

VDR/PRSC Consultation Exercise, 2007

**The contribution of non-governmental organisations (NGOs) to the development of
policy actions to help implement the SEDP, 2006-10**

Compiled by
The VUFO-NGO Resource Centre
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Foreword

About the papers

The papers in this volume represent the outcome of an extensive consultation process within the NGO community in Vietnam concerning the policy actions necessary to make a reality of some priority objectives of Vietnam's Socio-Economic Development Plan, 2006 – 2010.

An initial mapping of NGO policy priorities identified 17 areas of policy interest: land/forests, agriculture, private sector, commune poverty reduction and infrastructure, planning processes (SEDP), WTO accession and global integration, disaster management, civil society and people's participation, environment, gender, health, social protection, HIV/AIDS, water and sanitation, microfinance, disability and education.

Based on the availability of organizations and their thematic interest, 8 working groups were proposed around the areas of: bottom up planning, civil society, disability, education, HIV/AIDS, land/forest, global integration, and water and sanitation.

In the end, given time and resource constraints as well as alternative avenues for presenting NGO experience, four papers have been produced:

- a. Developing the legal framework for civil society strengthening
- b. Bottom up, responsive planning for poverty reduction
- c. Realizing the rights of the disabled
- d. Improving access to and quality of basic education

While the papers and the proposals therein do not cover all the actions that NGOs would see as necessary for full SEDP implementation, it is believed that these four papers will provide a distinct contribution to the policy discussion in these areas, based as they are on significant grass roots and specialist experience and expertise from a non-governmental perspective.

About the process

Around 40 NGOs (including international NGOs and local NGOs) and more than 85 grass-roots disability organisations have participated in the consultation process¹.

Led by the NGO Resource Centre (NGO RC), the consultation process began in June 2006 with a meeting to mobilize engagement in the process, was followed up in July with the identification of thematic working groups and a common methodology, continued through August with working group meetings, and culminated in September with working papers distributed widely for comment and a workshop held to make final recommendations.

¹ See annex for a partial list of participating organisations.

The results of this consultation are the papers contained in this volume. They are being presented within the framework of World Bank consultation on policy actions to be proposed to the Government of Vietnam linked to its concessional lending instrument, the Poverty Reduction and Support Credit (also grant-funded by many bilateral donors), in support of SEDP implementation. The NGO proposals will be discussed alongside the proposals from bilateral and multilateral donors, the results of which will be presented for discussion with government as part of annual PRSC negotiations as well as forming the basis for the Vietnam Development Report 2007.

This process raises two issues: the risk of imposing aid conditions and the effectiveness of general budget support mechanisms like the PRSC.

On the issue of aid conditionality, there is clearly a danger that the policies proposed here by NGOs may end up in the PRSC as binding conditions or non-binding benchmarks which could affect aid levels and disbursement if a condition or a sufficient number of benchmarks were not met. In general NGOs are against imposing aid conditions on government, and particularly economic policy conditions around trade liberalization and privatization. However, given the negotiating power of the Government of Vietnam, given the continuation of multi-stakeholder consultation on development and poverty reduction policies (including on draft annual PRSCs), given that the policies being recommended by NGOs are designed specifically to benefit the poor, marginalized or vulnerable within the government's own national development strategy, we are happy to put these proposals forward for wider consideration.

On the issue of the effectiveness of general budget support mechanisms such as the PRSC, the NGOs would like to remind the donors of some key recommendations in the Vietnam report of the most extensive evaluation yet of general budget support:

- Include capacity building within PRSC activities, in order to strengthen policy implementation
- Consider sub-national budget support and complementary capacity building programmes, in order to reduce the risk of reinforcing central budget control
- Pay more attention to monitoring and evaluation in order to determine poverty reduction impacts
- Pay more attention to cross-cutting issues, such as gender (and disability)²

We are pleased to note that one of the other recommendations, widening the policy dialogue and consultation process to include NGOs, has already been taken into account in the current PRSC process. We look forward to seeing progress in these other areas. Most important of all, we hope that our views will be taken seriously, and in this spirit we remain committed to contributing to further rounds of PRSC consultation.

² Evaluation of General Budget Support – Vietnam Country Report. A Joint Evaluation of General Budget Support 1994 – 2004. DFID. May 2006.

On behalf of the participating NGOs

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A) Developing a sound legal environment for the development of Civil Society Organizations (CSOs)

NGO contribution

Introduction

The Government has recently been determined to promote the growth of CSOs sector, and the CSO sector is playing an increasingly important role in improving the active participation of people at all levels to promote national values and development. This policy paper seeks to recommend a sound legal environment that better facilitates the growth and operation of CSOs in Vietnam in order to fulfill the ambitions of the Government and civil society.

1. Situational analysis

1.1 The emerging CSOs sector and Vietnam's determination to build up a favorable legal environment for CSOs

In Vietnam, social organizations have always played a positive role in the course of development of the country and been considered a bridge between the State and the entire citizens. The right to association and assembly was addressed and was legitimized very early, as in the 1946 Constitution, the Decree-Law 52/SL (1946) and the Decree-Law 102/SL (1957). Since the *Doi Moi* policy was introduced in 1986 aiming at establishing a market economy and the *Public administration reform* in 1990s to expand the social sector to take over many of the State's social responsibilities, Vietnam has experienced the mushrooming of associations, grassroots organizations, non-governmental organizations (NGOs), and community-based organizations (CBOs), which form a rather comprehensive sector of Civil Society Organizations (CSOs)³.

To legally acknowledge and encourage the development of CSOs to meet with the new situation and the international integration trend, the 10th Legislature of the National Assembly has been directed to “*expand and diversify forms of assembling people to join unions, social organizations, professional, cultural and friendship associations, as well as those working in the charity and humanitarian fields of*”⁴. With a number of legal documents adopted recently including Decree 177/1999 on Social Funds and Charity Funds, Decree 88/2003 on Associations, laws for specific mass organizations (i.e. Fatherland Front), and especially in the process of drafting the Law on Associations, Vietnam is showing a definite concern to build up a basic legal framework for this emerging sector. In addition, the promulgation of Decree 73/1999 and the recent Resolution 05/2005 to strengthen and improve the quality of socialization of public work up to 2010 have proved that there is a recognized need to engage CSOs in social work.

Considering that around 65-70 million out of a population of 82 million join CSOs,⁵ it is undeniable that CSOs have become more important in contributing to social security and national development of Vietnam. CSOs not only protect and develop values in all political, economic, cultural, scientific and social areas, but also share the State's burdens in responding to the needs of people, especially in areas of poverty alleviation, hunger elimination, raising intellectual level, protection of natural resources and environment, promotion in different forms of direct and representative democracy, good national governance and so forth⁶. Characterised as voluntary, self-financing, not-for-profit and close to the community, CSOs surpass other

³ The civil sector has now gone broader than the associational sector. In general, the CSOs may include 4 key categories: mass organizations, associations, non-membership organizations (funds and foundations) and Community based organizations.

⁴ Resolution No. 51/2001/QH10 dated 25 December 2001 of the 10th session of the 10th Legislature of the National Assembly

⁵ Irene Norlund et al (2006) “The Emerging Civil Society”

⁶ Tran Xuan Gia (2005) “Concerns in drafting the Law on Associations”

sectors in terms of cost-effectiveness, and in generating human as well as financial resources from the community and donors. It is reported by PACCOM that INGOs contribute about a hundred million US dollar of development aid yearly,⁷ while social and charity funds have mobilized billions of VND from the communities for philanthropy activities (i.e. Study-encouragement Fund mobilized 260 – 300 billion VND yearly for education purposes, Fund for Poor People: 1,314 billion VND during 2000-2005...)⁸. CSOs now also increase their roles in overseeing State works and in big and costly national programs to help control corruption and waste. One example is the case of VUSTA who has successfully consulted on the Pha Lai 2 thermal power project with a cost of less than USD 20,000 instead of 18 million USD fee for Japanese consultants⁹. Thus, Resolution 05/2005 has directed more social work to be done by CSOs in order to ‘*promote entire people’s intellectual and materials*’ and ‘*create opportunities for the entire community, especially the disadvantaged groups to benefit from these activities*’¹⁰. And the SEDP (2006-2010), for the first time, encourages “*all non-governmental organisations, social associations and unions to develop social security networks and provide effective assistance to the vulnerable*” and “*to engage in managing and monitoring some public fields*”.¹¹

With the above described legal environment, it could be argued that Vietnam has paid more concerns to the development of CSOs compared to other countries in the region with similar governance. However, our experiences in working with CSOs in Vietnam showed that the current legal regime for CSOs reveals certain inadequacies and loopholes compared to what it should be. In particular, the legal framework is:

- non-comprehensive
- not sufficiently facilitative or supportive for the establishment and operation of CSOs
- lacking an effective mechanism for interaction and dialogues between CSOs and State agencies

1.2 The current legal framework is non-comprehensive

Complex existing laws and regulations

Generally speaking, the existing legal framework for CSOs in Vietnam are quite complex with the Constitutions, the Civil Code, the Decree/ law 1957, specific laws for each mass organizations, Decree 88 on associations, Decree 177 on funds, Decree 35 on scientific organizations, Decree 25 on supporting centres, etc., not to mention regulations scattering in other documents relating to uses of State funds, license for receiving foreign funds/donations, taxes, etc. This variety and inconsistency causes confusions in applying and implementation for both authorities and CSOs, especially when many of them can hardly know about or access to

⁷ Hoang Ngoc Giao (2006) “Contribution to the 9th draft Law on Associations” published on Van Nghe journal, Vol 8, dated 19th February 2006

⁸ Ministry of Finance (2006) “Report on assessment of the mobilization and uses of funds at central and provincial levels”

⁹ Nguyen Vi Khai (2006) “Report on assessment of public delivery provision”

¹⁰ Resolution 05/2005/NQ-CP on “Strengthening the public service delivery”, dated 18th April 2005.

¹¹ SEDP 2006-10, pp. 91, 140.

all of these documents. More importantly, these complex regulations allow different legal regimes pertaining to different organizations as in the cases of mass organizations having more priorities accessing to State funds, donors funds and fields of operation than any others do. CSOs have complained that this cause unfair status among CSOs, this also limiting the organizations in become more independent while their amount the greatest population of the civil society.

In addition, the failure of having a clear and transparent legal regime gives authorities power to enforce laws selectively and arbitrarily. In many cases, CSOs establishment and matters cannot be solved by the authorities, either with or without intention, due to failure to find an appropriate legal base to rely on. Different laws and regulations also permit administrative discretion to be exercised, resulting in a lack of uniformity in the application of the laws at different levels and in different administrative units.

=> Legal documents for CSOs should be revised and combined into a few clear and simple ones, so the legal framework for CSOs can be more accessible, applicable and referenceable.

Lack of regulations

Even those laws and regulations for CSOs seems numerous and complex as mentioned above, they are not formulated to cover all key types of CSOs in Vietnam, such as foundations (non-membership CSOs) and community based organizations (CBOs). In many countries, foundations and CBOs are given considerable concerns and privileges by law makers because foundations are for public benefit and CBOs serve the benefit of the poor and vulnerable people at grassroots level. In Vietnam, there are currently dozens of thousand of foundations and CBOs¹² operating and contributing to the social benefit and development, but there is no separate regulation or even an article to provide for their legitimate existence in Decree on Associations or Decree on Funds, the two key legislations for CSOs. Where there is no legal base for establishment and operation of CSOs, it limits significantly the existence of these organizations, or leaves them to the subjective justification of local authorities. In fact, many established foundations have to be hosted by certain umbrella organizations or department. And during establishment many organisations have had to go through troublesome and complicated procedures, and sometimes have to operating permission from two different institutions.

CBOs are often not able to register and formalise and are hence considered as unofficial by, which limit the extent of their engagement in lawful activities. But more importantly, the lack of regulations creates a situation in which CSOs have very little protection from arbitrary actions by authorities.

In countries with more advanced CSO legal framework like Japan¹³ and the Philippines, CBOs and those working in the areas of public benefit such as public health, social welfare, education, community development, art and culture promotion, sports, assistance in natural disasters,

¹² Nguyen Ngoc Lam, 2005 “Report on implementation of Decree 88”

¹³ Karla Simon, ICNL, “Comparative report on regulations for NGOs in East and Southeast Asia”

international cooperation, etc. can be legally recognized after a simple registration procedure or even without registration. Also in China is going to apply this good practice.¹⁴

=> Laws/ regulations for foundations and CBOs should come into existence as soon as possible.

1.2 Present framework is not sufficiently facilitative or supportive

Current provisions are not facilitating or supportive for CSOs' establishment and operation

With the increasing trust on the role of CSO in the modern society, especially in promoting social and economic development as well as respects for the Rule of Law, Vietnam has determined to encourage the operation and growth of CSOs by building a facilitating and supportive legal environment. However, the current regulations have not reached a necessary freedom of establishment and operation of CSOs, which limits the CSOs response to the needs of the whole society.

Establishment procedures

An assessment of the implementation of Decree 88 on Associations reports that it is very complicated and time consuming to set up an organisation¹⁵. When an association wants to establish, it needs to go through at least 3 steps of recognition and approval (approval of the mobilization committee, application documents and Charter), submit at least 6 types of documents and take at least 6 months.¹⁶ Similarly, it takes several months for a project with foreign funds to obtain a project permission document. The “permission granting” regime, the requirements of minimum founding members and assets, the provision that prohibit two same organizations in one area, etc. all create an unnecessary restriction on establishment. Which causes the quantitative growth of CSOs and is very resource demanding. These provisions are even more inappropriate for disadvantaged groups of people. For example, the association of blind people in Hai An province of Hai Phong city were asked to find at least 40 members to be established. They said they failed to find that number of blind people, and also could hardly satisfy the condition of having office and minimum asset without supports from the State or others. In addition, the procedures leaves room for subjective evaluation by responsible state agencies.

In the development of an organisations Charter, organisations are not encouraged to include providing comments on policy and law development, limits the active participation of CSOs into the law and decision making process, in oversight of the implementation of State functions, and in anti-corruption.

¹⁴ Department of NGOs, Ministry of Civil Affairs, “Report of the field trip to China on NGO matters” by VNAH.

¹⁵ Duong Dinh Khuyen (2005) “Report on Assessment of the Implementation of Decree 88/2003” Decree 88/2003, chapter on Establishment of Associations

¹⁶ Decree 88/2003, chapter on “Establishment of Associations”

Management by state agencies

Presently, CSOs are managed by both the Ministry or Department of Home Affairs and a line ministry. This two-door management, by the permission granting agency and by line ministries tends to cause hindrance for the CSOs development and work, including:

- The complicated and bureaucratic administrative procedures for CSO establishment and operation limits the number of CSOs, and delay their activities;
- In many cases, the ministry staff are assigned for management work without having sufficient time and knowledge in the area, causing unreasonable barriers to CSOs activities;
- The investigation of CSOs should be based on regulations of investigation, this is often not the case. Beside, CSOs should be given a right to access to judicial review, which presently does not exist.

Lack of support for financial sustainability of CSOs

As CSOs are of non-profit nature, it is of great importance that the State financially and legally support this type of organisation, whether they are mass organizations or CBOs, mutual benefit based or public benefit based. However, in Vietnam, there are limited and unclear provisions on this matter. The laws mostly provide State funds to mass organizations and activities that “associated with State tasks” while lots of local CSOs are struggling to survive relying mostly on foreign grants.

Financial support for the not-for-profit sector does not simply mean providing money from state budget. It should be a comprehensive mechanism to encourage and mobilize funds for the whole sector. Funds can be provided by the government directly through state grants and contracts or transfers of assets. It can also be provided indirectly through tax exemptions and tax benefits for donors to CSOs which is very popular in other countries, or by advanced provisions to encourage fund raising, foreign aids, or economic activities provided that the benefits thereof shall be used for not for profit purposes, etc.

A clear mechanism on financial sustainability with close oversight/ reporting system will help reduce fraud or misuse of money, receiving grants for negative purposes, or overlapping in distribution of funds.

1.3 Lack of mechanism to promote dialogues

Currently, it is hard for CSOs to find an official channel for dialogue with the government. This limits the development of mutual understanding and effective coordination of not-for-profit activities, including a discussion of the responsibility and accountability of each side. As the CSOs engagement in social work is increasing there is an increasing need for establishment of this kind of mechanism. For reference, a Council comprising of representatives from both sectors (as the model in Japan and the Philippines) may work very effectively on discussing policies for CSOs, fund distribution, taxes, areas of priority, etc. Or a monthly forum could help

the two sides updating each other and figure out responses for immediate needs. An online registry system (like what China is pursuing) will encourage registration of establishment in a very fast manner and with least cost, etc. More importantly, this communication mechanism, if succeeded, shall help prevent bureaucratic justification and decisions, unnecessary delay and waste in CSOs works, and capacity building of both sectors.

2. Prioritized Policy Action

To develop a more suitable legal environment for CSOs we suggest the following policy actions:

- a) A revision of the legal framework to best regulate and facilitate the growth and operation of CSOs. The laws/ regulations on CSOs should be clear, simple and basically applicable to all key types of CSOs. At the same time, there should be different appropriate treatments to certain types such as those working for public benefit and those of disadvantaged people. Promote the participation and contribution of CSOs in this process of revision;
- b) Redefine and set up a very simple registration mechanism to make it quick, easy, and inexpensive for all persons to register or incorporate a CSO as a legal person;
- c) Exercise a one door State management on establishment and registration of CSOs to minimize complicated administrative procedures;
- d) Strengthen the implementation and enforcement of the laws/ regulations on CSOs. Good laws cannot produce good results unless with effective and correct enforcement. Emphasize the importance of the right to judicial review and sanctions for violation of rules.
- e) Capacity building for both the civil servants who administer the laws (including tax officials, ministries, local authorities, etc.) and CSOs members on implementation of the laws/regulations and exercise of their functions in an accountable and transparent manner to preserve the public trust.
- f) Support and maintain financial sustainability of CSOs by providing or implementing:
 - Assignment of State funds where necessary;
 - Tax exemption and reduction to CSOs and their donors, especially those working for public benefit;
 - Appropriate provisions to encourage fund raising;
 - Permission to engage in lawful economic activities without distribution of net interest;

- Support for endowment and volunteer work;
 - Encourage of foreign funding;
 - Good mechanism for CSO delivery of public services through grants, contracts or biddings;
- g) Set up a clear and transparent mechanism to improve the interaction and partnership between the State sector and CSOs sector for mutual benefit.

3. Sequencing, timing and Monitoring Progress

Sequencing	Timing	Monitoring of progress
a. Revise the legal framework	2006 - 2010	Laws/ regulations that cover all key types of CSOs
b. Redefine and set up the registration mechanism	2007	New regulations for registration
c. Exercise a one door State management	2007	New regulations for State management
d. Strengthen the implementation and enforcement of the laws/ regulations on CSOs.	2007-2010	Clear and good guidelines, a mechanism to follow up and oversight
e. Capacity building for both the civil servants and CSOs members	2006 - 2010	Trainings, workshops, materials, evaluations
f. Strengthen the Rule of Law and participation of CSOs in national planning and laws/ policies making process.	2007	New regulations for activities of CSOs
g. Support and maintain financial sustainability of CSOs	2006-2007	New tax and fiscal laws/regulations...
h. Set up a clear, transparent and effective mechanism for interaction	2006 - 2007	A State-CSOs Council/ committee/ agency; a State-CSOs monthly forum/ meeting; an online directory; an online registration system

4. Budgetary implication

It is very difficult to estimate the cost for developing this comprehensive and facilitating legal framework for CSOs. However, we foresee some of the budget implication needed as follow:

- For revising and drafting new laws/ regulations and guidelines (including need assessment, policy analysis, solution identification, drafting, commenting...)

- For human resources and capacity building
- For stakeholders forum, meetings, consultation, experience exposures
- For developing the online registration system, filing and directory.

B) Initiatives towards promoting bottom-up planning in Vietnam

NGO contribution

Despite the strong commitment of the Government of Vietnam towards promoting bottom up planning, its implementation at local level is still limited. There is a lack of clear guidelines to the localities on the methodology to be followed for the preparation of bottom up planning. Local authorities lack both incentives and capacity to undertake planning as desired at the national level. This paper suggests some policy actions from INGOs to the World Bank and the donor community on how they could make the best use of their resources through the policy actions agreed in future Poverty Reduction Support Credits in Vietnam to narrow down the existing gap between policies and practice over the five-year period of the Socio-Economic Development Plan, 2006–10

Introduction

The paper focuses particularly on how to make bottom-up planning happen in Vietnam. As Vietnam is integrating into the world economy, it has to transform its regulatory framework accordingly. Great international effort has been directed towards the adoption of evidence-based planning, and Vietnam's central planning system is therefore seen to be no longer adequate with regard to the country's ongoing socio-economic development. Observations from, among others, non-governmental organisations (NGOs) working in the field, confirm that there is a wide gap between planning and reality: many projects and programmes designed by higher-level authorities have not been successfully implemented because they failed to meet local needs. Moreover, centralised planning implies the centralisation of power, and this tends to lead to a lack of transparency and accountability. The reform of planning processes presents a great challenge, however, because over a very long period Vietnam had a centrally planned economy, with power concentrated in the country's authorities at the highest level, and decisions made in a top-down manner.

The paper starts with an analysis of the present situation regarding bottom-up planning, and then outlines some key policy measures that could provide a clear road map for strengthening

bottom-up planning. The last section suggests how these proposed policy measures could be sequenced, monitored and evaluated.

1. Situational analysis

1.1 Strong commitment at national level but low incentives at local levels

- Vietnam has shown a high level of commitment in pursuing its decentralisation process, putting in place effective governance structures to promote transparency and accountability. Its commitment is reflected in a series of legal documents and programmes such as the Master Programme on Public Administration Reform (PAR) for the period 2001–10, the State Budget Law (2002), the amended Law on the Organisation of People’s Councils and People’s Committees (2003), the revised Grass-roots Democracy Degree (GDD-2003) that promotes greater local participation in decision-making (2003), etc. Currently, Vietnam is regarded as one of the most decentralised countries in Asia, with almost half of public expenditure being managed at sub-national levels. In a study on decentralisation of six countries in Asia (including Cambodia, Indonesia, Philippines, Vietnam, Thailand and China), Vietnam is ranked second only to China in terms of expenditure decentralisation (WB, 2005).

- To strengthen effective decentralisation, Vietnam has made a great deal of effort to reform its planning processes. The government’s recent Official Document 2215, signed by the Minister of Planning and Investment, and Directive 33, signed by the Deputy Prime Minister, have given greater legitimacy to the adoption of new planning approaches. The SEDP (2006 – 2010) considers decentralized planning as a part of its ‘perfect performance mechanism’: “Quickly establish a legal and institutional framework for clear assignment and decentralisation, creating standardization in planning processes and planning time frames for all types of plans as well as unity and coordination among plans” (GoV: 2006). The Ministry of Planning and Investment (MPI) is in the process of developing the Planning Law (expected to be approved by the National Assembly by the beginning of 2007), which aims to realise the following planning principles:
 - i. The planning process should be bottom-up, with the broader participation of all stakeholders.
 - ii. The plan needs to be results-oriented.
 - iii. Objectives and targets should be set on the basis of evidence and the current practical situation
 - iv. The plan should be comprehensive, with clear prioritisation.
 - v. The plan must be pro-poor, or must at least ensure a balance between economic growth and poverty-reduction objectives.

- Despite the existence of a broad policy framework, the implementation of these policies varies. There is a lack of an incentive scheme to persuade lower-level government authorities to follow them. At present there are no regulations or rules to reinforce participatory planning. In Da Nang, for example, where Save the Children UK, in collaboration with the Vietnam Institute of Economics, supported the city to undertake a participatory mid-year review of the implementation of its 2006 annual Socio-Economic Development Plan (SEDP), it was found that although junior planners were very enthusiastic about the new participatory method, they felt they were unable to apply it as their bosses were not prepared to introduce any new methods and did not regard the introduction of this one as compulsory. Moreover, these senior planners, who have grown up with a centrally planned economy and have been practising top-down decision-making for a long time, see wider participation as the sharing of power with others, which they never like.

- As the commune is the lowest level of administrative unit, bottom-up planning needs to start at this level. The government of Vietnam (GoV) considers the GDD as the legal foundation for people's participation in local decision making - "The people know, the people discuss, the people do and the people monitor" (GoV, 2003). In line with the GDD, many donors and international NGOs (INGOs) have promoted the process of Village Development Planning (VDP) as the institutional channel for the local people to influence policies. It has been demonstrated that implementation of the VDP has contributed to enhancing people's participation in the local-level planning and decision-making process. However, there is a lack of clear guidelines and/or instructions from the central level to link up VDP with the SEDP. This missing link between the GDD and national efforts on the integration of the Comprehensive Poverty Reduction and Growth Strategy (CPRGS) into SEDPs has undermined the potential contribution of VDP towards bottom-up planning, and "the opinions of the people are not listened to closely by the leadership" (UNDP, 2006: 14). As a result, VDP tends in many cases to create parallel processes with local development plans.

- In contrast with the GoV's efforts to strengthen decentralisation (more than 50 per cent of the budget is now managed at sub-national level), there is a lack of clear guidelines to implement a bottom-up budgeting processes. Planning and budget decisions are still made centrally, with too much involvement of central authorities in local decision-making in these areas. For example, the Ministry of Agriculture and Rural Development, with the agreement of the Prime Minister, has stipulated that all provinces have to allocate a certain amount of their provincial budget for agriculture, regardless of the actual situation in each province. Coupled with the obligation to strictly follow the national standard log-frame that drives planning for local levels, this stipulation means that local governments have very little freedom to make planning and budget decisions on the basis of real local needs.

1.2 Gaps between policies and practices

Gaps in technicalities: The lack of technical guidance leads to symbolic participation and low quality of collected indicators for monitoring the implementation of the plan

- Almost all policy documents issued by the GoV on planning or local participation have been welcomed by sub-national governments but they do not seem to provide sufficient instructions for implementation. For example, although the Official Document 2215 and Directive 33 both highlight the importance of consulting a range of stakeholders - including grass-roots communities - while developing a plan, they do not give sufficient guidance on how to carry out consultation. For many local authorities, participatory planning means consultation with just the various official departments. Poor people, women and children, are often “invisible” and tend to be excluded from discussions on social and political decision-making that relates to their communities. This type of practice should only be referred to as ‘representative democracy’ or ‘indirect democracy’ (UNDP, 2006) because it takes into account only the views of the authorities. Such a practice has raised many questions about the gap between the authorities’ views and the actual local situation. In the case of Hoa Binh, for example, where the Japan International Cooperation Agency (JICA) and the Centre for Development and Integration (CDI) worked with Hoa Binh People’s Committee to improve the provincial five-year plan, many major issues emerged. For instance, although agreeing with a statement in the draft provincial plan that over the previous five years there had been considerable achievements in terms of the province’s economic growth, and that the province had introduced a number of good policies to attract and encourage investment, many people who were consulted raised an issue about the lack of linkages between overall and detailed territorial planning, and particularly the lack of transparency in developing those plans. This issue is the reason why many potential local and foreign investors hesitate to invest in the province.
- Another technical problem is the difficulty of meeting the requirement for new statistics to be collected in order to develop outcome-based indicators. Because of the limited nature of the instructions supplied, some difficulties concerning the measurement, interpretation and calculation of indicators remain. There are therefore some discrepancies in the information collected by the statistics authorities and that collected by the planning authorities, which make it difficult to monitor the plan’s progress (SNV, 2004). The statistics collected are often insensitive to pro-poor requirements although there is formidable amount of information available (UNDP, 2005). In addition, even if the statistics on outcome indicators have been collected, they do not necessarily meet planning requirements. As a result of strictly following the MPI’s fixed log-frame and of being without concrete guidelines, provinces may miss indicators that are locally important but are not regarded as an important indicator by the national format. For example, a consultation conducted by Save the Children UK in Lao Cai revealed a critical problem: the close correlation between tourism development and issues concerning child protection and children dropping out of school. This is a ‘trade-off’ between economic development and social development, which cannot be reflected in the MPI’s planning format/ log-frame.

Gaps in resources: The shortage of planning staff and capacity, time pressure as well as limited financial investment are posing a big challenge for making the planning reform effective.

- There is a shortage of planning staff at local levels. It has been observed in many areas that there are no personnel responsible for planning at commune level. It is common practice for the commune's development plan to be drawn up by staff from various divisions, such as land administration, or by the People's Committee office administrator or accountant, etc. Who is responsible for developing the commune plan varies from commune to commune, depending on individual capacity. At district level, people are often seconded from various departments to work on planning on a seasonal basis. The regular district planners, normally one or two, are based in the division of finance and planning. They are only part-time planners, however, and their main task is to carry out financial management. This planning practice is also common in other district sectoral divisions. At provincial level, staffing arrangements seem much better as there is a department of planning and investment (DPI) in every province, with two divisions fully responsible for planning activities (a provincial economics issues division and a cultural and social division). However, many provinces still experience staff shortages, especially sector planning staff in other departments such as health, agriculture, education, etc. In those departments, there are normally one or two planning officers, but at the same time they have other responsibilities in their respective divisions. With this current staffing situation, it is impossible for local-level authorities to prepare a plan of even the minimum degree of quality within allocated time frames, let alone to address the requirement, under planning reforms, that the plan must fulfil the above-mentioned principles.

Planning cannot be considered as a one-off exercise but rather as an ongoing process, which requires full-time staff responsible for planning, at all levels.

- Second (but equally important) is the matter of planners' capacity to fulfil their planning functions. Experience that NGOs have gained from working at the local level shows that most local level planners, especially those at commune and district levels, do not have an educational background in planning. As explained above, they are only mobilised during the planning period to prepare commune or district plans without any, or only limited, guidance on the planning process and planning methods. This would not be too great a problem, were it not for the requirements stipulated by planning reform, as the task of planners at local levels seems very simple. Current planning practice at commune and district levels is that personnel in charge of planning draw up plans with reference to previous (annual) plans and indicative targets and objectives specified by higher-level authorities. Data and information used as basis for planning tend to be 'guesstimates' rather than being calculated on the basis of practical situation analysis. The tendency is for targets increasingly to be set over the years without any regard to the current situation or to whether the previous targets were achieved or not. This entails merely making a new version of previous plans with some minor changes in targets and, accordingly, in the budget. In fact, the local plans are greatly influenced by the indicative budget allocated by the higher-level authorities rather than being based on a critical analysis of the situation and context. Even with these current, very simple planning practices, some communes and districts still face difficulties in the planning

process as they have no staff with the minimum capacity needed to develop the most basic of plans.

- In light of the requirements of planning reform, planners at local levels have initially highlighted the following challenges relating to the capacity and skills of planning staff at all levels (province, district and commune):
 - i. Planners are not familiar with planning tools/methodologies that can help to develop a results-oriented and pro-poor plan.
 - ii. There is a lack of experience and skills in carrying out research/studies to gather and analyse information to ensure that a plan is developed with realistic targets and based on evidence.
 - iii. Planners also lack knowledge and experience in developing a monitoring and evaluation programme.
 - iv. Planners lack experience in the use of participatory tools.

There is an obvious and urgent need to fill this gap in the capacity and skills of planners in order to ensure the success of planning reform.

- The other major gaps in resources are represented by time and budgetary constraints. Genuine and meaningful participation is usually very time-consuming, from the joint identification of problems and solutions to the joint identification of methods and relevant indicators for monitoring the plan's implementation. Planning and budgeting by line departments and local governments is usually limited to a period of one to two months – and this quite simply does not give enough time for grass-roots or wider consultations and input to be meaningful (UNDP, 2005). As a result of time pressure, the provincial DPIs tend to submit their plans to higher-level authorities without any inputs from district-level authorities, which means that the planning is not genuinely bottom-up, even if it was intended to be so (SNV, 2004). Last, but not least, is the question of budgetary constraints, and this is in fact the most decisive factor. *There is no state budget allocation for consultation/bottom-up planning activities, which so far have been funded entirely by external sources.*

Strong external efforts to support bottom-up planning, but weak co-ordination and poor link up with wider planning processes

- Many NGOs have adopted participatory planning methods based on the use of participatory rural appraisal (PRA) tools, in their development projects. These NGO-led projects have secured a high degree of local participation in the various stages of the project cycle, from identification of problems to problem-solving and monitoring progress of implementation. Most of these NGOs use the GDD as the legal basis for the preparation and implementation of plans, and they have generated high levels of local ownership. Despite their great experience and their contribution to the promotion of participatory bottom-up planning, and despite the GoV's appreciation of the contribution

made by international and local NGOs (I/NGOs) to SEDP preparation and implementation at the national level, these I/NGOs have almost no opportunity to provide inputs to the GoV in improving planning guidelines. It is understood that the MPI is in the process of preparing the new Planning Law, which is expected to be approved in 2007; however, I/NGOs have not received any formal requests to contribute to the process.

- A similar problem exists at the local level. While promoting participatory planning, the NGO community finds it difficult to influence local planning processes. On the one hand this is because during the process of project plan development they tend to take a narrow project focus and there is poor linkage with the broader context (for example when developing an HIV/AIDS project plan there tends to be a weak contextualisation, limiting linkages with poverty reduction and economic development, or with local SEDP planning as a whole). This would hardly motivate, and might even marginalise, wider stakeholder participation as they would see that the project is too technical for them to participate. On the other hand, it seems that while developing a project plan, NGOs tends to involve only those who are directly engaged in project management such as the Department of Health or Department of Education. As such, lessons learnt from the planning exercise of the project are mainly absorbed by those direct partners, which limits wider impact and therefore makes replication difficult.
- Several local governments are still found to be sceptical about the involvement of NGOs in governments' planning processes. In Hung Yen, for example, where Save the Children UK worked with the provincial DPI to conduct a grass-roots consultation on the five-year national SEDP, the DPI at first treated it as Save the Children's work, and thus joined in the consultation as though doing it as a favour, because they did not fully understand Directive 33, or the importance of local people's participation in planning. They tended to see planning as entirely their responsibility, and seemed quite confused about why NGOs should get involved in supporting planning activities. This experience raised major questions regarding attitudes and behavioural change among planning staff of all departments, including the DPI, towards participatory approaches and the role NGOs could play in making participation happen. There is as yet no official document that recognises the role of civil society and that calls for its greater engagement in public affairs.
- The Law on the Organisation of People's Councils and People's Committees (2003) gives local people's councils and people's committees increased responsibilities in the co-ordination, budget allocation and finalisation of SEDPs at their respective levels. However, local leaders are not fully aware of these responsibilities and their importance; consequently, there is a lack of relevant capacity and leadership needed for the planning process.

2. Policy measures

In light of the above analysis, the following proposed actions should be considered:

- For improving the legal environment:
 - i. Issue and adopt the planning guidelines, taking into account the broader experiences and constraints discussed above. These guidelines should equally emphasize on the importance of participation of different stakeholders regardless gender, ethnicity, and economic and educational background;
 - ii. Issue a decree that regulates bottom-up planning and budgeting and links the GDD with the SEDP process;
 - iii. The planning law which is being developed should reflect key CPRGS principles (such as pro-poor, outcome based and participatory approaches), and reserve space for independent organisations such as I/NGOs to contribute to the preparation, implementation and review of local SEDPs;
 - iv. It is important to strengthen the role of people’s council in facilitating grassroots participation in local planning

- For strengthening capacity at sub-national levels:
 - i. Assess the human and organisational implications of the new planning law and increase budget allocations at all levels, giving top priority to district and commune levels;
 - ii. Increase planning staff at district and commune levels.
 - iii. Develop policies to ensure more incentives to encourage young/qualified planning staff to work at grass-roots levels, especially in poor/remote/mountain areas;
 - iv. Prepare a comprehensive capacity-strengthening plan with budget based on a careful training needs assessment (TNA) to build the capacity of local planners regarding new planning methodologies;

3. Sequencing and timing, and monitoring and evaluation

Recommended actions	Tentative timing	Monitoring indicators
Improving the legal environment		
1. Issue and adopt the planning guidelines. These guidelines should emphasise the importance of participation of different stakeholders regardless	Mid-2007	- Consultation workshops held with the various stakeholders

gender, ethnicity, and economic and educational background; and wider consultation with I/NGOs and other stakeholders		
2. Issue a decree that regulates bottom-up planning and budgeting and links the GDD with the SEDP process	Mid-2007	- Decree issued - Concrete instructions developed
3. Reflect key CPRGS principles and reserve space for independent organisations such as I/NGOs to contribute to the preparation, implementation and review of local SEDPs while developing the planning law;	End of 2008	- Legal clarity on how to apply CPRGS principles, roles of civil society organisations, budget for participatory activities - Law approved and rolled out
4. Strengthen the role of people's councils in facilitating grassroots participation in local planning through strengthening capacity and creating an incentive system that motivates their active participation in all planning processes	Early 2008	Active participation of people councils in all planning processes
Capacity-building		
5. Assess human and organisational implications of the new planning law and develop strategies to address these	End -2007	- Strategy drafted based on the findings of the assessment
6. Increase planning staff at district and commune levels	End 2008	Planning staff at district and commune level increased
7. Develop policies to ensure more incentives to encourage young/qualified planning staff	Mid of 2008	- These policies available and come into effect - Satisfactory staffing situation at grass-roots levels

8. Prepare a comprehensive capacity-strengthening plan with budget	Early 2009	- Plan document with budget based on TNA report
9. Start the implementation of capacity-strengthening plan	Mid-2009	- Approved training programmes with Training curriculum

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C) Disability paper

D) Education Policy Paper

NGO contribution

1. Situation Analysis

In the past decade, Vietnam has made considerable improvements and achieved much in the education sector. Education is one of the GOV's highest priorities in terms of its development agenda. This commitment is clearly reflected in the SEDP 2006-2010, the five-year Education Strategic Plan 2006 – 2010 and the National Education for All (EFA) Action Plan. In addition, the priority nature of the sector is witnessed by the fact that education's share of public expenditure has been steadily increasing from 15 % in 2000 to 18 % in 2006. The education sector's spending in relation to Gross Domestic Product (GDP) has increased from 3.7% in 2000 to 5.87% in 2006¹⁷.

For the 2004 / 2005 school year, the enrolment rate for 6-11 year-olds was more than 95%. By March 2006, 35 provinces and cities were certified as having met the Government's standard of having children attending primary school at the correct age. In 2002, there were only 10 provinces certified as having achieved the universalisation of lower secondary education but as of March 2006, 32 provinces had met these criteria.

In the last five years (2001-2005), the vocational education system (under MOLISA) has been significantly strengthened. The number of vocational training institutions has doubled since 1998. In the last 20 years of higher education in Vietnam, the number of college students increased by 29.7% as a whole. For undergraduate university students the increase was 37.1% and for masters and doctorate degree students it amounted to 62.4%. Vietnam has been consistent in its achievements relating to adult literacy through literacy classes and continuing education.

In the SEDP 2006-2010, the Government stated some clear objectives for the sector: (1) continue the systematic and comprehensive reform of education and training, broaden international cooperation, improve the quality of human resource training to meet the demands of the industrialization and modernization process (2) speed up the development of nursery schools across the country, especially in rural and disadvantaged areas (3) strengthen and improve the results of universalised primary education, complete the universalised lower secondary education by 2010 and move on to universalisation of upper secondary education; (4)

¹⁷ Data from presentation on "Public expenditure in education" by Mr. Dang Van Ngu, Director of Planning and Finance Department, MOET, 28th June 2006 for Exchanges Visit of African Education Ministers

improve the curricula and teaching methods at all levels; (5) further perform social equity and gender equality, give priority to the ethnic minority and disadvantaged areas.

The strategy which the government has outlined to achieve these objectives includes: (1) boost the ‘socialization’ of education; (2) renovate the financial mechanism and policies; (3) renovate the tuition scheme; (4) issue policies of subsidizing fees or granting scholarship to students of specific groups; (5) continue the implementation of the “schools concretization” programme and standardization of facilities (6) intensify the international cooperation in education (7) improve the education management with stronger decentralization, clearer responsibilities and authority of education institutions at different levels; (8) strengthen the teaching and learning disciplines (9) improve the quality of the teaching staffs and educational management officials (10) increase the education and training budget to 20% of total public expenditure 2 – 3 years before 2010.

Despite this rather upbeat picture of developments in the sector, serious challenges still remain. Currently, the basic education package for Viet Nam’s children, especially for disadvantaged groups, is wholly inadequate and falls far short of meeting the basic education rights of the children.

These include limitations in:

(1) Access to education for children and adults living in poverty and who are disadvantaged, such as children from remote minority ethnic groups, migrants, children with disabilities and children affected and infected by HIV and AIDS. An estimated 20 percent of minority ethnic children have no access to basic education. Although the primary enrolment rate is over 95% nationally, among the poorest groups, for example the Hmong and Dao, primary enrolment rates are only 40-70% and lower secondary enrolment rate is 20%¹⁸. In rural, mountainous and minority ethnic areas, the gender gap for the Dao, Thai and Hmong ethnic minority children stands at 5%, 7% and 20% percent respectively. This gap increases at secondary level. In most mountainous areas, the illiteracy rate of adults at the age of 35-45 years old is not less than 50%, especially for women. A high percentage of children with disability do not have access to basic, quality education. In the areas affected by natural disaster, it seems there is no contingency plan to support the rights of children to access to education.

In poor areas, there is not sufficient budget for building schools and satellite campuses in remote rural areas. As one senior local authority official stated in one minority ethnic area: “with the current progress and available resources, it will take another three years to meet only one third of the needs from the minority ethnic groups in terms of upgrading and construction of new primary schools“. The policy to exempt poor children from school fees is generally respected in Vietnam, but application might not be “sufficiently robust in areas with more

¹⁸ Data from the Government of Vietnam to the UN Summit on MDG2.

localized poverty”. The informal payment makes up around one-third of total education costs.¹⁹ This mostly affects school attendance of girls first.

(2) *Poor quality of education* is caused by a number of complex factors. There are rigid learning methods and hierarchical structures that do not promote active learning or creative thinking in children. Poor quality is also caused by an irrelevant curriculum (the developed curriculum is not much based on the children development process, and available learning environment), insufficient school hours (too much in urban and not enough in poor areas) and under qualified teachers at all levels of education. As far as planning processes are concerned, data accuracy is limited to support effective education planning and there is no availability of disaggregated data for the most disadvantaged groups. In addition, there is not much participation of schools in planning processes. In many areas, financial autonomy at the school level is not yet happening. In some areas, budget allocation in education is not effective, for example there is an imbalance in supplying learning/teaching aids with the training on how to use the provided teaching aids. There is a poor management capacity of education staff to support new ways of working. The coordination between schools and district education authorities is weak in terms of implementing Decree 10 on the decentralization of budget management and planning. There is miss-match between policies and actual implementation process on the ground at local level that requires a strong mechanism to effectively monitor policy implementation.

Family and community engagement in education management is mainly through providing funds for school maintenance. There are limited opportunities for communities and families to engage in issues of curriculum, school planning, budgeting and expenditure to avoid corruption. Parents Associations are weak and poorly organized with limited roles. There is an absence of local non-governmental organizations to provide direct educational services or to carry out independent monitoring services on behalf of the users.

Poor quality education is further challenged by ineffective assessment processes both for teachers and children. There is evidence of inadequate financial and human resources to support children in the poor areas in order to prepare children to get into good pre-primary education. Then, there is no smooth transition period between different levels of education i.e. pre-primary - primary - secondary.

In the remote minority ethnic community areas, stakeholders have identified language as one of the biggest barriers to realising children’s right to education. The policy and legislative framework governing language issues and the practice in schools is contradictory. The Constitution of Viet Nam specifies that all ethnic groups have the right to use their own languages. However, current education guidelines restrict the language of instruction to Kinh (majority Vietnamese); this means that when minority ethnic children reach primary school they are unable to benefit from the education on offer.

¹⁹ Oxfam “Can I afford school today?”

2. Policy Measures

In the current context, it is recommended that in the next five years donors and NGO should support the Government in taking actions reflecting the shift from “quantity” oriented to “quality” oriented education. This will, among other things, require the following:

- i. Reviewing current status of quality basic education
- ii. Developing a reliable Education Information System which is own by the community. Data should be disaggregated by ethnicity, gender, disadvantaged groups etc.
- iii. It is urgent to ensure sufficient government funding for supporting disadvantaged children who cannot pay other informal costs for their education. Government funds should be prioritising poor areas so that all schools in these areas can achieve minimum standards. Budget allocation for disadvantaged areas will have to increase to avoid a deeper quality gap in education in Vietnam.
- iv. There should be an education contingency plan, with enough budget, to provide education during and following natural disasters, emergencies.
- v. It is recommended that a results oriented planning approach, with feasible budget allocations, should be applied in education sector planning processes. Community participation in education planning is critical. Greater autonomy is required at different levels to provide an opportunity to make the curriculum more relevant for different target groups.
- vi. The regulation and guidelines on education should be consistent with each other to help schools, teachers and administrators at local level to apply these policies an effective and appropriate manner to support children to develop their full potential.
- vii. Reforming the assessment process both for teachers and children. Children’s assessment should be based on their learning progress, competencies and practical skills.
- viii. Develop a pro-poor training approach, such as training on eco- tourism in mountainous areas that help bridge the gap between rich and poor children.
- ix. The curriculum development process should be more cost-effective. The revised process should ensure the harmonization and linkages between different grades. The curriculum should be based more on children’s development processes and local learning environment. Printing of text books should be based on the competitive tendering process for all printing houses to ensure the lowest cost for users
- x. Reviewing some education best practice approaches for adaptation at national level. e.g. Regenerated Freire Literacy Empowerment with Community Techniques (Reflect) and Active Learning (ALM).

- xi. Reviewing the current donor supported programme in education. All procurement procedures in the internationally supported projects should be observed and the Law of Tenders in Vietnam applying from 1st of July in 2006 respected.

3. Sequencing and Timing

The above mentioned action should be taken as soon as possible.

4. Monitoring Progress

Standard education statistical indicators such as enrolment, promotion, repetition and the proportion of students of different sub-groups are collated through the CEMIS system and are published annually by MOET.

Annex 1: List of participating organisations

- 1 Academy for Educational Development (AED)
- 2 Allianzmission (AM)
- 3 Bremen Overseas Research and Development Association (BORDA)
- 4 Canadian Centre for International Studies and Cooperation (CECI)
- 5 Care International in Vietnam (CVN)
- 6 Caritas Switzerland
- 7 Catholic Relief Service (CRS)
- 8 Center for Community Socio-Economic and Environmental Development (CSEED)
- 9 Center for Sustainable Community Development (S-CODE)
- 10 Center for Technology, Environment and Community Development (TEC)
- 11 Centre for Cultural and Educational Development
- 12 Centre for Development Assistance (CDA)
- 13 Centre for Education Promotion and Empowerment for Women (CEPEW)
- 14 Centre for Research Policy, Law and Development (PLD)
- 15 Centre for Public Health and Development (CEPHAD)
- 16 Centre for Support of Social Development Programs (CSDP)
- 17 Childfund Australia
- 18 Church World Service (CWS)
- 19 CND Vietnam
- 20 Consultative Institute for Socio-Economic Dev. of Rural and Mountainous Areas (CISDOMA)
- 21 Disability Working Group (DWG)
- 22 East Meets West Foundation (EMWF)
- 23 Helvetas – Swiss Association for International Cooperation (Helvetas)
- 24 Institute of Ecological Economy (ECO-ECO)
- 25 Institute of International Education (IIE)
- 26 Netherland Development Organisation (SNV)
- 27 Oxfam Great Britain (OGB)
- 28 Oxfam Solidarity Belgium (OSB)
- 29 People's Participation Working Group (PPWG)
- 30 Plan Vietnam
- 31 Population Services International/Vietnam (PSI/Vietnam)
- 32 Research and Development Health Center (RDH)
- 33 Save the Children United Kingdom (Save the Children UK)
- 34 Save the Children USA (SCUS)
- 35 Save the Children Japan (SCJ)
- 36 Sustainable Rural Development (SRD)
- 37 UCNEV
- 38 Vietnam Assistance for the Handicapped (VNAH)
- 39 Vietnam Science and Technology Association (VUSTA)
- 40 Vietnam Veterans of America Foundation (VVAF)
- 41 Voluntary Service Overseas (VSO)

More than 85 grass-roots disability organisations