# PHẦN VĂN BẢN KHÁC

## BỘ NGOẠI GIAO

**Thông báo số 05/2012/TB-LPQT ngày 04 tháng 02 năm 2012 về việc điều ước quốc tế có hiệu lực**

(Tiếp theo Công báo số 157 + 158)

The Governments of Vietnam and Denmark

**Good Governance and Public Administration Reform Programme**

**Phase II: 2012-15**

December, 2011

## *8. Programme Budget*

The summary programme budget is as follows (millions of DKK):

GOPA II 2012-15Millions of DKK

| | 2012 | 2013 | 2014 | 2015 | Total |
|---|---|---|---|---|---|
| **8. PAR component** | **8.00** | **8.00** | **1.00** | **0.00** | **17.00** |
| Support to Provinces | 6.00 | 6.00 | 0.00 | 0.00 | *12.00* |
| Other technical assistance | 2.00 | 2.00 | 1.00 | 0.00 | *5.00* |
| **9. Human Rights Education and Research** | **3.50** | **3.75** | **3.50** | **2.50** | **13.25** |
| Support to VASS | 1.70 | 1.75 | 1.65 | 1.30 | *6.40* |
| Support to VNU | 0.60 | 0.65 | 0.60 | 0.40 | *2.25* |
| Support to HCMC Law University | 0.90 | 0.95 | 0.85 | 0.50 | *3.20* |
| Technical assistance | 0.30 | 0.40 | 0.40 | 0.30 | *1.40* |
| **10. Public Participation & Accountability** | **5.20** | **5.85** | **4.65** | **4.30** | **20.00** |
| Parliamentary cooperation | 1.20 | 1.10 | 0.90 | 0.80 | *4.00* |
| Support to NGOs | 2.00 | 2.75 | 2.25 | 2.00 | *9.00* |
| Technical assistance | 2.00 | 2.00 | 1.50 | 1.50 | *7.00*[4] |
| **11. Programme components** | **16.70** | **17.60** | **9.15** | **6.80** | **50.25** |
| **12. Unallocated Funds** | | | | | **6.50** |
| **13. Studies, Programme coordination, reviews, evaluations, documentation and exit-support** | 0.20 | 0.30 | 1.30 | 1.45 | **3.25** |
| **14. Total** | | | | | **60.00** |

## Counterpart Funding

Counterpart funding in the Human Rights & Education Component and in the sub-component "Parliamentary cooperation" to the programme will be in the form of providing the staff required for all aspects of day-to-day programme implementation, including both managerial and support staff, and full participation in the management bodies defined in the programme. In addition, the participating institutions will provide office space, utilities and normal office supplies for the offices required for programme implementation, including those of international long-term and short-term TA. The required staffing for each participating institution will be agreed with the RDE and included in Government-to-government MoU. For the PAR component, there is no counterpart funding as the Danida fund is added to the PAR budget of the participating provinces and thus considered to be national funds.

The specific amounts and how the amounts are used are presented in appendice 10. All amounts are tentative and will be confirmed on an annual basis with each of the partners.

[4] The amount for TA will be divided between an amount for a Fund Manager to administer the NGO support (tentatively 5 million DKK) and an amount to pay TA support from the Danish Parliament (tentatively 2 million DKK).

# 9. *Annexes*

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In addition, a PAR Manual for steering of component 1 (to be included by the beginning of the programme).

## 9.2. PAR Component description

### 9.2.1. National sector context

Having just completed the 2001-2010 socio-economic development plan, Vietnam has reviewed lessons learned and has drafted its Socio-Economic Development Strategy (SEDS) for the next 10 years[5]. Whilst acknowledging the achievements that resulted in Vietnam becoming a mid-income developing country, the draft 2011-2020 SEDS recognised severe shortcomings such as unsustainable development, an unbalanced economy, environmental pollution, weak human resource capacity and low efficiencies. It identified limitations in the state apparatus and the quality of civil servants and public officials as a major reason resulting in poor performance, corruption and waste.

The reform of the administrative system is therefore a key step in enabling sustainable socio-economic growth in the next 10 years. The draft 2011-2020 draft SEDS emphasises the following:

- Promote the rule of law

[5] THE 2011-2020 SOCIO-ECONOMIC DEVELOPMENT STRATEGY – *unofficial translation*

- Build a clean and strong state administrative system by focusing on institutional reform, organisation reform, quality of public cadres and civil servants and modernising the administration, as well as fighting corruption and wastefulness

The 2001-2010 PAR (Public Administration Reform) Programme has also come to an end and a new PAR Programme for 2011-2020 has been promulgated[6]. In the last 10 years, key achievements included a decrease in government agencies, significant reductions in unnecessary administrative procedures, decentralisation of administrative functions to lower levels, a clearer separation between state management and public service agencies and improvements in public services through the adoption of one stop shops, ISO quality management standards and more streamlined and transparent procedures, as well as socialisation of various public services to non-state agencies. However, there are still significant difficulties and the results of PAR uncertain. The administrative system is still too bureaucratic, inefficient and not making the best use of information technology, one stop shops are not working as well as they could because systems are not integrated vertically and horizontally and the capacity and professional competence of cadres and civil servants are still weak.

The overall objective for the next 10 years, which is similar to the previous period, is to continue to build a clean, strong and modernized administration with competent public cadres and civil servants and a rationalised and efficient state apparatus to meet the requirements of the socialist oriented market economy and national development. There is however an increasing emphasis on quality, competence, performance and results. The key reform tasks in the next 5 years, as stated in the draft 2011-2020 national PAR programme, that would have significant impact on the PAR priorities of provinces include:

- The Law on the Government's Organisation, which is expected in 2011 would have implications on the re-organisation of administrative structures and decentralisation
- Pilot and implement PAR M&E indicators in 2011
- The Law on the organisation of the People's Council and People's Committee, which is expected in 2012
- Continue to expand and improve the quality of One Stop Shop and Inter-Agency One Stop Shop between 2011-2015
- Continue to develop and improving the competence and performance of public cadres and civil servants between 2011-2015 based on the Law on Cadres and Civil Servants effective from January 2010
- Continue to apply IT to improve the performance of administrative agencies between 2011-2015 (following Prime Minister Decision No. 1605/QD-TTg dated on August 28th 2010)
- Develop the capacity building of public cadres and civil servants that specialized in implementing, coordinating, monitoring, reporting and advising on PAR from 2011 to 2015

The Ministry of Home Affairs (MOHA) remains the key focal agency with responsibilities for chairing collaboration and coordination efforts to implement the national PAR

[6]. A new PAR Programme for 2011-2020 has been promulgated in November 2011 (Resolution No. 30/NQ-CP, 8/11/2011)

Programme. However, although MOHA is the lead central agency, it does not have a direct implementation role. Instead MOHA is assigned by the Prime Minister to guide ministries and provinces in developing and implementing local plans and projects based on the objectives, contents and actions outlined in the national PAR Programme. It is also responsible for developing and applying indicators to monitor and evaluate annual PAR implementation in ministries and provinces, as well coordinating concerned agencies to undertake a major review every 5 years.

The responsibility for PAR implementation rests directly on the heads of administrative agencies in all levels. In the provinces this would be the Chair of the People's Committee.

One major significant difference between the new national PAR Programme and the previous one is a more pro-active use of the State budget to support PAR implementation. The Government will target funds from the central budget to those provinces having financial difficulties in implementing PAR. The Ministry of Planning and Investment (MPI), together with the Ministry of Finance (MoF), will also allocate and guide the use of funds for PAR from the State budget annually, as well as every 5 years[7]. However, at the time of writing, the Government has not yet given an indication of the potential commitment and the criteria for determining any allocation. The new draft PAR Programme also places great emphasis on having a quality PAR monitoring and evaluation system.

### 9.2.2. Development Objective

The development objective for the PAR component is:

> *To enable the participating provinces to better target and utilise resources to achieve PAR results that enable more sustainable and equitable socio-economic development.*

An inherent risk with government programmes to reform administrative systems is that the focus becomes overly internal and loses sight of the wider purpose of PAR in supporting sustainable socio-economic development. Hence, although the PAR component would not have direct responsibility for the PAR outputs of the participating provinces, the PAR component can help ensure that PAR planning processes are more participative, resources are better targeted and the results more effective in serving the needs of citizens, businesses and other social groups, including ethnic minorities.

The target provinces are the 5 provinces of Lao Cai, Lai Chau, Dien Bien, Dak Lak and Dak Nong who are participating in the first phase of the GOPA Programme (2007-2011). In the first phase of the GOPA programme a highly aligned support modality was applied to the PAR component, with the provinces responsible for deciding their own PAR priorities, resource allocations and PAR outputs, following the framework set out in the national PAR Programme. A sector budget support approach was not applied, as the PAR component directly supported the participating provinces rather than the national PAR sector as a whole. Funding is provided annually directly to the 5 participating provinces via the State Treasury. Budget planning and expenditure follow government procedures and cost norms. For the second phase of the PAR component the support modality will continue to be highly aligned budget support to the 5 participating provinces rather than sector budget support. As explained earlier MOHA's role is to guide, coordinate, monitor, evaluate and

[7] Until now, budgets for PAR activities have been allocated in different budget lines such as Project 30 (a national programme for reviewing, reducing and improving administrative procedures), the training and retraining of cadres and civil servants or as part of the recurrent budgets in ministries and provinces. Hence, there is no overview of the financial resources spent on PAR.

report on the progress of PAR implementation. There is a national PAR Programme but there is no corresponding national PAR budget and financial resources for PAR implementation is made available through the State budget planning and allocation system. Hence, it is for each province to determine its own PAR priorities (within the framework set by the national PAR Programme 2011-2015), and submit its PAR work plan and budget requirement for approval through the annual provincial and national budget cycle. Although there is provision for additional PAR funding for poorer provinces the Government has not yet indicated whether this will be via a central agency or through the normal budget planning cycle.

One limitation of the PAR component in the first phase was that MOHA, the responsible ministry for guiding ministries and provinces to implement the national PAR Programme, was not formally engaged. For the second phase MOHA will have a role, not in overseeing the PAR component in the participating provinces, but in providing the mechanism for high level policy dialogue between the 5 Chairs in the participating provinces, the Embassy of Denmark and relevant stakeholders in central agencies, as well as being the conduit for hosting and disseminating lessons and good practice to other provinces.

At the provincial level, in accordance with national policy, all 5 provinces have set up PAR divisions of 3 to 5 staffs in the Departments of Home Affairs (DOHA) to plan, coordinate, monitor and report on PAR implementation in their respective provinces. All departments and districts also have dedicated staff to assist with PAR planning, implementation and monitoring. As this internal system of PAR planning and management has been in place since 2008, the 5 provinces have sufficient internal infrastructure and capacity to consult with departments, districts and communes when drawing up annual PAR activities, as well as to monitor and report on implementation progress and results, not just for the People's Committee but also to MOHA. Hence, a highly aligned modality to provide additional budget to support the provinces in achieving their PAR outputs and results is appropriate.

### 9.2.3. Immediate objectives

To enable the 5 provinces to achieve PAR results that enable more sustainable and equitable socio-economic development the immediate objectives for the PAR component are:

1. The provinces practice open and participative planning, monitoring and evaluation processes for PAR that involve citizens, businesses and other non-state groups
2. The provinces have the capacity to ensure that PAR results contribute positively to poverty reduction, gender and minorities development and environmental sustainability in the provinces
3. The provinces implement breakthrough PAR initiatives from the national PAR Programme 2011 -2020 that provides lessons and good practice

The reasons for the 3 immediate objectives and the required monitoring indicators from the 5 provinces are further described below:

**Immediate Objective A:** The provinces practice open and participative planning, monitoring and evaluation processes for PAR that involve citizens, businesses and other non-state groups

Current PAR planning methods generally consist of a written request to departments and districts to submit what PAR activities they like to do. The annual Provincial PAR Plan therefore tends to be a list of activities with little emphasis on overall objectives, no result

useful lessons for replication nationally. The effectiveness of the 2011-2015 national PAR Programme in improving public services is highly dependent in achieving the following:

- the effectiveness of One Stop Shop and Inter-Agency One Stop Shop in reducing bureaucracy, waste and corruption and in improving transparency, response time and quality of public service;
- the transformation from career based to position based human resource systems based on merit and competence to do the job;
- performance based staff appraisal system that is linked to results based work plans and performance targets;
- the effective use of IT to improve the performance of administrative agencies, in particular cross-sector administrative processes.

Although MOHA is not a direct beneficiary of the highly aligned support it is a key partner in ensuring the uptake of useful lessons from the participating provinces for dissemination to other provinces and to inform policy changes. However, besides an annual national PAR Forum where provinces are invited to participate, there is currently no national mechanism (whether printed, digital or on-line) for disseminating lessons learned, case studies and good practice. At the very least, the 5 participating provinces should be sharing lessons and benchmarking with each other.

The expected monitoring indicators from the 5 provinces are:

i. Breakthrough PAR initiatives that the provinces have little knowledge and/or experience of are introduced, implemented and documented.

ii. Benchmarking and sharing of lessons and good practice amongst the 5 participating provinces.

iii. Documentation of lessons and good practice submitted to MOHA for dissemination nationally.

The above monitoring indicators should be documented each year for sharing and dissemination. Specific targets will be set for each of the 5 provinces.

### 9.2.4. Strategy for Capacity Development and Technical Assistance

Technical assistance is needed to enable the 5 participating provinces to deliver the immediate objectives and outputs specified in section 3 above. There are still weaknesses in staff capacity, who lack competence in analysis, synthesis and problem-solving skills to propose plans or identify issues related to appropriate PAR reforms, as well as poor capabilities in using computers and foreign language skills.

For the 5 provinces, technical assistance was provided to strengthen the capacity. All 5 provinces have outputs based PAR work plans and rudimentary monitoring and evaluation systems. The outputs and outcome indicators need to be further improved and data collection needs to be more systematic, regular and accurate. The capacity of all PAR staff (not just those in DOHA) need to be further strengthened with analytical, planning, communication, participative and reporting skills.

An independent mid-term review[8] of GOPA I completed in November 2010 recommended the strengthening of the monitoring, evaluation and reporting systems and the establishment of a proper baseline. The review identified one major challenge as the delays in guidelines from concerned central agencies on major PAR reform areas and weak feedback processes to inform national policy. The review commended the TA team in attempting to feedback useful lessons to MOHA and noted that there is a 'window of opportunity' for the PAR component during the second phase as the Government is committed to establishing a results-oriented M&E system for PAR in 2011-2015.

The mid-term review also identified another major challenge as the inadequate capacity of managers and staff in charge of PAR, especially at district and communal levels coupled with high rate of personnel mobility. The review noted the opportunities provided by the PAR component for learning between the 5 provinces and also from other provinces and recommended a more systematic consolidation and sharing of lessons learned in the form of a regular bulletin. In addition the mid-term review recommended that the dialogue between the provincial partners and the Embassy should focus on strategic matters and outcome based indices rather than operational and activity-based issues.

Hence, based on the recommendations of the mid-term review Technical Assistance (TA) will be provided in phase 2 via a team of qualified and experienced national and international experts. The TA team will support the 5 provinces PAR processes mainly by working with and through DOHA (especially the PAR Division and the PMU). The underlying TA strategy is to strengthen internal processes and human capacity that enable the 5 provinces to achieve effective PAR results and to maximise the benefits of the highly aligned budget support.

Although capacity building inputs would be demand led and therefore would vary depending on the needs of each participating provinces, there are several key TA tasks that cut across all 5 provinces:

- Prepare briefing papers for the Embassy and the People's Committee prior to PMSC meetings. These briefing papers would comment on the draft annual PAR work plans and progress reports produced by DOHA, suggest PAR priority areas for the PMSC to consider and highlight any management, quality control and outcome issues.
- Run seminars and training courses to strengthen PAR related competencies and on new PAR topics that the provinces are not familiar with, in particular PAR requirements defined in the national PAR Programme 2011-2020 (such as the transition from a career to a position and merit based civil servant system, the socialisation of public services, the application of performance based staff appraisal etc).
- Assist the provinces in producing results based PAR work plans (annual and 5-year) and results based monitoring, evaluation and reporting systems

[8] Good Governance and Public Administration Reform Programme (GOPA) Vietnam - Review Aide Memoire, November 2010

- Assess and summarise results achieved, breakthrough PAR initiatives, lessons learned and case examples of PAR processes from documents produced by the 5 provinces to enable year on year assessment against a 2011[9] baseline.
- Coordinate benchmarking activities between the 5 participating provinces, ensuring knowledge sharing and learning from each other
- Collaborate with the PAR Department in MOHA to develop a mechanism for the dissemination of lessons, case studies and good practice drawn from the experiences of the 5 participating provinces to other provinces and central agencies

### 9.2.5. Specific measures to address cross-cutting issues

From the expected outcomes listed in section 3 the PAR component has to address the following cross cutting issues:

- Poverty reduction/socio-economic development;
- Gender and minorities development;
- Environmental protection and sustainability.

The measures to ensure positive results in the above cross-cutting issues are highlighted below:

a) Poverty reduction/socio-economic development

The ultimate purpose of PAR is to establish administrative systems and capacity that can serve socio-economic development. Hence, the importance of facilitating the provinces to better link PAR outputs to appropriate targets in the Socio-Economic Development Plan. Training will also be provided on how to identify PAR outcome indicators and how to assess PAR impacts on socio-economic development targets.

The provinces will be encouraged (by the TA team and during policy dialogue between the Embassy and the provinces) to link their PAR activities with other poverty reduction programmes in the participating provinces, for example:

- Programme 135 Phase 3, which is a national programme to develop infrastructure and public services, such as schools and health centres, expand livelihood and promote better awareness of public services and legal obligations in remote and most difficult rural areas;
- Danida programmes in water and in agriculture and rural development in the participating provinces.

For example, the provinces could target those departments responsible for these programmes with PAR outputs such as simplifying administrative procedures, improving management systems and strengthening PAR related competencies.

b) Gender and minorities development

[9] The PAR component in phase 1 is preparing a baseline for the 5 provinces based on an assessment of PAR status in 2009. The baseline will be updated at the end of 2011 when phase 1 comes to an end.

Through policy dialogue with the Embassy and capacity development promoted by the TA the participating provinces would also be encouraged to promote and monitor the involvement of women and minority groups in PAR planning, implementation, monitoring and evaluation. For example, staffs taking part in capacity building activities and citizens benefitting from PAR outputs as a result of improvements in administrative procedures and public services.

c) Ethnic minorities

Vietnam has recently become a success story for poverty reduction and development. In 1993, nearly 60 percent of the population was living below the poverty line; by 2006, that figure had dropped to under 20 percent, based on Vietnam Household Living Standards Survey (VHLSS) data. However, according to the World Bank's Country Social Analysis (2009) despite the impressive overall gains, nearly 10 million people classified as ethnic minorities (around 14 percent of the population) have experienced lower rates of poverty reduction. In 2006, ethnic Vietnamese (known as *Kinh*) and Chinese households experienced a poverty rate of only 10 percent, while other ethnic groups averaged a 52 percent poverty rate. Rates of hunger and food poverty remain higher among minorities as well. Therefore there is a link between poverty and ethnicity.

During GOPA I, several surveys were carried out in the provinces, including disaggregated information about ethnic minorities and gender. While in the first review of the survey situation, only recently concluded, no differences seem to be found regarding access to services delivery between ethnic minorities and others, some differences are found in specific provinces. According to this survey, ethnic minorities' assessment on the services they receive is more critical than for the rest of the population. As for GOPA II, it will be relevant to focus more on whether the ethnic population receives the same quality of service than the rest of the people, considering that ethnic population actually constitutes a majority in some provinces. In fact, in one of the provinces indigenous population is more than 70 per cent of the population. In general, the baseline will intend to have disaggregated information on gender and ethnic minorities, and coming surveys will likewise take this into account.

d) Environmental protection and sustainability

Given the adverse effect of climate change it is important to ensure that PAR is directed to strengthening administrative processes and public services that deals with farming, forestry and environmental protection, for example, in the Department of Agriculture and Rural Development, the Department of Natural Resources and Environment and the Department of Industry and Commerce. Again, the TA team and the policy dialogue between the Embassy and the provinces can stress the closer monitoring of PAR results in these sectors.

### 9.2.6. Budget

The total budget for the PAR component is 17 million DKK. As the intervention is based on a highly aligned budget support modality the budget is divided between funds that are directly added to the budgets of the participating provinces and funds that are retained by the Embassy of Denmark for Technical Assistance purposes such as consultancy and capacity development, the mid-term and end of programme reviews, independent public consultation exercises, costs of PAR component Policy Dialogues, costs of a web based platform for documenting and disseminating PAR lessons and good practice. The breakdown between the two uses of the budget is:

| PAR component budget | DKK |
|---|---|
| Direct to the 5 participating provinces over a 4-year period | 12,000,000 |
| Retained by Embassy for TA purposes | 5,000,000 |
| PAR component total | 17,000,000 |

Since the annual provincial PAR outputs and budget for a particular year would only be identified the year before, based on priorities set by the Government and in each provinces, it is not appropriate for the Programme Document to establish an output based budget. Moreover, at this point in time, the provinces are waiting for the finalisation of the national SEDP and PAR Programme 2011-2020 and have not yet produced the equivalent provincial SEDP and PAR plans. However, by the time GOPA II starts in January 2012 the provinces will likely have 5 year SEDP and PAR Plans. Hence, one of the immediate TA tasks is to facilitate the provinces to prepare an output based budget for their respective 5-year PAR Programmes that reflects the PAR priorities in each province.

12 million DKK would provide approximately 1.2 million DKK per Province per year the first two years, assuming all 5 provinces are given the same amount. The annual disbursement would be:

| Year | 2012 | 2013 | 2014 | 2015 |
|---|---|---|---|---|
| 5 provinces | 6,000,000 | 6,000,000 | 0,000,000 | 0,000,000 |

A general principle is that the Danida annual contribution should not exceed 50% of the annual Provincial PAR budget in 2012 and 2013.

It should also be noted that the disbursement in the first year (2012) assumes that all 5 provinces prepares and submits the 2012 annual PAR plan and budget in 2011 (in accordance with government planning and budgetary cycles ), which includes the Danida contribution. If this does not happen then the PAR component of GOPA II will be delayed by a year as the first year funds would not be dispersed until 2013.

The table below shows the approximate allocation of the TA budget to support the immediate objectives of the PAR component.

| PAR component – Approximate distribution | DKK |
|---|---|
| *Immediate Objective A:* The provinces practice open and participative planning, monitoring and evaluation processes for PAR that involve citizens, businesses and other non-state groups | 1,000,000 |
| *Immediate Objective B:* The provinces have the capacity to ensure that PAR results contribute positively to poverty reduction, gender and minorities development and environmental sustainability in the provinces | 1,000,000 |
| *Immediate Objective C:* The provinces implement breakthrough PAR initiatives from the national PAR Programme 2011 -2020 that provides lessons and good practice | 1,000,000 |

| | |
|---|---|
| SUB-TOTAL | 3,000,000 |
| Others such as the mid-term and end of programme reviews, independent public consultation exercises, costs of PAR component Policy Dialogues, costs of documenting and disseminating PAR lessons and good practice, dialogue with MOHA. | 2,000,000 |
| TOTAL | 5,000,000 |

The allocation in the above table should be revised annually to reflect any changing priorities.

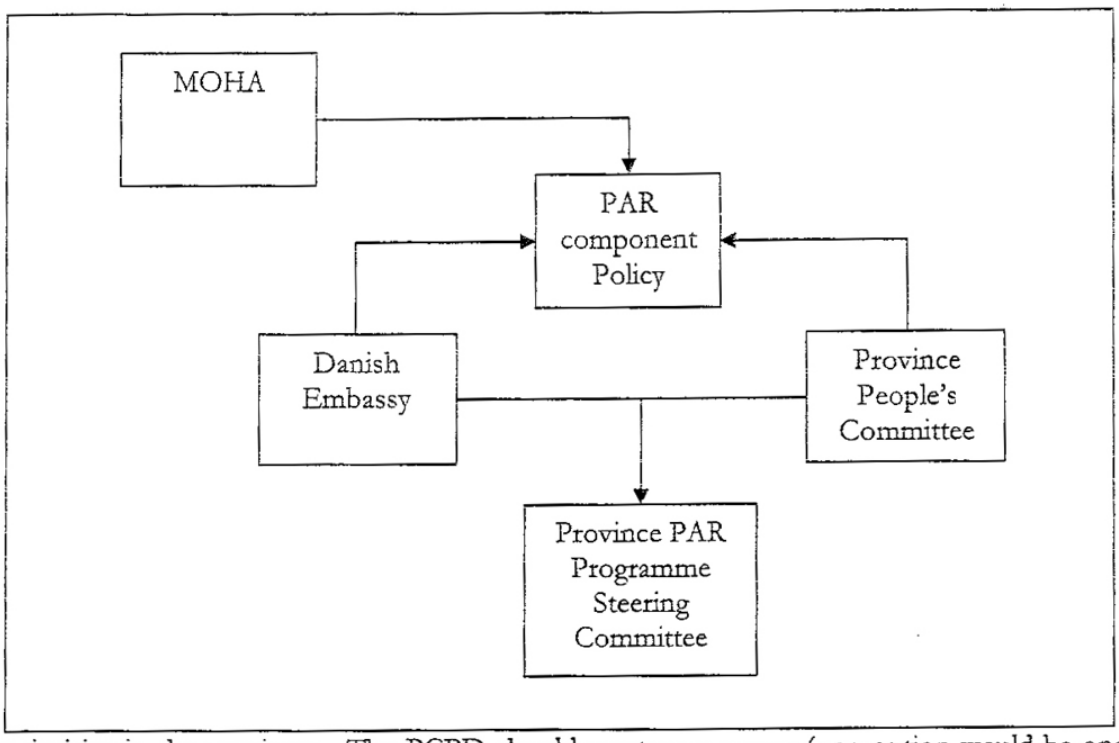
### 9.2.7. Steering, Management and Organisation

Steering and Policy Dialogue

In the new national PAR Programme 2011-2020, MOHA is designated as the Chair with responsibilities for collaborating and coordinating the ministries, branches and localities to implement, inspect, monitor and evaluate the national PAR Programme. To date MOHA has not yet indicated what mechanism it will use to do this for the period 2011 to 2020. However, if MOHA continues with previous processes then the likely mechanisms are annual PAR meetings where all the provinces and central agencies are invited and ad hoc meetings with relevant agencies. It should be noted though that these meetings are internal to government personnel only. MOHA does have a separate annual PAR Partnership Forum session, which involves only provinces and ministries that receive donor support for PAR activities, and where a number of donors participate, including UNDP, Spain, Switzerland, World Bank, Sweden, Canada. Also, MOHA invites to a PAR Sharing Experiences meeting, where in particular the Nordic countries participate. The Government also engages with the donor community through the Consultative Group meetings. However, in none of the cases will it be possible to go into detail with particular policy issues related with the programme. Hence, concerning the PAR component a separate mechanism will be needed to enable policy dialogue between the Embassy, the 5 provinces and MOHA within the GOPA II cooperation framework.

The diagram below illustrates the steering structure for the PAR component in each of the 5 provinces.

At the national level the PAR component Policy Dialogue (PCPD) provides a high level platform bringing together the Chairs of the 5 participating provinces, MOHA and the Embassy to discuss policy and strategic issues concerning the PAR component and PAR




priorities in the provinces. The PCPD should meet once a year (one option would be one month before the annual Consultative Group meeting), chaired by MOHA, with the following discussion agenda:

- Update on national PAR policies and the implications for provinces PAR programmes;
- Breakthrough PAR initiatives the provinces are undertaking or wish to undertake;
- Lessons and good practice that contributes to national PAR policy and for dissemination to other provinces.

Sufficient time should be set aside for consultation and engaging with MOHA. As PAR at the national level also entails the involvement of MOF and MOJ engagement with these agencies may also be considered.

At the provincial level, the PAR Programme Steering Committee (PMSC) is a mechanism enabling the People's Committee and the Danish Embassy to co-chair and jointly oversee the planning and progress of the 5-Year and annual PAR Work Plans in each of the 5 provinces, as well as the effectiveness of the TA provided by the PAR component. For the first phase of the PAR component the 5 provinces have mandated and set up Steering Committees to oversee PAR implementation from 2007-2011 following the time frame of GOPA. All the Steering Committees specify the Chair of the Province as Head and the Director of DOHA as Vice-Head and members from relevant departments such as the Department of Planning and Investment (DPI) and the Department of Finance (DOF). One missing element is that although the Embassy has been co-chairing Steering Committee meetings twice a year in all 5 provinces, the role of the Embassy is not formally acknowledged in these legal documents mandating the Steering Committees.

Hence, for the second phase of the PAR component the PMSC should adopt the following protocols (which also sets out the role of the Embassy of Denmark):

i. The PMSC is co-chaired by the People's Committee (Chair or Vice-Chair) and the Embassy (Ambassador or Deputy Ambassador). All decisions are jointly agreed by the 2 Co-Chairs.

ii. In June or July of each year, the PMSC of each province meets to discuss and jointly approve the PAR priorities and budget for the following year. Before the June PMSC meetings, each Province will prepare an outline of the annual PAR work plan and budget for the following year, as well as a progress report on the current year PAR progress. The progress report should highlight any issues requiring the attention of the PMSC, any significant deviations from the PAR work plan/budget and any matters arising from the previous PMSC meeting. All documents should be submitted to the Embassy and the PPC at least 2 weeks before the PMSC meeting.

A critical decision that should be made at this time is the total PAR budget (the Province budget plus the Danida contribution) and the main content of the annual PAR work plan (key objectives, outputs and outcomes) for the following year. This will enable DOHA to continue working with stakeholders to finalise in detail the annual PAR Plan and budget for submission to DOF, who in turn would consolidate the Province overall budget for submission to the Ministry of Finance.

iii. In December of each year the PMSC meets to receive and discuss progress reports on the current year, as well as to make any final adjustment to the following year annual PAR work plan and budget. Before the December PMSC meetings, each Province will prepare an annual progress report highlighting matters arising from the previous meeting, the results achieved, lessons learned and recommendations for the following year. All documents should be submitted to the Embassy and the PPC at least 2 weeks before the PMSC meeting.

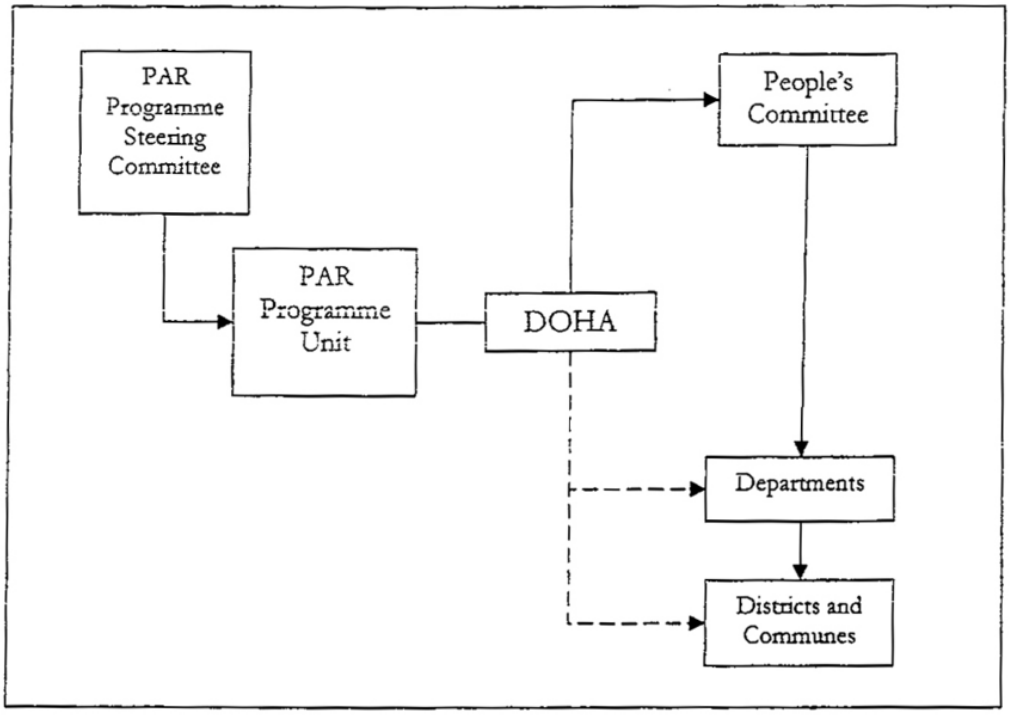
iv. After each PMSC meeting the Province will draft the minutes, containing the following content:

- the agenda;
- follow up matters arising from previous minutes;
- main discussion points around issues raised;
- decisions made and actions taken by the PMSC.

v. The draft minutes are then sent to the Embassy for further additions and/or amendments. Once the minutes are agreed it is signed by the Chair of the PPC and the Embassy. The quality of the minutes is critical as they provide not only a record of progress achieved and decisions made but also the means by which the PMSC in each Province steers and manage their respective PAR priorities, outputs and results.

Management and Organisation

The diagram below illustrates the management and operation structure for the PAR component in each of the 5 provinces.




The right hand side of the diagram shows the management structure for PAR within the provinces. The Chair of the People's Committee is directly responsible for PAR and implementation is carried out by the administrative heads of departments, districts and communes. The PAR Division in the Department of Home Affairs (DOHA) has a pivotal role. It works directly with staff responsible for PAR in departments, districts and communes to plan, monitor and evaluate PAR implementation. It then reports to the People's Committee on PAR activities and results, as well as drafts the Province annual PAR Programme. From 2011, when the new national PAR Programme is promulgated, DOHA will need to work closely with the Department of Planning and Investment (DPI) and the Department of Finance (DOF) to determine the Province PAR budget.

In the first phase of GOPA, 4 of the 5 provinces established PAR Programme Units (PPU) to coordinate the planning and implementation of the PAR work plan and report to the PMSC. The PPU is supervised by DOHA and led by DOHA staff (especially from the PAR Division) but it also includes experts from relevant departments such as DOF, DPI, DOJ and others depending on the annual PAR work plan. Each Province can decide for themselves whether and how they wish to set up and run internal programme units to support the implementation, monitoring and evaluation of their PAR plans.

With respect to changes in the annual PAR work plan and budget the following procedures, based on government regulations, should be noted:

a) In case of a need for reallocation of budget among activities in the annual PAR work plan DOHA submits a request for budget reallocation to the Province People's Committee (PPC), which is then assessed by the PPC with advice from DOF and DPI. If approved, the request is signed by either the PPC's Chairman or a Vice Chairman. A copy of the signed request with a covering letter is then sent to the Embassy for information. DOHA should also provide a brief explanation of the change as part of the progress report during subsequent PMSC meetings.

b) In case of unspent funds, in accordance with government procedures, DOHA should review the implementation and completion status of the PAR work plan at the end of the third quarter. In case of under-spend a request for fund transfer, accompanied by an estimated plan of using the transferred fund in the following year, is made to the Chair of PPC for approval. This request should also be submitted at the same time to the Embassy for 'no objection' approval.

The request for fund transfer for the entire Province is consolidated and submitted to Provincial People's Council in November of December for approval. Upon approval by the Provincial People's Council, the unspent funds will be added to the approved budget of the next year.

c) In case additional funds are allocated on top of the approved budget of the year, the procedures require firstly approval by the provincial authority, then the request is sent to the Ministry of Finance who submits it to the Prime Minister for review and consent. The Prime Minister then reports to the Standing Committee of the National Assembly for approval. However, if the annual work plan and budget has been developed and approved beforehand, the procedure only requires approval from the PPC for use of additional funds when their availability is confirmed.

### 9.2.8. Financial Management and Procurement

The procedures for financial management and procurement follow government regulations and budgetary cycle. The State budgeting process begins in May with various rounds of planning and discussion with departments, districts and communes. The Province annual work plan and budget must be completed and submitted to higher levels (Ministry of Finance and Ministry of Planning and Investment) by October for approval. When the provincial budget is confirmed, the provinces must complete the assignment of funds to districts and communes by 10th December.

Following the budgetary cycle above, the key financial procedures for the allocation of funds by Danida are:

- The annual allocation of funds to the 5 provinces is based on the agreed PAR budget in each Province for each year. The Province PAR budget is based on the annual PAR work plan drawn by the Province and estimated according to government cost norms. The Embassy and the Province jointly agree the annual PAR budget and work plan. The Embassy then decides the amount it will contribute to the annual PAR budget of each Province. This decision needs to be made in June each year.
- Within the annual PAR budget, no distinction is made between Danish and provincial funds. However, the total amount of Danish fund contribution must be stated.
- The annual PAR budget and work plan is rolled into the Province overall annual budget and work plan, which is then submitted to central government. Sometimes, the Province may need to revise its budget (especially if the allocated total from central government is less than the figure submitted), which may impact on the PAR budget. If so, the Embassy and the Province should jointly agree any changes in December of each year.

- Danish funding is provided to the 5 provinces via the State Treasury in January each year. Expenditure, accounting and reporting is based on normal Vietnamese government procedures.

Once the Danish funds reaches the Province it is spend according to Vietnamese government procurement procedures and cost norms.

As the Danish funds becomes part of the provincial budget it would not be possible to conduct an audit of the specific funds contributed by the Government of Denmark. Instead audit will be for the whole PAR budget following government procedures and conducted by the State Audit of Vietnam (SAV). However, the state audit is not carried out annually and on targeted programmes randomly. Hence, the Government-to-Government agreement will include a reference to SAV to carry out the audit of the provinces. The Embassy also reserves the right to carry out external audits.

### 9.2.9. Monitoring, Reporting, Reviews and Evaluations

There are 2 dimensions to consider:

- Firstly, the monitoring and evaluation of the 5-Year and annual PAR Work Plans in the 5 provinces. However, this will depend on the development of outputs for each of the 5 provinces during the first year of implementation.
- Secondly, the monitoring and evaluation of the development and immediate objectives of the PAR component, based on the programmes monitoring indicators, including the preparation of brief quarterly, progress reports to the lead agency ONA.

a) M&E of Province PAR Work Plan

The responsible body for the monitoring and evaluation of the provinces annual PAR work plans and 5 Year PAR programme is the PAR Division of DOHA in each Province, who reports to the PPC following a general reporting guideline provided by MOHA. MOHA is at present developing a national PAR M&E system that will be piloted in 2011 and possibly rolled out to all provinces in 2012. If this happens, the provinces will need to incorporate the national requirements into the provinces PAR M&E plan and processes, including the cross-cutting outcomes described in section 5. If the national PAR M&E system is delayed the 5 provinces should not wait but to go ahead with establishing their own PAR M&E systems and then integrating national requirements when MOHA issues them.

However, it is expected, that during 2011 the provinces will clarify how the provincial PAR 5-year plans and annual PAR plans link up to the national PAR Master Programme 2011-2020. Thereafter, further tuning of the monitoring framework will take place, as a monitoring framework produced and owned by the provinces should be built on these plans.

In order to avoid that two progress reports will be produced - one for the PPC (following government emphasis on compliance) and the other for the PMSC (following the emphasis on results) – the PMSC will only operate with overall "monitoring indicators" for the immediate objectives. This means that the provinces' newly formulated output always should be the basis for the output monitoring to avoid that reporting is made on two different sets of outputs. The TA Team will need to work with each Province to establish a progress report template that satisfy both requirements, so that the progress report that is approved by the PMSC becomes the report submitted to the PPC.

The data needed for monitoring and evaluation will depend on the output and results indicators in the 5-Year and annual PAR work plans. Internal data sources (such as progress of activities and outputs) are obtained by PAR staffs in departments and districts and compiled by the PAR Division in DOHA. In addition, the PAR Division (or the PPU if the Province has established one) should conduct annual staff perceptions and public opinion surveys (as well as other participative consultation techniques) on the effectiveness of results achieved. Besides summarising the monitoring and evaluation data into the progress reports for the PMSC, the PAR Division should also feedback relevant data especially from surveys and other consultation exercises to line managers.

There are 2 national indices that the provinces can be used to assess the effectiveness of the provinces PAR programmes. One is the Provincial Competitiveness Index (PCI) which contains governance related sub-indices. The second is a provincial PAR performance index being developed by UNDP that would rank all the provinces in Vietnam. The index is expected to be ready in 2011. One measure of success is that the provinces improve their rankings for these 2 national indices and their ratings in relevant sub-indices.

Monitoring and evaluation of agreed indicators in the PAR component will take place at the level of the PAR Programme Steering Committees in each participating province and reported annually to the People's Committee of each province. Reporting will follow procedures set out in the Management Manual.

b) M&E of PAR component

The second dimension is concerned with the achievements of the development and immediate objectives of the PAR component. Although the participating provinces are responsible for delivering these objectives the results achieved has to be accessed. Here, there are 2 aspects - periodic independent reviews and regular monitoring.

The periodic reviews, following the Danida Guidelines for Programme Management, would consist of annual assessments by the TA team in consultation with the 5 provinces (and with the Technical Advisory Service of the Danish Ministry of Foreign Affairs_participating in reviewing each component of programme at least in the mid-term review), as well as an end of the GOPA programme review by independent evaluators. The purpose of the mid-point review is to assess progress against outputs and outcomes, any changes in underlying conditions and any need to modify steering and operational processes to make recommendations for improving the effectiveness of the PAR component. The end of programme review, on the other hand, should focus on assessing results against PAR component outcomes, lessons learned and the contributions made by the PAR component to PAR impact in the 5 provinces and to national PAR policy.

Regular monitoring should be carried out by the TA team supporting the 5 provinces. The first task, at the start of phase 2, is to ensure that the baseline obtained from assessments of the 5 provinces is 'fit for purpose'. The second task is to connect the data requirements for the M&E of the PAR component to the PAR M&E system of the 5 provinces, so that data collected by the provinces to monitor their PAR plans are also relevant for the PAR component. This is to ensure that the provinces do not end up running two parallel data collecting system. Hence, it will be necessary for the TA team to establish the following working agreements with each province

- The provinces should provide copies of reports from DOHA, DOF and DPI on the performance of the Province PAR work plan, including any assessment of impact on the socio-economic development targets, as these will enable the TA team to extract

necessary data for assessing the results specified in the development and immediate objectives of the PAR component. The PAR team will use this information to prepare brief quarterly progress reports to ONA in order to keep the lead agency informed and as an input to the High-Level Meeting for the programme.

- An annual performance audit based on 'agreed-upon procedures' to check that there are sufficient internal financial management controls, that mission critical processes are in place and followed (for example – the monitoring and evaluation system and participative planning processes) and conditions set out in this Programme Document are met.
- Data required for assessing the cross-cutting themes are included in the relevant line departments' internal reports.

The following table indicates how the outcomes and monitoring indicator of the development and immediate objectives of the PAR component can be assessed and verified.

| Expected Outcomes/monitoring indicators/ | Means of Verification |
|---|---|
| **Development Objective:**<br>*To enable the participating provinces to better target and utilise resources to achieve PAR results that enable more sustainable and equitable socio-economic development.* | |
| *Monitoring indicator for development objective*<br>i. The provinces practice open and participative planning, monitoring and evaluation processes for PAR that involve citizens, businesses and other non-state groups | PAR Progress reports to PMSC and PPC |
| *Monitoring indicator for development objective*<br>ii. PAR results contribute positively to improvements in public services, poverty reduction, gender and minorities development and environmental sustainability in the provinces | Relevant line department reports<br>Results from independent public surveys and participative consultation exercises<br>National benchmarks such as PCI |
| **Immediate Objective A**<br>The provinces practice open and participative planning, monitoring and evaluation processes for PAR that involve citizens, businesses and other non-state groups | |
| *Monitoring indicator A1*<br>PAR plans have SMART objectives, outputs and outcomes that meet the requirements of the provinces SEDPs, as well as outputs based budgets. | Quality of annual PAR work plan and 5 Year PAR Programme based on logical framework principles<br>Reports from DPI on progress of SEDP |
| *Monitoring indicator A2*<br>Results based PAR monitoring and evaluation is actively carried out and the findings used to improve PAR implementation and planning. | Quality of results based PAR M&E system<br>Staff surveys |

| Expected Outcomes/monitoring indicators/ | Means of Verification |
|---|---|
| *Monitoring indicator A3*<br>Citizens, businesses and other social groups are engaged and their feedback contributes to PAR planning and M&E reports. | Public surveys and participative consultative methods are documented and carried out.<br>PAR results are published and available publicly |
| *Monitoring indicator A4*<br>PAR efforts and results are regularly published as public information. | Quality of published material in print, digital and radio/television |
| **Immediate Objective B**<br>The provinces have the capacity to ensure that PAR results contribute positively to poverty reduction, gender and minorities development and environmental sustainability in the provinces | |
| *Monitoring indicator B1*<br>Capacity of People's Committee and managers strengthened to plan, implement, coordinate and manage PAR results for equitable and sustainable socio-economic development. | Pre and post- training evaluation.<br>Quality of results based PAR Progress reports to PMSC and PPC |
| *Monitoring indicator B2*<br>Capacity of PAR staffs to plan, identify indicators, coordinate, monitor, evaluate and report on PAR strengthened. | Pre and post- training evaluation.<br>Quality of results based PAR plans and progress reports to PMSC and PPC |
| *Monitoring indicator B3*<br>Capacity of Province Political Schools and other local training institutions strengthened to provide training on PAR | Quality of training materials and training methods transferred<br>Independent evaluation of local trainers capacity<br>Pre and post-training evaluations |
| **Immediate Objective C**<br>The provinces implement breakthrough PAR initiatives from the national PAR Programme 2011 -2020 that provides lessons and good practice | |
| *Monitoring indicator C1*<br>Breakthrough PAR initiatives that the provinces have little knowledge and/or experience of are introduced, implemented and documented. | Breakthrough PAR initiatives implemented such as results based management, performance management system, performance based staff appraisal, shift to position based merit system, shift to competence based training and socialisation of public services |
| *Monitoring indicator C2* | Lessons and good practice |

| Expected Outcomes/monitoring indicators/ | Means of Verification |
|---|---|
| Benchmarking and sharing of lessons and good practice amongst the 5 participating provinces. | documented and shared<br>Benchmarking assessments documented |
| *Monitoring indicator C3*<br>Documentation of lessons and good practice submitted to MOHA for dissemination nationally. | Lessons and good practice accepted by MOHA for wider dissemination |

It should be mentioned that the monitoring indicators are only tentative, and that official indicators may be used as soon as they have been formulated. The logframe will be revised on a yearly basis to reflect the flexibility agreed upon for the different stages and needs of the PAR in advance of the programme closure

Variances will be shown in the implementation between the different provinces. The intervention should take into consideration that the Phase I provinces are all at different stages, e.g. Lao Cai has a very activity-based PAR plan whereas Dac Lak and Dak Nong have moved towards more output/outcome-based plans.

Technical assistance is provided to support the provinces in building up their capacity to deliver the component's development objectives, immediate objectives and outputs.

*The exit-strategy* implies that a gradual phase-out of mature PAR provinces will take place well in advance of the programme closure. This means that in the programme's third and fourth year no amount will be transferred to each province. Likewise, an exit-strategy will be defined for the use of TA financed with Danish PAR support to the provinces. Therefore, in formulating each annual work plan definition should be made regarding: i) the activities to be carried out by the partner (implementation and financing) ii) what TA activities should no longer be financed by Denmark. Danish funds for TA support to the provinces will also decrease compared to the first year's level. However, other funds for TA will be needed for documentation and lessons learnt (see below). Some of the expenses for the TA activities could be gradually integrated into the PAR provincial budget and thus enhance sustainability.

*Dissemination and lessons learnt:* Funds will be set aside to include publication of the overall programme results. In addition, part of the funds for TA in the last two years will be used to document lessons learnt and dissemination of information within MOHA and other entities.

## 9.3. Human Rights Education and Research component

### 9.3.1. National Context

Human rights education and research is a novel subject in a Vietnamese context and one that is approached with caution as a politically sensitive issue. Nevertheless, the continued international integration of Vietnam in almost all areas of political, social and economic development provides for a growing interest and attention to the issues of human and citizens rights. At government level, there are offices charged with certain mandates in human rights, in particular in the Office of the Government, the Ministry for Foreign Affairs, the Ministry of Public Security and the Ministry of Justice. The mandates of these offices will undoubtedly cover both aspects of international cooperation and security monitoring.

Universities have in recent years obtained greater autonomy in their administration and curricula. Hanoi VNU has an autonomous status and hence a somewhat greater margin of decision-making, while most other universities are under the management of the Ministry of Education and one (Hanoi Law School) under the management of the Ministry of Justice. The rising number of law graduates with international degrees have contributed to bringing human rights into the discourse of law teaching.

The current Danida-funded Governance Programme (2007-2011) has supported the establishment of two centres for human rights at the National University of Hanoi and the HCMC Law University and the establishment of a research and dissemination on human rights at the Vietnam Academy of Social Sciences (VASS) in Hanoi. A recent review (December 2010) of the programme confirms both the relevance and results obtained during phase 1. A baseline developed for Phase II shows continued development of work and results at the participating universities. It is evident that these three institutions have faced a number of operational difficulties due to the political sensitivity of the subject. However, strong support from the leadership of the universities have ensured that the centres continue to operate with a certain degree of stability.

### 9.3.2. Component description and immediate objective

The immediate objective of the component is:

> *To strengthen human rights research and education and cooperation on these issues among Vietnamese universities*

The component aims to support the development of on-going human rights education at institutions of higher learning in Vietnam for under-graduate students and to promote human rights research of high quality by researchers and university staff. The component outputs and activities build on and are a continuation from the current GOPA I programme.

The component will support collaboration and networking among Vietnamese universities that are committed to cooperate on human rights education and research. Initial networking was undertaken during Phase I, the positive experience of which justifies an expansion in Phase II regarding this possibility.

The Component will continue to support the two centres of human rights established at the Law Faculty of the National University of Hanoi and at the HCMC Law University and the Vietnam Academy of Social Sciences (VASS). In addition, the informal network of law faculties will extend human rights courses to their respective faculties and provide a forum for research and study on subjects related to human rights. The component will support international exchange and study visits to enable Vietnamese scholars and researchers to become better acquainted with international institutions and centres on human rights, including participating in internationally available courses on human rights. The programme will provide support to updating the centres with reference works and other internationally acknowledge literature on human rights to underpin research activities for both students and researchers. Finally the component will assist the centres in management and planning of activities to the extent required.

### 9.3.3. Strategy of the component

The second phase of the programme will be a consolidation of the past results and to further entrench the objectives of human rights education and research within the academic environment. Three areas stand out as in need of strengthening in the second phase:

- Building the human rights knowledge and research capabilities of the partner institutions;
- Continuing to develop the quality of human rights courses of the human rights credit courses offered and to integrate HR law into other disciplines;
- Networking and collaboration on human rights education and research is promoted through and exchange of experiences and knowledge and through joint projects between the different law faculties and universities;

*Strategy for an extended collaboration with other universities*

Several other law faculties in Vietnam have expressed willingness and interest in collaborating through networking so that human rights education and participating in research and training activities, among These are law faculties of Can Tho, Da Lat, Hue and Vinh. The three present partners will be encouraged to network with these and other universities. Each partner will receive an amount as part of the Danish support, which can be assigned specifically to networking activities. Each partner will inform and present activities for networking as part of their annual working plans, and will thus be approved by the Embassy once a year. The Embassy should be informed, if any new initiative that was not included in the work plan is proposed during the year, so that new initiatives can be discussed before being eventually approved.

*Exit strategy and phasing out*

The human rights environment in Vietnam is new and rather fragile and will require many years of consolidation to become sustainable and viable. At the end of the programme period, the human rights centres may be in a position to sustain human rights education and research at a small scale, but the environment will likely suffer from lack of international contacts and support. An exit strategy to be pursued in the course of the programme is therefore to a) strengthen the integration of human rights teaching into university curriculums, b) promote affiliation with regional networks, and c) seek twinning or other form of international arrangement for collaboration and support beyond the programme period. In addition, resources will be set aside for publishing the results and make them accessible for interested groups through the media, internet, seminars etc.

*Linkage with other components*

VASS has carried out important research on the role of civil society and NGOs in Vietnam, which will be of use for the sub-component 3.2. regarding support to NGOs in Vietnam. VASS may also provide training and do capacity building of NGOs. Likewise, it will be possible for each of the partners to collaborate with Non Governmental Organisations which carry out activities with support from the Sub-component of "public participation & accountability", e.g. on social and economic rights. In addition, both VASS and HCMCLU train staff from some of the supported provinces within GOPA II in human rights.

### 9.3.4. Outputs

1. The research environment in human rights is expanded and deepened at institutions of higher learning;

2. Human rights credit courses for law students are integrated into general curricula of institutions of higher learning;

3. Networking and collaboration around human rights education and research are promoted among universities through exchange of experiences and knowledge and through joint projects;;

4. Policy impact and outreach in the field of HR research and education is attained;

5. International networking of Vietnamese HR centers is strengthened.

### 9.3.5. Description of outputs

***Research environment in HR is expanded and deepened at institutions of higher learning;***

The programme will seek to expand and improve the research environment on human rights at the participating institutions by improving staff competencies, providing master degrees at recognized international universities, supporting study trips and internships e.g. at the European Commission of Human Rights and the Court of Human Rights in Strasbourg, at the Inter-American Court of Human Rights and summer-courses at various recognized universities and institutions. Research projects on human rights will be undertaken by one or several of the participating institutions and research results will be published regularly to promote collegial exchange of knowledge.

***Human rights credit courses for law students are integrated into general curricula of institutions of higher learning;***

In the area of student teaching, the programme will support the consolidation and continued improvement of human rights courses and student involvement at undergraduate level. In particular, the programme aims to maintain and expand the number of such courses included in the general law curriculum as optional credit-giving courses. The informal network aims to expand the availability of such courses at other universities in Vietnam. Another activity is to integrate issues of human rights law into other law disciplines being taught at the law faculties, e.g. administrative law, constitutional law and criminal law. Appropriate teaching methodologies will continue to developed and put into practice. Plans are also being developed for offering human rights courses in English.

***Collaboration and networking***: Three partners, VNU, the HCMLU and VASS will possibly carry out joint activities in addition to the universities of Da Lat, Vinh, Can Tho and Hue, or other interested parts. The collaboration and networking activities aim to promote collaboration on human rights education, research, publication and collaborative projects, training of faculty members and to extend access to international cooperation for its members, among others.

***Policy impact and outreach in the field of HR research and education is attained;***

An important output will be the ability of participating institutions to contribute to the development of policies for promotion of human rights at State and Party level based on the

gradual build-up of human rights expertise within the participating institutions. The programme will support a) programme partners to produce and promote dialogue and policy development on human rights, and b) collaboration with state institutions on human rights education for officials and other civil servants, e.g. law enforcement agencies, the judicial institutions and c) collaborate with other government agencies relating to the rights of specific population groups or issues.

*International networking of Vietnamese HR centers strengthened.*
The objective of this output is to ensure international contacts and exchange of academic and teaching experience in the field of human rights. Networking contacts have been established during phase I, e.g. to South East Asia Human Rights Network. These activities will be continued and extended also to the members of the network.

### Partners

The component has three partner institutions:

- Vietnam Academy of Social Science;
- Hanoi National University, Law Faculty;
- Ho Chi Minh City Law University.

In addition, other law faculties, such as Can Tho, Da Lat, Hue and Vinh universities or other faculties, can join in a network with the above three partners.

### 9.3.6. Technical Assistance

Technical assistance will be required for the duration of the programme to be provided to the three partner institutions. The main uses of TA will be to provide expertise on international standards and issues of HR research, facilitating access to international human rights fora, advising on human rights networks and comparative experience on human rights teaching. Some advisory functions on planning, management and monitoring of activities can be provided as requested.

An international tender will be held by the Embassy for a service provider in accordance with ToRs and tender documents to be elaborated in consultation with partners.

### 9.3.7. Attention to cross-cutting issues

The main cross-cutting issue is to promote gender-equality in access to project activities and resources. Participation in and use of programme resources on a gender-basis will be monitored and reported by the programme PMUs according to agreed indicators.

Other cross-cutting issues, in so far as they relate to human rights standards can be made the subject of studies, research or otherwise debated in the context of programme activities. Such cross-cutting issues are not directly relevant for the implementation and management of the component. It should be mentioned, that VASS carries out research on the role of civil society in Vietnam, which may be very useful for the Sub-component 3.2. on Public Participation and Accountability.

### 9.3.8. Budget

The output-budget for the four-year programme period is indicated below:

| | Component 2: Human Rights Research and Education | DKK |
|---|---|---|
| 2.1 | Research environment in HR expanded and deepened at institutions of higher learning | 6,500,000 |
| 2.2 | Human rights credit courses for law students integrated into general curricula of institutions of higher learning | 1,600,000 |
| 2.3 | Collaboration and networking for research, education and training in human rights is established among universities in Vietnam | 1,120,000 |
| 2.4 | Policy impact and outreach in the field of HR research and education attained | 1,120,000 |
| 2.5 | International networking of Vietnamese HR centers strengthened | 810,000 |
| 2.6. | Short training programme on human rights (VASS and HCMCLU) | 700,000 |
| | Technical Assistance | 1,400,000 |
| | **Component total*** | **13,250,000** |

*This amount includes technical assistance from abroad.

As mentioned, VASS and HCMCLU plan to carry out an additional output (2.6) regarding "research, building, and implementation of the short training programme on human rights for the managerial staff." This output will be further described in the work plans.

The budget is tentative and by the beginning of each year the exact amount for the annual support will be decided based on the partners' work plan. In case additional funds are needed for new coordination activities or networking activities, non-allocated funds may be assigned for such purpose. Likewise, if partners have new relevant activities they may be financed through non-allocated activities. For example, VASS is preparing a Master Programme in Human Rights, including expenses for travel for students, lectures from other countries and Vietnam and material for such activities, as well as other short training courses on human rights (this short training course is organized for the people who participate the Master Program as mentioned, and the course could be organized in other province or in other country)

### 9.3.9. Management and organisation

*Partner programme management*

Each of the three partner institution will have its own management set-up for implementation of activities, accounting and reporting according to the practice developed during phase I. Each partner institution will elaborate annual work plans and budgets for approval in direct consultation with the Embassy. The Embassy is expected to maintain communication individually with each of the three partners.

Each of the three partners will be responsible for:

- Elaborating their annual work plans and budgets for approval in consultation with the Embassy;

- Implementing agreed activities;
- Reporting on and accounting for activities and expenditures;
- Completion reports.

At the beginning of the year the partners should endeavour envisage all networking and collaboration activities, and include them in their resepective proposed annual work plan. The networking activities will thus be approved together with the rest of the partner activities and transfers made as part of the normal transfer request.

The Component budget below indicates a detailed break-down of the budget.

| BUDGET ALLOCATION AT ACTIVITY LEVEL | | | |
|---|---|---|---|
| OUTPUT | | ACTIVITY | BUDGET DKK |
| 2.1 | 2.1.1 | Master degree in human rights - overseas scholarships | 3,000,000 |
| | 2.1.2 | Short-term courses abroad | 1,000,000 |
| | 2.1.3 | Seminars and workshops | 1,000,000 |
| | 2.1.4 | Research grants | 500,000 |
| | 2.1.5 | Publication of research material and dissertations, incl. translation | 400,000 |
| | 2.1.6 | Library acquisitions | 400,000 |
| | 2.1.7 | Faculty staff language courses | 200,000 |
| 2.2 | 2.2.1 | Course development and administration | 650,000 |
| | 2.2.2 | Integrating human rights law into teaching of other disciplines of law | 650,000 |
| | 2.2.3 | Developing improved teaching methodologies | 300,000 |
| 2.3 | 2.3.1 | Network activities, incl. research, seminars, courses, training | 1,000,000 |
| | 2.3.2 | Network meeting and operating costs | 120,000 |
| 2.4 | 2.4.1 | Seminars / workshops | 120,000 |
| | 2.4.2 | Course development and delivery of HR training | 1,000,000 |
| 2.5 | 2.5.1 | International meetings (groups of 5 pax.) | 810,000 |
| 2.6. | 2.6.1. | Short training programme on human rights (VASS, HCMCLU) | 700,000 |
| | | Technical Assistance | 1,400,000 |
| | | Component total | 13,250,000 |

As can be seen, VASS and HCMCLU plan to include an additional output (2.6) on Research, building, and implementation of the short training

programme on human rights for the managerial staffs in the provinces. At the beginning of 2012 a detailed cost calculation of this activity will be made. Non-allocated funds may finance any new activities not envisaged in relation to this output.

### 9.3.10. Financial management and procurement

VNU, VASS and HCMC Law University will agree with the provider of international technical assistance on a draft annual work plan which will subsequently be forwarded to the Embassy of Denmark. The draft annual work plan and budget is directly approved by the Embassy of Denmark through an exchange of letters. The Embassy of Denmark will transfer funds to an account of each partner in the State Treasury based on the approved budgets. State Treasury must forward a receipt to the Embassy of Denmark. Each partner will afterwards submit the following documents to the State Treasury to release payment to providers/suppliers:

- The detailed proposal for activity approved by the Embassy of Denmark
- Contracts signed with the providers/suppliers;
- The checking/hand-over minute signed by the relevant parties; and
- The request of payment according to the form used by the State Treasury.

The total payment cannot exceed the approved estimate amount.
The State Treasury is responsible for completing its checks within five working days and approving the release of funds from the assigned bank

Financial management accounting and procurement procedures shall to the extent possible follow those of each respective institution. Possible deviations will be spelled out in short financial management and accounting manuals to be agreed between each partner and the Danish Embassy and approved by each respective Steering Committee.

### 9.3.11. Monitoring and reporting

Narrative and financial reporting will take place on a quarterly basis to the Steering Group. These quarterly reports will be submitted to the lead agency of the Programme, ONA.

A monitoring and reporting framework will be developed during the first three months of 2012 based on the output matrixes in *Annex 9.5*. Supporting the monitoring is the available baseline data contained in *Annex 9.8*. The baseline contains data received from the three partners for activities in the period 2008-2010 with projected activities for 2011. The data is not complete and may be improved before the end of 2011.

## 9.4. Public Participation and Accountability Component

The component includes support to two sub-components:

- Parliamentary Cooperation
- Support to Non Governmental Organisations

Since the set-up is different in the two sub-components, they are presented separately with Parliamentary Cooperation in 9.4.1. and Support to Non Governmental Organisations in 9.4.2.

### 9.4.1 Sub-component Parliamentary cooperation

#### 9.4.1.1. National Context

Over the years, significant changes in the work of the National Assembly and the ONA have taken place, thus attesting long-term visions and tenacity of key reformers in the institution, who have laboured inventively for their ideas and agendas over the years.

These changes are perhaps most visible in an increasing openness of the NA and the ONA towards the public and in the many areas where the NA has sought to assert its authority and constitutional mandate in relation to the government. Parliamentary debates over the state budget have become deeper and more inquisitive with the NA demanding better information and accountability from the government. Recent years have evidenced a number of highly publicised cases, where the National Assembly has taken issue with government actions, proposals and draft laws. Such cases do demonstrate that at least some NA delegates have become more assertive and now perceive their role as parliamentarians in a renewed way.

Similar visible changes concern increasing openness of the NA towards the public, notably by radio streaming the Assembly debates, much wider coverage of Assembly issues in the media, and – as one of the latest hallmarks – the introduction of hearings before the NA committees, a reform that was at least 10 years in the making. Another noteworthy factor is expansion of international cooperation, whereby parliamentarians and officials have established and extended relations across borders and integrated into regional and international parliamentary organisations.

Results of structural reforms of the National Assembly are less visible. Structural issues associated with the organisation, mandate and delineation of competence vis-à-vis the government and – in more oblique ways – the Party do advance, although for outsiders appear to be at almost an imperceptible pace. This may be a sign of the extent to which the relation between the National Assembly and the Government is in the very heart of the nations power-sharing structure and of the slow but incremental steps towards implementation of such reforms.

The evolution of the parliamentary system and its expanding network of international relations bears witness to the importance of ideas, concepts and the value of international professional education. Perhaps more than any other single donor-provided input, this has contributed to embracing and promoting reform agendas.

The sub-component is predicated on the assumption that the best impact and utility of development partners lie in their ability to provide for international interaction with and exposure to ideas and governance systems, that neatly dovetails with the trend in Vietnamese public services to search for applicable models and solutions to national challenges.

#### 9.4.1.2 Sub-Component objective and description

The immediate objective of the sub-component is:

*To improve parliamentary skills of members of parliament and staff through parliament-to-*

*parliament collaboration and other targeted skills development activities of relevance to the institutional strengthening of the ONA.*

The sub-component will support the Office of the National Assembly and the National Assembly through:

- A parliament-to-parliament cooperation with the Danish *Folketing* consisting of joint seminars and exchange visits on issues of relevance to parliamentarians to be decided between the parties, and;

- An overseas internship and shorter targeted courses programme, including a limited number of master degree courses if well justified, provided a competitive basis for a limited number of qualified candidates.

### 9.4.1.3 Strategy and rationale

*Parliament-to-Parliament cooperation*
The sub-component will build on the experience gained from the first phase of the governance programme with regard to parliament-to-parliament cooperation. In general there is satisfaction with the existing parliamentary cooperation from both sides. Experience indicates that exchange visits and thematic seminars have been the most useful activities in building knowledge and stimulating collegial debates and exchange of experience. The programme will focus on holding three thematic seminars per year, and topics will be agreed upon between the partners. The seminars will take place as exchange visits.

*Internships*
Higher education is highly prized in Vietnam, more so if it is obtained abroad, and a foreign degree is increasingly a platform for influential jobs and promotion. A rising generation of elite officials, lawyers, journalists, bankers, Non Governmental Organisations leaders and private sector executives have been educated abroad, either in Western countries or from leading centres of education in the region (e.g. Singapore, Thailand, India, China). While a few years ago, many returning young officials tended to complain because of a lack of recognition of their education and qualifications, this trend is rapidly changing, as many of them move into leading positions in their respective institutions or branches in the private sector of the country; they bring with them outlooks, qualifications and a capacity to interact internationally, that will eventually contribute to development and reform in their own environments.

The effect of obtaining higher education abroad should, of course, not be overstated. Any person returning from a foreign country should operate and perform him/herself in their national context and working environment, and not every degree obtained abroad will result in improved careers and adaptations of new approaches to public governance. Nevertheless, success rate is likely to be quite high, given the very high demand for overseas academic qualifications by both candidates and the government (witnessed, for example, by Project 165, which is the Party's programme for overseas education for selected candidates).

### 9.4.1.4 Outputs

The two outputs are:

1. The concepts and practice of democratic governance in NA/ONA are promoted through parliamentary cooperation.

2. The competencies of the human resource base for future managers in the ONA are upgraded.

The content of the outputs are:

*1) Parliament to Parliament Cooperation*
The themes of the seminars and exchange visits will be agreed upon between the two Parliaments. The following issues are mentioned as examples:

- Finance bills – production, contents, scrutiny, appropriations, amendments;
- State audits and parliamentary oversight;
- Keeping of parliamentary records and public access;
- Hearings and questions to ministers;
- Conducting parliamentary debates;
- Elections, balloting, procedures, monitoring elections;
- Servicing Committees, committee procedures, reporting from committees;
- Gender-equality and other cross-cutting issues, e.g. climate-change and environmental protection in parliamentary and legislative work;

As in the past, the *Folketing* will attempt to have a number of recurrent parliamentarians associated with the programme.

Danish delegations are expected to be comprised of 3-5 persons, and Vietnamese delegations are expected to be comprised of 8-10 persons.

*2) Internship programme and shorter targeted courses*
Up to 10 short-term scholarships will be provided on a competitive basis (master degree scholarship only in very specific cases and if justified). The scholarships will cover travel, tuition, accommodation and subsistence overseas and may, when necessary, include the costs of intensive language-training courses of up to 10 weeks, to be provided either at the host institution or country. Normally, the scholarships are provided to English-speaking universities, however, the programme will support degrees in other languages, e.g. French, German or Spanish. Scholarships are predominantly awarded for studies in Australia, but can equally be obtained in any European country.

Internships up to a maximum of 10 persons for periods of up to 2 months can be granted at parliaments or similar institutions offering such opportunities on the basis of a documented programme. Candidates must possess the necessary qualifications, including language proficiency of an IELTS score of at least 6.5 or similar.

### 9.4.1.5 Cross-cutting issues

Gender issues will be addressed through the efforts to recruit candidates on an equal basis.

Issues of gender equality and promotion of enviromental protection in parliamentary work, legislation, working conditions for parliamentarians and support staff, will be integrated into the thematic seminars and exchange visits. The same is true regarding other cross-cutting issues, e.g. climate-change and environmental protection in parliamentary and legislative work.

#### 9.4.1.6 Other donors in the sector

The main development partners of the National Assembly and the ONA are UNDP, CIDA and Danida. A number of other donors support the ONA in other areas. UNDP is carrying out a coordination efforts, including donor meetings every 3-4 months, where the Danish Embassy also participates. Apart from the present GOPA II programme, so far only 2 existing programmes go beyond 2012, namely the UNDP support for the NA Economics Committee, and the CIDA Policy Implementation Assistance Project (PIAP III), which targets NA committee work. Other programmes will likely come into existence, but are presently unknown .

#### 9.4.1.7 Supporting studies

*Tracer-study of previous master candidates*
A tracer-survey of the candidates provided with Master degree through Danida programmes since 1997 is included in the appendixes. The survey confirms that candidates have returned to positions of influence and are being promoted within their respective systems to positions of considerable rank.

The survey also confirms that all candidates except one have returned to Vietnam to pursue careers there. Moreover, the majority have remained within their respective systems. Some candidates have left their organisations and have undertaken the private law practice or are working elsewhere in the private sector. On the basis of this evidence, it would be superfluous to negotiate retention packages or bonding for candidates benefitting from the programme.

*Needs assessment*
The Institutional Strengthening Programme funded by the EU (2006-2009) carried out a training needs assessment of the NA/ ONA in 2009. The survey notes that: "*since a relatively large number of the key staffers will be retired in the near future, and the replacement will be needed, the leadership training activities should also be oriented to the younger staff*". The survey offers training programmes proposals to remedy this need. Of particular interest is identification of a series of topics that ONA leadership considers essential for ONA managers future qualification. This list is reproduced as *Annex 9.10*. ONA is considering to carry out an additional assessment study of the needs after the elections to the National Assembly. Although there will be few changes amongts present almost 1000 ONA staff members, it may be useful to identify or update the key issues for coming courses and training. Likewise, attention should be paid to the more than 300 staff members attached to the ONA who are working outside Hanoi at a local level. If a study is carried out, it will take place before GOPA II I initiated, and will thus be a planning tool for the sub-component.

*Additional considerations:*
The following activities should be carried out before the programme start up or during the first months of the programme in order to update assessment of the needs:

- An identification of the categories/profiles of staff members and members of parliament eligible for participation in the parliament-to-parliament activities and the overseas training courses and internship programs (senior, middle or lower level staff).
- An indication of the selection criteria for participation in the parliament-to-parliament activities and overseas training courses and internship programs.

A simple monitoring and evaluation system that the ONA can use to monitor implementation of activities and assess their outcomes. This should include a baseline against which progress and results may be measured, building on the outcome of the assessment about the needs.

9.4.1.8 Budget

The output-budget for the four-year programme is as follows:

| | Parliamentary cooperation and education | DKK |
|---|---|---|
| 1.1 | The concepts and practice of democratic governance in NA/ONA are strengthened. | 2,250,000 |
| 1.2 | The human resource base for future managers in the ONA is expanded and deepened. | 1,250,000 |
| 1.3. | Preparation of High-Level Meeting with Embassy (and other statkeholder meetings, program visibility inscrease, others) | 500,000 |
| | Sub-component total | 4,000,000 |

In general, the budget is tentative and by the beginning of each year the exact amount for annual support will be decided based on the partners' work plan.
In addition, technical assistance will be provided from the Danish Parliament. A break-down of the budget, including estimated use per year is included in *Annex 9.7*.

9.4.1.9 Management

A Steering Group composed by representatives of the ONA and the Danish Embassy will manage the sub-component. The Steering Group will have the responsibility, int. al. to:

- Oversee and monitor work progress
- Approve annual work plans and budgets
- Receive and approve progress and financial reports
- Approve sub-component guidelines
- Approve any changes in activities and priorities under the sub-component

The sub-component will be managed on a day-to-day basis by the ONA Programme Management Unit. The PMU will be responsible, int. al. for preparing and implementing annual work plans.

The parliament-to-parliament activities will be consulted between the PMU and the corresponding focal point in the Danish *Folketing* before inclusion in the annual work plans. Each partner will bear responsibility for arranging and conducting component activities in their respective parliamentary organisations.

9.4.1.10 Technical Assistance

The Danish *Folketing* will act as technical advisors to the programme component with responsibilities of: 1) providing comments and advice on programme plans and activities, 2) organising and participating in all events taking place in Denmark, 3) providing conference materials, participating in MPs and relevant staff in events organised in Vietnam, and 4) providing advice whenever relevant. The *Folketing* will appoint a focal point and lead technical advisor.

The Embassy may choose to negotiate an annual framework contract with the Folketing, based on approved annual work plans.

#### 9.4.1.11 Financial management and procurement

The ONA will agree with its Danish partners (Administration of the Danish Parliament (DPA) on the draft annual work plan, that is subsequently forwarded to the Embassy of Denmark. The draft annual work plan and budget is directly approved by the Embassy of Denmark through an exchange of letters. The Embassy of Denmark will transfer funds to an ONA account, which is opened specifically for the sub-component in the State Treasury based on approved budgets. The State Treasury should acknowledge receipt to the Embassy of Denmark. The ONA will afterwards submit the following documents to the State Treasury to release payment to providers/suppliers:

- Detailed proposal for the activity approved by the Embassy of Denmark;
- Contracts signed with providers/suppliers
- The checking/hand-over minute signed by the relevant parties; and
- The request of payment according to the form used by the State Treasury.

Total payment cannot exceed the estimate amount approved. The State Treasury is responsible for completing its checks within five working days and for approving the release of funds from the assigned bank.

If neccesary, further details will be incorporated in a specific Financial Management and Accounting Manual.

#### 9.4.1.12 Monitoring and reporting

Narrative and financial reporting will take place on a quarterly basis to the Steering Group. These quarterly reports will be distributed for the ONA's own use as lead agency, which will send them to the Ministry of Planning and Investment, Ministry of Finance, and the Embassy of Denmark. Reporting to the Steering Group on agreed indicators will take place annually.

A monitoring framework and indicators is provided, but may be adjusted during the inception phase.

### 9.4.2. Support to Non-Governmental Organisations Sub-component 3.2

#### 9.4.2.1. National context: an expanding environment for NGOs, though with limited mechanisms and capacity for NGO engagement in governance work

During the past 20 years the Vietnamese state's continuous development of legislations and policies for citizen-led organisations, broadly speaking, has generally created a more enabling environment for civil society organisations. However, within the past few years the legal framework has also become increasingly complex and in some cases revised regulations have become more restrictive; thus making it more difficult for Non-Governmental Organisations (NGOs) to register and operate. Nevertheless, the number of legally recognized professional associations, research centres and NGO is on the rise along with thousands of informal, unregistered organisations having been established and operating, in particular over the past decade.

The policy of "socialization" has encouraged individuals and groups to engage in service delivery activities and, while this remains the main area of work, during the past decade NGOs have also started to engage in policy development and monitoring, and in other related activities. Moreover, government programmes and plans now explicitly encourage and pay attention to the importance of promoting the people's rights on social and economic issues, including gender equality, women empowerment, improvement of living standards for ethnic minority people, the need for restricting corruption, and socio-political activeness of young people.

Despite of the complexity and limitations of the legal framework, when combined with policies it does provide a space and opportunities for NGOs to conduct activities in various sectors and areas, and to engage with the state in various ways. While NGOs are faced with challenges to enhance their work on promoting good governance, there are opportunities within the existing legal and policy framework. For example in areas such as citizens' participation in preparation of bills (the Law on promulgation of Legal Documents, 2008), participatory planning at local and provincial levels (promoted by the Ministry of Planning and Investment); mobilization of citizens to exercise their supervisory rights on government agencies (law on Vietnam Fatherland Front); citizens' participation in fighting corruption (the Law on Anti-corruption, 2005). However, a number of challenges exist for NGOs to work on good governance. These might serve as entry points for GOPA II to develop its NGO support programme and to enhance engagement of NGOs with the state in regard of good governance:

- The lack of awareness of the role and contribution of NGOs among relevant stakeholders, especially among state agencies, but including the NGOs themselves.
- Existing dialogue mechanisms are not fully utilized. For example, although the legal framework calls for state-society coordination over anti-corruption, implementation methods are unclear and the implementation process takes place only sporadically.
- NGOs lack of capacity to work effectively in a dialogue mechanism. One of the weaknesses has to do with the general capacity for policy assessment. Another is the lack of networking capacity to voice their opinions. Networks are not yet issue-specific. There is no clear link between NGOs operating at the local level and those working at the national level.
- NGOs lack access to financing the work on governance.
- Finally, also more work is needed to further improve the legal framework to address some of the existing challenges and inconsistencies.

While a number of challenges exist, there are also a number of existing assets in the NGO sector that GOPA II might build on, including:

- There is already a number of NGOs with a primary aim to work on governance and in addition there are many more organisations in various sectors, such as health, successfully conducting governance related work.
- Some of these NGOs have extensive experience with implementation of innovative projects promoting public participation, transparency and accountability, and with good relations with government agencies at national and sub-national levels, the National Assembly standing committees and People's Councils. These NGOs can act as capacity builders and facilitators for other NGOs to start up governance related work.

- In recent years, a number of informal NGO-led network have been established consisting of both NGO and non-NGO members. While these networks are informal, they have been able to gain a certain level of government acknowledgement, and have succesfully engaged in policy develpment processes in various sectors at national level. Moreover, these networks often have support and interaction with regional networks, institutions, and processes.
- Within the past decade, some organisations and companies have become capable of organisational training and capacity bulding, some with specialised coursed and initiatives targeting NGOs.

Based on the above analysis, the NGO support has been designed to promote recognition by and mechanisms for NGO engagement with state agencies; and to support various registered NGOs and initiatives related to promoting good governance. The Sub-component's immediate objective and strategy for implementation are presented below.

### 9.4.2.2 Sub-Component objective and description

*To promote public participation and accountability in law-making and policy development processes by strengthening engagement of Non-Governmental Organisations in these processes at national and sub-national levels as well as in monitoring the implementation of these.*

### 9.4.2.3 Sub-Component strategy

The **strategy** is to promote **public participation and accountability** by enhancing the spaces for engagement of NGOs in legislative development and policy dialogue and to enhance NGOs use of these spaces. This will be done by providing funding for NGO initiatives and by bulding capacity on awareness about rights to participate and access to information, preparation and use of evidence and research in law and policy development, direct participation in policy and legislative development processes and monitoring of legislations, policies and governmental programmes with the purpose of holding duty bearers accountable.

To deliver on the proposed objective and result areas, the sub-component will implement a **grant scheme modality** for providing support to NGOs. The Grant Scheme will consist of the following two main elements: A Grant Fund and a Capacity Building Facility.

First, the **Grant Fund** providing grants on an application basis to Vietnamese NGOs to increase public participation and accountability on key issues related to the legislative agenda of the National Assembly.

Second, a **Capacity Building Facility** for NGOs to prepare and conduct activities promoting public participation and accountability at national and subnational levels. The Capacity Bulding Facility will facilitate horisontal and multistakeholder learning and provide training focused on promoting public participation and accountabilty by NGOs. The Capacity Building Facility will focus on the following areas:

- NGO sector-wide sharing of information and lessons learned.
- Establishment of dialogue mechanisms.
- Facilitation of evidence based research or revision (for example of 2-3 key laws on the legislative agenda of the National Assembly).

- Organisational development for grant recipients on: approaches and tools to work on governance, and to carry out evidence-based research; monitoring of public policies related to governance, and oriented towards poverty eradication.

**Overall thematic focus:**
In order to focus on specific issues and themes, the annual and medium-term legislative agenda of the National Assembly can guide the foucs of the Grant Fund cycles. Priority will be given to themes of great public interest and with a potential to promote poverty eradication and good governance in Vietnam.

**Target group**
Thousands of Non-Government Organisations exist in Vietnam, formed as result of national, local, official, community or private initiatives. These range from research groups to communities organized around very specific themes and with different geographic focuses. Many are small, but still make a difference for their community or interest. Some have been established as initiatives for research, analysis, discussion, and public policy dialogue, and have been recognized as important actors within their focus areas.

The GOPA II programme will be inclusive in its targeting of organisations, and in its use of the term Non-Government Organisation (NGO), which should encompass a range of entities with different status and orientation; among them Vietnamese non-governmental organisations, networks, mass organisations, socio-political umbrella organisations, professional associations, and community-based groups. However, since the overall budget is restricted compared to expected demand, a Grant Fund Committee will select what are considered to be the best proposals in relation to the sub-component's objective and results (additional specific eligibility criteria are presented in the appendix 5).

**Linkage with other GOPA-activities:** NGOs are active in many areas at local, provincial and national scales. A priority in NGO-activities in GOPA II should be to focus on governance issues that create linkages with outputs, activities, as well as partners of the other components of the programme: public administration reform, parliamentary work on development of the legal framework and the work with people's social and economic rights (e.g. right to education). The overall theme "**Public Participation and Accountability**" has been selected as a way to focus the thematic area. The sub-component will start with the linking of NGO support activities to National Assembly (NA) activities, hereunder relevant standing committees – the Office of the NA, and the Institute for legislative studies, and relevant Standing Committees, for example – by giving evidence-based input to the process of preparation and revision of laws. Moreover, the intention is also to promote linkages between support to NGOs and the component on human rights education and research. Also, linkages to the PAR component could be established, for example by supporting enhanced engagement mechanisms between NGOs and people's councils at all sub-national levels. The key results include many issues relevant for promoting the "demand-side" of the Public Administration Reform process.

**Reference to official national documents and priorities:** The supported NGOs should make use of the existing legal framework to facilitate advocacy, participation and to guide dialogue between NGOs and government agencies, and to some extent between NGOs and the National Assembly. The legal framework recognizes the need for citizens' participation, either individually or through organisations, e.g. in the legal drafting process, socio-economic

planning, anticorruption or promotion of gender equality[10]. Also, one of the central pillars of the PAR is renovation and improvement of civil servants' quality and participation of the people.

**Avoid duplication or create synergy with other donors.** Another principle is to learn from past and existing donor support: for several years many donors have provided support for development of a legal framework for NGOs, however only with limited success; for that reason GOPA II will adopt the Grant Scheme approach and a strategy to support NGOs that focus more on concrete activities that can demonstrate the contributions and benefits of NGO's work at national and local levels. Moreover, it is also important to avoid any duplication with other donors (or of Danida's own programmes, such as JIFF). At the same time the sub-component will be opened up for other donors to join in. Therefore, extensive networking with other donors should take place on other ongoing initiatives[11].

**Exit strategy and documentation:**
Sustainability issues are particularly important in a politically sensitive and dynamic area such as support to NGOs. The key sustainability contribution of the programme is to transfer capacity to local Vietnamese organisations on managing NGO grants. Likewise, the component will document both results from the different projects and systematize the most interesting cases in order to publish these at a general level and thus contribute to public debate.

Likewise, for the grant fund, all project proposals will be asked to include specific considerations regarding sustainability, both institutional and financial. Also, for organisations receiving core funding, specific exit strategies should be presented in the proposals, in particular with a view towards substitution with other sources of income.

### 9.4.2.4 Description of outputs

The **five outputs** will, in accordance with the Sub-component's immediate objective, focus on both the **formulation process** and **implementation of** laws and public policies.

The sub-component will thus have the following key outputs (or results):.

1. **Research** on key issues has been carried out related to the legislative process, democratic governance and NGOs roles in promoting public participation and accountability.
2. **Awareness** of NGOs and key partners improved regarding the rights and opportunities provided by the present legislation related to public participation and accountability.

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[10] As mentioned in 9.4.2.1, key legislation includes: The Anti-Corruption Law of 2005 and Decree 47 emphasize the role of NGOs in anti-corruption; the Law on the Promulgation of Legal Documents of 2008 recognizes the need for the non-state sector to participate in the legal drafting process and impact assessment. The Ordinance on Grass-root Democracy (in effect since 2007) provides much more clarity on the mechanisms to concretize the principles of "right to know", "right to decide" and "right to comment" of citizens, etc.

[11] E.g. several donors' anticorruption initiatives, including the World Bank, the Finnish Embassy, Irish Aid, and other donors, and support from NGOs like Oxfam Great Britain, Care International in Vietnam, etc. as presented in this chapter.

3. NGO lead initiatives on **monitoring** of legislative processes, implementation of government policies and budgets at national and sub-national levels and feedback to Government and Elected representatives.
4. Strengthened **networking** among NGOs and other key stakeholders for enhanced engagement in **legislative processes and policy dialogues** with the National Assembly and the People's Councils, and Government agencies at various levels.
5. Institutional and organisation **capacity building** initiatives for enhanced NGO engagement in legislative and policy making processes and monitoring.

Regarding NGOs engagement in the formulation and implementation of laws (the **law-making process) and formulation of public policies**, priority will be given to involvement of NGOs and citizens' participation in preparation of bills (the Law on promulgation of Legal Documents, 2008), participatory planning at a local and provincial level (promoted by the Ministry of Planning and Investment) and others. As mentioned, the National Assembly's legislative agenda will serve as guidance for the topics of priority for the sub-component, including for the research.

With respect to **monitoring of public policies and implementation of laws**, priority will be given to strengthening the exercise of citizens' supervisory rights on government agencies (Law on Vietnam Fatherland Front) and citizens' participation in fighting corruption (the Law on Anti-corruption, 2005). Likewise, initiatives may be supported that include strategies to make service delivery more accountable e.g. complaints mechanisms, public information campaigns, citizen report cards and score cards, community monitoring and social audits; budget transparency and accountability strategies (e.g. participatory budgeting), public expenditure monitoring, participatory auditing, the Open Budget Index, etc.).

In addition, initiatives to secure freedom of information and transparency, including initiatives focused on making revenues from natural resources more transparent.[12]

NGOs which carry out research on measuring citizens' experience with service could be supported.[13] Such initiatives are expected to lead to increased state or institutional responsiveness, reduced corruption, and better budget utilisation and delivery of services.

Key for delivery of these result areas is to carry out capacity development of NGOs. In other words, capacity building of NGOs is cutting across the result areas. Capacity building will take place through training on key issues related to good governance, and in particular to public participation and accountability, including budget analysis, as well as capacity development in programme management.

### 9.4.2.5. Cross-cutting issues

As mentioned above, there will be a preferential treatment in terms of quotas for certain groups and windows for specific proposals, as set out by the Steering Committee and/or recommended by the review process. In general, all projects approved should be explicit on

[12] Denmark has experience with financing projects under the Local Grant Authority related to these issues, for example a project carried out by ActionAid in Vietnam ("Working Out a People's Framework in Monitoring the PAR Process in Vietnam").

[13] A recent example is the presentation of the Viet Nam Provincial Governance and Public Administration Performance Index (PAPI), 2010, carried out by, among others, the Centre for Community Support & Development Studies.

how the project will benefit both men and women. Likewise, particular emphasis will be made on promoting public participation and accountability for ethnic minorities.

**9.4.2.6. Budget**

| | Sub-Component: Support to Non-Government Organisations | DKK |
|---|---|---|
| | *Grant Fund* | |
| 3.1. | Research | 1,500,000 |
| 3.2. | Awareness-raising on public participation and accountability | 2,000,000 |
| 3.3. | Monitoring of the implementation of legislation and policies at national and sub-national level. | 1,500,000 |
| 3.4. | Networking and policy dialogue | 1,500,000 |
| | *Capacity Building Facility* | |
| 3.5. | Capacity building activities | 2,500,000 |
| | **Sub-Component total** | **9,000,000** |

In addition, technical assistance will be provided by a Fund Manager. Other donors may contribute to both the Grant Fund or to the Capacity Building Facility

**9.4.2.7. Management**

Management and organisation of the sub-component will be based on the following:

- A Steering Committee
- A Grant Fund Committee
- A Fund Manager in charge of implementing the Grant Scheme Mechanism (consisting of both the Grant Fund and the Capacity Building Facility).

The Steering Committee will oversee implementation of the Sub-component and approve annual work plans. It consists of one representative of the Office of the National Assembly and one of the Danish Embassy. The Steering Committee may decide to invite representatives from other institutions to become members, in particular other GOPA II partners. It will also be open for other donors. A Grant Fund Committee will review project proposals and award grants. It consist of persons with particular knowledge regarding key issues of the sub-component to be appointed by the Steering Committee, including one representative of the ONA.

The Fund Manager will have financial and overall management responsibility for all funds channelled to the Grant Fund and will report to the SC on all relevant issues. The management responsibilty of the Grant Fund includes an application-based structure with programme support to NGOs and their own initiatives. This means that funds will be made

available to NGOs' grant applicants willing to work on governance, and based on the decisions made by the grant steering committee. Likewise, a technical programme will be established for NGOs to prepare and conduct activities that promote public participation and accountability at a national scale.

The Fund Manager will also manage the Capacity Building Facility, which will provide technical assistance to the NGOs.

The Fund Manager should be selected by the Steering Committee, based on an open bidding process in accordance with Danida procedures. The Fund Manager will therefore be tendered internationally and subsequently contracted by the Ministry of Foreign Affairs of Denmark. The ONA and/or MoF will be invited to participate in the selection process. The MoF and the Fund Manager will enter into a Memorandum of Understanding, or similar, which will authorise the Fund Manager to operate in the tendered capacity.

The contract with the Fund Manager will be administrated by the Ministry of Foreign Affairs of Denmark, but all management issues will be undertaken by the Embassy, or if other donors decide to support, jointly by the funding donors. The Fund Manager will be responsible for contracting international and national specialized short term TA, if applicable, within the provisions given by approved annual work plans and budgets.

For successful administration of the fund it is important that the Fund Manager has a solid management record, and experience with governance related work. The Fund Manager is in charge of the overall Grant Scheme, including the Grant Fund and the Capacity Building Facility. As part of the tender process, the different tenderers will prepare a proposal for the content of the Capacity Building Facility. The selected Fund Manager will finalise the proposal for the content of the Capacity Building Facility during the inception phase (four months) of the programme.

The following appendixes are enclosed: 1) appendix 2.3. terms of reference for the steering committee, 2) appendix 3: the terms of reference for the grant steering committee, including the composition and functions, and for the 3) appendix 4. terms of reference for the Fund Manager, as well as, a 4) appendix 5: criteria for assessing proposals for the Grant Scheme to be approved by the Steering Committee (SC). As can be seen from the appendixes, the Grant Fund can, within the five key results, support both core funding (multiple-year) projects and small grants. The proposed name for the Grant Fund is "Public Participation & Accountability Facilitation Fund" (PARAFF); a name which should be approved by the SC.

In addition, the Implementation Plan outlines issues to be attended during the first months of 2012. The Steering Component for the Sub-component may decide to carry out a local inception review after six months of implementation to ensure that all pending issues are agreed upon, so that first call for proposal can be carried out in the second half of 2012.

### 9.4.2.8. Technical Assistance

The main technical assistance will, as mentioned above, be provided by the Fund Manager, which could be an international, regional or local NGO or consultancy company. The Fund Manager will provide "outreach activities" so that NGOs are aware of sub-component activities, and likewise capacity building to make those interested capable of applying. Similarly, the Fund Manager can arrange for hiring a local NGO (or consultants if so decided), who may be in charge of the capacity building facility regarding governance issues, as mentioned above.

**9.4.2.9. Financial management**

**Flow of Funds, Financial Management, Procurement, and Auditing**
The Fund Manager will ensure that proper books of accounts are kept, that controls are in place and functioning, and that the following general principles are adhered to and applied.

- The planning process as well as work plans and budgets will follow the calendar year, i.e. 1 January to 31 December.
- The annual work plans and budgets will be in Vietnamese Dong (VND) broken down to quarters.
- Disbursements will be made semi-annually in accordance with approved work plans and budgets and in observations of reports from previous periods.
- The Fund Manager will prepare and submit cumulative semi-annual financial reports to the Steering Committee in accordance with standards agreed upon during the inception phase.
- Progress and financial reports will be presented at a Key Result Area level in accordance with logframe and budget provisions.
- The financial management and procurement capacity of potential institutions supported through the fund will often be unknown or unclear at the outset. In order to mitigate fiduciary risks, any institution awarded with core support will be subjected to a pre-disbursement financial management and procurement assessment to ensure that it meets standard requirements for governance, accounting, and best international procurement practices.

Furthermore, the award of grants above a certain threshold will automatically trigger the provision of capacity building support in the fields of project management, administration, and/or financial management and accounting.

***Planning and Budgeting***
The SC will provide the framework for component activities through the number of annual calls for proposals and the funds made available for applications under the four key result areas supported by the programme. The Fund Manager will prepare the annual work plan and budgets at a Key Result Area level in accordance with the programme logframe and budget, as well as for the activities undertaken by the Fund Manager. Each activity contributing to a Key Result Area will include information about inputs and the budgets for each of them. The annual work plans and budgets will include a fully integrated annual capacity development plan reflecting the anticipated flow and approval of grant applications.

***Transfer of Funds and Cash Flow Management***
Denmark – and other possible funding donors – will transfer funds to an account to be opened with that purpose in support of grant awards and disbursements. The account will be held with a commercial bank and in the currency advised by the Fund Manager. Disbursements from the funding donors will be made semi-annually against approved work plans and budgets and written requests from the Fund Manager. Release will be subject to the condition that expenditure in previous periods is successfully accounted for. The funds requests shall consider unused funds from previous periods. At the end of each fiscal year, unused funds may be carried over into the following fiscal year. All unspent funds at the end of the programme will be refunded to the funding donors in proportion to their original investment.

*Institutional Expenditure Authorisation*

The Fund Manager will authorise payments in accordance with the approved work plans and budgets. This will be documented by a financial management and accounting manual.

*Bookkeeping and Accounting*

The Fund Manager will maintain financial management systems that produce timely, relevant, and reliable financial information. This will be guided by respective regulations and instructions. Expenditures will be supported by vouchers, original invoices and signed original receipts. These will be retained by the implementing institution and will be available for inspection by internal and external auditors. A register will be maintained to control all assets purchased by programme funds. The Fund Manager will develop a financial management and accounting manual specifying the financial management procedures to provide guidance for, among other:

- Operational guidelines and interaction with the SC and the Grants Fund Committee, respectively.
- Guidelines for the calls for proposals.
- Guidelines for receipt of proposals and screening of these.
- Supervision and monitoring of awarded grants.
- Financial Management and accounting, including, among other, authorising officers, thresholds, internal controls, operation of bank accounts, planning, budgeting and reporting formats, and procurement procedures.

*Financial Reporting*

The semi-annual and annual reports will be in accordance with those formats approved by the SC and documented in the financial management and accounting manual. The reports will provide information about performance on awarded grants in respect of results vis-à-vis applications and awards, and will serve a physical progress reporting function, a financial reporting function, and a narrative function, which compares progresses with the approved work plans and budgets.

Additional reports may be requested by the SC, the Grants Committee or in connection with the review process.

*Procurements*

Procurements will be in accordance with a procurement plan and the capacity development plan. The procurement system will be decided upon and documented in the financial management and accounting manual developed during the inception phase.

*External Audit*

The Fund will be audited by a reputable Certified Public Accountant in accordance with the ToR approved by the SC and tendered and contracted by the Fund Manager. The external audit will be conducted in accordance with international auditing standards issued by the International Federation of Accountants (IFAC) and in accordance with any requirements specific to Denmark (or other funding donors). Annual reports and audited financial accounts will be presented no later than six months after the end of the accounting period. Based on the outcome of the external audit, the funding donors may convey to the Fund Manager any corrective measures they consider necessary. The funding donors will, to the

extent possible, refrain from initiating unilateral programme audits but will nevertheless maintain an allowance for random checks and/or their respective national audit offices to carry out an audit or inspection of accounts. In case a funding donor is required to conduct such an audit or inspection, the funding donor will in a timely manner coordinate with the implementing entity and consult with the other funding donors. Reports from such individual inspections will be shared with all partners.

**9.4.2.10. Other donors & support initiatives**

Donors support to NGOs has been slowly increasing during the past decade. Based on meetings during the design phase of this Sub-component a number of lessons learned were highlighted for consideration by GOPA II:

- The context for Vietnamese NGOs is very complex, changing, politically sensisitive, and only limited research exists, which has made it challenging to design appropriate, inclusive, and comprehensive projects and mechanisms for support, and to achieve substantial impact.
- Donors have primarily been supporting NGOs in implementing service delivery activities, and there has been a level of overlap in the support. Donor support has primarily benefitted Hanoi-based NGOs and mass organisations, while it has proven hard to reach other NGOs out-side Hanoi and bigger cities.
- While donors have been succesful in assisting the development of a limited number of NGOs, it has been difficult advance the support to a more institutional level. Hence, future donor support initiatives need to consider how the access and support for NGOs outside Hanoi is strengthened, and in particular less formalised organisations such as networks and community-based organisations, and moreover how donors can support institutional developments.
- The discussions among donors to promote more coordinated, strategic, and comprehensive donor support have been limited or lacked continuity, or discussions have been focused on a specific issue, e.g. the NGO legal framework. Recent initiatives by the United Nations and the Like-Minded Donor Group help addres these issues.
- Donors and international NGOs that have been providing financial grants to NGOs to work on governance, have experienced that funding mechanisms should not stand alone, as technical and project managment support is often also needed for NGOs to develop, implement and report on the projects they have recieved funding for. This is in particular the case with small, informal and non-Hanoi based NGOs.

Below are some of the ongoing donor and International NGO initiatives of relevance to GOPA II, and whith whom a dialogue will be continued.

**DFID** is in the final process of formulating its Vietnam Empowernent and Accountability Programme. DFID is considering to support NGOs both through an issue-based approach where specific issues and organisations will be pre-seleced, and also a support to NGOs in relation to public participation and accountability, possibly by supporting the PARAFF under GOPA II, and by conducting activities related to the enabling framework. Danida will work closely with DFID to create synergy and possible collaboration.

**UNDP** supports a capacity building project with VUSTA head quarters (1 mio USD). The UNDP project objectives are:

1. Strengthening VUSTA's capacity to represent its member organisations' interests in contributing to the government's policy-making processes;

2. Strengthening VUSTA's internal governance structures and capacity to work as an effective umbrella organisation (capacity development for VUSTA headquarter to perform its coordination task);

3. Strengthening VUSTA's capacity to become an effective bridge for its member organisations.

Apart from this, UNDP also facilitates information and coordination among donors. UNDP is in the process of formulating specific support in this area, and will hire an adviser to follow civil society issues in Vietnam.

**EU, Denmark and Sweden**
Justice Initiatives Facilitation Fund (JIFF) was established in 2009 to provide grants to NGOs within access to justice and related issues. The first round of applications was concluded in December 2010 with a satisfactory number of applications (more than 70) and the award of 13 projects approved and 2 capacity building grants. JIFF has been assigned a total of 3 mio. EUR for 5 ½ years, of which 1.7 mio. EUR (approximately 12.5 mio. DKK) are assigned for the grant scheme.

**Finland**
Operates a "Fund for Local Cooperation" on the themes of human rights and Governance, Environmental Sustainability, Private Sector Partnerships. EUR 100,000 per year.

**Norway**
Twinning arrangements between Norwegian and Vietnamese NGOs, but does not operate a grant scheme.

**DFID, WB, SIDA Finland, Belgium, AUSAID**
Operates a grant for strengthening public integrity and law enforcement for effective anti-corruption in support of the Vietnam Anti-Corruption Inititaitve led by the Government Inspectorate.

**Canada**
Operates a grant scheme on "Basic Needs" and "Participatory Governancne" for VNGOs at approximately 50,000 USD per grant.

**Irish Aid**
Operated 4 grant programmes for NGOs in the period 2007-2011 directed towards disability, HIV/AID, women, children, gender, trafficking, and transparency. The largest programme "Civil Society Facility" disbursed EUR 1-1.5 mio per year for 4 years. The other programmes were considerably smaller.

**European Union**
Provides funding to European based NGOs for partnerships with Vietnamese NGOs on poverty eradication and partnership building, EUR 7.7 mio over 3-4 years.

**The Asia Foundation**
Provides a series of small grants to local NGOs mostly for training and capacity building.

## 9.5 Component 2: Human Rights Research And Education – Output Matrix

| IMMEDIATE OBJECTIVE: To strengthen human rights research and education and promote cooperation on these issues between Vietnamese universities. | | | |
|---|---|---|---|
| OUTPUTS | MAIN ACTIVITIES | INDICATORS | VERIFICATION |
| • Research environment in HR expanded and deepened at institutions of higher learning | • Focal points of HR research are established with institutes under VASS;<br>• Master degrees in HR are offered and obtained abroad by a number of faculty staff;<br>• Selected short-term HR courses abroad are attended by faculty staff;<br>• Seminars and workshops on HR research issues are undertaken by participating institutions, both singly and jointly.<br>• Comparative research projects on HR issues are undertaken in collaboration between participating institutions;<br>• Research papers and dissertations are published regularly; | • No. of research focal points publishing research results regularly;<br>• No. and subjects of research projects completed;<br>• No. of Master degrees obtained abroad, by institution and gender.<br>• No. of research papers and theses published; | • Component reports<br>• Base-line |

| | | | |
|---|---|---|---|
| • Human rights credit courses for law students integrated into general curricula of institutions of higher learning | • HR courses are improved and offered as and integrated part of the curriculums of the law faculties;<br>• Students are producing theses and dissertations on HR issues, including inter-disciplinary studies, a selection of which is published annually. | • No. of HR courses integrated into curriculum plans;<br>• No. of students completing HR. credit courses; by institution and gender;; | • Component reports |
| • Collaboration and networking for research, education and training in human rights is established at universities in Vietnam | • Activities of universities collaborating on human rights education, research, publication and collaborative projects, training of faculty members and with access to international cooperation. | • Network activities completed as per annual plans and budgets | • Component reports |
| • Policy impact and outreach in the field of HR research and education attained | • Policy contributions on HR research and education are submitted and incorporated into government programmes and policy documents<br>• Short term courses for government officials are conducted in collaboration with state institutions; | • Inclusion of HR research and education in official resolutions and other documents;<br>• No. of short-term courses in collaboration with state partners | • Existing official policy documents on HR education and research;<br>• Component reports |
| • International networking of Vietnamese HR centers strengthened | • SEAHRN meetings are attended on a regular basis by representatives of participating institutions;<br>• Faculty staff attend international conferences on ad hoc basis; | • No. of participants attending no. of HR-related meeting abroad; by institutions and gender;. | • Component reports |

## 9.6 Component 3: Public Participation and Accountability

### 9.6.1 Sub-component: Parliamentary Cooperation And Education - Output Matrix

| IMMEDIATE OBJECTIVE: To improve parliamentary skills of parliamentary members and staff through parliament-to-parliament collaboration and other targeted skills development activities of relevance to the institutional strengthening of the ONA. | | | |
|---|---|---|---|
| **OUTPUTS** | **ACTIVITIES** | **INDICATORS** | **VERIFICATION** |
| • The concepts of democratic governance in NA/ONA are promoted through parliamentary cooperation. | • Parliament-to-Parliament cooperation is implemented between the NA/ONA and Folketinget in the form of thematic seminars combined with exchange visits; | • 3 thematic seminars per year.<br>• No. and examples of cases, where experiences from the Danish Folketing has been used as an inspiration for Vietnam in the law-making process | • Delegation reports and assessments submitted to Steering Group<br>• Seminars and themes covered during phase I |
| • The competencies of the human resource base for future managers in the ONA are upgraded. | • A programme of overseas scholarship degrees and shorter, targeted courses for younger qualified candidates is implemented (master degree courses if justified);<br>• A number of internships in parliaments overseas are offered to qualified candidates. | • 10 participants in short-term courses awarded, by subject and gender composition;<br>• 10 internships completed, by gender composition. | • ONA reporting<br>• Tracer-survey<br>• ISP Training needs assessment |

### 9.6.2 Sub-component : Support to Non-Government Organisations– Output Matrix

Each annual work plan will contain annual outputs and indicators related to the specific themes selected for the call-for-proposal, and which will be agreed with ONA based on the NA's annual and medium-term agenda, or will be other themes selected by the steering committee. In general, the outputs and indicators focus on the involvement of NGOs in the legislative process.

**IMMEDIATE OBJECTIVE:**
To promote public participation and accountability in law-making and policy development processes by strengthening engagement of Non-Governmental Organisations in these processes at national and sub-national levels as well as in monitoring the implementation of these.

| OUTPUTS | MAIN ACTIVITIES (for fund manager and NGOs supported) | INDICATORS | VERIFICATION (all to be collected by Fund/TA manager apart from review/evaluation |
|---|---|---|---|
| 1) **Research** conducted on key issues related to legislative processes, democratic governance and NGOs roles in promoting public participation and accountability.<br>2) **Awareness** of NGOs and key partners has been raised about the rights and opportunities provided by the present legislation related to public participation and accountability.<br>3) NGO lead initiatives on **monitoring** of implementation of legislative processes, government policies and budgets at national and sub-national levels conducted and feedback provided to Government and Elected representatives.<br>4) **Strengthened** networking among | • Establish the Grant Fund for NGO support according to agreed criteria and objectives, and research on priority areas of NGO engagement and initiatives within the GOPA II framework<br>• Make Grant Fund operation and conduct regular calls<br>• Develop the Capacity Building Facility in relation to the Grant Fund scheme and the research on priority areas and capacity building assessment<br>• Initiate the Capacity Building Facility programme and conduct the defined capacity building activities, these might include NGO sector wide sharing of information and lessons learned.<br>Supported NGOs (for output 1-5) | At immediate objective level:<br>• Number / cases of laws, bi-laws, and cases where the supported NGO's evidence-based contribution have been taken into consideration in the formulation of the new/revised law or bi-law in accordance with the legislative agenda, and that has promoted good governance (public participation and accountability)<br>At output level:<br>• **Research:** Innovative research report(s) providing recommendations on NGO engagement in promoting democratic governance and in general in legislative processes.<br>• **Awareness** of use of laws of participation (in particular on the Ordinance on Grass-root Democracy) is raised according to NGOs supported and according to their specific target groups.<br>• Recommendations of NGO **monitoring initiatives** to Government and Elected Representatives bring | • **Source:** New/revised laws and bi-laws, and interviews with stakeholders<br>• **Source:**<br>• Fund Manager's progress report<br>• Researches produced in |

| | | | |
|---|---|---|---|
| NGOs and other key stakeholders for enhanced engagement in legislative processes and policy dialogues with the National Assembly and the Provincial People's Councils and Government agencies at various levels. | • Conduct research on issues defined by the Grant Scheme<br>• Promote awareness raising activities<br>• Carry out monitoring of duty bearers' policies and policy implementation<br>• Implement and engage in legislative processes and policy dialogue with NA, PPCs<br>• Analyse laws, bills and policies relevant to the themes selected for the calls for proposals<br>• Carry out capacity building activities | about an actual change in legal framework, policy or practice<br>• NGO dialogues and mechanism organised between NGOs and NA and Government representatives<br>• NGO capacity building assessment report is produced. The report is identifying feasible entry points for institutional capacity building and key organisational capacity building needs related to democratic governance promotion<br>• Progress in capacity compared to baseline among the NGOs that have received capacity building support | supported projects<br>• Progress reports from supported NGOs<br>• Mid-term and final evaluations<br>• Capacity survey carried out |
| 5) Institutional and organisation capacity building initiatives developed and conducted for enhanced NGO engagement in legislative processes and policy making processes and monitoring | | | |

## 9.7 Budgets

All budgets are tentative and will be confirmed as part of the annual work plans.

| Component 2: Human Righs Education & Research | 2012 | 2013 | 2014 | 2015 | Total |
|---|---|---|---|---|---|
| **Vietnam National University** | **0.60** | **0.65** | **0.60** | **0.40** | **2.25** |
| 2.1. Research environment in HR is expanded and deepened | 0.23 | 0.26 | 0.22 | 0.14 | 0.85 |
| 2.2. HR credit courses for law students are integrated into curricula | 0.12 | 0.14 | 0.13 | 0.11 | 0.50 |
| 2.3. Collaboration and networking | 0.10 | 0.10 | 0.10 | 0.05 | 0.35 |
| 2.4. Policy Impact and outreach in the field of HR research/education is attained | 0.10 | 0.10 | 0.10 | 0.05 | 0.35 |
| 2.5. International network of Vietnamese HR centers strengthened | 0.05 | 0.05 | 0.05 | 0.05 | 0.20 |
| **VASS** | **1.70** | **1.75** | **1.65** | **1.30** | **6.40** |
| 2.1. Research environment in HR is expanded and deepened | 1.00 | 1.00 | 0.95 | 0.75 | 3.70 |
| 2.2. HR credit courses for law students are integrated into | 0.20 | 0.20 | 0.20 | 0.15 | 0.75 |

Component 1: Public Administration Reform

An output-based budget will only be presented once outputs have been formulated by the different provinces supported by the programme.

Component 2: Human Rights and Education component Budget: Million DKK

| | | | | | |
|---|---|---|---|---|---|
| curricula | | | | | |
| 2.3. Collaboration and networking | 0.10 | 0.12 | 0.10 | 0.10 | 0.42 |
| 2.4. Policy Impact and outreach in the field of HR research/education is attained | 0.10 | 0.12 | 0.10 | 0.10 | 0.42 |
| 2.5. International network of Vietnamese HR centers strengthened | 0.10 | 0.11 | 0.10 | 0.10 | 0.41 |
| 2.6. Research, building, and implementation of the short training programme on human rights for the managerial staffs | 0.20 | 0.20 | 0.20 | 0.10 | 0.70 |
| **Ho Chi Minh City Law University*** | **0.90** | **0.95** | **0.85** | **0.50** | **3.20** |
| 2.1. Research environment in HR is expanded and deepened | 0.55 | 0.60 | 0.50 | 0.30 | 1.95 |
| 2.2. HR credit courses for law students are integrated into curricula | 0.10 | 0.10 | 0.10 | 0.05 | 0.35 |
| 2.3. Collaboration and networking | 0.10 | 0.10 | 0.10 | 0.05 | 0.35 |
| 2.4. Policy Impact and outreach in the field of HR research/education is attained | 0.10 | 0.10 | 0.10 | 0.05 | 0.35 |
| 2.5. International network of Vietnamese HR centers strengthened | 0.05 | 0.05 | 0.05 | 0.05 | 0.20 |
| **Technical assistance** | **0.30** | **0.40** | **0.40** | **0.30** | **1.40** |
| **Total** | **3.50** | **3.75** | **3.50** | **2.50** | **13.25** |

*HCMCLU may also carry out training in human rights at the provincial level. The Embassy may approve use of unallocated funds for this new activity, based on HCMCLU's annual work plan.

Component 3: Public Participation & Accountability: output based budget

| | 2012 | 2013 | 2014 | 2015 | Total |
|---|---|---|---|---|---|
| **Sub-component parliamentary support** | **1.20** | **1.10** | **0.90** | **0.80** | **4.00** |
| The concepts and practice of democratic governance in NA/ONA are promoted through parliamentary cooperation | 0.70 | 0.65 | 0.55 | 0. 60 | 2. 50 |
| The competencies of the human resource base for future managers in the ONA are upgraded. | 0.48 | 0.42 | 0.32 | 0. 18 | 1.40 |
| Coordination of High-Level Meeting* | 0.02 | 0.03 | 0.03 | 0.02 | 0.10 |
| **Sub-component NGO support** | **2.00** | **2.75** | **2.25** | **2. 00** | **9.00** |
| Research on public participation & acountability | 0.50 | 0.75 | 0.25 | 0.20 | 1.50 |
| Awareness-raising on public participation | 0.50 | 0.75 | 0.40 | 0.35 | 2.00 |
| Monitoring activities of national and local policies | 0.25 | 0.25 | 0. 40 | 0.35 | 1.50 |
| Networking and policy dialogue | 0.25 | 0.25 | 0.45 | 0.35 | 1.50 |
| Capacity Building Facility activities | 0.50 | 0.75 | 0.75 | 0.75 | 2.50 |
| **Technical assistance**** | **2.00** | **2.00** | **1.50** | **1.50** | **7.00** |
| **Total** | **5.20** | **5.85** | **4.65** | **4.30** | **20.00** |

***It has been agreed to include expenses to the High-Level Meetings as part of the general support to ONA to make financial management easier for ONA and taking into account that the High Level Meetings may include discussions specifically related to the ONA sub-component.***
****A tentative distribution has been made between the technical assistance from the Danish Parliament (which will be 2 million DKK) and to the Fund Manager of the NGO support (which will be 5 million DKK).***

## 9.8 Baselines – Human Rights Research and Education

| BASELINE - HUMAN RIGHTS RESEARCH AND EDUCATION | | | | |
|---|---|---|---|---|
| | **OUTPUT - PHASE II** | **ACTIVITY** | **Phase 1 (2008-11)** | **Phase 2 - Expected output** |
| 2.1 | Research environment in HR expanded and deepened at institutions of higher learning | 2.2.1 Network activities, incl. research, seminars, courses, training | 2 seminars | Formalised network participating in most component activities |
| | | 2.2.2 Master degrees in human rights - overseas scholarships | None | 20 scholarships |
| | | 2.2.3 Short-term courses abroad | 2 training courses | 10 int. training courses |
| | | 2.2.4 Seminars and workshops | VNU: 8 seminars<br>VASS:<br>HCMULAW: 16 seminars; 4 conferences | 30 seminars budgeted |
| | | 2.2.5 Research grants | VNU: 23 research projects<br>VASS: ?<br>HCMULAW: 32 research projects | 50 research grants budgeted |
| | | 2.2.6 Publication of research material and dissertations, incl. Translation | VNU: 9 books<br>VASS: 8 books<br>HCMULAW: 13 books, 25 papers published in journals | Regular publication throughout programme; Quality and quantity strengthened by master programmes |
| | | 2.2.7 Library acquisitions | VNU: 300 English books, 1500 VN books.<br>VASS: 42 English books, 30 VN books.<br>HCMULAW: 236 English books, 320 VN books. | Continued acquisitions with TA advice |

| BASELINE - HUMAN RIGHTS RESEARCH AND EDUCATION | | | | |
|---|---|---|---|---|
| | **OUTPUT - PHASE II** | **ACTIVITY** | **Phase 1 (2008-11)** | **Phase 2 - Expected output** |
| | | 2.2.8 Faculty staff language courses | VNU: 1 course<br>VASS: 2 courses | Continued English training |
| 2.2 | Human rights credit courses for law students integrated into general curricula of institutions of higher learning | 2.3.1 Course development and administration | All three partners have developed courses | New and updated courses developed and integrated into faculty curriculum |
| | | 2.3.2 Integrating human rights law into teaching of other disciplines of law | Initial experience of integrating HR law into one or two law courses | New or updated courses developed and delivered |
| | | 2.3.3 Developing improved teaching methodologies | Not developed | Workshop, TA and |
| 2.3 | Informal network | | VASS: 8 network | |
| 2.4 | Policy impact and outreach in the field of HR research and education attained | 2.4.1 Seminars | None | 5 seminars held |
| | | 2.4.2 Course development and delivery of HR training | 4 training courses | 10 courses developed and delivered |
| 2.5 | International networking of Vietnamese HR centers strengthened | 2.5.1 International meetings (groups of 5 pax.) | Two international events of SEAHRN attended | 10 vents attended |

## 9.9 Tracer Survey

### Tracer survey of the participants in the JOPSO Master Programme

From 1997 to 2009 a total of 49 candidates, of which 27 men and 21 women, participated in the programme and received a master's degree from an Australian university through the JOPSO programme (Danish Support to Legal and Judicial Reforms in Vietnam).

The survey was carried out in Hanoi in November 2010 and data collection was finalised in December 2010.

In the present survey, 48 of 49 candidates have been accounted for, while the data for one candidate remains unknown and has consequently been left out of the survey. All candidates received scholarships to attend and complete master degree courses at Australian universities. There is no record of candidates not having obtained a degree.

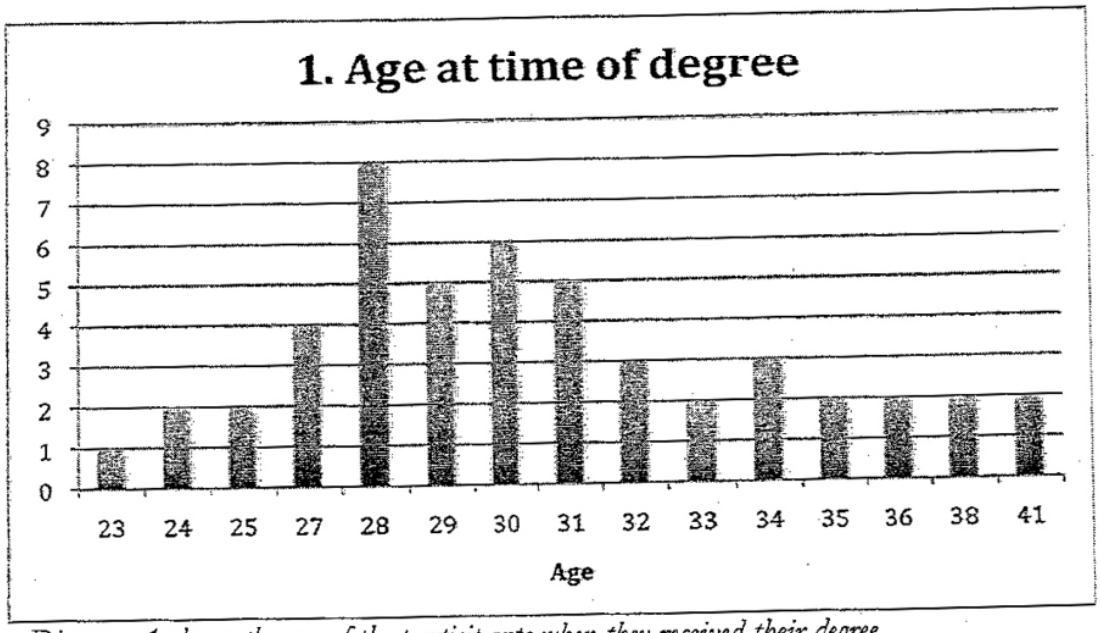


*Diagram 1 shows the age of the participants when they received their degree.*

57% of the participants were under 30 when they received their master's degree while only 16% were more than 35.

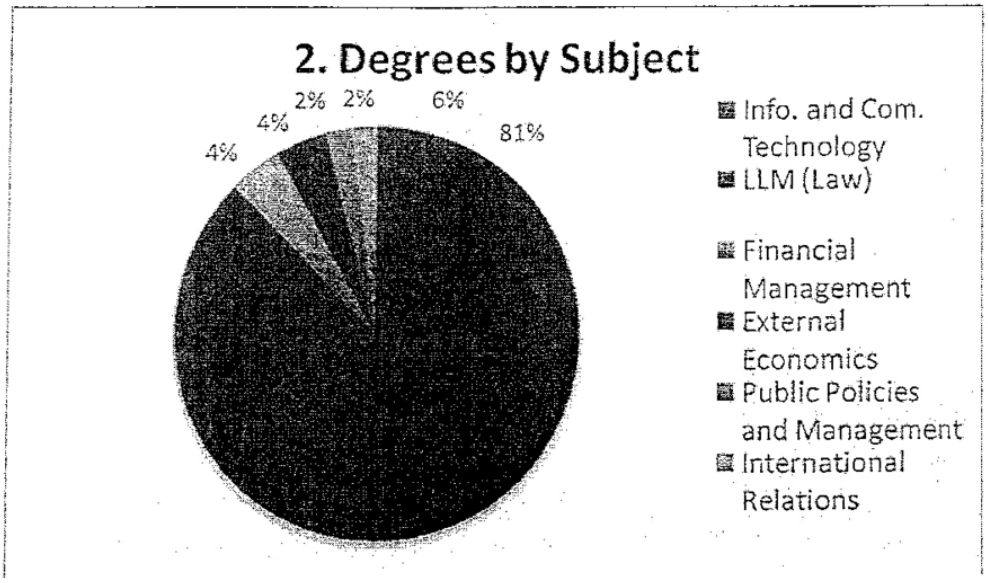


*Diagram 2 shows the distribution of subjects in which the participants received their master degrees. Law degrees are predominant with 81% of all degrees obtained.*

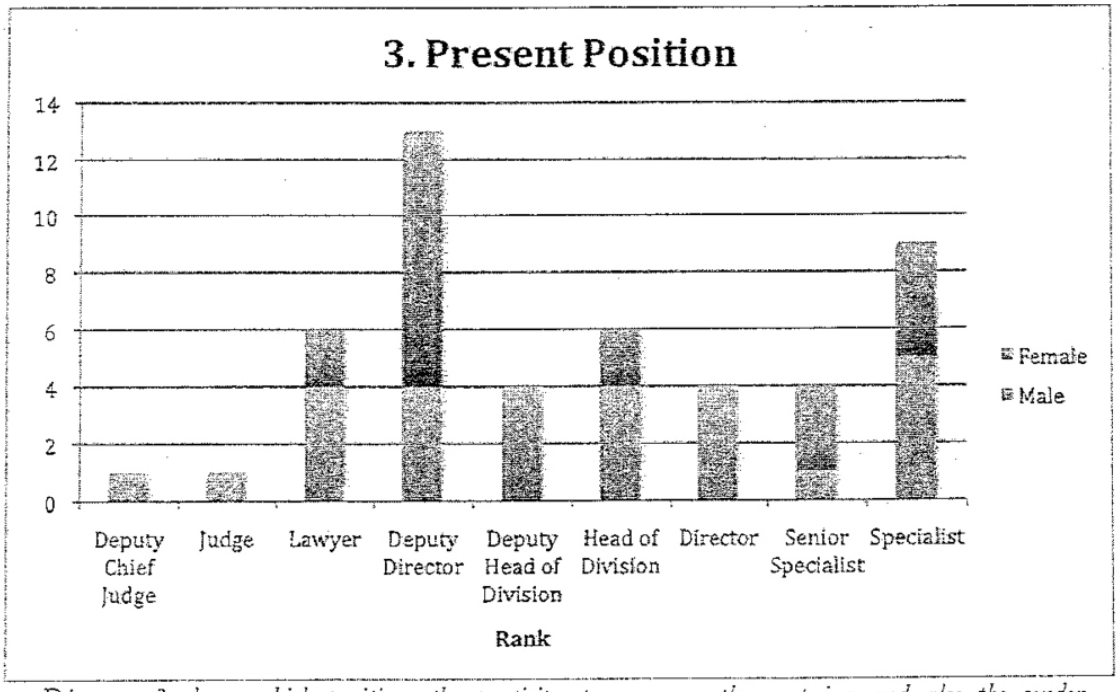


*Diagram 3 shows which positions the participants are currently occupying and also the gender distribution among the different positions.*

The position "Deputy Director" includes "Deputy Director" and "Deputy Director of Center".
The postion "Deputy Head of Division" includes "Deputy Head of Division", "Deputy Head" and "Chief of Division".
The position "Director" includes "Director" and "Director of Department".

Fifty percent (50%) of the positions are occupied solely by men and only in the position of Deputy Directors shows a majority of women office holders.

Of the 48 participants 94% were officers prior to their master degree14. At present 9 persons accounting for 18.7 % are officers. This shows that it is by far a majority who have been promoted.

65% of the participants have changed department or workplace after having received their degree. However fully 83% of candidates remain within the same institution, showing a clear preference among candidates for pursuing careers with their existing employer. Of the 8 (17%) candidates, who have left the institution in which they worked at the time of receving the scholarship, 6 have taken up employment as practicing lawyers. Only one candidate is currently working and residing abroad.

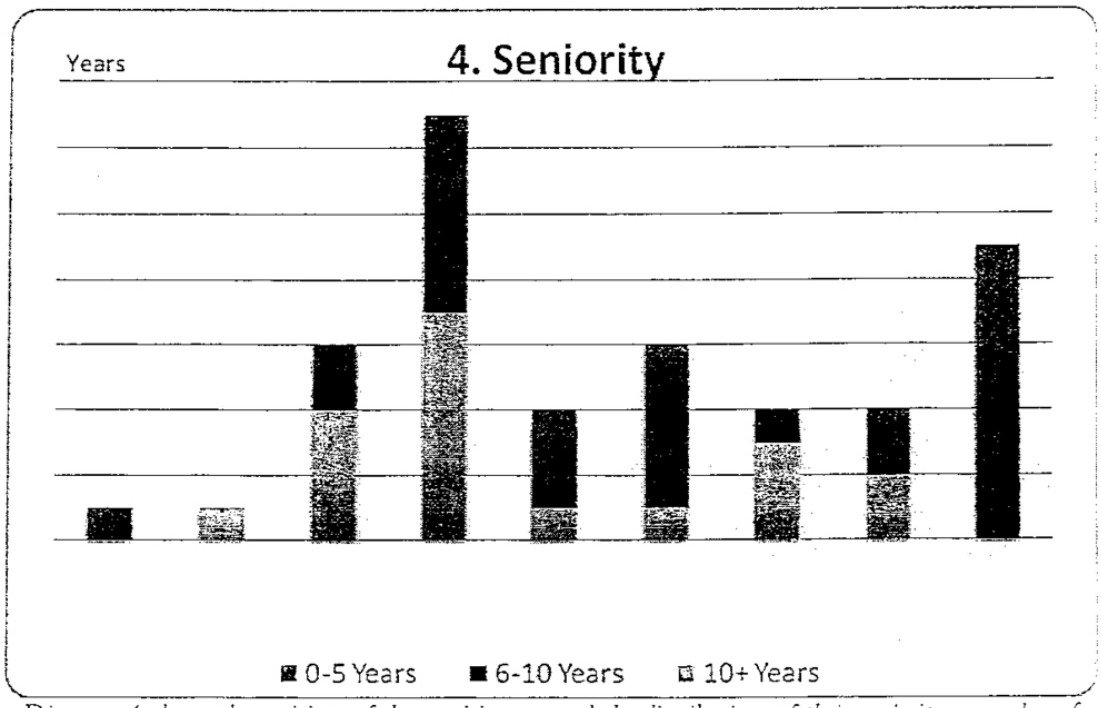


*Diagram 4 shows the positions of the participants, and the distributions of their seniority – number of years since degree was received.*

From diagram 4 it can be seen, that 48% of the participants with low seniority (0-5 years) occupy higher positions than before their masters degree, while all with a high seniority (10+ years) now occupy higher positions than before their masters degree.

14 One judge at a district court is now a lawyer, one Deputy Head of Division is now Deputy Director and one Prosecutor is now Head of Division. The rest were Specialists (officers) prior to their degree.

## 9.10 Extract from NA/ONA Training Needs Assessment

*Training Needs Assessment of Key Leaders of the National Assembly and Senior Staff of the Office of the National Assembly*, Hanoi, 2009

by Pham Duy Nghia, Nguyen Chi Dung, Trinh Quoc Toan and Nguyen Du Lam

The report summarises the key topics for senior staff development at the ONA as follows:

**"A. Fundamental Topics:**
Based on the empirical study [ ] the followings topics are advised for the ONA Key Staff Training Curriculum Development:

1. Rule of law, reform of the NA and its impact on the reform of service of ONA to meet higher demand of the NA,
2. Work of committee system and committee service: an international comparative approach and Vietnamese positioning: Case study in legislative examination and in committee's oversight.
3. Parliamentary good practice on law-making: How laws are made? How parliamentary staff is organized to support parliament's activities in law-making? (member's support, committee's support in law-making activities, supporting public consultation on bills etc.)
4. Reform of office supporting the parliament around the world: Area of responsibility of the secretariat; Organisation of the divisions supporting the parliamentary activities; Relationship: Leadership of the parliament, leading position in charge of the secretariat, Division's directors, committee staff, other division of research, information and general services.
5. Employment and Service Standards, Ethics and Parliamentary Service Career: Rules, Problems and Solution: Case study of some countries in EU and ASEAN
6. Regional Policy Making mechanism and its impact on national parliament service: Case study in EU
7. How budget for operation of the parliament is made and managed: Case study on EU countries and some of ASEAN.
8. Decentralization- opportunity and challenges to the parliament and its service institution
9. Globalization and its impact on flexible responses of the government: Redefining the cooperative relationship between Parliament- Government- Judiciary and lesson for building capacity of the parliamentary services
10. Parliamentary Procedure: Written and Unwritten forms; How Parliamentary Procedural Rules are made, developed and managed- problems and solution
11. Budget procedure and budget oversight: comparative study EU and Vietnam
12. Research and Information Service to the Parliament: Institutional Development, Problems and Solution
13. Training services to the members of the parliament and staff: Rules and implementation, problems and solution, good practices
14. Work with Media, parliamentary public information and relation
15. Policy Analysis as parliamentary service: Skills and Practice
16. Planning, drafting, preparing committee reports,

17. Committee hearing: In which case and how to prepare?
18. How to serve the Petition committee and the whole house on petition issues: link of the output to legislation , motion and debate: Case study German Model and some other EU countries with both Petition Committee and Ombudsman
19. Summary report and analysis of public opinion to draft law,
20. Skills training topics: Communication, research, working with ministries, supporting members in their representative role etc.

**B. Other topics to be identified by training service implementing agency:**
Topics as suggested above shall aim at equipment of a fundamental vision on parliamentary services requirements to key staff and provide them with a chance to discuss and draw lessons while comparing to their function.

It is suggested by the research team that the ONA should authorize a department of the ONA in charge of training to issue continuous survey of Training Need Assessment (TNA) for other area of service which may pose training topic of concern, such as General Service Staff/Department and Human Resource Management key staff (such as modern HR management skills, Resource management skills).

## 9.11 Appendixes

**APPENDIX[15] 1: Implementation Plan**

**1. Implementation plan for overall programme**

| What | When | Who |
|---|---|---|
| Initial High-Level Meeting for GOPA II to initiate programme. | January 2012 | ONA and Danish Embassy |
| Preparation and review of annual work plans. Specific focus on exit strategy. Approval. | February 2012 (annual basis until February 2015) | Partners and Danish Embassy |
| Contracting international TA for all components. | February 2012 | Danish Embassy |
| Local inception Review of progress of NGO component (optional, to be decided by SC) | August 2012 | Danish Embassy and ONA |
| Semi-annual High-Level Meeting Receiving and Reviewing progress report and financial reports | August 2012, January 2013 (each six-seven months hereafter) | ONA and Danish Embassy |
| Mid-term review | End 2013 | TAS, Ministry of Foreign Affairs |
| Annual audit report for all components | Each year. | SAV & Danish Embassy. |
| Final Review | August 2015 | TAS, Ministry of Foreign Affairs. |
| Programme Completion Report | End 2015 | Danish Embassy and partners |
| Final audit | January 2016 | Danish Embassy and partners |
| Dissemination and publication activities of results | All years. December 2015 | Danish Embassy and partners |
| Lessons learnt / evaluation on civil society support. | September 2015 | Danish Embassy, ONA, civil society organizations. |

**2. Implementation Plan for PAR component**

| What | When | Who |
|---|---|---|
| PAR Pillar Policy Dialogue | Annual basis | MOHA, Danish Embassy |
| Other coordination forums (Par Partnership Forum; Sharing Experiences) | Annual basis | MOHA, Danish Embassy |
| Contracting PAR Team | February 2012 | Danish Embassy |
| Steering Committees at a provincial level | Semi-annual basis | Danish Embassy and Steering Committees at Provincial level |

[15] All appendixes will be adjusted as part of the final preparation phase of the programme to be carried out before the Government-to-Government agreement is signed (expected to be in November 2011). Likewise, if an agreement is made with other donors regarding joint contributions to the Public Participation and Accountability initiative under ONA, the programme design may be adjusted to accommodate contributing donor requirements even after the Government-to-Government agreement has been signed. If a set up of joint funding mechanisms is not possible, information sharing will be ensured in order to establish synergy and avoid duplication.

| | | |
|---|---|---|
| Annual work plans to reflect differentiated approach, M&E framework based on provinces own outputs, gradual phase out | February 2012 and on annual basis | Provinces with PAR Team & Danish Embassy. |
| Dissemination of material to other provinces, public. | 2014 & 2015 | PAR Team & Danish Embassy |

3. **Implementation Plan for Human Rights Education & Research Component**

| What | When | Who |
|---|---|---|
| Meetings on annual work plans | February 2012 and on an annual basis | Each partner with Danish Embassy. |
| Technical assistance provided | Ongoing basis | Each partner in agreement with Danish Embassy and provider of TA. |
| Networking activities initiated | Ongoing basis | Each partner in agreement with Danish Embassy. |
| Dissemination and publication of results | 2014 & 2015 | Each partner with TA support in agreement with Danish Embassy |

4. **Implementation Plan for Public Participation & Accountability Component**

| What | When | Who |
|---|---|---|
| Installation of steering committees for both sub-components (ONA and NGO). | February 2012 | ONA, Danish Embassy, other donors. |
| ONA-component: ongoing technical assistance from DPA Denmark, visits to Denmark. | Ongoing, 3 exchanges per year | ONA, Danish Parliament and Danish Embassy. |
| Installation of Grant Fund Committee for NGO sub-component | March 2012 | ONA, Danish Embassy, other donors. |
| Grant Scheme with assessment criteria, funding categories, reporting systems revised and approved for NGO sub-component | April 2012 | The Fund Manager supports the Grant Fund Committee |
| Hiring of Fund Manager, including personnel | April 2012 | Danish Embassy in consultation with ONA. |
| Approval of specific financial management manual for the NGO sub-component | June 2012 | Fund Manager recommends to steering committee |
| Outreach workshops to inform on the Grant Scheme | July 2012 and for each call for proposal | Fund Manager |
| Inception report prepared | End July 2012 | Fund Manager presents to |

| | | |
|---|---|---|
| by Fund Manager | | Steering Committee. |
| Calls for proposal | August 2012 and annual basis | Fund Manager |
| Monitoring grants | Continued | Fund Manager |
| Joint sessions to discuss and present results between stakeholders from the programme | Annual basis | Fund Manager |
| Dissemination of results | 2014 and 2015 | Fund Manager |

**APPENDIX 2: ToR for Semi-Annual High-Level Meeting and for Steering Committee for each partner, and for sub-component on support to civil society (PAR component management is not included. A management manual will be prepared before programme start.)**

## APPENDIX 2.1

### Terms of Reference
### High-level meeting for the Good Governance and Public Administration Programme
### (GOPA II – 2012-2015)

**1. Background**

Denmark has supported Vietnam for several years in the area of good governance and public administration. From 2007 to 2011 the Good Governance and Public Administration Programme (GOPA I) was carried out. A second phase (GOPA II) will be carried out from 2012-15. The programme consists of three components:

1) Public Administration Reform (PAR) component, including support to five provinces.

2) Human Rights Education and Research component, including support to Vietnam Academy of Social Science, Vietnam National University and Ho Chi Minh City Law University.

3) Public Participation and Accountability component, including support to the Office of the National Assembly and support to Non-Government Organizations.

The three components represent interventions in important areas of reforms. Each of them aims to promote concepts and means to improve public management and democratic accountability.

**2. Objective and composition**

A High-Level Meeting (HLM) has been set up in order to review progresses, ensure that efforts are sufficiently coordinated and decide on the use of unallocated funds for new activities.

ONA is the lead agency of the GOPA II Programme. Therefore, ONA is the overall responsible for preparing the High-Level Meeting. As a preparation for the meeting, ONA will be ensuring that progress and monitoring are being carried out in an appropriate manner and in accordance with all requirements of the Vietnamese legislation, as well as requirements from the Danish Embassy. Likewise, ONA will ensure that any overall problems that may arise in the course of implementation of the GOPA II are addressed with the relevant authorities and /or the Danish Embassy.

The HLM has the following composition:

- The chairman of the Office of the National Assembly or his/her representative
- The Ambassador of Danish Embassy in Hanoi or his/her representative
- The minister of the Ministry of Finance or his/her representative

- The minister of the Ministry of Planning and Investment or his/her representative
- The minister of the Ministry of Home Affairs or his/her representative
- The minister of the Ministry of Education and Training or his /her representative
- A representative from the Vietnam Academy of Social Sciences
- A representative from the Vietnam National University Law Faculty
- A representative from Ho Chi Minh City Law University.

The HLM may decide to invite other programme partners or ministries to attend the HLM meetings.

### 3. Functions

- Discuss overall programme issues of relevance for the cooperation between Vietnam and Denmark.
- Monitor progress of all the GOPA II programme activities based on those work plans' reports submitted by programme partners.
- Provide recommendations to programme partners based on its review of the programme progress. Likewise, ensure that all norms and procedures issued by the Government of Vietnam and Danida are applied in the same way for all components.
- Make recommendations on matters regarding the programme level concern and the Government of Vietnam requirements on ODA management.
- Approve overall progress reports prepared by the ONA.
- Decide on the possible reallocation of funds.
- In the first SC meeting, the SC will define format for work plan, budgeting, progress report.

### 4. Programme coordination

Sufficient funds will be set aside for programme coordination; they will be administered by the Office of the National Assembly. The funds are to be used to finance staff members, possibly 1 part-time person, who may carry out analysis of the partner's work plans and progress reports, and provide the necessary support staff to assist ONA in carrying out the preparation of the HLM, the meeting itself and documentation of the meeting (minutes with appendixes on programme progress reports, etc.).
ONA will prepare a proposal for a necessary budget that includes staff for coordination in the form of a work plan during the first three months of the programme implementation in 2012.

### 5. Frequency and place of meetings

The HLM shall be held twice a year (semi-annual). ONA will select the place for the meeting.

**APPENDIX 2.2. Terms of Reference**

**Steering Committees for support to VASS, HCMC Law University, VNU (component 2) and Office of the National Assembly (sub-component 3.1.) of the Good Governance and Public Administration Reform Programme (GOPA II)**

## 1. Background

The Good Governance and Public Administration Reform programme consists of three components:

1) Public Administration Reform (PAR) component;
2) Human Rights Education and Research component.
3) Public Participation and Accountability component.

The three components represent interventions in important areas of reforms, each of which aim to promote concepts and means of improving public management and democratic accountability. The overall development objective for the programme is:

*"To strengthen the development of democratic governance and public management and accountability in Vietnam"*

The Terms of Reference describe the composition, role and responsibilities of the Steering Committee for support to Vietnam Academy of Social Science (VASS), Vietnam National University (VNU), Ho Chi Minh City Law University (HCMC- LU), as well as for the sub-component on parliamentary cooperation, where the Office of the National Assembly is the partner.

To guide the management of the support, each implementing institution will have its own Steering Committee (SC). These SCs will have full authority over management of the programme support provided to the institutions. The SCs will thus be independent of the remaining SCs.

The daily management of contributions to the implementing institutions and all activities, will be undertaken by the Management of the respective institutions. The Management will refer to the institutional SC.

## 2. Composition

The SC will comprise:

Chairperson:
1. Representative from the institution supported

And

2. A Representative from the Danish Embassy.

Programme officers or technical assistants may be invited to participate. If it is not possible to carry out meetings as planned, an exchange of letters may substitute the SC meetings. A secretary to the SC will be based in the institution supported.

### 3. Responsibilities

The role of each of the four SCs will be to:

- Discuss overall progress of each support.
- Ensure that ONA as lead agency is kept informed on progress through brief, quarterly narrative reports.
- Approve annual work plans and budgets, including procurement plans, capacity development plans, and performance indicators and targets.
- Decide on recommendations made by programme reviews.
- Review, commend, and/or adopt audit reports.
- Provide inputs, including inputs to ToR for reviews, assessment or evaluations to be carried out in connection with the component activities
- Any other issue that the two parties agree to discuss related to programme implementation.

### 4. Working procedures

Decisions will be made by consensus.
The SC meets semi-annually although extraordinary meetings may be called.
The secretary will announce the meetings with at least two week's notice.
In the first SC meeting, the SC will define format for work plan, budgeting, progress report.
All documentation for the meetings (plan/budget, reports, proposals for adjustments, etc.) shall be distributed to the members at least one week in advance together with the invitation and a draft agenda.

The secretary is responsible for drafting the minutes of the SC meetings and distributing these to all participants within 5 days after the meeting.

The chairperson and representative from funding donors will approve the minutes in writing within 10 days after the meeting.
The secretary of the SC will be appointed by the Head of the institution

**APPENDIX 2.3: Terms of Reference**

**Steering Committee for the Support to Non-Governmental Organisations, Sub-component 3.2, within the programme Good Governance and Public Administration Reform, phase 2 (GOPA II).**

## 1. Background

The GOPA II consists of three components:

1) Public Administration Reform (PAR) component;
2) Human Rights Education and Research component;
3) Public Participation and Accountability component.

The three components represent interventions in important areas of reforms, each of which aim to promote concepts and means of improving public management and democratic accountability. The overall development objective for the programme is:

*"To strengthen the development of democratic governance and public management and accountability in Vietnam"*

As part of component 3, support is provided to Non-Governmental Organisations (NGOs) (Sub-component 3.2). The support to NGOs is provided through a Grant Scheme Mechanism, which consists of a Grant Fund and a Capacity Building Facility. The Grant Fund, called the Public Participation and Accountability Facilitation Fund (PARAFF), will be administrated by a Fund Manager, which will be recruited internationally. The Fund Manager will work within the parameter given by the Steering Committee.

## 2. Mandate and scope

The Steering Committee shall assess progress regarding achievements of key result areas and ensure that the funds for the Grant Fund and the Capacity Building Facility are managed efficiently and effectively, in accordance with the programme document, and other legal documents. The Steering Committee will oversee the implementation of the NGO support, including the definition of support criteria, the approval of members to the Grant Fund Committee, the approval of operational guidelines, annual work plans and budgets, and the review of progress and financial reports.

In order to focus on specific issues and themes, the annual and medium-term legislative agenda of the National Assembly can guide and contribute to delimit the interventions.

## 3. Composition

Membership of the Steering Committee will comprise of:

Chairpersons:

- The Chairman or the Vice-Chairman of the Office of the National Assembly
- The Ambassador or Deputy Head of Mission from the Danish Embassy

Members:

- Ministry of Home Affairs
- Other GOPA II-partners may be invited by the SC to join the SC as members.

Observers /possible advisory board:

- Representatives from other funding donors (if applicable).
- 2 or 3 NGO representatives to be selected in consensus between ONA and the Danish Embassy (in which case these NGOs may not be eligible for support from the Grant Fund).

The members and observers of the Steering Committee will not receive any sort of remuneration for their participation.

4. **Functions and responsibilities**

**Of the Co-chairs and the members**

- Approve the substantial criteria for applications eligible for PARAFF funding, including procedures and changes to these.
- Approve the grant types eligible for PARAFF support (core support, project support, and capacity development support).
- Approve the Capacity Building Facility programme (developed by the Fund Manager)
- Approve members of the Grant Fund Committee tasked with the responsibility of review and approval of grant applications.
- Approve theme, scope and timing for Calls for Proposals.
- Approve annual work plans and budgets.
- Approve the reports from the Fund Manager.
- Decide on recommendations made by programme reviews.
- Review, comment and/or adopt audit process and audit reports.
- Oversee the PARAFF Fund Manager, including through regular performance assessments.

**Of the observers:**

- **Provide advise or feedback on:**
  - The Selection of themes, scope and timing for Calls for Proposals.
  - The annual work plans
  - The reports from the Fund Manager.
  - The recommendations made by programme reviews.
  - The regular performance assessments of the Fund Manager.

The Steering Committee will not be involved in approvals of individual grants, which are within the clearly defined mandates of the Grant Fund Committee.

5. **Working procedures**

- Decisions will be made by consensus.
- The Steering Committee meets semi-annually although extraordinary meetings may be called for if necessary.
- The Steering Committee members will be informed about the meeting by the secretary with at least a two-week's notice.

- The formal invitation, meeting agenda and all documentation for the meetings (plan/budget, reports, proposals for adjustments, etc.) will be distributed to the members at least one week prior to the meeting.
- The secretary is responsible for drafting the minutes of the SC meetings and distributing these to all participants within 5 days after the meeting.
- The chairpersons and members will approve the minutes in writing within 10 days after the meeting.

## 6. Secretariat for the Steering Committee

The Fund Manager will act as secretariat for the Steering Committee. The Fund Manager will not receive any sort of remuneration, beyond the contractual agreement, for the role as secretary and secretariat.

**APPENDIX 3: ToR Grants Fund Committee for the Public Participation and Accountability Facilitation Fund in the Good Governance and Public Administration Reform Programme, Phase II**

1. **Background**

The Good Governance and Public Administration Reform programme, phase II consists of three components:

1) Public Administration Reform (PAR) component;
2) Human Rights Education and Research component;
3) Public Participation and Accountability component.

The three components represent interventions in important areas of reforms, each of which aim to promote concepts and means of improving public management and democratic accountability. The overall development objective for the programme is:

*"To strengthen the development of democratic governance and public management and accountability in Vietnam".*

In component 3, support to Non-Governmental Organisations is included (Sub-component 3.2). The support to NGOs is provided through a Grant Scheme Mechanism, which consists of a Grant Fund and a Capacity Building Facility. The Grant Fund, called the Public Participation and Accountability Facilitation Fund (PARAFF), will be administrated by a Fund Manager, which will be recruited internationally. The PARAFF Fund Manager will work within the parameter given by the Steering Committee (SC) for the sub-component.

In order to focus on specific issues and themes, the annual and medium-term legislative agenda of the National Assembly can guide and contribute to delimit the interventions.

To professionalise the review and approval of grants, the Office of the National Assembly and the funding donors have agreed to create a Grant Fund Committee to award grants. Five key result areas have been defined for Sub-component 3.2:

1) **Research** conducted on key issues related to legislative and law-making processes of key themes relevant to poverty eradication, democratic governance and NGOs roles in promoting public participation and accountability.
2) **Awareness** of NGOs and key partners have been raised about the rights and opportunities provided by the present legislation related to public participation and accountability.
3) NGO lead initiatives on **monitoring** of implementation of legislative processes, government policies and budgets at national and sub-national levels conducted and feedback provided to Government and Elected representatives.
4) Strengthened **networking** among NGOs and other key stakeholders for enhanced engagement in legislative and law-making processes, in **policy dialogues** with the National Assembly and the People's Councils, and Government agencies at various levels.
5) Institutional and organisation **capacity building** initiatives developed and conducted for enhanced NGO engagement in law, legislative and policy making processes and monitoring.

**2. Mandate and scope**

The Grant Fund Committee (GFC) will be responsible for reviewing applications based on the Fund Manager's recommendations and careful technical scrutinizing of all proposals made by eligible organisations. Based on its review, the Grant Fund Committee shall award grants. The GFC will do so based on relevance, substance and value added to the objective of Sub-component 3 and programme at large and within the parameters decided by the Steering Committee.

The GFC will be the only instance with the authority to approve Grant applications, the GFC will also comment on respective grant completion reports, where applicable.

**3. Composition**

The Grant Fund Committee consist of five members, each being well respected professionals in areas that fall within the support of the fund.

The members will have the following qualifications and characteristics:

1. One researcher on governance issues, in particular public participation and accountability_including experience from multi-stakeholder policy dialogues and development.
2. One professional with a background and experience in NGOs and promotion of engagement between citizens, NGOs and the government sector and processes, such as public participation and monitoring.
3. One legislative specialist with experience in legislative and policy-making processes, legal framework related to governance and civil society in Vietnam.
4. One Public Administrative Reform (PAR) specialist (officer) with experience in the implementation of the PAR reform process in Vietnam.
5. One specialist/officer on promoting of social and economic rights for citizen in general and in particular marginalised groups.

The members of the Grant Fund Committee will chair the meetings on a rotating basis. One member shall be from the ONA. At least two members shall be from the academia (universities and others) or from NGOs.

The SC members may attend meetings as observers.

The members of the Grants Fund Committee will receive a limited remuneration agreed by the Steering Committee and related to the input required.

The members will be proposed by the ONA and the Embassy of Denmark, approved by the Steering Committee, and appointed by the ONA. The members are appointed for two years.

The SC will have the mandate to dissolve the Grant Fund Committee in its entirety or individual members if these are found to be acting outside the mandate provided by the SC.

The PARAFF Fund Manager will arrange the meetings of the Grant Fund Committees and document the proceedings and in all aspects act as a Secretariat to the Grant fund

Committee. A copy of all proceedings will be submitted to the Steering Committee. The Fund Manager should participate in the Grant Fund Committee meetings, and thus may be invited by the members of the committee to explain the reasons for their recommendations to approve or not an application.

### 6. Functions and responsibilities

- Award grants in accordance with the guidelines and criteria approved by the Steering Committee.
- Discuss reports of substantial interest for the programme objectives across the components.

### 7. Working procedures

- Decisions will be made by consensus.
- The Grant Fund Committee meets semi-annually although extraordinary meetings may be called. This may in particular be the case in the first year of operation.
- The secretary will announce the meetings with at least two weeks' notice.
- All documentation for the meetings shall be distributed to the members at least one week in advance together with the formal invitation and a draft agenda.
- The secretary is responsible for drafting the minutes of the Grant Fund Committee meetings and distributing these to all participants within 5 days after the meeting.
- The chairperson and the Fund Manager will approve the minutes in writing within 10 days after the meeting.

### 8. Secretary to the Grant Fund Committee

The PARAFF Fund Manager will act as a secretary to and a secretariat for the Grant Fund Committee. The PARAFF Fund Manager will not receive any sort of remuneration, beyond the contractual agreement, for the role as secretary and secretariat.

**APPENDIX 4: ToR Fund Manager – Public Participation and Accountability Facilitation Fund**

## 1. Background

The Good Governance and Public Administration Reform programme consists of three components:

1) Public Administration Reform (PAR) component;
2) Human Rights Education and Research component.
3) Public Participation and Accountability component.

The three components represent interventions in important areas of reforms, each of which aim to promote concepts and means of improving public management and democratic accountability. The overall development objective for the programme is:

*"To strengthen the development of democratic governance and public management and accountability in Vietnam".*

In component 3, support to Non-Governmental Organisations is included (Sub-component 3.2). The support to NGOs is provided through a Grant Scheme Mechanism, which consists of a Grant Fund and a Capacity Building Facility. The Grant Fund, called the Public Participation and Accountability Facilitation Fund (PARAFF) will pay special attention to marginalized groups in society and women. PARAFF will be administrated by a Fund Manager, which will be recruited internationally. The PARAFF Fund Manager will work within the parameter given by the Steering Committee. The Fund Manager will also provide technical assistance for capacity development to grantees (possibly as part of the Capacity Building Facility) in the areas of governance, project management, administration, financial management, accounting, procurement, reporting and/or any other requirements that may be specified in the grant applications.

Grantees will be supported through Core Funding Grants (multi-annual and against an organisation's strategic plan), and Small Project Grants, Research Grants. Reference is made to the attached Criteria for the Public Participation and Accountability Facilitation Fund, which are in included in the Programme Document as an annex. The Fund Manager will furthermore sub-contract additional specialised short-term assistance in accordance with the grant applications.

The Good Governance and Public Administration Reform Programme, through the Ministry of Foreign Affairs of Denmark, is now tendering for a Fund Manager to manage and administrate the PARAFF.

## 2. Objective

To manage and administer grants in support to NGO initiatives and provide administrative technical assistance and capacity development activities, the latter through the Capacity Building Facility.

## 3. Scope of Work

The scope of work falls within four main areas:

1) Grants Management in accordance with the purposes, results and framework outlined in the programme document and guidelines approved by the Steering Committee:

- Develop guidelines for the calls for proposals, including the receipt of proposals, screening of these, and submission to the Grant fund Committee.
- Prepare suggestion for calls for proposals for submission to the Steering Committee and subsequently publish the calls for proposals.
- Screen grant applications in accordance with guidelines provided by the Steering Committee and summarise the outcome for orientation and deliberation by the Grant Fund Committee through participation in the Grant Fund Committee meetings.
- Financial management of grants, including award letters to grant applicants, transfer of grants, receipt and verification of reports and accountability from grant applicants etc.
- Monitor the substantive progress of all grants.
- Governance and administrative (also referred to as generic) technical assistance and capacity development of grant applicants in accordance with the needs of the organisation and the applications.

2) Fund management of the PARAFF Grants Fund, including:

- Open a dedicated bank account for the PARAFF Grant/Basket Fund, request for funds from the funding donors, and receive and account for all funds provided by the funding donors though the bank account.
- Develop a financial management and accounting manual for submission to and approval by the Steering Committee.
- Prepare annual work plans and budgets for submission to the Steering Committee.
- Prepare quarterly, semi-annual, and annual progress and financial reports to the Steering Committee.
- Facilitate external audit of the PARAFF Grant Fund in accordance with Terms or References approved by the Steering Committee.

3) Secretary and secretariat for the Steering Committee and the Grants Committee, respectively.

4) Facilitate and sub-contract the necessary Technical Assistance to provide capacity building to NGOs in areas relevant for the Grant Fund and in other areas deemed relevant by the Steering Committee for the sub-component. Facilitate and sub-contract additional Short Term Assistance in accordance with guidelines approved though the financial management and accounting manual.

As part of the tender, the tenderer will present an initial proposal for how to carry out the capacity building of the NGOs. During the first four months, the tenderer should elaborate a specific proposal on how the capacity development will be implemented.

**4. Outputs**

The PARAFF Fund Manager will deliver the following outputs:

1) Grants Management:

- Guidelines to the calls for proposals, including the receipt of proposals, screening and submission to the Grants Committee of these.
- Handle one (or two if justified[16]) calls for proposals, including publishing the call, screen applications against eligibility criteria and, where appropriate, provide additional advice and support to enable organisations to submit applications which can be supported, submit applications which pass the screening process to the Grant Fund Committee for consideration, notify applicants following the decision of the Grant Fund Committee.
- Administrate grants i.e. entering into memorandum of understanding and/or grant agreements with grantees, transfer of grants, follow-up, receipt and scrutiny of progress and financial reports.
- Supervision and monitoring of awarded grants.
- Capacity assessments/screenings of grantees.
- Capacity development agreements with grantees being an integrated part of the contractual framework between the PARAFF and the grantee.
- Provision of technical assistance and capacity development in governance, project management, administration, and accounting, which forms an integrated part of the support.

2) Fund management of the PARAFF Grant Fund

- Maintain an office in Hanoi.
- Open and maintain a dedicated grant account for all payments in support of grantees.
- Develop and maintain the necessary financial management, accounting, and reporting systems for the grant fund in accordance with development partner guidelines and internationally accepted accounting standards and practices.
- Develop guidelines and policies for the sub-contracting of short term assistance in accordance with received grant applications.
- Receive funds from the funding donors according to established procedures.
- Provide a bank guarantee for any funds advanced.
- Prepare and submit work plans and budgets.
- Prepare quarterly, semi-annual, and annual progress reports and financial reports showing progress against budget and actual expenditure.
- Prepare accounts for external audit and provide audited annual financial statements, including a management letter in accordance with Terms of References approved by the Steering Committee.

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[16] The Fund Manager may propose specific calls for proposals on issues or bills that require immediate action or may be requested to do so by the SC.

- Maintain and provide all necessary documents and information including invoices from providers, suppliers, air ticket stubs etc., for the purpose of verification and audit.
- Refund to the funding donor(s) any amounts spent contrary to the agreement with the funding donor(s).
- Repay any unspent part of the funds with any interest accrued to the funding donors while submitting the final audited accounts in connection with the completion of the contract.
- Provision of administrative capacity development support to the grantees in accordance with needs, types of grants, and applications.

3) Secretary and secretariat for the Steering Committee and the Grants Committee, respectively

- Liaise with the respective chairmen/chairpersons.
- Announce meetings and distribute documentation to the members together with the invitation and a draft agenda.
- Proceedings and minutes from semi-annual meetings, including follow-up.

4) Managing the Capacity Building Facility and hereunder contract short term technical assistance to grantees:

- Develop and manage the Capacity Building Facility programme.
- Sourcing of short-term assistance.
- Contracting of short-term assistance in accordance with guidelines and policies approved by the Steering Committee.
- Management of contracts, including payments from the basket fund as well as follow up on reporting requirements and accounting for contracted short-term assistance.

**Organisation and Implementation**

The PARAFF is not a legal entity and it is not intended that it should become one. Contracts, for example for office space, staff, and grantees, among others, will be signed and managed by the Fund Manager. The Fund Manager will refer directly to the Steering Committee. The Fund Manager will manage the grant/basket fund efficiently and effectively and ensure that it provides value for money. The key functions of the Steering Committee are, among others;

- Approve the criteria for applications eligible for PARAFF funding.
- Approve the grant types (core support, project support, research support, and capacity development support) eligible for PARAFF support.
- Approve members of the Grants Fund Committee.
- Approve scope and timing for Calls for Proposals.

- Approve annual work plans and budgets, including procurement plans and capacity development plans.
- Assess grant allocations against programme themes expressed by the log frame
- Approve the release of funds based on progress and financial reports.
- Decide on recommendations made by programme reviews.
- Review, commend and/or adopt audit reports.
- Management of the Fund Manager (this contract).

The Steering Committee will not be involved in approvals of grant applications. This is a clearly defined mandate of the Grant Fund Committee, which:

- Awards grant in accordance with the guidelines and criteria approved by the Steering Committee.
- Discusses reports of substantial interest for the programme objectives across the components.

**Financial issues**

Funds under this contract will be provided via two channels:

1) **Grants Administration, Fund Management**, and **secretarial functions** will be regulated directly between the Ministry of Foreign Affairs of Denmark and the Tenderer.

2) Funds in support of **grants (financial as well as technical assistance and capacity development not covered by the grants administration)** will be managed by the Fund Manager and provided for by the Danish Embassy (and possibly other funding donors) directly to a dedicated bank account **(the grant/basket fund)** established by the Fund Manager and administrated in accordance with annual work plans and budgets, policies, procedures, and manuals approved by the Steering Committee.

**Reporting**

Besides, the quarterly, semi-annual, and annual financial and progress reports submitted to the Steering Committee and Grants Committee, respectively, the Fund Manager will produce the following reports:

**Inception Report** to be submitted in the fourth month after the commencement date. It should cover, among others, inconsistencies in the Terms of References, staffing problems that have become apparent during the inception period and provides significant bottlenecks to meeting the objective and scope of work of these Terms of References.

**Semi-annual Progress Reports** to keep the funding donors informed about the progress of the assignment, as well as brief quarterly progress reports to the lead agency for GOPA II (ONA).

**Final Report** to be submitted in draft three months before the end of the contract and cross referenced to these Terms of Reference and, where applicable, all previous reports.

The Fund Manager is responsible for ensuring that a complete financial audit is undertaken each year and that accounts are prepared according to internationally accepted accounting standards.
Grantees are not individually audited, though PARAFF reserves the right to audit individual grants.
Normally, payments to grantees are checked and audited as part of the annual audit.
All reports must be provided in the English language.

**Evaluation/Assessments**

The Steering Committee and programme reviews will evaluate/assess the Fund Manager and recommend a possible continuation of the contract, the phasing out of services, or revision of the scope of services and input.

## 5. Inputs

The Fund Manager will provide adequate staff to undertake the following responsibilities defined by the scope of work and the outputs.

| Type of technical assistance | Output | Input |
|---|---|---|
| Grants administration | Grants administration | Staff, stationery, advertisements |
| Governance and administrative technical assistance and capacity development | Grants administration | |
| Fund Management | Fund management | Staff stationery, office rent, utilities, audit costs |
| Secretarial functions for the Steering Committee and the Grants Committee, including meetings, respectively | Secretary and Secretariat to the SC and the Grant Committee | Staff, stationary, venues. |
| Sourcing and contracting of short term assistance out | Contracting of short term assistance | Staff, stationary. |

## 6. Contractor Qualifications

The Fund Manager will:

- Have a presence in Vietnam for at least three years.
- Have documented experience with support to Non-Governmental Organisations, preferably in Vietnam and within the area of governance.
- Have documented experience in formulation, management, and/or coordination of international development projects and programmes and documented experience with grant management.
- Good communication, negotiation, and public relation skills.
- Proven experience in providing capacity building.
- Preferably experience in the planning of training activities in cooperation with diverse external partners.
- Experience in working with a wide variety of different partner institutions.

- Demonstrate an internationally accredited financial capacity and proven track record and skills in accounting, audit, institutional assessment and organisational development, project management, contracting, and procurement.

**7. Time schedule**

The Fund Manager will be fully mobilized and able to undertake the first call for proposals no later than six months after the award of the contract as Fund Manager. The Office of the National Assembly will assist in matters relation to fulfilling requirements of the Ministry of Finance and in obtaining the necessary operational license(s), if applicable.

**8. Duration**

The contract will have a three calendar year duration running from the date of signing. The contract will have a provision for a one year's extension should the funding donors decide so.
The Steering Committee and the mid-term review will assess the capacity of the Fund Manager and recommend the set-up should be revised, continued as per the contractual option or phased out. The Tenderer will provide an indicative figure for the optional extension.

**9. Background documents**
The Tender should make use of the following documents:

Programme Document, Good Governance & Public Administration Reform, Vietnam 2012-2015.

**APPENDIX 5: Criteria for the Public Participation and Accountability Facilitation Fund (PARAFF)**

The Good Governance and Public Administration Reform programme consists of three components:

1) Public Administration Reform (PAR) component;
2) Human Rights Education and Research component.
3) Public Participation and Accountability component.

The three components represent interventions in important areas of reforms, each of which aim to promote concepts and means of improving public management and democratic accountability. The overall development objective for the programme is:

*"To strengthen the development of democratic governance and public management and accountability in Vietnam".*

As part of component 3, support is provided to Non-Governmental Organisations through a Grant Scheme Mechanism, including a Grant Fund (Public Participation and Accountability Facilitation Fund, PARAFF). This document establishes the key criteria for selection and approval of the grant applications from the NGOs.

The basic principles is that support areas (see below), grants, and procedures should be kept as simple as possible but with differing requirements depending on the type and size of the application. Fundamentally, this implies that small and simple grants (below USD 10,000 but above USD 5,000) will have a focus on substance and relevance but not format and should not be required to follow the same procedures as larger complicated grants. The latter would have a higher focus on format and organizational capacity to implement and administrate the grant.

Applications will be invited on an annual basis. The Steering Committee may, however, decide to facilitate a semi-annual or quarterly award process for small and uncomplicated grants. The last year of the programme may be without calls for proposal depending on recommendations provided through the review process.

The application process will be competitive and the Grant fund Committee will have the discretionary mandate to award grants within the criteria and financial envelope provided by the Steering Committee. There will be preferential treatment in form of for example quotas for certain groups and windows for specific proposals as set out by the Steering Committee and/or recommended by the mid-term review.

## 1. Support Areas

In order to focus on specific issues and themes, the annual and medium-term legislative agenda of the National Assembly can guide and contribute to delimit the interventions. Output of the Sub-component on NGO support provides the overall scope for the NGO proposal, and all proposals submitted and granted have to lie within one or more of the outputs, hereafter referred to as support areas.

1) **Research** conducted on key issues related to legislative and law-making processes of key themes relevant to poverty eradication, democratic governance and NGOs roles in promoting public participation and accountability.
2) **Awareness** of NGOs and key partners have been raised about the rights and opportunities provided by the present legislation related to public participation and accountability.
3) NGO lead initiatives on **monitoring** of implementation of legislative processes, government policies and budgets at national and sub-national levels conducted and feedback provided to Government and Elected representatives.
4) Strengthened **networking** among NGOs and other key stakeholders for enhanced engagement in legislative and law-making processes, in **policy dialogues** with the National Assembly and the People's Councils, and Government agencies at various levels.
5) Institutional and organisation **capacity building** initiatives developed and conducted for enhanced NGO engagement in law, legislative and policy making processes and monitoring.

**Key governance issues**

The overall understanding of the two concepts public participation and accountability is presented in appendix 8, which will serve as background information for the Grant Fund Committee.

In accordance with the Sub-component's immediate objective, activities within all the four support areas can focus on both the **formulation process** and **implementation of** laws and public policies.

Regarding NGOs engagement in the formulation and implementation of laws (the **law-making process) and formulation of public policies**, priority will be given to involvement of NGOs and citizens' participation in preparation of bills (the Law on promulgation of Legal Documents, 2008), participatory planning at a local and provincial level (promoted by the Ministry of Planning and Investment) and others. Research related to such topics will be promoted.

With respect to **monitoring of public policies and implementation of laws**, priority will be given to enabling of citizens to exercise their supervisory rights on government agencies (Law on Vietnam Fatherland Front) and citizens' participation in fighting corruption (the Law on Anti-corruption, 2005). Likewise, initiatives can be supported that includes strategies to make service delivery more accountable; e.g. complaints mechanisms, public information campaigns, citizen report cards and score cards, community monitoring and social audits; budget transparency and accountability strategies (e.g. participatory budgeting), public expenditure monitoring, participatory auditing, the Open Budget Index, etc.; initiatives to secure freedom of information and transparency, including initiatives focused on making revenues from natural resources more transparent.[17]

[17] Danida has experience with financing projects under the Local Grant Authority related to these issues, for example the project "Working out a people's framework in monitoring the public administration reform process in Vietnam" carried out by ActionAid in Vietnam.

NGOs which carry out research on measuring citizens' experience with service could be promoted.[18] Such initiatives are expected to lead to increased state or institutional responsiveness, reduced corruption, and better budget utilisation or delivery of services.

**Principles to be taken into account when assessing project proposals:**

**Linkage with other GOPA-activities:** NGOs are active in many areas at local, provincial and national scales. A priority in NGO-activities in GOPA II should be to focus on governance issues that create linkages with outputs, activities, as well as partners of the other components of the programme: public administration reform, parliamentary work on development of the legal framework and the work with people's rights to education. The overall theme "**Public Participation and Accountability**" has been selected as a way to focus the thematic area. The sub-component will link the NGO support activities to the immediate and medium-term legislative agenda of the National Assembly.

Special priority will be given to laws and to a legislative framework of considerable public interest and with potential to promote poverty eradication, social and economic rights (such as access to health, education, land issues, urban governance, among others).

Such a focus will promote linkages between support to NGOs and the component on human rights education and research. Also, linkages to the PAR component could be established, for example by supporting enhanced engagement mechanisms between NGOs and people's councils at all sub-national levels. The key results include many issues relevant for promoting the "demand-side" of the Public Administration Reform process.

**Reference to official national documents and priorities:** The supported NGOs should make use of the existing legal framework to facilitate advocacy, participation and to guide dialogue between NGOs and government agencies, and to some extent between NGOs and the National Assembly. The legal framework recognizes the need for citizens' participation, either individually or through organisations, e.g. in the legal drafting process, socio-economic planning, anticorruption or promotion of gender equality[19]. Also, one of the central pillars of the PAR is renovation and improvement of civil servants' quality and participation of the people.

**Avoid duplication or create synergy with other donors.** Another principle is to learn from past and existing donor support: for several years many donors have provided support for development of a legal framework for NGOs, however only with limited success; for that reason GOPA II will adopt the Grant Scheme approach and a strategy to support NGOs that focus more on concrete activities that can demonstrate the contributions and benefits of NGO's work at national and local levels. Moreover, it is also important to avoid any duplication with other donors (or of Danida's own

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[18] A recent example in this field is "the Viet Nam Provincial Governance and Public Administration Performance Index presented in 2010 by the Viet Nam Fatherland Front, the United Nations Development Programme and the Centre for Community Support & Development Studies.

[19] As mentioned in the programme document for GOPA II, key legislation includes: The Anti-Corruption Law of 2005 and Decree 47 emphasize the role of NGOs in anti-corruption; the Law on the Promulgation of Legal Documents of 2008 recognizes the need for the non-state sector to participate in the legal drafting process and impact assessment. The Ordinance on Grass-root Democracy (in effect since 2007) provides much more clarity on the mechanisms to concretize the principles of "right to know", "right to decide" and "right to comment" of citizens, etc.

programmes, such as JIFF). At the same time the sub-component will be opened up for other donors to join in. Therefore, the fund should not finance initiatives that may receive funds from other ongoing initiatives[20].

## 2. Support/Grant Types

It is envisaged that PARAFF assistance can take three forms, which can be linked to one or more of the four key results:

1. Core Funding Grants (Multi-annual and against an organisations strategic plan).
2. Small Project Grants.
3. Research projects

Core Funding Grants
Multi-annual Core Funding Grants can be awarded to organizations in continuous support of one or more of the four key result area supported by the PARAFF. The Core Funding Grants are provided in support of, mainly larger, organizations with a well-established track-record in research and advocacy. The core funding facilitates long term planning and reduces the transaction costs and is provided against an organizational strategic plan lasting at least four years. Due to the multi-annual and nonbinding character of the Core Funding Grant, it is important that the supported organizations have a proven track record of well-functioning governance and financial management systems. This will be assessed by the Fund Manager as part of the screening process.

Multi-Annual Core Funding Grants will be awarded for a maximum of three consecutive years within a maximum of USD 75,000 per year. The award of Core Funding Grants will always include the additional provision of institutional (governance, general management, administration, and financial management) technical assistance and capacity development. *Experience from other grant schemes in Vietnam shows that only very few NGOs qualify for core support.*

Small Project Grants
Small project grants can be awarded against a proposal clearly spelling out the objective, output and budget for the project/activity. These have to be clearly related to one or more of the key result area supported by the PARAFF, or could also be seminars to extract lessons learnt from other projects in order to promote public debate.

Small Project Grants will be made to a maximum of USD 30,000 per grant.

Research Grants
Research Grants can be awarded against a research proposal clearly spelling out the objective, output, and a budget. The research proposal has to be clearly related to one or more of the key result area supported by the PARAFF, and value added to the programme, preferably referenced to the programme's components. Research Grants will be made to a maximum of USD 20,000 per grant.

## 3. Eligibility

[20] E.g. several donors' anticorruption initiatives, including the World Bank, the Finnish Embassy, Irish Aid, and other donors, and support from NGOs like Oxfam Great Britain, Care International in Vietnam, etc. as presented in this chapter.

The Fund Manager will call for proposals and receive and manage applications for the PARAFF. Applicants, except when applying for grants below USD 10,000 but above USD 5,000, will be expected to meet a set of minimum criteria. The applicant should be:

- Established for Non-profit purposes.
- Non-government and non-international.
- Registered officially for more than one year by Vietnamese Authorities.
- Have a legally binding set of rules that explains how the organization operates.
- Have a bank account operated by more than one signatory.

The Steering Committee may waive one or more eligibility criteria for one or more call for proposals. This could for example be the case in respect of private media organizations, which may wish to apply for grants for increasing popular awareness or in support of dialogue and/or information.

In cases where an applicant is commercial, the applicant must demonstrate that the grant will be used entirely to meet the direct costs of the project or activity, and will not contribute to the applicant's profits, overheads, or reduction of debt. Where an applicant is a branch of a larger organization, these requirements will apply both to the branch and to the larger organization. As a pre-condition for core funding, an applicant must be able to produce two consecutive annual audited statements of accounts certified by a suitably qualified auditor and supported by bank account records for the same period.

**4. Specific technical criteria for assessing project applications and need for capacity development**

Not later than four month after the Fund Manager has been hired, the fund manager will propose a set of operational criteria for assessing applications to be approved by the SC and which will be developed for the different categories of projects:

- Small projects grants
- Research grants
- Core funding

These criteria could include the following (although some criteria may have more importance when approving funds for core funding):

- Alignment and contribution to one or more of the four key results areas
- Quality of design (explanation of background, needs analysis, clarity of objectives and coherence in logframe, definition of realistic activities, clear work plan, clear monitoring plan)
- Quality of budget (details, level of costs).
- Attention to gender and ethnic minorities
- Contribution and relevance to other components within the GOPA II – programme (human rights, public administration reform)
- Prior history in the field
- Risk mitigation strategies

Once contracted in 2012, the fund manager will prepare a manual for operation including the above mentioned criteria and application forms. The fund manager will present criteria for assigning funds for capacity development for the approval of the Steering Committee.

The application forms (one for each of the different levels) will be prepared including:

- Title of the project
- Name of the applicant organization
- Short project summary
- Organizational background
- Strategic importance of the project and relation to key results areas
- Project description (objectives, results, activities, indicators)
- Budget
- Work plan

*Additional specific criteria for requirements in the application can be proposed by the Fund Manager and approved by the Sub-component's Steering Committee.*

**5. Cycles**

The time line below applies for a situation where a semi-annual cycle is used. The first year may be different, because of initial months spent on recruitment and mobilization of the fund manager. Six months may be added to the deadlines mentioned below to cover a possible second annual cycle which will then go from June to December. The final decision on whether one or two yearly calls shall be made by the SC and, among other issues, will depend upon the fund's reception of contributions from other donors. If it is decided by the SC to maintain one annual cycle, the Fund Manager will adjust the mentioned deadlines accordingly.

| Deadline | Activity |
|---|---|
| Month 1 | The PARAFF Steering Committee approves the criteria for the coming years call for proposals. |
| Month 2 | The Fund Manager advertises for Call for Proposals. |
| End of Month 2. | Grant applications must be submitted to the Fund Manager in accordance with set norms and procedures. For operational reasons it may be necessary to limit the number of applications, in which case applications will be accepted on a first-come-first served basis. |
| Month 3 | The Fund Manager screens all applications against criteria approved by the Steering Committee. Applications which fail to meet eligibility criteria will be rejected with an explanation. Applicants are free to resubmit rejected applications with amendments and /or additional information. These will be treated as new applications in the next available cycle. |
| Month 4 | All eligible applications will be assessed, decisions taken by Grant Committee and notification sent to applicants by the end of the month. An explanation will be provided where the assessment decision is negative. |
| Month 5 | Technical assistance and capacity development will be initiated, if |

| | |
|---|---|
| | required before release of grants. Unconditional grants (or the first tranche of a grant where payments is to be made in more than one tranche) will be disbursed before the end of the month. |
| Month 6 | Technical Assistance and capacity development conditioned grants (or the first tranche of a grant where payment is to be made in more than one tranche) will be disbursed before the end of the month. |

The fundamental principle is that an awarded grant, or the first tranche of it, will be disbursed within the same half-year as the call for proposals have taken place.

## 6. Contractual Arrangements

The Fund Manager will enter into a contractual agreement with the applicant based on the award made by the Grants Committee and the authority provided by the Steering Committee.

Organisations receiving Core Funding Grants will enter into a Memorandum of Understanding, which will be subject to yearly renewal to ascertain that the applicant will adhere to the institutional conditions, if any, as determined by the assessment undertaken by the Fund Manager.

Grant Agreements will be concluded with organizations, which will receive project/activity grants or Research Grants, respectively, for well-defined and described proposal. The Grant Arrangement will apply for the period of time required to complete the project/research. The time plan will be an integrated part of the Grant Agreement.

A Capacity Development Agreement will be concluded with organizations, which will receive substantive Technical Assistance and Capacity Development. The Arrangement will apply for the period of time required to complete the support. A time plan will be an integrated part of the Agreement.

Generic Technical Assistance and Capacity Development in respect of project management, administration, and accounting, among others, will always form an integrated part of any agreement involving support from the PARAFF.

**APPENDIX 6: ToR for International Technical Assistance for Human Rights Education & Research activities**

**Terms of Reference**
**Vietnam: Good Governance and Public Administration Programme II (GOPA II)**

**Human Rights Education and Research (Component 2)**
**Short-term International Technical Assistance**

**Background**

The second phase of the Governance and Public Administration Programme (GOPA II) funded by Danida is implemented over four years from with expected start in January 2012. The programme builds on partnerships and experience gained from the first phase of the programme, which ran from 2008-2011.

GOPA II has two pillars; 1) Support to Public Administration Reform Program in Vietnam, and 2) Support to Governance and Accountability. Each pillar has a discrete management structure and is overseen by a joint National Steering Committee.

The Governance and Accountability pillar is composed of two components: a) Human Rights and Education and b) Civil Society and Parliamentary Cooperation. The present terms of reference refer to the first component only.

Support to human rights research and education during Phase I has achieved notable success and support from the partners and appear to become integrated part of university law curricula. In recognition of the difficulties and as yet tenuous institutional integration of these interventions, the GOPA II will continue its support by consolidating the results already achieved and extend them to other universities through a network of academic institutions. The theory and practice of citizens' and human rights are gaining recognition and importance, as is the need to strengthen Vietnamese research and debate through training and international integration. The GOPA II will support and promote this debate on the basis of strong local ownership by Vietnamese partners.

The Human Rights Education and Research component has three partner institutions:

- Vietnam Academy of Social Science;
- Hanoi National University, Law Faculty;
- Ho Chi Minh City Law University.

The three partner institutions will require international technical assistance for the duration of the programme, as specified below.

The Embassy of Denmark is tendering for short-term international TA in accordance with the present terms of reference.

**General Objective**

The general objective of the TA input is to support the component in achieving the component aim, viz.:

To strengthen human rights research and education and promote professional networking and cooperation between Vietnamese universities.

**Specific objectives**

Specifically, the TA will assist the three partners in attaining the expected component outputs, viz.:

- The research environment in human rights is expanded and deepened at institutions of higher learning;
- Human rights credit courses for law students are integrated into general curricula of institutions of higher learning;
- Promoting professional networking for research, education and training in human rights among universities in Vietnam;
- Policy impact and outreach in the field of HR research and education is attained;
- International networking of Vietnamese HR centres is strengthened.

**Scope of Work**

Technical assistance is provided to the three partner institutions on a demand-basis within the following main areas:

- Expertise on international human rights standards and the international literature on human rights;
- Comparative experience on issues of HR research;
- Comparative experience on human rights teaching materials and methodology;
- Facilitating access to international human rights forums and networks;
- Identifying suitable international institutions for post-graduate courses, study visits, short-term courses and internships, and facilitating cooperation with such institutions;
- Identifying specialised international short-term TA inputs as requested by partners;
- Advisory functions on project planning, management, monitoring of activities and consolidating baseline data;
- Assistance in drawing up and partner institutions annual work plans and budgets; drawing up a TA annual work plan in conjunction with the partner institutions' work plans.
- Ad-hoc assistance as required.

**Outputs**

The service provider will deliver the following outputs:

- Technical input as specified in annual work plans and otherwise as per agreement;
- 2-3 annual missions to Vietnam;
- Annual reports, including assessment and recommendations to institutions on implementation, methodology and further activities;
- Responding to inquiries and requests of assistance from the partners from home base.

**Organisation**

The service provider will recruit and manage the TA team and provide all necessary services and functions in order for the assignment to be completed as per TORs and contract.

The service provider will ensure that adequate office and working facilities are available in home country and during mission travel.

The service provider will appoint a project team leader responsible for all external communication and contracting issues in relation to the assignment. The project team leader will ensure that the TA team has access to the institutional resources of the service provider in order for it to perform optimally.

The Danish Embassy in Hanoi and the three partner institutions will each assign a programme officer / project manager that will serve as focal points for the TA team.

**Reporting**

The service provider will report to the Danish Embassy in Hanoi.

Required reporting will consist of;

- A short report of activities after completion of each trip
- An annual report and recommendations to partners and donors
- End of programme report with assessment and recommendations for developing HR education and research with universities

**Inputs**

The service provider will make two senior human rights experts available for the assignment for a total maximum of 1000 man/hours per calendar year.

With prior agreement from the Embassy and the partners, the service provider may draw upon alternative resource persons for specific functions, within the overall budget framework.

**Qualifications**

The service provider must have the following institutional capacities:

- Be a public or private entity, the main purpose of which is to conduct research, education and promotion of issues on human rights;
- Participate in and/or membership of international networks for studying, researching and promoting human rights;
- Institutional experience in providing technical assistance through development cooperation.

The senior human rights experts must individually or in combination possess the following qualifications

- A university degree in law, social science, political science or similar;
- Post-graduate studies in human rights or similar experience;
- Research and training experience at university level;
- Research and training experience in human rights;

- Previous experience of providing technical assistance in development projects, including project management, planning and financial aspects.
- Documented participation in international human rights network events;
- Working experience from Asia/South-East Asia, preferably Vietnam or a similar legal and political tradition;
- Fluency in English.

**Time schedule**

The service provider will be required to field the TA team for 3 annual trips to Vietnam each with an approximate duration of 10 work days.

The timing of the trips is to be agreed in advance with the partners and the Embassy, and to be included in annual work plans of the TA team as soon as this becomes feasible.

**Duration**

The assignment will last approximately 4 years, with expected start up during the first quarter of 2012.

**Documentation**

GOPA II Programme Support Document.

**APPENDIX 7: ToR for International Technical Assistance for Parliamentary Cooperation**

**Terms of Reference**
**Vietnam: Governance and Public Administration Reform Programme II (GOPA II)**

**Public Participation and Accountability (Component 3)**

**Short-term International Technical Assistance**
**Provided by the Danish Parliament**
**(Several short-term missions during 5 years)**

**Background**

Denmark has supported Vietnam for several years in the area of good governance and public administration. From 2007 to 2011 the Good Governance and Public Administration Programme (GOPA I) was carried out. A second phase (GOPA II) will be carried out from 2012-15. The programme consists of three components:

1) Public Administration Reform (PAR) component, including support to five provinces.

2) Human Rights Education and Research component, including support to Vietnam Academy of Social Science, Vietnam National University and Ho Chi Minh City Law University.

3) Public Participation and Accountability component, including support to the Office of the National Assembly and support to Non-Government Organizations.

The three components represent interventions in important areas of reforms. Each of them aims to promote concepts and means to improve public management and democratic accountability.

As can be seen, the Public Participation and Accountability component is composed of two sub-components: 1) Parliamentary Cooperation and 2) Support to NGOs. The present terms of reference refer to the first sub-component only.

Parliament-to-Parliament cooperation and capacity building for future leaders in the parliamentary system are designed as long-term strategic interventions aiming at the exchange and transfer of democratic reform concepts and ideas that will inform the debate and institutional practice in Vietnam. The political dynamics of the Vietnamese parliamentary system controls and adapts such concepts when and where they become relevant and useful in the course of the long-term process of evolving parliamentary governance in Vietnam. The strategy is predicated upon more than 15 years of cooperation between Denmark and Vietnam on parliamentary reforms and is based on strong ownership by reform constituencies in the National Assembly (NA) and Office of the National Assembly (ONA).

The component on parliamentary cooperation and education contains two main activities; a) parliament-to-parliament cooperation between Denmark and Vietnam, and b) a capacity building programme for young officials and future managers in the ONA. The Danish Parliament will provide technical assistance for the first activity, while the latter is implemented exclusively by the ONA.

**General Objective**

The general objective of the TA input is to support the exchange and transfer of knowledge and innovative ideas on democratic reform and processes through parliament-to-parliament cooperation.

The rationale of the parliament-to-parliament cooperation is to obtain collegial exchange of experience and transfer of knowledge between parliamentarians and otherwise between professional staff of the parliament secretariats

**Specific objective**

The technical assistance input will be conducted as a joint undertaking between the Danish and Vietnamese parliaments, building on the experience from Phase 1 of the programme. Activities will consist of thematic seminars and exchange visits to cover topical aspects of parliamentary work and promotion of democratic governance.

**Scope of Work**

The Danish Parliament will act as technical advisors to the programme component with responsibilities to:

- Provide comments and advice on annual programme plans and activities;
- Organise and participate in all events taking place in Denmark;
- Provide seminar and workshop materials;
- Participate in and provide technical input to events organised in Vietnam;
- Provide ad hoc advice upon request.

The themes and topics of each seminar/workshop will be agreed upon between the two parliaments preferably in conjunction with the annual work plans. The topics should reflect the needs and requirements of the NA and the ONA and be defined within the broad scope of the component objective. The following are examples of topics, but the partners chose to take up other issues:

- Finance bills – production, contents, scrutiny, appropriations, amendments;
- State audits and parliamentary oversight;
- Keeping of parliamentary records and public access;
- Hearings and questions to ministers;
- Conducting parliamentary debates;
- Elections, balloting, procedures, monitoring elections;
- Servicing Committees, committee procedures, reporting from committees;
- Gender-equality and other cross-cutting issues, e.g. climate- change and environmental protection in parliamentary and legislative work;

For the second phase, a need assessment may be carried out among the ONA staff or MPs in Vietnam (during 2011) before making a final decision on which topics to give priority. Likewise, it will be important that the Vietnamese side provides feedback regarding their assessment of the study tours.

The seminars/workshops will take place partly in Denmark, partly in Vietnam. The two parliaments will assume all responsibilities for organising events in their respective countries.

**Outputs**

The Danish Parliament will deliver the following outputs:

- Conducting two annual seminars/workshops in Denmark;
- Participating in and providing technical input to one annual seminar/workshop in Vietnam;
- Other technical input as specified in annual work plans and otherwise as per agreement.

Over the 4-year programme period, the Danish Parliament is expected to organise and/or provide technical input to approximately 12 events of which around 8 will be conducted in Denmark and 4 will take place in Vietnam.

**Organisation**
The Danish Parliament will appoint a focal point and lead technical advisor.

**Reporting**
The Danish Parliament will submit a brief activity report to the Danish Embassy in Hanoi after completion of each activity.

**Inputs**
The Danish Parliament will assign Danish MPs and relevant staff for the completion of all necessary services and functions in order for the assignment to be completed as per TORs and contract.

For events organized in Vietnam, the Danish Parliament will provide a delegation of maximum 10 persons from the Danish Parliament consisting of MPs and relevant staff members from the Parliamentary secretariat, unless a different composition is agreed between the parties and the Danish Embassy.

The expected maximum inputs from the Danish Parliament for each event is as follows:

| | No./year | TA / days | Trips | Venue / logistics |
|---|---|---|---|---|
| Event in Denmark | 2 | 20 | 0 | 1 |
| Event in Vietnam | 1 | 20 | 10 | 0 |

**Qualifications**
The TA team and delegates are required to be either elected members of the Danish Parliament, retired members of the Danish Parliament or staff members of the Parliamentary secretariat.

The Danish Parliament is encouraged to make use of MPs and staff with previous experience of international parliamentary cooperation and ensure a continuity of MPs on the delegations to the extent possible.

**Time schedule**
The events will be scheduled in the annual work plans of the ONA and otherwise take place as agreed by the parties.

**Duration and contract modality**

The services will take place over a period of 4 years, with expected start in the first quarter of 2012. The Technical Assistance may be organised as a contract between the Danish Parliament and Danish Ministry of Foreign Affairs for each study tour (as in GOPA I) or as a contract covering all input to each annual work plan. A decision will be taken regarding this issue before the start or during the first months of the programme.

Documentation

GOPA II Programme Support Document.

**APPENDIX 8: Public Participation and accountability: concept and operational definition**

This annex outlines the understanding of the public participation and accountability concepts as presented in the programme document. Since the programme document already mentions relevant aspects of the Vietnamese context, reference is made to how these concepts are defined in the strategies for Danish development assistance with brief references to relevant Vietnamese legal framework.

## 1. Public Participation and Danish strategic priorities for development assistance

The long-term overarching objective of Danish civil society support[21] is to contribute to the development of a strong, independent and diversified civil society in developing countries. Within the overarching objective, the Strategy for Danish Support to civil society in Developing outlines a number of key objectives.

One of the central objectives is the "*Promotion of capacity development, advocacy work and networking opportunities*". Particular importance is attached to supporting civil society's ability to engage in active dialogue with relevant authorities. In specific terms, support can be allocated to organisational and capacity development, to enhancing the organisations' ability to conduct information campaigns and advocacy, and to enabling the organisations to participate in networks with like-minded organizations.

Another key objective is "*promotion of focus on the rights*". It indicates that Denmark will strengthen cooperation with civil society organisations seeking to promote the rights of specific groups, such as the rights of women, children and people with a disability, indigenous people and other particularly vulnerable population groups.
Engagement of non government actors in active dialogue with relevant authorities will, in short, be called *public participation* along the present document.

## 2. Accountability and Danish strategic priorities for development assistance

The Strategic Priorities for Danish Support for Good Governance "Effective and Accountable Public-Sector Management"[22] focuses explicitly on promoting accountability. The fundamental accountability relationship in any democratic society is between those who govern and those who are governed, or between the government and public sector as a whole (often called the 'supply side') and the rest of society (the 'demand side').

Civil society and other non-state actors, such as trade unions, the private sector and the media, play an important role in demanding accountability from government. At the same time, civil society and other non-state actors are as diverse as society at large, and have different functions to perform in exacting accountability, depending on their roles and mandates. Often, many of these actors do not have the necessary capacity to monitor and effectively hold government and the public sector to account. Supporting

[21] http://www.netpublikationer.dk/um/9218/html/chapter02.htm
[22] http://www.um.dk/NR/rdonlyres/51F36AD0-D2DF-44A2-AA74-DE13458E8E6C/0/EffectiveandAccountable.pdf

these actors, in addition to the public sector itself, is therefore an essential element in the fight against corruption in particular and for better governance in general.

The promotion of *accountability* is to facilitate and support the active inclusion of the 'demand side' of governance in change and reform initiatives at the country level. This could include a push for greater transparency and access to information. Support for capacity development in civil society and other non-state actors will help promote accountability.

### 3. Relevant Vietnamese strategic & legal framework for public participation and accountability

Just as the Danish Strategy, the Vietnamese legal framework recognizes the role of civil society organisations, although here they are referred to as *Non-Government Organisations*. Several overall examples of how public participation and accountability can be promoted are already mentioned in the programme document. However, a number of specific laws are mentioned below. The programme –and the sub-component on support to Non-Government Organisations– will pay particular attention to support initiatives that are related with these laws:

- Directive 33 of 2006 regarding Comprehensive Poverty Reduction and Growth Strategy calls for the creation of a favourable environment for NGOs to participate in economic development.
- The Law on Anti-Corruption of 2005 and Decree 47 emphasize the role of NGOs in anti-corruption. The Law on the Promulgation of Legal Documents of 2008 recognizes the need for the non-state sector to participate in the legal drafting process and impact assessment.
- The Law on VFF details the dialog mechanisms between the VFF and the Party, the VFF and the government, and the VFF and the National Assembly. Especially, Article 12 focuses on the mobilization of citizens to exercise their supervisory rights on government agencies, and to collect opinions from its member organizations and citizens.
- Decision 22 grants VUSTA the authority to assess government proposals and plans related to science and technology.
- The Ordinance on Grass-root Democracy (in effect in 2007) provides much more clarity on the mechanisms to concretize the principles "right to know", "right to decide" and "right to comment" of citizens.

### 4. Operational understanding of the concepts Public Participation and Accountability

In a Vietnamese context, within the objectives of GOPA II and the sub-component supporting Non-Government Actors, the Public Participation and Accountability concepts will be understood in the following way:

The sub-component will support initiatives that promote public participation. This means *efforts related to research, awareness raising, direct participation and monitoring as well as networking that allows a qualified engagement of non government actors in active dialogue with relevant authorities on the formulation and implementation of plans, policies and laws at local, provincial and national level.* Specific priority will be given to the laws mentioned in this annex, as well as

to similar laws. Likewise, initiatives that promote accountability will be supported; in other words, *efforts that permit non-state actors hold government accountable for their actions, including implementation of policies and their corresponding budgets.* Also, in this case accountability may be promoted through initiatives related with research, awareness raising, direct participation and networking. Specific criteria for assignation of funds are provided in appendix 5.

**APPENDIX 9 Government of Vietnam Contribution**

The Vietnamese government will appoint:

A. High-level meeting: 01 chairman from ONA and representatives from all relevant ministries, including Ministry of Finance, Ministry of Planning and Investment, Ministry of Home Affairs, Ministry of Training and Education as well as representatives from the three universities (VASS, HCMCLU and VNU).

   ONA will provide the secretariat for the High-Level Meeting, including a director, deputy director and necessary staff.

B. Steering Committee for component 2: VNU, VASS, HCMCLU and for sub-component in component 3 on support to NGO component (ONA): All four institutions will provide 01 chairman and the necessary staff members.

The Government shall fully fund the officials and staff working in relation to the management of each support. Likewise, the government will provide office location and operational cost by the Vietnamese Government.

**Table on Counterpart Contribution of Vietnamese government:**

| Institution | Item | Duration | Amount | Amount USD |
|---|---|---|---|---|
| **VASS** | all | 4 years | **1.248.800.000** | **60.917** |
| In kind | Personnel | 4 years | 412.800.000 | |
| In cash | Telephone, allowance | 4 years | 836.000.000 | |
| **VNU** | All | 4 years | **559.200.000** | **27.278** |
| **HCMCLU** | Kind and cash | 4 years | **1.603.670.400** | **78.227** |
| **ONA** | All | 4 years | **5.184.000.000** | **252.878** |
| In kind | Personnel | 4 years | 2.064.000.000 | |
| In cash | Telephone, allowance | 4 years | 3.120.000.000 | |
| **TOTAL** | **All** | 4 years | **8.595.670.400** | **419.300** |

The total counterpart funding is equivalent to 419.300 USD (approximately 2.19 million DKK).. Immediately after signing the GOPA II government-to-government agreement in 2011, the Danish Embassy will calculate the exact amount in DKK by using the correct and updated exchange rate.

Detailed annexes have been prepared by each institution regarding the contribution.

The GOPA II support to the provinces is considered to be part of the overall provincial budget and will therefore not require counterpart funding.

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