state engagement is that the impact is modest at the national level – especially regarding policy-making, channeling citizens' views, and holding authorities accountable – and somewhat more substantial at sub-national levels, not so much on policy but on conveying local residents concerns, providing services, and monitoring authorities' behavior. And to the extent national level engagements influence policy outcomes, the CSOs involved are usually mass organizations, not other types.

The CIVICUS study describes the strengths and weaknesses of civil society along four dimensions, using a global methodology designed to facilitate international comparison (CIVICUS, et al., 2006). It makes a few targeted recommendations to address the identified weaknesses. Of these, the biggest weaknesses of civil society in Vietnam were its modest impact on public policy issues (such as human rights, social policy and national budgeting) and on holding the state and private sector accountable. The study found that civil society has had the most impact on citizen awareness through informing and educating community residents, empowering women, and supporting people's livelihoods. The second key recent study describes the institutional structures and mechanisms for citizens' voices to be heard in making and implementing policy (UNDP, 2006). It

makes recommendations to facilitate and improve the quality of citizen engagement.

Vietnam's national leadership realizes that the new political economy is spawning new needs and interests in society. Leaders want to deal with these changes rather than ignore them. One way they have done so is to try to channel citizens' views and demands. This is a "corporatist" approach. Corporatism is "a pattern of organizing interests and influences in which the state gives favored status to certain interest groups" (Stromseth, 1998: 3; also see Jeong, 1997). Such groups are closely associated with the state. As part of this, the purposes of Vietnam's "mass organizations" have been changing, under state direction, from being primarily mobilizing agents to execute government programs and policies, to being articulators of people's concerns and demands and feeding those concerns into the policy-making process (Stromseth, 1998: 4). The state is assigning constituencies to assume a stronger advocacy role (Stromseth, 1998: 7).

This helps to explain the frequent tendency of authorities to be more willing to engage mass organizations than other types of CSOs and, in addition to their large memberships, why mass organizations have reportedly had more impact on policies, channeling people's concerns, and holding officials accountable than other types of CSOs (CIVICUS, et al., 2006: 111). Since the early 2000s, the corporatist view has lost some ground to those authorities pressing for more openness that permits citizens to organize more independently. This shift is reflected in new laws and regulations, referred to in the political environment section above, that allow a wider variety of organizations and associations to form. At the same time, the debate continues about how state interests and societal ones should be expressed and accommodated. This important ongoing discussion in top leadership circles helps to account for contradictions and vagueness in regulations and laws and unevenness in implementation. Meanwhile, some mass organizations themselves have been changing, becoming more financially and politically distant from the state and forming working relationships with other types of association (CIVICUS, 2006: 65).

While some existing studies have analysed the changing roles of different types of CSOs and how this relates to changes in the legal and institutional setting, there has been little attention on people and organizations involved in CSO and state engagement, and what they regard as civil society, and thereby trying to learn from their their experiences, and assess their accomplishments and shortfalls. The research done for this "Forms of Engagement" project concentrated on these matters. The project's overall objective is to provide recommendations based on evidence that is as concrete and detailed as possible. Some of the recommendations are aimed at helping both state authorities and CSOs to better understand and appreciate the quality and nature of their relationships, and to see ways to enhance their interactions, while other recommendations also target international actors.

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List of Abbreviations

AG	Advisory Group
AIDS	Acquired immune deficiency syndrome
BFN	Brighter Future Network
CBO	Community-based organization
C&D	Center for Cooperation and Human Resources Development
CESR	Center for Encouragement of Self-Reliance
CHESH	Center for Human Ecology Studies in the Highlands
CIRD	Center for Indigenous Knowledge Research and Development
CSO	Civil society organization
CWR	Center for Workers' Rights
DFID	Department for International Development (of the United Kingdom)
DNLU	Đồng Nai Labor Union
DPMA	Disabled People Mutual Assistance Association
DSTT	Special physical exercises and techniques
GCLV	MO General Confederation of Labor of Vietnam
GoV	Government of Vietnam
HIV	Human immunodeficiency virus
INGO	International non-governmental organization
LERES	Center for Legal Research and Assistance
M&E	Monitoring and Evaluation
MO	Mass organization
MOET	Ministry of Education and Training
NGO	Non-governmental organization
NGO RC	VUFO-NGO Resource Center
NMBC	Nourishing Mind and Body Center
PACCOM	The People's Aid Co-ordinating Committee
PLD	Policy, Law, and Development Research Institute
SDRC	Center for Social Work and Community Development Research and Consultancy
SPERI	Social Policy Ecology Research Institute
TEW	Toward Ethnic Women
TOR	Terms of reference
VCPA	Vietnam Standard-Measurement and Consumer Protection Association
VFCE	Vietnam Federation of Civil Engineering Associations
VMA	Vietnam Medical Association
VUFO	Vietnam Union of Friendship Organisations
VUSTA	Vietnam Union of Science and Technology Associations

Executive summary

Among the many changes in Vietnam in recent years is the emergence of civil society. This study looks at one aspect of that development: engagement between civil society organizations and state agencies. Engagement forms emphasized in the study are the ones that have come to be commonly discussed by government authorities, Communist Party leaders, international donors, and citizen organizations: service delivery, policy and law-making, monitoring and holding official accountable, and channeling citizens' concerns.

The project's objectives are two-fold. One is to examine some of the shapes of state-civil society engagement that previous studies have referred to but for which little has been empirically studied. The second is to use the findings to make specific recommendations about engagement that will help state authorities and civil society organizations (CSOs) to better understand the nature of their relationships and identify ways to enhance their interactions. The recommendations also aim to help international actors support engagement more effectively.

The research, done from late May to mid July 2008, emphasized two sources of information. One was interviews with over two dozen individuals with strong interest in and considerable experience with civil society-state interactions. The informants include Communist Party and government officials, representatives of several CSOs, and academics who study relations between citizens and the state. The second source was twelve CSOs. A case study for each was done to learn about their interactions with state authorities and agencies over time.

In addition to these main sources, the project surveyed three widely read newspapers, looking for stories from 2006 to mid 2008 about civil society, CSOs of various kinds, and forms of engagement between organizations and state officials. The project also examined over three dozen studies that have been done on civil society in contemporary Vietnam, synthesizing material bearing on state-civil society engagement and what that means to Vietnamese and to the studies' authors.

Much of the data gathered by the project and analysed in this report suggest that engagement between civil society groups and state authorities improves over time. The general political and legal environment has become more conducive to civil society-state interactions. It has become more possible for organizations to form and have legal standing. Through exposure and experience of trying to work with each other, citizen groups and authorities often develop productive relationships where previously they had none. That even terms like civil society and civil society organizations are now often used in newspapers is also a positive indicator.

The study also found considerable agreement among informants about key elements for societal-state engagement: what civil society is, its importance for Vietnam's progress, and the meaning and purpose of civil society organizations. Also significant is that where disagreements about these matters occur, they are not between people holding state positions and people without state positions. Informants holding state office and those active in civil society have much the same views.

Another finding is that service delivery, the most robust form of engagement in today's Vietnam, is not simply that. Service delivery often includes multiple facets of engagement: helping to carry out state programs aimed at benefiting citizens, providing services the state has not initiated and that thereby enlarge public space for civil society activities, getting involved in policy matters, being advocates for specific constituencies, and monitoring authorities' actions.

The project found more policy and law-making engagement, including lobbying, than one might expect from previous studies. CSOs involved in this form of engagement include not just mass organizations (MOs), as might be anticipated, but also NGOs and even community-based organizations (CBOs). CBOs, NGOs, and MOs are also involved in conveying citizens' concerns. This study finds such engagement is more pronounced at sub-national levels than at the national one. Most of the civil society-state engagement the project found regarding monitoring and holding officials accountable was done by one of the cases, a national consumer protection NGO, and by journalists.

The recommendations for actions to develop civil society-state engagement further fall into three categories: improving the institutional and regulatory environment, popularizing engagement and civil society activities, and strengthening engagement in each of the four forms investigated.

1. Introduction

1.1 Objectives

Vietnam has changed rapidly in the past 20 years. Prominent features include renovation (đổi mới) policies, administrative reform, democratization and decentralization processes, wide-reaching international engagement, and re-integration into the global economy. The Communist Party and the government of Vietnam have also been promoting consultation, dialogue, and other interaction with a range of civil society organizations (CSOs). Such organizations include various types of associations, community-based organizations (CBOs), non-government organizations (NGOs), and mass organizations (MOs). Meanwhile, international organizations are building partnerships with civil society groups and the state.

Several studies have been done in the last decade on civil society and CSOs in contemporary Vietnam. Some of them have begun to look at engagement between civil society groups and the state. Much of that exploration has been on four forms of engagement: delivering services, channeling citizens' voices to authorities, monitoring officials and holding them accountable, and being involved in policy and law making. Most of the work to date on this has taken a broad approach, including survey research. This is important work, particularly for getting the "lay of the land," so to speak, for the overall contours of interactions between citizen groups and state officials. There is also a need, however, for closer examination of those contours so as to learn what engagement between particular groups and state agencies involves and what the outcomes have been. A few studies have begun to do this; much more needs to be done.

This "Forms of Engagement" project report synthesizes research done on the four forms of engagement that other studies have referred to and that are commonly mentioned in CSO and state discourses. The project's objectives are two-fold. One is to learn from selected state authorities and civil society organizations about current interactions and relationships. In short, the project aims to add details to some of the shapes of state-civil society engagement that previous studies highlighted. The second is to use the findings to make specific recommendations about engagement that will help state authorities and CSOs to better understand the nature of their relationships and identify ways to enhance their interactions. The recommendations also aim to help international actors support engagement more effectively.

1.2 Methodology & research process

The study combines a survey of existing literature on civil society and CSOs in Vietnam, studies of specific cases of CSO-state engagement, views and experiences of key informants, and a media review.[1]

The Literature Review, done in April 2008, summarized the findings of previous research on topics pertinent to the project's objectives (see annex 2). It also suggested possible case studies, some of which the project pursued.

To select case studies, the project considered alternative methods and decided to focus on particular organizations (for elaboration on this and other aspects of the methodology, see the Report Methodology, annex 3). Guiding the project's selection of case studies were the following criteria:
    1. All the organizations should have some years of experience in CSO-state engagement;

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[1]   Throughout the project's study and this report "state" includes the Vietnamese Government and the Communist Party.

2. The organizations should include a mixture of "successful" and "not so successful" examples of CSO-state engagement;

3. Engagement should be spread as much as possible across delivering services, making policies and laws, monitoring and holding authorities accountable, and channeling citizens' views;

4. The cases should compose several different types of organizations; and

5. The engagement should not all be limited to the national level of the state. A short summary of the selected organizations are listed in Annex 1.

One purpose of interviewing key informants was to add to what can be gleaned from previous studies about the characteristics and quality of CSO-state engagement. Other aims were to learn specific instances and experiences regarding such engagement, and get leads on examples the researchers should pursue. Guiding the selection of key informants were the following considerations: the individuals should have a strong interest in, concerns about, and considerable experience with CSO-state interactions and relations; and they should include Communist Party and government authorities involved in, and deeply knowledgeable about, high-level discussions regarding the present and future roles of CSOs and other organizations. The range of the 25 informants finally chosen included officials in government departments and agencies that have interacted with CSOs; representatives from some MOs involved in discussions within their organizations and with others beyond MOs about civil society activities and roles; representatives from VUSTA and a few of the organizations under their umbrella; prominent CSO representatives with extensive experience in engaging government and/or Party authorities; INGO representatives who have been tracking and studying civil society-state interactions over the last several years; and people from different parts of the country, not just Hanoi.

The Media Review focused on online newspaper reports from 2006 to mid-2008 about civil society and the role of organizations and associations in policy and law-making, monitoring officials and agencies' behaviour, providing social services, and channelling citizens' views and concerns to authorities. The online newspapers chosen were *Lao Động* (published by the Vietnam General Confederation of Labor in Hanoi), *Thanh Niên* (published by Vietnam's Youth Association in Ho Chi Minh City), and *VietnamNet* (published by the Ministry of Information and Communication). The Media Review was carried out by NGO RC staff during July 2008. For more information on the Media Review methodology, see annex 3.

An Advisory Group (AG), made up of more than 10 different key stakeholders, provided overall ideas to the study by giving feedback on the study's terms of reference (TOR), research design, and draft study report. The study's detailed design was prepared in March-April 2008 by a smaller working group consisting of Oxfam-Great Britain in Vietnam, DFID, the Embassy of Finland, the VUFO-NGO Resource Center (NGO RC), and the research team. The NGO RC organized, coordinated and produced the study in close collaboration with the working group. The research team had three academics, two Vietnamese and one foreigner. The two Vietnamese researchers, together with resource staff from the NGO RC and elsewhere, interviewed key informants and conducted the case studies from late May to mid July 2008.

2. Institutional & regulatory environment

2.1 Background

In theory, Vietnam has numerous institutions in which citizens and authorities can interact and through which people can convey their concerns, complaints, and suggestions. Since the reunification in 1975-76, the country has regularly held elections for People's Councils at sub-district (xã), district, and provincial levels of government and for the National Assembly. For the last several years, village-level leaders have also been elected. Most sub-districts regularly have meetings at which officials and residents might discuss local problems and projects. The opportunity for citizens to send letters and petitions to local and national authorities has a long history in Vietnam. Most sub-districts in the countryside, where some 70 percent of Vietnamese live, have branches of Fatherland Front organizations whose purpose, in part, is to be a channel between ordinary citizens and officials in government and the Communist Party. The "grassroots democracy" policy of the government since the late 1990s has added methods and avenues for citizen-official interaction in the sub-districts in areas such as: participatory planning, participatory budgeting, and boards composed of residents and officials to oversee and monitor public works and other construction projects in their communities.

In practice, however, the actual participatory and interactive content of these institutions often does not measure up to what they promise. In some sub-districts and districts, these institutions really work to facilitate and encourage constructive interaction between citizens and authorities. But in most, according to available information, the institutions have a considerable degree of form without much substance.

Studies, some of them noted in the literature review for this project, do show that effective use of these institutions by citizens is more likely when people act in groups, are persistent, and use more than one avenue to voice concerns, offer suggestions, or make complaints. Typically such actions require a degree – maybe a considerable degree – of organization.

Here is where civil society comes in. One of the main features of civil society is citizens organizing around shared interests. Those interests need not, of course, have to do with making suggestions to, or complaining about, authorities or government policies. Most civil society organizations around the world act in such a manner. People organize around shared interests in particular sports, hobbies, books, research endeavours, religious activities, gardening, and countless other things removed from anything normally regarded as political. But political interests, too, can be the basis for people forming groups and associations. And sometimes organizations with no apparent political orientation can become political. An organization of hiking enthusiasts, for instance, can turn into an advocacy group for environmental protection policies.

2.2 Changing conditions

Until recently, citizen-initiated organizations in Vietnam were rare. This is an important reason, although not the only one, for the formalistic quality of most political institutions in the country. As organizations among citizens with common interests multiply, one might reasonably expect the formalism in these institutions to dissipate and the content to increase.

Many previous studies and informants for this study would agree that until recently, the rules, regulations, and the general political environment in the Socialist Republic of Vietnam greatly restricted, if not stymied, organized activities other than those prescribed by the state. Consequently, the only organizations with legal standing were, with few exceptions, the Communist Party, mass

organizations under the Fatherland Front, and official religious organizations. Since the mid-1980s, however, the situation has changed.

Now, Vietnam has numerous, legally recognized professional associations, research and training centres, NGOs, and international NGOs (INGOs). There are also tens of thousands of informal, unregistered, and hence not officially recognized organizations. Many are loosely categorized as community based organizations (CBOs), although some varieties of CBOs have legal standing, at least in the eyes of local authorities. Another cluster of informal, unregistered organizations publish and disseminate articles, even electronic newspapers, through the Internet that strongly criticize the government, the Communist Party, and even the entire political system. Some of these critics have formed organizations that they regard as opposition political parties.

One major reason for the rapid change in Vietnam's landscape of organizations is that the state has been creating a more hospitable environment for citizen-initiated groups. The rules and regulations for establishing such organizations and having legal standing are more accommodating. The policy of "socialization" (xã hội hóa) encourages individuals, families, and groups to get involved in dealing with issues and problems rather than leaving everything to the government to address.[2] The grassroots democracy policy has encouraged this process as well.

Despite this improved environment, however, getting legal standing as an organization is often very difficult. Some groups, like organizations highly critical of present political conditions and certain religious associations, will probably never be legal in the eyes of the state. For other groups, the impediments are not their objectives and beliefs but the complicated and time-consuming registration procedures. Other studies and many informants for this project think this process should be simplified.[3]

When an association wants to be established, it needs to go through at least three steps of recognition and approval, and submit at least six types of documents, which take at least six months to be approved.[4] Similarly, several months are required for a project with foreign funds to obtain permission documents. This "permission-granting" regime, requirements for a minimum number of founding members and amount of assets, the provision prohibiting two similar organizations in the same area of activity, and other obstacles overly constrain the establishment of CSOs, which curtails the expansion of civil society.

Adding to the complexity is that both the Ministry of Home Affairs and a line ministry have to manage CSOs. This tends to create obstacles for CSOs' development and work. It doubles the bureaucratic procedures for CSO establishment and operation. It impedes their activities. Often ministry staff doing the managing spend insufficient time on that work or lack the required knowledge. Ministerial investigations of CSOs are not uniform as there are no regulations. Furthermore, CSOs who think they are being treated unfairly or improperly do not have access to judicial review.

The documentation and management process is even more onerous for disadvantaged groups. Anecdotal evidence suggests that blind people have trouble forming associations because they cannot assemble at least 40 members to enable registration nor satisfy the conditions of having an office and minimum level of assets without support from the state or other parties. Other disabled

[2]   Key informant interview, 7a July 2008: Key informant interview 7b July 2008.
[3]   Duong Dinh Khuyen (2005) *Report on Assessment of the Implementation of Decree 88/2003, Decree 88/2003, chapter on Establishment of Associations*
[4]   *Decree 88/2003,* chapter on *Establishment of Associations*

people have expressed this same difficulty to us directly.[5]

Besides streamlining the documentation process, informants have other suggestions for improving the regulatory environment for CSOs. Several strongly urge that the pending Law on Associations be finalized and released.[6] Some think this should happen quickly. A legal scholar and a retired high-ranking government official caution, however, that while they also support the legislation, hurrying it up may be worse than delaying it a bit longer. Many aspects need to be evaluated because the matter is complicated. Eventually, the law will come about.[7] In the meantime, the law expert says, civil society is developing regardless. He likened the political and legal environment for civil society now to what it was like for the rule of law and market economy some years ago. It took a while for the state to come around to acknowledging and encouraging the rule of law and market economy, but it happened.[8] A leader of a local NGO worries, however, that allowing CSOs to be established without a proper legal framework is dangerous.[9] The Law on Associations will minimize that problem.

Another specific concern for some informants is Decision 21/2003 (29/1/2003), which allows payment to associations under VUSTA that provide services that the state is supposed to perform. But until now, no specific mechanism exists to achieve that function, and VUSTA has received no such money. Also, one informant wondered why does the decision only include VUSTA and its associations. Others, too, should be entitled to such fees for services rendered.[10]

A few informants take a markedly different approach to present shortcomings in the legal structure. Basically they advise not to fret too much about complicated procedures or the absence of particular laws. Rather than emphasizing clearer regulations and guidelines through which to manage organizations, a National Assembly delegate is partial to a school of thought, which he says is in line with official policy, that says that people can do whatever is not prohibited by law rather than what the law allows them to do.[11] Others base their reasoning not on legal theory but on practical experience. Many organizations are up and running long before they register with government agencies.[12] Rather than letting deficiencies in the legal structure stand in the way, groups just go ahead, organize, and become active. Such spontaneous formation of organization, says one writer and academic, is actually part of the tussle inherent in the evolution of civil society as societal groups push for more space and leeway.[13]

Although difficult, organizing without proper documentation can be done, especially if members include former officials who have good relations with incumbent ones.[14] It also helps, says the head of a research institute on policy, law, and development, if the organization's activities do not meddle with the government directly, thus activities regarding the environment, health, training, and poverty reduction can be done fairly easily.[15] Another informant made this point more graphically. Organizations can "mess with [authorities'] gods but not directly – don't directly oppose their interests" (không chống lại ... lợi ích trực tiếp).[16]

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[5]   DPMA case report.
[6]   E.g., Key informant interview, 20 June 2008; Key informant interview, 18 June 2008; Key informant interview, 27 June; Key informant interview, 4 July 2008.
[7]   Key informant interview, 18 June 2008; Key informant interview, 18 June 2008.
[8]   Key informant interview, 18 June 2008.
[9]   Key informant interview, 27 June 2008.
[10]   Consumer Protection Association case report.
[11]   Key informant interview, 7 July 2008.
[12]   E.g. Key informant interview, 20 June 2008; Key informant interview, 25 June 2008.
[13]   Key informant interview, 28 May 2008.
[14]   Key informant interview, 10 June 2008.
[15]   Key informant interview, 18 June 2008.
[16]   Key informant interview, 10 June 2008.

For some informants, with and without state positions, the attitude of officials themselves is more important for CSOs than the legal and regulatory conditions. Many officials, say these informants, do not understand the role of civil society and social organizations. Hence, as more groups emerge, these authorities are fearful. They do not know how to handle such groups.[17] Instead of encouraging CSOs, says a scientist and university administrator, state authorities too often make them feel that they are the enemy.[18] Impeding a better understanding among officials, says a National Assembly delegate, is that Vietnamese leaders have for a long time thought the state should do everything.[19] A writer and academic faults state authorities who think the rule of law means using the laws to control people. Instead, he says, they should think of the rule of law as limiting state agencies so that the government does not overstep its authority.[20]

Authorities at local levels especially do not understand civil society and NGOs, says a former high-ranking Communist Party researcher who is now active in an association of villages. This situation is changing, he adds, but only gradually.[21] A prominent scientist who has considerable experience working with farmers and rural communities also says that local officials are overly suspicious, more so in the south than in the north, and that the security police (công an) are the worst in this regard.[22]

Another theme in informants' views about the institutional and regulatory environment is that CSOs themselves need to have codes of conduct, be honest and transparent about their objectives and methods, and be held accountable. This advice comes from informants who are generally supportive of civil society. A high-ranked party official who advocates a strong civil society expressed dismay at how some organizations behave. Rather than doing the good things they publicly espouse, they ignore provisions in the charter under which they registered with the government, use funds in ways that are out of line with their stated objectives, and serve their own narrow self-interests. Some essentially hide behind the front of being a CSO so as to avoid paying taxes.[23] Government authorities, stress three informants – two of them legal scholars and one the Vietnamese director of an INGO – have the right and duty to see that CSOs operate in a manner that is consistent with their avowed objectives and does not abuse their rights at the expense of the state.[24] Making a similar point, the leader of SPERI, a local NGO, says the government needs to "pan for gold" so as to separate the real NGOs from the rest.[25] After all, remarked another NGO leader, not every group in civil society is good. An example is the mafia in the United States.[26]

The emphasis among some project informants on the need to hold CSOs accountable to their espoused purposes is a concern not discussed much in previous studies. That the matter is raised by informants with and without state positions is also significant.

Indeed, as in other sections of this report, the project has not found sharp differences between informants with and without state offices about other aspects of the institutional and regulatory environment. A few informants, including those with and without official positions, are not too concerned about the shortcomings in the legal system. Most are, and they include a wide spectrum of key and case study informants. Both office-holding and non-office-holding informants want

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17 Key informant interview, 10 June 2008.
18 Key informant interview, 20 June 2008.
19 Key informant interview, 7b July 2008.
20 Key informant interview, 28 May 2008.
21 Key informant interview, 20 June 2008.
22 Key informant interview, 20 June 2008.
23 Key informant interview, 10 July 2008.
24 Key informant interview, 15 July 2008; Key informant interview, 5 July 2008; Key informant interview, 18 June 2008.
25 Key informant interview, 27 June 2008.
26 Key informant interview, 4 July 2008.

authorities to have a better attitude toward societal groups and identify the particular legal and regulatory changes needed.

2.3 Recommendations

● Revise and set up simple registration mechanisms to make it quick, easy, and inexpensive for all persons to register or incorporate a CSO as a legal entity. This should include registration of different types of CSOs including, associations, NGOs (non-membership based), and CBOs. An online registry system (similar to what China is pursuing) would encourage rapid and low-cost CSO registration etc. More importantly, this communication mechanism, if successful, would help prevent bureaucratic justification and decisions, unnecessary delays and waste in CSO works, and capacity building in both sectors.

● Exercise one-door state management on the establishment and registration of different kinds of CSOs to minimize complicated administrative procedures. In this relation it would be useful to assess the status of completing the Law on Associations to the satisfaction of both the state, CSOs and other stakeholders, and how outstanding issues upholding the law's finalisation might be resolved. An important issue to take into consideration is to which extent the law will be inclusive of non-membership-based CSOs, as well as CBOs, etc.

● Facilitate the state regulation and support of the CSO sector by creating a comprehensive database of the different kinds of CSOs, including associations, NGOs, and CBOs, etc. and by documenting and promoting 'best practices' of regulating and facilitating the growth and operation of CSOs.

● Strengthen the implementation and enforcement of the laws and regulations on CSOs. Emphasize the importance of the right to judicial review and sanctions for violation of rules. Capacity building should be conducted for both the civil servants who administer the laws (including tax officials, ministries, local authorities, etc.) and CSO members on the implementation of the laws/regulations, and exercising of their functions in an accountable and transparent manner to preserve the public trust.

● Set up clear and transparent mechanisms to improve the interaction and partnership between the state and CSO sectors for mutual benefit. Both formal mechanisms and forums should be set up in relation to law and policy making, monitoring, and delivery of services. For example, as CSOs' engagement in social work and service delivery is increasing, there is a growing need to establish this kind of mechanism. For reference, a council comprising of representatives from both sectors (similar to models in Japan and the Philippines) may be very effective in facilitating discussions on policies for CSOs, distribution of funds, taxes, areas of priority, etc. Alternatively, a monthly forum could help the two sides update each other and develop responses to immediate needs.

● CSOs providing public services need to be held accountable to those they serve, and be regulated by the government, perhaps through an accreditation body/system that monitors their activities to ensure they stay in line with their stated objectives and activities. Study good examples of what works in other countries and explore whether they can be applied in Vietnam, e.g. the Charities Commission (UK) – an independent body which regulates CSOs to ensure that they remain not-for-profit in order to keep their registration, and that they do not use funds for political purposes.

● State authorities could revisit Decision 21/2003-TTg (29/1/2003) regarding compensation for

services rendered so as to make appropriate payments to the organizations providing services to state programs, and to include other organizations, not just those under VUSTA. The process for getting those opportunities should be transparent and open so that all interested groups can bid for them.

● Find out whether there is scope for popularizing, or at least making more part of the normal discourse about society-state relations, that the rule of law is about limiting the state's purview rather than controlling what citizens can do. The same for the idea that people have a right to do whatever the law does not proscribe, rather than what it prescribes. If there is scope, then proceed to figure out how it could be expanded.

● Develop information material (booklets, videos, etc.) to document how anxieties of authorities in Vietnam to societal groups and organisations have been overcome. Use specific cases, including testimonies from other officials who have had positive experiences, perhaps to their surprise, when interacting with unregistered and registered civic groups. Audiences for such information could be state officials, perhaps especially the security police as well as citizens groups. Good examples could be found to show officials that civil society groups, even those with views different from government authorities, can help the state to govern more effectively.

3. Engagement between CSOs and the state

3.1 Civil society-state relations

Before turning to the four areas of engagement that the project researched, we need to explore the currency of the terms "civil society" and "civil society organizations" and what they are meant to convey about interactions between societal groups and state agencies. Knowing the extent to which these concepts are mutually intelligible to state and society actors is important to those who are keen to enhance and expand civil society in the country and strengthen civil society-state relations. If the terms have little meaning or mean numerous things to various actors, then one major task would be to explain what civil society is all about and its importance for Vietnam. Another reason to explore this matter is to see to what extent the meaning and purpose of civil society and CSOs in the eyes of Vietnamese correspond to what donor and other non-Vietnamese actors understand civil society to be.

One might well expect that the terms civil society, CSOs and NGOs have little currency in today's Vietnam. Many observers, foreign journalists and scholars have suggested this is the case. The literature survey noted studies that claim these terms have little resonance in Vietnam, even among intellectuals and state officials.

Terminology
The study found that some informants do not use CSO and NGO terminology. Instead, they use "network" (mạng lưới), "association" (hội), or simply "group" (nhóm) and "organization" (tổ chức) to refer to themselves.[27] But many others do use NGO and related terminology to describe the groups they are involved with.[28] Several of the nine informants who are clearly within the government and/or party – they hold significant positions in those structures – also use NGO and CSO to describe various organizations they say are part of Vietnam's civil society.[29]

These findings suggest that NGO, CSO, and related terminology is becoming much more widespread and familiar in Vietnam compared to not too many years ago. Bolstering this impression is that the terms NGO, CBO and civil society in general are now frequently used in the newspapers surveyed by the project. Indeed, a trend in all three news outlets surveyed is less use of the concept of mass organizations and more use of a wider spectrum of terms for civil society actors.

Most informants also have a rather clear understanding of what NGO means and why the term is appropriate for some groups but not others. For instance, the director of LERES (Center for Legal Research and Assistance; Trung Tâm Nghiên Cứu và Hỗ Trợ Pháp Lý) says his group's activities are like those of a NGO, but he avoids using the term because it is not registered as one due to the fact that it is housed within a national university. And LERES cannot be called a CSO, the director explains, because it has to report regularly to the university, making the organization part of the state. Yet, he says, LERES has CSO qualities in that it has to find its own funding and works independently. Also, the overall objective of LERES, says the director, is to contribute to building the rule of law (nhà nước pháp quyền) and a civil society (xã hội dân sự).[30] Another sophisticated discussion of terminology comes from Women's Union informants. They describe their group as a

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27   For example, NMBC case report; BFN case report.
28   Key informant interview, 4 July 2008; Key informant interview, 27 June 2008; C&D Center case report; CWR case report at http://www.sdrc.com.vn
29   The nine Key informants are: 27 May; 25 June; 18 June; 24a June; 24b June; 26 June; 7a July; 7b July; and 10 July.
30   Key informant interview, 8 July 2008.

part of civil society, not as a CSO but as a political organization (tổ chức chính trị).[31] Informants holding state offices also distinguish between CSOs (including NGOs) and other types of organizations, such as the Communist Party, MOs, social-political-professional associations, and unregistered groups.[32]

Meaning and relevance of civil society
Many informants also have views about the meaning and relevance of civil society and CSOs. This includes informants with high positions in the Communist Party. Not too long ago, national authorities were scared to even talk about civil society, fearing it was part of the "peaceful evolution" (diễn biến hòa bình), which had negative connotations in Vietnam from the Cold War era.[33] Now high-ranking party members debate what it means and its relevance for Vietnam.

An editor of a party publication thinks the term civil society as typically used in the West is inappropriate for Vietnam. To be useful in Vietnam, he says, the term needs revamping. Rather than trying to do that, he suggests that it would be more productive to think in terms of developing democratic institutions (thiết chế dân chủ) that help Vietnam's one-party political system reinvigorate itself by consulting relevant groups and individuals before making major decisions.[34] In the meantime, he argues, authorities need to be wary of societal organizations. Some organizations look innocent on the outside but actually seek to undo the present political order.[35]

Other officials find the concept civil society useful without any special adjustment for Vietnam. A member of a bureau in the party's Central Committee sees civil society as that realm of activity that is outside the state and outside commercial activity. A member of a council in the party's Central Committee sees civil society as everything that is not within or belonging to the state, and hence very large. These and another state official say that civil society in Vietnam is still weak, but will develop as society develops.[36] As one said, civil society in Vietnam is in its infancy (sơ khai); maturing will take a while, just as the market economy and the rule of law took a while to develop.[37] And for him, authorities should encourage its development for the good of the state itself. State agencies need to open communication between itself and society. Absent such openness, he remarked, communication becomes like a "stagnant, smelly pond."[38]

Non-state informants who talk about the meaning of civil society generally see it as a sector or a cluster of activities outside, but related to, the state. To them, civil society collaborates or operates with the state. For example, the director of LERES thinks of civil society as working shoulder-to-shoulder with the state for the good of the people.[39] Civil society, say informants, is one of the main pillars for development, together with the state, the market, among others.[40] Each pillar has similar qualities and purposes, but from different sources. Each, for instance, has power, but of a different type: the state has governing power, the market has economic power, and civil society has community power. Along this line, a senior member of the Women's Union regards the state as comprising big ships, which cannot go through small canals, while small boats (CSOs) can navigate these canals to reach the target.[41]

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[31] Key informant interview, 18 July 2008.
[32] Key informant interview, 25 June 2008; Key informant interview, 24 June 2008; Key informant interview, 10 July 2008.
[33] Key informant interview, 20 June 2008.
[34] Key informant interview, 26 June 2008.
[35] Key informant interview, 26 June 2008.
[36] Key informant interview, 10 July 2008; Key informant interview, 25 June 2008; Key informant interview, 27 May 2008.
[37] Key informant interview, 25 June 2008.
[38] Key informant interview, 25 June 2008.
[39] LERES case report.
[40] Key informant interview, 18 June 2008; Key informant interview, 20 June 2008.
[41] Key informant interview, 18 July 2008.

Civil society in Vietnam

Among informants involved in various civil society-like organizations, there is some debate about how far along civil society is in Vietnam and what CSOs constitute or should look like. Some say that Vietnam in pre-colonial times and even in the early 20th century had vibrant civil societies. The Communist Party itself in its early decades worked with, used, and had various civil society groups and organizations.[42] After taking power, however, the party marginalized and destroyed organizations that it no longer wanted, while politicizing and bureaucratizing the ones that it left. These became today's MOs, which were important during recent wars.[43] Others argue, however, that Vietnam has never had much of a civil society.[44]

According to some of these informants, Vietnam still has no civil society today. One who heads a consultancy group argues that in some parts of the world, where civil society plus the state equals society, civil society and the state divide responsibilities. In Vietnam, he implies, the state equals society.[45] A writer and academic largely agrees.[46] However, he insists, the state cannot eliminate civil society. Using the metaphor of "a sphere in a cube," where the cube represents the society and the sphere inside it represents the state, he says the sphere never can fill completely the cube. The remaining space in the cube is civil society. In an all-encompassing state, like Vietnam in the recent past, the expanded state distorts (or breaks) the cube resulting in a disharmonious (or broken) society. It cannot destroy civil society or its elements completely, but it can seriously distort them.

Informants who say Vietnam has a civil society, albeit maybe weak, have somewhat different views of what it takes to be a CSO. A National Assembly delegate says that CSOs should be voluntary and provide services for their members and for the wider community.[47] Some informants, both those holding and not holding state positions, add that CSOs must be independent of government, self-managing and able to arrange their own finances and funding. Although financial independence from the state is a generally agreed upon criterion, informants also say that a CSO can sell services to the state and still be a CSO.[48] Some informants say to qualify as a CSO, an organization must have legal standing and thus be registered with the proper state agencies.[49] Still other features of CSOs, says a NGO leader, are innovativeness and being able to take risks.[50]

Mass organizations

Informants disagree about whether MOs are part of civil society and whether they are CSOs or not. Because MOs are not voluntary, self-managed, or financially self-reliant, say some informants, they are not CSOs. Several informants both in and outside of state positions contend that the MOs are compromised because of their close relation to the state.[51] As a former high-ranking Communist Party researcher put it, the MOs have been "bureaucratized, stateized, and partyized" (hành chính hóa, nhà nước hóa, đảng hóa).[52] Their close state connection inhibits MOs from fully representing their supposed constituencies. For instance, says an informant who heads an NGO, the Women's Union cannot speak out against advertisements that feature women's bodies. Not until Vietnam has an autonomous woman's association, she says, might women's interests be protected.[53] For a

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[42]   Key informant interview, 10 June 2008; similar view in Key informant interview, 8 July 2008; SPERI case report.
[43]   Key informant interview, 10 June 2008; also, Key informant interview, 27 May 2008.
[44]   Key informant interview, 17 June 2008.
[45]   Key informant interview, 17 June 2008.
[46]   Key informant interview, 28 May 2008.
[47]   Key informant interview, 7 July 2008.
[48]   E.g., Key informant interview, 24 June 2008.
[49]   Key informant interview, 10 June 2008.
[50]   Notes about SPERI, 27 June 2008.
[51]   Key informant interview, 18 June 2008; LERES case report; Key informant interview, 24 June 2008; Key informant interview, 5 June 2008.
[52]   Key informant interview, 20 June 2008.
[53]   Key informant interview, 25 June 2008 .

director of a research institute in Cần Thơ, MOs, as part of the Fatherland Front, propagate government policies. They cannot really represent and protect the interests of their members, unlike professional associations in other countries that can protect these rights and interests because they are financially independent from the state.[54]

For other informants, both inside and outside the state, the matter is not so clear cut. Two high-ranking party officials, as well as a social scientist who specializes in legal matters, say that MOs today have both state and non-state elements.[55] Ideally, say such informants, MOs should become full CSOs by the state reducing (thu hẹp) its sphere and MOs themselves shedding state subsidies.[56] To some extent this is happening, especially at the lower levels of the MOs, notes the head of the NGO PLD (Policy, Law, and Development Research Institute; Viện Nghiên Cứu Chính sách, Pháp Luật và Phát Triển). Thus, grassroots branches of MOs are more dynamic, effective, and CSO-like than those at high levels.[57] National officials in the Women's Union, aware of the debate about how to classify MOs, argue that the union and other MOs are part of civil society on two grounds. First, they represent sectors of society. Second, they are not state-managed entities (không phải là cơ quan quản lý nhà nước). True, they are organizations within the state system, but given that their role is to represent societal functions and that they are not state-managed, these informants claim they are part of civil society.[58]

A clear outcome of this discussion of meanings for civil society and CSO is that it mirrors aspects of debates identified in the project's Literature Review. Like some previous studies argue, a number of informants for this project emphasize structure and location, especially proximity to or distance from state institutions. Others, emphasize what the organizations do, an argument also made in some of the research referred to in the Literature Review. The activity is the key, according to this stance, not where the activity takes place. And material below in this chapter suggests that civil society activities for many key and case study informants include people with common interests doing things together, citizens helping other people and their communities, individuals and organizations conveying their concerns and needs to authorities and giving advice and criticism, and people helping state programs to develop communities and the nation.

Differences in what informants mean by the terms or what constitutes a CSO do not divide along "state" and "non-state" positions. Some people interviewed who are clearly within the state, given their present offices, have stances very similar to other informants who are not state officials. And there are differences among this latter group as well.

A complementary relationship
The discussion also shows that most key and case study informants see a complementary relationship between civil society and the state. In elaborating this, informants emphasize two ways civil society groups and organizations interact with state authorities and agencies. One is to advise the state, which is not just important but vital, argues a ministry official, for the state to get the views of and consult with citizens and organizations in society. Lobbying, in particularly, can be good when it conveys people's understandings and views to influence authorities to make better policies.[59] Otherwise, authorities make bad or inadequate laws and decisions. Simple examples of uninformed decisions due to lack of input, this government official cites, are the banning of three-wheeled vehicles and stopping (or trying to stop) street venders.[60]

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[54]   Key informant interview, June 5.
[55]   Key informant interview, 25 June 2008; Key informant interview, 10 July 2008; Key informant interview, 18 June 2008.
[56]   Key informant interview, 25 June 2008.
[57]   LERES case report.
[58]   Key informant interview, 18 July 2008.
[59]   Key informant interview, 24 June 2008; Key informant interview, 18 June 2008.
[60]   Key informant interview, 24 June 2008.

Once laws and policies are in place, civil society groups also provide valuable feedback to authorities, thereby helping them to revise and improve what the government does.[61] Through their feedback and watchdog-like activities, say informants inside and outside government, CSOs help to make a cleaner, more honest government, which is good for both society and the state.[62] This kind of participation from CSOs also acts as a kind of pressure valve, says the former director of the Department of NGOs at the Ministry of Home Affairs. Providing opportunities wherein people can express their concerns reduces social tensions that otherwise might build and become dangerous.[63] Similarly, a leader of a local NGO asserts that an effective society cannot exist without a civil society, and that the government should recognize its important function of providing social critique as necessary to healthy societal relations. Civil society, she says, should not be considered in opposition to the government.[64]

The second way civil society groups complement and relate to the state is helping to carry out government programs, as well as doing things the state does not. Thereby, civil society groups provide services that are beneficial to the state and society.[65] A National Assembly delegate likens CSOs to pebbles and stones that fill in crevices in the foundations of society that the state cannot fulfill.[66] Various informants credit CSOs for aiding hunger elimination, poverty reduction, grassroots democratization, family planning, and other programs that the state cannot do on its own. Not only do civil society groups help, say several informants, they often can do a more efficient and effective job.[67]

These two ways of civil society groups interacting with the state readily correspond to what several studies in the Literature Review found. But civil society as public resistance and opposition to authorities or the regime, which some analysts in the literature survey also include, are not among the roles that project informants discuss. Some informants in CSOs specifically say that the role of civil society is *not* to antagonize or oppose the state.[68] Similarly, a former diplomat who now heads an NGO, pictures the relationship between civil society and the state as pushing and pulling (giằng co) each other in a manner that is neither too warm nor too hostile so as to produce positive results for both.[69] Another NGO leader likens civil society to the left hand that works with the right hand – the state – for the good of communities and the country.[70]

3.1.2 Recommendations

● To enhance the dialogue and discussion among state officials and other stakeholders on civil society and the engagement between the state and civil society organisations, it would be useful further explore the present perceptions and discussions among party and government leaders about civil society to understand the range of debate, the influences on those discussions, and the trends. Some of the key informants for this project could be entry points. To promote the dialog and discussions, it would be useful to support Vietnamese academics to research civil society-state relations in Vietnam and to publish some social science books on civil society in Asia and the West in Vietnamese for wide distribution to key government and party agencies, MOs, and CSOs.[71]

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61   SPERI case report.
62   Key informant interview, 27 May 2008; Key informant interview, 4 July 2008.
63   Key informant interview, 18 June.
64   Key informant interview, 27 June.
65   Key informant interview, 8 July 2008; Key informant interview, 15 July 2008; Key informant interview, 18 June 2008.
66   Key informant interview, 7 July 2008.
67   Key informant interview, 20 June 2008; Key informant interview, 18 June 2008; Key informant interview, 24 June.
68   E.g., Key informant interview, 25 June 2008; SPERI case report.
69   Key informant interview, 4 July 2008.
70   Notes about SPERI, 27 June 2008
71   A good place to begin is Muthiah Alagappa, ed., *Political Change in Asia: The Role of Civil Society* (Stanford, Calif.: Stanford

● Bolster CSO resources. Numerous informants emphasise that a lack of resources – funds, trained staff, offices – handicap organizations that are trying to engage with state authorities. Just paying rent for office space is a big expense for maybe 95 percent of CSOs. Lack of financial and staff resources is something donors and INGOs can and are helping with, but in the longer run, it would be more sustainable for assistance to come from within Vietnam itself, e.g., contributions from businesses and individuals.

● Make contributions to NGOs, CBOs, and other CSOs tax deductible. According to informants, there are no significant tax incentives yet to contribute money to CSOs. Recently passed laws on personal and corporate income taxes have indicated that such contributions are entitled to tax exemptions but the language in the laws is unclear. Clarification is needed in the laws and implementing regulations. Doing so would encourage donations to worthy causes such as CSOs engaged in beneficial, non-profit work, and thereby enhance civil society. However, not only do tax deduction laws need to be addressed, but also the legal framework for fund-raising needs to be developed, which is related to the tax deduction issue mentioned above. If CSOs are allowed to raise funds in a solidified legislative environment, they will be forced to become more transparent to encourage donations from the public. The public will demand to know what their donations will be used for, which puts CSOs under pressure to respond. This may be a useful point to raise with the government in terms of facilitating fund-raising among CSOs.

● Establish a Civil Society Promotion Board to: (a) advise potential Vietnamese donors about how to contribute to CSOs and how to claim tax deductions for those contributions; (b) advise CSOs how to raise funds professionally; (c) isolate the influence of the donors in CSO operations; and (d) hold recipient CSOs accountable and help them to manage their operations in a professional way. Board members could include representatives of CSOs (including MOs), INGOs, VUSTA, VCCI, and business associations.

● Promote public familiarity with terms like civil society and NGO, sponsor public media to depict what civil society and CSOs are, what the terms mean, what civil society-state relations involves, etc. TV productions on the ebbs and flows of civil society in Vietnam's history and programs comparing civil society activities in Vietnam, China, Thailand, and the Philippines could help the general public become more aware of what societal groups in different countries in the region do. To target the youth, the Ministry of Education and Training could be supported to develop textbooks for various levels of students about the activities and experiences of a range of societal organizations – from CBOs to NGOs to religious societies – so as to broaden children's exposure to organizations beyond those usually learned about in school.

3.2 Delivering services

Many examples of interactions between civil society and the state arising from the project's case studies and key informants fall under the broad heading of delivering services, which the Literature Review also indicates is the most common form of civil society engagement in Vietnam currently. Service delivery involves engagement between societal groups and the state in several ways. One is organizations collaborating with officials to deliver services that government policies or government agencies in particular encourage or want done. A second is organizations providing services that are not part of a government program. This too is a form of engagement between societal groups and the state, especially in Vietnam's political environment, in which authorities may be suspicious or wary of public activities that emerge outside of government and party structures. These societal-initiated activities also contribute to expanding public space, creating

University Press, 2004), which has chapters on most major Asian countries, except Vietnam.

more room – and being examples – for other citizens to form groups of various kinds around common interests. Third, service delivery activities frequently lead to groups becoming engaged with the state in other ways – conveying the concerns of their members to government authorities, suggesting to state agencies ways to improve existing programs or develop new ones, and pointing out shortcomings and misbehavior of particular officials or agencies. Some of the cases studied show one of these forms of engagement; most show two or all three.

SPERI participates, broadly speaking, in the government's rural development programs, although the organization has also delved into issues that are not specifically in that program. SPERI was formed in 2006 but its beginnings were in 1994 when TEW started. TEW, one of three organizations that combined forces to create SPERI, is an example of a group whose engagement with the state has evolved and become more complex. Being one of the earliest NGOs to start in the north after Vietnam's reunification, TEW was among those organizations to start creating more space for volunteer, citizen-based activities in Vietnam. TEW's founder, Trần Thị Lành, had become keenly interested in upland minority people, especially women, and the problems they faced as settlements and sedentary agriculture encroached more and more on their communities and ways of life. Starting with research and investigation to learn about these issues, TEW encountered officials who often seemed not to appreciate much about minority groups' predicaments and hardships. TEW become a kind of spokesperson for such groups and an advocate on policy issues affecting them (see later sections in this chapter). Much of its work, however, continued to be working with communities and local government officials to improve upland minority people's living conditions while also getting government officials to appreciate indigenous agriculture, medicines, and knowledge. To help foster these, TEW established two more organizations – CHESH (Center for Human Ecology Studies in the highlands) in 1999 and the CIRD (Center for Indigenous Knowledge Research and Development) in 2000. SPERI began when the three merged.[72]

A major outcome of the efforts by the three organizations and now SPERI is farmer networks through which rural families share information and experiences regarding livelihood projects, marketing, agricultural methods, and resource management. These networks also help to increase the self-confidence of the some 20,000 farmers involved who live in several parts of Vietnam and over the border in Laos.[73] SPERI's research and work with numerous households and many communities in upland areas, especially among ethnic minority people, has resulted in programs to explain and foster customary laws for natural resource management, organic farming, herbal medicines, local handicrafts, and communal enterprises. The organization has even established, in cooperation with provincial authorities, three schools serving parts of Vietnam from Lao Cài in the mountainous north to Mekong River areas in the south. Using knowledge gained from its long-term research and community engagement, and from teachers with first-hand knowledge, SPERI's schools teach environmentally friendly ways to use agricultural land, forests, water, and other natural resources. Graduates pass on what they have learned by becoming rural extension agents, applying organic and other environmentally safe practices in their communities, and becoming trainers of new students.[74]

CESR (Center for Encouragement of Self-Reliance; Trung tâm Khuyến Khích Tự Lập) is another organization involved in projects related to government poverty reduction and rural development programs, although its organizers did not have that in mind when they began. CESR started in 1999 with funds from an organization in the United States that Phùng Liên Đoàn, a Vietnamese living there, secured to help flood relief in Huế, his wife's native city. Coming back to Huế with the money and a commitment to carry out that particular relief effort and to develop other projects to

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[72] SPERI Case study report; Notes about SPERI, 27 June 2008.
[73] Notes about SPERI, 16 July 2008.
[74] Notes about SPERI, 27 June 2008.

assist poor families, the man wanted his organization to be properly registered. But procedures that PACCOM required for registration overwhelmed him. So as to have at least legitimacy in Huế and Thừa Thiên Huế province, he approached officials there, who were eager to help. The director of Huế's Office of Foreign Relations and his staff facilitated an agreement between CESR and the city. Based on that agreement, CESR has been active there for eight years, despite not being a registered organization. The organization has had good cooperation, indeed encouragement, from local officials, who have praised its contributions.[75] CESR has received awards and honors from Huế's People's Committee as well as UN-Habitat and the Micro-summit Campaign.[76]

CESR still sees relief during natural calamities as one of its main activities, but it has several other projects too, all under the heading of building the self-confidence of poor people to enhance their understanding of the economy and society so that they can function and live better lives. One of its major projects is setting up micro-credit programs, modeled after the Grameen Bank in Bangladesh. The program has lent money to some 12,000 households, particularly female members, in 37 communities of the city and province; 98 percent of the loans are repaid, with interest, so that the money can be lent again and again to help families bolster their livelihoods and improve their living conditions. CESR also has built two pre-schools/kindergartens (trường mẫu giáo) for which it recruited and trained teachers from the communities. Recently, the organization formed linkages with universities that send some students to get practical training in their fields of study by working with CESR.[77]

Two organizations studied in this project are deeply involved in providing services to workers, especially those in factories and assembling plants. One is the Đồng Nai Labor Union (DNLU), an affiliate of the MO General Confederation of Labor of Vietnam (GCLV) since 1975; the other is the Center for Workers' Rights (CWR; Trung tâm Vì Người Lao Động nghèo, more literally translatable as Center for Poor Laborers), a registered NGO in Hải Phòng established in 2005 with financing from ActionAid Vietnam and support from the city's Labor Union (Liên Đoàn Lao Động Hải Phòng), which is also affiliated with the GCLV. Both organizations distribute literature, organize meetings and seminars, and have other activities to enlighten workers about their rights under the nation's labor laws, provide health and safety information, give advice about disease and HIV/AIDS prevention, and assist workers with housing problems and other difficulties in their living conditions. The Đồng Nai Labor Union does this for the whole province with tens of thousands of wage workers.[78] CWR focuses on poor workers, most of them migrants, in footwear, clothing, and fabric enterprises. It also has programs aimed at helping children six-to-nine years of age in poor families of two districts. The results, according to CWR informants, have been very encouraging. Training and information sessions run by the center have helped workers to overcome their 'inferiority complex' when dealing with employers and local officials. Workers say they are now better informed about HIV/AIDS and other health and safety matters. The center is helping migrant families to overcome problems, due to their lack of domicile registration papers (hộ khẩu), such as getting their children into schools. After learning about poor water quality and supply in an area where many of the poor families live and work, CWR convinced authorities to install a better delivery system. To help poor children in two districts of the city, the center has established libraries, sanitary toilets, playgrounds, and other facilities. Its work has also persuaded city authorities to fund a new school in the area.[79]

Neither of these two workers-oriented groups have encountered serious problems with state

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[75] CESR field study notes, 5 July 2008.
[76] CESR case report; CESR field study notes, 5 July 2008
[77] CESR case report.
[78] Đồng Nai Labor Union case report.
[79] CWR case report, 23 July 2008.

authorities. This is readily explicable in case of the Đồng Nai Labor Union, given that it is a branch of a MO. In CWR's case, its leaders and ActionAid spokespersons say that Hải Phòng city officials and the Labor Union have been very supportive from the very beginning. In 2003, two years prior to CWR's creation, ActionAid and the Hải Phòng Labor Union teamed up to investigate workers' living conditions. Out of that work grew their proposal to establish the CWR, which the city's People's Committee approved.[80]

Where CWR has encountered obstacles is in the factories, nearly all of which are owned by Vietnamese and foreign companies. Employers, according to the CWR informants, often do not like workers knowing their rights and being trained to speak up at meetings and make demands.[81]

A salient example of an organization that has grown because of a social need that state agencies had not previously seen or appreciated is the Brighter Future Network (BFN). It is a CBO that started in early 2003 with a small group of HIV-infected people in Hanoi and now has over 2,500 people in 26 groups in 18 provinces and cities. Some of the groups notify local authorities of their existence; others do not. The network is not registered with relevant government agencies, thus, like most CBOs, has no legal standing.[82] In its early days of reaching out to HIV patients and their families to provide information and support, BFN members often encountered local authorities that were dubious and unhelpful. That was because, according to a BFN spokesperson, officials could not understand or appreciate what the network was doing or why. But over time, the network's benefits to HIV-infected people and their communities impressed authorities, which then became very supportive even though groups were not officially recognized. The network's local successes also caught the attention of various state agencies, which then provided the network with health information and invited BFN members to join programs to distribute literature about the disease and its prevention.[83] At least one National Assembly delegate credits HIV patient groups like BFN with changing public perceptions of the disease and of people afflicted with it.[84] Even the Communist Party's electronic journal, *Đảng Cộng Sản điện tử*, sings praises about BFN's public service.[85]

SDRC, a registered social work NGO in Ho Chi Minh City, also assists people who have HIV, providing places where they can meet, share their stories, help each other, and get advice and support from social workers and volunteers. When it began in 1989 under a different name, SDRC mainly focused on encouraging and developing social work as a field of service, teaching, and research. With that, the organization has had considerable success. As noted in the Policy and Law-making section below, its efforts and those of it founder, Nguyễn Thị Oanh, helped to establish social work curricula in numerous universities. It has also run training programs for thousands of social workers, helped dozens of people complete Masters and Doctoral degrees in social work and related fields, and done research on social issues and published numerous books and reports.[86] During its research and training, SDRC interactions with government and Communist Party authorities has mainly been through collaboration with university and other state-funded academic institutions.

Over the years, especially since 2001, SDRC has morphed into an organization engaged in a variety of activities revolving around people and their families on the margins of social acceptance such as HIV/AIDS patients, prostitutes, ex-criminals and people who have spent time in reform schools. For such people, SDRC and the several associations and even small businesses that it has spawned

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[80] CWR case report, 23 July 2008.
[81] CWR case report.
[82] BFN case report.
[83] Notes on BFN, 27 June; BFN case report.
[84] Notes about SPERI, 27 June 2008.
[85] BFN case report, 21 July 2008.
[86] SDRC case report, 21 July 2008.

have created networks of support, services, and places for them to meet, discuss, and share experiences. SDRC has also fostered gathering places for social workers themselves to learn from each other's experiences and chat and relax. In these activities, SDRC collaborates with other organizations.[87]

According to SDRC's founder, the organization has good relations with state authorities, which might be linked to the founder having opposed the former Saigon regime.[88] But more important are the services SDRC has provided to needy people, which in turn has helped many communities in Ho Chi Minh City and beyond. The results are what impress authorities. Often local government and MO officials participate in training sessions that SDRC and its affiliated groups run. And local officials frequently invite SDRC people to contribute ideas and suggestions to their deliberations about local problems and ways to address them.[89]

Another organization that has emerged to address a social need and thereby has expanded public space for citizen-initiated activities is the Disabled People Mutual Assistance Association (DPMA; Hội Người Tàn tật Tương Trợ Vươn Lên) in Xuân Lộc district, Đồng Nai province. It started as a CBO in 1995 with a different name. Initiating the volunteer organization was Lê Đức Hiền, himself disabled. He had earlier started a small enterprise that employed disabled people who repaired watches, telephones, and electrical appliances. The CBO was a mutual assistance group for people with disabilities in Xuân Lộc and surrounding areas. Members helped each other with personal and health problems and to integrate better with the rest of society, learn skills, and find jobs. The organization also ventured into other activities years before adopting its present name in 2005 and being officially recognized by the Đồng Nai provincial authorities. Prior to and since its formal established, the organization encountered little difficulty with local authorities. Indeed, government agencies have bestowed numerous awards on the association and its founder.[90]

DPMA now has seven chapters with 226 members. It also has other entities and programs aimed at assisting disabled people. In 2001, the association established a facility for teaching vocational skills, fine arts, and other endeavors, which became one of the founding members of a national association of disabled people's enterprises (Hiệp Hội Sản Xuất kinh Doanh của Người Tàn Tật Việt Nam). In 2006, it started an informatics training center in which disabled people enroll for lower fees than other students. The association has established other mutual assistance programs for disabled people and their families, including a mutual credit system in which members can borrow money in order to establish small businesses, go to school, or in other ways improve their and their families' living conditions. DPMA also assists association members to find employment, an effort that has been less successful than its other endeavors because many times the jobs turn out not to be appropriate for disabled people.[91] The organization has also been making suggestions to national agencies for ways to improve policies and facilities for disabled people.[92]

Another health-related organization is the NMBC (Nourishing Mind and Body Center; Trung tâm Dưỡng Sinh Tâm Thể). Using exercises and other physical activities (DSTT methods) involving no medicines, members treat their illnesses and pains, sometimes succeeding in overcoming ailments that medical doctors have not been able to cure. Because learning and practicing DSTT methods is inexpensive, the center is particularly eager to reach poor people with ailments that the techniques can alleviate or cure. The center and its affiliated groups do not demand a fee; people wanting to use

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[87]   SDRC case report; notes about Oanh and SDRC, 25 June 2008 & 4 July 2008,
[88]   SDRC case report; notes about Oanh and SDRC, 25 June 2008 & 4 July 2008,
[89]   SDRC case report.
[90]   DPMA case report.
[91]   DPMA case report.
[92]   DPMA case report.

DSTT methods contribute nothing or whatever they can afford.[93] Today, clubs and associations of practitioners and their trainers exist in more than 32 provinces and cities throughout Vietnam and practitioners number more than 130,000. The spread of DSTT indicates that people are benefiting, and the organization, through its numerous publications, has reached many more people.[94]

Like some other service-oriented organizations, NMBC's engagement with the state has been multifaceted. Its activities have widened public space for citizens, and it has become a public advocate for inexpensive but effective health practices (see later section on channeling citizens' voices). It has also had direct and sometimes difficult interactions with authorities. While still a CBO, its founder and followers often met with grief and harassment from authorities. In the early 1970s, authorities of the Saigon government arrested the founder, Tôn Nữ Hoàng Hương, several times for disturbing the peace. After Vietnam's reunification, government authorities arrested her in the early 1980s for promoting "superstitions".[95] Since obtaining legal standing in 1995 under the auspices of UIA (which, in turn, is under VUSTA), practitioners and trainers of DSTT methods occasionally have had run-ins with local authorities. Generally, however, after receiving endorsement and credentials from the organization's central office in Hanoi, local trainers work with practitioners without much interference from local authorities, and sometimes with their support. Numerous local authorities and Communist Party members are now practitioners.[96]

All of the organizations in this discussion of delivering services claim successes in helping the constituencies they aim to assist. In many cases, government authorities have recognized these accomplishments and now collaborate with the organizations. This was not the response of authorities in the early stages of several organizations' activities when authorities were dubious, suspicious, or even hostile. Over time, as the groups persevered with doing work others found beneficial and interacted with authorities as best they could, the relationship between them and state agencies improved.

3.2.1 Recommendations

● Support service delivery CBOs and volunteer organizations and help them to acquire legal standing and strengthen the management and network of the organisation, in order to bolster the organization and give it opportunities currently beyond its reach. CBOs are often faced with challenges related to legal standing etc. An example is BFN, who lack support and knowledge about a possible registration process that could help it become a legal entity. Experienced and well-run organizations, donors and INGOs, might support CBOs such as BFN to improve how the network and its head office in Hanoi are managed.[97] One way to support CBOs and volunteer organisations would be to develop targeted manuals and run training events on how to obtain legal standing and boost the fund-raising and management skills of the organisations.[98]

● Revisit Decree (NĐ) 88/2003/NĐ-CP regarding establishing associations. According to a leader in the disabled people's association DPMA, the decree perhaps works adequately for able-bodied people, but it creates hardships for disabled citizens because it requires a certain number of people in a particular area in order for an association to have legal standing. Because disabled people are spread across large areas, they often cannot meet this requirement.

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[93]   NMBC case report.
[94]   Notes on NMBC, 8 July 2008; and NMBC case report.
[95]   Notes on NMBC, 8 July 2008; and NMBC case report.
[96]   Although this is usually a positive development, sometimes it is not. One official in Sông Cầu district (Phú Yên) was expelled from the Communist Party after he joined a DSTT group (NMBC case report).
[97]   BFN case report.
[98]   DPMA case report.

● Support CBOs and other CSOs for disabled people, HIV patients, and other disadvantaged citizens to establish a system to quickly and regularly collect and disseminate to members and communities information about training, physical therapy, employment, and other opportunities. This is one of the needs DPMA has identified.[99] Such a system may also be useful for organizations that are largely run by volunteers and lack manpower and other resources to do this on their own.

● Enable organizations that were originally set up under other the "umbrellas" of other organizations to acquire an independent status to better reflect the changed scope of its work and organisational structure. The NMBC is an example of an organisation that we think would operate better if it could operate independently from the organizations it is now under (provincial and central level VUSTA), such a development would enable it to flourish more.[100]

● Encourage and support collaborative work between CBOs, NGOs and MOs. The CWR Hải Phòng case suggests that such collaboration can bring good results for particular constituencies and communities in the delivery of services.

● Encourage and support CSOs and CBOs delivering services to become involved in other forms of engagement with the state. Organizations that have evolved to have many forms of engagement with authorities include BFN, NMBC, and SPERI.

3.3 Policy & law-making

The idea that groups can and should influence government policy and law-making processes is rather widely accepted among the key informants and several organizations in the case studies, more so than most previous studies on civil society in Vietnam would lead us to expect. Even the concept of "lobbying" (vận động hành lang), which some earlier studies rarely heard in Vietnam, is understood and used by most informants.

Some organizations have become involved in policy matters as result of other activities and forms of engagement with the state; it was not something they had started out to do. The cases found in the project's research are service oriented CBOs and NGOs. Some years ago, social workers proposed to the Ministry of Education and Training that Vietnam should create academic programs for social work. After considerable dialogue, the ministry moved in that direction. Now Vietnam has universities with social work courses and some 1,000 social workers.[101] In the mid-1990s, the Hanoi Association of Disabled People began to advocate modifications in buildings so that they would be more accessible to people with disabilities. Among the results of the organization's research and advocacy on the matter and its networking with other concerned groups have been revisions in Vietnam's construction standards and codes.[102] Another example is that, as a result of BFN's experiences with mutual assistance among HIV/AIDS patients and their families, the network came up with ideas about countering the virus and helping its victims. BFN members conveyed these suggestions to the Health Ministry, which used them when deliberating new government directives and decrees about the disease and disease prevention.[103] State officials have themselves praised BFN's involvement. Among them is a National Assembly representative who credits the network's interaction with officials with helping "law- and policy-makers to change and modify laws or policies with a new perspective so as to provide conditions for HIV-infected people to improve their

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[99] DPMA case report.
[100] NMBC case report.
[101] Key informant interview, 25 June 2008.
[102] Interview with Duong Thi Van, 28 May 2008.
[103] Notes on BFN, 11 June 2008.

lives, integrate into society, and be entitled to all the rights that other people are entitled to."[104]

At the local level, BFN groups in several areas have influenced authorities' behavior toward and programs for HIV patients and their families.[105] Small mutual assistance groups that CESR has established in poor communities in Huế have been helped to sway to authorities to provide better services and be more sympathetic with residents' problems.[106] Members of clubs that LERES and PLD set up in several provinces learn about and use the law and legal system and have become more empowered to approach local officials with community improvement suggestions. Through training sessions that LERES runs, community residents have formulated proposals to address specific problems and learned how to present their plans to local officials. Training sessions also advise local officials how to listen to and engage constructively with residents who have ideas and criticisms.[107]

SPERI, the NGO doing community development work among farmers, especially women, in upland minority areas, learned through many years of experience that it could bring to policy makers' attention numerous needs and suggest solutions.[108] In 1994, it began pressing authorities to grant land rights to ethnic minorities living in national parks and sensitive highland areas. One outcome of this lobbying was that officials allocated 35,000 hectares to 10,000 households. Another issue on which SPERI has been vigilant is having the names of both spouses, not just the husband, on land use certificates. SPERI presented this suggestion to local officials, then provincial and national authorities. Its efforts intensified as the National Assembly started in the early 2000s to deliberate revisions in the nation's Land Law. While pushing on that front, SPERI successfully persuaded officials in some localities to let women's names be added to land documents, even though the national Land Law had not yet been revised.[109] Eventually SPERI's direct engagement with law-makers contributed to the revised Land Law (2003) allowing female names, rather than just male names, to appear on land rights documents.[110] "One lesson," said SPERI's founder, "we learned after ten years of conducting our Land Allocation Program is that networking, coordinating and consulting skills are part of a process to stimulate strengths of multi-actors in every socio-economic relation. Lobbying and associated skills help to integrate perceptions and behaviors of actors. Lobbying bridges information gaps between policy-makers and the grassroots, and is a process of responding to the concerns/voices of society."[111]

In March 2007, SPERI took its lobbying experience further by organizing, with support from international donors, a conference on "Lobbying: Practice and Legal Framework" for National Assembly delegates and officials from selected provinces and ministries. It has also been a key organizer for other conferences about policy advocacy. Among the many people who have praised the organization's lobbying activity and its efforts to encourage such engagement between citizens and authorities is the head of the National Assembly's Committee for External Affairs, who chaired one of those conferences.[112]

Other organizations from their launch or shortly afterwards have made involvement in policy-making part of their purpose.[113] They include organizations close to the state, as well as NGOs. An

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[104] Key informant interview, July 7.
[105] BFN case report.
[106] CESR field study notes, 5 July 2008.
[107] LERES/PLD case report.
[108] SPERI case report.
[109] SPERI case report.
[110] SPERI case report.
[111] http://sperilobby.org/news/52/lobby-becomes-a-key-concept-during-the-conference.htm. Accessed 15/09/2008.
[112] http://sperilobby.org/news/46/conclusions-made-by-chairman-of-the-conference.htm. Accessed 15/09/2008. Also see http://sperilobby.org/index.php?act=news&nid=35. Accessed 15/09/2008.
[113] Key informant interview, 25 June 2008.

example of the former is the Vietnam Medical Association (VMA). With support and encouragement from the Minister of Health, it has been increasing its role to provide advice about health-related legislation. Recent examples are VMA's advice and proposals for the Law on Tissue and Organ Transplants, Ordinance on Population, and the Law on Medical Examination and Treatment. VMA also provides policy advice to the Central Commission of Science and Education and the National Assembly's Committee of Social Affairs. In 2007, VMA delivered feedback, with Swedish support, on policy options to improve equity and efficiency in the health sector.[114]

VUSTA (Vietnam Union of Science and Technology Associations), one of six social-political organizations under the Fatherland Front and the "umbrella" under which numerous professional and other associations are registered, has been lobbying for the Law on Associations. It claims to have mobilized stakeholders, held numerous workshops and conferences, and worked directly with National Assembly delegates trying to get the Law on Associations passed. Although it and other advocates have not succeeded yet, VUSTA has not given up.[115]

The Women's Union, an MO, sees working with policy- and law-makers as one of its major roles. For years, it has been providing information and suggestions to government and party authorities on a range of issues and pending laws and regulations pertaining to women. Officials in various ministries and delegates in the National Assembly frequently seek advice and data from the union. From this two-way interaction, Women's Union leaders claim the union has contributed to numerous laws and regulations. Partly because of the union's efforts, laws pertaining to workers and gender equality have provisions that entitle both mothers and fathers to take leave from work to look after their sick children, and make the number of years women workers contribute to social security funds (bảo hiểm xã hội) commensurate with the usual retirement age of 55. The union collaborated with other organizations to influence the rules for implementing the Gender Equality Law (2006) that the Ministry of Justice and Prime Minister issued. The union also worked with other groups to influence the content of the Law on Prevention of Domestic Violence, which the National Assembly approved in 2007, and Article 10 of the Labor Law. Equally important is its role in monitoring the enforcement and implementation of regulations affecting women, such as its recommendation to incorporate support for female CEOs of small and medium size businesses in Degree 90 on enterprises. The union's leaders say their organization's work, usually in tandem with other groups concerned with women's issues, has helped to bring about government programs to assist women starting up small and medium scale enterprises.[116]

The Đồng Nai Labor Union regularly gets involved in policy- and law-making. As part of the General Confederation of Labor of Vietnam, the union's leaders pass to higher levels of the confederation their ideas and suggestions for better laws and regulations about issues affecting workers. The union also has easy access to local officials, branches of the Communist Party and National Assembly delegates from the province. Recent policy deliberations to which the union's leaders have contributed pertain to industrial accidents, transportation, traffic regulations, and labor laws.[117]

Among the organizations more independent from the state that have policy-oriented engagement high on their agendas is the VCPA (Vietnam Standard-Measurement and Consumer Protection Association; Hội Tiêu chuẩn Đo lường và Bảo vệ Người Tiêu dùng Việt Nam). This NGO, which began in 1988 and has become nation-wide, does research for, feeds unsolicited information and advice to, and helps draft legislation with the National Assembly and other national government

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[114] Prof. Pham Song's presentation at a workshop organised by Pathfinder International-Vietnam.
[115] VUSTA case report.
[116] Key informant interview, 18 July 2008.
[117] Đồng Nai Labor Union case report.

bodies. In 1999, it had a role in drafting early consumer protection legislation, which the Standing Committee of National Assembly passed as the Consumer Protection Ordinance (Pháp Lệnh) in 2001, and the government decree (number 55) that regulates the ordinance's implementation.[118] Presently, VCPA sits on a committee that is drafting legislation regarding business competition in Vietnam.[119] The association has also done considerable research that has fed into state agencies deliberations on laws and policies regarding manufacturers, consumer products, health, and public safety.[120]

Two other groups with policy-making interests have emphasized trying to influence the way the National Assembly operates. The research institute PLD, an NGO, has produced publications, and organized workshops and seminars for assembly members and other officials that are aimed at improving the law-making process.[121] LERES, the legal assistance and research organization, has conducted numerous training sessions to enhance assembly delegates' abilities to make speeches, understand budgets, meet with constituents, and draft legislation.[122] It has also given advice to assembly representatives on pending legislation. When the Land Law was being revised in 2002-2003, and members were considering proposals from SPERI and other groups to allow the names of both spouses on land use documents, LERES's research on the subject helped the provision to be included in the revised law.[123] Through its sustained interactions with the legislative body, LERES claims some responsibility for the creation of a new center aimed at strengthening and enhancing the capacity of delegates to better represent constitutes, draft better laws, etc.[124]

The C&D Center (Cooperation and Development Center; Trung Tâm Hợp Tác và Phat triển nguồn Nhân lục) also works closely with authorities making and implementing policy. One of this NGO's primary objectives since it began in 2004 has been to heighten public officials' skills and knowledge about complicated issues, public finance, budgets, accounting, and the like. Participants in its training sessions include National Assembly delegates, such as those on that body's Social Affairs Committee and Economics and Budget Committee. The center has interacted even more with sub-national officials, particularly members of provincial, city, district, and sub-district People's Committees and People's Councils. By becoming more knowledgeable about budget-making, public finance, and related matters, the C&D Center reasons, officials become more competent policy-makers and administrators. There is also a spin off benefit for civil society-state engagement from the center's work. Some training sessions include both state officials and NGO staff members. Besides learning the skills being taught by the center, says its director, these participants become more understanding and knowledgeable about each other.[125]

The above instances suggest that CSO-state interaction on policy and legal matters is more alive and important than studies referred to in the Literature Review indicate. No doubt problems and obstacles remain. One state official, who is sympathetic to CSOs actively participating in policy and law-making, told the project that lobbying is still underdeveloped in Vietnam and that successful lobbying efforts are usually done by associations with money, such as an association of auto-makers.[126] The fact that most of the CSOs reported here, which do not possess large financial resources yet, nevertheless have been able to influence legislation and policies is a healthy sign in the evolution of civil society.

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[118] Notes on VINASTAS, 4 July 2008.
[119] VUSTA case report.
[120] Consumer Protection Association case report.
[121] LERES/PLD case report.
[122] Key informant interview8 July 2008.
[123] Key informant interview8 July 2008.
[124] LERES/PLD case report.
[125] C&D Center case report.
[126] Key informant interview, 24 June 2008.

3.3.1 Recommendations

● Carry out in-depth studies of policy- and law-making processes in Vietnam to document a more comprehensive picture of which types of organisations are involved in policy- and law-making. In particular, the role of private funds in relation to associations and other CSOs involved in lobby and advocacy should be examined to facilitate greater transparency in policy- and law-making processes, including the roles of various CSOs at different levels throughout the country. The state, CSOs, and INGOs could consider establishing some organizations aimed at monitoring lobby and advocacy in the country.

● Support CSOs that are becoming involved in policy matters as a result of other activities. Assist more independent CSOs to become more actively and extensively involved in policy- and law-making at different levels, in order to promote greater input from communities, in particular marginalised groups, as well as facilitate greater CSO involvement in policy- and law-making. This recommendation is linked to one proposed in section 3.2.1 on the potential of service delivery CSOs and CBOs to become involved in other forms of engagement with the state, such as policy- and law-making. This would require the development of both formal mechanisms and increased external support.

● Develop a directory of CSOs that is categorized by policy areas. This could be used as a reference tool for officials and citizens alike seeking assistance or advice from groups with research, practical experience, skills, and other resources relevant to various social, economic, political, environmental policy areas. Make the reference tool widely available, including in electronic form.

● Develop targeted information material on how legislation is developed, discussed, and becomes law, and at what stages in the present legislative environment are CSOs and citizens encouraged to contribute to policy- and law-making. Such material should also include examples from the National Assembly and from provincial and city authorities, and highlight what civic-minded people and organizations have done, how they influenced or tried to influence policy-making and implementation, and what impact their engagement generated.

3.4 Monitoring officials & holding them accountable

Several professional associations under VUSTA see monitoring government and industry projects, especially those using public resources, as one of their main purposes. Many of the associations with both a national office and provincial branches are involved in such monitoring.

A prominent example is VCPA, the consumer protection NGO. As Vietnam revived a market economy in the 1980s, founders of VCPA saw a need to investigate the reliability of consumer goods that the country was making and importing. The organization now has over 10,000 members in some 30 associations spread across the country. It has drawn the public and the government's attention to quality deficiencies in many products, among them fresh milk, petrol, and, most recently, motorbike helmets. Following its investigation into soy sauce, which uncovered gross violations of safety standards and practices, it pressured Health Ministry officials to be more diligent about requiring producers to make the product properly. Another outcome of VCPA's monitoring of this industry is that the deputy director of the Health Department of Ho Chi Minh City was disciplined for failing to uncover the low, unsafe quality of soy sauce manufacturing.[127] VCPA also helped to publicize wrong doing among state electricity enterprises, which had installed meters that exaggerated electricity consumption of homeowners in Ho Chi Minh City and thus

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[127] Consumer Protection Association case report.

significantly increased their electricity bills. VCPA's efforts, together with many journalists, exposed corruption that might otherwise have gone undetected.[128] Through its research and numerous publications (including a newspaper, several books, and even a film) on products and their uses, VCPA also provides information to consumers about the quality and safety of things they buy or are thinking of buying. It is also trying to develop ways to monitor the quality of electronic commerce, consultancy services, and conditions of Vietnamese overseas workers, as well as how effectively government agencies protect the public good against adverse special interests.[129]

Another association under VUSTA that conducts monitoring is the Union of Science and Technology Associations (USTA) in Ho Chi Minh City. It found faults with many of the nearly 80 infrastructure and other construction projects it evaluated in Ho Chi Minh City during 2003-2006. Its investigations into a plan to move the Sài Gòn Airport reportedly saved the city VND26 billion.[130] The USTA branch in Kon Tum province has evaluated and criticized numerous public works projects in the area, getting local authorities to take on board many of their suggestions.[131] The Vietnam Federation of Civil Engineering Associations (VFCE), also affiliated with VUSTA, has found corruption and waste in several government construction projects. It has also worked with various ministries to set engineering standards to which the construction industry, including the government agencies overseeing it, could be held accountable.[132] Meanwhile, VUSTA claims it successfully consulted on the Pha Lai 2 thermal power plant near Hanoi at a cost of less than $20,000, saving the project the $18-million fee requested by Japanese consultants.[133]

These professional associations' advice and criticisms of public works and other projects are not always acceptable to authorities. Other factors and interests are at work. The authorities who are supposed to be responsive may be the very ones who are benefiting, and hence have a disincentive to do anything different. The associations, too, have limited resources – personnel, money, equipment – to work with, which hampers the extent to which they can monitor projects and government agencies. The President of the Vietnam Medical Association (VMA) acknowledged that his organization and others affiliated with it play a limited role in holding the government accountable for its activities in the public health sector, partly because they lack expertise in policy advocacy and analysis.[134] Another obstacle for many associations is that often government agencies are not transparent about plans and projects, making oversight even more difficult.[135] VCPA informants, however, report generally positive relations with relevant state authorities. Where it encounters opposition are some of the companies and manufacturers whose products it has questioned and criticized.[136]

Most monitoring of officials found by our project was done by the professional associations just discussed. They have technical knowledge and other resources for such engagement. Another professional group not yet mentioned is the History Association, which has on occasion pointed out inaccuracies in official versions of certain historical incidents.[137] The Women's Union, a large mass organization, says it watches to see that laws and regulations about women's rights are protected, and government programs affecting women are properly implemented.[138]

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[128] VUSTA case report.
[129] Consumer Protection Association case report.
[130] VUSTA case report.
[131] VUSTA case report.
[132] VUSTA case report.
[133] Nguyen Vi Khai (2006) *Report on assessment of public delivery provision*
[134] Notes on VMA.
[135] VUSTA case report.
[136] Notes about VINASTAS, 4 July 2008.
[137] Key informant interview , 10 June 2008.
[138] Key informant interview, 18 July 2008.

Journalists are another professional group with members who pay some attention to monitoring officials and holding them accountable. Looking for accounts dealing with four types of engagement over two and a half years, 2006-mid 2008, the media review found more articles about monitoring and accountability in *Lao Động* and *Vietnam Net* combined than those two news sources had about any one of the other three forms. This was not the pattern, however, in the third news source, *Thanh Niên*, which had many stories about service delivery and very few about monitoring and accountability.[139] This difference and the fact that the review covered only a short period means one cannot conclude much from these data. But they do indicate that some journalists are interested in monitoring officials and agencies, especially at provincial and lower levels of the state. Also indicative is that journalists' exposes, as noted earlier, reinforced VCPA's investigation into corruption in some state enterprises.

Small organizations, both CBOs and NGOs, have few resources for keeping tabs on what authorities do. But some try. SDRC, the social work NGO in Ho Chi Minh City, does this by talking to journalists with whom its members have developed rapport. SDRC members tell journalists about problems they see in how officials behave and policies are implemented. SDRC sees the resulting media coverage as indirect ways to monitor and hopefully influence authorities. The CBOs that LERES and PLD have set up in various provinces also have a monitoring dimension to their activities. They watch to see that local officials properly implement the projects their community groups have designed.[140]

3.4.1 Recommendations

- Encourage and support CSOs to engage in monitoring officials and advocating their members' concerns. Raise awareness among CSOs on the important role and right of CSOs to hold government officials and private sector enterprises accountable. One way to do this would be to map out and scale up the existing experience of organizations in this field. Moreover, a government fund to support monitoring and accountability (e.g., in construction) could be established. Establishing an award for CSOs in monitoring might help create incentives for them to become engage in monitoring and accountability work. Finally, contextualised training programs for CSOs in Vietnam on how to monitor government policies and agencies, as well as large private and state enterprises, could be developed and made available for different targeted groups of CSOs. This would be particularly useful in relation to private enterprises, as business owners and managers, according to interviews conducted for this report, are sometimes far less open to interaction with CSOs than state authorities are.

- Raise awareness among key government agencies of the benefits of CSOs holding officials accountable, as this will help monitoring and evaluation, help achieve development outcomes, and is completely in line with the officially declared strategies of the Communist Party and the Vietnamese Government. Different models for CSO monitoring could be piloted at different levels and within different sectors to complement existing GoV initiatives and regulations.

- Promote investigative journalism and existing good practices in investigative reporting in Vietnam. Set up exchanges between investigative journalists in Vietnam and counterparts in other Asian countries, especially China, South Korea, the Philippines, Indonesia, and Thailand. Journalists from these different political-social-economic contexts could learn from each other, share experiences, and come away invigorated.

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[139] Media Review – summary of Key Findings, draft 25 July 2008, and data in NGO RC e-mail to Ben Kerkvliet 15/08/08.
[140] SDRC case report.

- Establish annual awards for outstanding cases of CSOs or other types of civic groups monitoring officials and holding them accountable and for the best investigative journalism. Publish and disseminate stories about how CSOs and journalists monitor and hold GoV officials accountable.

3.5 Conveying citizens' voices

The project found some telling examples of organizations speaking to authorities on behalf of, and channeling the views of, citizens.

SPERI explains to local and national government officials and to other audiences the value of indigenous knowledge about farming methods, forestry management, biodiversity conservation, and medicinal plants; the spiritual importance of land to many minority groups; the value of communal ownership and use; and concerns various communities have about commercialized farming. SPERI research into these topics and its community development experience help it to convey these ideas to local and national authorities and mediate disputes over land use between communities and state forest enterprises and national parks.[141]

The NMBC, which teaches and does research on treating some types of health problems with special physical exercises and techniques (DSTT methods, for short), has spoken publicly about the need, especially among poor people, for inexpensive yet effective health programs. Mostly it has done so through its numerous books, conference papers, reports, and newspaper articles that also describe the health benefits of the inexpensive methods its thousands of practitioners use. But it has also proposed incorporating DSTT methods into a pilot center in a Hanoi clinic, Bệnh Viện Thanh Nhàn, and, if that experiment succeeds, expanding the program to other hospitals and clinics. NMBC leaders have not made this a major objective of the organization, but some of its practitioners have vouched for the techniques' physical and mental benefits. And the fact that learning them costs little or nothing makes them especially beneficial to poor folks who have ailments that the methods can address. So far, health authorities have not agreed to NMBC's proposals. Even support from such prominent political leaders as Nguyễn Quốc Triệu when he was still president of Hanoi, and the former Communist Party Secretary General Lê Khả Phiêu have failed to get the pilot health office accepted by the Thanh Nhàn Clinic.[142] Clinic officials did offer to contribute land to set up a separate joint-venture facility if NMBC could provide the capital and human resources in the spirit of the "socialization" (which was in fact, an attempt in "commercialization"). But NMBC was unable to raise the necessary funds and commercialization is not the purpose of NMBC.[143]

Health officials at Thanh Nhàn Clinic say that because the hospital belongs to the state, it is inappropriate to agree to the pilot health center project, in spite of the fact that some doctors at the clinic practice DSTT.[144] In general, health officials reportedly refuse to include DSTT methods because the techniques are unscientific.[145] This latter reason suggests to many DSTT trainers and practitioners that health authorities are wedded to Western medical practices, making them unable or unwilling to distinguish between something that is reportedly "superstition" or "unscientific" and something that actually helps people get better.[146] There are hundreds of writings by independent patients, doctors and scientists on the benefits of DSTT and the strengths and weakness of the

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[141] SPERI case report.
[142] Notes on NMBC, 8 July 2008; NMBC case report.
[143] NMBC case report.
[144] NMBC case report.
[145] Notes on NMBC, 8 July 2008.
[146] NMBC case report.

DSTT method.[147] Former director of the Friendship Village Dr. Khai Huong has said that DSTT helps to reduce the side effects of certain diseases without using any kind of medicine.[148] Prof. Dr. Duong Trong Hieu, former chief of the General Department at the Traditional Clinic affirms that DSTT is good for health and reduces disease, although it has no impact on infections. Prof. Dr. Nguyen Ngoc Kha of the Cancer Hospital recognizes that DSTT is effective up to a point, beyond which it is not.[149]

Although the pilot project has not occurred, NBMC clubs and associations claim to have had an indirect impact on the health system. In several localities where they are active, government and private medical offices notice that pharmaceutical sales decline and clinics have fewer patients. Sometimes local medical practitioners improve their own services; other times they react against NBMC practitioners. For instance, in 1999 a pharmacy kiosk in Hải Hậu district, Nam Định province, asked the DSTT club there to move elsewhere so that the owner could sell more drugs. Medical professionals have also pressured local authorities to shut down NBMC organizations. Local authorities, however, do not necessarily react as the unhappy medical staff would like. In some places, such as the district of Ứng Hòa (Hà Tây province), government and Communist Party authorities have themselves said that sharp declines in the number of arguments, fights, and other public disturbances are due to the positive influence of DSTT methods. NBMC members even report that people in sub-districts (xã) without DSTT practitioner groups have threatened not to vote for incumbent officials in future elections if no groups are established in their areas.[150]

Another advocacy organization is the BFN, the CBO of HIV patients. BFN has become a strong voice for members and their families. Through its members' participation in public meetings, good relations with journalists, and other means, BFN has conveyed the concerns and needs of HIV-infected people for proper medical treatment and better understanding from communities. Journalists frequently seek out BFN groups for information about HIV patients, treatments and services, as well as prevention information. BFN members have also participated in meetings with government officials, among them Ministry of Health authorities and Vietnam's vice president, relaying their experiences and knowledge about living with HIV and contributing suggestions to policy matters related to HIV and public health.[151]

Leaders of the Đồng Nai Labor Union see advocacy for workers and conveying workers' views and needs to state authorities as one of its main objectives. The union began in 1929 and since 1975 has been under the General Confederation of Labor of Vietnam. The Đồng Nai Labor Union has 19 sub-units in the province and has an organizational structure to oversee and collaborate with them, a wide range of local officials, and provincial and sub-provincial branches of other MOs in Đồng Nai. Matters concerning laborers that the union speaks up for include wages, safety in the work place, proper toilet and other healthy conditions where people work, social security and health benefits, and the protection of workers' rights. The union also gets involved in labor disputes that frequently arise in the hundreds of factories and assembly plants that have sprung up in the province since the mid-1990s. Although the strikes are usually not done in accordance with the law, the union tries to defend workers' legitimate interests and helps to negotiate settlements between employees and employers.[152]

Other organizations the project studied have also conveyed the concerns and views of ordinary

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[147] In the book *DSTT đẩy lùi trọng bệnh* and in the media.
[148] Khoa Hoc & Doi song – Science and Life, No. 54, July 4, 2007, p.6.
[149] Khoa Hoc & Doi song – Science and Life, No. 56, July 9, 2007, p.6.
[150] NMBC case report.
[151] BFN case report.
[152] Đồng Nai Labor Union case report.

people, although that is not their primary objective. An example is another group involved with workers, CWR, an NGO in Hải Phòng. It is primarily concerned with providing services for workers and youngsters in poor communities. But growing out of that work have been several activities aimed at making city officials and the general public aware of workers' low standard of living, housing problems, and the additional challenges rapid inflation poses to poor people. To do this, the CWR has collaborated with mass media outlets and with other organizations in Hải Phòng. Through the media, CWR has also described its projects and accomplishments, as well as the problems and obstacles it has encountered.[153] These efforts have been recognized by Hải Phòng authorities.[154]

Of the four organizations just discussed – SPERI, NMBC, BFN, and the Đồng Nai Labor Union - only the last has long had conveying members' views and interests to state authorities as a primary objective. The other three, which are NGOs and CBOs, currently engage in this activity as a result of experience in other activities, especially delivering services to targeted people in the communities where the organizations are active.

LERES is an organization that has been keenly interested since the late 1990s in conveying citizens' concerns and views. But it does not claim to speak for or represent particular kinds of people. Its concern, which grows out of its promotion of grass roots democracy, is helping people to learn how to speak up for and represent themselves.[155]

With financial assistance from CARE and other INGOs, LERES has helped communities in several provinces to determine needs they can address with a modest amount of money, design projects to address them, then implement those projects, which have ranged from improving livelihood and reducing poverty to establishing local resources to learn about laws. The methods LERES uses encourage interaction between residents and government officials, thus helping to develop dialogue, cooperation, and trust between the two sets of participants.[156] It has also helped upland communities to know their rights and responsibilities regarding reforestation and other land use practices, and at the same time enhance cooperation between forest users and local authorities.[157]

Several informants have raised criticisms about CSO claims to represent and channel citizen's voices. They say that too often it is unclear who a CSO is representing. Organizations frequently lack mechanisms for determining the interests of their would-be constituencies. An example is the Lawyers Association (Hội Luật Gia), which needs to develop grassroots so as to develop.[158] MOs, say informants with and without state positions, can have the same problem; it is not clear that they really represent the constituency they claim. In particular, the head of policy institute in a government ministry and a director of a research institute in the Mekong Delta doubt that the Peasant Association (Hội Nông Dân) represents or serves farming households.[159] Another informant who is very supportive of CSOs claims that some NGOs, rather than helping or serving communities or society, are more interested in getting money and other resources, which verges on or becomes corruption.[160]

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[153] CWR case report, 23 July 2008.
[154] See for example, Trang tin So Ngoai Vu Hai Phong, December 29, 2006, or the outcome of HIV projects summarized at
       http://www.haiphongdofa.gov.vn/vn/index.asp?menuid=496&parent_menuid=433&fuseaction=3&articleid=2408.
[155] Key informant interview, 18 June 2008.
[156] LERES/PLD case report.
[157] Key informant interview, 8 July 2008.
[158] Key informant interview, 25 June 2008.
[159] Key informant interview, 27 May 2008; Key informant interview, 5 June 2008.
[160] Note on SDRC, 25 June 2005; also Key informant interview, 15 July 2008, and SPERI case report.

3.5.1 Recommendations

● In the scale or spectrum of CSO engagement, channeling citizen's voices comes after service delivery in terms of the actual degree of influence on authorities, and the fact that it can be more easily achieved than holding officials accountable. Leveraging service delivery to build trust and expand into in other forms of engagement may be a good strategy (which is illustrated by the NGO focusing on workers rights), particularly in terms of moving beyond service delivery itself towards channeling citizens voices and other areas of engagement. This could strengthen CSOs' ability to provide input in policy- and law-making. This point relates to recommendations already made in section 3.2.1 and 3.3.1.

● Promote a discussion among key party and government officials on the expanding role CSOs are playing in raising the people's voices and concerns. The study found MOs had conveying members' views and interests as a primary objective to a larger extent than other types of CSOs, however the network studied in this report illustrates a growing informal CSO role in this regard (see below). This discussion should address the issue of organizations' reluctance to act as channels for people's critical views, which may be considered a form of "protesting", and emphasise the positive dynamics of raising people's voices. It should also aim to enhance the understanding of the roles and contributions of civil society among agencies and officials that tend to be suspicious of CSO activities.

● Several of the case study organisations have demonstrated the important roles NGOs can play in conveying citizen voices, in particular poor people's voices, in relation to land use rights and their right to take part in the design and implementation of national targeted programs and other government policies. These existing experiences could be promoted more widely among NGOs and CSOs in general.

● One of the case studies describes a network that has linked the voices of marginalized and stigmatized citizens with government agencies at different levels. Further exploration of the role of networks in conveying citizens' voices, in particular marginalised and stigmatised groups, should be supported.

4. Conclusions

Considerable media coverage in Western countries, several official reports from a number of Western governments, and some academic studies convey a picture that Vietnam remains largely a closed political system in which nearly everything is under the control of the state and all or nearly all society action is confined to mass organizations. The findings of this study do not conform to that image. This study finds evidence of a developing and widening civic space for ordinary Vietnamese to pursue common interests. And it suggests that many officials and agencies are willing to engage these citizen groups.

We stress the word "developing." We are not saying that Vietnam is an open political system and that all authoritarian features have disappeared. It isn't and they haven't. This report has not discussed the restrictions on personal freedom – up to and including imprisonment – critics are apt to face if they call for a multi-party system, name names of corrupt national leaders, or say other things that offend powerful authorities. Nor has this report talked about significant limits on what journalists and researchers can write or elaborated on the negative consequences flowing from the fact that the only legal newspapers are those published by state agencies and organizations within the Fatherland Front.

Still, there has been considerable progress compared to civil society-state relations 15 to 20 years ago, not to mention earlier still. Much of the data gathered by the project and synthesized in this report suggest that engagement between civil society groups and state authorities improves over time. The general political and legal environment has become more conducive to civil society-state interactions. It has become more possible for organizations to form and have legal standing. Through exposure and experience of trying to work with each other, citizen groups and authorities often develop productive relationships where previously they had none. That even terms like civil society and civil society organizations are now often used in newspapers is another positive indicator.

Of course, problems and difficulties remain. Some have to do with the process for registering an organization. Some have to do with wary and overly nervous local authorities. Some have to do with organizations who present themselves as doing one thing but turn around and do something far removed. Informants inside and outside the state remain concerned about the legal and political environment. The report has made some suggestions in chapter 2 for how to ease these shortcomings.

A number of key and case study informants, however, are not greatly distressed about the legal environment's deficiencies. And most informants have an upbeat attitude due to improvements thus far, expecting they will continue, due to the increased diversity of societal activities and organizations. This attitude underlies the advice from a few informants that people interested in joining together to address a perceived social need or sharing their common interests should do so, and not be too preoccupied with whether it is acceptable or not.

Supporting this advice are the experiences of some of the CBOs we examined. HIV patients and disabled people formed groups to help each other. They were not concerned about getting formal approval first. Practitioners of particular physical exercises did the same. Officials in some places were initially suspicious and sometimes hostile. But in most instances, officials came to appreciate what those organizations do. Many became supporters of – and some even participants in – the organizations. Over time, the citizens involved also learned how to ally authorities' concerns,

largely by doing things that are beneficial to certain kinds of people and the communities where they live. Thus, even the organizations that did not later formally register achieved a kind of legitimacy through the good results of their engagement.

Local authorities, according to some previous studies and some of the informants for this study, are often extremely wary of, even antagonistic toward CBOs, NGOs, and other such civil society organizations. We found instances of such a situation. But we also found examples of local officials who have been very supportive and welcoming of these organizations, even when national officials have not been. Some of the recommendations in chapter 2 and 3 of the report are aimed at helping officials and CSOs to understand each other better.

An important finding of this study is the considerable agreement among informants about key elements for societal-state engagement: what civil society is, its importance for Vietnam's progress, and the meaning and purpose of CSOs. And where there is disagreement about what these elements mean, it does not divide between people in state positions and people who are not. One cannot tell whether a person is a state official or not from what her or his views are about civil society matters. Informants holding state offices do not speak with one voice, just as those not in state positions have varying views. Meanwhile, civil society terminology is getting wider use in the print media, suggesting it has more currency now than earlier studies found. We made several recommendations in chapter 3 to help this growing familiarity along, popularize the importance of engagement between CSOs and state, and bolster CSO resources.

Another finding is that service delivery is the most robust form of engagement in today's Vietnam. This reinforces what some previous studies concluded. But, we emphasize that service delivery often is not simply that. The report elaborates on how service delivery often includes multiple facets of engagement. Some service delivery involves collaboration with state agencies. It can also involve providing services not part of a government program. Besides helping citizens, this service expands public space, creating more room for citizen-initiated activities. Such expansion is a crucial aspect of the current ongoing engagement and comes at a time when civil society is still developing in Vietnam. Often a third facet of engagement is that organizations, as a consequence of their service delivery activities and experiences, get involved in other forms of engagement with the state. They became advocates for their constituents, conveying people's concerns to officials and working with authorities to devise new policies and laws. Several recommendations in chapter 3 are intended to assist and encourage service delivery in all its facets of engagement.

The project found more lobbying and other type of engagement regarding policy- and law-making than one might expect from previous studies. Some of that engagement is the work of MOs, like the Women's Union, and units within MOs, such as the Đồng Nai Labor Union, that have ready-made access to officialdom, making their involvement in policy- and law-making easier. Other organizations, such as VUSTA and the VMA, also have relatively privileged access to state authorities and agencies. We note, however, that such access does not guarantee these organizations succeed in getting what they advocate. The Law on Associations is still pending despite VUSTA's energetic support.

Meanwhile, several NGOs and other organizations not attached or only tangentially linked to the state are involved in policy-making processes. They do lobby and they do give advice – solicited and unsolicited – to National Assembly representatives, ministers, and other officials at national levels of the state and, perhaps especially, to authorities at sub-national levels. Chapter 3 of the report has recommendations for furthering this form of engagement.

CBOs, NGOs and MOs are involved in conveying citizens' concerns. This report finds such engagement is more pronounced at sub-national levels than at the national one, although that could be a consequence of the case studies we chose. Most of the civil society-state engagement we found involving monitoring and holding officials accountable was done by a national consumer protection NGO and journalists working for a paper published by the national labor confederation and a paper published by the Ministry of Information and Communication. There is probably considerably more being done, although the literature review also noted other studies finding that this form of engagement in Vietnam has been modest. Our report makes recommendations in chapter 3 to enhance both of these types of engagement.

5. Annexes

Annex 1: Summary of Case Study Organizations

BFN (Brighter Future Network): was formed in Hanoi in 2003 by a small group of HIV-infected people to help each other to live better lives. The network now has over 2,500 participants in 26 groups spread across 18 provinces and cities. The overall objective of the network is to assist people infected with HIV to get medical attention, facilitate mutual help among HIV patients and their families, relay new information about treatment, and bolster the spirits of HIV patients and their loved ones.

C&D Center (Center of Human Resource Development and Co-operation): was founded in 2004 under Decision No. 35 and registered as a member of VUSTA. The C&D Center works in the field of governance and human resource training, and also acts as a consultant on administration for NGOs, government agencies, state-owned companies, and enterprises.

CESR (Center for Encouragement and Self Reliance): started in 1999 to assist poor people in Huế City. It now has several programs in that city and in Thừa Thiên Huế to help people improve their livelihoods and living conditions.

CWR (Center for Workers' Rights): helps poor workers and children in selected factories and districts in Hải Phòng. Founded in 2005 through collaboration between ActionAid Vietnam and the Hải Phòng Labor Union, CWR runs training and information programs for workers, especially migrant ones, and has a range of activities for poor youngsters.

Đồng Nai Labor Union: has been in operation since the beginning of the labor union movement in 1929. Known by different names over different periods, after 1975, it acted on the same basis as other provincial labor unions under the Vietnam General Confederation of Labor (VGCL). Its services include raising the awareness of workers and cooperating with labor services. The union also provides advice on worker rights, reproductive health problems, and prevention of drugs and prostitution, as well as support during labor disputes and compensation for industrial accidents.

DPMA (Disabled People Mutual Assistance Association): is a mutual assistance organization for disabled people that has been active in Đồng Nai province since 1995. It began with a different name in 1995 and was active for nearly 10 years before becoming a registered organization in 2005. It has seven chapters and 226 members and has established two enterprises.

LERES (Center for Legal Research and Assistance): was established in 1997, does research and publishes on legal issues, runs training programs for policy-makers, and works with rural communities to promote grassroots democracy. It operates out of the Law Faculty of Hanoi National University.

NMBC (Nourishing Mind-Body Center): formally began in 1995 but traces its activism back to the 1970s. It fosters and teaches exercises and other physical activities to treat illnesses and pains, and has groups and practitioners in over 30 provinces.

SDRC (Center for Social Work and Community Development Research and Consultancy): began with a different name in 1989 in Ho Chi Minh City. It has helped to develop social work and

public service as a field of study, as well as assist large numbers of socially marginalized people.

SPERI (Social Policy Ecology Research Institute): has a history dating from 1994 and was formalized under its present name in 2006. It learns from, trains, and networks with farmers, especially those in upland areas using environmentally sustainable agricultural practices. It is also involved in advocacy and public policy work to promote better living conditions for rural people. SPERI considers itself as independent local NGO.

VCPA (Vietnam Standard-Measurement and Consumer Protection Association): began in 1988 and has a nation-wide network of organizations doing research on consumer products, monitoring companies and government agencies, and working with officials for laws and policies to protect consumers.

VMA (Vietnam Medical Association): is a federation of Professional Medical Associations (PMAs). It originally was known as the Vietnam Association of Pharmacy, which was formed during the anti-colonial struggle against the French.. VMA currently has 42 disciplinary associations and 63 municipal and provincial associations. The Vietnam Midwives' Association, Vietnam Nurses' Association and Association of Private Healthcare Practitioners are members of the VMA. The VMA has published nine magazines and is considered a professional peak body representing Vietnamese medical intellectuals.

Annex 2: Survey of Literature on Civil Society and State Relations

Introduction

The main purpose of this literature survey is to synthesize what previous studies of Vietnam have said about issues related to engagement between state agencies and CSOs. The survey looks at six questions chosen by the project's research team and working group. Limitations of time and other constraints mean that this survey has not exhausted all relevant literature.

Environment: *What is the political and legal environment in which civil society organizations operate? To what extent does this environment enable organizations to be active?*

Hoang Ngoc Giao (2005) emphasizes that the 1992 Constitution of the Socialist Republic of Vietnam solemnly proclaims that "Citizens have the rights to exercise freedom of speech, freedom of the press, the rights to be informed, freedom of assembly and association, and freedom of demonstration under the law" (Article 69). At the same time, the state of Vietnam officially undertakes to respect and exercise the freedom of association and assembly by acceding to the International Covenant on Civil and Political Rights. In other words, "all Vietnamese citizens have right to freedom of speech, right to freedom of press, right to communicate, right to assemble peacefully, right to form associations according to legal regulations" (cited in Nguyen Ngoc Lam, 2007: 1). This means that in principle, CSOs in Vietnam can operate in a good, enabling environment. Reinforcing this perception are several laws and decrees before and especially since the 1990s that sound very supportive of citizen organizations (Hoang Ngoc Giao, 2007: 2, also 4-6).

Difficulties arise from the phrases "under the law" and "according to legal regulations", which are used widely in Vietnamese legal documents. These vague statements enable the government to impose conditions and restrictions on the creation and operation of CSOs. Assessments of the environment in which CSOs operate by scholars like Hoang Ngoc Giao are quite different from the views of senior government officials. The former claim that the legal environment has to restrict government intervention into "constitutional rights" (basic human rights) of citizens and declare "unconstitutional" and invalid all regulations that hinder or narrow those rights. Government officials frequently see things differently. Consequently, the existing political and legal environment is restrictive and even intimidating to many Vietnamese.

Yet recent rules and regulations regarding the establishment and operation of non-profit organizations have made things easier. One analyst goes so far as to conclude that CSOs are "not subject to excessive intervention by government agencies" (Nguyen Manh Cuong, 2006: 13). A legal framework for CSOs is emerging in Vietnam (Norlund, 2007: 9, lists main laws and decrees; also see Hoang Ngoc Giao, 2007: 2). Indicative of the government and Communist Party becoming serious about civil society and non-government organizations (NGOs) was a project in the mid-1990s, with assistance from the German Government, to study and learn about these matters. This contributed to the emergence in the early 2000s of the Ministry of Home Affairs (Bộ Nội Vụ). Within this ministry is the Department for NGOs (Vụ Tổ Chức Phi Chính Phủ), which has been a driving force for appropriate legislation (Hannah, 2007: 161). The head of this department, Nguyen Ngoc Lam, gives favorable assessments of progress based on statistics and some opinion poll results (2007).

Another "take" on the political and legal climate in Vietnam complements the recent trends favorable to civic organizations. It argues that the absence of a "significant political challenge" to the government and the presence of "very wide national consensus on the governance system"

creates a "safer environment for policy debate and more freedom of manoeuvre than within competitive political environments" (SGT & Associates, 2000: 15).

Nevertheless, even the government's Department for NGOs acknowledges that the process for an organization to become registered is very complicated and often vague (NGO Law Department, 2006). Moreover, laws and decrees have numerous gaps and overlaps. This situation gives considerable scope for officials to deny recognition (Bui Thi Thanh Hang, 2006; also see CIVICUS et al., 2006: 68, 78). It also gives rise to a regime of "permits" and "panhandling." Most grassroots, community-based organizations are in limbo; they have no legal foundation for establishment or existence (Lauridsen, 2007:2). Legal restrictions also prevent civic organizations from doing much monitoring or independent evaluation of development policies. For instance, the government does not invite such organizations to discuss strategic development issues. Nor, says the otherwise upbeat analyst cited earlier, are CSOs allowed to discuss publicly such issues as democratization and multi-party political systems (Nguyen Manh Cuong, 2006: 15).

Terminology: *What is civil society? How do the CSOs describe themselves and how do government and party agencies describe them? What terminologies and characterizations do they use?*
According to many analysts, civil society is "the arena outside of the family, the state, and the market where people associate to advance common interests" (see, for instance, Norlund, 2007: 7, with a diagram, p. 8, to reflect fuzzy boundaries among these four). This definition includes not just organizations in that arena but also informal groups and coalitions (Norlund, 2007: 8). Features common to such organizations are voluntarism, self-governance, non-profit and financial independence (Hoang Ngoc Giao, 2007: 10).

Rather than emphasizing structures or spaces when trying to conceptualize civil society, Joseph Hannah (drawing on other scholars' research as well as his own) emphasizes processes, actions and activities. Somewhat similarly, Adam Fforde and Doug Porter (1995: 5) emphasize "zones of contest" regarding governance; such zones can occur in various geographical settings and institutions, including government ones. Seen in this way, civil society has to do with actions and activities that "embody and promote civil society interests," or, perhaps better put, embody and promote various citizens' interests (Hannah, 2007: 92, also see 90). Those actions can cover a wide spectrum of activities vis-à-vis the state. At one end is helping to implement state policies; at the other end is public resistance to the regime through civil disobedience and mass demonstrations. In between these two are many other activities, such as advocating policy changes, pressing for proper implementation of policies, exposing corruption and other misbehavior of officials and agencies, opposing policies and being stridently critical of the state and regime (see diagram in Hannah, 2007: 93).

Ways of conceptualizing civil society affects how one looks for its activities and hence research. For Hannah, research methods need to shift from looking for a sector of autonomous organizations in a society, to looking at who within a society/state constellation is undertaking which civil society activities and who is accomplishing which civil society objectives. In addition, one could also argue that such a change in methodology would necessitate that the social actors themselves define which state-society relationships and activities are important, rather than have such normative categories imposed on them by (us) outside researchers (2007: 94, 204).

Thaveeporn Vasavakul (2003: 53) makes a similar point when she suggests that emphasizing structural affiliations between an organization and the state may prevent us from appreciating the political significance of an organization. Regardless of their 'official' status and affiliations, popular organizations' ability to represent particular interest and to provide alternative policy options to

those advocated by the party-state may be among the most crucial signs that show the changing nature of the political system.

Seeing civil society as activities raises the question, what kinds of activities are civil society ones? Hannah's response, and that of some other analysts such as Joerg Wischermann, whom Hannah cites, is that "what constitutes civil society practice must be defined by the members of the societies that we study, rather than by us as researchers" (2007: 95). David Marr (1994: 13-14) suggests that civil society activities are those that seek to expand the public sphere, which is between the private and the government. That effort can include infiltrating government agencies and pressing for state, public, and private objectives, even simultaneously. Some analysts would add a proviso that civil society activities, wherever they may occur and whoever defines them, must be civil, thus excluding intimidating, bullying, and violent actions (Kerkvliet, 2003: 15).

The gap between those conceiving civil society as arenas outside of the state and those seeing it as types of activity, whether inside or outside the state, is breachable. According to Irene Norlund (2007: 17), most Vietnamese organizations are not greatly concerned about boundary matters. Moreover, even the MOs, which are supposedly not autonomous from the state, are no longer financially or otherwise dependent on the state – they have other sources of support. Also, the MOs' independence varies from one to another and at different administrative levels and geographical areas. This observation fits with those of others like Russell Heng (2004), Fforde and Porter (1995), Wischermann (2005), and Hannah, which state that boundaries between "state" and "society" are not terribly important and are in any case very hard to determine when trying to look at state-society relations. It is better to look at what happens rather than distinguishing events as either state- or society-based (see discussion in Hannah, 2007: 179-82).

The term "civil society" (xã hội dân sự , sometimes rendered xã hội công dân) is not yet widely used among Vietnamese, even among intellectuals (Hannah, 2007: 99; much of his chapter 4 elaborates by highlighting aspects of the small number of Vietnamese writings – mostly in English – on the subject). But a recent publication surveying the concept's origins, its use among foreign scholars and activists, and its relevance to Vietnam may herald widening recognition for the word (Vũ Duy Phú, et al., 2008). The term also now appears from time to time in newspaper articles. For most Vietnamese who talk about civil society, it often includes MOs, Vietnamese NGOs (VNGOs), professional organizations, community organizations, funds, charities, and "supporting centers" (Norlund, 2007: 10). But for some Vietnamese writers, civil society includes far more than organizations and organized activities. As one wrote, "...it includes everything that exists in the area of customs, outside (ngoại) activities below the world of the mandarin and the mainstream...." (Lu Phuong, 1994: 5).

Official use of "civil society" is rare. Government and Communist Party documents define "association" as "a permanent organization of two or many people promising to jointly act for achieving common purposes and not-for-profit" (Decree No. 52, cited in Nguyen Ngoc Lam, 2007: 2, cited in). An association is supposed to be voluntary, operate "on a regular and continuous basis," not be a governmental organization, and be recognized by the law (Nguyen Ngoc Lam, 2007: 2). The official definition of NGOs (tổ chức phi chính phủ) includes associations, worker and professional unions and societies, funds, science and technology organizations, "social support/patronage organizations," and legal counseling organizations (Norlund, 2007: 10).

Civil society organization is a general term some analysts use to refer to associations, NGOs, and other groups with shared interests and activities. One recent study clustered them into four broad categories: mass organizations, professional associations and umbrella organizations, VNGOs, and

community-based organizations (Norlund, 2007: 11; also see annex 5 for a list). International NGOs (INGOs), by this reckoning, are not included, but rather are facilitators and supporters of both CSOs and government (Norlund, 2007: 11). A related study breaks the clusters down further into MOs, umbrella organizations, professional associations and VNGOs in science and technology, other VNGOs, informal groups, faith-based organizations, and INGOs (CIVICUS, et al., 2006: 38-39). Some analysts, however, because they want to avoid boundary issues between society and the state, prefer not to use the term "civil society organization." Wischermann, Bui The Cuong, and Nguyen Quang Vinh use "civic organizations" (COs), which they cluster into MOs, professional associations, businessmen and women associations, and issue-oriented organizations (Wischermann and Vinh, 2003: 186; Bui The Cuong, 2006: 122). Another term is "popular organizations" (POs), which Thaveeporn Vasavakul categorizes into MOs, popular associations, non-state research institutes and centers, political-social professional organizations, and NGOs (2003: 26-28). Whether called COs or POs, the clusters of organizations, as these studies indicate, are quite similar. The term CSO may include a broader range. Perhaps broader still is the term "people's organizations" (tổ chức nhân dân), which is often used in government circles for groups other than "mass organizations."

Whatever the terminology, organizations are widespread and diverse in Vietnam - over 300 operate nation-wide, over 2,000 are at provincial levels, and tens of thousands exist at lower levels (Hoang Ngoc Giao, 2007: 3; also see Norlund, 2007: 14). A study based on a large survey created a long list of groups and organizations to which about a quarter of Vietnam's population are reportedly members and usually active in. This list includes organizations involved with political matters (the largest membership), women's affairs, social welfare, local community activities, sports and recreation, education, the arts, music, youth affairs, health, professions' affairs, unions, religion, peace activities, conservation and environment, and development and human rights matters (the lowest membership) (Dalton and Nhu-Ngoc, 2004: 3-4).

Roles: *What roles do different stakeholders expect CSOs to play?*
Government and party agencies expect associations to attract people from all walks of life, be driving forces for the country's development, be transmission belts and interfaces between citizens and the state, disseminate government policies, discover shortcomings of and propose adjustments to government policies and their implementation, channel people's voices, "promote the dynamism and enthusiasm of each citizen in contributing to the settlement of social matters," contribute to the market economy, encourage members to participate in the social establishment and economic development for "carrying out the Communist Party's guidelines in setting up a Socialist State which is ruled by law, of people, for people and by people" (Nguyen Ngoc Lam, 2007: 2-5).
This suggests that the party and government regard CSOs as their assistants, a view that does not sit easily along the views of Hoang Ngoc Giao (2005: 7), a scholar who believes relationships between the state and people, including associations, should be a "relationship between two entities equally before the law."

A large role for CSOs in the eyes of state leaders, suggests one study, is to perform social services that the government and party are not able to fully carry out (CIVICUS et al., 2006: 85). The government has clearly stated its strategy aims "to encourage and support organisations which are non-profit and working for the people's needs and benefits; facilitate organisations carrying out a number of public services under communities' oversight such as environmental sanitation, maintenance of local order and security" (Vietnam Communist Party, 2003: 217).

Official justifications for and elaboration of the "Grassroots Democracy Decree" (1998) outline considerable scope at local (sub-national) levels for people to be involved in governmental affairs.

Such involvement can include not only people acting individually, but also citizens acting in groups and organizations. The scope includes people participating in planning and decisions about community services and projects, having a say in budget making, and conveying complaints and criticisms about government programs and authorities' actions and misbehavior (UNDP, 2006: 11-22).

A survey of more than 700 civic organizations in Ho Chi Minh City and Hanoi finds considerable consistency about roles they see for themselves: "coordinator" of activities among people with similar interests and concerns (the role most organizations identify), "implementer" of activities relevant to the group, "intermediary" (meaning a "reflector of society concerns to political institutions"), and "networker" with other organizations and actors (a role few organizations see for themselves) (Wischermann and Vinh, 2003: 203). Many associations see themselves mainly as providers of services in science, technology, health, culture, etc. (Hoang Ngoc Giao, 2007: 3).

As these findings suggest, only some organizations see their roles as involving engagement with state agencies and authorities. Many, maybe most, organizations have other reasons to exist. Groups form to help each other, provide charity, and engage in activities regarding shared interests in sports, music, religion, art, education, and other matters. These are part of civil society but have little or no need to interact with government (Hoang Ngoc Giao, 2007: 12; Kerkvliet, 2003: 11-13).

Sometimes "a-political" groups may end up being advocates on policy-making or policy implementation matters, hence engaging state agencies. An example is the Association for Vietnamese Folklorists, which primarily collects, researches, and teaches traditional cultural, literary and artistic expressions and values. In doing these activities, it has from time to time been an advocate to get official recognition for practices that state authorities previously deemed inappropriate (Vasavakul, 2003: 40-42; also see 46-50 for another example involving the Centre for Rural Communities Research and Development). The Progress of Disabled People organization in Hoi An started out as a self-help group but has from time to time been an advocate, with some positive results, for disabled people at local and higher government and party levels (Vasiljev, 2003).

What Joerg Wischermann labels as "issue-oriented" organizations are likely to see engagement with state authorities as one of their roles, although not necessarily their main one. They numbered 322 in the sample of 700 that he and his colleagues studied (Wischermann, 2003: 870-72). Some overlap with the "professional organizations" that he and others have identified. Some issue-oriented groups see themselves primarily as community, service, charity, or research-oriented, although their activities often involve interacting with various levels of the government and Communist Party. Some may fall under the official classification of "political-social-professional organizations" (tổ chức chính trị, xã hội và nghề nghiệp), a category the government has recognized, and even gives favorable status to now (Vasavakul, 2003: 27).

The varied expectations INGOs have for CSOs includes their interacting with, influencing, and monitoring authorities and holding officials accountable. Also stressed, at least in some INGO circles, is educating people, informing them of their rights, and helping to empower them so that citizens, individually and in organizations, will become more alert to, interested in, and demanding of government officials and agencies (UNDP, 2006: 36-37). And some Vietnamese organizations have among their central objectives the education of people about their legal rights and how to cooperate among themselves to advance those rights (UNDP, 2006: 36-37). Some academic circles emphasize citizens' constitutional and basic human rights (Hoang Ngoc Giao, 2005) and, as a corollary, suggest that an important role of CSOs is to see that people know and exercise their rights

and fight against attempts to narrow or curb them.

Engagement: *How do organizations within civil society engage the government and party, and how do the government and party engage such organizations? What is the impact of CSOs?*
A general point to bear in mind comes from Cao Huy Thuần's discussion of how quickly ideas, and ideals, about civil society, NGOs, and the like have become so favored among international foundations and INGOs, not just in Vietnam but world-wide. Cao Huy Thuần, a Vietnamese-French intellectual, says that going overboard on the importance of civil society and NGOs risks diminishing the importance of the state, even turning the state into something useless, if not the enemy, and making civil society, NGOs, and "tự do" (freedom) among the most desirable features of political development. Such tendencies ignore or downplay the complementarity of state and civil society (Cao Huy Thuần, 2004: 3, 9). Engagement is part of that complementarity, and engagement is a process that involves not necessarily, and certainly not only, antagonism between CSOs and state agencies, but also learning from and working with each other.

Vietnam's national leadership realizes that the new political economy is spawning new needs and interests in society. Leaders want to deal with these changes rather than ignore them. One way they have done so is to try to channel citizens' views and demands. This is a "corporatist" approach. Corporatism is "a pattern of organizing interests and influences in which the state gives favored status to certain interest groups" (Stromseth, 1998: 3; also see Jeong, 1997). Such groups are closely associated with the state. As part of this, the purposes of Vietnam's "mass organizations" have been changing, under state direction, from being primarily mobilizing agents to execute government programs and policies, to being articulators of people's concerns and demands and feeding those concerns into the policy-making process (Stromseth, 1998: 4). The state is assigning constituencies to assume a stronger advocacy role (Stromseth, 1998: 7).

This helps to explain the frequent tendency of authorities to be more willing to engage MOs than other types of CSOs and, in addition to their large memberships, why mass organizations have reportedly had more impact on policies, channeling people's concerns, and holding officials accountable than other types of CSOs (CIVICUS, et al., 2006: 111). Among these MOs are the Chamber of Commerce and Industry (Phòng Thương Mại Công Nghiệp Việt Nam) and the General Confederation of Labor (Tổng Liên Đoàn Lao Động), which Stromseth studies, and the Women's Union (Hội Phụ Nữ), Farmers' Association (Hội Nông Dân), and Youth Federation (Hội Liên Hiệp Thanh Niên).

Stromseth expected the national leadership to continue trying to control societal interests as they emerge and organize them in manner compatible with the state (1998: 236-27). But this approach has been debated and probably challenged within national leadership circles. Since the early 2000s, the corporatist view has lost some ground to those authorities pressing for more openness that permits citizens to organize more independently. This shift is reflected in new laws and regulations, referred to in the political environment section above, that allow a wider variety of organizations and associations to form. At the same time, the debate continues about how state interests and societal ones should be expressed and accommodated. This important ongoing discussion in top leadership circles helps to account for contradictions and vagueness in regulations and laws and unevenness in implementation.

Meanwhile, some MOs themselves have been changing, becoming more financially and politically distant from the state and forming working relationships with other types of association (CIVICUS, 2006: 65). For example, the Women's Union, Youth Federation, and Farmer's Association have worked with various professional associations to improve rural people's incomes and reduce

poverty (CARE International: 39). The Women's Union has developed a network across the country that includes other types of women's groups (CARE International: 39). Indeed, one way new organizations begin to engage state authorities is through MOs.

A general picture that emerges from most studies touching on CSO-state engagement is that the impact is modest at the national level – especially regarding policy-making, channeling citizens' views, and holding authorities accountable – and somewhat more substantial at sub-national levels, not so much on policy but on conveying local residents concerns, providing services, and monitoring authorities' behavior. And to the extent national-level engagements influence policy outcomes, the CSOs involved are usually MOs, not other types.

Absent from this general picture, however, are several instances of fruitful engagement between CSOs and state agencies. VUSTA submits policy recommendations to the Communist Party, the National Assembly, and government that are against proposed policies. Recently, for example, it proposed to the National Assembly the postponement of new legislation regarding education that the Ministry of Education had prepared (Nguyen Manh Cuong, 2006: 13). One study says a wide range of CSOs – MOs, NGOs, and community groups – were involved in debates about the nature and causes of poverty and helped government to choose policies feeding into poverty reduction programs. The study credits the government for initiating such participation (SGT & Associates, 2000: 12-14). Other studies, too, mention that various civic organizations contributed to poverty reduction programs of government (Đặng Ngọc Dinh, 2007: 74, 90-91; CIVICUS et al., 2006: 119). Passages in some studies indicate that a similarly broad range of organizations contributed to the process of making the recent new, but yet to be finalized Law on Associations.

"Lobbying" for services, policy changes, policy implementation, etc., is reportedly not common nor a well-known concept in Vietnam (Norlund, 2007: 19). Whether referred to by that term or not, lobbying policy-makers does happen. Wischermann and Vinh (2003: 193) suggest that civic organizations in Hanoi are interested in pushing for policy changes, more so than their counterparts in Ho Chi Minh City. One prominent example of lobbying is the work of the Chamber of Commerce and Industry (Phòng Thương Mại và Công Nghiệp Việt Nam), which has actively tried to represent business interests and has successfully influenced policies and laws regarding enterprises, corporations, and domestic investment (Stromseth, 2003: 72-90). A second example involves Toward Ethnic Women (TEW), a VNGO with an office in Hanoi but whose activities are in midland and upland communities. In the course of working with villagers on land and livelihood issues, it began to lobby on behalf of those communities and help them meet with provincial and national officials and present their problems (Gray, 2003: 116-22). Another example is the work of the Children and Youth Services (CYC), based in Ho Chi Minh City. One of the main concerns of this group is helping homeless children. In the course of doing this work, CYC became involved in child-trafficking problems, which led to the group successfully lobbying the Vietnamese Government to make an agreement with Cambodia that helps to repatriate Vietnamese youngsters who had been forcibly taken across the border (Hannah, 2007: 195).

It is worth pointing out that some significant national policy changes in Vietnam have occurred in part because of citizens' unorganized activities and pressures. Two examples have been rather well-documented. One is the decollectivization of agriculture, a huge political-economic policy change. Although unorganized and non-confrontational, farmers' actions in many parts of the country, especially in the north, that were out of sync with collective farming during the 1970s and early 1980s greatly influenced authorities' decisions in the mid- and late-1980s to redistribute land to households and allow family farming (Kerkvliet, 2005). A second example is urban housing policy, which until the late 1980s/early 1990s tried to prevent private ownership and use of houses and

apartments. The widening gap between the policy and what residents were actually doing that did not conform to the regulations contributed significantly to new laws that accommodated private ownership of residential property (Koh, 2006). The point of these examples is that evidence of citizens' impact on authorities and how citizens and authorities interact – and assessments of how responsive the political system is to people's concerns – should not be restricted to engagements between CSOs and the state.

Forms and consequences of interaction between citizens' groups and officials at sub-national levels varies widely. In some locales, organizations have little influence on authorities. In others, they are significant actors with government agencies. User groups in different parts of Vietnam have been involved in managing local water resources and providing public water services for household consumption and irrigation (Bach Tan Sinh, 2002). Several citizen-based organizations provide public services, development works and assist local communities in the management of natural resources in a more sustainable manner (Care International).

Much depends, says one study, on how open local officials are to meeting with and hearing from the public about services, grievances, and needs (UNDP, 2006: 37). Findings from another study suggests that much also depends on residents being persistent and resilient in trying to get the attention not only of authorities. Looking at a half-dozen communities with serious environmental problems, Dara O'Rourke (2004) found that people in some cases managed to exercise enough pressure to get the attention of not only local officials but national ones. Through petitions, letters, meetings, and other forms of engagement with authorities, communities that were reasonably cohesive did influence officials to implement at least some regulations regarding water pollution and other local environmental transgressions. Besides the leverage that concerned citizens developed with key local officials, success also depended on relations between local authorities and national agencies and the responsiveness of those higher levels. The Ministry of Science, Technology, and Environment was more willing to work through the problems than was the Ministry of Industry.

Perhaps the manner in which CSOs engage state agencies also greatly affects how receptive authorities will be, and thus how likely serious dialog and interaction can occur. CSOs that approach authorities as partners, even as being partly in state agencies, have been successful on behalf of citizens whose interests they try to advance. Hannah provides three examples in Ho Chi Minh City. One is Advocates for Women's Labor and Health (AWLH). Its main objective is to help female workers in garment factories. Approaching authorities in companies and government agencies as partners in finding solutions to workers' complaints and problems, AWLH has been able to quietly negotiate improved working conditions for many employees (Hannah, 2007: 184-87). Another example is the work of the Third World Alliance Collaborative-Vietnam (TWAC-Vietnam) with private garbage collectors. The workers had conflicts with residents, the state garbage company, and police. To resolve problems, the TWAC-Vietnam helped the workers to form a syndicate within the official Vietnam General Confederation of Labor and mediated discussions between them and relevant government agencies, bringing together two parties that previously had been at odds and getting improvements for both (Hannah, 2007: 188-90). The organization Children and Youth Services (CYS), while operating within sight of and oversight from the government, influences government agencies in ways that benefit the organization's advocacy for homeless youngsters (2007: 190-202).

Besides engaging authorities directly, some CSOs have taken an indirect approach. They work with and help to organize local people around issues and problems of common concern, expecting then the citizens to interact with state agencies. Another indirect method is the legal aid work that

LERES provide citizens with and booklets and other information about citizens' rights that other CSOs publish and distribute (UNDP, 2006: 36, 37).

Problems: *What problems do the organizations and the government/party encounter as they interact with or deal with each other?*
All of the ways in which organizations discussed in the literature surveyed here that engage state agencies can be placed along part of the spectrum of civil society-state interactions that Hannah outlines (2007: 209; also see chapter 3). Those parts are helping to implement state policies (e.g., providing welfare and social services), being advocates for constituents and for policy implementation, and lobbying. But there are three other large areas of the spectrum for which the surveyed literature has hardly any examples: being a watchdog over authorities, being opponents of the government (e.g., publishing newspapers and books and forming organizations that are sharply critical of the political system), and publicly resisting the state. Insufficient research is one reason for this near vacuum. But a greater reason is that the present political regime forbids most activities in those areas. Hence for some CSOs and INGOs, as well as for some officials, a large problem is that the range of interaction between citizens and state authorities is too restricted.

A survey of issue-oriented organizations operating in the permissible range of engagement with the state found that most have positive or at worst neutral relations with government agencies (Wischermann and Vinh, 2003: 200). But in the two cities where the survey was done, the figures are noticeably different. In Ho Chi Minh City, 60 percent of those surveyed organizations report that they easily work with government organizations; in Hanoi the comparable figure is 37 percent (Wischermann, 2003: 879). In analyzing the different experiences of organizations in the two cities, Wischermann comes up with some explanations. In both cities, many problems in relationships between the civic organizations and government authorities are traceable to authorities' attitudes. Officials often do not understand the purpose and rationale for non-state organizations being involved in matters they see as governmental affairs. This attitude tends to be especially pronounced or widespread in Hanoi, which helps to account for more organizations there perceiving troubled relationships with officials. Closely related, Hanoi authorities, according to the surveyed organizations, are "biased" to MOs and against private ones. Features of organizations also appear to affect the extent to which they have problems interacting with state authorities. Organizations in Ho Chi Minh City with domestic sources of funding and medium political profiles are more likely to have problems with authorities. In Hanoi, the features are different. Organizations there that have funding from foreign partners and have medium or high political profiles are more likely to have troubled relationships with officialdom than others (Wischermann, 2003: 883-86). That this correlation does not apply to all civic organizations is suggested by the experience of TEW, which is Hanoi-based. It has foreign funding and works on politically sensitive matters regarding ethnic minorities, yet has been able to get the attention of local and national authorities (see Gray, 2003).

Like associations and organizations in many countries, those in Vietnam often have financial problems, lack of trained staff, serious internal factions and tensions, debilitating debates, and the like. Such problems inhibit organizations from increasing in size and rigorously pursuing their objectives. These difficulties also often adversely affect networking among organizations with similar interests, activities, and memberships. They may also deter organizations from taking on activities the involve engaging state agencies (Wischermann and Vinh, 2003: 192, 211-12; Norlund, 2007: 14, 16).

Another set of problems, noted in the Environment section earlier, is the unclear legal status of some organizations and complicated procedures for organizations to become registered.

Studies of citizen participation in local governance point to additional problems. While some communes have considerable participation, many have little or no citizen input for government projects, budgets, etc. In those with residents' involvement, the quality of participation is uneven. Power relations and dynamics mean some citizens have much more influence than others, women are often marginalized, and citizen monitoring is weak. One study concludes that there has been "little response in some government sectors [at many levels] to rising participation." Among the explanations is that communes "are still dependent on districts and provinces for resources. Some aspects of social services are highly centralized.... The legislative branch remains fundamentally weaker than the executive and has little contact with constituents. As of yet there is no clear accountability of local officials to the people, as confidence votes and elections are still essentially formalities (UNDP, 2006: 34; also see 11-21, 35).

Solutions: *What solutions do CSOs and state authorities devise when trying to overcome problems?* The state in Vietnam has taken deliberate steps to make conditions better for organizations to form and be active. Among the evidence are the new laws, the creation of Department of NGOs, and other measures noted earlier. Pressure from INGOs and elsewhere, including from within Vietnamese society, has also been helpful (Hannah, 2007: 250-51). These and other factors have widened the range of acceptable CSO-state engagement compared to, say, a decade ago.

Also important is that many state authorities have changed their perceptions and attitudes about the role of society in governance. Many local authorities have increasingly accepted, even encouraged public participation in governmental affairs (CIVICUS et al., 2006: 87). Until recently, official attitudes toward Vietnamese NGOs being involved in reasonably high-level discussions about civil society matters was rather negative. The government did not welcome, and even forbid VNGOs attending informal meetings of the Civil Society Working Group, which UNDP initiated in the early 2000s, at which government officials, Communist Party representatives, and INGOs discuss various matters regarding development and civil society (Hannah, 2007: 168-71). An indication that this attitude may be softening is that now some VNGOs have joined the bi-annual Consultative Group meetings. The change came about at least in part because of INGO requests to authorities (CIVICUS et al., 2006: 81).

This example also suggests that frictions between INGOs and state agencies have lessened. The explanations have to do with authorities over time seeing the financial and developmental benefit of INGO activities and the INGO community gaining a better understanding of how the political system in Vietnam works and how to work effectively with authorities. Put simply, relations have improved considerably through the two sides working together (CIVICUS, 2006: 79)

Thus, one important aspect of solutions is continued dialogue about problems and about widening the scope and quality of engagement.

To reduce the difficulties of becoming registered and having legal status, many CSOs affiliate with an existing organization (CIVICUS et al., 2006: 78). For instance, in Hanoi most VNGOs are registered through VUSTA. In Ho Chi Minh City, most VNGOs are under the Psychology Association (Hannah, 2007: 142-44). Organizations under these "umbrellas" are not necessarily of equal or similar standing and various complications frequently arise, but the arrangements are partial solutions to the problem (Hannah, 2007: 145-48). Organizations with no registration or affiliation, work in "grey" areas and "under the radar" until they can get documentation. Others have informal "check-in" arrangement with local authorities (Hannah, 2007: 148-49). Another route some take is to register as a for-profit organization even though their work is not-for-profit (Hannah, 2007: 149-52).

Often CSOs can overcome problems through gradual but persistent efforts to engage with authorities, working deliberately but calmly to see what is possible. Then when they encounter obstacles, they seek advice and use personal and professional contacts and networks to find solutions. Mobilizing constituents and working with other groups that have similar objectives has also been effective (see the discussion in Stromseth, 2003 of how the Chamber of Commerce and Industry maneuvered). One study claims that "fairly good connections between VNGOs and government/Party agencies" help them to overcome bureaucratic obstacles (CIVICUS, et al., 2006: 81). Over time, such informal arrangements can enlarge the space for organizations' activities and possibly those of others. Ad hoc solutions can also feed into authorities' internal discussions and new policies. Indeed, the reality of new organizations arising that did not fit existing rules and regulations contributed to the government changing and widening the legal framework.

Annex 3: Report Methodology

1. Background

The socio-economic context of Vietnam has changed rapidly in the past 20 years. Key factors include the introduction of the đổi mới policy, administrative reform, democratization and decentralization processes, and more recently WTO accession and integration with the global community. As a part of these processes the Communist Party and the government of Vietnam have been promoting consultation, dialogue, and other forms of engagement with a range of CSOs. Such organizations include, for example, various types of associations, NGOs, and mass-organizations. Meanwhile, the international community is seeking to build partnerships with civil society in Vietnam.

During the past five years, numerous laws, regulations, policies, and programs designed to support the operation and development of CSOs have widened the space for them. During this time the number of CSOs has been growing and diversifying while also expanding to include various kinds of non-membership based organisations such as "Vietnamese NGOs," funds and foundations, research and policy advocacy institutions, and community-based associations.

While there have been changes in the legal and policy framework related to CSOs, the level of implementation is challenged by differing perceptions and interpretations of the type and role of CSOs among policy and implementing agencies. To many government and Communist party officials, only MOs are the major CSO actors. Many officials see civil society in a way that excludes such actors as labour unions, academia, and the media. Moreover, government agencies and other actors sometimes wonder whether CSOs are able to engage in the more elaborate roles. Meanwhile, the role and funding of MOs is receiving increasing attention in the media and new forms of CSOs are registering. Among them are professional associations and specialized research organizations. An example is the Development and Policies Research Center (Depocen), created in 2005 as a for profit enterprise registered under Company Act. Another is the Institute of Development Studies (IDS), which is registered under the Law on Science and Technology. The expansion of CBOs and networks also indicates changes in the CSO sector.

Several studies on civil society and CSOs exist. A key recent study describes the strengths and weaknesses of civil society along four dimensions, using a global methodology designed to facilitate international comparison (CIVICUS, et al., 2006). It makes a few targeted recommendations to address the identified weaknesses. Of these the biggest weaknesses of civil society in Vietnam were its modest impact on public policy issues (such as human rights, social policy and national budgeting) and on holding the state and private sector accountable. The study found that civil society has had the most impact on citizen empowerment, through informing and educating citizens, empowering women, and supporting people's livelihoods. The second key recent study describes the institutional structures and mechanisms for citizens' voices to be heard in making and implementing policy (UNDP, 2006). It proposes a long list of recommendations and reforms to facilitate and improve the quality of citizen engagement. These need to be prioritized, and circumstances have changed since the report was published – new decrees and regulations have been introduced, and some of the report's recommendations have already been taken up and implemented by government. However, neither study deals with a broader definition of civil society and civil society organizations, the lessons to be learned from the associated institutional opportunities and constraints, strengths and weaknesses governing representation and accountability in the sector, or the driving forces for a stronger and more independent civil society sector.

Even within these and other studies, space exists for a more elaborate and nuanced analysis of how different types of organizations within civil society currently engage with the state and other stakeholders in service delivery, policy and law-making processes, monitoring, and channeling citizens' views. The entry points and opportunities for professional associations to influence policy and its implementation are likely to be different from that of NGOs engaging in the provision of social services, for example.

To be able to address the issues related to implementation of the growing policy and legal framework, as well as the actual engagement of CSOs with the state, further study is needed.

2. Objectives

The overall objective of this project is to provide recommendations about civil society organizations' engagements with the state and vice-versa. Hence, the main question for this project is how can engagement between CSOs and the state be strengthened? "State" here includes the Vietnamese Government and Communist Party.

The recommendations are aimed at helping both state authorities and CSOs to better understand and appreciate the quality and nature of their relationships and to see ways to enhance their interactions. The recommendations also target international actors by identifying practical entry points for engagement in strengthening CSOs in Vietnam.

In order to make recommendations, the project has a secondary objective: to learn from state authorities and civil society organizations about current interactions and relationships between them and what they envision for improvement. The recommendations, in other words, are based on evidence that are as concrete and detailed as possible regarding recent and current interactions between CSOs and the state and suggestions from sources about future interactions.

3. Scope

The project focuses on engagement between CSOs and state agencies, officials, and processes. Engagement here refers to making public policies and laws, monitoring officials and agencies, holding officials accountable to their constituents, channeling citizens voices, and delivering services.

Other aspects of CSOs, although also important, are beyond the scope – and the available resources – of this project. Excluded are many CSO activities that do not involve engaging state agencies, authorities, and process. This means that the study is not looking at CSOs' relationships with other entities. Also excluded are such aspects of CSOs as their internal organizations, funding, and the views of their intended constituents unless these matters are directly pertinent.

The range of CSOs potentially included in this study is wide. Although some analysts have deemed "mass organizations" – e.g., Tổng Liên Đoàn Lao Động (General Confederation of Labor), Hội Phụ Nữ (Women's Union), and Hội Nông Dân (Farmers' Association) – not part of civil society, this project includes them, as indicated in the "Background" section above, as possible case studies and when gathering evidence from key informants and other sources. Also included are organizations that are not registered, such as reportedly thousands of community and ad-hoc associations, some of which form to press officials to enforce environmental regulations, demonstrate against corrupt local officials, and rally in front of government and party offices to demand the return of land improperly taken from them. The point is to include organizations and groups in civil society that are engaging the state, not to pick them on the basis of how close or distant their linkages are to the state.

At the same time, given available resources, especially time, the project cannot be all inclusive. Excluded from the study are INGOs. They figure in the study, however, if research finds evidence of their significance for understanding interactions between Vietnamese CSOs and the state. Also excluded are organizations that the state regards as illegal.

Levels of the state with which CSOs are engaged depend to a considerable extent on case studies and the knowledge and experiences of key informants. The research certainly seeks evidence of engagement at different levels of Vietnam's administrative structure.

The time period being examined is the present and the recent past. But the project's scope also includes eliciting ideas and suggestions from CSOs, state agencies, and other informed sources about the future – what direction are relations and interactions between CSOs and government and party agencies heading and should be heading.

4. Approach

The study is driven by evidence on the ground and the approach combines a literature review, studying specific cases of CSO-state engagement, learning from key informants, and a media review.

The literature review summarizes the findings of previous research on topics pertinent to the project's objectives. The topics are the political and legal environment in which CSOs operate; how organizations within civil society engage with state agencies and vice-versa; problems that organizations and state actors encounter as they interact with each other; solutions they devise when trying to overcome such problems; CSOs' descriptions of themselves and how state agencies describe them; and the roles different stakeholders expect CSOs to play. The review also points to possible case studies for the project to pursue.

The case studies are of two types, the first of which is issue-based. The project identifies a few issues regarding law-making, policy-making, policy implementation, monitoring officials and agencies, etc. to see how, to what extent, and in what way CSOs have been relevant to the processes and outcomes or, if they were not involved or had little impact, why not. The second type of case study review looks at particular organizations to learn from their experiences in trying to be relevant to government and party decision-making processes, to monitor officials and agencies, to channel citizens' concerns about public affairs, etc. Both types of cases require some prior knowledge, some "initial research" or good "hunches" about CSOs' activities.

The key informants are individuals who have a strong interest in, concerns about, and considerable experience with CSO-state interactions and relations. They may or may not have been involved in the cases the project is emphasizing. One purpose of the key informants was to add to what can be gleaned from previous studies about the characteristics and quality of CSO-state engagement. Other purposes were to learn specific instances and experiences regarding such engagement and get leads on examples the researchers should pursue.

The media review focussed on discussions during recent years in Vietnamese media about civil society and the role of organizations and associations in policy- and law-making, monitoring officials and agencies' behavior, providing social services, and channeling citizens' views and concerns to authorities.

5. Methodology

The project draws on pertinent secondary literature about Vietnam and new empirical research,

learning from interviewees, documents, news accounts, and other written materials.

The Research Team synthesized secondary literature prior to embarking on the empirical research. Before commencing the data collection, the Research Team, Working Group and Advisory Group and key stakeholders developed criteria for selecting case studies and key informants. Using those criteria, they also identified possible cases and informants. Thus when the research began, the Research Team had a list of potential cases and key informants. As the research progressed, that list was open for modification. For instance, early interviews with key informants suggested cases that were especially relevant. Research identified cases or key informants who should definitely be included, which in turn meant jettisoning some of those on the initial list.

The Research Team, with input from the Working Group and Advisory Group, used five criteria for selecting cases:

1. All of the cases should show CSO-state engagement over time (some years), not just one-off or episodic interactions, so as to understand the process and evolution of interactions.

2. The cases should include a mixture of "successful" and "not so successful" examples of CSO-state engagement. "Successful" means advancing development and/or achieving stakeholders' targets.

3. The cases should be spread as much as possible across the several types of engagement noted in the Background section above – delivering services, making policies and laws, monitoring officials and agencies, holding authorities accountable, and channeling citizens' views.

4. The cases should cover a range of organizations as much as possible, – e.g., mass organizations, professional associations, research institutes, and community-based groups. They should not be all or mainly from one type of CSO.

5. The cases should not all comprise national-level engagement between CSOs and state agencies.

The Research Team suggested the following types of key informants: Communist Party and government authorities involved in and deeply knowledgeable about high-level discussions regarding the present and future roles of CSOs and other organizations; officials in government departments and agencies handling the registration and regulation of CSOs; representatives from some MOs involved in discussions within their organizations and with others beyond the MOs about civil society activities and roles; representatives from VUSTA and a few of the organizations under their umbrella; prominent CSO representatives with extensive experience in engaging government and/or party authorities; INGO representatives who have been tracking and studying civil society-state interactions over the last several years; and journalists who are particularly informed about the activities of CSOs and interactions between them and state agencies and authorities. The key informants came from different parts of the country, not just Hanoi.

Because the concepts "civil society" and "civil society organization" may not be widely used or understood or may be somewhat suspect, and because the project is keenly interested in learning the terminology informants and knowledgeable observers use and how they describe interactions between organizations and state authorities, the researchers initially used as benign, neutral, and understandable terms as possible when talking with an informant. Instead of asking about CSOs or even civic organizations (tổ chức công dân), questions used, at least at the beginning of an interview, such terms as "organization" (tổ chức) and "association" (hội). As an interview progressed and the researcher learned the vocabulary an informant used, the discussion could incorporate other, more appropriate terminology.

Below are the main sets of questions researchers kept clearly in mind when doing case studies, talking to key informants, and studying documents and other sources. These questions all relate to the empirical research task of the project: to learn from state authorities and organizations about their interactions now and in the recent past and how engagements between them could be improved. Essential to the project's success was to get detailed, specific and nuanced information that address these sets of questions.

The sets of questions were not the actual ones asked of informants (key ones and those knowledgeable about the selected case studies); those questions varied from situation-to-situation and person-to-person. Nor were these main questions necessarily posed to all informants; that, too, depended on the interview. Questions asked of the secondary literature were less elaborate but aimed to extract similar information to what those below were looking for.

a. How do organizations and associations see themselves? How do they describe themselves, their activities, their objectives, etc.? Why do they see themselves and their objectives in these ways?

b. How do state agencies and officials describe the organizations/associations and their activities? What terminology do they have for such groups? Why do they use that terminology?

c. Do the concepts "civil society" and "civil society organizations" mean anything to informants? If so, what do they mean and what is the place or purpose of civil society and CSOs in Vietnam now or in the future?

d. What is the political and legal environment in which organizations operate? How does the legal framework in Vietnam affect state-organization engagement, not just in general terms but in specific cases and activities? To what extent does this environment enable state agencies and organizations to interact? What kinds of interactions does this environment encourage and/or discourage?

e. What are the roles of organizations/associations now and in the recent past? What should their roles be? Do their roles include influencing and informing policy-making, channeling citizens' views to authorities, monitoring officials' behavior, and pushing for greater transparency and accountability of government and party activities? If so, are these appropriate roles for all associations/organizations or only some or only certain kinds?

f. How do organizations and state authorities interact with and engage each other? What specific actions, methods, and tactics do they use? How should organizations engage state agencies and activities? Have there been situations or significant instances where organizations/associations were not engaged with state authorities but could have been? If so, why?

g. What are the consequences or outcomes of interactions between organizations/associations and state activities and processes? Have organizations/associations had an impact on policy-making, monitoring, etc.? What explains the extent of – or lack of – influence and impact? What conditions are conducive – or not conducive – to associations/organizations being consequential for state actions and processes?

h. When attempting to engage government and party agencies, what problems do associations/organizations encounter? To what extent do such groups overcome these difficulties, and how do they do so? What were the reasons behind them being unable to surmount the problems? How should these groups try to overcome problems they encounter when seeking to engage authorities?

i. How do government and party authorities regard organizations/associations? Under what conditions do they encourage such groups to be involved in state affairs? Under what conditions do

they discourage such involvement? What are authorities' explanations for their views toward these groups?

       j. What should relations between associations/organizations and state authorities and activities be? What would be ideal? How close to that ideal have relations and engagement been between them? What helps and/or hinders this ideal from being reached?

6. Some research procedure details

The national consultants in the Research Team and the Working Group decided which case studies and key informants to include. In doing so, they had in mind the criteria in the methodology section above and considered the lists of possible case studies and key informants that the Research Team had proposed and additional suggestions that may have arisen from initial interviews.

The national consultants in the Research Team worked with small teams to collect data. Some staff in the VUFO-NGO Resource Centre (NGO RC) were members of those teams.

A few key informants were interviewed early in the data collection phase so as to get their suggestions for possible case studies and other possible key informants. Most key informants were interviewed after researchers had done considerable investigation into the case studies. That way, researchers could draw on knowledge arising from the case studies when they talked with key informants, helping them to shape their questions and encourage responses that were concrete and specific.

The Research Team requested the NGO RC to provide logistical and editorial support, including assisting with scheduling interviews and feedback on drafts of the study. To facilitate the research, DFID and the NGO RC provided introduction letters when relevant, and the Working Group provided support in setting up meetings with key informants and case organisations. Moreover, the NGO RC facilitated further support form the Advisory Group when relevant.

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