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**OFFICE OF THE NATIONAL ASSEMBLY OF VIETNAM**

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**PROJECT: STRENGTHENING THE CAPACITY OF REPRESENTATIVE BODIES IN VIETNAM**

# **REPORT**

## **PUBLIC CONSULTATIONS BY PPCS WITH MOUNTAINOUS AREAS AND ETHNIC MINORITY POPULATIONS: THEIR PECULIAR CHARACTERISTICS, DIFFICULTIES, METHODOLOGY AND LESSONS LEARNED**

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PREPARED BY:

***Nguyen Duc Lam***

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# I - INTRODUCTION

## 1. Background

Between 2008 and 2012, the United Nations Development Programme (UNDP)/Office of the National Assembly (ONA) Project “Strengthening the capacity of representative bodies in Viet Nam (Phase III)” has supported more than 20 Provincial People’s Councils (PPCs) in conducting activities in support of public consultations and constituency relations. After three years of piloting, PPC public consultation activities have produced a wealth of material identifying the strengths and weaknesses of the public consultations process. This material has highlighted those areas in which public consultations are most challenging. It showed that, in particular, the PPCs operating in mountainous regions and in areas with ethnic minorities face notable difficulties in conducting public consultation and constituency relation activities. These difficulties derive both from objective conditions and from internal elements of the local PPCs. They are also of great significance, not least as Viet Nam’s mountainous regions are in a strategically important location.

## 2. Objectives

This report seeks to summarize details of public consultation and constituency relation activities of PPCs in mountainous regions and areas with ethnic minorities. The report also consolidates and analyses experiences of the aforementioned PPCs in overcoming difficulties in conducting public consultations and constituency relations. Finally, the report aims to contribute to improving public

consultation and constituency relation activities through the provision of some recommendations.

### **3. Methodology**

The context and practice of the PPCs covering mountainous regions and areas with ethnic minorities were carefully considered in the course of this effort.

The following methodologies were applied:

- Desk review: a desk review of the relevant legal normative documents, essays and articles regarding the issue, with a focus on the documents of PPCs included in the public consultations process;
- Preparation of a draft report on the challenges involved, with contributions from international experts;
- The organisation of a workshop to disseminate lessons learned by PPCs with ethnic minorities. The aim was that documents and opinions raised at the workshop would be a source of information to revise and finalize the report.
- Design, distribute and evaluate questionnaires for deputies of PPCs;
- Collect and compare experiences of PPCs;
- Analyze case studies;
- Consult international experts on public consultations, and;
- Finalise report on the issue.

## **II - PUBLIC CONSULTATIONS AND CONSTITUENCY RELATIONS ACTIVITIES HELD BY PEOPLE'S COUNCILS IN MOUNTAINOUS PROVINCES WITH ETHNIC MINORITIES**

### **1. Socio-economic, cultural, geographical characteristics and associated challenges**

Mountainous localities with ethnic minorities hold special characteristics in terms of their socio-economic, cultural, and geographical situations. These characteristics can lead to certain difficulties when it comes to conducting public consultations and constituency relations.

#### **Socio-economic development**

In the localities mentioned in this report, people encounter many difficulties in their daily lives, and the socio-economic infrastructure does not meet increasing social demand. The economic structure is mainly agricultural, and industry and services are limited. The provincial budget and income per capita are both low. The provinces' poorer nature has negatively affected public consultation and constituency relation activities. For example, the PPCs reported that consultative meetings faced challenges in terms of the limited number of participants, the low level of the funds available and the conditions of facilities. The network of rural roads, especially in mountainous and remote parts of the provinces, is also inadequate, which causes great difficulty in terms of communications when conducting public

consultations and constituency relations. More generally, access to electronic communications, particularly the internet, is limited.

### **Culture, population and local customs**

The percentage of ethnic minorities in the provinces in question is much higher than in other localities in Viet Nam. In some localities ethnic minorities account for 70% to 80% of the population, which means PPCs must always take into account issues linked to their concerns, incorporating a wide range of policies implemented the central and local government.

Furthermore, Viet Nam's ethnic minorities have their own culture, lifestyle, customs, traditions, and language which cannot be ignored when carrying out public consultations and constituency relations activities. For example, the psychology of people living in mountainous areas is of importance, with ethnic minorities often afraid of speaking in public or of responding to interview questions, owing to a longstanding reticence in terms of their relationship with government.

In addition, the level of education in minority regions is often low, which affects people's ability to articulate their views in a format easily transferred to public consultation activities. This can present challenges for PPC staff or Deputies when collecting information. A related concern is that people may have only a limited ability to speak Vietnamese, which then makes communication difficult. This lower level of education may also affect people's ability to evaluate the impact of the policies issued by the PPCs,

particularly when in technical fields such as electricity planning. A lack of familiarity can also mean common tools like social surveys are hard to use, so weakening the public consultations process.

A final concern is that the qualifications of cadres and civil servants in the aforementioned localities are also limited. The number of personnel from ethnic minorities in government work has increased in quantity, although many have no education beyond that received at secondary school level; over 50% of local staff are untrained in state management, law and economics<sup>1</sup>. This weakness means local staff may face difficulties in conducting public consultations and constituency relations activities.

### **Characteristics in geography**

Many mountainous provinces are isolated. Their transportation system is incomplete, whilst the scope of public consultations is large, meaning staff may have to travel large distances in difficult terrain in order to hold meetings in remote areas. For example, in order to attend an event in Son La province called so that deputies might meet voters in communes in the flooded districts of Son La hydropower reservoir, elected deputies had to spend hours travelling by boat or walking. In Yen Bai, working groups sometimes had to walk 4km to 5km to reach the venues for consultations.

## **2. Key activities**

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<sup>1</sup>LeHaiDuong, Continue improving laws and policies on nationalities in Viet Nam, Nhan Dan Newspaper, 24/2/2009.

The PPC activities which involved ethnic minorities can be divided into two groups: public consultations and constituency relations. The public consultations activities covered both public consultation activities and their institutionalisation. In general, the PPCs carried out the following:

- identifying topics for consultation and constituency relations activities;
- the development of overarching and detailed plans such as plans for training courses, consultative meetings, communication, and suchlike;
- the conduct of activities under the proposed plan (which could be revised as needed);
- the consolidation and analysis of the information gathered;
- and the development of reports on public consultations and constituency relations facilitating the promulgation and amendment of policies in the provinces.

With regard to the institutionalization of public consultations, the PPCs have gone through several stages, including:

- discussing plans for institutionalisation, and how best to orient them;
- developing plans;
- the drafting of a document institutionalizing public consultations;
- holding consultations on the draft document;

- and the revising and approval of the document.

The above-mentioned activities have reaped information on the challenges, results, and lessons learned, which have been presented by PPCs and analyzed in detail in the annual reports of the project, as well as in the final reports of the PPCs. Therefore, this report will focus purely on analyzing differences in public consultations and constituency relations in mountainous PPCs with ethnic minorities.

### III - METHODOLOGY FOR CONDUCTING PUBLIC CONSULTATIONS AND CONSTITUENCY RELATIONS ACTIVITIES OF PPCS WITH ETHNIC MINORITIES

PPCs in upland areas with a high proportion of ethnic minorities demonstrated notably different features in conducting public consultation and constituency relation activities when compared to PPCs in different regions. This section will focus on how these PPCs overcame their difficulties, including:

- in the selection of topics for public consultations and constituency relations activities;
- in the selection of tools for public consultations and constituency relations activities;
- and in the use of existing resources.

#### 1. Overcoming general difficulties

PPCs in mountainous regions and areas with ethnic minorities used a range of techniques to overcome the challenges of cultural difference, terrain, resource and poverty outlined above. For example, to overcome differences in culture and languages which limited the efficacy of consultation activities, the Project Steering Board and working groups in the provinces included people who were very knowledgeable of the localities and their inhabitants' languages and customs – in short, those with much experience of working with the ethnic minorities.

Some working groups also used interpreters, many of whom were local people conversant in the Mong, Thai, Dao, H'Mong, and E De languages, to facilitate the holding of consultative meetings and to promote a warm atmosphere conducive to free discussion

In terms of the challenges presented by low levels of education amongst ethnic minority peoples, the PPCs developed means to overcome the shortcomings of certain tools in this context. The PPCs involved in Project discussions all agreed that any questionnaire for social surveys and quick surveys should not be too long, and that it should not include open questions or questions of a technical nature which might present difficulties for local people. This general approach was also found valuable when delegates of the PPCs chaired consultative meetings. Furthermore, when working with ethnic minorities, elected deputies found that they should not speak for too long, but should present ideas succinctly so as to facilitate general understanding.

The PPCs also made clear that including ethnic minorities required significant use of time and resources on their part. To reach ethnic minority villages, standing members of the PPCs and groups of elected deputies travelled long distances. In many places, delegates travelled by a variety of means: cars, boats, canoe, motorcycle, or even by walking through many kilometers of forest. During the cultivation season, the delegates met with their voters in the evening so as not to impinge on their working day. In some cases, the working groups of the PPCs found themselves in dangerous situations, such as floods, landslides and mud, all of which they had to overcome. However, this

investment of time and effort in public consultations activities had a range of benefits. Given difficult conditions, many delegates did not just meet with voters as obliged by law, but they also spent much time exploring the villages, listening to the voice of ethnic minorities, and thereby building increased confidence in their role as politicians. This in turn strengthened relations between voters and elected deputies.

## **2. Selection of issues for public consultations and constituency relations**

The prevailing poverty of these regions has meant that the focus of consultations has often been on development issues. Indeed, the state has implemented many plans and policies which seek to overcome the difficulties relating to socio-economic conditions in mountainous localities populated by ethnic minorities. The Party, the governments, the Fatherland Front, People's Committees, and other organizations and agencies in the localities have all also mobilized resources aimed at contributing to strong development and economic growth, so improving the material and spiritual life of the people by supporting policies.

This focus on poverty eradication in these regions has shaped the nature of the activities undertaken by the PPC. In general, PPCs have had more questions to answer when conducting public consultations and constituency relations than may be the case in other provinces. For example, PPCs have had to ask: which policies to prioritise; whether policies on poverty reduction should be prioritised in public consultations; how policies on economic development, such as those on hydro-power, should be harmonised

with those on culture, resettlement, and environmental protection; and so on. Accordingly, it might be fair to state that these PPCs face challenges in that a distinct form of poverty enlarges their workload and forces them to make difficult decisions about which areas of policy to focus on. Furthermore, those questions might have been of a more technical nature.

Some mountainous PPCs with ethnic minorities have selected policies which are of direct relevance in this context, such as:

- electricity planning with a focus on hydro-power planning (Lao Cai);
- policies on supporting the development of forestry, agricultural production, and aquaculture (Yen Bai);
- and a program to build cultural villages in the period of 2005 to 2010 (HoaBinh).

A further concern is that when selecting policies affecting the whole province, those PPCs whose jurisdictions cover both mountainous and lowland regions have struggled to reconcile the needs of their different areas. They had to decide whether to focus on the mountainous regions and areas with ethnic minorities in the course of identifying the locations for public consultations and constituency relations or whether to take a broader approach which may not take account of such differences, with the risk that minority issues are ignored. Consultations on the policies below raised this challenge:

- policies on poverty reduction (Binh Thuan and Binh Phuoc);

- loan policies for poor households (Lao Cai);
- school fees (Gia Lai);
- agricultural development (Nghe An).

### **3. Selection of tools for public consultations and constituency relations activities**

The PPCs selected tools for public consultations and constituency relations appropriate to the natural conditions, residents and socio-economic situation of the relevant province. These tools have thus varied across Viet Nam, although in mountainous regions or those with large proportions of ethnic minorities, the People's Councils selected simple tools, which enabled access to information and fostered open relations between the People's Councils and the people. The most valuable tools were thus: consultative meetings; field visits; and meetings with representatives of the communes and villages.

Some PPCs stated that perceptions that mass media tools might not work effectively in such provinces were inaccurate. For instance, the PPC of Lao Cai said that it was necessary to pay more attention to modern tools such as the mass media and web-based consultations. According to the PPC, Lao Cai's geographical characteristics have unique advantages which have attracted businesses. As such, the number of internet users making use of information technology to learn about the regulations, customs and policies of the province is increasing. Radio and TV also proved effective means to share ideas with the public. Other PPCs disputed Lao Cai's perspective, though.

Some PPCs commented that while public consultations and constituency relations activities conducted through the internet had value, the infrastructure for information technology was most developed only in towns and cities. In rural areas, which is where most ethnic minorities live, many participants – including even commune governments – could not access the necessary information through information technology. Moreover, a lack of facility in Vietnamese also curtailed ethnic minority people's ability to use the internet. This situation meant that internet was not an appropriate tool for public consultations and constituency relations in this particular context.

Social survey, a tool for both public consultations and constituency relations activities, seemed to face difficulties when applied in mountainous regions and areas with ethnic minorities; however, all PPCs have applied the tool. Furthermore, the PPCs have evaluated the tool as the most effective in overseeing the implementation of policies as well as in constituency relations work. PPCs, though, adjusted the tool to match local requirements; the PPC of Binh Phuoc, for instance, developed short and simple questionnaires which were easier for people to answer honestly and fully.

#### **4. Use of resources**

The final reports on public consultations from some PPCs in mountainous regions and areas with ethnic minorities highlighted a core principle – that it is necessary to select a mechanism appropriate to the capability and resources of the PPCs. These PPCs' reports also contain information on how best to mobilize

and use the resources effectively, given limited resources in terms of human, time and budget.

Time constraints are a particular challenge where deputies must travel long distances to meet the public, and so the People's Councils identified the importance of starting with appropriate planning. Key findings were that given the shortage of human and budget:

- the People's Councils had to be careful not to select too many issues and tools for public consultations;
- the People's Councils had to select the right persons for the activities and combine the pilot activities with regular activities of the People's Councils;
- and the PPCs also had to mobilise the participation of different concerned organizations and agencies.

A related discovery was that public consultations activities showed that district people's councils can be a bridge between the provincial people's councils and the commune level, particularly in mountainous regions where they helped the PPCs to narrow the gap. This finding is important for those provinces which have abolished district level PPCs as part of the government's pilot project.

## IV - RECOMMENDATIONS

This section puts forward some recommendations to support PPCs in mountainous regions and areas with ethnic minorities in conducting public consultations and constituency relations activities more effectively. The recommendations will focus on:

- the legal framework;
- capacity improvement;
- the implementation process;
- communication;
- the selection of issues and tools;
- and cultural aspects of public consultations and constituency relations.

### 1. The legal framework

PPCs in mountainous regions and areas with ethnic minorities require guidelines from the National Assembly Standing Committee, clarifying and detailing relevant regulations on public consultations and constituency relations. These guidelines should contain detail on how to facilitate such activities. However, the institutionalization of public consultations and constituency relations throughout the country requires a certain amount of time. In the interim, the PPCs are competent to regulate the activity, as the PPCs of Binh Thuan, Dong Thap, Lao Cai and Bac Giang have done. These

aforementioned PPCs have promulgated Resolutions on Public Consultations or Coordination Mechanisms for public consultations, in accordance with the existing legal framework. In this context, PPCs have found that the institutionalization process should be tailored to the characteristics and socio-economic situation of the localities. For PPCs in mountainous regions and areas with ethnic minorities, the following points in addition to nation-wide principles should be included in the documents regulating public consultations and constituency relations.

Firstly, it is important to introduce regulatory provisions covering the budget for public consultation and constituency relation activities, which should be distributed from the annual budget of the PPCs. This is of particular significance to PPCs in mountainous regions and areas with ethnic minorities, as the cost norms for PPCs in these areas may be higher than other PPCs. Indeed, the PPCs have stated that it is necessary to increase the number of member of Boards of the mountainous PPCs from 7 to 9 deputies, and prepare a budget which allows the vice-head of the board and some deputies to work on a full-time basis.

Secondly, it is also important to adopt regulatory provisions which facilitate coordination between the People’s Council, People’s Committee and its Departments, the Fatherland Front and governments of all levels in conducting public consultations and constituency relations. This cooperative approach is necessary so as to share the burden in terms of human resources. The experience of PPCs showed that at the start of the legislative

calendar the Standing Board of the People’s Councils should discuss and agree with the People’s Committees the policies which will be subject to consultations in the coming year. This coordination effort is particularly important where obstacles of geography or culture will make the process more challenging and where reliance on other partners is crucial to its success.

Thirdly, as mentioned in the documents of the PPCs of Binh Thuan, Lao Cai, Dong Thap and Bac Giang, it is necessary to adopt provisions setting out the timetable for the public consultation process. In particular, it is important to regulate:

- the time for the proposal of policies for public consultations;
- the time to agree on the plan;
- the time to start consultations;
- the length of time needed for public consultations;
- the time necessary to consolidate the opinions and develop reports;
- the times for meetings among the Standing member of the People’s Council with the People’s Committee and Fatherland Front;
- and the date by which the collection of opinions needs to be finished, before submitting findings to the People’s Council.

Fourthly, in addition to the classes of subjects for consultation in other localities<sup>2</sup>, in mountainous provinces with ethnic minorities, it is necessary to enshrine a legal obligation to consult with ethnic minorities living in the localities.

Finally, in the course of regulating the public consultations process, assessments should take account of the budget and activities of the NA Ethnic Council in mountainous and remote areas of any relevant province.

## 2. Capacity improvement

In addition to the recommendations on capacity building for the People's Councils in general as addressed in other Project documents<sup>3</sup>, it is of great importance that the People's Councils in mountainous localities with ethnic minorities should have a **systematic and sustainable plan** for capacity development which addresses minority issues. This should be considered a major contributor to the success of public consultation and constituency relation activities.

Mountainous PPCs should be active in **deciding** the contents of plans and prioritizing activities furthering capacity development, taking into account two key conditions: (i) the plan should be based on a systematic training needs assessment and (ii) priority should be given to capacity building at

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<sup>2</sup>Groups of subjects to be consulted include: the citizens, groups of citizen who are directly affected by the mechanism and policies; state agencies and government of different levels; socio-political organizations; social organizations; social and occupational organizations; enterprises; institutes, training institutions, experts, scientists.

<sup>3</sup> See more in the reports of the Project and PPCs in years of 2008-2010.

commune and community level. Based on these and other training documents, the PPCs in mountainous regions and areas with ethnic minorities should then revise or prepare anew and organize training courses based on training documents that fit local characteristics. PPCs could draw on the experiences of the PPC of Lao Cai in 2009 and of Nam Dinh in 2010. These PPCs developed training programs and organized training courses for all deputies of the PPCs focusing on the particular needs of those particular provinces

Furthermore, PPCs in mountainous regions and areas with ethnic minorities should actively organize and implement activities to **exchange experiences**, such as: study visits of deputies to the PPCs of Binh Thuan, Lao Cai and Yen Bai, or other PPCs with particular expertise to offer; extending invitations to experienced deputies from other PPCs to come and share experiences or give comments; exchanging documents; or organizing regional workshops to exchange experiences, and discuss the effectiveness of certain methods. Regional meetings of Standing members of PPCs provide an ideal forum to exchange and share experiences about public consultations and constituency relations.

The Project also needs to have in place **guidelines and technical assistance documents** to accelerate the development of capacity regarding public consultations and constituency relations, at the very least for those PPCs participating in the Project. To this end, the Project can play a key role in disseminating lessons learned from the documents of PPCs in mountainous regions and areas with ethnic

minorities. The Project can also play an important role in organising activities to **exchange experiences** among these PPCs such as meetings or the dissemination of training documents and guidelines.

For the Ethnic Council and Committees of the National Assembly, whose activities are related to fields of the ethnic minorities, the Training Center for Elected Representatives should, in its annual training program, facilitate such efforts by organizing meetings, workshops and training courses on topics related to public consultations and constituency relations which take into account the policies of mountainous regions and areas with ethnic minorities.

### **3. Implementation of public consultations and constituency relations**

This section proposes recommendations on the implementation of public consultations and constituency relations in mountainous localities with ethnic minorities. The general results and lessons learned can be seen in the reports of the Project and PPCs.

#### **3.1. Communications**

According to statistics dated to 2009, the proportion of ethnic minority households with access to radio and television is growing. Almost 90 percent of communes have telephone communication, and 95 percent of communes with difficulties have radio stations, with some commune radio stations

broadcasting in local languages<sup>4</sup>. These facilities provide a good basis from which to facilitate links between local governments and the public which emphasise the importance of public consultations and constituency relations, and explain the issues on which the People's Councils want to have opinions of the people. PPCs should be alive in particular to the value of radio broadcasts in local languages.

To ensure more effective usage of these communications, the PPCs should develop simple documents and tools for communications, in terms of written, audio and visual materials, and should send directly to communes. Documents for communication should be in both local and Vietnamese languages so as to enhance the awareness of ethnic minorities of the issues to be consulted.

The People's Councils should curtail their hopes that people may contribute their opinions on technical issues, since people may lack the necessary expertise. Accordingly, the focus of questions for the people should be the impact of policies on their interests. In this context, when conducting public consultations and constituency relations, assigned elected deputies and supporting staff should explain clearly that the People's Councils expect to listen to issues related to the people's rights and obligations.

The draft documents under consultation should be included with other explanatory documents, setting out clearly the major issues and explaining their relevance. In relation to specialized

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<sup>4</sup>LeHaiDuong, Continue improving laws and policies on nationalities in Viet Nam, Nhan Dan Newspaper, 24/2/2009.

issues, experts should be invited to explain the problem, and issues should be raised for deep discussion.

### **3.2. Use of resources**

The experiences of PPCs in mountainous regions and areas with ethnic minorities provide some useful guidelines on how to use resources in these circumstances. The PPCs mentioned in this report should thus work closely with the People’s Councils at district and commune levels in organising the conduct of field visits and the selection of localities for public consultations so as to ensure high quality. The experiences of PPCs show that local people with familiarity with both the issues in question and the region should be selected to the working groups since they can guide the process.

Members of deputy groups should also be included in the working groups. This coordination will contribute to developing their role within elected bodies and so enhance the effectiveness of public consultations. With regard to localities, it is important to rely on the participation of local staff and key local interlocutors. The PPC of Binh Phuoc noted that the participation of the vice-chair of the communal People’s Council was important in public consultations. When assigning work, it is also necessary to determine how to handle cross-cutting activities.

In addition, it is important to clarify any responsibility to conduct follow-up activities and to support the group in carrying out this responsibility as they may delegate a particular task to another group. After the meeting of relevant stakeholders, topical

meetings, commune meetings, and private interviews can take place. Staff should be assigned for this follow-up activity to clarify collected information.

The experiences of PPCs show that practical approaches should be applied in order to make full use of resources. This is of prime importance for those PPCs in mountainous regions and areas with ethnic minorities, where resources are limited. The PPCs of Yen Bai, and Binh Phuoc can offer advice on which tools might be considered appropriate. Another useful approach is to conduct public consultations on a small scale (perhaps by looking at issues such as school fees or support for buffalo raising) so as to gain experiences for larger scale topics (such as poverty reduction).

### **3.3. Selection of issues**

When selecting policies for public consultations and constituency relations, it is necessary to prioritize those issues which directly affect the life of the people in question, and to consider the issues as the basis for the selection of issues for public consultations. Given these regions' peculiar conditions and limited resources, it is most important that PPCs select the right issues. They might make use of the following criteria to do so:

- firstly, it is necessary to select issues that are not too general or large-scale and so present challenges for easy consultations (if large-scale issues are selected, the localities in which public consultations take place should be focused);
- secondly, it is often easier to select issues which can be examined through the collection of numerical data, or through

public events, so that objectives can easily be set forth and compared;

- thirdly, it is important to select issues that are in line with the competence, program, resources and capacity of the People’s Councils;

- and finally, when selecting issues, the time needed for full implementation should be taken into account.

In addition, PPCs should review those policies related to mountainous areas with ethnic minorities so as to establish which policies are a priority for public consultations. The box below explores some difficulties in establishing how to identify key topics for public consultations and constituency relations activities. In addition, it is crucial for the People’s Councils to analyse the strengths, weaknesses, challenges, time, and the multi-dimensional impact of the policies.

### **Some suggestions on how to select issues for public consultations and constituency relations activities**

Programs and projects supporting the mountainous regions and areas with ethnic minorities have focused in great part on the task of infrastructure construction<sup>5</sup>. Other policies have yet to deploy in full. Accordingly a focus on issues such as improving people's knowledge, capacity building, or policies on afforestation has proven challenging. Perhaps one solution to this challenge may be that officials in localities with the poorest districts should seek to identify which policies might merit greater attention. In general, it is also necessary to ask whether to give priority to mountainous localities with ethnic minorities when considering issues such as transportation, electricity, schools, or clinics. An answer will depend on local circumstances.

#### **3.4. Selection of tools**

PPCs have stressed that it is crucial to select tools for public consultations that are appropriate to local conditions, the aspirations of the people and the budget. For example, the PPC of Binh Phuoc said that the natural conditions and socio-economic characteristics of the province, as well as the capacity of staff involved in public consultation activity, all affected their choice

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<sup>5</sup> DoTrong Co, Find solutions for the poverty problem and sustainable development in the poorest districts, at the web page of the Ethnic Committee, 20/1/2009.

of tools. Perhaps the most important criterion in selecting tools for public consultations, though, is their effectiveness in collecting information and evidence. The PPCs have shown through piloting that tools such as consultative meetings, focus-group discussions, communal meetings, field visits, and stakeholders' meetings are effective in term of collecting information, but their relevance to any activity will depend on the topic and locality.

**Large-scale consultative meetings (or topical meetings with voters) and field visits** at consultative places are commensurate with both the the People's Councils human resources and with local practices. These activities resemble voter outreach measures, oversight activities and field visits, which means that members of working groups can be active in their work, saving time. These tools are especially valuable in that they enable elected deputies to meet directly with voters and collect information on different subjects at different levels. The results are thus often accurate, and serve as a sound basis for the development, amendment and supplementation of resolutions of the People's Councils. However, the tools require significant staff involvement (10 people/consultative activity), and high costs (DSA and travel). Some PPCs in mountainous regions suggested that these tools can be combined with others, like the delivery of questionnaires, so as to mitigate their cost.

**Commune meetings:** Due to the fact that the qualifications and skills of staff in different regions are not equal, this tool is

more effective in lowland and urban areas than when applied in the highlands. The reason for this is that the tool requires the person who chairs consultative meetings to understand local customs and practices as well as to have knowledge and experiences in the field of consultations. Accordingly, linguistic and cultural understanding are of the utmost importance, with a reliance on local commune level staff key.

**Internet-based consultations:** A few PPCs in mountainous regions have used this tool. However, the internet's effectiveness is constrained by limited access in remote areas, meaning that people cannot contribute to public consultations.

**Mass media:** This tool has only recently been made use of by the People's Councils in public consultations, so the people have not formed a habit to contribute their opinions through this channel. However, radio in particular might prove a valuable means to communicate ideas to particular minority populations.

#### **4. Cultural aspects**

One of the most important lessons in activities of the People's Councils is to pay attention to cultural aspects in examining and handling the recommendations of the people<sup>6</sup>. This lesson needs to be applied in public consultations and constituency relations activities of both the People's Councils and of elected deputies at different levels.

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<sup>6</sup>Nguyen Van Me, Elected Deputies - The protector of the culture of cooking fire in the book *Deputies of the People's Councils – Bridge to the voters*, 2008.

### The culture of the «cooking fire»

«When meeting with voters at Phu Loc village (Xuan Loc commune – Phu Loc district), I realised that the local project on cementing houses funded by an international organisation had not achieved the desired results. The newly-built houses were used for storage of grain, but the people continued to live in traditional houses.

In addition, when meeting with voters in Nam Dong, A Luoi, I personally visited some families, some Vietnam heroic mothers, and some poor households, and was very surprised to see that only the young lived in the houses built by the State with a value of VND15-20 million. The elderly chose to live in traditional houses on stilts.

The reason for this was cultural preference. The elderly were used to living by the fire for cooking and keeping warm, and so they decided to keep living in houses on stilts, meeting the requirements of the "culture of the cooking fire".

*(Nguyen Van Me, Elected Deputy, from the book « Deputies of the People's Councils – Bridge to the voters, 2008 »).*

The two cases in the box above show how a lack of comprehensive and sympathetic study can lead to unsuccessful and inefficient project implementation. It also emphasises that starting from a perspective empathetic to cultural values will help the People's Council and its deputies address the issues of

provincial and national concern in the course of public consultations work.

A related point is that public consultations need to be conscious of the process of social ferment in minority regions. Policies aimed at increasing investment and economic development over the past decades in mountainous regions and areas with ethnic minorities have affected the cultural and spritual life and practices of Viet Nam’s ethnic minorities greatly. There have been regional cultural changes in ethnic minorities, shown in the following:

- firstly, changes in the nature of villages;
- secondly, changes in population structure in the regions;
- thirdly, changes in local knowledge levels and cultural space;
- fourthly, changes in the lifestyle of ethnic minorities in resettlement areas;
- fifthly, changes in religious life and beliefs;
- sixthly, a “fracture” between generations in the protection of cultural values.

In the course of the implementation of public consultations and constituency relations, the People’s Councils and deputies should pay attention to these changes so as to develop appropriate policies.

One of the key cultural changes in mountainous regions and areas with ethnic minorities is the shift in the organization and management of community life, which has affected the peculiar

characteristics of the organization and management of each village and may be reflected in customary law. Some PPCs have suggested that a good response to this would be the development and implementation of laws in line with each region's cultural characteristics, as well as its customs and practices<sup>7</sup>. The inclusion of these laws, customs and practices can then contribute to improved local and national legislation. Such an outcome could increase the efficiency of state administration and ensure consistency and respect for traditional values and identities. In this context, public consultations and constituency relations are a crucial means to collect the opinions and aspirations of ethnic minorities and to translate their recommendations into policies.

In terms of the activities of elected bodies, if deputies understand the local languages, customs and practices of the ethnic minorities, communication becomes much easier. For example, deputies and voters can relate through the local songs<sup>8</sup>. Deputies should not shape discussions too overtly, by refraining from directing the consultative agenda or raising guided questions right from the beginning of the meeting. They should start with some cups of alcohol, by singing some songs and asking about cultivation and the harvest. As one deputy said,

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<sup>7</sup>Executive summary at the workshop on legislative practices, Legislative Study Journal No. 5/2002.

<sup>8</sup>H'Luộc N Tơ, Con chim xanh M'Nông, trong sách "Đại biểu dân cử - Những câu chuyện tiếp xúc cử tri", Trung tâm Bồi dưỡng đại biểu dân cử, Hà Nội, 2008; Phạm Thúy, Tiếp xúc cử tri là phải làm cho đồng bào "ung cái bụng" đã..., phỏng vấn Phó trưởng Đoàn ĐBQH tỉnh Cao Bằng Triệu Sỹ Lâu, báo Đại biểu nhân dân, 14/10/2008.

trust was the most important thing to ethnic minorities. When people trusted the deputies, they added, they would express their opinions and aspirations. The work of deputies then becomes easier<sup>9</sup>. These experiences are very useful for public consultation and constituency relation activities, because the gap between deputies and voters narrows, and the deputies can gather the necessary information.

### **5. Use of information collected from public consultations and constituency relations activities**

The People's Councils in mountainous region and areas with ethnic minorities should promulgate or amend the relevant laws or policies, or propose that the National Assembly or Government should promulgate and amend policies or laws, on the basis of the information gathered in the public consultations process, as well as from other information sources.

It is important to bear in mind that the elected bodies and local government agencies working on the question of ethnic minorities already have in place plans to study practical issues, and so the PPCs must understand the context of how best to amend and supplement the contents of some laws or policies related to mountainous areas and ethnic minorities. Key relevant legal instruments to consider include: the 1992 Constitution; the Civil Code; the Law on the Organization of the People's Council and People's Committees; the Law on the Election of Deputies to People's Councils; the Law on the Election of Deputies to the National Assembly; the Land Law;

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<sup>9</sup>Phạm Thúy, Tiếp xúc cử tri là phải làm cho đồng bào “ung cái bụng” đã..., như trên.

the Law on the Protection and Development of Forest; the Law on Natural Resources Tax; the Law on Education; the Law on Cultural Heritage; and the Labour Code, as well as other laws.

However, the public consultations and constituency relations processes provide a useful means to continue studying issues related to policies on nationalities, particularly in those areas which have not been subject to regulation, and so to identify new issues and thereby contribute to the implementation of new initiatives.

The People's Councils may also use information collected from public consultations and constituency relations processes to put suggestions to agencies or individuals further up the administrative chain of command on how to deal with overlapping policy implementation in one location, particularly if a policy issue is subject to a wide range of management focal points. It is necessary to put forward such policies so as: to ensure stability, feasibility, and convenience in implementation; to link particular policy issues into overarching plans for socio-economic development; to orchestrate the combination of separate policy areas into one strategy to solve social problems; and to focus investment on the essential items in the region.

## V. CONCLUSION

The PPCs in mountainous regions and areas with ethnic minorities have made great efforts to develop and apply the appropriate methods in conducting public consultations and constituency relations, although they face severe difficulties in terms of their peculiar characteristics in socio-economics, culture, geography and population.

This report consolidates and analyses the lessons learned by PPCs over the past years in order to contribute to the effectiveness of public consultations and constituency relations activities in the aforementioned localities, and proposes recommendations on the legal framework, capacity improvement and cultural aspects of public consultations and constituency relations activities. It also examines the implementation process, including the selection of issues, and tools for public consultations and constituency relations, and the coordination and communication.

Mountainous regions and areas with ethnic minorities are poorer and in some respects more vulnerable than other localities, not least as the lag in development in mountainous areas is significant when compared to other localities. These areas should thus be prioritised in the development process. In this context, public consultations and constituency relations of the

People's Councils are useful channels by which the concerns of local people can be incorporated into the legislative process.

The work of these PPCs in holding public consultations and constituency relations in mountainous regions and areas with ethnic minorities has contributed to the implementation of the guidelines set out by the XIth National Party Congress: "Unity of the peoples which hold the strategic locations in the revolutionary cause of the country. The nationalities in the whole family of Vietnam should live equally in solidarity, love and respect for each other, joined in mutual efforts towards progress and the successful implementation of the industrialisation and modernisation cause, of national construction and defense, and of a strong, democratic and civilized nation. The state: will continue developing mechanisms and policies, which make significant changes in socio-economic development in areas with ethnic minorities; and will enhance the inspection, oversight and evaluation aspects of the implementation of plans and policies of Party and State regarding nationalities."<sup>10</sup> In particular, public consultations and constituency relations activities help implement government desires to integrate minorities more effectively into the state, an aim mentioned in the 10th National Party Congress and reaffirmed in the 11th National Party Congress.

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<sup>10</sup>Political report of the 10<sup>th</sup> Central Party Committee at the 11<sup>th</sup> National Party Congress in Ha Noi 1/2011.

## VI. APPENDICES

### APPENDIX 1:

#### Mountainous PPCs with ethnic minorities participating in the Project

Province	Time of participation	Summary of peculiar characteristics
Lao Cai	From 2008-2010 : public consultations and institutionalisation	Poor, mountainous provinces with ethnic minorities; difficulty in travel.
Son La	Constituency relations in 2010	Poor, mountainous province with ethnic minorities; difficulty in travel.
Yen Bai	Public consultations in 2010	Poor, mountainous province with ethnic minorities; difficulty in travel.
Hoa Binh	Public consultations in 2009	Poor, mountainous province with ethnic minorities; difficulty in travel.
BacGiang	From 2009-2010; public consultations and institutionalization	Poor, mountainous and midland province with ethnic minorities; difficulty in travel.
ThanhHoa	Public consultations in 2009; self-conducting public consultations in 2010-2011	Some poor, mountainous districts with ethnic minorities; difficulty in travel.
Nghe An	Public consultations in 2008-2009	Some poor, mountainous districts with ethnic minorities; difficulty in travel.

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Ha Tinh	Consituency relations in 2009-2010	Some poor, mountainous districts with some ethnic minorities; difficulty in travel.
ThuaThien-Hue	Consituency relations in 2010	Some poor, mountainous districts with some ethnic minorities; difficulty in travel.
QuangNgai	Public consultations in 2009; self-conducting public consultations in 2010	Some poor, mountainous districts with some ethnic minorities; difficulty in travel.
Binh Thuan	Public consultations and institutionalization in 2009-2010; self-conducting public consultations in 2011	Some poor, mountainous districts with ethnic minorities.
Gia Lai	Public consultations in 2010; self-conducting public consultations in 2011	Poor, mountainous province with ethnic minorities; difficulty in travel.
Binh Phuoc	Public consultations in 2010	Some poor, mountainous districts with some ethnic minorities; difficulty in travel.

## APPENDIX 2:

### Policies selected by the PPCs

Province	Policies
<b>Lao Cai</b>	<ul style="list-style-type: none"><li>• Land prices in 2009 in Lao Cai Province.</li><li>• Agricultural development and loan policies for the poor in Lao Cai province.</li><li>• Power planning (hydro-power) in the province up to 2015.</li><li>• Allowances for officials and cadres of communes, wards and towns.</li><li>• Support for planting rubber trees.</li></ul>
<b>Nghe An</b>	<ul style="list-style-type: none"><li>• Mobilizing resources to build schools for the socialization of education;</li><li>• Investment in agriculture and rural development and fisheries for 2008-2010.</li><li>• Support industries, creating jobs for agricultural workers under the reclaiming of land for urban development and industrial parks</li></ul>
<b>Yen Bai</b>	<ul style="list-style-type: none"><li>• Support for buffalo raising.</li></ul>
<b>Son La</b>	<ul style="list-style-type: none"><li>• Drug prevention.</li><li>• Development of education, health, medical consultancy, facilities for cultural activities, arts, entertainment, recreation and sport for young people.</li></ul>
<b>Hoa Binh</b>	<ul style="list-style-type: none"><li>• Land prices in 2010.</li><li>• Program for construction of cultural villages in the</li></ul>

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	period of 2005-2010.
<b>Bac Giang</b>	<ul style="list-style-type: none"> <li>• Support for a stable life, learning, vocational training and employment for people when the State recovers agricultural land.</li> <li>• Development of rural transportation in the period of 2009 – 2020.</li> </ul>
<b>Thanh Hoa</b>	<ul style="list-style-type: none"> <li>• Policy towards Lam Son School.</li> <li>• Land prices in 2009.</li> <li>• Level of local budget allocations in 2007 and to stabilize in 2010.</li> <li>• Development of rubber trees.</li> </ul>
<b>Ha Tinh</b>	<ul style="list-style-type: none"> <li>• Maintenance of rural transportation.</li> <li>• Establishment of Cu Huy Can General School.</li> <li>• Conversion of semi-public pre-schools and policy for preschool teachers in these schools.</li> <li>• Health examination for the people.</li> <li>• Mobilizing people’s contributions to the development of infrastructure.</li> <li>• Hunger elimination and poverty reduction.</li> <li>• Reform and develop collective economy in the period of 2010-2015.</li> <li>• Planning and management of natural resources.</li> <li>• Training and use of technical laborers in 2009-2015.</li> <li>• Management and use of granted land or lease by</li> </ul>

	enterprises.
<b>Thua Thien-Hue</b>	<ul style="list-style-type: none"> <li>• Reform of administrative procedures for granting land use right certificates, house ownership and land issues.</li> </ul>
<b>Quang Ngai</b>	<ul style="list-style-type: none"> <li>• Development of agriculture and rural areas.</li> <li>• Compensation, resettlement and land clearance.</li> </ul>
<b>Binh Thuan</b>	<ul style="list-style-type: none"> <li>• School fees for continuing education programs for public secondary schools in the province.</li> <li>• Program for poverty reduction in the period of 2006-2010 and 2011-2015.</li> <li>• Rural transportation.</li> </ul>
<b>Gia Lai</b>	<ul style="list-style-type: none"> <li>• School fees.</li> </ul>
<b>Binh Phuoc</b>	<ul style="list-style-type: none"> <li>• Sustainable program for poverty reduction.</li> </ul>

**APPENDIX 3:**  
**Selected tools for public consultations and  
constituency relations**

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<b>Province</b>	<b>Tools for public consultations and constituency relations</b>
<b>Lao Cai</b>	Field visits; commune meetings; consultative meetings with focus-group discussions; internet-based consultations; mass media; social survey; stakeholders' meeting.
<b>Nghe An</b>	Consultative meetings; field visits; social survey; mass media; stakeholders' meeting.
<b>Yen Bai</b>	Consultative meetings; field visits; social survey; mass media.
<b>Son La</b>	Meeting with voters before and after sessions; topical meetings with voters; periodical meetings with voters; mass media; written submissions; receipt of people at home and office; hotline at the sessions.
<b>Hoa Binh</b>	Consultative meetings; field visits; social survey; stakeholders' meeting; mass media.
<b>BacGiang</b>	Consultative meetings; field visits; social survey; stakeholders' meeting; mass media; commune meeting.
<b>ThanhHoa</b>	Consultative meeting; social survey (at consultative meetings with simple questionnaires); commune meetings; group discussions; stakeholders' meeting; mass media.
<b>Ha Tinh</b>	Meeting with voters before and after sessions; topical meeting with voters; periodical receipt of the people; constituency relations through internet; fieldvisits;

	social survey; stakeholders' meetings; written submissions; commune meeting; expert and institutes; receipt of people at home and office; hotline at the sessions.
<b>Thua Thien-Hue</b>	Meeting with voters before and after sessions; periodical receipt of the people; constituency relations through internet; mass media; written submission.
<b>Quang Ngai</b>	Consultative meetings; internet-based consultations; field visits; social survey; stakeholders' meeting; mass media; written submissions; commune meeting; group discussion
<b>Binh Thuan</b>	Consultative meeting; field visits; social survey (delivery of questionnaires); mass media; internet-based consultations; written submission.
<b>Gia Lai</b>	Consultative meeting; field visits; social survey.
<b>Binh Phuoc</b>	Consultative meeting; field visits; social survey; mass media.

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