

## A STUDY ON VIETNAMESE COMMUNE - LEVEL AUTHORITIES

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### ABSTRACT

Local authorities in different countries have their own characteristics and are organized with principles consistent with their political institutions, historical development and national culture. Accordingly, there have been different organizational and operational models of local authorities around the world such as: self-governing model, decentralization model, dual supervision model, etc. This paper studies and analyses organizational and operational characteristics of commune - level authorities belonging to the 3-level government system (provincial level, district level, commune level) in Vietnam. Given advantages and limitations of the commune - level authorities, recommendations are suggested as innovations for improvement of the commune - level authority models, in accordance with the national political institution as well as social development.

**Keywords:** Local authorities; Commune - level authority; The People's Council; The People's Committee; Vietnam.

### 1.0 INTRODUCTION

Local authorities are organized in 3-level local administrative units in Vietnam: provincial level, district level, commune level. There are 63 provincial-level administrative units (provinces and municipal cities); 705 district-level administrative units (districts in provinces and cities, towns, provincial cities, cities of municipal cities); 10,599 commune-level administrative units (communes, wards, and commune - level towns) [GSO, 2023].

Vietnam's three-level local authorities are organized and operated according to the same principles with The People's Council (the state power agency), established by electors for a 5-year term and The People's Committee (the state administrative agency), established by the People's Council at the same level with the corresponding term. Local authorities implement their state management with the principle of sectoral management combined with territorial management as prescribed by law [VNA, 2015].

In the 3-level local authority system, the commune-level authorities account for a large number of administrative units, responsible to regularly resolve citizens' requests and known as the grassroots agencies despite having the lowest legal position in the local authority system of Vietnam. The organization and operation of the commune-level authorities demonstrate their own characteristics, associated with the cultural and social development characteristics of the

localities and nation [Phuong, N.T., 2018]. Therefore, commune-level authorities are chosen as specific and typical research subjects in this study.

## **2.0 ORGANIZATION AND OPERATION OF COMMUNE-LEVEL AUTHORITIES IN VIETNAM**

Communes, wards and commune - level towns are commune-level administrative units defined by law with equal legal status. A commune is a rural administrative unit, a ward and a commune - level town are called urban administrative units [VNA, 2015]. Communes, wards and commune – level towns have clear identifying characteristics: A commune is a rural administrative unit, located on the territory out of the inner cities of municipal cities, provincial cities and towns; A ward is an urban administrative unit, located on the territory belonging to the inner cities of municipal cities, provincial cities, districts and towns. A commune – level town is a class - 5 urban area, plays a role in promoting the economic and social development of a district or a sub-region of the district; therefore, a commune – level town show its characteristics of both a rural area and an urban area. These differences among three administrative lead to differences in their local authorities, which are in need of addressing on. The authority of a commune is an authority in rural area, implementing the state management within the commune's administrative territory and has typical features of a nature - related administrative unit. The authority of a ward is an urban authority, implementing the state management within the ward's administrative territory and has typical features of an urban administrative unit which is nature - unrelated. The authority of a commune - level town has characteristics of both an urban authority and of a rural authority [Phuong, N.M., 2021; Thanh, N.V. et al., 2023].

The organizational structure and operation of commune-level authorities are based on the provisions of law, ensuring the principles of complying with the Constitution and laws, managing the society by law; implementing the democratic centralism principle, guaranteeing modernity and transparency, best serving the people and under the people's supervision; The People's Council meets in sessions and makes decisions by majority; The People's Committee operates under the collective working regime combined with the responsibility regime of the Chairman of the People's Committee [VNA, 2015]. Hereby are basic characteristics of the organization and operation of commune-level authorities in Vietnam as prescribed by law.

### **a) Organizational and operational characteristics of commune-level authorities**

A commune-level authority is organized with the state power agency - the People's Council and the state administrative agency - The People's Committee, established by electors for a 5-year term and the People's Committee. The People's Council, established by electors for a 5-year term, represents the people's will, aspirations and rights to mastery. The People's Council is elected by the local people and responsible to the local people and higher-level state agencies. The People's Committee, established by the People's Council at the same level with the corresponding term, is the executive body of the People's Council; manage social and economic activities in a commune.

- The organizational structure of the People's Council at the commune level includes the Standing Committee of the People's Council (consisting of a Chairman, a Vice chairman and members), divisions of the People's Council (the Legal division and the Socio-Economic

division) and delegates. The delegates are elected by voters in a commune, a ward or a commune - level town with the number determined by law (from 15 - 30 delegates).

- The organizational structure of the People's Committee at commune level includes the Chairman, Vice Chairman (01 or 02 ones), members (01 Military Commissioner, 01 Police Commissioner) and 6 civil servants responsible for specialized positions: Commander of the Commune Military Command; Clerical – statistics civil servants; Cadastre - construction - urban and environment civil servants (for wards and commune - level towns); Cadastre - agriculture - construction - urban and environment civil servants (for communes); Finance and accounting civil servants; Judicial - civil status public servants; Social and cultural civil servants [VG, 2023].

## **b) Operational characteristics of commune-level authorities**

The operation of commune-level authorities refers to the principle of sectoral management combined with territorial management [VNA, 2015]. Accordingly, commune-level authorities carry out state management activities for all areas of society within the local territory, but are subject to supervision and comply regulations given by higher sectoral management agencies. This is demonstrated in prescribed - by - law functions and responsibilities of commune - level authorities, specifically: implement and ensure the execution of the Constitution and laws on communes, wards and commune - level towns; decide on issues of communes, wards and commune - level towns within the decentralization scope prescribed by law; perform duties and powers authorized by superior state administrative agencies; be responsible to the superior state agencies for the results of implementing the assigned tasks in communes, wards or commune - level town; decide and take measures to promote the people's rights to mastery, mobilize social resources to build and develop the economy and society, and ensure the national defense, the security in communes, wards or commune - level towns.

## **3.0 THE OPERATION OF THE PEOPLE'S COUNCIL AT THE COMMUNE LEVEL**

The People's Council at commune level meet in sessions to make their resolutions; carry out supervision activities through reviewing reports, accountabilities of the People's Committees at the same level; hold voter contact conferences; coordinate with the People's Committee, the Fatherland Front Committee and social - political organizations of communes, wards and commune - level towns to well perform the tasks of surveying, monitoring, and executing the resolutions and mass mobilization work for the economic and social development and the local security as well as consolidate the position of the local authorities. At the meeting, the People's Council makes resolutions on issues within assigned tasks and powers, including:

+ The People's Council elects, dismisses and removes the Chairman, Vice Chairman, Head and Deputy Head of divisions of the People's Council from duty; Elects, dismisses and removes the Chairman, Vice Chairman, and members of the People's Committee from duty; Approves the annual economic and social development plan of the commune before submitting it to the District People's Committee for approval.

+ The People's Council decides on state budget estimates and adjustments to state budget estimates at the commune level in case of necessity; Approves commune-level budget

settlement; Decides on investment policies for programs and projects in the area according to the provisions of law.

+ The People's Council supervises compliance with the Constitution and local laws, and the implementation of resolutions issued by the People's Council itself; Supervises the performance of the Standing Committee of the People's Council, the People's Committee and divisions of the People's Council; Supervises legal documents issued by the People's Committee.

+ The People's Council votes in confidence for the position holders elected by the People's Council itself according to regulations; dismisses the People's Council delegates and accept the People's Council delegate's request to resign from his duties as a delegate; to annul a part or all of illegal documents issued the People's Committee and the Chairman of the People's Committee.

The People's Council meets in session, give evaluations on the performance of its Standing Committee, divisions and delegates. Meeting sessions are organized with collective working regime and the Council's decisions are made by majority (more than 50%) except for relieving or dismissing the Council's delegates from duties, which is necessary to be voted by the two – thirds of the delegates. The Standing Committee and Divisions of the People's Council work on daily basis with the principle of democratic centralism. Delegates of the People's Council represent the local people to exercise the state power, express the will and aspirations and are responsible for their duties to the people.

#### **4.0 THE OPERATION OF THE PEOPLE'S COMMITTEE AT COMMUNE LEVEL**

The People's Committee operates under a collective regime (with meeting sessions) combined with the responsibility regime of the head - Chairman of the People's Committee, specifically:

- The People's Committee develop and submit to the People's Council at the same level to decide on the local issues according to the provisions of law and organize the implementation of resolutions of the People's Council; implement the local budget; perform duties and powers decentralized and authorized by superior state agencies.

- The meeting sessions are convened and chaired by the Chairman of the People's Committee to discuss issues such as working agendas, economic and social development plans, budget estimates, budget settlement approval and local reserve funds to report to the People's Council for approval.

- The Chairman of the People's Committee leads and manages the performance of the People's Committee and its members, including:

+ Directing and ensuring the implementation of the Constitution, laws, and documents of superior state agencies, the People's Council and the People's Committee; carrying out tasks related to national defense, security, ensuring the social order and safety, fighting and preventing crime and other violations of law, preventing and fighting against bureaucracy and corruption;

+ Taking measures to protect assets of agencies and organizations, protecting the people's life, freedom, honour, dignity, property, and other legitimate rights and interests; implementing population management measures in communes, wards and commune - level towns according to the provisions of law;

+ Managing and effectively using working facilities at offices, assets and the assigned state budget according to the provisions of law; resolving the people's complaints, denunciations, violations of the law, and directly communicating with citizens for their inquiries according to the provisions of law; authorizing the Vice Chairman of the People's Committee to perform tasks and powers within the Chairman's the authority scope;

+ Directing to take measures of protecting the environment, preventing and fighting fire and explosion; resolving unexpected and urgent tasks, related to preventing and fighting with natural disasters, epidemics, security, order and social safety in communes and commune - level towns according to the provisions of law; performing duties and powers decentralized and authorized by superior state agencies.

From the organization and operation of Vietnam's commune-level authorities, it can be seen that the principle of democracy is maintained in establishing and operating of the People's Council and the People's Committee. However, there is still no clear distinction in terms of organization and operation of local authorities among communes, wards and towns. Although communes, wards, and towns are administrative units at the same level, they own clearly different characteristics which need to be identified in the process of organizing and operating their local authorities to ensure both democratic principles in general and flexibility and suitability to the local characteristics. This raises the need for further researches of innovation for Vietnamese managers.

## **5.0 DISCUSSION ON THE ORGANIZATIONAL STRUCTURE AND OPERATION OF COMMUNE-LEVEL AUTHORITIES IN VIETNAM**

The recommendation is to build an organizational and operational mechanism for local authorities in communes, wards and commune – level towns that ensures both democracy according to general principles and flexibility and suitability to the characteristics of each administrative unit. According to some researchers [Doan, N.M., 2015; Trung, N.S., 2019; Thanh, N.V. et al., 2023], this can be explained as follows:

- Firstly, a commune is a rural administrative unit, located on the territory out of the inner cities of municipal cities; The economy of a commune is mainly related to agricultural activities with natural working tools (houses, gardens, ponds, fields, etc.) and often associated with available geographical conditions (50% or more of agricultural labour). The residents in the commune have a sense of community, reside in households, with close relationships in labour, production, daily - life activities and other social activities. They mainly live in areas formed with stable, long-standing natural development.

- Secondly, a ward is an urban administrative unit, located on the territory belonging to the inner cities of municipal cities, provincial cities, districts and towns; has typical features of an urban administrative unit which is nature - unrelated. A ward is densely populated and diverse in population; the citizens are highly educated. The economic activities are mainly trade,

services and handicrafts; there are no or a very small percentage of agricultural labours in a ward.

- Thirdly, a commune - level town is an administrative unit, having characteristics of an urban area and a rural area. A commune - level town is ranked as a class - 5 urban area (the lowest level according to urban classification in Vietnam). This can be the centre of politics, economics, culture and services of a district or a sub-region of the district. The rate of non-agricultural workers in a commune - level town reaches 65% or more compared to the total number of workers. In terms of location and function, commune - level towns are divided into three types: (1) a district town - the district's central urban; (2) a centre town of service, economic activities, culture - an urban centre town of a cluster of communes or a sub-region of the district; (3) a satellite town - an urban is formed in an area of influence, directly associated with the development of central urbans at the national level, inter-provincial regional level or provincial economic-administrative regions.

The characteristics of administrative units of communes, wards and commune - level towns are different, inevitably leading to different state management tasks along with the diversity and complexity of the population, economy, culture, society in the area. However, according to current legal regulations [VNA, 2015], the organizational structure, functions, responsibilities, and decentralized powers of local authorities in communes, wards, and commune - level towns are basically the same. Therefore, it is necessary to develop a model of organization and operation of commune - level authorities that best suits the economic and social characteristics of each place, specifically divided into: Organization and operation model of authorities in rural area (commune), Organization and operation model of authorities in urban area (ward, commune - level town). In communes, in addition to the system of commune - level authorities and affiliated institutions such as hamlets, villages, etc. managed by the state on the basis of law, there is also a system of representatives that are dignitaries in the clan, village elders, religions, etc. to regulate the behaviour of members by customs or conventions. Therefore, the state management in communes should lean towards a self-governing style, promoting the aspirations and will of the community. In wards and commune - level towns, the local authorities need to ensure the urban management. Besides, it is necessary for the local authorities in commune - level towns to meet the management requirements of those in rural areas like communes.

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