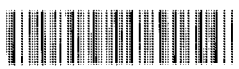ベトナム社会主義共和国
ホーチミン国家政治行政学院（HCMA）
内務省
国家行政学院（NAPA）

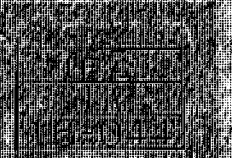ベトナム社会主義共和国
ホーチミン国家政治行政学院
公務員研修実施能力
強化支援プロジェクト
（公共政策大学院プログラム策定支援）
業務完了報告書
別添資料3

平成28年5月
（2016年）

独立行政法人国際協力機構（JICA）

国立大学法人政策研究大学院大学（GRIPS）

PUBLIC POLICY FORMULATION SYLLABUS

A. Purpose

- Provide theory of policy formulation.

- Orient the methods applied in policy formulation.

- Improve capacity of public policy formulation.

B. Requirements

At the end of the course, students will be able to:

Knowledge:

- Describe the steps and model of policy formulation.

- Explain the nature of the policy issues and how to identify policy issues.

- Clarify the need to make the issue be interested by the government.

- Presentation of the basic content and methods applied in the process of drafting a policy.

- Explain the criteria for selection of policy options

- Identify the process and conditions for analysis of policy options

- Identify the authority and responsibilities of stakeholders in the process of policy formulation.

Skills:

- Identify issues arising in economic life - society needs to be addressed by government policy

- Analyze the policy issues and their causes.

- Prepare a preliminary draft of the proposed policy

- Know how to choose policy options based on scientific criteria.

Attitude:

- Be interested in policy issues arising in economic life - society.

- Be innovative for solving policy issues.

- Be aware of both of theoretical and practical policy formulation

1

process.

- Have attention to present and persuade authorized entities (in policy making decisions) to ensure the policy to be promulgated.

C. The content:

1. 1. Overview of public policy formulation

1.1. Introduction of public policy formulation

- The concept of public policy formulation

- The role of policy formulation in the policy process

- The demand for renovation of policy formulation in Vietnam's context

1.2. Principles on formulation of public policy

- Public interest principle

- Democratic centralism principle

- Inheritance principle

- Systematíc principle

1.3. Policy formulation process

- Policy issues oriented Process

- Policy goal oriented Process

- Practice of application of policy formulation process

1.4. The model of policy formulation

- Rational model

- Incremental model

- Mixed Model

1.5. Context affecting policy formulation

- Political Institutions

- Cultural Environment

- Social characteristics

- Economic System

- International Relations

2. Identifying policy needs from arisen issues

2.1. Policy issues

- Awareness of policy issues

- Origin arising issues

- Classification of policy issues

2.2. Methods of finding policy issues

- Self-discovery from officials work

- Through the grievances of the people

- Through the mass media

- Assigning tasks from above

2.3. Identifying policy issues

- Review of expression aspects of the issues

- Diagnosing the causes of policy issues

- Proposing the name of policy issues

- Preparing reports on policy issues

- Pitfalls needed to avoid in identìying policy issues

2.4. Identifying policy needs

- Identifying stakeholders affected by policy issues

- Clarifying the affected scope of policy issues

- Identifying consequences of issues without policy

    + Preliminary expecting the level of consequences and impacts of the issues if there is no policy

    + Reviewing the current policies for solving problems

- Identifying content of demand that people want in government

2.5. Agenda setting

- Reporting to competent authorities on policy issues

- The way to promote the interest of the authorities to policy issues

+ Lobbying

+ Impacting through media

- Recognition of policy issues by the competent authorities

3. Formulation of policy

3.1. Responsibility for drafting policy

3.2. Analysis of policy issues

- Clarification of the nature of the issue

- Analysis of the causes of the issue

- Analysis of the consequences of the issue

- The methods of analyzing policy issues

+ Gathering information

+ Observing the practical scenery

+ Statistics

+ Data Analysis

3.3. Identifying policy objectives

- The concept of policy objectives

- Clarifying the desired and unwanted outputs

- The approaches to policy objectives

+ Approach of the policy makers

+ Approach from the others stakeholders

- The importance of defining policy objectives

+ Aiming at the cause of the issues

+ Giving orientation for solutions

+ Identifying the level of problem-solving

- How to define policy objectives

- The criteria for setting objective

3.4. Propose of policy options

- What are policy options

- The types of policy options

+ The status quo options

+ The options of indirectly intervention

+ The options of direct intervention

- Why need to build the different policy options

3.5. Designing solutions of each policy option

- The concept of policy solutions

- The requirements of policy solutions

+ Ensuring relationship among issues - goals - solutions

+ Corresponding with implement capacity

+ Consistent with politics

+ Relevance with financial capacity

- Methods of designing policy solutions

4. Prior evaluating policy options

4.1. The need for prior evaluating policy options

4.2. The evaluation criteria

- Efficiency

- Economy

- Equity

4.3. The types of prior evaluation

- Evaluation of the policy impacts

- Evaluation of the policy effectiveness

- Risk Evaluation

4.4. The methods for prior evaluation

- Forecast

- Cost - benefit Analysis

- Cost-effectiveness Analysis

- Decision Analysis

- Risk Analysis

- Assessment of environmental impact

- Applying the econometric model (computable general equilibrium model, micro-simulation model, micro - macro model)

5. Selection of policy options and making policy decisions

5.1. 5.1. Principles for choice of policy options

- Entities selecting policy options

- The principles for selection of policy options

5.2. The ways of selection

- Considering the alternatives compare

- Getting expert opinion

- Context Analysis

5.3. The criteria for selection of policy options

Simply in terms of management

Appropriate political

Comparing costs and benefits

Effectiveness

Fairness

Legalization

Ethics

5.4. Policy decision making

- Authority to make policy decisions

- Conditions for making policy decisions

- The document expressions of policy

- Disclosure of Policy

- Distribution of the policy

6. Officials Capacities in the public policy formulation

6.1. The required capacity of policymakers

- Research capacity

- Idea Capacity

- Design Capacity

- Coordinating Capacity

- Decision making capacity

6.2. Capacity of public officials in the stages of the policy process

- Capacity of determining policy issues

- Capacity of designing policy draft

- Capacity of policy analysis and pre- evaluation

- Capacity of making policy decisions

D. Teaching Methods

Lecture

Case study

Group Discussion

Participation of Practitioners

E. References:

1. Thomas R. Dye: Understanding Public Policy, 14th edition,

2. Larry N Garston: Public policy making – process and principles, 3th edition, M.E. Sharpe Press, 2010.

3. James Anderson: Public policy making, 7th edition, 2010.

4. Thomas A. Kirkland: An introduction to the policy process: theories, concepts and models of public policy making, 3th edition, M.E. Sharpe Press, 2011.

5. John W. Kingdom: Agendas, Alternatives, and Public Policies (Longman Classics Edition), Second Edition, Longman Publishing Group, 2012

5. TS. Le Vine Dan: Public Policy of the United States, Statistical Publishing House, 2001.

COURSE OUTLINE
POLITICS IN PUBLIC POLICY

1. Information on faculties
a. Faculties in charge of compiling

Nguyen Dang Thanh

Titles, academic titles, degree: Professor, PhD.

Workplace   The National Academy of Public Administration

Contact address: 77 Nguyen Chi Thanh - Dong Da – Hanoi.

Phone:

E-mail:

Main researches:

- Comparative politics

- Science of public policy in the context of Vietnam

- Theory of ruling party, organizing structure of the party, the state

- Theory of state administration

Nguyen Thi Thu Ha

Titles, academic titles, degree: PhD.

Workplace   The National Academy of Public Administration

Contact address: 77 Nguyen Chi Thanh - Dong Da – Hanoi.

Phone:

E-mail:

Main research:

- Construction of socialist legitimate state in the current political regime in Vietnam

- The role of political factors to planning public policy today

- Issues of the international politics, globalization and international integration.

b. Expected lecturers:

1. Professor, PhD Nguyen Dang Thanh

2. PhD Nguyen Thi Thu Ha

3. Associate Professor, Ph D Truong Quoc Chinh

4. PhD Nguyen Hoang Anh

2. General information on the unit

- Course name: Politics in Public Policy

- Course code: CSBB1

- Credit: 2 (30 lessons)

- Unit requirements: Mandatory

- Pre-requisite: Philosophy

- Other requirements:

+ Have learning documents

+ Have knowledge (in different levels) of policy process in the practice

- Credit hours:

    + Theory: 15

    + Discussion: 10

    + Case study: 5

- Faculty/Department in charge of the unit: Theoretical Basics Faculty.

3. Objectives

- Knowledge: Students recognize and understand aspects that politics dominates and affects process of planning, implementing and evaluating policies.

- Skills: Students obtain vision, acumen on the political area when engaged at different levels in the process of planning and analyzing policy in reality.

- Attitude: Students obtain the objective, comprehensive, insightful attitude, avoid one-sided views when they approach, explain, resolve policy issues in reality.

4. Course Summary

Basic understandings on nature of "public policy" and "politics" concepts should be obtained. The political system and the policy formation process, the relationship between the political regime and policy, state power in implementing policies and politics to policies in Vietnam.

5. Course Outline

CHAPTER I: OBJECTS, CONTENTS AND RESEARCH METHODS OF POLITICS IN PUBLIC POLICY

1. Concepts of "public policy", "politics"
   1.1. The concept of "public policy"
   - Some definitions from different perspectives
   - The different aspects of "public policy"
   - The definition of "public policy"
   - The essence of public policy
   1.2. The concept of "politics"
   - What is Politics?
   - Definition
   - The essence of politics
   - Structure
2. Objects and contents of the unit "Politics in public policy"
   2.1. Objects
   2.2. Contents
   2.3. Aspects of political influence on the policy process
   - The political system and the policy formation process
   - Political regime and policy
   - The power state in implementing policies
3. Research methods
   3.1. Theoretical research
   3.2. Practice summary
   3.3. Analyzing the actual situation in the policy process

CHAPTER II: THE POLITICAL SYSTEM AND POLICY FORMATION PROCESS

2.1. Political parties in policy formation

- Political Party in policy determining

- Political Party in policy planning

- Political party in policy decisions

2.2. The role of state agencies in policy formulation

- The executive authority

- The legislative body

- The judicial authority

2.3. The role of political organizations, political and social institutions in policy formation

2.4. The role of the press and public opinion in policy formulation

CHAPTER III: REGIME OF POLITICS AND POLICY

3.1. Regime of legal rights and policy

3.2. Democracy and policy

3.3. Class nature of the state and priorities in policy

3.4. Justice, equality requirements and group benefit issues in the policy

CHAPTER IV: STATE POWER IN POLICY IMPLEMENTING

4.1. The role of government in implementing policies

4.1.1. The implementing works

- Propagate and disseminate the policy

- Propose measures, procedures, processes and standards

- Build strategies, programs, plans and projects

- Mobilize resources, connect forces, assign tasks, determine responsibility for organizations and individuals in the implementation of policy

- Urge, inspect, test, summarizing lessons learned, organize emulation and commendation, discipline, resolve complaints and denunciations

- Provide public services, organize career activities

4.1.2. The requirements for policy implementation

　　- Serious

　　- According to the law

　　- Faithful to the policy content

4.2. Role of legislative body in monitoring the implementation of policy

　　- Request the executive authority to report and explain

　　- Question

　　- Assess on site

　　+ Propose the executive authority to make additional adjustments

　　+ Decide to suspend, temporarily suspend the policy implementing

4.3. Adjudication role of judicial authorities for violating the implementation of policy

- Judge the complaints and denunciations of citizens and organizations to the executive authority after handling unsatisfactory

CHAPTER V: POLITICS WITH POLICY IN VIETNAM

5.1. The political system and policy competence

5.1.1. Characteristics of political system in Vietnam

- The original and unique leaded by Communist Party

- The members of the political system created by the Communist Party had a glorious history of struggle, have great role in the liberation and defense of the country

- Political system is of profound people's nature

- Organized on wide range, tightly on the principle of democratic centralism

    5.1.2. Authorised Competence of policy making

      - The Party Agencies:

      Party Congress

      The Central Executive Committee

      The Political Bureau

      The Secretariat

      Party committees

      - The government agencies:

      + National Assembly

      National Assembly Standing Committee

      Nationality Council and Commissions of the National Assembly

      Congressman

      + Court and Procuracy

      Judicial Council of the Supreme People's Court

      The Chief Justice of the Supreme People's Court

      The Procurator Committee of the People's Procuracy Supreme

      Director of Institute of the Supreme People's Procuracy

      + Government

      Prime Minister

      Minister

      - The socio-political organizations

5.2. Process of national policy planning

5.2.1. Phase of forming the basic notions of policy

5.2.2. Phase of state institutionalization

5.3. Aims of policy in Vietnam

Target system

- General, long-term target: to develop Vietnam a power country of prosperous people and fair, democratic and civilization society

- Mid-century goals:

- Mid-term goals up to 2020: Vietnam basically becomes an industrial country towards modernization

5.4. Some pros and cons of policies in Vietnam

Pros

- Basic systematic, comprehensive and consistent progress on humanitarian goal, reflects the essence of the political regime of the people, by the people, for the people

- The process of policy making is increasingly democratic, professional

Cons

- It lacks of long-term and consistent policies. Policies are easily alterable

- There is misleading, lack of strictness in the policy implementation by both the State and people.

6. Necessary Documents

- Core Documents

1. The Communist Party of Vietnam (2011), Document of Congress XI National Communist Party of Vietnam, National Politics Publisher, Hanoi.

2. Institute of Public Administration (2006), Public Administration Curriculum, Science and Technology Publisher, Hanoi

3. Academy of Public Administration, Political in Public Management lectures – Master Program in Public Management

4. Academy of Public Administration (2008), Political Science Textbook Science and Technology Publishing House, in Hanoi

5. Nguyen Dang Thanh (2010), Power, political power-sense, the concept, the basic characteristics. Politics Information, No. 1/2010.

- In Vietnamese

1. Nguyen Dang Dung and Bui Ngoc Son (2004), Political Institution, Political theory Publisher, Hanoi.

2. Nguyen Dang Dung (2008), the Government of the rule of law, National university Publisher, Hanoi.

3. S.Chiavo-Campo and PSASundaram (2003), catering and maintenance to improve public administration in a competitive world, National Politics Publisher, Hanoi.

4. The World Bank (2003), Sustainable development in a world of power, War World Development Report 2003, National Politics Publishing House, Hanoi.

5. Tinh Tinh (2002), Government Reform - political whirlwind late twentieth century, People's Police Publisher, Hanoi.

6. Institute of Political Science, Institute of Political and National Administration HCM (2011), Volume lectures Politics, Politics - Administration Publisher, Hanoi.

7. Alain Vandenborre (2008), the neo sill overlooking the world - China, Singapore and India, Encyclopedias Publisher, Hanoi.

- In English

1. Machiavch. The Price

2. Max Weber. The Bureaucracy and Politics as a Vocation

3. Charles Lindblom (1959), The Science of Muddling Through

4. Theodore Lowi (1969), The End of Liberalism

5. George Fredrickson (1971), Toward a New Public Administration

6. Jefferey Pressman and Aaron Wildavsky (1973), Implementation

7. Michael Lepsky (1980), Street – leval Bureaucracy

8. Christopher Hood. The Art of State

7. Questions:

- Question before class:

1. What is Politics? What is public policy?

2. What are influences of politics to public policy in Vietnam?

3. What factors does system of political power include?

4. What impact of the ruling party on public policy? Give example.

5. What Impact of the State as a political entity to public policy? Give example.

6. What impact of political organization - society to public policy? Give example.

7. Rights of democracy in the planning and execution of public policy? Give example.

- Discussion questions:

1. What is Politics?

2. What factors does the system of political power include?

3. The impact of the ruling party to public policy?

4. Impact of state as a political entity to public policy? For example.

5. The impact of political organization - society to public policy?

6. The right to democracy in the planning and execution of public policy?

- Review questions:

Question 1: Analyzing the impact of political factors on public policy. Give case study.

Question 2: What factors does the system of political power include?

Question 3: The impact of the ruling party to public policy?

Question 4: The impact of the state as a political entity to public policy?

Question 5: The impact of political organization - society to public policy?

Question 6: The right to democracy in the planning and execution of public policy?

8. Forms and schedule of lecture

- In-class presentations and lecture: 15class hours

- Discussion: 10 class hours

- Exercises: 5 class hours

9. Conditions for organizing the course

- For the Academy: Academy should allocate appropriate classroom system with credit training requirements, have large enough classrooms to teach those subjects under the general knowledge, have matching classroom learning foreign language training, and elective courses. Academy should add reference system, additional titles, enabling students to actively study

and explore related content modules, learning to meet the requirements under the credit regime only.

- Units responsible for teaching should actively amend content modules, system construction ensures advanced training content, updated, modern, and practical science.

- Teachers should own Ph.D. degree, specialized majors or subjects on/close to politics, had been teaching professional Politics Bachelor degree, capable teacher.

- Students obtained ore knowledge. Students need to innovate learning methods and active in the preparation of relevant content to each module.

10. The method and forms of evaluation

- Class participation: 10%
- Mid-term test: 15%
- Homework and discussion: 15%
- Final Exam: 60%

Head of Lead Coordinator-Agency	**Science-Training Board (Lead Coordinator –Agency)**	**Compiler**
(Sign and Full Name)	*(Sign and Full Name)*	*(Sign and Full Name)*

SYLLABUS

1. Information about lecturers

1.1. Full name of the lecturer in charge: Nguyen Thi Hong Hai

Designation: Asso. Prof. Dr.

Address: 77 Nguyen Chi Thanh, Dong Da, Ha Noi

Mobile: ; Email:

1.2. Participating lecturers (full name, address, mobile, email)

- MA/MSc Le Van Hoa

    Address: Room 406, Building A, National Academy of Public Administration

    Mobile:

    Email:

- MA/MSc Nguyen Duc Thang

    Address: Room 406, Building A, National Academy of Public Administration

    Mobile:

    Email:

- MA/MSc Tran Thanh Nga

    Address: Room 406, Building A, National Academy of Public Administration

    Mobile:

    Email:

2. General course information

- Course title in Vietnamese: **Quản lý quy trình Chính sách công thông qua nghiên cứu tình huống**
- Course title in English: **Public Policy Process Management with a focus on case studies**
- Course code: number of credits (class/tutorial/self-study): 3
- Area of study/application: public policy
- Level: master   Course type: full time

- Course requirement: (*compulsory or selective*)

- Compulsory courses: public policy planning, public policy evaluation

- Pre-studied courses: public policy planning, public policy evaluation

- Parallel courses:

- Other requirements of the course (*if required*):

- Distribution of units for activities:

    + Lectures: 15 units

    + Tutorials (doing exercises in class, discussion, practice): 30 units

- Faculty/Program in charge:

3. Course objectives

3.1. General objectives

- *Knowledge:* + Systematize knowledge related to all stages in a public policy process that students learnt from previous courses, from agenda setting to policy formulation, adoption, and implementation, evaluation; Through which, students can gain a full and comprehensive understanding about public policy process.

    + Enable students to understand diverse practice of policy process.

- *Skill:* enable students be aware of, to analyze and to solve policy issues. In addition, students will practice teamwork skills through group assignments.

- *Attitude:* enable students to be aware of the importance of research and review of policy stages in a consistent policy process, and to understand the role and implication of all those policy stages in policy process in order to develop positive attitude in development and implementation of public policy.

3.2. Specific objectives about knowledge

- Obtain the knowledge systematically about all stages in public policy process: agenda setting; policy formulation; policy adoption; policy implementation and policy evaluation.

- Understand fundamental requirements of each stage in policy process. This is the foundation for good policy process management.

- Through case studies, students will (i) understand the practice of stages in policy process in various organizations and sectors; (ii) be able to analyse situations; identify problems and solve problems in association with the stages of policy process.

4. Course summary

Public policy process is divided into stages, from agenda setting to policy formulation, policy adoption and policy implementation and evaluation. Each stage has different characteristics and requirements.

"*Public Policy Process Management Course: from Research to Practice*" Course in the Public Policy Master Program is aimed to provide students with an overview of public policy process in all stages so that students can access public policy systematically; also, students will have more practical knowledge about stages in public policy process; be able to identify, analyse and solve problems in association with different stages of policy process.

5. Detailed course content: the course content is divided into 3 main components as follows:

Part 1. Overview of public policy process

1.1. Agenda setting

1.1.1. Definition of agenda setting

1.1.2. Subject and stakeholders in agenda setting

1.1.3. Agenda setting process

1.1.4. Challenges and countermeasures

1.2. Policy formulation

1.2.1. Definition of policy formulation

1.2.2. Subject and stakeholders in policy formulation

1.2.3. Policy formulation process

1.2.4. Challenges and countermeasures

1. 3. Policy adoption

1.3.1. Definition of policy adoption

1.3.2. Subject and stakeholders in policy adoption

1.3.3. Policy approval process

1.3.4. Challenges and countermeasures

1. 4. Policy implementation

1.4.1. Definition of policy implementation

1.4.2. Subject and stakeholders in policy implementation

1.4.3. Policy implementation process

1.4.4. Challenges and countermeasures

1. 5. Policy evaluation

1.5.1. Definition of policy evaluation

1.5.2. Subject and stakeholders in policy evaluation

1.5.3. Policy evaluation criteria

1.5.4. Challenges and countermeasures

PART 2. Analytical framework for policy process management

2.1. Requirement for agenda setting

A policy proposal must meet the following requirements:

- Clearly define grounds for determining policy issues;

- Policy issues are clearly defined;

- Preliminary analysis of the causes of policy issues;

- Preliminary assessment of socio-economic consequences of a policy issue;

- Recommendation of solutions to problems

- Forecast impacts of each policy option.

2.2. Requirements for policy formulation

Solutions for policy related problems must meet the following requirements:

- Identify the right problem;

- Identify the right causes of the problem;

- Fully and correctly identify the stakeholders who are affected by the problem;

- Fully and correctly identify the consequences caused for the stakeholders and the society;

- Fully review legal documents and related policies;

- Identify all possible policy options;

- Forecast negative and positive impacts of the priority policy solutions;

- Fully consider the feasibility in terms of politics, legislation, finance, administration, technique, and social conditions of each priority policy option.

- Adequately consider the validity, effectiveness and fairness of each priority policy option;

- Collected information must be objective, adequate, comprehensive and timely;

- Full and genuine participation of stakeholders;

- Participants have knowledge and experience about the problems;

4

- Positive acknowledgement and response to stakeholders' feedback

- Good collaboration between relevant state bodies;

- Appropriate use of technical tools and methods;

- Drafting committee consists of people with knowledge and experience on the problems;

- A list of priority policy options is made.

2.3. Requirements for policy adoption

The reviewing and approving process for a policy proposal must meet the following requirements:

- The approval or verification must be done objectively and scientifically;

- The discussion of a policy proposal must be conducted publicly and transparently;

- The acknowledgement and revision of a policy proposal must be conducted seriously and objectively;

- The review and approval of a policy must be conducted publicly and transparently (except policies related to national secrets);

- Selection of the best policy option (meeting feasibility criteria in terms politics, legislation, technique, finance and administration);

- Policy content must be presented succinctly, simply and understandably;

- Full compliance with the order and procedures in policy adoption process.

2.4. Requirements for policy implementation

Policy implementation process must meet the following requirements:

- Mobilization of all stakeholders to participate in policy implementation process;

- Designed documents, programs and projects do not distort the policy;

- The documents, programs and projects which are to implement the policy fully reflect and concretize the policy content;

- Established framework for monitoring and evaluation of policy implementation results;

- Risks and risk mitigation solutions are identified;

- Use of appropriate methods and tools in designing documents, programs and projects;

- Policy implementing agencies have capacity, high responsibility and pure motives in policy implementation;

- Synchronous collaboration between state agencies and related stakeholders in policy implementation:

- Budget allocation for policy implementation is adequate and timely;

- Budget management mechanism ensures savings and efficacy;

- Monitoring, checking and inspection must be conducted timely, objectively and legally;

- Regularly maintained leadership, stewardship and urging during policy implementation process.

2.5. Requirements for policy evaluation

Policy evaluation must meet the following requirements:

- A set of indicators to measure major policy results is determined (indicators to measure outputs, outcomes and impacts);

- A set of indicators to measure inputs and activities (input and productivity indicators);

- Indicators are determined appropriately, clearly, fully, economically and accessibly;

- Appropriate and effective evaluation methods are selection;

- Selected methods of collecting and processing information are relevant and consistent with methods applied in policy formation;

- Policy evaluation is conducted independently, objectively and scientifically;

- Relevant stakeholders are consulted and participate in evaluation

- Policy results are assessable;

- Causes of success and failure, of achievements and drawbacks are explicable;

- Lessons and recommendations are drawn to improve policies in future;

- Evaluation report is presented in succinct, simply, easy-to-read and easy-to-understand manner.

PART 3. Case studies

-   The course uses 5 real life case studies including: two case studies in Vietnam; 2 case studies in Japan; 1comparative research case in some other countries.

    In addition, students are encouraged to share case studies from their work practice.

-   Each case study consists of

    - Case description
    - Questions for discussion

6. Learning materials *(textbooks, lectures, reference materials)*

Core textbooks

- Nguyen Huu Hai, Editor (2002) Public Policy Planning and Analysis Textbook, NAPA, Statistics Publishing House, Ha Noi

- Le Chi Mai (2000), Policy and Policy Cycle, National Politic Publishing House, Ha Noi

- Shiroyama Hideaki (1998), the Process of Policy Formulation in Central Ministries. Translated from Japanese. (Internal circulation)

- Thomas R. Dye, Understanding Public Policy, 14th Edition. Translated from English. (Internal circulation)

Reference materials

- Le Vinh Danh (2001), Public Policy of the U.S, National Politic Publishing House, Ha Noi

- Do Hoang Toan (1997), Policy in Socio-Economic Management, Scientific & Technical Publishing House, Ha Noi.

7. Teaching & learning methodology

This course focuses on case studies through which students can acquire not only theoretical knowledge but also practical knowledge in public policy and policy process. The course applies active, student-centered teaching methods Lecturers play guiding role while students actively identify, analyze and propose solutions to problems in policy process.

8. Test and assessment of study results

Final score is based on the following components:

- *Class attendance (30%):* score is calculated on student's attendance and their active participation in class

- *Final term assignment (70%):* there are 2 essay options

  + Students are given a case study and requested to analyze that case in responding to the given questions by lecturer.

  + Students choose one real life case study and analyze the factors that affect the results and contribute to the success or failure of the policy in that case, from which draw lessons learnt or give recommendations.

<div align="center">科目「公共政策プロセスにおけるステークホルダー分析」</div>

1. 教員情報

科目担当教員氏名：ディン・ティ・ミン・トゥエット（Dinh Thi Minh Tuyet）

役職・職位・学位：准教授・博士・担当教員

勤務時間・場所：

連絡先住所：国家行政学院 社会関連国家管理学科

電話：

E-mail:

参加教員情報（氏名・連絡先住所・電話・e-mail）：

- タ・ティ・フオン(Ta Thi Huong) 国家行政学院社会関連国家管理学科院生、電話：　　　　　　　、

- ダン・ティ・ミン（Dang Thi Minh)博士 国家行政学院社会関連国家管理学科、電話：　　　　　　　、

2. 科目概要

- 科目名：**公共政策プロセスにおけるステークホルダー分析**

- 英語名：Stakeholder Analysis in the public policy process

- 科目コード：

- 単位数（出席・実習・自己研究）： 03 単位

- 対象となる専門分野：公共政策、授業レベル：修士、授業形式：正規

- 科目の種類：選択

- 基礎必修科目：公共政策入門

- 先修科目：

<div align="center">1</div>

同科目は、以下のような科目を学んだ学生向けに設定されている。

公共政策入門

公共政策策定

政策評価

政策プロセス管理

- 同時受講する科目：

- 科目に対するその他の条件（あれば）：

- 授業の方法と時間配分：03 単位

+ 理論講義の受講： 30 コマ

+ 授業時間内に行う課題：10 コマ

+ ディスカッション： 10 コマ

+ 実習： 10 コマ

+ グループワーク： 10 コマ

+ 自己学習： 10 コマ

- 科目担当部門・学科：社会関連国家管理学科

3. 科目の目標

3.1. 科目の全体目標

- 知識：

　　　下記の内容を提供することにより、公共政策プロセスの各段階での合意分析やステークホルダー分析における交渉理論の基本的な知識を学生が身につける。

➢ 交渉・合意・ステークホルダー及びステークホルダーの関与度・権限に関する基礎概念
➢ 公共政策プロセスにおけるステークホルダー分析・評価の各ステップ
➢ 公共政策プロセスにおけるステークホルダー分析・評価の基本内容

2

> ➢ 公共政策プロセスにおけるステークホルダーの関与度の分析・評価プロセスに適
> 用するツール

- *技能：*

> ➢ 合意分析における交渉技能を明確化できる
> ➢ 政策およびステークホルダーの問題を分析し特定できる
> ➢ 公共政策プロセスにおけるステークホルダー及びステークホルダーの影響度を特
> 定できる
> ➢ 公共政策プロセスにおけるステークホルダー分析のために適切なツールを適用す
> ることができる

- *態度：*

> ➢ 経済・社会生活の中で発生する政策問題のステークホルダーの関与について、関
> 心を持ち理解する
> ➢ 政策の策定と実施に関するステークホルダー分析に、適切なプロセスと科学的分
> 析手法・ツールを意識して適用する
> ➢ 公共政策の策定と実施におけるステークホルダーの関与を保障するために政策決
> 定の権限を持つ主体の論証・説得に関心を持つ

3.2. 科目の知識に関する具体的な教育目標（各章・問題毎に重要事項のみ記載）

学習者が交渉理論や各概念の体系、ステークホルダーの役割と関与度、ステークホルダー分析の必要性について明確に把握できるようサポートする。

公共政策プロセスにおける関与主体の権限や責任を明確化できる。

分析のための方法やツール・技術と同様、政策プロセスの各段階におけるステークホルダー分析のプロセス若しくは各ステップを描写できる。

公共政策プロセスにおけるステークホルダーの関与の評価目的・要求・基準・内容を明確化できる。

4. 科目内容の要旨

科目「公共政策プロセスにおけるステークホルダー分析」の内容は、交渉理論・ステークホルダー分析の基本内容を含み、4 つの章から構成される。

3

*第 1 章*では、合意分析における交渉理論を総括し、観点と利益の概念・合意と交渉・交渉の基本技術といった内容を含む。

*第 2 章*では、政策プロセスにおけるステークホルダーの概要を扱い、ステークホルダーの概念・分類、ステークホルダー関与の役割、政策プロセスにおけるステークホルダーの関与度や関与原則といった内容を含む。

*第 3 章*では、政策プロセスにおけるステークホルダーの分析を行い、政策プロセスにおけるステークホルダー分析の概念と必要性、政策プロセスの各段階におけるステークホルダーの関与度、ステークホルダー分析の各ステップでのプロセス、ステークホルダー分析において使用される各手法といった内容を含む。

*第 4 章*では、政策プロセスにおけるステークホルダー関与を評価し、評価の目的と要求、ステークホルダーの重要性・与える影響の評価と評価方法に関する基本内容を含む。

5．科目の詳細内容

第 1 章

合意分析における交渉理論

1.1. 観点と利益に関する概念

1.2. 合意と交渉

1.2.1. 合意

- BATNA,

- ZOPA

1.2.2. 交渉

- 概念

- 交渉の原則

- 交渉の動機

1.3. 交渉の基本技術

+ 単独の問題に対する交渉技術

+ 複数の問題に対する交渉技術

第 2 章

公共政策プロセスにおけるステークホルダー

2.1. 公共政策プロセスにおけるステークホルダーの概要

2.1.1. 公共政策プロセス

公共政策プロセスには多くの異なるアプローチ法があり、4 ステップのプロセスが適用される

2.1.1.1. 政策問題の確定

2.1.1.2. 政策の策定

2.1.1.3. 政策の実施

2.1.1.4. 政策の評価

ステークホルダー分析は各ステップそれぞれと結びついていることから、プロセス全体を分析はしない。非公式なプロセスや周辺活動もあることから、政策プロセスにおけるあらゆるステップでステークホルダー分析をするわけではない。

ステークホルダー分析は、本当に必要と判断した際にのみ実施するものであり、政策プロセスの各ステップで必ずやらなければならない作業とは異なる。

2.1.2. ステークホルダーの概念と分類

2.1.2.1. ステークホルダーの概念

　　　　互いに集合したグループであり、利害面での繋がりを持つ

2.1.2.2. ステークホルダーの分類

　　　– ステークホルダーの特徴に基づいて

　　　– ステークホルダーの影響及びその度合いに基づいて

　　　– ステークホルダーのインパクト・影響の性質に基づいて

2.2. ステークホルダーの関与

2.2.1. ステークホルダー関与の概念

2.2.2. ステークホルダー関与の役割

2.2.2.1. 政策の発展と実現に向けた多くのアイディアを創出する

2.2.2.2. 多様な観点を集結できる

2.2.2.3. 多くの支援や努力を集結できる

2.2.2.4. 関与の際、声をあげる機会や公正さを創出できる

2.2.2.5. 起こりうる問題の障壁を回避するようサポートする

2.2.2.6. 反対がある場合、主体組織の地位強化をサポートする

2.2.2.7. コミュニティに社会資本が集結するようサポートする

2.2.2.8.　主体組織の威信を高める

2.2.2.9.　政策成功の機会を増やす

2.2.3.　ステークホルダーの関与度

2.2.3.1.　情報提供をする

2.2.3.2.　参考意見を出す

2.2.3.3.　パートナーの立場で

2.2.3.4.　チェックを行う

2.2.4.　ステークホルダーの関与原則

2.2.4.1.　各ステークホルダー間での理解・尊重

2.2.4.2.　全面性

2.2.4.3.　明確性

2.2.4.4.　責任と説明責任

2.2.4.5.　各ステークホルダーの自主権の保障

第 3 章

公共政策プロセスにおけるステークホルダー関与分析

3.1.　ステークホルダー分析の概念

> ➢　ステークホルダーが誰かを特定するプロセスであり、
> ➢　彼らの交渉・議論の場を設定する

3.2.　ステークホルダー分析の必要性と目的

3.2.1.　ステークホルダーの関心の特定

3.2.2.　ステークホルダーの特徴と関与能力の特定と明確化

3.2.3.　ステークホルダー間の関係理解と評価

3.2.4. ステークホルダーとの連携関係の建設

3.2.5. ステークホルダーの適切な関与方法の評価

3.3. 公共政策プロセスにおけるステークホルダー分析の各ステップ

共編の概説書に基づく

3.3.1. プロセスの計画作成（Planning Proccess）

3.3.2. 1 つの政策の選択と特定

3.3.3. 主要ステークホルダーの特定

3.3.4. 適切なツールの選択(adapting the tools)

3.3.5. 情報の収集と記録

3.3.6. ステークホルダー表・マトリックスへの記入

3.3.7. ステークホルダー表・マトリックスの分析

3.3.8. 分析情報の使用

松浦教授の示唆による（4 ステップ）

3.3.1. 準備

3.3.2. インタビュー

3.3.3. 分析

3.3.4. 報告

3.4. 政策プロセスにおけるステークホルダー分析

3.4.1. 政策問題特定におけるステークホルダー分析

3.4.2. 政策策定におけるステークホルダー分析

3.4.3. 政策実施におけるステークホルダー分析

2.4.4. 政策評価におけるステークホルダー分析

3.5.　ステークホルダー関与分析のツール・技術

3.5.1.　SWOT ツール・技術

3.5.2.　問題分析樹形図ツール・技術

第 4 章

公共政策プロセスにおけるステークホルダー参与評価

4.1.　ステークホルダー参与評価の目的・要求・対象

4.1.1.　ステークホルダー参与評価の目的

4.1.2.　ステークホルダー参与評価の要求

4.1.3.　ステークホルダー参与評価の対象

4.2.　ステークホルダー参与評価の指標と内容

4.2.1.　ステークホルダーの利益

4.2.2.　ステークホルダーの権力（主催・関与・受益）

4.2.3.　ステークホルダーの関心と主体性

4.2.4.　ステークホルダーの齟齬・矛盾のチェック

4.2.5.　ステークホルダーの相互作用（度合い・関与形式）

4.3.　公共政策プロセスにおけるステークホルダー評価の各ステップ

4.4.　ステークホルダー関与評価のツール・技術

4.3.1.　ステークホルダーのチェック・評価計画

4.3.2.　魚の骨モデルによる分析

4.3.3.　結果による分析

4.5.　政策プロセスにおけるステークホルダー関与の評価内容

4.5.1. 政策問題特定におけるステークホルダー関与の評価

4.5.2. 政策策定におけるステークホルダー関与の評価

4.5.3. 政策実施におけるステークホルダー関与の評価

4.5.4. 政策評価におけるステークホルダー関与の評価

6. 学習資料（教科書、講義、参考資料）

- 『公共政策-基本問題-』国家政治出版社、2014 年

- 『公共政策分析概説』国家政治出版社、2013 年

- 『国家行政学院の公共政策策定・分析テキストブック』、2002 年

- Donaldson, T. and Preston, L. 1995. *The Stakeholder Theory of the Corporation: Concepts, Evidence, and Implications*. In *The Academy of Management Review,* 20(1), 65-91;

- Jawahar, I.M. and McLaughlin, G.L. 2001. *Toward a Descriptive Stakeholder Theory: An Organizational Life Cycle Approach*. In *The Academy of Management Review*, 26(3), 397-414;

- Kahn, J. 2004. *Local Politics of Renewable Energy, Project Planning, Siting Conflicts and Citizen Participation,* Environmental and Energy Systems Studies, Lund University;

- Mitchell, R.K. Bradley, R.A. and Wood, D.J. 1997. *Toward a Theory of Stakeholder Identification and Salience: Defining the Principle of Who and What really Counts*. In *The Academy of Management Review,* 22(4), 853-885;

- Olander, S. 2003. *External Stakeholder Management in the Construction Process,* Division of Construction Management, Lund University;

- Olander, S. and Landin, A. 2005. Evaluation of Stakeholder Influence in the Implementation of Construction Projects. *International Journal of Project Management*, 23(4), 321-328;

- Sternberg, E. 1997. *The Defects of Stakeholder Theory*. In *Corporate Governance: An International Review,* 5(1), 3-9;

　　- Winch, G. and Bonke, S. 2002. *Project Stakeholder Mapping: Analysing the interests of Project Stakeholders*, Chapter 23 in Slevin, D.P. Cleland, D.I. and Pinto, J.K. (eds),*The Frontiers of Project Management Research.* Project Management Institute Inc;

　　- Section 8. Identifying and Analyzing Stakeholders and Their Interests, Chapter 7, http://ctb.ku.edu/en/table-of-contents/participation/encouraging-involvement/identify-stakeholders/main

- その他の参考資料

GRIPS 高田寛文教授の講義

「付録 A：ステークホルダーの関与」、『プロジェクト TA7629-VIE、河川流域水資源開発能力強化』

ジュネーブ国際赤十字・赤新月社『計画・プログラム作成マニュアル』、2010 年

UNAIDS『ステークホルダーの十分な関与プラクティス 2011- HIV 予防生物医学実験マニュアル』

7. 授業実施形態

- 座学と実習を組み合わせる

- 個人及びグループで課題に取り組む

8. 試験手法・形式-科目学習成果の評価

8.1. 授業実施手法

ブレーンストーミング、講義、グループディスカッション、ケーススタディ、ロールプレイといった手法を柔軟に組み合わせる。

8.2. 試験・評価手法

- 科目終了時に下記の点数を総合する。

　　+ 態度・熱心さ：10%

　　+ クラスでのディスカッション参加点：10%

　　+ 課題実施点：30%

+ 期末試験：50%

- 採点評価基準：10 点満点

科目「法律と公共政策」

シラバス

1. 教員情報

a. 科目担当教員氏名：レ・ティエン・フオン（Le Thien Huong）

役職・職位・学位：准教授、博士

勤務時間・場所：国家行政学院　国家と法律学科

連絡先住所：国家行政学院　国家と法律学科

電話:　　　　　　、email:

b. 参加教員情報：

－ ルオン・タイン・クオン（Luong Thanh Cuong）

役職・職位・学位：准教授、博士

連絡先住所：国家行政学院　国家と法律学科

電話:　　　　　　、email:

－ グエン・クォック・スー（Nguyen Quoc Suu）

役職・職位・学位：准教授、博士

連絡先住所：国家行政学院　国家と法律学科

電話：　　　　　　、email:

－ チャン・ティ・ジェウ・オアイン（Tran Thi Dieu Oanh）

役職・職位・学位：博士

連絡先住所：国家行政学院　国家と法律学科

電話：　　　　　　; email:

－ フイン・ヴァン・トイ（Huynh Van Thoi）

役職・職位・学位：博士

連絡先住所：国家行政学院事務局　ホーチミン市キャンパス

電話：　　　　　　、email:

2. 科目概要

－ 科目名：法律と公共政策

－ 英語名： LAW AND PUBLIC POLICY

－ 科目コード：

– 単位数（出席/実習/自己研究）：

– 対象となる専門分野：公共政策、授業レベル：大学院レベル、授業形式：正規・集中

– 科目の種類：（必修又は選択）

– 基礎必修科目：

– 先修科目：

– 同時受講する科目：

– 科目に対するその他の条件（あれば）：

学生は必ず薦めのあった文章資料や講義テキスト、法律文書を事前に読み、クラスでのディスカッションや研究グループに参加することが求められる。

– 授業の方法と時間配分

+ 理論講義の受講：20 コマ

+ 課題：

+ ディスカッション： 10 コマ

+ 実習：

+ グループワーク：

+ 自己学習：

– 科目担当学科：国家行政学院 行政学部 国家と法律学科

3．科目の目標

3.1. 科目の全体目標

知識：

同科目終了時、学生は下記に関してより高い知識を修得することが期待される。

– 公共政策との関係における法律体系の役割の明確化

– 政策の策定・作成過程及び法律策定過程への理解

– 上記2つの過程の関係（区別）の指摘

技能：

– 法律・公共政策における法律の役割・法律の作成と公布過程の分析・明確化する能力を養成する。

– 政策策定や法律作成グループに参加する能力を持つ。

態度：

実際の活動や科学研究において、公共政策と法律との関係に関する知識や方法論を理解し、自信を持って正しく活用する。

3.2. 科目の知識に関する具体的な目標

授業では、各章毎に以下の具体的な教育目標を消化する：

‐ 法律と公共政策の全体像

‐ 国家活動における法律と公共政策の関係。その中では憲法が公共政策の作成と実施における法的な基盤と見なされる。

‐ 立法過程及び法律評価

4. 科目内容の概要

授業「法律と公共政策」では次の内容に言及する。i）法律に関する基礎的な事項（法律の概念・本質・機能、社会発展に対する法律の役割、法律の起源）、ii）法律と公共政策の関係（法律に対する公共政策のインパクト、法律と公共政策の実施、法律と公共政策の区別）、iii）立法過程と法律の評価。

講義・クラスディスカッションへの参加といった授業形式を通じ、科目修了後、学生は公共政策との関係における法律体系の役割を明確化し、また政策策定・作成過程と法律作成過程を区別し、そこから公共政策作成・法律の公布・或いはこの 2 つの範疇に関する科学研究に対し、より効果的に活用する方法を導き出すことができる。

5. 科目の詳細内容

科目の、各章・節・項若しくは主要な問題毎の詳細内容を下記に列記する。

第 1 章

法律の全体像

1.1. 法律の概要

1.1.1. 法律の概念

1.1.2. 本質、機能

1.1.3. 法律規範文書体系

1.2. 社会の発展における法律の役割

1.2.1. 法律は社会の発展方向を規定する

1.2.2. 法律は人間価値の発展における法的基礎を作る

1.2.3. 法律は社会発展を保護する

1.3. 法源

1.3.1. 直接的法源

- 慣習法

- 前例法

- 法律規範文書

1.3.2. 間接的法源

- 政治・法に関する思想・学説

- 道徳

- その他の法源

1.4. 世界の各法律体系

1.4.1. 英米の法律体系(Common Law)

1.4.2. 大陸ヨーロッパの法律体系 (Continental Law)

1.4.3. イスラムの法律体系(Islamic/ Muslim Law)

第 2 章

法律と公共政策の関係

2.1. 公共政策の法律へのインパクト

2.1.1. 公共政策は法律修正の目標と原則の基盤

2.1.2. 公共政策は法律の修正内容を方向付ける

2.1.3. 公共政策は立法過程を方向付ける

2.1.4. 公共政策は法律の実施を方向付ける

2.1.5. 公共政策は法律の評価を方向付ける

2.2. 法律と公共政策実施

2.2.1. 法律は公共政策を表現する形式である

2.2.3. 法律は公共政策を実施するための法的根拠である

2.2.4. 法律は公共政策の評価・チェックのための法的根拠である

2.3. 公共政策の法的基盤である憲法

2.4.1. 憲法に関する観念

2.4.2. 公共政策決定主体である人民

2.4.3. 憲法の基本内容

2.4.4.　憲法の保護

2.4.　法律と公共政策の区別

2.1.1.　公共政策の表現形式

2.1.2.　法律と公共政策を区別する各指標

- 公布主体

- 公布過程

- 目的

- 実施を担保する仕組み

- その他の指標

第 3 章

立法過程と法律評価

3.1.　立法過程

3.1.1.　立法の構想

3.1.2.　立法計画作成　（優先事項の確立）

3.1.3.　法律の起草と公布

- 　法律作成と公布の原則（客観的原則、人間の権利・公民権の尊重・保障の原則、民主原則、法制度の原則、指導政党の原則）

- 修正対象及び修正方法の選択

- 法律の作成・公布過程（2015 年法律規範文書公布法に基づく）

3.2.　法律の効力・効果の評価

3.1.1.　法律の効力・効果の評価内容

- 　合憲性・合法性の評価

- 　一貫性の評価

- 実現性・実情との適合性に関する評価

- 実施コストと得られる成果に関する評価

- 国民の満足度に関する評価

3.1.2.　法律の効力・効果の評価主体

- 国家

- 法的文書のインパクトを受ける対象

– 国民

– 経済組織・社会組織・非政府組織等

6. 学習資料 （教科書、講義、参考資料）

6.1. 必読資料

– 国家行政学院『国家と法律に関する理論テキストブック』科学技術出版社、2010 年、ハノイ

– 国家行政学院『憲法・国家組織機構法テキストブック』科学技術出版社、2010 年、ハノイ

– 国家行政学院『行政法テキストブック』科学技術出版社、2010 年、ハノイ

– ファム・ズイ・ギア（Pham Duy Nghia）『法律大綱テキストブック』人民公安出版社、2011 年、ハノイ

– グエン・ヒュー・ハイ(Nguyen Huu Hai)、レ・ヴァン・ホア（Le Van Hoa)共編『公共政策大綱』国家政治出版社、ハノイ

– Barry R Weingast (Stanford University) 2010, Why Developing Countries Prove So Resistant to the Rule of Law, in James J. Heckman, Robert L. Nelson, Lee Cabatingan, Global Perspectives on the Rule of Law. (New York: RoutledgeCavendish, 2010) – 翻訳版あり*

– Pistor and Wellons, The role of law and legal institutions in Asian economic development 1960-1995, ADB Executive Summary, HIID 1998, Oxford University Press 1999 *

– Ann Seidman et al, Assessing a bill in terms of public interest, in WB: Law & Justice for Development, 2003 （ベトナム語版 Ann Seidman『法律案件の評価：立法者向けハンドブック』国家政治出版社、2004 年、ハノイ）

– Truong Thien Thu, Ranjith Perera, Intermediate levels of property rights and the emerging housing market in HCM City, Vietnam, Land Use Policy 28 (2010) 124-138 – 翻訳版あり*

– 援助ドナーコミュニティ『ベトナム開発レポート2010：現体制』

– Tom Ginsburg, *Judicial Independence in East Asia: Lessons for China, in Randall Peerenboon, Judicial Independence in China,* Cambridge University Press 2010, pp 247-259 – 翻訳版あり*

　　- Randall Peerenboon『中国における裁判所管理研究報告』 UNDP 司法改革指導委員会、2011 年（未公開資料）- E/V

　　- 法律文書

　　- 1946 年、1959 年、1980 年、1992 年、2013 年版ベトナム憲法

　　- 国会組織法（2014 年）、政府組織法（2015 年）、地方政府組織法（2015 年）、法律規範文書公布法（2015 年）

6.2. その他各参考資料

　　- タイ・ヴィン・タン（Thai Vinh Thang）「1945 年 8 月革命以前のベトナムにおける立憲思想」、『法律研究』2011 年 11 月号

　　- 『皆のための法律』第 1 巻、UNDP、2011 年

　　- ハノイ国家大学法学部『憲法法テキストブック』2013 年

　　- ハノイ国家大学法学部『行政法テキストブック』2013 年

　　- ホアン・ティ・キム・クエ（Hoang Thi Kim Que）、ハノイ国家大学法学部『国家と法律に関する理論テキストブック』ハノイ国家大学出版社、2007 年

　　- グエン・ミン・ドアン（Nguyen Minh Doan）『国家と法律に関する理論テキストブック』国家政治出版社、ハノイ、2010 年

　　- グエン・ヴァン・ドン（Nguyen Van Dong）『国家と法律に関する理論テキストブック（法学部生及び法学大学院生教育向け）』国家政治出版社、ハノイ、2014 年

　　- ハノイ国家大学法学部『海外行政法』ハノイ国家大学出版社、ハノイ、2011 年

　　- ハノイ国家大学法学部『ベトナムの国家管理における分権・実情と展望』人民公安出版社、2011 年

　　- ダオ・チー・ウック(Dao Tri Uc)教授・科学博士 、 ヴー・コン・ザオ(Vu Cong Giao)博士（ベトナム語版共編）『地方レベルにおける民主』ハノイ国家大学出版社、ハノイ、2014 年

　　- ホーチミン国家政治学院政治家学院『政治学テキストブック』2003 年、ハノイ

　　- ハノイ国家大学法学部『政治学説の歴史テキストブック』ハノイ国家大学、2009 年

　　- ハノイ国家大学法学部『人間の権利に関する理論と法律テキストブック』国家政治出版社、2009 年

- ヴー・ヴァン・ホア（Vu Van Hoa）、ディン・スアン・ハン（Dinh Xuan Hang）『貨幣理論テキストブック』財政出版社、2007 年

- 財政学院『貨幣テキストブック』財務出版社、2011 年

- 財政学院『税テキストブック』財務出版社、2011 年

- Zemans, Frances Zahn. 1983 "Legal Mobilization: The Neglected Role of the Law in the Political System." American Political Science Review 77: 690-702.

- Scheingold, Stuart A. 2004. The Politics of Rights: Lawyers, Public Policy, and Political Change. Ann Arbor: University of Michigan Press - Part One

- OECD 2005, Guidelines on Corporate Governance of State Owned Enterprises

- OECD 2007, Building a Framework for Conducting RIA, Tools for PolicyMakers.

- UNDP and VN Supreme Court, (Bath and Biddulph), Research Studies on the Organization and Function of the Justice System in Five Selected Countries, 2010.

- Martine Lombard - Gilles Dumont『フランス共和国の行政法』司法出版社、2007 年

- 政策・法律・開発研究院『法律・法令作成過程評価研究報告、実情と解決策』労働社会出版社、2008 年

- 『セミナー紀要：法治国家における国会の監督機能』労働出版社、2011 年

- チャン・クォック・ビン（Tran Quoc Binh）『ベトナムの立法過程における政府の役割』国家政治出版社、2013 年

- Đêvít ÂuBót, Tét Gheblơ『政府活動刷新 - 企業精神は公共セクターをどのように変化させてきたか』国家政治出版社、1997 年

- ベトナム政府、国連開発プログラム『中央政府と省政府の管轄権分離規定に関するセミナー紀要：実情と諸問題』2013 年

- UNDP『ベトナム行政改革、実情と解決策』国家政治出版、2009 年

- Noccolò Machiavelli『君王』社会労働出版社、2012 年

- Aristotle（ノン・ズイ・チュオン(Nong Duy Truong)翻訳・注記）『政治論』
世界出版社、2013 年

- Michel Fromont『世界の基本法律体系』司法出版社、2009 年

- WGI：http://info.worldbank.org/governance/wgi/index.asp

- 法的文書出典：www.chinhphu.vn （文書管理システム）若しくは国会ベトナ
ム法律データベース：http://vietlaw.gov.vn/LAWNET/

- 立法研究誌：http://www.nclp.org.vn/

- 法律草案：http://duthaoonline.quochoi.vn/ 、www.vibonline.com.vn

- 右記ウェブサイト上論文：nghiencuuquocte.net

- 右記ウェブサイト上論文：thongtinphapluatdansu.info

- 統計総局ウェブサイト：

http://www.gso.gov.vn/default.aspx?tabid=386&idmid=3&ItemID=14154

7．授業実施形態

番号	授業実施形態			計 （コマ）
	講義			
	理論 （コマ）	課題 （コマ）	セミナー （コマ）	
1	4	0	2	*6*
2	8	0	4	*12*
3	8	0	4	*12*
計	20	0	10	30

8．試験手法・形式- 科目学習成果の評価

番号	評価形式	比重
1	科目中間試験	30%
2	科目修了試験	70%

SYLLABUS

1. Instructors Biography

- Course Director: Nguyen Hoang Hien

- Degree: PhD

- Organization: Faculty of State Management on Economic affairs, National Academy of Public Administration

- Contact address: Room 324, Building A, National Academy of Public Administration, 77 Nguyen Chi Thanh, Hanoi

- Telephone: Email address:

- Instructors' Contact information:

Name	Address	Telephone	Email address
Luong Minh Viet			
Dang Dinh Thanh			
Nguyen Hong Trang			

2. Course information

- Course Name: Economics and Public Policy

- Course Number: Credits: 3

- Applied for program: Public policy   Educational level: Master

Mode of study : Fulltime

- Course requirement: (*Required or Optional)*: Required

- Prerequisites: None

- Other requirements: To take this course, students are required to take basic courses of macro-economics and micro-economics in undergraduate or pre-master programs.

- Time allocation for activities:

    + Lectures: 26 periods

    + Exercises: 0 periods

    + Discussions: 13 periods

    + Practices : 6 periods

    + Team work: 0

+ Self-study: 0 periods

- Courses offered by: Faculty of State Management on Economic affairs

3. Learning Objectives

3.1. General Objectives

- Knowledge:

> + Understand basic concepts, principles and laws in economics

- Skills:

> + Applied what have been learnt to analyze and evaluate public policies

> + Use knowledge of economics for the course of cost and benefit analysis

- Attitude

> + Be Aware of the fact that economics is a very complicated and technical subject. As learners are expected to become managers in the future; therefore they do not need to be an expert in economics and also it is impossible for them to become and expert only after learning one course. However, during the policy process, they need advices from top economic consultants.

3.2. Specific objectives

Section	Topic	Objectives
Section 1: Introduction	Chapter 1: Introduction to economics	- Understand basic economic concepts.
Section 2: Microeconomics for manages	Chapter 2: Applications of supply and demand model into public policy process	- Understand basic concepts: demand, supply, market equilibrium, supply elasticity, demand elasticity. Using such knowledge to analyze effects of particular public policies on markets.
	Chapter 3: Production costs and Profit maximization	- Understand cost concepts such as: fixed cost, variable cost, marginal cost, average cost, long-run cost, short-run

		cost, Profit Maximizing Rule and use these concepts to analyze production decisions made by a firm.
	Chapter 4: Competition, monopoly and roles of government	- Understand two extreme cases of market structure: perfect competition and monopoly; explain how monopoly creates a deadweight loss and why the intervention of Government in a market is necessary.
Section 3: Macroeconomics for managers	Chapter 5: Economic growth and inflation	- Understand basic concepts related to growth and inflation, especially which factors affect long-run growth and inflation.
	Chapter 6:Fiscal and Monetary policies	Understand basic concepts related to Fiscal and Monetary policies such as tools can be used under such policies and analyze these two policies through IS-LM model in the small and opened economy.

4. Course description

Economics and Public policy is a required course in the Master Program of Public Policy offered by National Academy of Pubic Administration. Content includes basic concepts and principles such as: demand, production, cost, pricing, and cost-and-benefit analysis. In addition to basic knowledge of economics, this course also discusses some specific topics related to the process of public policy decision-making such as efficiency,

market loss, and roles of Government. Last but not least, the course explains why economic approach is important to the process of public policy making.

5. Course outline

SECTION 1: INTRODUCTION
CHAPTER 1: INTRODUCTION TO ECONOMICS

1.1. Basic concepts in economics

1.1.1. Definition of economics

1.1.2. Three basic economic questions

- *What to produce?*

- *How to produce?*

- *For whom to produce?*

1.1.3. Production Possibility Frontier

1.1.4. Opportunity cost

1.2. Specialization and trade

1.2.1. Absolute advantage

1.2.2. Comparative advantage

1.3. Economic systems

1.2.1. Command economy

1.2.2. Market economy

- *Free market economy*

- *Mixed economy*

SECTION 2: MICROECONOMIC FOR MANAGERS
CHAPTER 2: APPLICATIONS OF SUPPLY AND DEMAND MODEL TO PUBLIC POLICY PROCESS

2.1. Supply-Demand model and market equilibrium

2.1.1 Supply

2.1.2.Demand

2.1.3.Market equilibrium and changes in market equilibrium

2.2. Supply and Demand elasticity

4.3.1. Why Governments should intervene in markets

4.3.2. Forms of Government intervention

SECTION 3: MACROECONOMIC FOR MANAGERS
CHAPTER 5: ECONOMIC GROWTH AND INFLATION

5.1. Economic growth

5.1.1. Economic growth and Factors affecting economic growth

5.1.2. Economic indicators

5.1.3. Short-term changes in the economy and long-run economic growth

5.2. Money and Inflation

5.2.1. Money

5.2.2. Inflation theories

CHAPTER 6: FISCAL AND MONETARY POLICIES

6.1 Fiscal policy and IS curve

6.2. Monetary policy and LM curve

6.3 Policy analysis by using IS-LM model in a small , opened economy

6. Textbooks

- Required:

+ Economics and Public Policy, National Academy of Public Administration

+ Mankiw, N.G. (2003). Principles of Economics (Translated versions), Statistical Publishing House

- References

DANH MỤC TÀI LIỆU THAM KHẢO

Vietnamese materials

1. Bộ giáo dục và Đào tạo, Kinh tế học vĩ mô, NXB Giáo dục, Hà Nôi, 2008

2. Bộ giáo dục và Đào tạo, Kinh tế học vi mô, NXB Giáo dục, Hà Nội 2005

3. Nguyễn Văn Công, Nguyên lý kinh tế học vĩ mô, NXB Lao động – Xã hội, 2006

4. Phan Thế Công, Ninh Hoàng Lan, Bài tập và Hướng dẫn phương pháp giải Kinh tế học vi mô I, Nhà xuất bản thương mại, 2011

5. Nguyễn Văn Dần, Kinh tế học vi mô, Nhà xuất bản tài chính, Hà Nội, 2009

6. Nguyễn Văn Ngọc, Bài giảng kinh tế vĩ mô, NXB Đại học Kinh tế Quốc dân, Hà Nội, 2013

7. Hoàng Thị Tuyết và Đỗ Phi Hoài, Kinh tế học vi mô – Lý thuyết và thực hành, NXB Tài chính, 2004

8. Michael P. Todaro, Kinh tế học cho thế giới thứ ba (bản dịch), NXB Giáo dục, 1998

Enghlish materials

1. Arnold, R.A. Macroeconomics (10th edition), Cengage Learning, 2010

2. Bentick, T.G. & Spencer, D.E., Economics: Study Guide, Addison –Wesley Publishing Company, 1992

3. Christopher, R.T. & S. Charles, Managerial Economics (8th edition), McGraw-Hill, 2005

4. David A. Moss, A Concise Guide to Macroeconomics – What Managers, Executives, and Students Need to Know, Harvard Business School Press, 2007

5. Frank, R.H., Microeconomics and Behavior, McGraw-Hill, 2003

6. Gravelle, H. & Rees, R. Microeconomics, Pearson Education Limited, 2004

7. Mankiw, N. G., Principles of Macroeconomics (6th edition), Cengage Learning, 2011

8. Nicholson, W. & Stapleton, D.C., Microeconomics Theory: Basic Principles and Extensions, Harcourt Brace Company, 1998

9. Paul Krugman and Robin Wells, Macroeconomics (2nd edition), Worth Publishers, 2009

10. Perloff, J.M., Microeconomic, (2nd edition), Pearson Education Inc, 2010

11. Ragan, J.F. & Thomas, L.B., Principle of Microeconomics, Harcourt Brace Jovanovic, 1993

12. Steinemann, A.C., Microeconomics for Public Decisions (2nd edition), Askmar Publishing, 2011

7. Activities and time allocation

Section	Topic	Activity	Time allocation (period)
Section 1:	Chapter 1: Introduction to economics	Lecture	02
		Discussion	01
Section 2: Microeconomics for managers	Chapter 2: Applications of supply and demand model into public policy process	Lecture	05
		Discussion	03
		Practice	03
	Chapter 3: Production costs and Profit maximization	Lecture	05
		Exercise	02
	Chapter 4: Competition, monopoly and roles of government	Lecture	05
		Discussion	03
Section 3: Macroeconomics for managers	Chapter 5: Economic growth and inflation	Lecture	05
		Discussion	03
	Chaptter 6: Fiscal and Monetary policies	Lecture	04
		Discussion	02
		Practice	01

8. Grading

+ Attendance: 10%

+ Discussion: 10%

+ Exercise: 30%

+ Final exam: 50%

Maximum grade: 10

MODULE OUTLINE

PUBLIC POLICY EVALUATION

1. Lecturers

Lecturer in charge of the module: Nguyen Huu Hai

Academic title: Associate professor

Work place: National Academy of Public Administration (NAPA)

Address: 77 Nguyen Chi Thanh str., ĐongĐa distr., Hanoi, Vietnam.

Tel: email:

Teaching staffs (name, address, telephone, email)

- Hoang Mai, PhD. NAPA, cellphone: , email: ; hoangmainapa@yahoo.com

- Nguyen Van Hau,PhD.NAPA, cellphone: , email:

- Le Van Hoa, MA.NAPA, cellphone::   , email:

- Ngo Hoai Sơn, NAPA, cellphone::   , email:

- Nguyen Dang Tai, NAPA, email:

2. Information of the module

- Module Title: Public Policy Evaluation

- Code: CSDG – 311   Credits (study in class/ practice/self-study): 03

- Specialty: Public Policy   Degree level: Master

Training mode: Part time

- Module requirement: Compulsory module

- Prerequisite modules: Politics and Public Policy, Strategic Management in Public sector

- Previous modules: Public Policy Planning, Economics in Public sector

- Parallel module: Cost analysis – Benefits for Public Policy

- Other requirements: Combination between theory and practical exercise

- Allocation of credits for activities:

    + Theory: 15 periods of theory (1.0 credit)

    + Homework, class discussion: 35 periods (1.0 credit)

    + Practice: 40 periods of practical work (0.5credit)

    + Teamwork:

    + Self-study: 20 periods of self-study (0.5 credit)

- Faculty in charge of the module: Faculty of Administrative Science

3. Purpose of the module

3.1. General training purpose of the module

- Knowledge: Mastering basic theory of public policy evaluation, public policy implementation monitoring and evaluation, evaluation methods of public policy implementation efficiency and result.

- Skill:

+ Ability to establish the basis for assessment, monitoring, evaluation and result report of program, project or public policy performance;

+ Ability to use appropriate methods to assess results of programs, projects or public

- Attitude: Recognizing the important role of monitoring and evaluation of public policy to use the results of policy evaluation in authority's projects and programs management.

3.2. Specific training target of the module (for each important point of each charter/ issue).

4. Summary of module content:

"Public Policy Evaluation" is a compulsory module in master training program of public policy. This course presents systematic fundamental issues of public policy evaluation; monitoring and evaluating the implementation of public policy; at the same time, this module introduces the econometric approaching methods to assess the causal impact of public policy.

The main purpose of the module is to equip students with the knowledge and skills to monitor and evaluate the results of public policy; and evaluate the impact of public policy. This module also provides students the fundamental concepts and theory of assessment methods and how to apply these methods in the evaluation of public policy, especially in assessing the impact of public policy. At the same time, during the course, students are guided to apply these methods into practice through discussion of practical evaluation studies and evaluating exercises.

5. DETAILED CONTENTS

CHAPTER 1: General knowledge of Public policy evaluation
1. *Concept and role of evaluation of public policy*
1.1. Concept of public policy evaluation
1.2. Significane of public policy evaluation
1.3. Function of policy evaluation
2. Levels and elements of policy evaluation
2.1. Levels of policy evaluation

　2.1.1 National level

2.1.2. Local level

2.1.3 <u>Professional organizations</u>

2.2. The elements of policy evaluation

2.2.1 Evaluators of policy evaluation (advantages and disadvantages of each subject).

2.2.2 Public policy objectives

2.2.3 Public policy evaluation methods

2.2.4 Public policy evaluation means

2.3. Factors affecting public policy evaluation

2.3.1 Degree of Awareness of subjects

2.4.2 Characteristics of Institution

2.4.3 Stability of public policy

2.4.4 Public policy evaluation purpose

2.4.5 Relationships between stakeholders

2.4.6 Costs and funding of public policy evaluation

3. Policy evaluation approaches and evaluation criteria

3.1. Public policy evaluation approaches

3.1.1. Public policy process evaluation

<u>Tanaka:</u>Tôi thấy nội dung của "yêu cầu" và "nội dung" là chưa được rõ ràng. Những thuật ngữ sau dấu ":" là không cần thiết. (các mục dưới đây cũng vậy)

3.1.2. Public policy impact evaluation

3.1.3. Pre-intervention evaluation

3.1.4. Post-intervention public policy evaluation

3.2. Public policy evaluation criteria

eficiency) hay hiệu suất (efectiveness) của chính sách.

3.2.1. Eficiency

3.2.2. Effectiveness

CHAPTER 2

　　　PUBLIC POLICY EVALATION IN SOME COUNTRIES

1. **Public policy evaluation in the United States**

    1.1.　Brief history of public policy evaluation

    1.2.　Current state of public policy evaluation

    1.3.　Advantages of public policy evaluation

2. **Public policy evaluation in Japan**

    2.1.　Brief history of public policy evaluation

    2.2.　Current state of public policy evaluation

    2.3.　Advantages of public policy evaluation

3. **Public policy evaluation in Singapore**

    3.1.　Brief history of public policy evaluation

    3.2.　Current state of public policy evaluation

    3.3.　Advantages of public policy evaluation

4. **Public policy evaluation in Vietnam**

    4.1.　Brief history of public policy evaluation

    4.2.　Current state of public policy evaluation

    4.3.　Advantages of public policy evaluation

CHAPTER 3:PUBLIC POLICY IMPACT EVALUATION

1. Objectives, requirements, and subjects and impact public policy evaluation

　1.1. Purpose of impact public policy evaluation

　1.2. Requirements of impact public policy evaluation

　1.3. Objectives of impact public policy evaluation

2. Randomized method in impact public policy evaluation

　2.1. Concept and application

　2.2. Methods

　2.3. Advantages and disadvantages

　2.4. Some typical examples

Exercise

3.　Quasi experimental methods in impact public policy evaluation

　3.1. Concept and application

　3.2. Methods

4

3.3. Advantages and disadvantages

3.4. Some typical examples

Exercises

CHAPTER 4: THE EVALUATION OF POLICY IMPLEMENTATION'S RESULTS

1. Purpose, requirements and objectives of the evaluation of policy results

1.1. Purpose of the evaluation of policy implementation's results

1.2. Requirement of the evaluation of policy implementation's results.

1.3. Objectives of the evaluation of policy implementation's results

2. Process of the evaluation of policy implementation's results

2.1. The first steps

2.2. Define the tasks of evaluation of policy implementation's results

2.3. Define the outputs of policy

2.4. Develop the indicators

2.5. Data collection

3. Methods of the evaluation of public policy implementation's results

3.1. Public policy output comparison method

3.2. Public policy output and typical implementation comparison method

3.3. Report of analysis results

3.4. Using evaluation results

4. Plans for public policy evaluation

5.1. Concept, roles of public policy evaluation plan

5.2. Types of public policy evaluation plan

5.3. Contents of public policy evaluation plan

5.4. The relationships in building and implementation of public policy evaluation

6.Policy implementation evaluation in national and local level

6.1 Public policy implementation evaluation in national level

6.2 Public policy implementation evaluation in local level

6.3. Comparison the public policy implementation evaluation between national

and local level

    6.3.1. Implementation content comparison

    6.3.2. Implementation types comparison

    6.3.3. Impact comparison

    6.3.4. Environment impact to the results of public policy implementation evaluation

Exercise

   - - Evaluation the implement of a specific public policy (social welfare policy, population policy, investment policy.)

CHAPTER 5: REPORTING AND USING PUBLIC POLICY EVALUATION RESULTS

1. Reports and presentation

    1.1. Requirements of reports

    1.2. Structure of reports

    1.3. Guideline of reports

    1.4. The crucial points when preparing presentations

    1.5. The rules when preparing presentations

2. Describing information methods

    2.1. Chart

    2.2. Table

3. Using the results of policy evaluation

    3.1. In publicpolicy planning

    3.2. In publicpolicy implementation

    3.3. In budgeting

    3.4. In media

Exercise

6. Documents

6.1. Compulsory documents

- National Academy of Public Administration, Public policy Implementation and analysis in 2002, NAPA Library.

- Prof Nguyen HuuHai- Public Policy, the basics, the National Political Publishing House, 2014, Department of Public Administration National Academy of Public Administration

- Pro Nguyen HuuHai, MA Le Van Hoa, Associate of public policy analysis, National Political Publishing House, 2013, Department of Public Administration National Academy of Public Administration

6.2. Selective documents

- Lind G. MorraImas, Ray C. Rist, World Bank, The road to results: Design and the implementation of effective evaluation, 2009;

- Le VinhDanh- Public policy in the United States, 1935-2001, Statistical Publishing house 2001, NAPA Library.

- Jean-Pierre Cling, MireilleRazafindrakoto, Francois Roubaud,Public Policy Evaluation: method, obstacles and results, workshop in Tam Đảo, Việt Nam, 2008, NAPA Library.

- Public policy planning process in Japan–International Cooperation Department - NAPA

- Shahidur R. Khandker, Gayatri B. Koolwal, và Husain A. Samad, World Bank, Public Policy Evaluation, , 2010, NAPA Library.

7. Forms of teaching- studying

- Teaching method lecture chapter 1, chapter 3

- Combined teaching methods with presentations, discussions and homework in chapters 2 and 4

- Students study and essay in Chapter 5

8. Course requirements

- Midterm exam: 20%
- In-class discussion: 20%
- Paper: 20%
- Final exam: 40%

Syllabus
COST - BENEFIT ANALYSIS

1. Faculty

Professor: Nguyen Hưu Hai

Title: Dean, Associate Professor, Ph.D.

Office and office hours:

Contact:　　　　Tel　　　　　　　　　Email:

Assistant professor:

- Le Van Hoa M.A.

　　　　　　　　Tel:　　　　　　　Email:

　- Pham Ngoc Hương Quynh

M.A.　　　　　Tel:　　　　　　　Email:

2. Course overview

- Course name: Cost-Benefit Analysis

- Course number:　　　　　　　　Number of credits: 2

- Required for Public Policy students, Master program

- Type of course: Compulsory

- Prerequisite for this course:

+ Economics and Public Policy;

- Required courses to take before enrolling in this course:

+ Economics and Public Policy;

+ Statistics in Policy Analysis

- Parallel courses:

- Other requirements: Students are assumed to be familiar with calculating softwares and Excel.

- Time and credit allocation:

　　　+ Lectures: 1,2 credits (18 classes*)

　　　+ In-class exercises: 0,4 credit (12 classes)

　　　+ Homework: 0,3 credit (9 classes)

　　　+ Exams and reviews: 0,1 credit (6 classes)

　　　Total: 45 classes (*1 class = 45 minute)

- Faculty: Administration Studies

3. Course objectives

3.1. General objectives

After the course, the students will be able to:

- *Knowledge*:

Understand the primary knowledge in CBA of policies and public policy implementation.

- *Skills*:

+ Conduct financial analysis of a public project or program

+ Conduct an economic analysis of a public project or program

- *Attitude*:

Recognize the significance and application of CBA in public decision making.

3.2. Knowledge-related objectives

- Students can understand the concepts, advantages and applications of CBA.;

- Grasp the necessary steps of CBA process;

- Understand the theoretical background of CBA;

- Differentiate financial analysis and economic analysis;

- Identify and categorize costs and benefits in CBA;

- Quantify and measure in monetary terms benefits and costs in differenct contexts;

- Calculate present values of benefits and costs;

- Calculate benefits and costs in risk analysis;

- Handle uncertainty of projects and programs;

- Apply project selection criteria in decision making consultation;

- Answer questions and solve situational exercises relating to CBA, financial analysis, cost and effectiveness analysis

4. Course contents

Cost-benefit analysis (CBA) is a compulsory course of Master of Public Policy Program, National Academy of Public Administration. CBA is a tool used by policy makers to identify whether a project or policy should be implemented, continued, expanded or removed. Also, it provides the method to

choose the economic effective project, or the most economic effective projects out of several projects. However, in reality, conducting a cost and benefit analysis is not simple. It requires the analyst to link economic theories with statistical science and creative predicting skills.

This course aims at providing the students the theoretical background and skills to conduct a cost and benefit analysis, enabling them to understand, explain and discuss CBAs implemented by other analyst, as well as to understand the limitations of CBA as a tool to support decision making.

5. Course contents in details

<div align="center">

Chapter 1:

OVERVIEW OF COST BENEFIT ANALYSIS

</div>

I. DEFINITION AND ROLE OF COST BENEFIT ANALYSIS

1. The concept of cost-benefit analysis

2. The role of cost-benefit analysis
3. Where the use of cost-benefit analysis

II. PROCESS OF COST BENEFIT ANALYSIS

1. Identify costs and benefits
2. Evaluate costs and benefits
3. Calculate present values
4. Sensitivity analysis
5. Recommendation for policy selection
6. Reporting cost-benefit analysis

III. THEORETICAL BASIS FOR COST BENEFIT ANALYSIS

1. Allocative effficiency
2. Opportunity cost
3. Willingness to pay
4. Cost benefit principle
5. Other situations/cases of efficiency

IV. ANALYSIS OF FINANCIAL AND ECONOMIC ANALYSIS
Chapter 2:

VALUATION COSTS AND BENEFITS
I. THE COST AND BENEFITS THE ECONOMY CLOSE
1. Identify and categorize costs and benefits
2. Valuing input costs in autarky without market distortions
3. Valuing output benefits in autarky without market distortions
3.1. Valuing output economic benefits of projects with new demands

3.2. Valuing output economic benefits of project with alternative supply sources

3.3. Valuing economic benefits in case project outputs meeting new demands and partially alternating current supply sources

3.4. Harberger equation of valuing economic benefits

4. Valuing input economic costs in distortive markets
4.1. Government imposes tax on project inputs

4.2. Government subsidizes project inputs

4.3. Government controls price of project inputs

5. Valuing output economic benefits in distortive markets
5.1. Tax and subsidy imposed on project outputs

5.2. Price control of project outputs

II. VALUATION COSTS AND BENEFITS OF OPEN ECONOMY
1. The international exchange of goods and non-international exchange
1.1. Definition of internationally traded goods and internationally non-traded goods

1.2. Valuing economic values of internationally traded goods by marginal price

2. Valuation of international trade of goods in case the project does not change the price
2.1. Exportable outputs

2.2. Importable inputs

2.3. Imported inputs

2.4. Exported outputs

3. Valuation of international commodity exchange in case of project changes prices

3.1. Exported output decreases world price

3.2. Imported input increases world price

4. Valuation international trade of goods in the market are distorted

4.1. Exported output depends on tax and export subsidy

4.2. Imported input is tarriffed

5. Valuation of Potential international trade of goods

5.1. Potential internationally traded input

5.2. Potential internationally traded output

6. Currency Valuation

6.1. Currency exchange fee

6.2. Shadow exchange rate

6.2.1. Definition of shadow exchange rate

6.2.2. Estimation of shadow exchange rate

6.2.3. Formula of shadow exchange rate

6.3. Incorporating currency exchange fee in valuing internationally traded goods

6.3.1. Domestic price method

6.3.2. Marginal price method

6.3.3. Pros and cons of the two methods

7. Ability to compare data of internationally traded goods

7.1. Equivalent position

7.2. Equivalent quality

7.3. Data source of internationally traded goods

Chapter 3:
PRICING SPECIAL FACTORS

I. VALUATION OF LAND, LABOR AND RESOURCES

1. Valuing land

1.1. Valuing economic costs of land using marginal price method

1.2. Valuing economic costs of land using domestic price method

2. Valuing labor

2.1. Ignored outputs

2.2. Distortions in labor market and other markets, and market wage

2.3. Unprotected labor market

2.4. Impacts on emigration

2.5. Rural labor market and family farm labors

2.6. Direct valuation of ignored output of labor by economic price

2.7. Marginal labor productivity by 0

2.8. The impact of changes in income on consumption and saving

2.9. Distributed income from additional

2.10. Non-full-employment and additional costs

2.11. Formula of shadow wage SVT

2.12. Simplifying hypothesis

3. Valuing natural resources

II. VALUATION OF PUBLIC GOODS AND GOODS INTERMEDIATE AND SOCIAL SERVICES

1. Valuing pure public goods

2. Valuing intermediate goods

3. Valuing social services

4. Valuing benefits from cost saving

III. VALUING EXTERNALITIES AND ENVIRONMENTAL IMPACTS

1. Definition and categories of externalities

1.1. Definition of externalities

1.2. Categories of externalities

2. Handling externalities in economic analysis

2.1. Integrating externalities in money flows

2.2. Direct valuation of impacts of externalities on welfare using market price

2.3. Indirect measure of value of externalities using alternatives

2.4. Random price valuation method

Chapter 4:

DISCOUNT, HANDLING AND CRITERIA RISK POLICY OPTIONS
I. DISCOUNT TO PRESENT VALUE

1. Formula of present value

2. Selecting discount rate

3. Selecting discount term

4. Discounting in 1 year

5. Calculating equivalent yearly costs

II. RISK AND UNCERTAINTY

1. Definition of risk and uncertainty

2. Ignorant of risk and hate risk

3. Decisive factors in attitude toward risks

4. Handling risk in public projects

III. RISK HANDLING TECHNIQUE

1. Sensitivity analysis

2. Full risk assessment

3. Increasing discount rate

4. Sensitivity analysis and discount rate, optimistic trend

IV. SELECTION CRITERIA POLICY

1. Net present value criteria

2. Supplementary criteria

6. Materials
6.1. Required materials

- National Academy of Public Administration, *Cost benefit analysis*.

- National Academy of Public Administration, *Economics and Public Policy*.

- National Academy of Public Administration, *Statistics in Policy Analysis.*

6.2. Reference

- Anthony E. Boardman, David H. Greenberg, Aidan R. Vining, David L. Weimer (2011), *Cost-Benefit Analysis: Concepts and Practice,* Fourth Edition, Prentice Hall.

- Boardman, Vining and Weimer (2006), *Cost-Benefit Analysis: Concepts and Practice,* 3rd Edition, Prentice Hall.

- E.J. Mishan and Euston Quah (2007), *Cost-Benefit Analysis*, 5th Edition, Routledge.

- Frances Perkins (1994), *Practical Cost Benefit Analysis: Basic concepts and applications*, Macmillan Education Australia PTY LTD.

- William K. Bellinger (2007), *The Economic Analysis of Public Policy*, Routledge.

- Other materials

7. Teaching and learning method

- Lecture-demonstration;
- Q&A;
- Group discussion;
- Group work;
- Situational exercies;
- Students' presentations of exercises and situational exercises

8. Evaluation and grading methods

Final grade is the integration of the following components:
- Attendance: 10%
- In-class participation: 10%
- Exercise: 30%
- Final exam: 50%
- Grading system: 10 point grading scale

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom – Happiness

COURSE OUTLINE
SCENARIO PLANNING FOR THE PUBLIC POLICY

1. Information on the faculties:

Instructors:

Associate Professor, PhD DANG KHAC ANH

Titles, academic titles, degree:	Deputy Dean of Administrative Science Faculty,
	Associate Professor, PhD.
Contact address:	Administrative Science Faculty - The National Academy of Public Administration
	77 Nguyen Chi Thanh - Dong Da – Hanoi.
Phone:	E-mail:

Associate Professor PhD LUU KIEM THANH

Titles, academic titles, degree:	Deputy Director of the National Academy of Public Administration,
	Associate Professor, PhD.
Contact address:	77 Nguyen Chi Thanh - Dong Da – Hanoi.
Phone:	E-mail:

2. Course overview:

- Course name in Vietnamese: Xây dựng kịch bản chính sách

- Course name in English: Scenario planning for public policy.

- Course code:　　　　　　No. of Credits (class participation/ practice/ self-study): 03.

- Apply for training program: Public Policy

Training degree: Master　　　　　　Training form: Full time

- The unit requirement: (*Core or Optional*) Mandatory

- Prerequisite:
+ Common issues in public policy
+ Policy Analysis
+ Statistics and Econometrics

- Units in advance:

- Units simultaneously:

- Other requirements to the course (if any):

- Allocation of credit hours for the following activities:

        + Lecture: 20

        + In-class case study: 25

   - Faculty/Department in charge of the unit: Administrative Science Faculty.

3. Objectives:

After finishing this course, students can:

- *Knowledge*:

+ Understand the role and significance of the scenario planning in public policy.

+ Recognize opportunities and challenges of Vietnam in the future that impact on public policy planning.

+ Understand ways to plan and evaluate scenarios of public policy.

- *Skills:*

+ Apply knowledge and technique to assess the policy scenario in work.

- *Attitude:*

+ Raise awareness of the objectivity of public policy.

+ Raise awareness of applying the scientific knowledge in planning the public policy, limiting subjectivity and voluntarism.

4. Summary of the course:

Policy scenarios help to assess the environment in which the government shall operate in the future in order to propose possible policies in the future. Along with awareness of policy scenarios, policy makers will be more active, limiting subjectivity in the process of policy formulation.

This course provides students basic knowledge and skills to scientifically predict the impacts on public policy and influences of public policy in the future. These predictions contribute to decide the policy objectively and accurately, which matches specific conditions and circumstances and thereby improving quality of public policy planning in Vietnam today.

5. Course details:

1. General theory of scenario planning for public policy

1.1. Concept of scenarios and policy scenarios

- Scenarios

- Policy Scenarios

1.2. Contents of policy scenarios

1.3. Benefits of using scenarios in public policy planning

1.4. The requirements set for the policy scenarios

2. Factors affecting to the development of public policy scenarios

2.1. The probable risks (predictable and unpredictable)

2.2. Political Orientation

2.3. The level of socio-economic development of the nation

2.4. The capacity of policy-makers

2.5. The technical tools used in the process of policy planning

3. The process of policy scenarios planning

3.1. Identify the factors affecting the development of Vietnam in the future

3.2. Identify scenarios frame

3.3. Plan probable scenarios

3.4. Assess the scenarios

3.5. Select the most appropriate scenario

4. Case Study

6. Learning resources (*textbooks, lecture notes, references***)**

1. Kees van der Heiden (1996): Scenarios: the art of strategic conversation, John Wilen& Sons, 1996

2. Gill Ringland, Scenario Planing (2014): Managing for the Future (2nd ed.), John Wilen& Sons, 2014

3. Garry D. Peterson/Graeme S. Cumming/Stephen R. Carpenter: Scenario planning: a tool for conservation in an uncertain world, in: Conservation Biology, Vol.17 (No2) April 2003, p.358-366.

4. Oregon Department of Transportation (2013): Oregon scenario planning guidelines- Resources for Developing and Evaluating Alternative Land Use and Transportation Scenarios.

5. Schoemaker, Paul J.H.: Scenario planning: a tool for strategic thinking, in Sloan Management Review 36, p.25-40.

6. Shell (2013): New Lens Scenarios- A shift in perspective for a world in transition.

7. Forms of training - learning

(This is a very important content for faculties, students and managers. Every content is taught in main forms such as theory, exercises, discussion, practice, group activities and self-learning, self-study ... Lecturers should update this content each year. The **credit hours** performed at each above form must be defined in each content in the training - learning schedule).

- Content theory: teaching in the form of presentations and question-answer

- Assignments: class divided into groups and each group will practise scenarios planning for a specific policy areas (transport, education, culture, tourism, ...).

The techniques and tools used: + Self-reflection

+ Group discussion

8. The method and forms of evaluation

Apply scale of 10, split the goal for each form of examination - evaluation, including the following components (the weight of each part is recommended by faculty):

Examination – evaluation activities	Execution time	Weighting points

NAPA-JICA PROJECT

MASTER TRAINING PROGRAMME OF PUBLIC POLICY

MODULE

PUBLIC POLICY FORMULATION

Hanoi, 2015

Specialty Consultant

Prof. Kiyotaka YOKOMICHI – National Graduate Institute for Policy Studies (GRIPS), Japan

Lead Editor:

Assoc.Prof.Dr. Le Chi Mai

Members:

Assoc.Prof.Dr. Dang Khac Anh

Dr. Do Kim Tien

Dr. Nguyen Thi Huong

Master Pham Thi Quynh Hoa

Master Nguyen Tien Hiep

TABLE OF CONTENT

Page

5.4. Criteria for policy option selection

5.5. Consultation with related parties and policy draft revision

5.6. Policy decision making

6. QUALIFICATIONS OF PUBLIC SERVANTS IN PUBLIC POLICY FORMULATION

6.1. Required qualifications in policy formulation process

6.2. Development of qualifications of public servants involved in policy formulation

1. Lecturer's information

Full name of the module lecturer: Le Chi Mai

Title, rank, degree: Assoc.Prof.Dr.

Time and venue:

Contact address: National Academy of Public Administration

Telephone:　　　　　　　email:

Participating lecturer's information (full name, contact address, telephone, email):

- Prof.Dr. Nguyen Dang Thanh, National Academy of Public Administration

- Ass. Prof. Dr. Nguyen Huu Hai, National Academy of Public Administration -

Research student: Le Van Hoa, National Academy of Public Administration -

Ass. Prof. Dr. Dang Khac Anh, National Academy of Public Administration -

Dr. Nguyen Thi Huong, National Academy of Public Administration

- Dr. Do Kim Tien, National Academy of Public Administration

2. General information on the module

- Name of the module: Hoạch định chính sách công

- English name: Public Policy Formulation

- Module code:　　　　　　Number of credits (class/practice/self-research): 3 credits

- Training major/field of application: Public Policy

　　　Training level:　　master level

　　　Training form: full-time, regular

- Module requirements: (*Mandatory or optional)* Mandatory

- Pre-requisite module(s): Overview of Public Policy

- Previous module(s):

- Parallel module(s):

- Other requirements for the module *(if any)*:

4

- Allocation of credits for activities:

+ Theoretical lecture: 20 lessons

+ Class exercise: 4 lessons

+ Discussion: 15 lessons

+ Practice: 5 lessons

+ Group assignment: 6 lessons

+ Self-research: 15 lessons

- Responsible Faculty/Division: Faculty of Administrative Science

3. Objectives of the module

3.1. General training objectives of the module

After finishing the special subject, a student will be able to:

Knowledge:

+ Introduce general theoretical problems on public policy formulation, and the process and models of policy formulation.

+ Identify policy problems as well as the demand for policy formulation.

+ Analyze causes of policy problems

+ Understand fundamental contents in the development of policy drafts.

Skills:

- Identify socio-economic problems that should be resolved by policies of the Government

- Analyze policy problems and causes of such problems.

- Prepare a preliminary draft of a policy proposal

- Understand how to select policy options based on scientific criteria.

Attitude:

- Pay attention to policy problems in the socio-economic life.

- Be aware of applying a reasonable process and scientific methods to policy formulation.

- Pay attention to arguing with and persuading policy making authorities to make sure the enactment of policies.

3.2. Specific training objectives of the module (state important points for each chapter, problem).

- - Describe the steps of formulating a policy and models of policy formulation.

- Explain the nature of policy problems and means of determining policy problems.

- Clarify the requirements to make policy problems known to the government for development of policies.

- Present fundamental contents and methods of application in the development of policy drafts.

- Explain criteria for selection of policy options

- Determine the process and conditions for policy decision.

- Determine the powers and responsibilities of entities involved in policy formulation process.

4. Abstract

"Public Policy Formulation" module has an important role in the whole course as it addresses the initial phase of policy process and has a significant influence on following modules of the Programme.

This module presents advanced theories on public policy formulation, clarifies the principles and models of policy formulation, and determines the context impacting on policy formulation. It provides students with knowledge and skills in policy formulation, from identifying policy problems and the demand for policy development, persuading competent authorities on policy enactment to developing policy drafts based on analyzing root causes of policy problems to formulating policy options, assessing these options based on established criteria by appropriate methods, and finally to selecting the optimal option. The module also mentions decision making process of competent authorities. Qualification of public servants involved in policy formulation process is an indispensable section in this module to help students recognize the role and responsibilities of individuals in participating in public policy formulation process.

Contents of the module on public policy formulation are presented on the basis of theoretical works by many authors in the world on this topic while linking and adapting to current context in Vietnam. The development of theories and practices of public policy formulation, especially unique factors in Vietnam that have an impact on public policy formulation process, must be frequently updated to ensure the dynamic of this module in the ever-changing context of public administration.

5. Organizational form of teaching and studying

Following teaching-studying organizational forms will be applied to the delivery of this module:

	Contents	Theory	Exercise	Discussion	Practice	Group assignment	Self-research
1	Overview of public policy formulation	4		2		1	2
2	Determination of policy problems	3	1	2	1	1	2
3	Policy preparation	5	1	4	2	1	4
4	Policy option assessment	3	1	3	1	1	3
5	Option selection and policy enactment decision	3	1	3	1	1	2
6	Qualifications of public servants in public policy formulation	2		2		1	2
		20	4	15	5	6	15

6. Methods and forms of testing and assessment of study outcomes after the module

Apply a 10-point scale with separate objectives for each form of testing and assessment, comprising of following sections *(the weight of which is proposed by the lecturer)*:

	Assessment form	Weight %
1	Exercise point	10
2	Group discussion	10
3	Attendance	10
4	Mid-Module Assessment	30
5	Final exam	40
		100

7. Detailed contents of the module

Chapter 1
GENERAL CONCEPT OF PUBLIC POLICY FORMULATION

1.1. Definition and importance of public policy formulation

Public policy formulation is the initial phase of a policy process. The nature of this phase is that a public policy is researched and proposed, and then enacted by state entities. This phase will determine the birth of a policy.

Public policy formulation is considered as the founding stone for the whole policy process that is associated with determining policy problems and developing solutions to resolve selected problems. Public policy formulation is the use of necessary means in a selected process to design a policy and formulate contents of a policy. The product of public policy formulation phase is manifested in form of decisions issued by competent authorities to be applied in practice.

This phase plays a very important role in the policy process. If a policy formulation process is standardized, it is possible to adjust problems that are selected to be resolved. If the selection is correct but policy development fails to meet quality assurance, policy process will be just formalistic. Correct and scientific policy formulation will help develop a good policy, which is the pre-condition for that policy to be effectively applied in practice. On the contrary, poor formulation will result in an inappropriate, impractical, and infeasible policy that will bring about undesirable results in the administration process. These results are not only temporary and local, but may also last in a long-term and relate to different fields, industries, and entities.

Specific roles in public policy formulation are:

- Public policy formulation is the concretization of concepts and means of resolving an urgent problem in the social life in order to reach desirable objectives. The nature of policy development is guaranteeing a positive impact that changes the reality in a positive way, increasing values to satisfy

community needs, and ensuring the harmony in the allocation of benefits among social groups, fields, and administrative territories.

- Policy development process will help the state affirm its powers and demonstrate its administration role in socio-economic sectors from time to time. For effective administration, the state must be active in establishing its administration mechanism by means of policies and adapting to socio-economic movements under objective rules. If such a mechanism functions compatibly with operation mechanism of the economy and development level of the society, it will promote the development of socio-economic processes. On the contrary, it will hold back such movements. Therefore, the effectiveness of enacted policies is a measure of management and administration qualifications of the state in various fields.

- Proposing an appropriate policy that responds to actual demands will largely determine positive results in practice. On the contrary, proposing a wrong policy will result in unpredictable severe consequences in social life.

- Policy formulation is the pre-condition and is closely related to other phases of the policy process. Policy formulation creates legal bases that require to be implemented in practice. In the meanwhile, contents of a formulated and enacted policy are also bases to assess the whole policy process. Typically, implementation process as well as achieved results of a policy in practice are compared against the objectives, requirements, solutions, resources, and time established in such policy. Implementing and assessing a policy also result in requirements and practical bases to continue revising the enacted policy.

1.2. Principles of public policy formulation

Principles are understood as fundamentals as the basis for public policy formulation process that require to be complied with. Subject to political notion and orientation as well as socio-economic context, each state will select an appropriate system of principles in its policy formulation process. However, there are fundamental principles adopted by most countries. These principles are as follows:

1.2.1. Principle of serving majority interests

A state is elected by its people and, in principle, it represents common interests of majority of the people; therefore, public policies enacted by the state must serve majority interests. Public policies reflect the government's will and tools to manage the society in accordance with its pre-defined objectives. These objectives must reflect the will of majority of the people, which is the reason why they vote to elect that government and pay taxes to maintain it.

As a matter of course, there will be a minority group that fails to obtain any interests from the state policies, or is even derived of their interests (e.g. those committing crimes and conducting acts against national interests, etc.). But the fact that the state policies are against these people is for protecting legitimate common interests of the majority.

The policy formulators and policy decision makers themselves – public servants in the state system – are those that voluntarily commit to serve the majority interests. Service ethics govern and lead them to formulate policies that advance the interests of majority of people.

1.2.2. Principle of democratic centralism

The principle of democratic centralism in public policy formulation is shown in the occurrence of problems and development of policies that require the participation of many individuals, social groups, and community, etc. Also, considering and selecting the optimal policy option to serve the majority interests in compliance with politic objectives and orientation of the State is a centralized process.

Determining the problems and preparing policies is a democratic process as it engages the participation of many people. Such participation provides a variety of information and feedbacks so that the policy makers are informed to make a sound decision. Involving the participation of many people in policy formulation process is also helpful to mobilize collective knowledge and experience to formulate a good policy. In the phase of assessing policy options, it is very important to involve the participation of

professional experts and community opinions on policy options in the process to provide important arguments on policy quality. The participation of policy entities will be helpful to create policy products with the consent of most of social classes, which will result in effective performance in implementing the policy.

Besides, decision making is a centralized process as reflected by the fact that a group representing the government or a single authorized person shall make a decision on that policy. Certainly, this centralization is based on the contribution of everyone in developing and assessing policies, which is a reliable basis for decision making. It can be said that democratic centralization is a principle that dominates policy formulation process.

1.2.3. Principle of inheritance

In formulating a public policy, it is necessary to inherit the insights from the formulation of other public policies. Usually, a new policy does not appear out of the ether, but it is, to a certain extent, the succession of a pre-existing policy. It is possible that in other countries in the world, a policy is enacted to resolve a similar problem. Or, an interested policy problem has been mentioned and addressed in some research or report. Whichever the case it is, policy formulation may inherit a part of something that has already existed. Inheriting provides the policy maker with a proven basis to deploy the formulation of a new policy. Inheriting also helps with saving time and providing an already available formula in formulating a new policy. It should be noted, however, that inheriting must be selective, i.e. never applying the original insights but selecting appropriate ones that are suitable to the new context, and combining inheritance with innovation to adapt to changing circumstances.

1.2.4. Principle of systematization

An enacted policy is an organic part of a functioning policy system at any time. So, formulating a policy must take into account the consistency of and conformity with existing policy system. This means that contents of a newly enacted policy must not go against existing policies, but ensure the

consistency of the State regulations as a whole on managing the fields related to the existing problem. As such, the systematization of policy formulation is reflected by the compatibility with other policies to create a united system of mutual interaction and supplementation.

However, it is likely that a new policy may be inconsistent with pre-existing ones because of changing contexts and new requirements, and then it is necessary to revise former policies that are no longer appropriate to ensure the consistency of policy system and compliance with requirements in life.

Besides, policy formulation process results in conflicting priorities. Then it requires such a preferred option that does not interrupt system development.

The principle of systematization is also reflected in each formulated policy itself, i.e. all of its contents must be considered and developed as a united system with established goals to ensure the consistency between objectives and solutions, and consistently comply with actual conditions as well as methods and tools for such a policy.

1.3. Policy formulation models

A policy formulation model can be understood as a method of preparing and making a decision on a policy. A number of policy formulation models are presented in research literature on public policy as follows: Incremental Model, Rational Model, and Mixed Model.

1.3.1. Rational Model

This is an ideological model of policy formulation. This model is 'rational', i.e. it describes procedures to make a decision and select the most effective means to achieve policy objectives. Rational theories originate from the enlightenment of rationalism and positivism, an ideology that seeks to develop scientific knowledge to advance conditions for human based on the belief that social problems must be resolved in a scientific and rational manner by collecting all of information on the problems and alternative

solutions, and then selecting the best alternative. The task of policy analysts is regarded as developing relevant knowledge and then providing it to the government for application.

Usually, this model is associated with the objective of developing a totally new policy as a result of actual problems in the socio-economic life. Problem solving method under this model normally makes sure to develop a stricter and more persuasive and sensitive policy than existing one(s). This is because policy formulators are not considerably relying on or being dominated by existing policies. Policy analyses will be based on fundamental principles and standards to ensure the science, practicability, and innovation of policy formulation process.

Rational model says that policy formulation consists of activities to be carried out in the following scientific and rational order[1]:

- Determine policy problems.

- Establish problem-solving objectives.

- Identify and list alternative options to achieve the objectives.

- Forecast all of significant consequences of each alternative option and estimate corresponding probability.

- Finally, select the option that is able to resolve the problem at the least expenses.

A rational model has following advantages:

- Generate potentially new, innovative ideas as the incentives for promoting the development.

- Ensure process coherence, which likely identifies defects in the policy, and analyzes and clarifies causes of the impacts.

- Stimulate creativity and suggest many alternative options to resolve a problem. Ensure the independence of research outcome without being reliant on or dominated by traditional results.

---

[1]Adapted from Michael Carley, Rational Techniques in Policy Analysis (London: Heinemann, 1980):11

However, many analysts have pointed out certain disadvantages of this model, including:

Firstly, it only leads to maximum results when all of possible alternative options and their costs are assessed before making a decision – 'comprehensive-rational' model of decision making. In fact, there are limitations on the decision maker's abilities to consider all of alternative options and calculate costs and benefits of each one. Besides, there are political and institutional difficulties that have impacts on option selection and decision making.

Secondly, this model assumes that the decision maker knows the consequences of each option beforehand, which is rarely the case in practice.

Thirdly, each policy option results in a number of positive and negative outcomes that makes the comparison between them become a real challenge. Whether an option is effective or ineffective is totally dependent on the context; therefore, the decision maker cannot give clear conclusions on better alternative options.

Rational model critics hold that public policy decisions in fact do not maximize benefits against costs but, instead, target to satisfy a certain standard pre-defined by the decision maker in considering and resolving a problem.

1.3.2. Incremental Model

Suspicion on the practicability or even usefulness of rational model leads to efforts in order to develop a theory on policy decision making that is closer to the decision maker's actual behaviors in practice. As a result, incremental model is presented that describes making a public policy decision as a process characterized by the negotiation and compromise among decision makers. Final decisions are given as a reflection of political feasibility rather than rational desire.

According to Charles Lindblom, decision makers develop policies through a process so-called "successive limited comparison" with previous or similar decisions. Making a policy decision will undergo a process advanced from existing decisions, step by step and level by level. Therefore, a new decision will just be a little different from existing ones; in other words, changes are incremental or successive[2].

There are two reasons to which a decision is normally not materially different from current situation. Firstly, policy makers can forecast costs and benefits of a step-by-step progression more easily than determining values and consequences of a totally new proposal. As a result, the new policy is both the progression and a step-by-step change of current situation. Secondly, existing regulations and procedures are often slow-changing; therefore, a totally new policy proposal will be restricted by these regulations and difficult to be successfully implemented.

In this model, problem-solving options are identified by trial and elimination method. The decision maker considers a number of similar options and selects the most incremental one.

This model is advantageous as it is easy for both the formulator and implementing organization, results in less major fluctuations, and, therefore, mostly causes no interruption on policy stakeholders and others. This model also ensures the stability with significantly reduced costs because it is considered as a safe one.

Incremental model is a model that reflects current practices of policy making in many regions. However, incremental model of policy formulation has certain limitations, including: it is only effective when the relevant problem to be addressed by the policy and means of policy implementation change little. Incremental model is characteristic for policy formulation process in a more stable environment than extraordinary circumstances.

Since it mostly inherits on the basis of existing policies, a new policy is rarely a breakthrough or generating any major turning point that materially

---

[2]Charles E. Lindblom, 'Still muddling, not yet through', Public Administration Review 39,6(1979):517

changes the social problems to be resolved. This model limits the dynamism and creativity in policy process, resulting in a staff of inactive, conservative participants in that process. Since changes of a newly formulated policy in this model are mostly insignificant, its adaptability to rapid-changing socio-economic conditions is usually passive. In some cases, the policy fails to catch up with sudden changes, especially in the current context of international integration.

1.3.3. Mixed Model

Due to the limitations of rational and incremental models, policy researchers introduce a mixed model to correct their weaknesses by combining factors of both models. According to Amitai Etzioni, making an optimal decision will involve a brief study of alternative options and a detailed investigation of the most promising options[3]. This model is more innovative than incremental model, but does not impose irrational requirements of rational model.

This model ensures the fundamental principles of public policy formulation, especially the principle of inheritance. It also creates breakthroughs because solutions are developed on the basis of carefully analyzing new proposals. Thus, it will be able to balance costs, ensure the effectiveness in managing, as well as create new values for the developed policy.

1.3.4. "Garbage Can" Model

In the 1970s, March and Olsen proposed a so-called "garbage can"[4] model that even repudiates the rationality and limitation of incremental model. According to March and Olsen, decision making is an ambiguous and unpredictable process that has a loose connection with seeking means to achieve the objectives. They employ a metaphor, "garbage can", to separate the halo of science and rationality associated with decision making

---

[3]Amitai Etzioni, 'mixed-Scanning: A "Third" Approach to Decision-making', Public Administration Review 27,5 (1967): 385-92
[4]James March and Johna Olsen, 'Organization Choice under ambiguity' in James March and Jodan Olsen (eds), Ambiguity and Choice in Organization'

process by former theorists. They try to emphasize that policy formulators are usually not clearly aware of the objectives and cause-effect relationship in making a decision. Some case studies proved that public decisions are often made suddenly and disorderly. In fact, however, garbage can model perhaps is an overstatement of what it really is. Its significance is that it breaks the bottlenecks surrounding the never-ending dispute between rational model and incremental model, enabling the research on aspects of decision making in a certain institutional context.

1.3.5. Subsystem Model

Subsystem model is based on John Forester's theory on decision making styles. He holds that there are at least five different decision making styles associated with six sets of conditions[5]. According to him, decision making styles and types of enacted decisions change over the course of matter and institutional context.

Forester holds that to make a decision under a rational model, it is necessary to satisfy following conditions. Firstly, the number of decision makers must be limited, just a few or a single. Secondly, organizational context for making a decision must be simple without any influence from other policy entities. Thirdly, the problem must be duly identified; in other words, its scope, duration, value, and consequences must be clearly understood. Fourthly, information must be as perfect as possible; in other words, it must be sufficient, accessible, and comprehensive. Finally, decision making must not be hurried, i.e. there is enough time for the decision maker to consider every possible scenario and identify existing and predicted consequences.

---

[5]John Forester, 'Bounded Rationality and the Politics of muddling through' Public Administration Review 44, 1 (1984): 23-31; john Forester, Planning in the Face of Power (Berkeley: university of California Press, 1989)

Figure 1. Decision making parameters

Parameter	Dimension
1. Factor (decision maker)	Single – Multiple
2. Institutional environment	Single, Multiple; Closed, Open
3. Problem	Clearly defined – Complex, ambiguous
4. Information	Perfect – Conflict
5. Time	Unlimited – Limited

If these five conditions are not satisfied, people will seek other decision making styles. Number of decision makers can be extended to unlimited; institutional environment may involve many different organizations and even expand to external influence to some extent; problem may be unclear or sensitive to different explanations; information may be insufficient or distorted; and time may be limited, restricted, or manipulated. These parameters are set out in Figure 1.

From this viewpoint, Forester says that there are five possible decision making styles: Optimal, Satisfactory, Exploratory, Negotiating, and Organizational. Optimal style means making a decision on basis of rational model with aforementioned conditions. Other styles are dependent on the level of meeting the conditions. Knowledge constraints lead to Satisfactory decision-making style. Other styles are mentioned inter-connectedly by Foresters, so it is difficult to differentiate them clearly. Exploratory decision-making style is likely to occur when a problem is vague. Negotiating style is likely when many agents participate in resolving a problem without information and time. Organizing style is related to many institutions and agents with sufficient time and information resources but also many problems. These styles are related to a large number of more complicated agents and institutions, challenging problems, insufficient or distorted information, and limited time available to make a decision.

Figure 2. Basic decision making styles

		Complexity of the policy subsystem	
		High	Low
Severity of constraints	High	Incremental Adjustment	Satisfactory Exploration
	Low	Optimal Adjustment	Rational Exploration

Forester's model may be further improved by representing his variables[6]. Two major parameters are (1) complexity of the policy subsystem to resolve a problem, and (2) severity of difficulties to be faced with. Figure 12 indicates four fundamental decision making styles based on the two dimensions as a result of this analysis: complexity of the policy subsystem and severity of constraints.

So, making a policy decision is varied subject to the complexity of the policy subsystem and constraints on the decision maker. In this model, a complex policy subsystem is more likely related to adjustment strategies than exploration ones. A high level of obstacles may lead to negotiating approach in making a decision while a low level of obstacles is very likely the condition for rational or optimal approaches.

1.4. Policy formulation process
1.4.1. Notions on policy formulation process

Public policy formulation is a frequent activity of the State that is conducted in a certain process. Public policy formulation process comprises of different procedures and steps to formulate a public policy. However, public policy formulation is just a phase in the overall policy process. As a

---

[6]Modelling from Martin J. Smith, 'Policy Networks and State Autonomy' in The Political Influence of Ideas: - Policy Communities and the Social Sciences, eds S.Brooks and A.-G Gagnon. New York: Praeger, 1994

result, the steps of formulating a public policy are also a part of an early phase of the policy process.

There is currently a common notion in Vietnam that the policy process comprises of 3 main phases: (i) policy formulation; (ii) policy implementation; and (iii) policy assessment. Accordingly, public policy formulation is the early phase of the policy process, from the occurrence of a problem that is then considered by social groups and included in the policy agenda by competent individuals or organizations, to the official preparation, review, selection and adoption, and enactment of a policy by competent authorities.

In the world, there are different notions on the policy process. Policy formulation in the notion of Vietnam will correspond to a single or several phases in the policy process as in the notions of international authors.

Harold D. Laswell – the pioneer in the field of policy science - depicted the policy process as comprising of 7 steps: information collection; proposal; decision; guidance; application; finish; assessment. Accordingly, policy formulation phase comprises of following three steps: (i) information collection: collect, process, and communicate information to participants in decision-making process; (ii) proposal: participants in decision-making process will research to propose specific policy options; (iii) decision making: decision makers will provide a course of action[7].

In the early of 1970s, Gary D. Brewer introduced 6 steps of the policy process, including: initiative/initiation; estimation; selection; implementation; assessment; and finish. Public policy formulation will accordingly comprise of three steps: (i) Initiative/initiation: perceive the policy problems, define the problems and propose solutions to resolve the problems. (ii) Estimation: calculate risks, costs and benefits for each of proposed solutions, including technical assessment and norm selection. This step will eliminate infeasible options and rank the others in a desirable manner. (iii) Selection: accept or do not accept an option[8].

---

[7] Harold D. Lasswell: The Decision Process: Seven Categories of Functional Analysis, College Park: University of Maryland, 1956.
[8] Gary D. Brewer: The policy Science Emerge: to Nurture and Structure a disciplines, Policy Science 5 (1974), 239-244.

In the 1970s and 1980s, Charles O.Jones and James Anderson introduced the famous model of 5 stages: agenda establishment; policy development; policy decision; policy implementation; and policy assessment. Policy formulation will comprise of three stages: (i) Agenda establishment: means the process in which public problems are brought to the attention of the State. (ii) Policy development: means the process of developing different policy options to resolve public problems. (iii) Policy decision: means the process in which competent state authorities adopt a specific course of action or non-action[9].

William N.Dunn expanded and specified the model by Charles O.Jones and James Anderson into a 7-stage model: agenda establishment; public policy development; policy adoption; public policy implementation; policy revision; policy continuance; and public policy termination. Here, public policy formulation also comprises of 3 similar stages like that in the model by Charles O.Jones and James Anderson[10].

So, policy formulation process will comprise of following steps:

- Determination of policy problems: this is the stage of identifying a policy problem existing in the socio-economic life, reviewing current situation of the problem, diagnosing causes of problem, proposing policy problem title, and bringing the policy problem to the attention of the public community and state agencies relating to the field which has problem.

- Inclusion of problems in the agenda: in this stage, a policy problem is submitted to competent authorities by important persons or state agencies to be included in the agenda for public policy development in the upcoming period. This stage also involves the approach to and influence on competent characters so that the problem is accepted in the agenda.

- Policy preparation: When the problem is included in the agenda, competent authorities will officially assign it to a responsible state agency for policy preparation. This agency will collaborate with relevant agencies, even

---

[9] Charles O. Jones: An introduction to the study of public policy, Monterey, CA: Brooks/Cole, 1984.
[10] William N.Dunn: Public policy analysis: An introduction, Fourth Edition, Prentice Hall, 2007, p 46.

including non-state ones, to prepare the policy, and research and develop contents of the policy. Here, a number of policy options are proposed and preliminarily assessed as a policy scenario.

- Policy review, selection and adoption: the competent authorities will review and select the best policy option that satisfies desirable criteria, and then officially enact that policy. After being enacted by the competent authorities, the policy takes legal effect and is implemented in order to resolve the relevant problem.

In fact, because of the differences in policy development, there are likely two forms of a policy formulation process:

Firstly, problem-specific policy formulation process.

Problem-specific policy formulation process is actually a policy formulation process with full steps in the aforementioned order. This process starts with a certain problem occurring in the socio-economic life until being brought to the attention of the society and becoming an urgent problem among public community. And then, the problem is introduced into the agenda and implemented in the following steps until a policy is enacted.

Secondly, objective-specific policy formulation process.

In fact, it is sometimes likely that the policy formulation process starts with policy objectives. This can be the case when a policy problem is not brought into attention by the people, but it is addressed top-down by competent levels in the state system, or even an idea given by a senior government leader.

There is a fact that, in many cases, a policy originates from strategies, action programs, or socio-economic development orientations as set out by state leaders. To implement these strategies, programs, or orientations, higher-level state agencies will give a request for policy development in the agenda. In this case, policy development originates from the pre-defined policy objectives. Competent leaders present their ideas and desirable

objectives on the policy, which are then concretized into a policy title. This kind of policies is accepted in the agenda very easily.

From this, the proposed policy is assigned to a responsible agency in the state system to develop. The next steps will follow the relevant order of the policy formulation process.

In this case, a policy problem isn't the starting point in the policy formulation process. It will even be named based on desirable policy objectives as determined by competent levels. The problem may overlap with social demand, but that demand hasn't been clearly defined previously. In this case, however, the policy problem is usually related to future forecast of socio-economic development closely associated with the demand for socio-economic development that is targeted by leaders of the state system.

1.4.2. Current practice of applying policy formulation process in Vietnam

Public policies may be expressed in different forms, including laws and statutory documents of the State, programs, projects, action plans, etc. For each form of a policy, there is an appropriate policy development and enactment process (see Figure 3).

When a policy is expressed in the highest form of authority such as legal document, ordinance, or overall program of The National Assembly, the policy development and enactment process comprises of following steps:

1) A policy problem is mentioned by the subjects so affected by such a problem. The problem becomes urgent and is brought to the attention of the community, public media, and organizations of political system.

2) State agencies become aware of the policy problem (from social demand, leaders' direction, or guidelines, policies, and notions of the Party).

3) Ministry in charge of relevant field (i.e. relevant functional service) reviews the problem and report to the Minister. Upon the Minister's directions, the functional service conducts a preliminary assessment of the problem, determines policy demand, and proposes to the Minister.

4) Minister reports to the Government on policy demand and preliminary solution(s).

5) The Government reviews and submits a report to the National Assembly/National Assembly's Standing Committee (NASC) on policy demand. NASC reviews to include the problem in the agenda of the National Assembly.
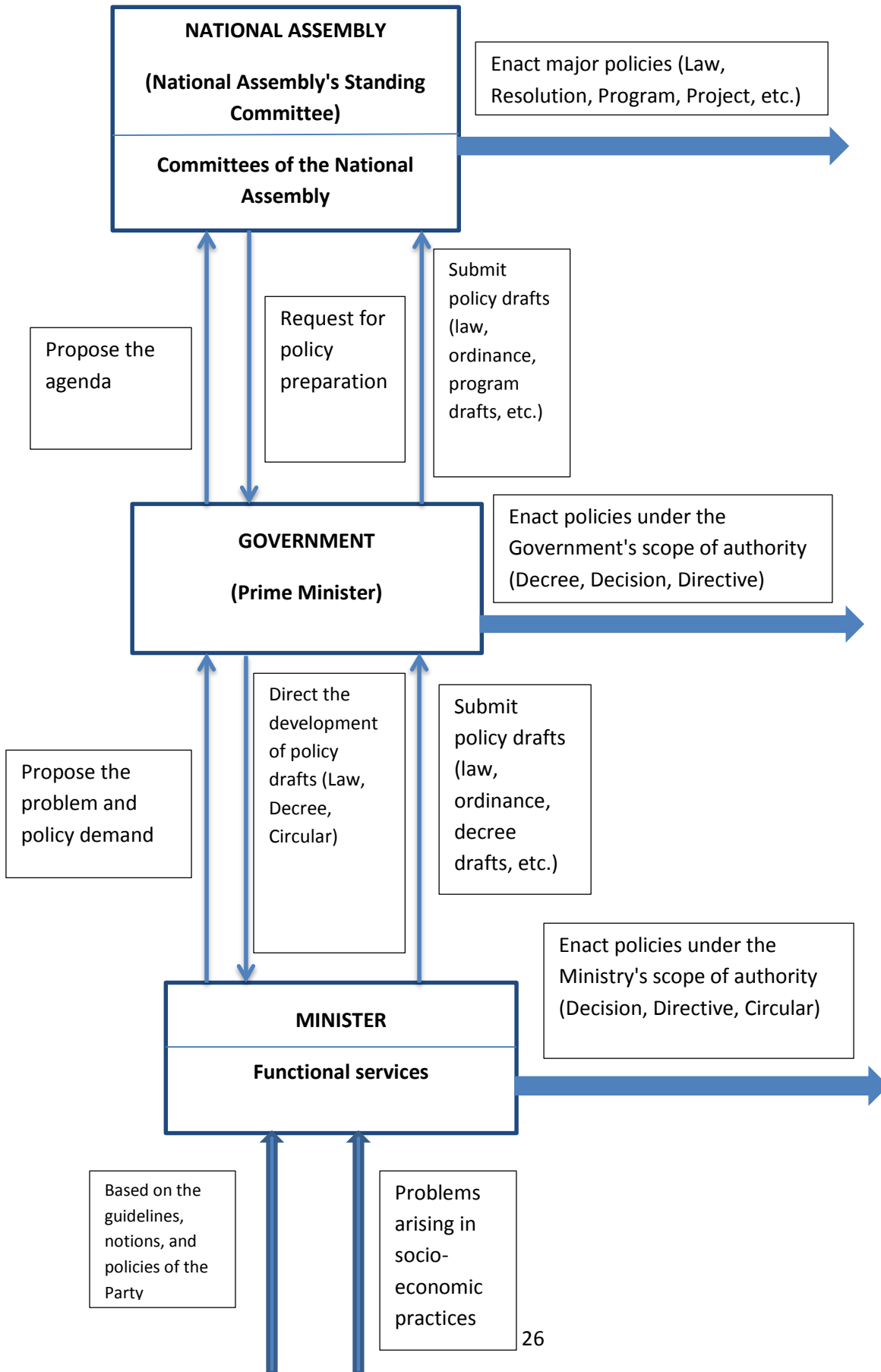
6) The National Assembly/NASC perceives the significance of the problem and assigns the Drafting Committee/functional ministry to prepare the policy.

7) The Drafting Committee (normally chaired by a ministry in collaboration with relevant ministries) or Ministry in charge of relevant field prepares a policy draft.

8) The Functional service leads the preparation and coordinates with other services, ministries, or industries to prepare a draft and submit it to the Minister/Drafting Committee for review.

9) The Drafting Committee/Minister submits the policy draft to the Government.

10) The Government reports to NASC to introduce the policy draft into the agenda of the National Assembly.

NATIONAL ASSEMBLY

(National Assembly's Standing Committee)

Committees of the National Assembly

Enact major policies (Law, Resolution, Program, Project, etc.)

Propose the agenda

Request for policy preparation

Submit policy drafts (law, ordinance, program drafts, etc.)

GOVERNMENT

(Prime Minister)

Enact policies under the Government's scope of authority (Decree, Decision, Directive)

Propose the problem and policy demand

Direct the development of policy drafts (Law, Decree, Circular)

Submit policy drafts (law, ordinance, decree drafts, etc.)

Enact policies under the Ministry's scope of authority (Decision, Directive, Circular)

MINISTER

Functional services

Based on the guidelines, notions, and policies of the Party

Problems arising in socio-economic practices

26

11) The National Assembly reviews and adopts the policy, or requires the Government to further revise before adopting. The National Assembly may refuse to adopt the policy.

In fact, policy formulation process may skip several steps from case to case. For example, if a policy problem is perceived by the National Assembly and preparation is assigned to the Ministry, initial steps can be skipped.

Aforementioned process is carried out through such organizations as Ministries, ministerial services, Government, Prime Minister, National Assembly, NASC, and committees of the National Assembly. Also, this process can engage the participation of social-politic organizations and communities.

In practice, organizational model of policy design in Vietnam is as follows (Figure 4).
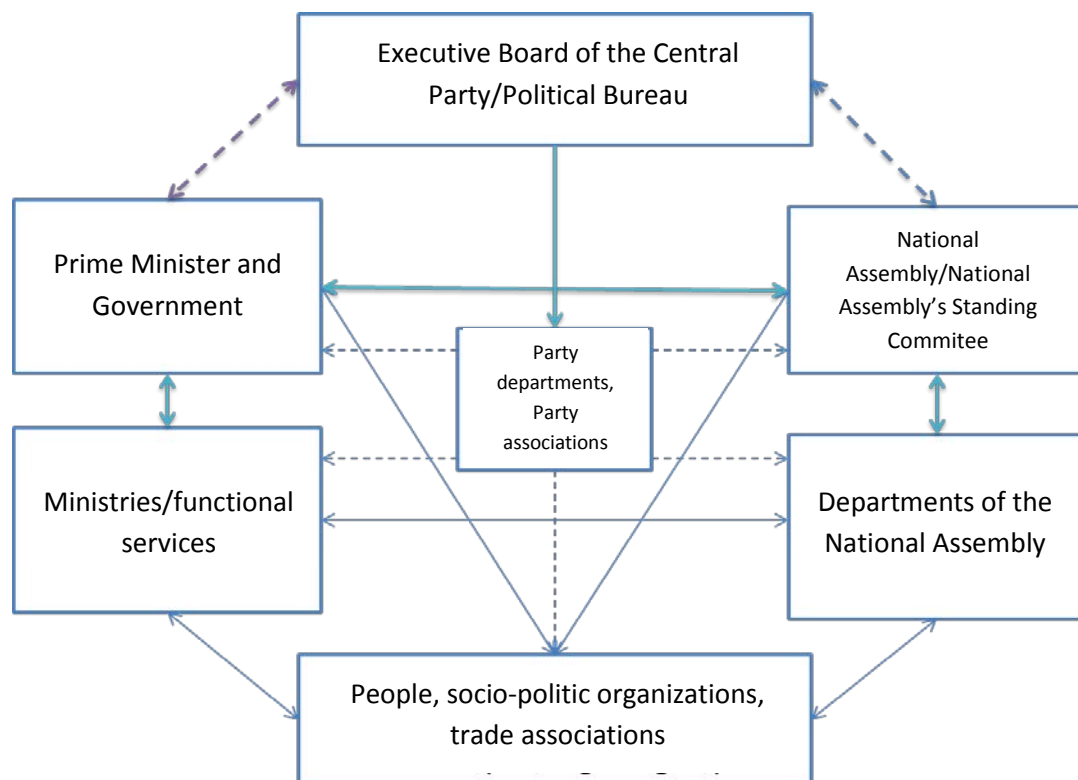
Figure **4. Organizational model of public policy design in Vietnam**

　　In the above model, the relations between the Government and ministries and industries, and between the National Assembly and its committees, are internal relations that are strictly and thoroughly formed and regulated by specific legal regulations. The relation between the Government and National Assembly is that between legislative and executive ones that expresses a relative independence, but it is the key relation for a policy to be reviewed and enacted. There are mutual relations between Ministries and Committees of the National Assembly in which the ministries are responsible for interpreting policy drafts or finalizing the policies as required by such Committees.

　　People and social-politic organizations and professional associations may be the source of bringing policy problems to the attention of ministries, industries, Government, National Assembly or its committees via different channels.

　　Among the Government, National Assembly, and people and social-politic organizations, there may exist ad-hoc relations when people's opinions are consulted for purpose of policy drafts. Committees of the National Assembly as well as Ministries are direct agencies assigned by the National Assembly and Government to review and collect these opinions for purpose of improving the policy drafts.

　　Communist Party of Vietnam doesn't actively participate in designing a policy, but in the context of Vietnam, Party organizations hold the role of directing state agencies that prepare and adopt the policies. This role is reflected as follows: It makes sure that established policies follow the guidelines and policies of the Party and ensures the union between legislative and executive agencies in the policy formulation process. Directions of the Party are carried out with following specific contents:

　　- The Party sets out notions, guidelines, strategies, and resolutions and directs State agencies to institutionalize them into policies and laws of the State.

　　- Through its party members that are serving in the state system, especially those holding leadership roles in the system, as well as party organizations in the agencies, the Party directs operations of state agencies in the policy design process.

- Through specialized agencies of its system, the Party monitors state agencies to organize the design of notions and guidelines of the Party into policies and laws.

- When policies are submitted to the Government and National Assembly, through its party members that hold key positions in the agencies, the Party directs the review, selection, and approval of policies.

- Through its promotion and dissemination, the Party encourages social-politic organizations to participate in contributing their opinions to policy drafts.

- In case of any problem or dispute in the design and approval of policies, state agencies may consult higher-level party organizations for directions to resolve such a problem or dispute.

Basically, the organizational model of public policy design in Vietnam is a reflection of core requirements for public policy formulation:

- The public policy designing and enacting entity is the State.

- Executive agencies are mainly responsible for preparing public policies

- The enactment of major public policies of the nation must be authorized by the National Assembly.

- The design of public policies involves the participation of people and social-politic organizations.

- Public policies are the concretization of the guidelines, strategies, and resolutions of the Communist Party of Vietnam.

1.5. Environments influencing policy formulation

Policy formulation is associated with certain environments that dominate over the birth of each policy. It is impossible to fully understand the policy formulation process if we separate it from the environments in which a policy is formulated. These environments have an influence on the design of policies, selection of policy problems, determination of objectives, as well as policy development means and methods. The below sections will look into environments that have an influence on the policy formulation process.

1.5.1. Political system

Political system of a nation reflects the relations between classes and parties, including political parties and influencing groups. The competition among parties and robust fight for advancements, dominating powers, influencing control, and party positions has created the political environment in such a nation. But, actual political power concentrates in hand of political party (or a party union) that is ruling in the respective period. Therefore, the introduction of a public policy will be greatly influenced and directly dominated by the political system that is holding the leading role in terms of guidelines and decisions on the development of a nation. The political system forms a policy predisposition that is the concretization of notions and directions of the political system. The differences in political systems create the differences in contents and policy making means for the same event. The higher value of a public policy is and the more it is supported, voluntarily followed, and implemented by the community, the stronger and more consolidated its political foundation will become, accordingly.

The political system of a nation can be expressed in following aspects:

(i) Political culture: political perception of policy makers and their public mass has a direct influence on their thought and behaviors on policies. Because the means and development of different nations are different, political notions that dominate such development are different, too. Political culture of each nation creates demand and requirements and dominates the orientations and contents of policies enacted.

(ii) Political institution: organizational form of the political institution has a major influence on the policy formulation process. Party organizations in the society, roles and operational manners of the ruling party, and division of power among parties will dominate policy formulation and decision making processes in each nation.

When it takes over ruling position, a party will develop an ideology foundation with political orientations. That will be the basis for the State to develop its administrative policies. It can be said that political guidelines will decide the contents of policies as well as the selection of policy options.

In Vietnam, the Communist Party of Vietnam is the ruling Party, and by means of legal instruments, the Party sets out guidelines and common objectives for the nation development. The State develops policies to institutionalize such ideology and bring such guidelines and policies of the Party into practice. This is considered as the pre-requisite basis of public policy formulation.

1.5.2. Socio-cultural environment

Social environment is a summary of human relations. They are rules, institutions, commitments, regulations, covenants, etc. at such various levels as: nation, provinces, districts, agencies, villages, communes, families, groups, teams, political organizations, union organizations, etc. Social environment orients human activities toward a certain framework, which creates community power that facilitates the development of each individual and community as a whole. Social environment reflects the diversity and complexity of external social lives that has an influence on and normally regulates and even decides the appearance, nature, personality, and transformation trends of the community and each individual.

Cultural environment with such facets as customs, traditions, lifestyles, ethical trends, awareness of laws, standards of people's knowledge, dynamic or conservative levels of a society, etc. which are the conditions, bases, and contexts for the formation of personality and development of individuals, groups, or community.

Public policy formulation is inseparable from socio-cultural environment that has been forming the characteristics, values, and belief in each community. While a policy is developed in a standard manner, it is not

welcomed or supported if it is not considered from a unique socio-cultural view.

If social environment is at incremental level, it is possible to suggest policy solutions based on self-awareness of the people, which, in turn, are supported by them and avoid from being constrained by negative social factors. Socio-cultural environment is a very important condition that has an influence on the success of a policy. Therefore, in formulating a policy, it is necessary to consider which social factors have an influence on such political areas and which social factors may arise in implementing such a policy.

1.5.3. Economic environment

Economic environment reflects the development of production force and production relations in a nation. Economic environment in current context reflects the development of a market economy with its institutions and components of the economy, economic mechanism, and roles of the state in economic administration. Economic environment gives an insight into the level and economic potential of a nation.

Certainly, economic environment is a decisive factor that has an influence on contents of economic policies to be formulated in each period. But, economic environment also has a considerable influence on public policies of the state in general.

Each proposed policy must be based on specific economic circumstances and may not go beyond the scope of available economic conditions and resources. At macro-level, economic conditions indicate the development of the economy, economic growth, development, and growth demand of the areas which are influenced by the policy.

Formulating a policy is dominated by economic environment for the fact that not only economic resources are used for implementing the policy, but also existing economic institutions regulate the function of policy formulation process. When a policy is formulated, it is necessary to identify which economic factors have an influence on areas to which that policy is

introduced, and economic impacts that may arise from policy implementation. The consideration of these economic factors will make sure that the proposed policy is feasible under existing economic conditions.

1.5.4. State administrative and institutional environment

State administrative and institutional environment is understood as including all of state administrative agencies and the whole system of statutory norms and documents that form a legislative framework for state administrative agencies to perform their functions of managing and monitoring all aspects of social life, as well as regulating relations in economic activities and internal and external relations of the state administrative agencies.

The organization of state administrative system, operational mechanism of the system, relations between agencies of the state system, existing regimes on public services and servants, etc. have a significant domination over the public policy formulation process. A state system that functions smoothly and professionally with scientific work flows and effective interactions between its organizations will facilitate conditions for a smooth policy formulation process. On the contrary, if it functions in a delayed, non-standard, and unprofessional manner, then policy formulation will be interrupted and fail to meet required principles, and, as a result, quality and effectiveness of an enacted policy will be limited.

Statutory system also has a considerable impact on policy formulation. Statutory system forms the legislative framework that regulates and adjusts all of social relations. Public policies are enacted by the state; therefore, they must be based on existing statutory system. Statutory institution has an impact on policies by means of shaping the manifest of problems and specific solutions, as well as regulating a framework for selection of solutions and methods to implement those solutions. Statutory institution provides the policy formulators with rules of action, standards of policy development, constraints, and framework for the policy. In other words, policies may not be against existing provisions of laws. This means

when a policy is formulated, it is necessary to know all of laws or ordinances that are regulating the areas related to such policy.

In the meanwhile, a policy is the source of formulating new legal institutions. Normally, when the state enacts a policy, that policy is institutionalized into legal norms that are both encouraging and mandated on the implementation of that policy.

1.5.5. International environment

In the international context of expanding multilateral relations, policies of a nation must be taken in consideration of external factors and international relations with other nations in the region and world.

Political and economic context of the world has an indirect and direct impact on the operation and development of each nation. Therefore, policies of a nation should not only be reduced to and dominated by its internal factors, but also take external impacts into account. Sometimes, impacts caused by international environment change domestic policies in a significant manner. A policy is only stable in a stable and peaceful environment. Under changing conditions, a policy requires the flexibility and consideration of different practical scenario.

The impact and influence of international agreements on policy development must be always taken into account. A policy, whether at micro-level or macro-level, of a nation is always within a consistent system. That system is developed based on legal adjustments and international conventions which the States sign to agree with. This is the condition for policies to conform with trends and ensure long-term stability.

1.6. Necessity of policy formulation innovation in the context of Vietnam

Basically, the organizational model of public policy design in Vietnam is a reflection of core requirements for public policy formulation:

- The public policy designing and enacting entity is the State.

- Executive agencies are mainly responsible for preparing public policies

- The enactment of major public policies of the nation must be authorized by the National Assembly.

- The design of public policies involves the participation of people and social-politic organizations.

- Public policies are the concretization of the guidelines, strategies, and resolutions of the Communist Party of Vietnam.

In fact, however, aforementioned policy design model raises following problems:

-- The selection of policy formulation model in a traditional manner clearly reveals many limitations. It can be seen that existing policies formulated in Vietnam are mostly based on data collected and reported as required by the policy formulators. It is easy to see that most of formulated policies only pay attention to problems at industry, sector, or local level, but fail to have a comprehensive coverage and general assessment and lack a synchronous collaborating mechanism to ensure the harmony. Many policies are developed in an emotional, subjective, and bias manner that receives many critical public opinions as a response. For this reason, while policies formally developed by the state, they are individualized and characterized by each industry, sector, and region. This results in many overlapped, asynchronous, and inconsistent policies, and there are cases when policies of an industry, sector, or region are even obstacles to the development of another.

- It can be guaranteed that a policy is developed as a process, but rather just a process-like. Developing policies is mostly intended to resolve on-going situations by means of simple technical or administrative measures. Accordingly, a policy that is developed instantly and quickly may ease pressing public opinions. In the long-term and stability, however, such a policy is not guaranteed. Policies with long-term vision and macro-level coverage are lacked.

- There are more and more sub-level policies. Behind those policies, limitations and weaknesses of the policy formulation process are revealed. Although policies are the reflection of ideology and will of the state, policy formulation is carried out by public servants of state system. A non-standard, subjective perception and awareness of responsibilities of these people in policy development process may even result in unforeseeable consequences as policy is created.

- People's participation in policy design process is not common and active. Typically, policy preparation is chaired by a Ministry mostly through the staff of public servants in its function services. In spite of their professional management knowledge and experience, it is difficult for this staff to cover all facets of the problem in question; therefore, a few public policies are actually unsuitable to the demands of life. Most of policies are developed with limited participation of enterprises. Enterprises may only give their opinions after or upon arising any problem. Therefore, engaging people to participate in the policy design process is an important factor that decides the rationality and feasibility of a policy.

- The relations among ministries and between ministries and localities are loose. Many public policies are relevant to the operations of certain ministries, industries, and localities. Thus, it requires the coordination among them right initially in the policy design phase. In fact, however, the coordination among ministries largely depends on their divisions and even public servants that are assigned to participate in this process. If a public servant doesn't have sufficient authorities and knowledge, or representing the ministry, his or her opinions may sometimes be of no practical value.

- The relations between legislative and executive agencies in the policy design process are loose. In fact, the Government is the entity to propose and develop basic policies to submit to the National Assembly for decision, and it is also the proposer and developer of nearly 95% of law projects to be adopted by the National Assembly. Nevertheless, in the legislation under current institution, operations of the Government and

National Assembly are still separated and even independent of each other. Normally, a program draft or law project is inspected by Committees of the National Assembly only when it is submitted to the National Assembly by the Government. This results in a situation in which a law project proposed by a ministry or industry is of local nature (within its scope of administration) but is incompatible with general interests, or overlaps with the scope of others.

Now, it requires a more appropriate notion on and approach toward public policy development in Vietnam to, on one hand, resolve existing limitations in the current practices of policy formulation and, on the other hand, ensure the responsiveness in the integration process. The globalization trend and integration context have placed Vietnam in front of many opportunities and challenges. Political notion and management thought, as well as the will of the state, are reflected right in the system of enacted policies. Innovating the policy formulation in a synchronous manner with innovating steps of the policy process in Vietnam is inevitable. Innovating public policy formulation is to increase inherent values of the policy, and its core foundation is to strengthen the efficiency and effectiveness of state management activities.

Chapter 2

DETERMINATION OF POLICY PROBLEMS

2.1. Overview of policy problems

2.1.1. Policy problem definition

According to David Dery: "Policy problem is defined as unrealized needs, values, or opportunities for improvement that may be pursued through public action"[11].

According to James E. Anderson, "a policy problem can be defined as a condition or situation that produces needs or dissatisfaction among people, and for which the relief or redress by governmental action is sought"[12]

Policy problem is a conflict that arises in the socio-economic life, or a need for changing current situation that requires the state to enact public policies to resolve in accordance with desirable objectives.

There are numerous problems arising in daily life of the society, many of which result in negative, undesirable impacts on a certain group of people or social community as a whole. In fact, however, only a part of those problems become policy problems. For an existing state to become a problem, it requires a common standard or measure of value to be able to determine which matter is irrational and unacceptable and requires Government interference. For example, if traffic accident occurs frequently and everyone feels that there is no urgency about it and that it is normal and unavoidable, it will not become a policy problem.

In summary, an existing state will not become a policy problem when:
- It is uncommon.
- It is nonpublic, but just occurs with a single or several small groups.
- It is unrepeatable.

---

[11] David Dery: Problem definition in Policy Analysis, Kansas, 1984.
[12] James E. Anderson: Public Policy Formulation, Reference materials, Master Program of Public Policy, National Academy of Public Administration, Hanoi 2015, pg. 127.

- It causes no material damage to public interests.
- It raises no worry among the majority of people, etc.

As such, a policy problem must be an existing state that raises concern about loss of benefits, disturbance, or disbelief among the majority of people, leading to their demand for a solution to that state to ensure a safe life and legitimate benefits of the community. That existing state raises a sense of urgency in the society, and then attracts the Government's attention.

Nevertheless, if the state manages to attract the government's attention due to the sense of urgency in the society but the government is unable to resolve it, then it will not become a policy problem. For example, a storm or tsunami can never become a policy problem because the Government can do nothing about it. Aaron Wildavsky said that, "A problem is only a problem when something can be done about it"[13]. The government cannot prevent a storm or tsunami from happening, but it can do something to prevent the people from loss, distress, or damaged properties as a result of such a storm or tsunami with its assistance programs, by constructing an early warning system to prevent from damages, etc. In this case, the difficulties faced by the people in the aftermath of a storm or tsunami may become a public problem.

2.1.2. Problem origin

A policy problem may originate from many different backgrounds in the social life. There are always problems arising in the reality itself - needs, demands, or dissatisfaction of the public that require government interference. It is possible to generalize origins of problem into four basic categories as follows:

First, inherent defects arising in the market economy. On one hand, market economy has promoted the potentials of capital, assets, science and technology, and management to develop production industry of the society in a dynamic and effective manner; it, on the other hand, contains

---

[13]Aaron Wildavsky: Speaking truth to Power, Boston: Little. Brown, 1979, pg.42.

defects that result in negative impacts on the socio-economic life. Those defects are:

- Unfair competition and monopoly: means competing using shady means, price monopoly, market manipulation, etc., that requires the state to take measures to prevent from the abuse of monopolistic power to result in ineffectiveness of the economy.

- Incomplete market: means a situation in which the market neither produces nor supplies the products desired by the consumers, reflecting a misleading investment and increasing market instability.

- Exogenous factors: means the scarcity of natural resources (land, minerals, water, air, etc.), inappropriate use of these resources, environmental pollution, unsafe food and drink water, leakage of radioactive substances, etc. that have a considerable impact on economic activities as well as social life.

- Asymmetry of information: means a situation in which a party holds information but hides it for personal benefits, causing damages and losses to other entities in the socio-economic life.

- Production and consumption of hazardous goods: for profit purpose, some organizations or individuals produce, trade, and offer to the market the goods which cause harms to the consumers such as drug, hazardous chemicals, etc.

- Poverty and inequality: the market economy always leads to the deeply increasing gap between richness and poverty, the inequality of assets and income leads to the concentration of property in few people while the majority of people in the society become impoverished.

Aforementioned market defects result in many problems that have a negative impact on the socio-economic development and the life of many people, which requires the government to interfere with its public policies.

Second, natural conditions. Unfavorable natural conditions that have a negative impact on socio-economic life will raise problems that require state interference. Natural disasters, storm and flood, drought, or consequences of ongoing climate changes may result in profound adverse

effects on the people. State interference to prevent from and mitigate these adverse effects has become more and more urgent.

Third, weaknesses of the state itself. In addition to market defects, the state itself cannot avoid from demonstrating some weaknesses in the course of its function. These weaknesses are caused by following reasons:

- Lack of competition in the operations of the state system. Because of preferential conditions and support offered by the state to its organizations, state enterprises usually do not have to compete like private enterprises and organizations do. The lack of competition results in the ineffectiveness of these organizations or enterprises as they are usually supplying the society with what they have instead of what the society needs.

- Bureaucracy in the operations of the state system. State system functions in a systematic and hierarchical manner with numerous regulations and many levels. In many cases, these regulations are rigid and cause many troubles while a heavily hierarchical system leads to bureaucratic work flow and results in disruptions and obstacles to activities of organizations and individuals in the society. The bureaucracy is also reflected in the maintenance of a bulky, heavy, inflexible system; bureaucratic, demanding, and troubling attitude of the staff of public servants.

- Threats of corruption committed by officials of the state system. Holding the power to represent a state and having the control over a considerable amount of assets and budget of the state, state officials may abuse their positions and powers for personal interests.

- The subjectiveness and voluntarism that is non-compliant with operating rules of the market. In many cases, the government implements system in a subjective and voluntary manner that is incompatible with movements of the market and objective rules. This does not promote social development but also results in negative impacts that bring the economy into a holdup and delayed situation with many conflicts and urgent problems in the socio-economic life. For an instance, the fact that the State maintained a bureaucratic subsidy regime for a long time has caused many

obstacles to business production and resulted in severe disputes in the society.

Weaknesses of the state in its operations also lead to many problems that must be resolved by state policies so that operations of the state better satisfy people's needs and its survival is guaranteed.

Fourth, the process of developing and implementing socio-economic development strategies and plans at national, industrial, and regional levels. To orient the development of the nation as well as each sector, industry, and region, the government and authorities of different levels must set out socio-economic development strategies and plans. These are the guidelines for socio-economic development in a long-term that are used to formulate the framework and solutions to achieve strategic objectives. That process of developing and implementing the strategies will raise new problems associated with the means and tools of strategy implementation as well as impacts and consequences of this process.

Fifth, globalization process. Nowadays, globalization has become an increasingly robust process. It makes each nation become an organic part of international economy and brings many socio-political problems into common attention. Globalization leads to the occurrence of external problems and conflicts with existing domestic situation, and creates many challenges that each nation has to face with. The development of multinational corporations, execution of international treaties, and price dominance in international markets, etc. will result in problems that require each State to take responsibility to resolve in order to protect socio-economic-cultural development of its nation.

2.1.3. Policy problem classification

Policy problems may be classified by sector into such categories as follow: economic problem, political problem, or social problem. For each sector, the classification may be further divided, such as: agricultural problem, traffic problem, commercial problem, and so on.

Based on competent authority that resolves a problem, it can be classified as a national (protection of national sovereignty, multi-component

economic development, etc.), local (local economic structure, local traffic, etc.), or organizational (organizational personnel, etc.) problem.

Based on time estimated to resolve a policy problem, it can be classified as a short-term problem (less than 1 year), e.g. rearranging organizational personnel, medium-term problem (less than 3 years), e.g. improving the infrastructure of a district, and long-term problem (over 3 years), e.g. poverty reduction, education reform, etc.

Based on the subject that is influenced by a problem, it can be classified as a problem with wide influence on many people (environmental pollution, secondary education), problem with influence on certain groups (traffic jam in a metropolitan), and problem with narrow influence on certain groups (drug addiction).

Based on the complexity of a problem, it can be classified as a highly complex problem (administrative reform), medium-level complex problem (high school exam reform), or little complex problem (renovation of a road).

The classification of policy problems is the basis to determine at which level and in which legal manner a problem should be resolved. For example, the problem of poverty reduction should be addressed and resolved at national level by means of a long-term strategy on poverty reduction. The problem of improving traffic conditions in a district may be resolved by district-level authority by means of approving and carrying out a project.

2.2. Identification of problems and determination of the demand for policy

2.2.1. Criteria for identifying policy problems

- The problem has an influence on majority of people: a policy problem must have an influence on the majority of people and public community. Therefore, it is necessary to differentiate from personal problems. A problem that occurs with a small number of individuals is a personal problem. A problem that has an influence on the community will affect the majority of people in the society and result in loss of benefits and adverse effect on their mental state and belief. In this case, such a problem should be considered and determined as a policy problem.

It should be noted that, however, such a determination may not be correct even if the problem occurs with the majority of people. It is sometimes a result of crowd effect or public manipulation for interests of several individuals, which will not reflect the nature of a problem. Therefore, one should seek the motivation behind each group behavior; otherwise he or she may perceive and evaluate a policy problem mistakenly.

- The problem is serious: Serious problems are those that cause great and considerable damages to social life. But, which is a serious problem?

Firstly, it is an existing situation that is against current laws. The problems that challenge current legal system should be paid attention to because they will break the solemnity of laws and make state administration become invalid.

Secondly, such a situation has an influence on existing founding values of the society. Founding values forms the culture of a society and constitute believes, ethics, and truths to be widely acknowledged by everyone. Therefore, existing situations that violate such founding values will have a great impact on the culture, belief, and ethics in the society.

Thirdly, such a situation challenges the integrity and security of the community. A phenomenon may present dangerous threats to social security, lives and properties of living people in the society, and profound unsafe situation in the society. For example, an increasing situation of robbery and theft with savage actions will cause a serious impact on the security and safety of social life.

- The problem causes a sense of urgency and concern in the community: A problem will not become a policy one if most of the stakeholders have no sense of urgency, or do have but do not plan to express it. When an existing situation become so urgent that it worries people very much, they may even react. Urgency and reaction are the manifest of the fact that the problem should be paid attention to and addressed as a policy problem.

- The problem is publicized to generate a collective reaction: in most of the cases, a problem only becomes a policy one when someone raises it

to become a common problem. For example, the problem of adverse effects of environmental pollution that cause increased cancer diseases in a region is mentioned on an article, and then it attracts social attention and leads to reaction of majority in the society. It should be noted that, however, such a situation only becomes a policy problem if such an article actually generates the agreement and similar reaction in the society. If it is just like a rock thrown into a lake and sunk to the bottom, it will not be publicized and become social need.

- The problem potentially develops into a significantly negative situation in the future. There are existing problems that are not serious but may potentially develop in accordance with future changes to result in very serious, irremediable consequences in the future. Such problems should be considered immediately and policies should be developed beforehand to deal with them before they become serious in the future. An example of such a problem is urban planning or urban landscape layout, etc.

2.2.2. Means of identifying policy problems

A policy problem can be identified by following means:

+ Public servants identify a problem in discharging their duties. Each public servant is usually assigned to manage or participate in managing a certain area under state management responsibility. In discharging their duties, public servants are those that have the most specific knowledge of what are going on within their scopes. Therefore, when a problem appears and becomes urgent or unsound in practice, public servants can quickly identify this situation. When the problem becomes serious and receives attention, public servants need to report to upper levels for solution. Identifying a problem as reported by public servants in discharging their duties is the shortest way to the introduction of a policy.

+ Common people file complaints about a problem. Sometimes, the public is so discontented with a problem that it attracts the attention of public servants or state authorities. This discontent is reflected by complains and reactions from common people. When such a discontent

rises and even leads to negative effects on the society, the State should take into consideration of which problem it is, and whether it is necessary to enact a policy to resolve such a problem if any. For example, a complaint regarding wastewater causing pollution and influence on the lives of common people will require the government to consider the severity of which and causes thereof, and possibly enact a policy to resolve such a problem.

+ A problem is identified by public media. In today's society, public media has become a considerable role-playing force in the social life. Every problem arising in the society may be quickly spread over means of public media, especial on social networks and via the Internet. Thanks to modern information technology, this information can be quickly spread and cause wide reactions in the society. This is a fast mean of identifying problems that public servants and state organizations should take into consideration.

+ Top-down assigned duty. Policy problems can be identified by functional agencies in the state system when they are assigned to do so. Problems of this kind are usually related to reforming ideas of the state for purpose of developing the socio-economy or reforming operations of the state to meet new demands.

2.2.3. Policy problem identification

Policy problem identification is the consideration and formation of a problem in a clear manner and determination of its name.

Policy problem identification comprises of following contents:

- Consider expressing aspects of an existing situation. A situation may express itself with different aspects; therefore, it is necessary to consider all of these aspects to have a clear identification of the problem. For example, a poverty situation may express with following aspects: low income, food shortage, cramped and improper living place, lack of access to basic services such as education, medicine, living water, etc.

- Diagnose causes of the situation. An existing situation may be considered as a problem if it attracts attention from many people, but which

are the causes of it? Relevant public servants of the state in this area should look into facts to diagnose causes of the problem. Causes of a project are factors that result in the problem. Literature review, practical survey, and interview with people suffering from consequences of the problem can help with preliminary diagnosis of causes of the problem. To identify causes of a problem, it is necessary to answer the question: "Why does that situation exist?" However, it is important to differentiate from causes and symptoms of a problem. Symptoms are external expressions of a problem while causes are factors creating those symptoms. For example, traffic jam situation may have such symptoms as many people and vehicles participating in the traffic flow, but its causes are narrow road system with many intersections and poor traffic attitude, etc.

- Propose policy problem name. The name of a policy problem is a short manifest of an existing situation that has become urgent in the society. A problem name is also popularly mentioned by the people when they express their discontent with the situation. A situation may be viewed from different aspects depending on the knowledge, experience, and perception, etc. of different subjects. But, the name of a policy problem is usually regarded as a popular, easy-to-understand, and fully reflected situation viewpoint. For example, an existing situation that husbands hit wives or parents hit children can be identified as a form of family violence; a situation that children have to attend many classes, especially after-school ones that parents volunteer to enroll their children in or are required by teachers, which results in the overload and distortion of education, can be regarded as the problem of extra teaching and learning, etc.

2.2.4. Determination of the demand for policy

There are numerous problems in the daily life that may result in undesirable impacts on the society. However, not all of them are addressed by policies enacted by the State. Determining the problem to which the State should pay attention to enact a policy is very important. Assessing above-mentioned existing situations is the process of determining the society's demand for policy.

Society's demand for policy is a public demand, expressed in one or another form, for a solution to the problem of interest that the government must respond with a solution by enacting a public policy.

Therefore, a top priority to define a demand for policy is differentiating existing situation of a person from that of the community and its agreement on demanding the government to resolve the problem of interest. In the past, for example, inebriation was considered as a personal problem of the individual and his or her own family. Today, however, inebriation has become a social problem because it may result in negative, undue, and even dangerous behaviors if the drunken person commits an offensive or violent act toward surrounding people, especially when he or she is driving a vehicle on the road. Therefore, the society is urgently demanding that this situation should become a problem and the Government must take a solution to prevent from and handle this problem.

To assess the demand for policy, it is necessary to consider following contents:

(i) Identify the subjects to be influenced by the policy problem. Clarify the subjects to be directly and indirectly influenced by the policy problem. For example, smoking problem has not only a direct influence on the smokers but also an indirect influence on surrounding people.

(ii) Clarify the scope of influence of the problem. Each problem may have a different, wide or narrow, scope of influence. Problems with a wide and serious scope of influence should be paid more attention by the authorities. While the problem of lacking bridges across rivers for trespassing people has a local scope of influence only, the problem of

burning forests not only causes imminent damages but also result in long-term effects on living environment of many people.

(iii) Define the consequences of the problem without a policy:

In fact, some problems may cause no considerable consequence without a policy thanks to socio-economic development itself that eliminates the problems; on the contrary, some may result in considerable outcomes if the government does not enact policies to resolve them. Therefore, public servants or entities that propose the policy problems should define the consequences thereof without a policy, specifically:

+ A preliminary estimate of consequences and influence of the problem without a policy. Based individual knowledge of and experience with relevant problems, documents and information on the problems, and on-site investigation, it is possible to prepare a preliminary estimate of consequences of the problem without a policy of the Government. In some cases, the problem becomes so severely that it even leads to more problems and the consequences thereof will be greater. It is very necessary to forecast potential consequences so that the government can have a clear perception of the severity of the problem.

+ Review existing policies with respect to resolving the problem. Before making a proposal on developing a new policy to resolve the problem, it is necessary to review existing policies relating to the problem, looking for any existing policy that is addressing the problem, and if there is, then how effective it is on the problem, to determine whether to enact a new policy to resolve the problem or supplement existing policies to do so. If the problem hasn't been addressed by any policy, the arguments on severity of the problem as well as its consequences and scope of influence will be a conclusive basis to persuade competent authorities for purpose of enacting a policy.

(iv) Define the requirements that the people expect of the government. Defining the demand for policy should be specified with another step by forming the people's expectations of the government. This is an early formation of objectives that the policy problems are targeting. For example, the situation of extra learning among children makes parents

expect that secondary education program will be reformed and extra teaching regime will be controlled while class teaching quality will be improved.

2.2.5. Policy problem reporting.

Public servants in charge of the area of interest will identify the problems, define the demand for policy, and prepare a primary report of policy problems and submit it directly to competent authorities for solution. Such a report may be brief and comprise of following contents:

+ A description of the urgent situation

+ An early diagnosis of causes of the situation

+ Proposal of problem name

+ Identification of influenced subjects and scope of influence of the problem

+ A forecast of consequences of the problem

+ A reflection of situation without any policy in force addressing the problem

+ A presentation of people's expectations of the government with respect to resolving the problem

The early report is intended to raise a matter to the government that a situation is existing and becoming urgent in the society, and that its consequences may be significant if the government takes no necessary intervention action; therefore, the government should consider including the problem in the agenda.

2.3. Inclusion of problems in the agenda

2.3.1. Overview of policy agenda

When a problem attracts the attention of policy makers, it may then be included in the agenda or policy agenda.

Policy agenda is a list of all of social problems that have been arising which the government is required to carry out solutions to resolve in a specific period of time.

There are following types of an agenda[14]:

---

[14] Le Vinh Danh, U.S. Public Policies during 1935-2001, Statistic Publishing House, 2001, pg. 241-243.

Common agenda: it comprises of problems associated with regular administrative policies of the government, daily and ordinary affairs and operations that the state must handle. Problems of this type are related to urban life, public security, education, tax, crime, land, employment, electricity, water, environment, food, commodity, etc.

Agenda for political problems: it usually comprises of problems of the interest among politicians and parties rather than among common people. There may also be problems originating from common folk. But, when they are included in this agenda, they become certain threats to the political stability of the government. Usually, only events directly related to political life or the organization and survival of the government may be included in this agenda. Those problems include those of the state system itself, personnel of state organizations, inefficiency of state operations, human rights, democracy, decentralization of power, sensitive diplomatic relations, etc.

Secret agenda: comprises of problems within the functions of the State that can not be publicized. Most of problems in this agenda are related to security, strategic intelligence, national defense, or diplomatic affairs, etc. Characteristics of this agenda are: problems are reported by special task forces in the government; recipients of reports are some key leaders; discussing on problems which are kept confidential within the scope of certain key leaders and experts from special agencies; policies and solutions, if so enacted, will be kept confidential for a very long-time.

2.3.2. Process of including a problem in the policy agenda

Including a problem in the policy agenda is carried out by an agent of the government who has duties to bring the problem into the policy agenda and presents arguments to persuade competent decision-makers of the agenda. A problem is actually included in the policy agenda when individuals or a group of individuals with authority reach an agreement to address such a problem in the list of problems to be considered for solutions in foreseeable future.

A problem can be easily included in the agenda if it is proposed by person at a high-level position in the government. Those problems that are

proposed by the ruling party in agreement with proposals by the national assembly or government will be easily accepted as a part of the agenda. Politicians with significant powers and voice can also bring a problem into the list of discussion in agenda of government at different levels.

There are cases, however, that many problems arise from lower society in which people are not adequately paid attention to by the government. To be able to include such a problem arising in the society in the policy agenda in a "bottom-up" approach, it must go through following steps:

- Public servants monitor the fields for any policy problem, report existing situations to agency leaders, and provide information on urgency of the problems. Leaders

- Agency leaders consider the significance of policy problems. If the problems are significant, they will report those problems to higher-level authorities (ministry or local government levels).

- Higher-level authorities consider the problems and assign agency leaders to conduct a preliminary study on the policy problems if they are significant.

- Agency leaders direct one or more specialized public servants to be responsible to conduct a preliminary study on policy problems, including identifying policy problems, preliminarily defining demand for policy, and forecasting potential consequences. Results of a preliminary study will then be reported to agency leaders and higher-level authorities.

- Higher-level authorities will report to competent authorities to resolve the problems and propose to include them in the policy agenda. The problems will then be considered by competent authorities and if they are accepted to be included in the agenda, they will be further studied for purpose of enacting policies.

Typically at competent authority level, there will be a public servant or assistant to the governmental council to perform relevant duties and organize the agenda. Organizing the agenda is important to persuade those participating in the discussion on the agenda. Problems must pass through following phases to be included in the agenda:

(i) Summarize and classify the problems: A problem proposed to be included in the agenda must meet aforementioned conditions, i.e.: the problem has an influence on majority of people; is serious; causes a sense of urgency and worry in the community; generates a collective reaction if it is publicized; and potentially develops into a significantly negative situation in the future. If a problem fails to meet aforementioned conditions, it will not be included in the agenda.

From these, it is necessary to classify problems into different categories. Problems may be classified into common agenda, political agenda, or secret agenda. For each agenda, it may be further classified by specific field that the problem arises from and exists in: education, medical, urban, etc.

Organize agenda problems in a priority order:

- Priority is given to problems arising from the implementation of enacted policies if the urgency thereof is equal to that of new problems because such problems are usually caused by the government itself which should be resolved as soon as possible.

- Priority is given to problems of the public with more serious consequences compared to existing events or situations of the same problem category.

(ii) Arrange the procedures and timeline for adoption of the agenda: To prepare for the meetings on discussion and adoption of the agenda, it is necessary to arrange problems to be considered and required time for each problem. Typically, the procedures for introducing problems in a meeting are as follows:

- Problems under secret agenda should be addressed first, then those under common agenda and, finally, those under political agenda.

- For each agenda category, problems of wider impact should be addressed first because they have an influence on a wider range of people and should receive more attention.

- For problems with similar impacts under the same agenda category, those with clear, sufficient arguments should be addressed first.

- If problems under the same agenda category have similar impacts and arguments, those relevant to former policies should be addressed before new problems.

- Shorter, briefer, and less time-consuming problems should be addressed first while problems that require more time for explanation and discussion should be addressed later.

In the discussion process, it is necessary to manage time to consider all of problems in a required amount of time for discussion with respect to each problem so that no problem is spent too much time discussing on while another lacks necessary time for discussion. To do this, qualifications and experience of the meeting chair is very important to lead the meeting effectively.

(iii)   Check again contents of the problem before presenting: When a problem is proposed to be included in the agenda, in principle, it must be attached with preliminary solutions. Before presenting a problem in a meeting, however, it is important to check again its contents including preliminary solutions. The check of problem contents is carried out by: proposing entity; agenda developer; speaker/presenter at the meeting. Such a check must make sure following contents of the problem:

- A brief introduction to the existing problem.

- A forecast of consequences of the problem without a policy.

- A comprehensive, short, and clear summary of proposed solutions to the problem.

- A forecast of expected impacts of the policy and preliminary solutions and level of resolving the problem upon the policy enactment.

(iv) Present to competent authorities: A presentation at the meeting of agenda review committee is very necessary for a policy to be officially accepted in the agenda. A presentation can be made by any of following people:

- The leader of the agency that proposes the problem (minister, chairman of provincial people's committee).

- A specialist of the agency that is assigned to monitor the problem so proposed.

- In some countries, an outside expert in the society that has been interested in a social problem may be engaged to make a presentation on that problem.

- The public servant that organizes the agenda or a person assigned to lead the meeting will likely present the problem.

(v) Competent authorities' acknowledgment of the policy problem: When a competent council reviews and discusses the problems proposed at its meeting, it may make a specific decision on which problem needs to be paid attention to and to be developed into a policy. When such a problem is officially acknowledged as a policy problem, it will begin the phase of preparing a public policy to resolve that problem.

2.3.3. Means of promoting the interest of competent authorities in the policy problems

+ Influence through public media: An important mean to influence the decision on a policy problem in the policy agenda is through public media. There are different means of public media, most common of which are Radio, Television, Newspaper, and Internet. In the blooming era of information technology, public media plays a very important role in the society as it serves as the communication intermediary within civil society and between civil society and state institutions. By means of public media, even common classes of the population and minority groups that previously had no opportunity to raise their voice can now speak their problems over the media such as Internet. In which, traditional means of public media such as newspaper, radio, or television are used to communicate public news to target audiences to serve pre-established objectives.

Utilizing the increasing role and power of public media, many policy problems have been raised and reported by civil society and become public problems, which has a considerable influence on policy making agencies in the state system.

+ Influence by encouraging makers of decision on the policy agenda: Important individuals with considerable role and influence on policy agenda decisions are those that common people or social groups are usually seeking to influence on in order to bring their problems into the agenda. This influence can target even public servants in charge of developing the agenda, assistants or secretaries to competent officials, etc. to promote the inclusion of the interested problems in the policy agenda. This is a method of lobby movement to influence those with authorities to make decisions.

By means of official or non-official meetings, letters, recommendations, telephone calls, etc., the lobbyists seek to attract the attention from competent entities related to the urgent problems that they or the group for which they represent are suffering. In this way, competent entities can speak out their significant voice to include the problems in the agenda.

Chapter 3
POLICY PREPARATION

3.1. Overview of policy preparation

Including a policy problem in the agenda doesn't mean that it will immediately become a public policy as desired. There are many problems that are included in the agenda but do not result in any policy. Whether a problem can become a policy largely depends on the study and proposal of options or solutions (policy scenario) to resolve the problems that must be reasonable and persuasive.

Official process of policy development/preparation is a process performed by the entities assigned to prepare the policies with necessary conditions in term of personnel, budget, and supporting tools for policy preparation. This process is different from preliminary study process for the policy problem to define demand for policy and include it in the agenda of competent authorities to resolve the problem. Previous preliminary studies are usually not scalable or perfect because of lacking conditions, means, legal basis, and finance.

Official study is a methodical, specific, sophisticated, and fully-covered study process to be able to reach a final conclusion on social problems and propose solutions to them. Product of the official study is the policy to be enacted and widely applied in the society; therefore, this process is decisive on future effectiveness of the policy.

Official study is a complex process consisting of many steps: (i) problem analysis; (ii) definition of objectives on the problem; (iii) determination of options and solutions to the problem; (iv) assessment of options; (v) selection of the optimal option to enact a policy.

3.2. Responsibility for preparing policy drafts

Public policies are works implemented by the state; therefore, the designer of public policies is none other than agencies of the state system.

However, there is always a group that directly prepares policies and takes responsibility from the beginning to the end.

According to a very brief definition by Thomas Dye, a public policy is "whatever governments choose to do or not to do" [15] , accordingly, governmental entities of the state system are authorized to enact public policies. As such, any governmental agency that enacts a policy will have the authority to decide to assign policy preparation responsibility to any of its subordinate agency.

In fact, policies are prepared by individuals. These individuals are public servants that have abilities to study and write a policy, or we may refer them as experts. They have deep knowledge in the fields related to the policy problems, practical experience, as well as abilities to study, think strategically, and accurately express policies in a written manner. They also know to utilize necessary methods to study policy problems; and they have teamwork, communication, and negotiations skills in policy development. They are key role-players that design policies, but they are rarely known to the society. They stand behind competent officials that are leaders of agencies or ministries.

So, agencies of the state system are responsible for preparing the policies. But, in the course of the process, there may be the participation or influence of other entities in preparing the policies. In the U.S., for example, Departments or Committees under the President, who are directly related to policy problems, are policy preparing agencies; but, the participation of following entities is expected:

- Interest groups: they are groups that benefit from a certain public policy. These groups are parts of the government and usually have a close relation with non-government interest groups. An interest group may be a group, state corporation, local government, sub-division of a ministry, etc. Operations and finance of interest groups are closely associated with the implementation of prepared policies. Interest groups often have a direct

---

[15]Thomas R. Dye, *Understanding Public Policy* (Englewood Cliffs, NJ: Prentice-Hall, 1972): 2

influence on the agency that is mainly responsible for policy preparation with financial means, number of voters, and expert staffs, etc.

- Committees and sub-committees of the National Assembly: these agencies review all of proposals from executive agencies. They play a crucial role in appraising policy drafts by frequently providing feedbacks against the policies and requesting preparing agencies of the Government to revise and finish policy drafts.

- Besides, voters can also have an influence on their elected deputies in the National Assembly to influence policy development process. The voice raised by common people or public media can also create an influence on the policy to be prepared.

However, governmental agencies are still entities with direct responsibilities to prepare the policies, develop policy drafts in written form, and submit them to competent authorities to transform relevant problems into actions of the government.

In Vietnam, the most important public policies of the nation are enacted by the National Assembly. The preparation of public policies will undergo a process with the participation of many agencies in the state system. When the National Assembly decides on an action program for the next period, it must define a list of policies to be considered and approved.

For policies regarding many industries or fields, the National Assembly (National Assembly's Standing Committee) sets up a Drafting Committee and assigns it to chair the preparation.

For policies under management scope of the Government, the National Assembly will ask the Government to prepare policy drafts. It will then assign a ministry or ministerial agency to chair the preparation for law projects or resolution drafts to be submitted by the Government. The agency so assigned to chair the preparation is responsible to set up a Drafting Committee. Typically, Drafting Committee (normally chaired by a ministry in collaboration with relevant ministries) or Ministry in charge of relevant field prepares a policy draft. Drafting Committee at ministry level is

a functional service that collaborates with other services, ministries, or industries in preparing policy drafts.

Policies under enactment authority of the Government will be assigned by the Prime Minister to ministries, ministerial agencies, or governmental agencies to chair the preparation.

At local level, People's Councils (Standing Committees of the People's Council) assigns this responsibility to People's Committees or specific departments to prepare their own local policy drafts.

3.3. Policy problem analysis

3.3.1. *Nature and importance of policy problem analysis*

Policy preparation process officially begins when the National Assembly or Government officially assigns the responsibility to a drafting committee or agency. The complete process for policy preparation begins with an analysis of policy problems, determination of causes of the problems, and proposal of options and solutions to the problems.

In the early stage of formulating a policy, policy problems are identified, considered, and diagnosed for causes, then conducted a preliminarily assessment of demand for policy as a solution, on which basis policy problems are addressed in the agenda of the competent authorities to enact the policies. However, the period from the time policy problems are included in the agenda until they are actually enacted as a policy is a process of meeting strict requirements of policy enactment process. In this process, the agency that is mainly responsible for preparing policies must take orderly steps, employ appropriate policy analysis methods, engage the participation of related parties, conduct an in-depth study on policy problems, define policy objectives, propose solutions to resolve the problems, and analyze and compare different policy options to suggest the most optimal one in existing conditions to achieve established objectives.

First step in this process is policy problem analysis.

A policy problem has already appeared or existed before a policy is prepared. If it appears in a "bottom-up" manner, i.e. being reported from current situation of society to state agencies, which, in turn, submit the problem to competent authorities to include it in the agenda, then policy

problem analysis process will be implemented in a full manner, consisting of following steps:

- Clarifying nature of the policy problem
- Analyzing causes of the policy problem
- Analyzing consequences of the policy problem

If it is perceived and brought into attention in a "top-down" manner, analysis process, in principles, will undergo aforementioned steps, too. Nevertheless, this process is much simpler because it is not necessary to persuade high-lever authorities about the problem (because it is them that recognize it).

Policy problem analysis is a crucial step. According to John Dewey, "a problem well put is half solved"[16]. Albert Einstein also emphasizes that, "If I had an hour to solve a problem I'd spend 55 minutes thinking about the problem and 5 minutes thinking about solutions"[17].

The core nature of policy problem analysis is that it is the process of forming hypotheses of policy problems and testing such hypotheses. From an urgent situation in the society, the policy formulators need to think about it from "hypothetical thinking" perspective to analyze the situation.

Hypothetical thinking process requires the policy formulators to introduce hypotheses of the situation to answer the question, "Why does this situation exist?" Hypotheses are introduced of the manifest of the problem, causes of the problem, its impacts on the society, and consequences of the problem without State intervention.

Then, the policy formulators themselves test those hypotheses by collecting information and evidence to support them. This process may result in the representation of certain hypotheses because evidence may be against or unsuitable with the original hypotheses. The collection of information and evidence to support pre-established hypotheses is also the process of clarifying policy problems.

---

[16]John Dewey, Moral Education, and Two Principles of Public Policy, Paper for presentation at the Annual Meeting of the Philosophy of Education Society of Australasia. December, 2009, Honolulu, Hawaii, USA
[17]http://www.goodreads.com/quotes/60780-if-i-had-an-hour-to-solve-a-problem-i-d

In hypothetical thinking process, it is important to prevent any bias tendency. Usually, people tend to focus on information that is beneficial to them, but ignore negative one. When information is positive and close to the hypotheses, they are willing to accept it. But when information is negative to the hypotheses, they try to "ignore" it. In that way, they sometimes are led to misleading notions on the problem and causes of the problem, consequences of which may be a policy that is impractical. Therefore, public servants that formulate the policy must be capable of being flexible and willing to welcome and analyze even negative information to be able to discharge their duties in the most effective manner.

The importance of policy problem analysis is reflected by the facts that:

- It enables to explicitly re-affirm the existence of the problem, its urgency, and its impacts on the society. It can reveal potential aspects of the problem in the process, even when new information is discovered and original hypotheses are changed, the analysts can identify the policy problem again.

- Correct identification of policy problem, root causes of problem, and its consequences on the society are important bases for developing policies to respond to market needs and focus on resolving the problem appropriately.

- It enables policy formulators to clearly identify unique features as well as political and social aspects of the problem. Therefrom, appropriate solutions can be sought to resolve the policy problem.

- It also requires policy formulators to define required assumptions or conditions to resolve the problem in a certain socio-politic context. These are also bases to ensure the feasibility of the policy to be enacted.

- It also clarifies benefit relations of different groups associated with the policy problem. These are bases to establish objectives and solutions in consideration of these benefit relations.

3.3.2. Clarifying nature of the policy problem:

A policy problem has both external and internal manifests. Policy problem analysis must clarify the nature of the problem to avoid any misunderstanding between external and internal features that belong to the nature of an object or phenomenon. Determining the problem based on external manifest will result in proposed solutions that are intended only to deal with the phenomenon; thus, it is unable to resolve root causes of the problem, making it become worse, and even distorting the problem or arising new problems.

To clarify the core nature of a policy problem, following steps should be taken:

- Describe the problem through its manifests: Consider in which phenomena the problem is manifested? Problem phenomena may manifest in different aspects: some are relatively straightforward (e.g. cigarette smoking situation among the youth), while some are more complex and varied (e.g. hunger and poverty problem). Describing a problem allows one to view the problem and its manifests in the social life more comprehensively; then, he or she may envision the scale, scope, and complexity of the problem.

- Problem measurement: Describing or listing manifests of a problem only shows its surface. To understand it more deeply and comprehensively, it is necessary to measure it. Measuring a problem is to present qualitative and quantitative figures to determine the scale, scope, and nature of a problem in a specific, clear, and persuasive manner. For example, hunger and poverty problem may be measured by such indicators as:

+ Problem scale indicates whether the problem is a single problem or contains many sub-problems. The higher scale is, the more demanding policy is.

+ Problem scope indicates how widely the problem covers the fields? Which are the subject groups? How many entities that are directly or indirectly influenced by the policy problem?

+ Problem nature reflects unique features of the policy problem, for example, a problem only related to a certain subject group (women, children); a problem related to religion; a local problem, etc.

+ Development trends of the problem: together with future conditions, how fast will the problem develop? Which are conditions that facilitate the development of the problem

+ How are the impacts of the problem on social life? Threat of the problem to social life.

Above-mentioned measures will become clearer if they are quantified. In case they are unquantifiable, their manifests should be clearly described.

3.3.3. *Analyzing causes of the policy problem*

Policy problem is a conflict that arises in the socio-economic life, or a need for changing current situation that requires the state to enact public policies to resolve. But, to resolve a problem, causes of the problem must be identified and solutions to it must be developed. Causes are factors that make a policy problem arise or result in phenomena of a policy problem. Identifying the causes of a policy problem is actually to answer the question, "what caused the policy problem?" In medical field, the cause of a disease can be just a virus; however, in social life, there are likely many causes of a problem: e.g. hunger and poverty problem can have different causes such as land shortage, lack of capital, unemployment, natural disaster, epidemic, accident, sickness, etc. To analyze causes of a policy problem and identify root causes of the problem, therefore, it requires the use of study tools and an in-depth analysis.

Root causes of a problem are conditions or activities that make that problem exist. If root causes are resolved, then the problem will not occur again. There may be different causes or factors that have an influence on the problem. Here, there are cause and effect relations between factors influencing outcomes of an event, but not every factor resulting in a problem is a root cause. For example, family violence problem may occur from drug abuse or financial difficulty, etc.; looking more closely, it may result from gender prejudice, low education, or difficult economic conditions.

Root cause is the cause that if being resolved, it may prevent from undesirable consequences of the problem.

To identify root cause of a problem, following techniques may be used:

- "But Why?" or "5-Why?" technique

This method is carried out by asking why questions in the order of "effect-cause" to seek root cause of the problem.

The fundamental principle of seeking root cause of the problem here is by using a Q&A tool. Questions are in form of a "Why-clause", and while the question is still answerable (i.e. root cause hasn't been reached), the questions continue. Typically, 5 Why-questions are sufficient to reach root cause of the problem.

- "Problem tree" analysis technique:

Problem tree is an analysis tool (a tree graph) that enables to identify and systematically analyze prominent causes of an existing problem to seek intermediary and specific (root) causes of the problem and to create the basis of developing solutions to the problem. Problem-tree analysis technique helps with understanding complexity and relations of the problem.

Figure 5. Problem-tree model
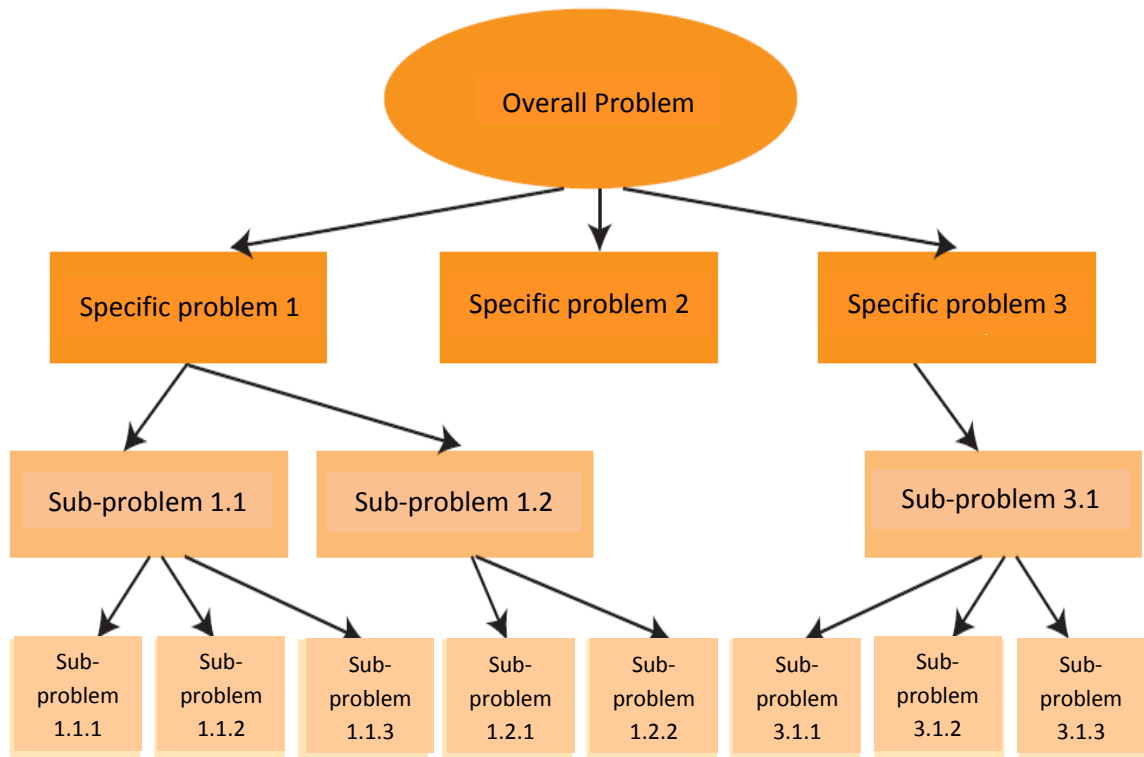
A problem-tree model is formed as follows:

3. Draw a tree chart of 4-5 levels (see figure 1), in which the problem is marked clearly on the top.

4. Ask and answer the question: *Why does this problem* exist? or *What are direct causes of this problem*?

5. Determine direct causes of the problem (level-1 causes)

6. Determine indirect causes of the problem (level-2 causes)

7. Repeat the process until no more cause is found. Typically, a tree model may have 4 or 5 levels. Causes at the last level are root or ultimate causes of the problem.

It should be noted that objective causes on which state agencies cannot have an influence such as climate, natural disaster, fluctuations of the market, international crisis, etc. should not be analyzed.

- "Fish Bone" technique

"Fish Bone" diagram is a picture depicting logical relations between a problem and its causes.

Figure 6. Fish Bone diagram
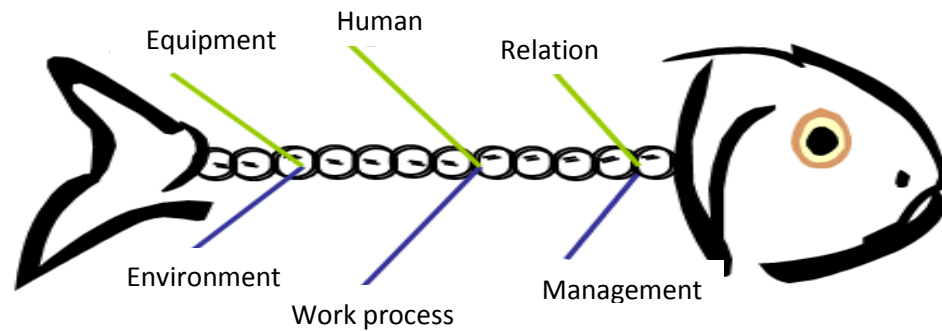
Steps of developing a Fish Bone diagram:

- Step 1: Draw a fish bone diagram (from left to right)

- Step 2: Write name of the problem at the fish head (indicate specific figures)

- Step 3: Determine main bones (main factors related to the problem)

- Step 4: Analyze and seek root causes by "why" questions.

- Step 5: Determine and circle root causes that actually lead to the problem and can be influenced

- Step 6: Identify root causes using available data, survey, interview, or group discussion.

• Root cause analysis techniques

A root cause analysis allows us to identify and correct root causes of the problem in addition to understanding and resolving symptoms of the problem. Resolving root causes will help prevent the problem from re-occurring. However, it is not easy to resolve root causes by a single measure or action; in fact, it requires the combination of different measures and a continuous process. Therefore, root cause analysis is an iterated process and a tool that should be continuously innovated.

Main purpose of root cause analysis is to determine factors influencing the nature and significance, location and timeline of negative outcomes (consequences) of a single or multiple past events to identify the behaviors, actions or non-actions, or conditions that need to be changed to

prevent the re-occurrence of similar consequences and extract lessons to achieve more favorable consequences.

To be effective, root cause analysis must be carried out systematically, typically as a part of an investigation, in which the conclusions and root causes will be identified by recorded evidences on document. This often requires the efforts of a group.

There may be more than one root cause of an event or problem. The difficulty is that required efforts must be maintained to be able to identify root causes.

Purpose of identifying all solutions to the problem is to prevent it from re-occurring at the lowest costs in the simplest manner. If alternative options are similarly effective, then the simplest one or the one with the lowest cost will be the chosen option.

Root causes to be identified depend on the manner in which the problem or event is defined. An effective problem report or event description (e.g. a failure) is useful or required.

To be effective, an analysis should first make a sequence of events or timeline to understand the relations between influencing factors and root causes (cause-effect relation), and identify the problem or event to be prevented in the future.

Root cause analysis may help with transforming a reaction culture (reaction to a problem) into a transitional culture that looks to resolve the problem before it may occur or become more serious. More importantly, it helps reduce the frequency of the problem over time in the environment whether root cause analysis is used.

Steps of identifying root causes of the problem are:

Define the problem or describe events to be prevented in the future. These include qualitative and quantitative attributes of adverse outcomes. This may involve identifying the nature, significance, location, and timeline of the event. In some cases, "reducing the risk of re-occurrence" may be an

appropriate objective. For example, "reducing the risk" of car accident in the future may be a more appropriate objective than "preventing" all of car accidents in the future.

Collect data and evidence, and then classify them over the timeline of the events finally until the failure or crisis. For each behavior, it should clarify timeline of conditions, actions or non-actions, and what should be done when it is different from what have been done.

Ask "Why?" and identify the causes associated to each step with respect to the defined problems or events. "Why?" means "What are factors that directly influence the outcomes?"

Classify causes into cause-effect relations of factors related to a sequence of events and root cause that, if so eliminated, may interrupt the sequence of consequences.

Identify other adverse factors that have similar or higher influence than the so-called "root causes". If there are many root causes, which is actually the case in practice, it is necessary to clarify these causes to make sure later selection of the optimal solutions.

Define corrective actions that will surely prevent adverse consequences from re-occurring, including the inputs and factors. It makes sure that any corrective action, if being taken before the occurrence of the event, will mitigate or prevent specific adverse consequences.

Defining effective solutions with the group's agreement to prevent problems from re-occurring in a reliable and reasonable manner, within the control of division, and to meet objectives and cause no unexpected problem.

Correcting and finalizing proposed root causes.

Effectiveness is ensured by observing the implementation of proposed solutions.

Defining methodologies to resolve and avoid the problem may be useful.

Defining and resolving other adverse outcomes and factors.

3.3.4. *Analyzing consequences of the policy problem*

Consequences of policy problems are events, phenomena, or impacts that will occur when the problems exist and develop. Typically, consequences of policy problems are negative impacts on social life. These consequences are results of the interactions between causes of the problem in certain contexts. For a cause to result in a consequence, it requires objective conditions, overall of which forms the context. But, a context is different from a cause because it does not produce any result or consequence. Any phenomenon has its cause. None exists without a cause. Therefore, each phenomenon is a part of a series of cause-effect relations in which it is both an effect and a cause. As such, even in a series of causes of a problem, higher-level causes in the problem tree may also be effects (consequences) of lower-level causes in the same tree. The final consequence of a policy problem, however, will be the overall impact of causes of that policy problem.

When a consequence is generated, it may influence the cause and make it worse. To eliminate such an undesirable consequence, its cause must be eliminated.

Analyzing consequences of a policy problem may be helpful in clarifying unpredictable adverse impacts of that problem. To analyze consequences of a policy problem, one may use Cause-Consequence Analysis (CCA) technique.

Cause-Consequence Analysis (CCA) is a method of analyzing a series of consequences of a problem. The purpose of this analysis is to recognize that series of consequences as reflected by undesirable failure or events, and to estimate the possibility of those consequences. Cause-consequence structure of the analysis is formed by combining two types of tree structures. For a consequence tree, it is formed from left to right, consisting of original events and subsequent events that result in other undesirable failures or events.

Causes and possibilities of resulting in consequences will form a top-down tree diagram just like a problem tree. Both cause and consequence trees create a series of intuitive consequences that help demonstrate

cause and consequence relation resulting in different damages. A consequence tree shows a series of possible consequences and damages caused by the existing problem while a cause tree describes the causes and possibility of consequences.

Figure 7. Cause – consequence tree diagram
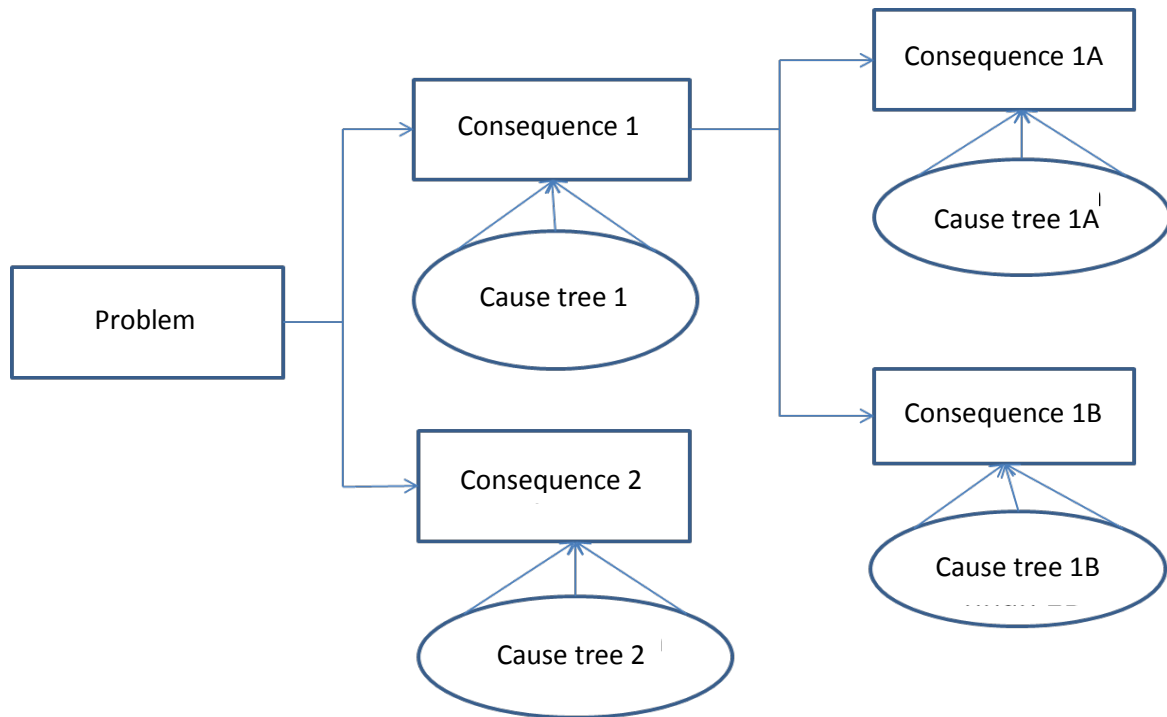
Cause – consequence analysis consists of following steps:

- Define the original problem/event (failure or a series of undesirable events that may result in a domino damage)

- Become aware of subsequent events (intermediary and original events and final damages)

- Final damages/consequences (damages may arise from different levels of subsequent events).

- Identify causes of original and subsequent events.

- Estimate the possibility of failure (data failure) based on the causes of original and subsequent events.

- Recognize the chain of damages

This cause – consequence analysis method may be applied in a special case when checking a series of complex events where many consequences may occur from the original event or problem.

Results of a cause – consequence analysis allows to describe in an intuitive and logical manner a series of consequences as a result of those events, and it also indicates the possibility of occurring final consequences on basis of cause – consequence relation between events.

Cause – consequence analysis technique allows verifying identified causes in the problem tree, and it also points out consequences arising from the problem directly associated with such causes.

3.4. Determination of policy objectives

3.4.1. Policy objective definition

An objective is the destination that a policy seeks to reach. In other words, an objective is the destination expected to be reached in the future by means of a public policy. A policy objective is also expected outcomes of resolving the problem with that policy.

A social problem may have one or more objectives concurrently. It is important to define which are the main or core objectives that a policy should reach and which are auxiliary objectives associated with the main ones. If the main/core objectives are not reached, then root causes of the problem will not be resolved. In the meanwhile, whether auxiliary objectives can be reached or not depend on the extent of practical conditions for policy implementation.

Defining the objectives clearly is very important. When policy objectives are clear and specific, it is possible to know if policy implementation may reach those objectives or not. If they are vague, general, or unspecific, the new policy will have no benefit. Normally, one shouldn't define too many policy objectives; in other words, the fewer number of objectives is, the clearer and more specific they will be, and it is much more better if they can be quantifiable.

However, resolving a policy problem is usually the result of reaching a series of objectives, including sub-objectives and main objectives. This is explained as follows: each problem may begin from some direct and

indirect causes, and from root and auxiliary causes. Resolving the causes will help reach sub-objectives. Linking sub-objectives will contribute to resolve main objectives of the policy (figure 8).

Figure 8. Relations between sub-objectives and main objectives of a policy[18]
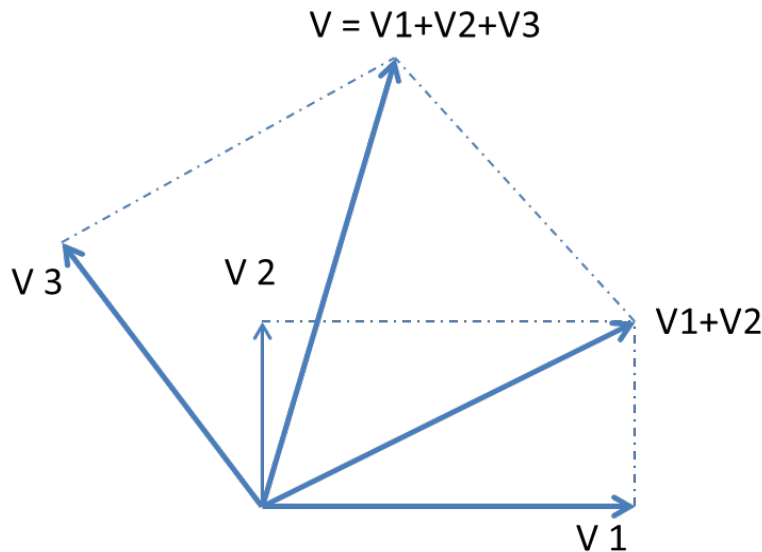
Summarizing three sub-objectives: V1, V2, and V3, will lead us to the main objective V of the policy.

3.4.2. Clarifying desirable and undesirable outputs of the policy

An objective is the destination that a policy desires to reach. But, a policy can result in undesirable outputs, too. Because of specific conditions and limitations of policy design, or risks and obstacles in the implementation process, a policy may produce undesirable outputs Sometimes, these undesirable outputs are against main policy objectives. Therefore, it is necessary to predict potential undesirable outputs immediately in the policy preparation. These undesirable outcomes may be considered as policy risks. Analyzing these risks and seeking to prevent and minimize them will reduce undesirable outputs of the policy.

A policy risk is a summary of random factors that may occur and influence on outcomes of the policy. A risk can exist along policy process and is associated with characteristics and conditions for deploying each

---

[18] U.S. Public Policies, pg. 236

phase. In principle, it is possible to forecast and measure a risk by conducting risk research and analysis. Therefore, forecasting and preventing risks must be regularly and continually carried out during the policy process. In policy formulation phase, however, it is necessary to conduct a risk analysis to identify potential undesirable outputs of the policy.

Policy risks include endogenous risks of the policy and exogenous risks of the environment influencing the policy.

Endogenous risks of the policy may exist because of the nature of the policy problem: for example, the problem is complex and relevant to many fields; it has a wide scope and an influence on various groups in the society; psychosocial reactions to the policy problem.

Exogenous risks include factors influencing the policy problem that arise from political, economic, and cultural context, or policy implementation because of limited qualifications and conditions...

Recognizing and measuring policy risks are a relatively complex, long process associated with policy process. In policy formulation process, it is important to identify at least the risks associated with the policy problem, and therefore, potentially resulting in predictable undesirable outputs.

To identify the risks associated with core nature of a policy problem, following steps should be taken:

- Based on analyzing the problem, clearly define its scale, scope, nature, development trend, and impacts on social life, and then forecast risks that may arise in association with each nature factor of the policy problem.

- Determine policy objectives to be reached and auxiliary objectives for main objectives of the policy.

- Develop a matrix of risks and desirable objectives. Consider how risks may influence or distort the objectives that result in outcomes not originally desired by the policy formulators. And then, list down the cases when undesirable outputs may develop. For example: A risk that the poor in rural regions lack land for cultivation will influence the desirable objective that people have stable jobs; thus, it may result in undesirable outcome that

the poor have to seek for season-based employment and their income will be unstable.

3.4.3. Approaches to policy objectives

Policy objectives are defined for each of enacted policies. From commonly defined objectives, each of the stakeholders may adopt a different approach that is dependent on its interests or desire.

\+ Policy objectives in the approach of the policy formulator

Policy makers, in principle, will set out policy objectives to demonstrate the desirable outcomes in resolving a policy problem. From different perspectives, however, resolving policy problems will result in different policy objectives. Also, determining different root causes of the problem may lead to different objectives.

In the meanwhile, policy formulators are often influenced by many policy factors, policy objectives; therefore, often reflect political objectives of the ruling party. When political objectives are in an agreement with policy objectives of the State, the trend is positive; otherwise, when political objectives are in a disagreement with expected policy objectives, then policy formulators usually have to ensure the harmony between these two categories.

\+ Policy objectives in the approach of stakeholders

A newly introduced policy will have an influence on the interests of stakeholders related to the policy problem. Each stakeholder desires to obtain its interests from implementing the policy. Sometimes, in form of a common objective, each stakeholder will interpret that objective specifically in his way. If stakeholders directly engage in the policy process, they will "drive" the policy to the way they want.

Let's take the construction of a centralized industrial zone as an example: the government wants to promote economic growth, develop a synchronous infrastructure for the growth, and reduce environmental pollution. Investors see the objective as attracting investment capital to gain profit. Common people see the objective as more jobs and the ability to earn an income. Financing entities look into tax collection ability when the industrial zone comes into operation, etc.

3.4.4. Significance of defining policy objectives

+ Focus on causes of the problem: policy objectives must aim to resolve causes of the policy problem. If the objectives are not associated with causes of the problem, they will be meaningless. To put it simply, objectives of a policy are to transform (negative) causes of the policy problem into the opposite (positive). For instance, a cause of the imbalance of university training fields is the lack of vocational guidance at the high school. In this case, an objective is to improve vocational guidance for high school students.

+ Orient the solutions: An objective is the destination to be reached; therefore, it serves as a navigation for solutions. Based on established objectives, policy makers will seek paths to reach those and specific solutions to achieve the objectives. For example, to improve vocational guidance for students, it is possible to propose an option to strengthen vocational guidance training for students. Accordingly, specific solutions are: organize dialogs and provide promotional materials on vocational guidance; conduct a survey; communicate over the public media, etc.

+ Determine problem-solving level: Typically, policy formulators want to resolve the problems in the most optimal manner. In fact, it is proven that it is not easy to resolve a problem completely. It is sometimes because the problem is too complex and as a result of different causes, and conditions do not allow addressing those causes synchronously and completely. It can also due to causes of the problem that root deeply in the core nature of human, things and thus making it impossible to be dealt with at its root. For example, a cause of traffic jam problem in the city is that infrastructure is incompatible with urban development. This cause cannot be dealt with completely in immediate future because it relates to many obstacles, especially regarding new construction investment, etc. In this case, a policy objective must comply with actual situations and problem-solving level must be clearly defined.

### *3.4.5. Steps of defining policy objectives:*

Steps of defining policy objectives are:

- Specify problem needs in a clear and easy-to-understand manner.

- Identify the causes of the problem and make a list of direct and indirect causes.

- State objectives to be handled for each cause.

- Link sub-objectives, and then summarize into main objectives of the problem.

An objective tree may be used to define policy objectives. Accordingly, it is possible to develop an objective tree based on the problem tree that has been used in analyzing causes of the problem. An objective tree is understood as a diagram describing desirable conditions in the future that are achievable after resolving the problems in the problem tree. Objective tree always goes together with problem tree and they assist each other. If analysis trend in the problem tree is top down, then that in the objective tree is bottom up.

Establishing an objective tree is to make sure that the policy is practically based on identifying and resolving root causes of obstacles to the development process instead of only dealing with external phenomena.

Figure 9. Objective tree

77
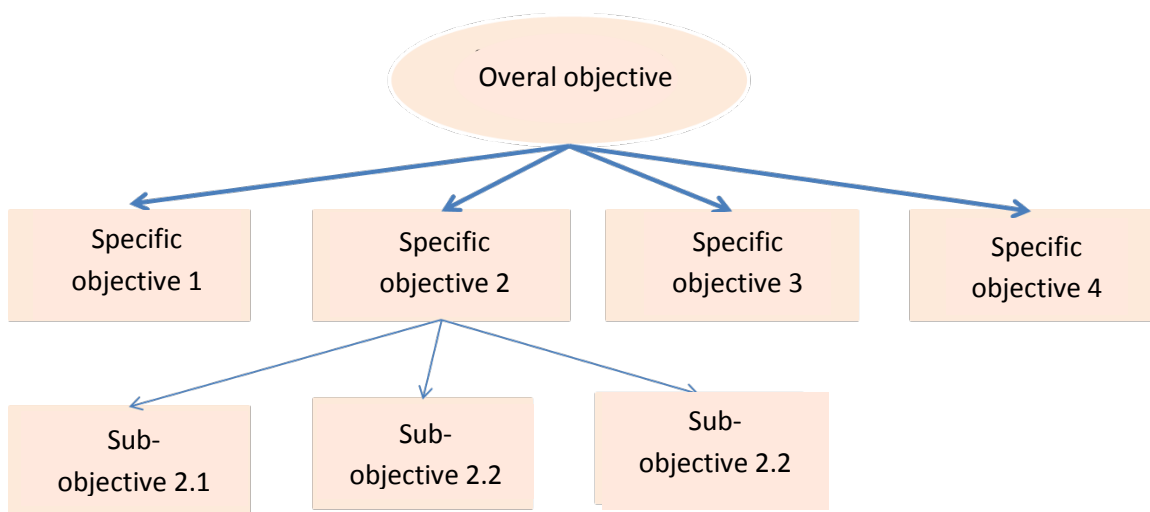
Principles of developing an objective tree from a problem tree: Convert causes in the problem tree into objectives in the objective tree by re-writing negative statements into positive statements. One shouldn't, however, be strict in converting negative statements in the problem tree into positive ones in the objective tree, and it is unnecessary to create objectives for all of problems in the problem tree.

Steps of developing an objective tree from a problem tree:

i)Convert bottom-level causes (e.g. level 3) into sub-objectives. For example: if the problem/cause is defined as "Backward cultivation methods", then a sub-objective will be "Innovating farmers' cultivation methods".

ii)Convert next-level causes (e.g. level 2) into specific objectives. For example: if the problem/cause is defined as "Low productivity plants", then a major solution or specific objective for the next planning period will be "Enhance plant productivity".

iii)Convert problem-level statements (level 1) into objectives. For example: if the problem is "hunger and poverty problem is still popular in localities", then the objective will be "reduce hunger and poverty situation".

Typically, an objective tree not only shows objectives to be reached, but also guides policy solutions. These solutions can be understood as a sub-objective. But, depending on each problem, one may regard these branches as sub-objectives or solutions. If the problem is complex and wide-spread that must be resolved in a long time using a combined policy, then these may be regarded as sub-objectives. If the problem is simple, clear, then these may be written as solutions and activities to be taken to perform specific objectives of the policy.

Figure 10. Objective tree and solutions
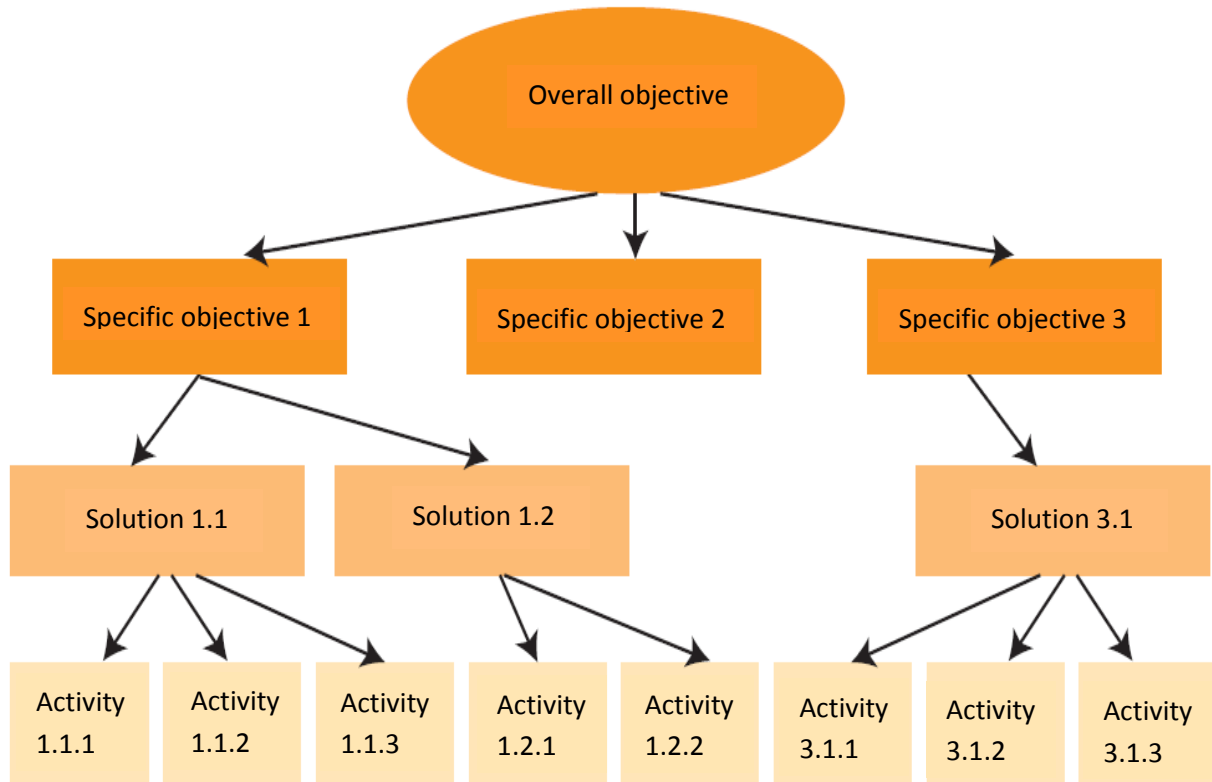
Defining policy objectives in practice isn't usually an easy task. If too many objectives are defined, then it may be difficult to achieve all of them due to limited resources, qualifications, and conditions to make sure a successful implementation, internal and external influencing factors, scale and complexity of the problem, etc. Thus, there is a principle that one should define too many objectives. Meanwhile, it is necessary to define the scope of each objective. To define the scope of each objective, answer following questions:

- Is the problem related to any other problem? If yes, how is the relation?

- What is the main demand of those affected by the problem?

- To resolve above-mentioned problem, which are main objectives?

- To achieve above-mentioned main objectives, which are specific objectives or sub-objectives?

- Is there any relation, positive or negative, among sub-objectives or between sub-objectives and main objectives? or which conflict may there be, here?

If this problem is closely related to another or several other problems, then policy objectives must be limited to a single problem as target of the policy. If one defines common, wide objectives that are related to other problems, then it will be impossible to resolve related problems falling outside scope of the policy.

In resolving the policy problem, there is a mutual relation between main objectives and specific objectives or sub-objectives. Normally, main objectives are the summary of specific and sub-objectives. If there is any specific objective that is in a disagreement with other specific objectives, or even main objectives, it will be very difficult to concurrently perform these objectives. In that case, it is necessary to re-determine the objectives in a reasonable manner so that it will not cause any mutual conflict.

3.4.6. Criteria for defining objectives

Whichever method is used, policy objectives must satisfy following requirements:

Figure 11. Criteria for defining objectives
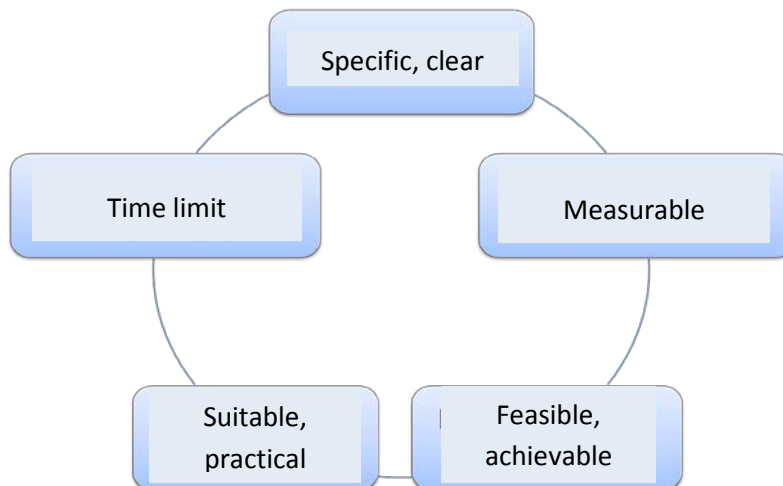
Above criteria were mentioned by George T. Doran in an article, "*There's an S.M.A.R.T. way to write management's goals and objectives"* in 1981[19].

---

[19]Doran, G. T. (1981). "There's an S.M.A.R.T. way to write management's goals and objectives". *Management Review* (AMA FORUM) **70** (11): 35-36.

- *Specific*: An objective must be defined in a specific and clear manner without any generality or ambiguity. To make an objective specific, it is necessary to clearly define which changes are expected, why those changes are important, where those changes should happen, who participate in this process.

- *Measurable*: A defined objective is measurable by specific criteria to know where changes actually happen. These criteria may be qualitative or quantitative, and in later case, they are more accurate.

- *Achievable*: A defined objective must be feasible and achievable. A feasible objective allows one to reach it with existing resources, abilities, and conditions.

- *Realistic*: An objective must be realistic with respect to the policy problem. In other words, it must show results of resolving the policy problem or further correct causes of the problem. If an objective is not associated with the policy problem, then achieving such an objective brings no benefit to the requirements for resolving the problem.

- *Time-related*: An objective is clearly required to be achieved in a time limit. Without time limit, the defined objective will be meaningless because one can delay it and waste resources in an ineffective manner.

3.5. Proposal of policy options

3.5.1. Policy option definition

To resolve a policy problem, there are different paths or means. A policy option is a mean to implement a policy to achieve its objectives. Each option will consist of several of corresponding solutions.

As such, there may be different options to resolve the same policy problem. One can also regard each proposed option as a policy scenario. A policy scenario consists of a list of potential solutions to be selected to form a policy.

The necessity of proposing different options will allow policy formulators to have a comprehensive view of different paths to resolve the policy problem, and more importantly, select the option that best satisfies the requirements. If one chooses an option rashly without considering

others, sometimes that option isn't the optimal one, even considerable resources, costs and time may be spent without achieving desirable outcomes.

Subject to each problem of interest, it may be resolved by many options or just a single one. Typically, a simple, clear problem that originates from several specific causes may be resolved by a single solution option. For complex problems that have a wide scope of effect and originate from different causes, however, many different options should be developed. Therefore, each option may adopt a solution to address root causes of the problem to achieve common objectives. Selecting the final option will be based on a comparison between different options to select the most optimal one depending on desirable criteria of the policy-makers.

3.5.2. *Types of policy option and theoretical background for determining the option to apply*

A problem can be resolved by many different options. Policy options can be classified into three basic categories depending on state intervention with the current situation. They are:

+ Status quo: means an option in which the state doesn't intervene with current situation of the problem. In this case, the State will leave it develop on its own and be resolved by entities of private sector without any state intervention. State policies only serve as the guidelines for private sector to resolve the problem or set a legal corridor for private sector to conduct activities as oriented by the State.

+ Indirect intervention: This option is related to problems that the market cannot resolve by itself and requires State intervention. The resolution of such a current situation, however, may involve entities of private sector; therefore, the State will encourage the participation of private sector while it provides an indirect intervention to facilitate private sector to do properly.

+ Direct intervention: For problems directly related to state duties toward the society that private entities cannot address because of political causes, limited capacities, or unpredictability of success, the State will take direct activities to resolve such problems.

A mixed option may also be adopted to resolve a problem: the State will directly intervene with the market using its human and financial resources, but also encourage the participation of private sector to resolve the problem on the basis of public-private participation model.

Whichever option to be selected is based on the theoretical background on State intervention with market economy.

The invisible hand of market economy isn't always succeeding in directing the economy. Market failures lead people to accept that government interference, the visible hand, with the economy is necessary.

Market failures are clearly demonstrated in following four situations:

First, supplying purely public goods. Purely public goods are goods and services that have two properties: non-competitiveness and non-excludability. Private market does not supply purely public goods because of great difficulties in generating enough revenue to cover expenses; in other words, private suppliers are incapable of requiring consumers to pay.

Second, external effects. External effects arise when a market transaction has a positive or negative impact on a third person while he or she is not required to pay (positive impact) or does not receive any compensation (negative impact). Private market can supply goods and services that are profitable without paying attention to external effects caused by their activities.

Third, market monopoly. This is a situation in which a small number of firms rule and dominate the market forming monopolistic forces. Market failure arises because there is no competition and monopolistic players can limit the supply lower than optimal level to raise price and increase profit.

Fourth, imperfect information. There may be a situation in the market that a market participant doesn't have full, necessary information, which renders it disadvantageous because of lacking information.

Normally, where market does not fail, State intervention is not required and private sector should be allowed to resolve the problem on its own. In that case, State only needs to problem policies, encourage, and

facilitate conditions for private sector to implement such policies. This is a problem solution in the status quo option

Where market fails, State can intervene with the market in order to resolve its failure(s). Nevertheless, the government may choose to directly or indirectly intervene with the market.

Indirect intervention means that the State only intervenes with the self-running market by taking indirect measures to influence market activities via issuing regulations, contracting with private organizations with specific terms, or using financial instruments to influence activities of private sector such as taxation or subsidy.

Direct intervention means that the State directly intervenes with the market by using necessary activities, state system and officials, as well as financial resources to implement these activities. As stated above, the State will intervene with the market in case of any market failure to ensure the equity in providing these services to the poor. However, direct intervention of the State further requires following conditions:

- Outcomes of activities cannot be identified: some activities have outcomes that are difficult to be identified (for example, security and order problem in a region) or provision of which is difficult to be monitored, which may result in negative consequences (for example, weapon production). In those cases, the State should directly take measures to better control and monitor the production and provision of services and prevent negative impacts on the society.

- Activities are difficult for competition: Activities that private entities don't want to engage in or are incapable of doing so.

- Activities are politically sensitive: For certain political activities, the State must directly stand forward to avoid negative impacts on politics such as creating political, ideology, security, national defense instability, etc. Certainly, it depends on political context of each nation that the State may determine the extent of activities to be directly carried out by the State.

Selecting whichever the state should and shouldn't do is a decisive matter. Market failures, social equity call, and macro-economic stability are just necessary conditions for government interference. Government interference is usually costly. Undue government interference may result in more problems than resolve market failures. In other words, government failures can be as serious as market failures can. "When government failures are greater than market failures, ignoring government failures can result in huge expenditures that only benefit non-poor people or such poor services that their opportunity costs exceed their benefits offered to the poor"[1]. Therefore, it is necessary to assess both benefits and costs of the intervention.

It is important that the State should study and clarify which services are essentially necessary that the State should directly carry out and the extent of which so that it doesn't take over too many responsibilities that exceed its capability.

According to a research by World Bank, to which extent the government should carry out a responsibility depends largely on its existing management capability and financial resources. Within limited capability and resources of the government, it should only carry out minimum functions such as providing public medical services, eradicating hunger and reducing poverty, and aiding in natural disaster and sabotage rescue. Only when its capability and resources rise, the government may provide educational services, environment sanitation, or security policies, etc.

---

[1] World Bank: *2004 World Development Report*: Making Services Work for Poor People. World Bank, National Political Publishing House, Hanoi, 2003, pg. 243.

Figure 12. What should a government do?

(With its available capability and resources)

	Resolving market failures			Improve equity
Minimum functions	**Provide purely public goods such** as: National defense, laws and security, Protection of property rights, Enforcement of contracts, Public health, Macro-economy management, etc.			**Protect the poor**, such as: Carry out hunger eradication and poverty reduction programs, natural disaster and sabotage aid, etc.
Intermediary functions	**Resolve external effects** such as: primary education, environmental protection	**Regulate monopoly**, such as: Regulations on operations, Ant-trust policies	**Resolve incomplete information failure**, such as: Insurance (health, security, retirement), Regulations on finance, regulations on consumer protection	**Provide social insurance**, such as redistribution: retirement benefits, family allowance, unemployment insurance
Positive functions	**Coordinate with functions of private sector:** e.g. agricultural policies			**Redistribution**, e.g. redistribution of properties

Source:　*1997 World Development Report:The State in a Changing World, National Political Publishing House, Hanoi, 1998.*

Above-mentioned facts show that necessary conditions for government interference are when market fails, is instable or unable to ensure the equity in providing essential services to the community. But, sufficient conditions for government interference are when the government has

appropriate financial resources and management capacity to provide public goods and services.

In other words, sufficient conditions for government intervention are sufficient resources and necessary management capacity to obtain higher benefits than costs for each intervention decision.

- Resources of the government include human, asset, and financial resources. These resources are material conditions for activities of the government. Especially, financial resource is the fundamental element to provide inputs for implementing government decisions.

- Management capacity of the government comprises of institutional capacity - capacity of enacting policies, laws, and other decisions, capacity of organizing the implementation of these decisions, and capability of inspecting and monitoring aforementioned processes to ensure the effect and performance of decisions.

3.5.3. Policy idea forming approaches

Policy ideas are draft thoughts of the policies and orientations to change current situations associated to the problems of interest in accordance with desirable objectives.

There are three approaches to form an idea:

(i) Activity research based approach or incremental approach: A policy idea is formed on basis of using available work and modifying it to match the new context. This approach may be applied to developing policies on problems that have been partially addressed by other policies, or problems of researcher's or public interest that have been discussed over online forums and public media. Then, a policy idea is the development of previously discussed policies or research.

The task of policy formulators in this case is to conduct a research of available work, screen out reasonable ideas that are relevant to existing

problem, summarize them and, on that basis, supplement and improve them to match current context.

(ii) System analysis based approach: A policy idea is formed creatively and freshly on basis of a systematic thought on the problem, its objectives and solutions to achieve those objectives. In a systematic approach, people expect to resolve the problem with a new solution that is materially different from existing available ones; therefore, forming a policy is a creative and innovative process.

This approach is applied to resolve new problems that haven't been addressed in previous policies and to which there hasn't been any research or summary on solutions.

In this case, policy formulators must adopt a creative though and high level analysis and summary skills and, more importantly, a determination to innovate.

(iii) Idea combining approach: A policy idea is formed on the basis of combining different ideas to form a new one. From two different problems, one seeks a common attribute that is then addressed to serve an existing problem in the society.

For example, in today's context, poverty and low income problem in rural areas is a challenge to developing states. In the meanwhile, urbanization process is developing so fast that it results in many problems such as population increase, housing problem, etc. An idea of restricting the construction of factories in urban cities and moving them to rural areas can resolve both problems faced by urban and rural areas.

Combining ideas can also be used in case of learning experience of foreign states in handing certain problems. When a problem has been successfully resolved by foreign states using a public policy, following

states can learn from this experience, but it must modify the case to match specific conditions in its country.

3.6. Development of solutions for each policy option

3.6.1. Policy solution definition and requirements

A policy solution is an activity or a set of specific activities to be taken to achieve relevant policy objectives.

Each policy always includes many activities to be taken to achieve established objectives; therefore, each policy includes several or a set of solutions.

As previously mentioned, a policy problem may be addressed by several different options or paths to reach the established objectives that are referred to as policy options. Each path to reach the objectives will include a set of certain activities or solutions forming contents of that policy option.

In developing solutions for each option, it is necessary to make sure that proposed solutions meet following requirements:

+ Ensure the relations among Problem - Objective - Solution: Problem - Objective - Solution are three tops of the triangle of policy preparation (figure 13).

Figure 13. Triangle of policy preparation
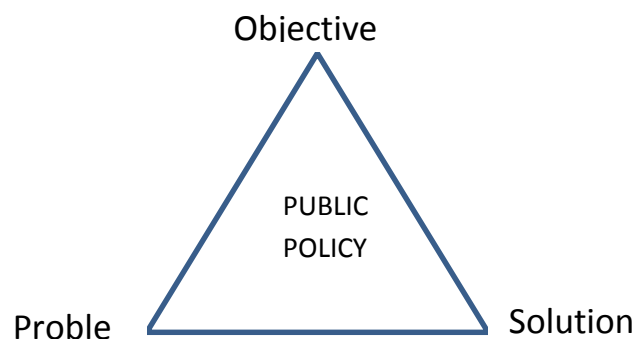
This triangle reflects close relations among Problem - Objective - Solution of the policy, specifically as follows:

Problem is the root that forms objectives and solutions. Therefore, objectives must be set in order to resolve the problem and reflect the desire to reach certain outcomes of resolving the policy problem. Solutions are means to reach the objectives from current situation of the problem. Therefore, solutions must originate from requirements for resolving the policy problem, and they must reflect that they are tools connecting current situation and desirable objectives. If objectives are separated from problem, then policy is meaningless to the relevant problem. If solutions are separated from problem, they can reach objectives but are still meaningless to resolving the problem. If solutions and objectives are separated from each other, though they may be related to the problem, solutions will not reach the desirable objectives but lead to another negative consequence.

+ Comply with political opinions: solutions are inseparable of official political opinions of the ruling party. Political opinions usually have domination over state policies and orient them toward the will of the ruling party. In principle, if proposed solutions are different from political opinions currently sought after by the ruling party, it will be difficult for the policy to be adopted by the National Assembly whether the ruling party controls most votes.

+ Correspond to implementation capacity: proposed solutions must correspond to implementation capacity of the government. This is a very important element; however, in policy development process, inadequate attention is often paid to this element. As a result, enacted policies are ineffective and fail to resolve the problems as expected. Therefore, solutions must be proposed in consideration of implementation capacity of governmental agencies related to the implementation thereof. Specifically, attention must be paid to human resource that implements the policy, their knowledge or understanding of the relevant problem and assigned tasks, their experience in performing similar tasks, specific skills to resolve the

problem, and their awareness of responsibility, discipline, and engagement to the job.

+ Associate with financial capacity: proposed solutions must be associated with necessary material conditions to implement them, especially financial resources that are available for deployment. Here, financial capacity not only means budget resources of the state that are available for implementing a policy, but also includes of financial resources that can be mobilized by engaging the society in performing the tasks. With the guideline as to promote public-private participation in the fields, mobilizing financial resources from private sector is an important method for State to resolve the policy problem without relying too much on available resources of the State.

3.6.2. Policy solution development method:

From a simple thought approach, solutions are objectives that are specified into sub-objectives that, in turn, are specified into specific activities. Objective Tree may be applied to form solutions in this manner. Then, objectives of the last level will become specific activities while objectives of upper levels will become solutions to perform sub-objectives. In the meanwhile, sub-objectives may be converted into sets of solutions to perform common objectives.

Figure 14. Objective tree and solutions
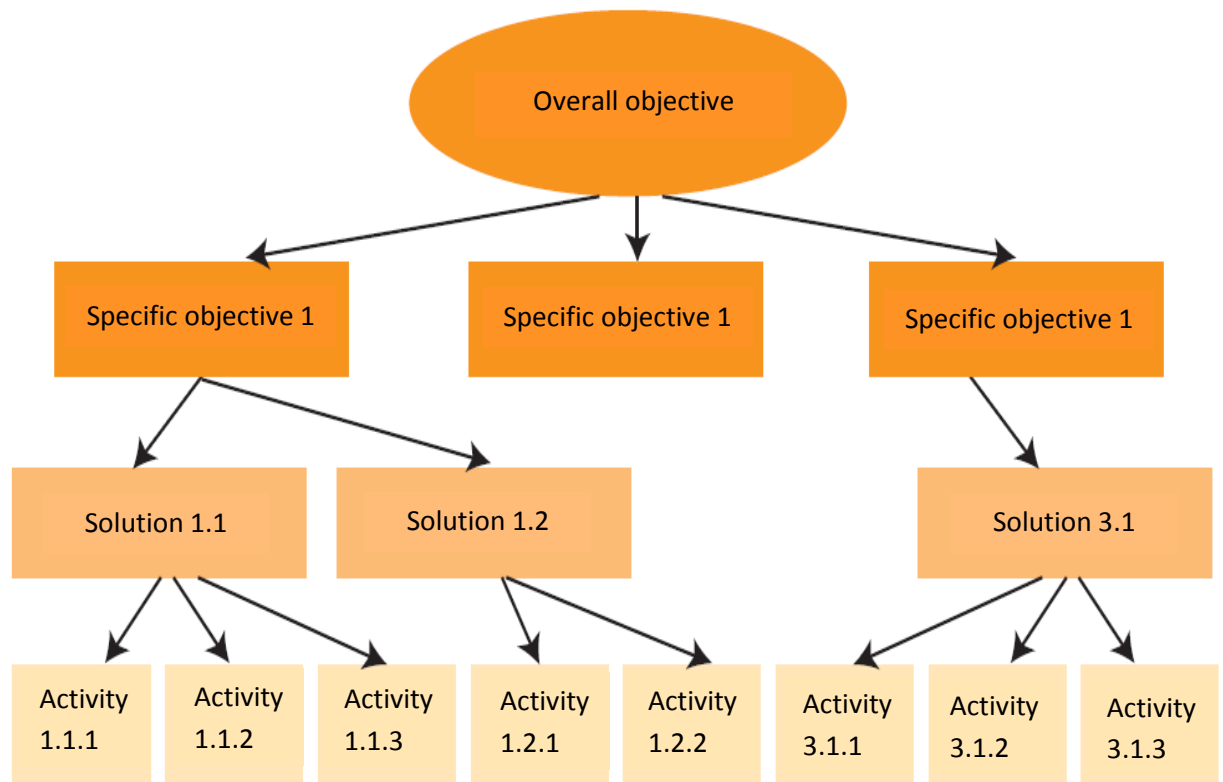
Means are developed from Objective Tree while solutions originate from Problem Tree. For example, the conversion of a problem tree on hunger and poverty situation into objectives and solutions is as follows:

- Convert bottom-level causes (e.g. level 4 in figure 5.2) of Problem Tree into activities. For example: if the problem/cause is identified to be "Farmers are not trained about agricultural promotion", then an activity in the upcoming plan will be "Train farmers about agricultural promotion".

- Convert next-level causes (e.g. level 3) into simple solutions. For example: if the problem/cause is defined as "Backward cultivation methods", then a solution for the next planning period will be "Innovating farmers' cultivation methods".

- Convert next-level causes (e.g. level 2) into major solutions or specific objectives. For example: if the problem/cause is defined as "Low productivity plants", then a major solution or specific objective for the next planning period will be "Enhance plant productivity".

- Convert problem-level statements (level 1) into objectives. For example: if the problem is "hunger and poverty problem is still popular in localities", then the objective will be "reduce hunger and poverty situation".

In fact, it is not always easy to identify all causes and list them down in a full manner. Due to lack of necessary information on current situation of the problem, specifically details of its scale, scope, and impacts, or lack of necessary theoretical knowledge on means to resolve the problem, determining problem-resolving means or solutions is the combination of information, theories, and experience of the policy formulators.

Usually, the process to seek solutions to an objective starts with comparing current situation with experience or experience with available theories. Different policy options or policy solutions may be formed from the combination of these factors (figure 15)

Figure 15. Development of policy options and solutions based on the combination of information, theories, and experience

	Theory	Experience
Sufficient information	Science	Habit
Insufficient information	Dependence	Experiement

There are 4 methods to develop policy options and solutions, which are:

(i) Scientific method: When there are sufficient necessary information on current situation and a summary of available theories, policy options and solutions may be developed in a scientific manner. This method may be applied to problems arising from old policies to seek for solutions. Previous research and answers are used to form theoretical basis. By reviewing available theoretical basis and considering practical

information, policy options and specific solutions may be proposed for the problem of interest.

(ii) Habitual method: For problems with sufficient information but without any summary of theories for application, experience of policy formulators will be the basis to develop solutions. This method may be applied to most of situations that haven't been mentioned in laws. However, applied experience may not be fully compatible with new context; moreover, the effectiveness of this experience hasn't been proven; therefore, in this case, policy formulators should avoid simply applying experience but consider it appropriately under next context.

(iii) Dependent method: When theories have been summarized but there isn't sufficient information as required by such theories, policy option development method will be dependent of information changes. This method is often applied to policy problems related to national defense or diplomatic fields because it is impossible to obtain full information in these fields. In this case, developing solutions must be highly flexible and readily adaptive to changing context. In spite of available theories, it is impossible to strictly apply theories to these situations.

(iv) Method of developing empirical solutions: When there isn't both a summary of theories and information, such as the case of a financial crisis, political crisis, or formation of a new development guidance, etc. in which case neither theory nor sufficient information exists, then, developing policy options as well as policy solutions will be a totally new experiment that requires the policy formulators to have knowledge, sensitivity, and determination to learn from available information, as well as the ability to accurately and quickly predict developments of the problem to propose solutions in a timely manner. In this case, one should propose short-term, flexible, low-cost solutions that can be quickly applied, responded, and easily changed.

Chapter 4

POLICY OPTION ASSESSMENT

4.1. Necessity of policy option assessment

Public policies are developed in order to resolve problems related to public sector. Behind each decision, whether objectives of a state or organization can be achieved, and, if yes, how much it costs to achieve those, and which consequences there may be, requires the policy formulators to conduct a strict analysis and assessment from the very beginning.

Policy assessment is the performance of activities to obtain information on subjects of a policy based on appropriate criteria in order to accomplish certain objectives. The purpose of policy assessment is the purpose of the entity that conducts that policy assessment. An assessment may be conducted for purpose of explanation, selection of a policy option, or self-interest of an organization, as well as improvement of an internal problem in the organization. There are two principal stages of conducting a policy assessment: ex ante assessment and ex post assessment.

Ex post assessment is conducted when the policies have been implemented. On the contrary, ex ante assessment is conducted in the policy development process prior to the decision and enactment of the policy.

Ex ante assessment focuses on proposals and policy options to consider the feasibility, effectiveness, or economy of a policy. In this stage, appraisal and assessment of policy options are necessary to provide reasons for a policy selection. Results of policy assessments are the basis for managers to make a selection decision. Quality of ex ante assessment activity plays an important role to the decision makers. A quality assessment is demonstrated by the level of careful analysis, scope of coverage of relevant problems, provision of reliable data and information for decision making purpose. To achieve the best assessment results, policy formulators may conduct many assessments immediately in ex ante assessment stage.

Entities that propose the policy may conduct *self-assessment* of their policy proposals by collecting, checking, and evaluating information. Questions that may be raised in a self-assessment are: is that policy idea feasible? how will that idea be demonstrated in the future? This will help make the policy proposers satisfied or doubtful, in later case, more information will be required. If self-assessment presents good results, after completing the policy draft, policy formulators should conduct an internal assessment.

Not like self-assessment, *internal assessment* requires the participation of those related to policy formulation process. These participants may analyze facts and express their agreement or disagreement with the policy. Results of an internal assessment will allow to confirm the urgency of the proposed policy problem and required responsiveness of the policy, and to persuade authorized levels to proceed with policy preparation.

In policy preparation process, in addition to clarifying policy objectives, policy formulators also need to develop scenario, propose policy options, and develop solutions for each option. Depending on each policy and legal regulations, policy assessment may be extended to certain subjects. Whoever those subjects maybe, however, in following assessment, the required form will be *public assessment*. With this assessment, criteria on the effectiveness, economy, feasibility, and impacts of the policy will be clarified.

Figure 16: Overview of policy ex ante assessment activity

Session	1	2	3
Time	After drafting the policy	After drafting the policy / Before developing the policy option	Complete the policy option
Subject	Policy proposer	Participants in policy process	Third parties (Related parties)
Form	Self-assessment	Internal assessment	Public assessment
Content	Necessity of the policy	Urgency of the policy Costs-benefits of the policy Finance and human resource responsiveness	- Effectiveness - Economy - Feasibility and resources - Environmental impacts - Risk levels - Barriers and ability to overcome barriers to the policy

An enacted policy is intended to meet practical requirements of socio-economic management. As a product of a willful process, however, a policy is the reflection of subjective opinions of the formulators. The levels may be different; however, formulators of each state have experienced mistakes in enacting policies. Therefore, to limit mistakes and increase the feasibility of policies, it requires policy formulation process to closely associate with ex ante assessment. According to calculations, in the U.S., every dollar spent on ex ante assessment of a policy can save USD 1000. According to statistics in 2010, in Vietnam, conducting an ex ante assessment on impacts of a policy is estimated to cost USD 500, but it helps save 100,000 times of that number thanks to less burden on the institution and more effectiveness[20].

In state management activities, quality of policies and laws will decide quality of institutional operation, which may have an impact on society

---

[20]Assessment of impacts of statutory documents to reduce burden on the economy" (Hong Hai).

management capacity and promote development. Assessing policy options, therefore, is essential to state management in particular and public sector management in general. These assessments will surely bring back beneficial effects in terms of:

- Increasing the feasibility of policy in practice

- Achieving the objectives at the lowest costs. This is the result of best policy selection among information provided by policy option assessment.

- Policy selection process is based on information obtained from policy option assessment to form rational behaviors, and relevant evidence to make sure both equity and persuasiveness for policy proposers and public community.

- Decision makers can obtain sufficient information from multi-dimensional feedbacks of the public community to make the most favorable policy decisions for community.

- Information obtained from policy assessment helps enhance policy quality and reduce policy risks of subjects of application.

- Raise the awareness of responsibility toward actions and outcomes of the policy, and toward restricting the abuse of powers and casual enactment of policies.

The necessity of policy option assessment in policy formulation process is evidenced not only by its benefits, but also by a contrary question as what will happen without policy assessment. In fact, it is shown that policy and law impact assessment has been widely accepted in the world. For organizations and states that do not apply policy assessment, their decisions may easily become imposing and subjective.

Even if it is frequently applied, however, policy option assessment process is not always favorable if the decision makers do not possess in-depth professional knowledge in all fields. Also, both policy proposers and protesters may not behave objectively in providing information. Groups usually tend to seek for evidence to support their notions. Even policy supporters tend to support any data in their possession that support their arguments, whether methodologies of the research to obtain such data are

strong or weak. That makes it difficult for the use of assessment results in making decisions.

Besides, how policy formulators decide and whether they use data in an equitable manner, while policy problems are mostly complex, relating to many industries, fields, and technical questions that may far exceed the expertise and knowledge of the competent decision makers. Therefore, it is necessary to develop qualified assessment criteria to be able to obtain practical results for decision-making process.

4.2. Assessment criteria

In an assessment, the subjects to be assessed are approached by the assessing entities using assessment standards (criteria). Assessment criteria serve as an information filter to generate valuable and meaningful judgments for assessment objectives. Subject to the subject and objective of assessment, policy assessing entities may develop, select, and use appropriate assessment criteria.

For conducting a policy assessment, what should be used as assessment criteria must be clarified and carefully studied to make sure the high accuracy of judgments. In assessing the necessity of a policy, for example, it is important to determine to whom it is necessary. Among assessment criteria, it is possible to approach absolute or relative assessments. If assessment criteria are easy to be quantified (effectiveness, efficiency), either absolute or relative approach may be used. If assessment criteria are difficult to be quantified (equity, necessity), only absolute approach is possible. It should be noted that, however, the objectivity of assessment results are also dependent on the assessing entities instead of totally depending on assessment methods and criteria. Even among assessments, there is still subjectivity in using data or wrong data may be introduced by individual to mislead assessment results.

An assessment of feasibility of public policy options needs to be analyzed and determined on basis of certain criteria. Policy assessment criteria are used to measure values and possibility that a policy or program may bring about in the future. For public policies, measurement criteria must meet the requirements that they reflect values of objectives, make sure to harmonize benefits, and are open and transparent. The use of open

assessment criteria allows establishing clear standards, makes sure that policy analysis is objective and focused on key problems. Based on each policy option with clear criteria, policy users must be able to rank alternative options in the order of priority. The appropriateness of selected assessment criteria is dependent on the nature and content of specific problems that they need to resolve.

As an instrument of public administrators used for common objectives, public policies should satisfy the benefits of different classes, groups, and subjects in the society. Therefore, the development of public policy assessment criteria must both meet the requirements and be specific measures of the policy problems to be addressed, and reflect the benefits of majority of the society and be accepted by them. Policy option assessment criteria must meet the requirements on:

- Adequacy: Assessment criteria must be able to measure the matter to be measured.

- Reliability: Assessment criteria must be able to ensure the accuracy of measurement.

- Understandability: Assessment criteria must be clear and not misleading

- Timeliness: Time of determining calculated values of assessment criteria must be appropriate.

- Objective conformance: Assessment criteria must reflect the objectives or outcomes of policy implementation in a conforming manner.

- Policy influence: i.e. significance of policy influence on the matter to be measured by assessment criteria.

- Measurability: i.e. technical assurance of data measurement of assessment criteria

- Manipulability: i.e. the assessor's ability to manipulate measurement values of assessment criteria.

- Comprehensiveness: No material aspect of the policy option isn't addressed or covered by the assessment criteria.

- No repetition or excess of assessment of measurement criteria of different aspects.

- Cost of data collection: Total cost of data collection for the group of assessment criteria.

- Response to resistance: Difficulty for resistance to assessment purpose.

Public policies are principal tools of the state and public organizations. Most of public policies are intended to resolve specific problems within an overall view with multiple-dimension connections to different industries and fields. Therefore, objectives and measurement scales of public policy objectives are very varied. Measurement criteria of public policy objectives are demonstrated in different manners, such as: effectiveness, political feasibility, administrative feasibility, technical feasibility, cost-resource feasibility, equity, legality, social acceptability, benefits, risks, instability, etc. For each specific policy, project, or program, policy analysts and assessors will select appropriate criteria. Out of above criteria, however, some hold politically significant positions and are mainly used to evaluate policy options.
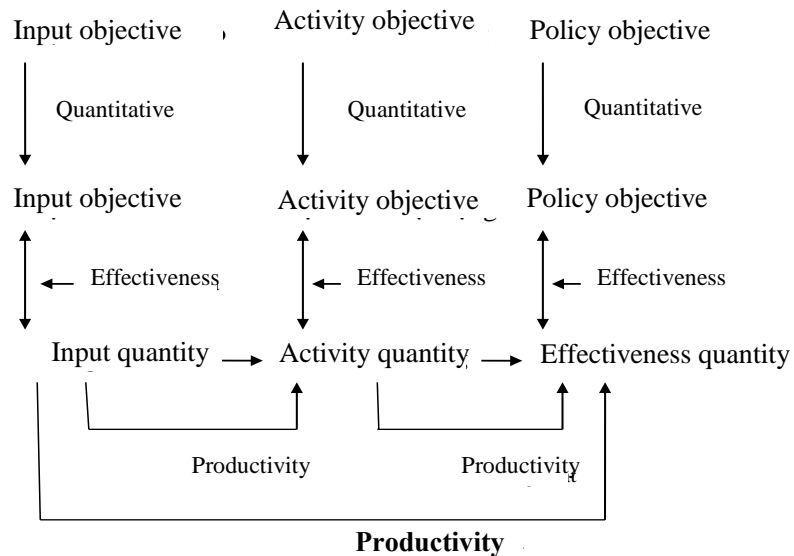
4.2.1. Effectiveness

Most of policies of the state use state budget and public expenditures; therefore, it is essential to assess the effectiveness of a policy option that the client (state) will be able to achieve after paying for expenses (procurement, investment, subsidy, etc.). In fact, there are government failures that are reflected in public investment projects, programs, and public policies. Such failures are the representations of the ineffectiveness of public policies.

Effectiveness of a public policy is the magnitude of results received from the use of fixed resources. In other words, effectiveness of a policy is confirmed when a policy option has the capability of utilizing resources to the maximum extent compared to other options.

For a policy that has been or is being implemented, its effectiveness is normally determined by considering whether this program achieves expected results or impacts or not. This will be included in actual data available (obtained from implementation results) for comparison purpose.

But, the effectiveness in an policy option assessment (ex ante assessment) is not like that. Effectiveness criterion of a policy option is represented by *the ability* to achieve objectives and goals of a policy. The effectiveness of a policy option is supported by the ability to achieve the objectives with the highest performance.

Figure 17. Simulation of performance (efficiency) based effectiveness

Factors that need to be measured to assess the effectiveness are:

- Quantity of input materials (inputs)

- Length of time to be completed

- Quantity of tasks to be performed

- Necessity of these tasks (minimize unnecessary impacts)

- Costs of tasks to be performed

- Quantified performance: Time period and cost to complete a certain quantity of tasks.

- Productivity: Performance (level of focus to achieve performance quality)

- Identify policy objectives and compare

Assessing effectiveness of a policy option must be measured by trying to estimate the ability to achieve defined objectives and goals. In

other words, effectiveness of a policy option must be considered by assessing the practicality of objectives and ability to maximize the performance of resources to achieve the objectives. As such, in conducting an assessment, each policy option presents a mean to achieve the objectives. For a good policy option to be assessed as being effective, however, it must be supported with evidence and proved that necessary tasks for the policy will appropriately assured and completed in the shortest time.

In assessing policy options, determining the effectiveness may meet following difficulties:

- Measuring the effectiveness of a policy that may become outdated in the future compared to the assessment date, even with future-predicted data, it still has low certainty.

- Public policies are often associated with different objectives and goals, and they may be successful with some of these, but become a failure with others.

- Some objectives can only be achievable after a necessary period of time, which may result in differences from short-term assessment objectives.

- How to adequately deal with factors of political environment while politician's opinions tend to emphasize weaknesses of existing programs and promote strengths of programs expected to substitute by subjective will rather than by evidence of policy effectiveness.

Scope of application of this criterion covers most of policy proposals where there are concerns about the quality and feasibility of policy objectives.

4.2.2. Economy

In formulating a policy, together with effectiveness, the economy of a policy is also an expectation of the organizations and state. The economy required in selecting policies is how to save resources for a specific policy. It should determine if there is any alternative with which objectives can be achievable at the lowest cost, or maximum benefits can be sought at fixed cost.

A condition to assess the economy of a policy option is that *its objectives* are achievable: (i) At the lowest cost with fixed benefits; or (ii) With maximum benefits at fixed cost.

It is required in assessing the economy of a policy option that one must predict future elements to determine whether it is possible to conduct activities at lower cost. This requires assuming a situation to compare activities of the same types to find the option with the lowest cost. In other words, a policy option proved that its objectives are achievable with the cheapest inputs is a good policy, achieving economical purpose.

To assess the economy of a policy, it is not sufficient to consider only the achievability of objectives. This also means that effectiveness does not necessarily mean objectives must be achievable at any cost, but only at the lowest cost.

The economy of a public policy will encourage entities to propose policies and opinions on costs and benefits, offer competitive proposals of solutions to saving input resources of the policy. The economy of a public policy is also reflected by maximizing benefits of the state and society while input resources are unchanged. Therefore, it is necessary to support policy-based intervention when benefits of the policy exceed its costs. On the contrary, when costs exceed benefits, the use of alternative options in terms of labor, capital, and materials is predicted to deprive the society of benefits (Patton and Sawicki, 1993; Weimer and Vining, 1999).

Applying economical criterion in policy option assessment is a matter of significance:

- The economy means a problem is resolved by using limited resources in the most optimal manner to achieve the objectives and satisfy defined needs. This is appropriate to any state with the needs to promote the development and growth.

- Assessing the economy allows policy makers to fully understand and conduct an adequate assessment of the option to be selected, and to make a decision that is most favorable to public objectives. This allows raising the policy formulators' awareness of responsibility in making a decision. On the other hand, information obtained from assessing the economy also becomes suggestions for a reasonable policy selection. If a

policy option is likely proved to be necessary but its cost is too high, it will be difficult for that policy to be accepted and other alternatives should be sought.

- Requirement on the economy of a public policy also requires budget resources to be used to satisfy human needs as best as possible. If the Government spends more expenditures on an activity than which is necessary to create benefits, less resources will be available for other activities. Economical criterion in assessing each policy option will allow the policy makers to balance budget, allocate it reasonably, avoid focusing unnecessary resources on a certain area, making insufficient resources available to other essential areas.

Applying economical criterion in assessing and selecting an option has several difficulties that should be considered:

Firstly, it is possible to calculate benefits and costs of profit-seeking activities in an economic context, but it will be difficult to do so for activities that seek to promote social welfare, medical policy, environmental protection, order and security, or activities that require considerable expenditures. For example, it is difficult to calculate benefits of the combat against terrorism compared to military costs and the deaths and injuries of innocent people.

Secondly, it lacks an agreement on the notion on equity between cost obligations and benefit entitlements. Those people that support a call for determining the economy of the policy option presume that benefits and costs are distributed equally (to some extent) among the population. However, many policies are applied to specific groups (agricultural aid, student aid, etc.) while budget allocated to these policies comes from tax contributions of all tax payers. Therefore, it is not simple to conduct an overall assessment of the distribution of costs and benefits to seek a reasonable solution.

The scope of application is mostly related to regulatory policies, for example, workplace safety and environmental protection, and the consideration of approaches to market protection.

4.2.3. Equity

Not like policies of private entities, public policies are tools to implement common objectives. The nature and functions of public policies are represented by common responsibilities toward to the community. In addition to the economy and effectiveness, each policy option must ensure the harmony of various types of benefits. Policy options must be oriented toward ensuring the equity among entities in the society. If state policies can guarantee this equity, they will promote social development. Equity, therefore, is one of mandatory standards in considering the possibility of survival and values of a public policy.

Presentation form of equity is creating impartial impacts on entities in the society both in terms of rights and obligations. In a policy option, following matters must be identified: who are beneficiaries of a policy action? and who aren't? who pay for policy costs? Then, it is necessary to determine the appropriateness of distribution form associated with policy objectives.

Requirement on the equity of policy is reasonable and necessary for public administration. However, there are certain difficulties in assessing the equity of a policy option:

First, there exist many conflicts in identifying the equity of a public policy. Existing notion on public policy equity is understood from two perspectives, process equity and final result equity. Process equity accepts differences in receiving benefits as a result of personal attributes. For example: some people may have better lives than others by receiving certain benefits (higher education, better job, higher income, etc.). Final result equity holds that the goodness of society such as properties, income, or political powers must be equally distributed to everyone. Result equity considers the achievement of goodness in the society not a simple outcome of personal attributes such as talents, willingness to progress, or working ethics.

Second, technical difficulties such as seeking certain means, measurement of equity for social relations are very complex.

4.2.4. Feasibility

Feasibility of a policy is reflected by the operation and achievement of established objectives of a policy. The operation of a policy is assessed by cost-benefit criteria, budget resource, and other resources to meet the requirements on policy implementation. The persuasiveness of a feasible option is reflected by information reliability, calculation, analysis, assessment of possibility of policy implementation. A feasible policy meets such conditions as:

- Ensure financial and human resources;

- Ensure the availability of technical instruments and necessary technologies for policy implementation;

- Recognize all of barriers and provide the ability to overcome such barriers;

- Calculate costs and benefits and make sure that benefits can exceed costs.

Information provided from a feasible policy option usually shows sufficient conditions for implementation and a high possibility of achieving the objectives. Feasibility of a policy option has a direct impact on the decision-makers. Any policy option that has signs of unfeasibility must be suspended for consideration, provision of further conditions, or otherwise termination of policy enactment possibility.

4.3. Forms of policy option assessment

There are many forms of policy assessment, such as: voluntary (self-assessment), mandatory (required by senior levels); internal, external, preliminary, comprehensive, administrative, political, judicial, effectiveness, efficiency, impact, etc. Subject to the nature, content, and purpose of the assessment, policy formulators can select an appropriate form. In ex ante assessment, to meet the requirements on selection of policy option, there must be: impact forecast assessment, performance assessment, risk assessment, and policy barrier assessment.

4.3.1. Impact assessment

Impact assessment of a policy option, also referred as policy impact forecast assessment, is an analysis of potential impacts of a change in policy and options to implement that change, and also the communication of

information, analysis results, and assessment to policy developers and public community. Policy impact assessment in English is also called "Regulatory Impact Assessment", or RIA. In Vietnam, RIA is referenced to as legal impact assessment in some research works. Main purpose of RIA is to assess future impacts of government interference by means of a policy or law. For that reason, RIA tends to be the most suitable choice among policy option assessments in the pre-feasibility study phase of a policy or law, but does not present results or impacts of the performance of a regulatory law after being enacted.

Policy impact forecast assessment may be presented in forms of a report or an analysis of costs, benefits, and factors that have potential other impacts as a result of the policy to be enacted. In fact, however, RIA is the process of conducting the analysis of costs, benefits, and other impacts of the policy to be enacted. The analysis, assessment, and forecast of impacts caused by an intervention by means of a policy are conducted before and during preparation process to find the option with the lowest costs and risks. Policy impact forecast assessment includes both positive impacts (benefits) and negative impacts (costs) of the action that the state expects to conduct, which helps policy formulators to identify the best and worst options, and select one that minimizes mistakes of the policy, eliminates unnecessary procedures, reduces costs incurred to the people and enterprises, and promote economic growth.

Fundamental constituting elements of RIA include: (i) Analysis and assessment of impacts caused by a policy or law proposal, and results of such an analysis must be presented in an RIA report; (ii) Institutional system that enables the effective implementation and performance of RIA.

Benefits of a policy impact forecast assessment:

- Help the decision makers better understand potential impacts of their decision before and after the enactment.

- Strengthen the consultation with groups of beneficiaries and stakeholders and raise the transparency of the policy to be decided.

- Raise the transparency of the policy with feedbacks and options from the society that reveal the advantages and limitations of the policy; raise government responsibility in selecting policies that are the most

beneficial to the society, and making sure that no preferential treatment is given to any industry or locality.

- Provide information from impact assessments to allow calculating risks and minimizes policy conflicts.

Figure 18. Impacts of RIA on **the performance of public sector**	
Analysis: benefits and costs of the policy/impacts	*The government obtains the solution with the lowest cost of compliance and minimal possibility of policy failure*
Consultation and exchange with related parties	*Increase of transparency, reliability; mitigation of policy risks to the people and enterprises*
Combination of many policy objectives (socio-economic)	*Policy integrity; decrease of vertical policy imposition; promotion of horizontal way of thinking*
Change of policy and law development culture; mitigation of unnecessary intervention and formal regulations	*Raise sense of responsibility of state agencies toward society and crease the reliability; step-by-step setup of a dynamic Government to serve people*

4.3.2. Effectiveness assessment

In policy option assessment, assessing the effectiveness of the policy is important. Assessing the effectiveness of a policy option is to consider whether the solutions to maximize benefits and increase performance to achieve the objectives are effective or not. This assessment process is based on information and data presented by the policy option. Policy assessing entities will analyze the objectives to be achieved with specific tools and required resources to do so. In effectiveness assessment, criteria for measurement of activity performance and the use of costs for achieved benefits will be analyzed and a scientific and objective manner. Results of this analysis will present the final assessment on the proposed options.

Then, the option that meets the requirement on effectiveness, based on specific criteria, will be selected and decided for enactment.

Policy effectiveness assessment is a common form of assessment that is applied to most of the fields addressed by public policies. So, its scope of application covers a wide range of fields, including most economic and cultural fields to be managed by the state. Effectiveness is not only required in economic fields but also in social fields. Effectiveness assessment is the standard of any private organization. In public policies, however, impacts on individual interests are not direct; therefore, it motivates public policy formulators to determine the effectiveness of the policy to be lower. This is the reason to many ineffective public policies that have been introduced. Consequences of these policies are normally failures to achieve the objectives, or high, unreasonable costs of achieving the objectives.

If a nation wants to prevent from lagging threats when it is facing competitions, then promoting economic growth and resolving social equity must be an integral part of effective public policies. Therefore, it is necessary to impose mandatory regulations on the assessment of public policy effectiveness, and even it is difficult to measure or quantity, quantitative measures should be developed.

4.3.3. Risk assessment

Impact and effectiveness assessments more or less take negative and positive impacts of a policy into consideration. However, it still requires a form of risk assessment in formulating a policy to have an in-depth, more accurate assessment of the possibility of threats and damages to the society when a policy is adopted. From the analysis and assessment of information, judgment, and forecast of future risks, it is necessary to make preparations to prevent from and mitigate risks. Risks are unfavorable events of a policy that may or may not happen, but the predictability of these events is uncertainty. Risks are products of probability that events or exposure may occur resulting in consequences if that happens. The higher probability (P) or consequence (C) of an event is, the riskier it will be. Risk (R) = PxC.

In fact, any activity involves potential risks. Formulating and enacting a public policy on a certain problem or field is not an exemption. For a public policy to function effectively and safely, it is necessary to conduct risk assessment on policy options.

Risk assessment is the use of different methods to identify losses and damages, and estimate the probability thereof and severity of losses or damages. Estimating risks is to identify the acceptability of risks or a determination of desirable safety level. Assessing policy risks is a method for state or organizations to select the policy and manage risks to respond to risks.

4.3.4. Policy barrier assessment

In ex ante assessment, policy barrier assessment may be considered before including the policy in the agenda. An assessment of barriers to policy option before adoption and implementation is the most important. This assessment is intended to forecast difficulties and indicate the feasibility of a policy in the future.

In fact, there are inter-connected relations among components of ex ante assessment. In considering the feasibility of a policy, formulators may also have an insight into its effectiveness, or the feasibility of a policy is partially reflected in its economy. To a certain extent, among the assessments of the economy, feasibility, or effectiveness, some barriers to the policy can be revealed.

When a new policy is introduced, it may be beneficial to certain groups of people, but reduce benefits of or event cause loss to other individuals or groups. Therefore, it may face with reactions that become barriers to policy. Besides, differences between policy requirements and practical development of science and technology and insufficient resources are also barriers. In addition, political and legal factors, participation of interest groups can also form barriers to policy implementation.

A policy barrier can appear at the time of proposal or during the development and implementation of the policy. Common barriers are:

- Technical barriers: They are represented by the limitations and inability of meeting technical, science and technology standards required by the policy.

- Legal barriers: They are represented by missing regulations or disagreement on, even conflict with, the newly enacted policy. This requires policy formulators to consider changes in Law to implement a new policy. However, that is not an easy task and it requires considering whether it is justified changing a law.

- Political barriers: A proper policy, supported by majority of the society, may still be opposed by a politician who is reputable in the policy administration system.

- Barriers caused by interest groups: A policy may be considered to be more beneficial, effective, and humanism, but it may still decrease the benefits to others and be reacted by them. Representatives of interest groups may be industrial associations, enterprises, religions, localities, and other groups of affected people.

Difficulties in assessing policy barriers:

In the process of policy development, social opponency is essential to enhance quality of a policy. The question is to determine whether it is a positive opponency or a barrier. Causes of the promotion of barriers to policies are normally corruption, weakness in formulating a policy or making a decision, low people's cultural standards, etc.

Overcoming policy barriers is the policy formulators' efforts to make a new policy promoting social development become a reality.

In assessing policy barriers, it is required to determine if the policy is actually necessary. In assessing the importance of the policy on practical requirements, it is necessary to obtain social opponency toward the policy. One must differentiate between positive opponency and policy barriers.

After recognizing policy barriers, it is necessary to assess the severity (significance) of impacts caused by each barrier. This assessment will indicate causes and severity of the barrier, on which basis, one can classify and prioritize barriers to take appropriate solutions. Each type of policy barriers has different attributes and severity of hindrance to the policy. Therefore, it is necessary to assess correct level of hindrance and take appropriate solutions to each barrier. For assessment in order to overcome policy barriers, it requires the support of different means such as analyses on cost-benefit, effectiveness, economy, and humanism of a policy.

In assessing a policy, one must identify impacts of the policy on social entities as well as the use of necessary resources and technical equipment. To identify the barriers, the more information is collected, especially opposing opinions, the better it is. This information will allow identifying strength of the barriers and ability to overcome them. Policy formulators can analyze collected data and decide whether it is justified to try to overcome barriers or just stop the policy. In determining the necessity of overcoming barriers, one must consider whether he or she can overcome them and methods of seeking for related parties' support.

Before determining if a factor is a policy barrier, it is necessary to affirm the appropriateness of the policy problem. This means that if a policy isn't reliable enough about the benefits to the society to affirm its necessity, it cannot survive. In that case, it is not necessary to identify and assess policy barriers.

4.4. Methods of policy option assessment

4.4.1. Forecasting method

Forecasting method is applied to policy option assessment in order to predict and forecast future phenomena and events. Forecasting a policy future is based on following documents:

- Data in the pre-assessment period;

- Results of analyzing factors influencing forecast results;

- Experience lessons that have been summarized.

To have a good forecast, it is necessary to meet following requirements: timely, accurate, in writing, meaningful units, and simple to understand and use.

There are two approaches to the use of forecasting method: one that is based on qualitative analysis, deduction, and feeling; and one based on quantitative analysis that mainly uses mathematic models on the basis of available statistics and materials.

Qualitative forecast can be conducted by various means of collecting information. Information may be collected by means of a questionnaire survey on related entities affected by the policy; interview with managers; Delphi method of collecting opinions from domestic and foreign experts in

form of an questionnaire, and invitations to answer questions for purpose of policy forecasting.

Quantitative forecast includes time-series-based and causal-function-based forecasting models. Based on established statistics and math tools, a forecast will be conducted on the operation and impacts of the policy on the society and people's influences on the policy in the future. The relations between time and objectives or between variables with policy objectives are formed using appropriate math models. Some quantitative forecasting models that can be applied in policy forecasting are:

- Simple approach model

- Simple moving average method

- Weighted moving average method

- Exponential smoothing model

- Double exponential smoothing model

- Linear regression model (time-based regression: trend line forecast; causal regression; externalities; season-based habit changes).

In quantitative forecast, the following procedure is followed whichever specific model is selected:

a- Identify forecast objective;

b- Select factors to be forecast;

c- Identify length of forecasting time;

d- Select forecasting model;

e- Approve;

f- Collect required data for the forecast;

g- Conduct the forecast;

h- Apply forecast results.

This process is applied in an order and consistent manner, and implemented from studying, designing, to applying forecasting method.

4.4.2. Cost benefit analysis

In public policy assessment, economic considerations are always important. Cost-benefit analysis is analyzing cost effectiveness of policy options and determining if benefits are higher than costs and how higher it

114

is between the policies. The purpose is to analyze the effectiveness of policy intervention with status quo.

The objective of this method is to find the mean to achieve similar outputs with the lowest inputs, or more outputs with similar inputs. Conclusions of this analysis will consist of all options and their consequences in terms of costs and benefits (money) and a selection of the profit-maximizing, cost-minimizing option.

Cost-benefit assessment is the method of determining whether total benefits attributable to beneficiaries are higher than total costs incurred to affected people as a result of a policy selection. In the field of public policies, this is meaningful to make a policy decision that makes sure to comply with requirements on effectiveness and equity.

Cost-benefit assessment is carried out in following steps:

(i) List down impacts and entities affected by policy intervention.

(ii) Assess value of each impact on the welfare of each affected party by currency unit (monetization of costs and benefits).

- Assess inputs: Opportunity cost

Here, opportunity cost means opportunity cost of a policy: i.e. values of required resources for the option that best utilize them.

- Assess outputs of the policy:

Assessing outputs means measuring people's willingness to pay for their expectations.

Benefits: means the maximum total amount that people are willing to pay for their expectations.

Costs: means the maximum total amount that people are willing to pay to avoid undesirable outputs.

(iii) Time-based discount and risks

In policy option assessment, money value in the future will be different from that in the present. Therefore, a certain discount rate must be applied for an appropriate assessment. Use formulas to calculate present value of future cash flows (year n) using effective discount rate:

$PV = FV/(1+d)^n$

Formula to calculate present value of net benefit flows using nominal discount rate: $PV=FV/(1+r)^n$

In which: PV: Value at year 0

FV: Value at year n

r: Nominal discount rate, d: effective discount rate

Use expected value in statistical probability: In conducting a cost-benefit analysis, it should be associated with an analysis of expected value of the policy problem to identify expected opportunities to achieve maximum benefits.

When it is presumed that unexpected events may occur, cost-benefit analysis must clarify net benefits. The method to calculate predicted net benefits is carried out on basis of probability distribution over different unexpected events.

In case of predicted risks, proceed as follows:

- Identify and make a full list of occurrence possibilities, both unfavorable and favorable, to form a set of mutually eliminated unexpected events.

- Refer to policies that are being assessed, estimate present values of net benefits by each event.

- Distribute occurrence probabilities to the events so that the sum of which is equal to 1.

- Calculate predicted value of present net benefits: by multiplying present values of net benefits with probability of each events, then sum up.

Generally, calculating costs and benefits of a public policy to be applied in the future will result in the nearest approximate calculations with its discounted present value. When there are unexpected future events or risk predictions (precedents: climate, storm and flood, inflation, etc.), they all result in changes in money value from time to time. When the analysts can find the uncertainty of costs and benefits as a result of unexpected events and their probabilities, then expected net benefits can be calculated. Indicate that only policy options having positive net benefits will be accepted. However, accepting and selecting the decision are different problems.

(iv) Policy selection

Necessary conditions for a public policy to be accepted is that the calculation of costs with appropriate discount rate over time and risks results in positive net benefits. When there are many options that meet the requirement on positive net benefits, the one with the highest positive net benefits will be chosen. This allows policy formulators to make a selection decision on the combination of different policies to maximize net benefits. When all of policies are available and mutually eliminated, one should maximize the effectiveness by selecting one policy that has the highest positive net benefits.

4.4.3. Lowest cost-effectiveness analysis

Cost-effectiveness analysis is a technique to identify minimum costs of an option combined with programs to achieve a given objective. In lowest cost-effectiveness analysis, it is required to select a common objective for expected program of the government. The question is how to select the combination of programs to achieve the objective at the minimum costs.

For example: The government sets an objective to reduce death tolls caused by diseases and accidents by an average of 5,000 people each year for 10 years. It may launch many programs to implement this objective.

> Use budget to propagandize the risks of smoking and using alcohol on the public media.

> Provide a mandatory regulation that all buildings must be equipped with fire-alarm systems and provide this equipment for free to low income people that are highly vulnerable to fire.

> Provide aids to improve medical care conditions at hospitals.

> Invest in upgrade traffic roads to reduce traffic accidents.

As an example, let consider two programs: provide fire-alarm equipment for free, and provide free anti-flu vaccinations to urban residents. The objective of both of these programs is reducing death tolls caused by fire and flu diseases by 5,000 people.

The method to identify benefits and costs to minimize costs is identifying all combinations of two programs that can achieve the objective. This allows developing an isoquant curve for two programs. An isoquant

117

curve indicates the combinations of inputs that can produce the same outputs.

Results of cost-effectiveness analysis allow policy formulators to consider the offset between two policies by combining the budgets of both programs. In this way, the government can achieve the objective at the lowest costs.

Figure 19. Cost-effectiveness analysis
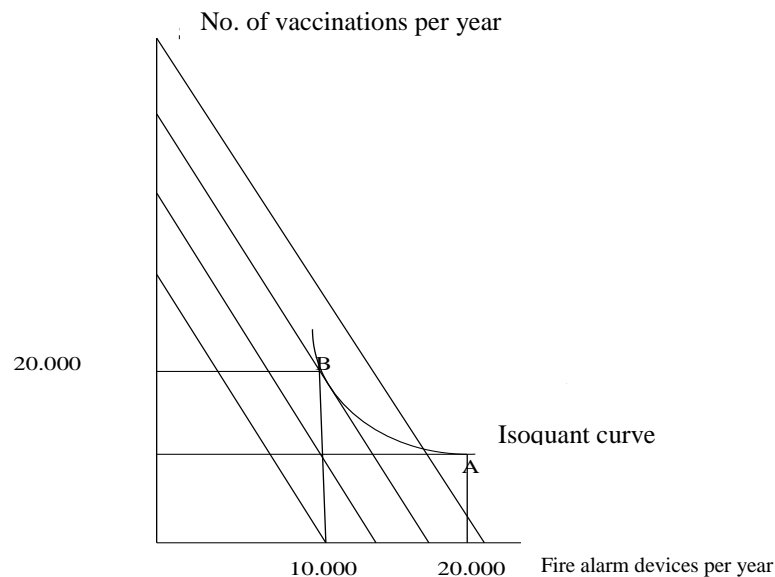
Combination of both programs with the lowest costs is B.

Isoquant curve Death toll decrease of 5,000 people.

It should be noted that, however, the option with the lowest costs to achieve the objective isn't always a good selection. Here's an example:

The objective of U.S. Government that is always supported by the people is minimizing electricity costs. However, Mr. Bush's government backed changes in environmental regulations that allow coal miners in West Virginia state to fill in valleys and springs with stone, soil, and dust from mining activities in the mountain top, because that is the least expensive method instead of moving them to another location, or recovering the mountain top after closing (which are very expensive). But, the people found that consequences are less desirable than cheaper electricity bills.

4.4.4. Decision analysis

Before making a decision, policy formulators face many choices and even difficulties. Robert Behn and James Vaupel (1982) hold that most of policy formulators are too busy to carefully research the huge volume of detailed analysis found in each policy. How to select a correct policy in a quick and simple manner but still ensuring the objectivity is both the question and desire of policy formulators. In "Reading Mas (1997)", A.Stockey and H.Zeckhauster introduced a decision analysis technique intending to structure feasible decisions in unstable conditions. This method makes an outline of decisions (associated with relevant data) for policy formulators to select alternatively. Basically, decision analysis is another method of combining and presenting information. It maps out decision possibilities based on available data and develop decision options in the form of a "decision tree." Decision analysis combines different methods, the most important of which is analyzing costs and benefits to describe available choices so that the analysts can monitor outcomes of each choice.

Decision analysis technique by A.Stockey and H.Zeckhauster is, in fact, a modified version of cost-benefit analysis. The difference is the modeling of decision-making process into a summary diagram of possibilities on basis of introducing expected value (EV) as the basis for decision selection.

Consider following example: Government A wants to upgrade a stadium. There are two contractors. Contractor 1 bids a price of 1.5 billion dong with the condition that there is no weather risk. If there is storm or rain, bid price will be increased to 2.4 billion dong. Contractor 2 accepts the package at bid price of 2 billion dong without any condition. According to experience and hydrological forecast, the possibility of bad weather is 40% and good weather is 60%. Based on these facts, which one should the policy formulator choose, Contractor 1 or Contractor 2?

Decision analysis method used for this case study is as follows:

Step 1: Make a diagram of decision possibilities based on available facts (Figure 20)

Figure 20. Make a diagram of decision possibilities
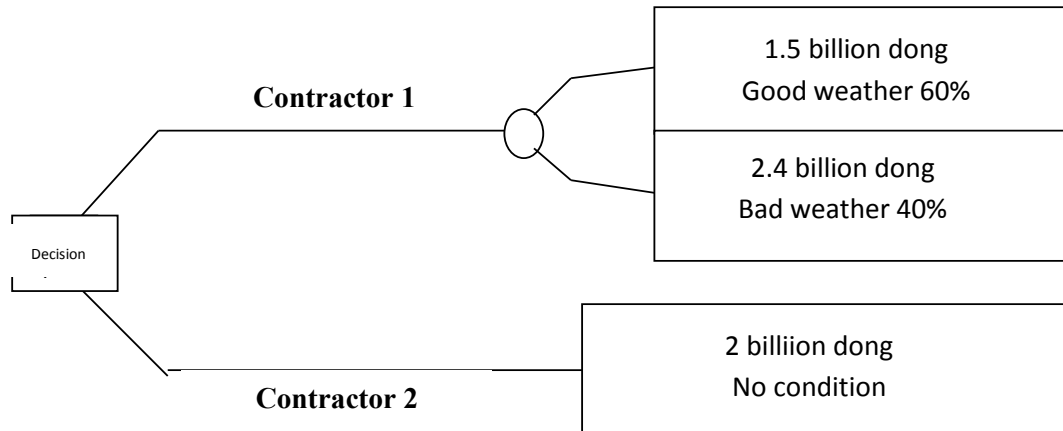
Step 2: Calculate and compare mean Value-at-Risk

Value-at-Risk = (1.5 x 60%) + (2.4 x 40%) = 1.8 billion dong

Meaning of mean Value-at-Risk: As one cannot know for sure when there is bad or good weather, he or she can only find an average cost, like in a lottery, of two possibilities:

(i)   Loss of 1.5 billion dong with a chance of 60%;

(ii)   Loss of 2.4 billion dong with a chance of 40%.

As per calculation: 1.8 billion dong is the mean cost if this situation repeats many times.

This mean is also called expected value (EV). EV indicates the concentration of risks. Therefore, when:

EV < costs incurred by the contractor: Not select

EV > costs incurred by the contractor: Select

Step 3: Select

After comparing expected values of options with different costs, it provides the basis for the formulators to make a decision.

In this case study, EV=1.8 billion dong, which is less than 2 billion bid of Contractor 2. Therefore, there is basis to select Option 1 of Contractor 1 and refuse Option 2 of Contractor 2.

Decision analysis method may be applied to much policy formulation situations in which values can be quantified and compared with each other. However, the limitation of this method is reflected in the policy situation that

values cannot be quantified such as human life or health, etc. Moreover, quantified values aren't the only basis for policy selection.

4.4.5. Risk analysis

Public policy is introduced to participate in the administration of public sector with a variety of fields and social relations. Therefore, unexpected negative impacts created by policy risks may arise and affect negatively on social entities, which must be assessed to be prevented and mitigated.

Risk analysis in policy selection assessment is different from policy risk analysis. Policy risk analysis is conducted by the policy proposers themselves with purpose to eliminate and mitigate negative impacts on adopting the policy option. Policy risks are related to understanding potential problems and upcoming barriers (for example: political, social, religious factors, etc.) that may arise in the policy process and prevent the policy from being enacted. Therefore, policy risk analysis is the analysis of external impacts on the policy. In the meanwhile, risk analysis in policy assessment is conducted by another entity (third parties). This risk analysis is intended to assess and select the policy, and determine whether this policy may cause any risk to the society. Policy risks considered in policy formulation process can be understood as the magnitude of unfavorable results to social entities caused by a specific policy when it is enacted. Policy risk has following attributes:

- It happens in the future: it may result from activities of the proposed policy, or unexpected objective factors.

- It is related to changes: Thoughts, notions, activities, or changes in locations, etc.

- It is related to selection and uncertainty of selection order

- It results in loss

Risk analysis must be based on attributes of the proposed policy problems to select assessors with suitable knowledge and qualifications. Risk analysts must understand the principles and order of assessment.

Steps of analyzing risks of a policy:

a - Recognize the threat of a policy (e.g., which risks can anti-IS-terrorist policy of Jordan bring?)

b - Determine whom suffer from risks of this policy

c - Assess the severity of the suffering

d - Assess risk prevention and control capability

After identifying risks, assessing the severity, and determining risk frequency, it is necessary to predict the ability to respond. Whether it is possible to get over such threats or not, and, if not, what to do to control risks and adverse effects of policy impacts are questions to be answered to mitigate risks. In case risk controls are carried out, it is possible to try the option with least risks or prevent and mitigate the exposure to threats.

4.4.6. Environmental impact assessment

Environmental impact assessment is an assessment method that isn't much different from regulatory impact assessment (RIA). The only difference is the scope of subjects to be considered. While regulatory impact assessment is the forecast of potential impacts of a policy draft or measurement, analysis of policy impacts on all aspects (society, economy, environment), environmental impact assessment only looks at environmental impacts of the policy in order to ensure sustainable development. Recognizing the importance of environment in the development process, many nations in the world have issued mandatory regulations on environmental impact assessment in addition to RIA such as Netherlands, Determine, Finland, etc.

Law on Environmental Protection (2005) of Vietnam officially regulated and required the application of environmental impact assessment (EIA) since 2006.

Environmental impact assessment can provide policy formulators with useful information that helps them select the policy to prevent and control environmental impacts. In nature, environmental impact assessment is considering whether policy impacts on the environment are positive or negative, and how it influence climate changes and human. To obtain useful information to accurately assess impacts of an policy on the environment, proceed as follows:

- Assess current (actual) condition of the environment;

- Forecast impacts of a policy on the environment: Impacts on animal preservation, primary forests; pollution sources of the project; noise, emission, and wastes and their properties;

- Assess the use and exploitation of natural resources and recoverability;

- Assess the severity of impacts, negative/positive impacts on the natural resources, environment, human, and society;

- Assess solutions to negative impacts: waste disposal technologies, efficiency, effect mitigation ability, etc.

After conducting a qualitative and quantitative assessment and cost-benefit analysis, it is possible to make a decision that both meet the objectives of socio-economic development and no environmental impact, or the impact to environment is lower than the benefit.

4.4.7. Application of general equilibrium and econometric models in the macro-economic model

Ex ante assessment of overall impacts of a policy requires the use of macro-economic and micro-economic assessment model. Basic economic models that may be useful for ex ante assessment are econometric and general equilibrium models.

Econometric models: consist of behavioral formulas, econometric formulas that are calculated according to time-based data, and accounting formulas. These models may repeat past-observable behaviors in the future, presuming that these behaviors are still fully valuable.

General equilibrium model: This is a model based on the theory on economic factors. This model simulates economic policies and carries out a comparative analysis of policy reforming activities. Comparing two economic states means comparing gross domestic product, production, consumption, income, employment, price, or export between reference level and simulated (model) level.

Chapter 5
OPTION SELECTION AND POLICY ENACTMENT
DECISION

5.1. Significance of policy option selection

A policy problem can be resolved by many different options. There are options that can achieve certain objectives but cannot achieve others. Policy option selection is the strategic decision-making process in order to identify and form the movement trends of the policy in the future and is often considered as "the most open political process" when many potential solutions to resolve a policy problem are presented to the competent authorities for consideration and decision of the optimal one. Among such proposed options, the formulators must be able to determine which one is optimal. According to David Matheson and Jim Matheson in The Smart Organization, an option is optimal if it has following properties:

- It is the option that provides the formulators with a wide scope to make a decision;

- It is practical.

- It is suitable to abilities and resources of the state and society.

- It doesn't create too many conflicts.

Selecting the optimal policy option has a significant impact on quality of the policy and is decisive to the feasibility of the policy in practice. The practice of public policy formulation shows that there are many policies arising from very humanist thoughts and community-oriented purposes, but they are implemented ineffectively due to careless selection of policy option.

Each policy solution must be considered in its relation to the environment of future policy implementation and other existing policies. Developing scenario for these solutions must be able to simulate the practice as if the policy solutions were implemented in practice. This is a special process because it involves both political and technical elements.

- Political element helps the policy to respond to political objectives, ensuring social orientations as expected and the equilibrium of benefits

among political forces in the society, mainly including political orientation of the ruling party.

- Technical element helps the selected policy option to respond to technical requirements, ensuring the appropriateness and feasibility.

5.2. Principles of policy option selection

Selecting a policy option is influenced by many factors and must be based on certain principles.

The principle of focusing on public interests: This principle makes sure that enacted policies are intended for interests of the public instead of certain individuals or groups. In principle, when a policy is enacted and implemented in practice, it divides individuals in the society into 3 main groups: beneficiaries of the policy, individuals affected (directly or indirectly) by the policy, and neutral group that is neither beneficial from nor affected by the policy. Public interest principle ensures that most of individuals in the society are beneficial from the policy or, at least, the group of beneficiaries of the policy has a positive influence on the development of society in general. For example, for hunger eradication and poverty reduction policy, the poor are direct beneficiaries of the policy, but when these people get over poverty state thanks to this policy, they will create benefits to the society as a whole, and even those paying more taxes for the implementation of this policy will benefit from.

Principle of effectiveness: a good policy option is one that achievs the established objective at the lowest cost, or, in other words, the selected option must be the most effective one. Basically, entities should only select a policy option that have more benefits generated than costs (damages) caused by the policy (total social benefits and costs), and if there are two options that meet this condition, the one that has higher positive difference between benefits and costs should be selected. For a public policy, however, this principle isn't always accurate because it is sometimes impossible to quantify benefits generated from the policy or, if it is possible to do so, benefits include not only economic benefits but also, and mostly, social benefits.

Principle of systematization: The selected policy option must be feasible (there are sufficient resources and conditions to implement it) and must not be inconsistent with existing policies. A new policy cannot be separated from other policies that have dialectical relations to it, including former policies addressing similar problem (the new one is supplementing and improving the former ones) or those policies addressing a similar group of problems. This principle is also referred to as the principle of association or historical succession.[21] To do this, before selecting an option, policy formulators should have an overall view over existing policies and scrutinize policy implementation environment as well as accurately predict social context in the period of implementing the policy.

Principle of objectivity: For a policy to focus on the community, policy options must be based on objective requirements in compliance with the movement and development of social rules and practical conditions. The principle of objectivity requires that in analyzing policy options, they should be placed in the context of specific implementation (presumed scenario). In fact, implementing this principle is an indispensable requirement in enacting regulations. The Law on Promulgation of Legal Documents also requires to prepare a preliminary impact assessment of legal documents (RIA report) and preparation leading agencies and organizations must submit this report together with the draft. Decree No. 24/2009/ND-CP of March 05, 2009 of the Government detailing and providing measures for the implementation of the Law on Promulgation of Legal Documents also specifies details and methods of implementing the Law on Promulgation of Legal Documents that RIA reports must be prepared in all of three phases, from preliminary assessment in proposing the document, ex ante assessment during the development thereof, and ex post assessment after the enactment thereof.

Accordingly, a preliminary assessment report must identify social problems to be regulated by legal documents and adjusted for objectives of such documents, basic methods to be applied to achieve the objectives,

---

[21] See Le Vinh Danh (2001), pg.175-176.

costs, and benefits of solutions, and possibility of effectively implementing the documents. Results of an impact assessment in this phase are significant because it is the basis for the preparing agency to decide main contents of the documents. Before and during the preparation of documents, RIA is conducted to make clear that the selected policies are optimal and cost-effective, and have positive impacts on socio-economic relations and environment, legal system, and basic rights and obligations of the residents.

Principle of conformity: a good policy option is one that stimulates the development of policy entities and society as a whole. Each nation has its own development characteristics; therefore, there is no policy that fits every nation. In other words, for a similar policy area and resolving a similar policy problem, different nations will have different policy options. This requires policy formulators to analyze and understand specific development context of the country to avoid repeating foreign experience in a subjective and voluntary manner.

5.3. Means of policy option selection

Subject to specific policies and entities authorized to select the specific policy option, means of introducing, discussing and selecting policy options are varied. Means of selecting a policy option is often dependent on the importance of the problem and scope of competent people with policy decision-making powers. Brewer and deLeon summarized the means of selecting policy options based on these criteria as follows (Figure 21):[22].

It should be noted that, however, whether identifying policy problems is important or not depends on characteristics of each nation in a specific period of development; therefore, there isn't any uniform pattern. Similarly, subject to legal regulations, Constitution as the first of all, that the number of individuals and competent authorities to make a decision on policy solution is different.

---

[22] Brewer, Gary D./deLeon, Peter (1983), pg.215. Modified by Le Vinh Danh (2001), pg.278.

Figure 21. Policy option selection model

		Number of participants in the decision-making	
		Few	Many
Importance of the policy problem	Not important	Hidden union or minor association	Weak union
	Important	Easy and fast union	Stressful union, require the authorized person's determination

To identify the optimal policy option, if is necessary to compare proposed options with each other and with established objectives of the policy. Typically, a policy option cannot satisfy all of objective requirements; however, the selected option must be the one that satisfies the most standards. To assess the policy options accurately and objectively, it is important to obtain required data to analyze each option. A technique commonly used in analyzing policy options is costbenefit analysis (CBA). In the process of analyzing all of policy options, it is necessary to predict potential consequence of the policy to the society and estimate social costs of implementing that policy. In principle, a policy option is selected if it fits to the conditions and context of the nation/locality from time to time, and is feasible.

Analyzing policy solutions presents many problems in practice. When information on the policy problem is fully collected and effectively processed, deducing a reasonable solution is relatively clear. However, many problems have not enough information for forecast but the forecast is mostly based on speculations (this is especially true for policy problems

related to security & national defense, diplomatic affairs, etc. that are listed in the confidential agenda of the state).

Sorting policy options in an order of priority is very important in selecting and analyzing the options. A wrong order of priority may lead the decision makers fail to select an accurate, desirable solution. Sorting may be conducted by certain criteria such as sorting by increasing costs of implementing the solution or increasing benefits offered by the solution. One can also sort the solutions in the order of net benefits (increasing difference between benefits received and costs paid) or benefit ratio (with the same costs, which solution brings back the most benefits?).

Expert consultation method is also widely used in selecting a policy option. This method utilizes scientific opinions from professional experts. Expert consultation may be performed individually or in groups. In the process of formulating and assessing public policies, consulting experts to form sets of opinions (*think tank*) is important for the assessment process to be objective and suitable, and to reduce the subjectivity of the decision-makers. It is important in consulting experts' opinions in selecting the policy option that one must choose appropriately competent experts in the field of the policy problem to be resolved, and minimize the effect of "group of interests" on these experts. Basically, a policy option, even if being selected and decided by an authorized person (for example, U.S. President under the U.S. legislative system), still requires a strict consultation on professional experts' opinions. In other words, policy options must be exchanged and discussed in a collective establishment. Although this requires much more time and efforts and even higher costs, it helps avoid the subjectivity and abuse of personal powers and interests integrated in the policy. For example, in the Missile Crisis at the Bay of Pig among the United States, Cuba and USSR in 1962, decision-making power was held by the U.S. President Kennedy, but he had to discuss intensely with the National Security Council in the week of the crisis. Many solutions were proposed and discussed by this Council to obtain the most effective one.[23]

---

[23] See Le Vinh Danh (2001), pg.178.

5.4. Criteria for policy option selection

Criteria for selecting a policy option are specific measures for policy objectives, which mean values used to measure policy choices. These criteria are also considered as evidence or rational causes of state actions.[24]

Determining these criteria will help make policy option selection become objective. Main criteria used the assessment of policy options are: political context, effectiveness, equality, feasibility (financial, management, and technical). Besides, other criteria may be introduced, such as equality or social acceptance.[25]

Political context: Public policies themselves are instruments to guide and lead the society of a nation to resolve problems arising in the society in compliance with state expectations; therefore, they are political instruments that must be consistent with the guidance and guidelines of the ruling party. So, policy options must be suitable to political context, which means they must not be inconsistent with guidelines of the ruling party. In Vietnam, for example, policies of the State must be neither inconsistent nor against the guidelines of the Communist Party of Vietnam. As such, one of the most important bases for formulating a policy option is the guidelines of the Party from time to time.

Feasibility: a policy solution is good only if it is implementable (feasible). To determine if a policy solution is feasible or not, it is necessary to consider factors related to the environment in which the policy is implemented and develop scenario in a scientific manner that is consistent with characteristics of such an environment.

Management simplicity: a policy solution is only practically effective if it can be applied. Outcomes of applying a policy option depend not only on the appropriateness of its objectives, solutions, and means (finance, human, etc.) of implementing the solution, but also on management capability to implement such a solution. Even if an option is good, it will not bring back desirable outcomes if it cannot be well implemented. Therefore, one should

---

[24] Craft, Michael E./Furlong, Scott R., pg.3
[25] Craft, Michael E./Furlong, Scott R., pg.5

pay attention to determine the feasibility of management when he or she selects a policy option.

Effectiveness: effectiveness of an option must be considered in the relation between results received and costs paid to achieve those results. Under this criterion, when two policy options set similar objectives, one needs to analyze and select the option that is easier to be implemented at lower costs.

Equality: One of fundamental functions of the state is to ensure the equity in the society. Only when social equity is assured, it may develop stably. If a policy solution isn't helpful in mitigating, and ultimately eliminating, inequality in the society, it must at least avoid widening that inequality gap.

Legality: while the must not be inconsistent with the guidance and guidelines of the ruling party, policy solutions also mustn't be against existing laws and regulations, especially the Constitution, because activities of the state itself must not fall outside the framework of the Constitution and laws.

5.5. Consultation with related parties and policy draft revision

5.5.1. *Consulting opinions from related parties*

In policy option selection process, competent authorities may organize public consultation to obtain opinions from related parties on the policy drafts. Public consultation with related parties is an important phase in the democratization of public policy enactment. Opinions from related parties allow the decision makers to have a more comprehensive view of the strengths and weaknesses of the policy draft.

Typically, upon consulting others' opinion, one will present the policy option expected to be selected; but, he or she may still ask for related parties' opinions on any problem at dispute without final conclusion in doing so.

Consulting related parties' opinions may be carried in following forms:

- Organize meetings with different groups of entities, present policy drafts, and collect opinions.

- Publish policy drafts on the public media and obtain opinions and feedbacks during a certain period of time.

- Consult opinions from professional experts in the policy sector by organizing dialogs.

In fact, a policy draft, before being enacted, may have many discussing opinions, including those in agreement with, supplementing and further improving, or in disagreement with the draft, especially when it is relevant to policy problems with different implications. In this case, the policy formulators must have a clear position and thorough knowledge of fundamental principle in selecting a policy (as mentioned above) to consider and receive contributing opinions. But, that doesn't mean that the policy formulators should rule out conflicting opinions; on the contrary, they should pay attention to, analyze and discuss in teams about reasonable elements that should be carefully considered among these conflicting opinions.

Sometimes, consulting opinions on policy drafts requires them to present their arguments and persuade related parties to make them understand the purpose and objectives of the government in the relevant policy. It is necessary, therefore, to obtain the agreement of related parties with policy objectives. In which case, policy drafts need to be introduced, presented, and explained to related parties so that they understand and share their opinions with the government.

Related parties' opinions on the policy drafts should be carefully considered, analyzed, and seriously accepted. The results of opinion consultation and acceptance should be public to the related parties to create confidence in Government.

5.5.2. *Policy draft revision*

After consulting opinions from related parties, carefully reviewing and discussing, competent authorities may revise the policy drafts to make sure that they are suitable to practical conditions in all necessary aspects and ensure the feasibility. Policy revision may be internally conducted by the policy formulators and decision-makers. Especially for policies of national secrecy, policy revision work is only limited to a small group of individuals.

For other ordinary policies, however, in today's context of widespread democratization, they should be revised publicly and informed to related parties or the public community. This will help build up public agreement with the policies when they are enacted. This is also the basis to form the agreement in future implementation of the policies.

5.6. Policy decision making

5.6.1. Policy decision makers

Making a policy decision is the final phase of policy formulation process. This phase is also called policy legislation and publication. Policy decision making powers are stipulated by laws.

Policy decision-makers are usually competent governmental agencies. Subject to the organization of state power implementation and legal regulations in different countries, policy decision-makers may be the agencies or individuals holding strategically important positions in the state system. In the U.S., for example, for policies in a secret agenda or anti-crisis policies, decision making powers are vested in the President or certain members of National Security Council. In the area of diplomatic affairs, most of security treaties and relationship agreements are decided by the President of the State and his or her subordinate system.[26] For other policies, an important agency in the system will typically decide the policy in a collective manner. In this case, policy option selection is usually presented for exchange and discussion and decided by the majority of members in the competent authority. Individuals or competent authorities

---

[26] See Le Vinh Danh (2001), pg.273-274.

vested with the power to select policy options in decision-making process will also have to pay attention to different aspects such as natural conditions, socio-economic development, and so on, of the nation or region(s), even the movement of different groups of interests in the society.

Policy decisions made by these agencies are normally based on opinions advised by subordinate agencies in the state system; therefore, developing policy advisory qualifications of the staff of strategic leaders plays a very important role in enhancing the quality of national public policies.

In Vietnam, most of policy decisions are made by the National Assembly, Government, Ministries (and Ministerial agencies) and provincial governments. According to the 2013 Constitution, the National Assembly has the following tasks and powers: "To decide on fundamental national financial and monetary policies; to introduce, change or abolish taxes; to decide on the division of revenues and expenditures between the central and local budgets; to decide on the safe limits for national, public and government debts; to decide on state budget estimates and the allocation of the central budget; and to approve the final accounts of the state budget; To decide on state policies on ethnicities and religion; to decide on problems of war and peace; to determine states of emergency and other special measures to ensure national defense and security; to decide on fundamental foreign policies". Policies decided by the National Assembly are often prepared and submitted by the Government. Article 96 of the 2013 Constitution defines that the Government has the task to propose and formulate policies to be submitted to the National Assembly. The Government itself is an important policy entity. In existing regulations, there are many national policies decided by the Government; for example, Article 19 of the Law on Organization of the Government (2001) states that the Government decides "specific policies on socio-economic development, finance, monetary problems as well as important problems on defense, security and external relations;" Ministries and ministerial agencies select and decide policies in their scope of management within their competence as stipulated by laws.

5.6.2. Conditions for making policy decisions

In fact, the policy formulators don't always have sufficient and necessary bases to consider and select absolutely optimal options. The optimum of the selected policy option is just relative in the permissible context. In other words, how to make a policy decision depends on following conditions:

+ Information condition: Insufficient information will result in failure to provide the decision makers a comprehensive view over the policy options, sometimes important aspects may be missed as a result of insufficient information. In fact, collected information depends not only on information reflection capability of the affected and interested parties, but also the qualifications and awareness of responsibility of the collecting agents. Due to time limits, there is sometimes insufficient budget to conduct a careful investigation, or because of objective causes such as the problem is confidential, etc. that necessary information is collected to a limited extent only. Then, decision making process will only be optimal for analyzing collected information.

+ Result of policy option assessment: If policy assessment phase is conducted in a serious, scientific and quality manner, it will provide important arguments for the policy decision makers. But, in fact, sometimes there isn't sufficient budget to conduct an ex ante assessment professionally, or it may be because of the shortage of competent personnel to conduct the assessment (which requires specialized techniques) or time resources; or perhaps ex ante assessment must be based on uncertain forecasts and assumptions; therefore, result of ex ante assessment is not a reliable basis for the decision-makers.

+ Support from the population and related parties: In many cases, support from the population and related parties has a significant influence on the decision makers, making them more confident in authorizing a policy draft that is highly agreed with. On the contrary, it is shown that decision makers often don't want to take risks in making a decision that is strongly opposed by everyone.

+ Qualifications and judgments of the decision makers: This is an important element for the authorized persons to make the final decision. Knowledge, practical experience, and firm judgments are necessary conditions to a decision maker. When one lacks the knowledge and experience, he or she may make an imperfect, inappropriate decision. Sometimes, one may have professional capabilities but he or she is such a hesitant, resistant to responsibilities, and indecisive person that a mere opposition or different opinion may make him or her become hesitant, which results in the delay or non-enactment of the policy.

Aforementioned conditions are elements that have considerable influence on policy decision making process.

5.6.3. The influence of lobby on policy decision-making process

Lobby is understood as a set of systematic activities to approach, persuade, and influence decision-making process by legislative and executive agencies, deputies, officials, and other authorized persons in the state system in order to obtain their support or non-support with respect to a policy or for purpose of public welfare or group or individual interests[27].

In many countries in the world such as the United States, United Kingdom, and some European states, lobby is legally recognized. In fact, lobby in these countries has a great influence on the National Assemblies and Governments in all phases in the development of laws and formation of internal and external policies. Lobby is the process of making proposals to the government to influence policy and decision-making process.

Lobby is explicitly recognized in legal documents as having a legitimate purpose and positive role and influence on government operations in general and policy formulation process in particular.

Lobby is not a mandatory procedure of policy/decision making process, but it is effective to policy/decision making process by authorized persons. This is because lobby provides the authorized persons a comprehensive, multi-facet view with sufficient information, evidence, as well as opinions and proposals from the voters and society on the problem

---

[27]Conference materials: Lobby - Practice and Laws – 2006,
http://speri.org/upload/medias/file_1296367125.pdf

that is being considered and decided, on that basis, one may make a decision that is favorable to the society, voters, or groups of interest, etc. Therefore, it can be said that lobby is the "backstage" activity that has a supplemental role and powerful influence on all phases of decision-making process.

The existence of lobby in all phases of policy development process reflects not only self-interests of the lobbyists, but also legitimate needs of the government and policy activists. In its relation to the National Assembly and Government, lobby is also the reflection, supervision, restrain, and balance of groups of interests and population over public agencies.

Although lobby is an essential process in political life of developed countries, there are still certain limitations: *Firstly*, "a lobby process must be financially supported to pay for activities of surveying, collecting information, and influencing; but, money associated with political power will raise threats of faction, distortion of democracy, opportunities stolen from disadvantageous groups that are entitled to speak in a decision-making process"[28]. *Secondly*, non-stop development of lobby activities is also the environment for corruption and bribery acts behind the political stage.

5.6.4. Policy publication and communication

A policy may be enacted in a variety of forms. Normally, a policy is enacted by a decision of the state, which may be in form or a statutory document (Law, decree, decision, circular, etc.). But, contents of the policy may also be demonstrated in various forms such as program, action plan, an organization's report, or a leader's declaration that is then organized and implemented by his or her organization.

For such a policy to be applied in real life, it needs to be published so that related people, especially those affected by such a policy and those with responsibilities to implement the policy to know and orient their actions. Announcement a public policy can be carried in various manners depending on the nature of the policy to be announced. Most of public policies are publicly published while some policies, for certain reasons, may

---

[28] Nguyen Chi Dung, "Lobby" in legislation process of foreign countries and trends in Vietnam", Legislative Study, Problem 83, 9/2006

not (for example, security & national defense policy of a country). Normally, when a policy is authorized by competent agencies, it will be specified by implementation guidance and official announcement on the public media. In some cases when there isn't sufficient information or information hasn't been reviewed, the publication of a policy may not be carried out in a public manner.[29]

The propaganda and communication of policies to policy implementing entities and subjects directly affected by the policy have an important role. In fact, it is shown that many policies are well enacted but fail to be effectively implemented because of lacking the support from policy subjects in particular and society in general. The propaganda and communication of policies not only help related parties understand their roles, rights, and obligations, but, it the implementation of the policy, it also serves as the basis for them to monitor policy implementing organizations and provide feedbacks to the government for timely adjustments.

---

[29] See Le Vinh Danh (2001), pg.280.

Chapter 6
QUALIFICATIONS OF PUBLIC SERVANTS IN PUBLIC POLICY FORMULATION

6.1. Required qualifications in policy formulation process

In the most common sense, an official' capability in public policy formulation is his or her analysis, preparation, and determination of a policy that is potentially influencing the society. An official's capability in policy formulation process includes following fundamental capabilities:

6.1.1. Policy problem analysis capability

Policy problem analysis capability has a very important meaning in public policy formulation as reflected by the abilities to collect information, analyze theoretical background and information relevant to the problem expected by be addressed by the policy. Policy problem analysis capability comprises of following elements:

(i) Information collection

Information is important input for policy formulation and analysis process that decides the quality of policy problem analysis, ensures that policy problem is identified appropriately, and clarify the nature (scale, scope, characteristics, etc.), causes, especially root causes, of the problem, and consequences of the policy problem, which are the reliable bases for forming policy objectives and solutions. Therefore, collecting and processing information in analyzing the policy problem is decisive to the analysis of the problem.

Information collection: preliminary information of the policy problem is collected in the initial phase of determining the demand for policy, reflected by the collection of available information as reported by the people and public media, etc. In official policy preparation phase, information is collected, supplemented, and completed. The agency assigned to prepare the policy must organize further research and collection of information by two basic means: field research and literature research.

Field research: An important mean to collect practical and reliable information is organizing a field research. To do this, the agency assigned

139

to prepare the policy organizes a research team to visit the places under the influence of the problem, then conduct a survey to collect opinions from related people, observe the site, record, take photos, and film a video, if necessary, and collect other evidence for purpose of analyzing the problem.

Field research is carried out through following activities:

- Organize meetings to collect opinions
- Conduct intensive interview and make records
- Prepare questionnaires and distribute them to related parties
- Distribute survey sheets.
- Receive information over the telephone and via email, etc.

Literature research: Literature research is the review, reference, and research of officially published materials or internal documents to seek for information directly or indirectly related to the policy problems, thereby generating the insights into problem analysis methods as well as solutions to the problems of interest.

There are many types of materials that can provide the policy formulators with useful information such as newspapers, scientific publications that can provide methodologies to analyze the problems; materials that reflect current situation regarding the problems provide necessary information to better understand the nature, characteristics, scope, trends, or impact of the problems on the society. Particularly, it is necessary to collect information containing actual statistics of the past and present conditions of the problem, constituting an important practical basis to conduct a quantitative analysis of different aspects of the problem.

Due to the diversity and multi-facets of information on the policy problem, the officials should first establish the guidance. Specifically, collected information must focus on following matters:

- Describe the nature and scope of the social problem being addressed by the policy;
- Establish the basis to explain the necessity of enacting the policy;
- Prove the effectiveness of the policy;
- Point out social impacts when the policy is enacted.

Information comprises of quantitative and qualitative information.

- Quantitative information collection will be helpful to assess the problem by specific unit. Today, collecting and summarizing statistic data has become an indispensable tool in policy formulation and resource management. A problem must be provided with accurate information as well as the ability to "read" such information. For example, quantity of dead people caused by cancer in our country has been increasing continuously over the past years, which raises a serious question on environmental pollution, food safety and sanitation, etc.

- Qualitative information collection is widely used in the area of social science, involving the methods based on the analysis and assessment of typical cases, interview, research of specific groups, or investigation of factors that affect the policy, and so on. Besides, in collecting the information, it is necessary to pay attention to learn from foreign countries' experience.

Regarding the entities that collect information, for executive officials, information collection is dependent on assigned tasks, while for leaders and managers, it is both more favorable and difficult (as information is collected across many intermediary levels, it is easily distorted or misled); therefore, it is necessary to develop a professional, scientific information collection plan to make sure that the collection is purposeful, accurate, and strictly compliant with policy formulation process.

For information collection carried out by leaders and managers, in addition to field information, it is very important that they collect information from written reports, documents, opinions, and recommendations of their subordinates. However, these methods contain potential risks. Thus, the leaders, in addition to closely monitoring and visiting the sites, must also "know" to listen to their subordinates' opinions, have the ability to screen and select accurate, appropriate information.

(ii) Information analysis:

After setting up an information system, the key matter here is how to process this information adequately. This depends on public servants' ability to analyze information. The collection of information and data is

closely associated with the question as to which inputs are important to the analysis of the policy problem. Based on such information, policy makers use scientific research methods to analyze the policy problem in accordance with established requirements. Commonly used analysis methods to analyze the problem are analysis, summary, statistical, and comparison methods, etc.

To analyze the policy problem on basis of collected information, one must answer following basic questions:

- When did the problem arise? How were the scope and extent of the problem? Who are impacted by problem? How is the impact?

- Which are causes of the problem? Which are root causes of the problem?

- Without the policy, which will be the consequences caused by the problem? How is the development trend of the problem? To which level adverse effects of the problem will rise without the policy?

Generally, in analyzing information, public servants need to have knowledge foundation, experience, and objective and prudent attitudes.

(ii)   Summary capability

Facing a diversified, multi-faceted information system, in addition to analyzing capacity, public servants must also be capable of summarizing information to develop an overall, logical, and consistent view over the problem to propose an appropriate policy.

Summary capability in policy formulation process is reflected by the fact that, on the basis of specific analyses, public servants will combine separate factors into a single one to correctly perceive and identify the problem, which is the basis of formulating the options and solutions to resolve the policy problem.

Summary capability helps public servants correctly assess and identify the problem and causes thereof, and then propose suitable and feasible solutions with firm basis.

6.1.2. Conceptualization capability

This is the ability to draft out solutions to resolve the problem and present original concepts, which may be rough but relatively accurate, of the policy. This largely depends on public servants' imagining and visualizing abilities.

Though public activities must fall within the framework of existing laws, they are also constrained by objective and subjective conditions. But, that doesn't eliminate public servants' creativity or innovation, which is very necessary especially to the field of public policy formulation.

For the creativity to neither be constrained nor infeasible, public servants' conceptualization capability must focus on:

- Describing the problem to be resolved;

- Visualizing causes of the problem;

- Shaping the objectives of the policy in resolving the problem;

- Drafting out solutions to reach desirable objectives.

Public servants' conceptualization capability is demonstrated in following basic aspects:

(i) Sensitivity to information

For the same information, different people react differently. That depends on each person's perception, interests, attention, and ability to connect ideas. This is generally called the sensitivity to information. For a public servant, he or she must possess this sensitivity especially to information in his or her business sector or assignments.

(ii) Judgment capability

This is the capability to identify the correctness - wrongness and movement trends of objects and phenomena. Judgment capability reflects a public servant's experience, vision, knowledge, and competence. This capability is considerably decisive on the success of each public servant in his or her career.

To have a good judgment capability, one must develop the foundation of critical thinking and the ability to assess the problems as well as arrange events in a logical and rational manner.

In addition, judgment capability also includes the ability to "screen" immaterial events and avoid being influenced by them in such a manner that he or she may forget core aspects of the problem. This is especially true in case of time urgency.

However, it isn't absolute. In analysis process, a public servant needs to improve his or her sensitivity to even simple information, which is hidden behind more prominent information, to judge a problem correctly. In fact, each problem, object, or phenomenon is perceived and judged differently, which results in information "noise". Judgment capability always means that a public servant must be attentive and willing to accept new ideas.

(iii) Creativity

This is a public servant's ability to produce new, valuable ideas, both in theoretical and practical terms.

Creativity exists in every activity of human life (economy, policy, military, culture, science, etc.). In the field of state administration, management activities are carried out in the legal framework. However, legal regulations only provide a legal framework, orientations, or remedies, while the movements of administrative relations are very diversified. This is a wide space that requires the creativity, and also the basis for policies to take their effects.

Each public servant's creativity is different to many levels, but it is only utilized when public servant is self-aware of training and preparing pre-conditions for creativity.

Besides, whether creativity can be transformed into actual results or not depends on external conditions and circumstances. For example, Mr. Kim Ngoc's idea of allocating land to agricultural households in the 1970s was a manifest of revolutionist creativity originating from actual conditions. However, the conditions, context, and guidelines in the American resistance era didn't allow such an allocation idea, and the idea owner himself was very strictly disciplined.

6.1.3. Design capability

The capability to design a policy means that it can potentially transform the idea into a specific policy.

It can be affirmed that in the fair formulation of public policy, design capability plays a crucial role. If contents of a policy are not designed adequately, scientifically and rationally, it will be very difficult to realize ideas. This is because:

First, an inadequacy designed policy will make it difficult for affected entities to understand and to implement its contents.

Second, the ability to grasp and apply the policy largely depends on how it is designed. If a policy is analyzed and developed into a system of regulations on a group of subjects and proper communication measures are carried so that the subjects can easily grasp and understand the policy, and it contains few reference to other policies, then public servants (policy formulators) have developed a policy that is closely connected to and easily welcomed by the society. That means they have been successful. If otherwise, the results will be contrary.

Third, the design of contents of a policy (objectives, solutions) is also the process in which the formulators have to face with specific problems. In other words, when they start to transform ideas into policy contents, they must also start analyzing and presenting increasingly specific drafts as the pre-condition for their future decision.

Besides, it is necessary to pay a careful attention to the preparation process. Whether the formulators prepare it by themselves or assign other public servants to do so, they must be aware that the policy preparers are those that transform ideas into written regulations.

Although many still separate between content and format, in fact, they are closely related in the policy formulation process. Accordingly, a minor modification of a word can result in a significant change in content. For example: "District" indicates the scope of impact is a specific district as an administrative area, while "district-level" covers the districts, towns, and cities of a province. Therefore, the preparers must have the ability to express ideas by using appropriate words.

6.1.4. Assessment capability

It isn't a simple task because it is very difficult to assess a policy comprehensively and fully when it hasn't been enacted yet. However, this means designing to predict the outcomes and potential risks that can occur in order to prepare preventive and solving measures.

For a public servant, policy assessment capability means an advanced level of his or her working competence, and this capability is based on his or her knowledge, experience, and personalities.

Assessing a policy is the ability to consider the policy fully and accurately; therefore, public servant must have a relatively wide and in-depth knowledge of certain fields. Knowledge allows public servant to link information and recognize aspects that others cannot.

Analysis capability needs to be widely used in the assessment of policy solutions as well as selection of policy options. In conducting a cost-benefit analysis for an expected policy, a public servant must have necessary knowledge to apply in analyzing policy options to be able to select the optimal one.

A public servant's past experience is especial meaningful to conduct an ex ante assessment of a policy as it provides him or her with a hunch about proposed solutions, consequences that may occur, as well as potential impacts of the policy.

6.1.5. Decision making capability

Making a decision is a highlighted step in policy formulation process. It is the result of a whole preparation process and leads to following implementation process. This capability determines the appropriateness, timeliness, and feasibility of a policy.

According to the author of Decision Making, a decision making process consists of 5 steps:

- Establish the context for success;

- Recognize the problem reasonably;

- Propose solutions;

- Assess solutions;

- Select the most feasible option to make a decision.

Separately, two initial steps are corresponding to analysis and conceptualization capabilities of a public servant.

Step 3 and Step 4 correspond to his or her design capability.

Step 5 corresponds to decision making capability.

Decision making capability reflects the ability to choose the right moment, perceive the timeliness, feasibility, and impacts of the policy on the society, as well as a public servant's determination. In this step, one must take active steps to create the context (or conditions) to present a persuasive policy. Not only that, the decision making entity needs to be careful with *uncertain problems* or *human weaknesses*, etc. These are problems that should be seriously considered. It can be seen that in Vietnamese society, long-lasting cultural traditions and today's society are having considerable impacts on a public servant' decision making capability.

Here, it should be noted that decision making is a phase of the policy formulation process. It includes a series of tasks to be taken in a period of time instead of a brief interval. Therefore, public servants (normally leaders, managers) must prepare themselves with necessary capabilities to make sure that they can make decisions on and implement the policies conveniently in practice. Specifically:

- Be assertive and unhesitant at key moments;

- Assign tasks clearly and reasonably;

- Thoroughly understand and allocate resources in a reasonable manner and ensure a backup plan;

- Calculate time, ensure the schedule, and make sure time allocated for subjects to be implemented;

- Establish information channels and make sure a thorough reporting process;

- Be always ready to accept and develop measures to resolve arisen problems;

- Handle problems in a timely manner.

6.1.6. Professional capabilities

Public policies are management tools of the State in every field of the social life, covering a wide range of scopes; therefore, they are much

diversified. Each field has unique characteristics that are associated with specific expertise. Contents of the policy must are closely associated with relevant fields of expertise. Therefore, professional capabilities of public servants, especially those directly involved in preparing the policies, are very important. These people must have necessary knowledge and skills to understand the policy problems, analyze causes of the problems, and have sufficient in-depth knowledge to propose solutions that are suitable to the specific fields targeted by the policy. For example, to formulate the policy on information technology development, there must be the involvement of experts in the fields to know which problems to be resolved are and determine specific solutions to develop the technology in the context of fast development in the field and impacts of IT integration trends.

However, not all public servants in a management field have in-depth knowledge of matters in their field; therefore, mobilizing the participation of highly qualified experts in the relevant area of policy preparation is necessary to provide those public servants with technical assistance. But, there are cases when public servants must possess fundamental knowledge, sensitivity, and critical thinking ability to grasp and select contents required for the policy.

6.1.7. People mobilization and connection ability

The policy formulators (public servants) must do something to realize ideas into specific, feasible, and quickly-implemented regulations to improve social life. They must be able to analyze the policy problems, define policy objectives accurately, and especially select the most reasonable policy option. To do so, it is necessary to propose many options representing different possibilities.

In any phase, mobilizing the participation of surrounding people is important. This is because no matter how competent and responsible a public servant is, his or her qualifications are still limited to a certain extent.

In the process of policy preparation, one can mobilize the participation of such parties as follows:

+ People authorized to allocate resources and have a decisive voice;

+ Potential beneficiaries of the expected policy;

+ Experts;

+ Protesters (though this may delay preparation time, but engaging their participation will help us better understand opposing opinions and may mitigate the opposition when the policy is enacted);

+ Supporters.

One of the best ways is creating specialized teams (Editing Committee, Drafting Committee, etc.) to take advantages of many people's opinions. In fact, this is a mean to generate many options and solutions to a problem because "combined knowledge and experience of many people will create more ideas than relying on any individual alone, no matter how smart he or she is" [Decision Making].

The variety of options will allow us to make appropriate, reasonable, and objective decisions and facilitate conditions for innovative ideas as well as listen to opponency. Teamwork and public consultation help the formulators make a relatively complete list of options. In addition, one cannot separate from the role of team knowledge in conducting an assessment. One can even invite reputable and objective individuals in the public to give their comments. If one can do this, he or she can show the knowledge required of a public servant.

Also according to the author of Decision Making, for a team to work creatively and effectively, team members must have following awareness:

- Each team member must respect others;

- Each should listen to others' opinions with an objective and equal attitude;

- Everyone has the right to protest others' assumptions;

- Everyone has the right to raise their voice;

- Never force others to accept an individual's own perceptions; one must be flexible and gentle;

- One should study and learn from opposing opinions;

- Only criticize ideas and assumptions, do not criticize individuals;

- Accept predicted risks;

- Lean and extract experience lessons from failures;

- Encourage an open and humorous attitude;

- Make sure that arguments are constructive and improve the abilities to negotiate and harmonize;

- Consider all successes as common results of the team.

6.1.8. Communication and presentation capability

In policy formulation process, public servants must always communicate with related parties to collect information, exchange ideas, and persuade others about what they expect to design in the policy. Therefore, communication and presentation capability is necessary and even decisive in some cases.

In conducting an analysis to identify the policy problems, public servants must be capable of communicating to collect information related to current situation, especially in conducting a survey and interview with related subjects.

In the process of policy preparation, the ability to communicate with colleagues, experts, and other parties related to the policy problem such as main beneficiaries, affected people, etc. is very important to seek suitable and feasible solutions.

In assessing and selecting the policy option, communication and presentation capability will help public servants take advantages of community efforts to seek the best option and make sure that they can personally argue to defend what they think is right.

Reporting to superiors or defending the policy before authorized people to enact the policy requires a great ability to present to explain the policy drafts as well as the ability to listen to feedbacks and learning attitude to accept reasonable ideas to improve the policy.

6.1.9. Experience

Actual experience is always highly appraised in public affair activities and an indispensable element to become a policy formulator. Though we are trying to achieve the objective that average age of officers, civil servants is younger, experience is always valuable. Past successes and failures are the basis for future actions. Past mistakes may help minimize future mistakes.

Public servants that have actual experience in the phases of policy formulation and have been directly participating in specific tasks will be able to accumulate useful lessons to formulate a new policy. They are capable of quickly feeling current state of the urgent problem in the society. Actual experience also allows public servants to know how to exploit necessary information to identify the policy problems. They will be more knowledgeable in designing contents of a policy if they know to think, arrange, and present contents of the policy drafts.

Only experience people may have the capability to assess a policy in a comprehensive and thorough manner. In assessing a policy, a public servant learns from his or her experience situations that he or she expects to happen in implementing that policy actually, and which consequences there may be in current context, which the responses are, and how to resolve it. Therefore, the assessment conducted by an experienced public servant is usually highly accurate and predictive.

6.1.10. Policy formulator's attitude

In many cases, a policy formulator's attitude has a significant meaning to quality of the policy to be enacted. A policy formulator's attitude means his seriousness, high sense of responsibility, readiness, willingness to accept difficulties, objectivity, integrity, empathy with society's urgent problems, and creativity, i.e. he or she dares to think and dares to do for public interests of the community.

A policy formulator's attitude must first include:

- Sense of responsibility: shown when a public servant is highly responsible for the proposed policy, final results of which, as well as positive and negative impacts of the policy on the society. If a public servant lacks sense of responsibility in any phase in policy formulation process, the resulting consequence may be unexpected. For example, if causes of a problem are not carefully considered, proposed solutions may not resolve the causes, but instead make them worse.

- Innovating attitude: shown when a public servant is always ready to accept new, innovative ideas. In addition to complying with available procedures, regulations, and processes, a public servant must be sensitive to the rapidly changing environment and have sense of creativity and innovation to adapt to changes. Lacking innovating attitude, he or she may present solutions that aren't corresponding to the management practices and technologies. These solutions aren't wrong, but they cannot effectively resolve the problem when environment changes.

6.2. Development of public servants' qualifications in public policy formulation

Qualifications of public servants are the core elements of public policy formulation. These qualifications depend on individual characteristics and the education in which public servants have been learning, as well as their working environment, cultural traditions, private life, etc. In which, environment plays a very important role. Actually, immediately from the date of being employed into the state system, public servants have certain capabilities. However, they are just "rough" or potential. Moreover, not anyone has all necessary capabilities; some are strong with some capabilities while others aren't. For example, an officer can do well specific, technical tasks, but he has a weak creativity. The managers need to know how to assign public servants to the tasks that match their strengths. However, to become a good policy formulator, one needs to possess aforementioned capabilities in full. So, he or she should train and improve his or her qualifications to meet requirements on the assigned tasks. One only develops his or her qualifications over time, by learning, studying, and training, through difficulties and experience.

Basic means of developing qualifications depend on individual's efforts as well as human resource training and allocation practices by the leaders.

Individually, a public servant can improve his or her own qualifications by:

- Researching the theories and case studies: No one has full knowledge of problems arising in a field or area within his or her administration. Therefore, researching the theories and practical case studies related to the problem to be intervened with the state policy is very important. A person's experience may be supplemented by researching previous case studies. These cases are summarized from published literature. In practice, one cannot become a good policy formulator if he or she is reluctant to read literature, think, and research. He or she doesn't even have necessary knowledge and they will advise on enacting policies that lack theoretical background, do not comply with current practices, are costly of state resources, and more importantly, such policies may cause adverse effects not expected by the State.

- Learning from predecessors' experience: Experience at work is valuable to policy formulators. However, not every officer has necessary experience. Moreover, each policy has its specific characteristics, or the context and conditions of each policy are always changing. Therefore, in addition to actual experience that one has, learning from predecessors' experience is very important. To be able to learn meaningful lessors from predecessors, one must take a modest, learning attitude, and know how to ask questions, clearly understand and exploit multi-facet aspects of the practice given by the predecessors.

Regarding the organizations, they should develop their public servants' qualifications by:

- Assigning them to attend training courses about necessary knowledge and skills: Today, with the advancements of science, including policy science, there are many opportunities in which public servants can narrow time period required to do research by attending training courses about necessary knowledge and skills offered by people with competence and in-depth knowledge in the field of policy formulation. Therefore, organizations where public servants work should encourage and facilitate

conditions for them to attend these courses. Improving public servants' qualifications will help improve the organization's capabilities in formulating public policies.

- Inviting experts to present practical experience in policy formulation: Enhancing public servants' qualifications or experience can be carried out by inviting researchers of policy case studies or experienced specialists to make a presentation. Case studies can be viewed from a researcher's perspective with an objective approach to current practices. For a policy formulation practitioner, presenting case studies may be subject to his or her subjective opinions. Therefore, in conducting case studies on practical reports, one should pay attention to different approaches of the presenter. Especially, one must be sensitive in assessing how truthful the presenter is. It is important that, however, each participant must learn from the course for purpose of his or her business in the future.

- Rotating public servants over different positions so that one can participate in different phases of policy formulation process: This is the method of offering actual opportunities for the officers to approach different phases of policy formulation process; thereby, they will actually experience each phase of the process and develop better awareness of the connection between steps in the process, higher sense of responsibility in performing their duties, and sense of teamwork and active participation in policy formulation process as a highly systematic one.

- Training and assisting public servants with their duties: In addition to self-learning and self-training activities, leaders and managers should pay attention to training their subordinates. There is nothing better than assigning duties and allowing young, newly recruited officers to do the jobs, and paying attention, monitoring and speeding up, and instructing them through the process. On that basis, their will, determination, knowledge, and experience may be trained and transformed into actual qualifications.

LIST OF REFERENCE MATERIALS

Vietnamese

1. Le Vinh Danh, : U.S. Public Policies, Statistical Publishing House, 2001

2. Assoc.Prof.Dr. Nguyen Huu Hai, Le Van Hoa: Introduction to public policy, National Political Publishing House, Hanoi, 2013.

3. Assoc.Prof.Dr. Nguyen Huu Hai, Le Van Hoa: Introduction to public policy analysis, National Political Publishing House, Hanoi, 2013.

4. Dr. Le Chi Mai: Fundamentals of policy and policy process, National University of Ho Chi Minh City Publishing House, 2001.

5. Department of Politics, Academy of Journalism and Communication: Public policy science, National Political Publishing House, Hanoi, 2008.

6. Harold Koontz, Cyril Odonnell, Heinz Weihrich: Essentials of management, Science and Technology Publishing House, Hanoi, 1994.

7. James E.Anderson: Public policy formulation, 7th edition, 2010. (translation in NAPA-JICA 2015 project)

8. Thomas R. Dye: Understanding public policy, 14th edition, 2012 (translation in NAPA-JICA 2015 project).

English:

9. Lary N Gerston: Public policy making – process and principles, 3th edition, M.E. Sharpe Press, 2010.

10.   Thomas A. Birkland: An introduction to the policy process: theories, concepts and models of public policy making, 3th edition, M.E. Sharpe Press, 2011.

11.   John W. Kingdon: Agendas, Alternatives, and Public Policies (Longman Classics Edition), Second Edition, Longman Publishing Group, 2012.

12.　　　William N.Dunn: Public Policy analysis: An introduction, 4th Edition, Prentice Hall, 2007.

13.　　　Harold D. Lasswell: The Decision Process: Seven Categories of Functional Analysis, College Park: University of Maryland, 1956.

14.　　　Gary D. Brewer: The policy Science Emerge: to Nurture and Structure a disciplines, Policy Science 5 (1974), 239-244.

15.　　　Charles O. Jones: An introduction to the study of public policy, Monterey, CA: Brooks/Cole, 1984.

JICA-NAPA PROJECT
MASTER PROGRAM OF PUBLIC POLICY

COURSE

POLITICS IN PUBLIC POLICY

Hanoi 2015

Academic Advisor:
Prof. Nakamura Akira – Honor Prof. Meiji University, Japan

Head of the curriculum development team:
Prof. Dr. Nguyen Dang Thanh

Members:

Dr. Nguyen Thi Thu Ha

POLITICS IN PUBLIC POLICY

1. Information about lecturers

a. Curriculum Developers

+ Full name: Nguyen Dang Thanh

Academic title and degree: Professor, Doctor

Place of work: National Academy of Public Administration

Contact address: 77 Nguyễn Chi Thanh - Đống Đa - Hà Nội

Mobile phone:

Email:

Main research areas:

- Comparative politics

- The science of public policy in Vietnam context

- Theories of ruling parties, the state and party's apparatus structure

- Theories of State public administration

+ Full name: Nguyen Thi Thu Ha

Academic title and degree: Doctor

Place of work: National Academy of Public Administration

Contact address: 77 Nguyễn Chí Thanh - Đống Đa - Hà Nội

Mobile phone:

Email:

Main research areas:

- The establishment of a socialist legitimate state under Vietnam's current political regime.

- The role of political factors in the formulation and development of public policy in the current context.

- Issues on international politics, globalization and international integration

+ Full name: Truong Quoc Chinh

Academic title and degree: Associate Professor, Doctor

3

Place of work: National Academy of Public Administration

Contact address: 77 Nguyễn Chí Thanh - Đống Đa - Hà Nội

Main research topics:

- The influence of political factors on public policy

- The interrelation among political – economic – cultural factors.

b. Tentative lecturers:

Full name: Prof. Dr. Nguyen Dang Thanh

Full name: Dr. Nguyen Thi Thu Ha

Full name: Assoc. Prof. Dr. Truong Quoc Chinh

2. General course information

- Course's name: Politics in Public Policy

- Course's code: CSBB1

- Number of credits: 02/30 hours

- Course's requirement: Required

- Prerequisite course: Philosophy

- Other requirements:

+ Students have full learning materials

+ Students have certain understanding (to various extents) about the public policy process in practice

- Credit hours:

+ lectures: 15 hours

+ Discussion: 10 hours

+ Assignment: 5 hours

- Department in charge: The Department of Fundamental theories

3. Course's objectives:

- Knowledge: The course enables students recognize and deeply understand the political aspects that control and influence the stages of public policy process (which includes formulation, implementation and evaluation)

- Skills: Enable students have a political vision and political sense at different levels when participating in the process of making and analyzing public policy in practice.

- Attitude: Enable students develop an attitude that is objective, comprehensive and deep, avoiding being shortsighted encounter, explain or solve policy issues in practice.

4. Course description:

The course equips students with understanding about politics and public policy, the influence of politics on the process of making, implementing and evaluating public policy; the main areas under influence such as political ideology, political system, international political relation and the requirement of democracy and justice in the policy process. All of these contents are mentioned with reference to practice and specific policy cases in Vietnam.

5. Teaching methods and schedule

- In-class lectures: 15 hours

- Discussion: 10 hours

- Assignments: 5 hours.

6. Course requirements

- The Academy: has to provide lecture halls that are suitable for credit-based training, large halls for general courses and small classrooms for language courses and selective courses. The academy needs to supplement the reference material system so that students can actively do research and study materials related to the cause, meeting academic requirements of the credit system.

- Department in charge: Actively renew the contents of the course, ensuring the development of advanced, updated, modern, scientific and practical training contents.

- Lecturers: have doctor degree of Politics or related to politics; have experience in teaching politics at undergraduate level; have teaching skills.

- Students: have completed general courses; students should take on a new learning style; actively prepare contents related to the course.

7. Assessment methods

- Attendance: 10%

- Mid-term assessments: 15%

- Assignment, discussion: 15%

- Final exam: 60%

8. Course Description:

CHAPTER I: THE POLITICAL SUBJECT, CONTENT AND RESEARCH METHODOLOGY IN PUBLIC POLICY

1.1 General concepts

1.1.1. The concepts of public policy

- In essence, public policy is the basic tool, the primary and official means of implementing and expressing state power – the power of the ruling class.

- Public policy is the primary means of implementing and expressing the interests of the ruling class and social forces.

- While in essence, public policy is a tool used by the ruling class or ruling force to realize their interest, as it is promulgated by the State – which is public power - it always has to meet the requirement of fairness (at least in formality) among different social classes and forces.

- To every country – state: public policy is a multi-facet and multi-leveled system.

- Regarding issues that public policy is to address: Public policy includes a sequence of cycles in which each cycle comprises of the following fundamental stages:

+ Policy formulation: This is an important stage of a policy cycle. Whether a policy meets the needs of practice or not, depends primarily on the policy making stage. An appropriate policy must meet the fundamental requirements of the policy making process, based on practice and come from practice.

+ Policy implementation: This stage also plays an important role in the effectiveness and validity of policy. A policy that is appropriate but does not meet requirements during the process of implementation does not have practical value. The implementation of policies means that all participants understand and follow the fundamental requirements of the policy.

+ Policy evaluation: This is the stage to evaluate the impacts of policy in practice, to point out the strengths and weaknesses of that policy, therefore suggest adjustments to make it more appropriate and continue to promote the practical effectiveness of a certain policy. It is also an important stage in the policy process in order to enable effective policies in practice.

Public policy is approached from different scientific approaches in which there are ways of understanding of the concept:

- Public policy is the activities that the government chooses to do or not to do. According to this approach, the activities that government does or do not do must have long-term and deep impacts. Therefore not all things that the government does or do not do are public policy.

- Public policy includes all activities of the government that have direct or indirect impacts on the life of its citizens.

- Empirical and practical studies show that a public policy implies contents that relate to one another and relate to or influence other policies, thus creates the systematic characteristic of public policy. For example, administration reform is a public policy in which there are: regime reform,

administrative procedure reform, administrative apparatus reform, build and strengthen capacity of staff, officers and officials, public finance reform, administration modernization. Implementation of administration reform has connection with salary reform policy, finance – monetary policy. The above examples show the systematic characteristic of public policy.

- The history of social development has proved the rule of "spiral development", which means that social development contains in itself a characteristic of historical inheritance. As a part of society, the development of state and public policy is no exception of this rule; therefore, it proves once again the rightness of Marx's historical materialism of the state and society's development. That's why, public policy is sure to have its characteristic of historical inheritance.

- Public policy is always connected to the subjects that make and implement it. Even in theory, the studies of general topics of public policy must start from the policy of a certain country. Therefore, public policy always attaches itself with a (or several) particular country (or countries) with particular political, economic, cultural and social conditions. However, it should be noted that the scope of influence of public policy is not limited to one or several countries, but it should not be concluded that there is a common public policy for all countries.

In summary, public policy has the following basic characteristics: of the state, of the community, practical in action, systematic, historical and attached to particular countries with particular political, economic, cultural and social conditions.

1.1.2. The concept of politics

Politics is an area of the society, co-existing with the division of society into classes.

Many profound thinkers studied various aspects of politics:

8

- *Plato:* Politics is a royal art that directly connects heroic standards to smartness; their life connection is made in unity and the spirit of charity.

- *Bourgeois scholars:* Politics is a "theatre", in which there are plays, actors, audiences, stage scenery… In that theatre, everyone plays a particular role whether they are aware of it or not. But the existence of that theatre does not depend on those individuals. In that "political theatre", although there is a director, there are sudden inspirations during a performance, making politics a very unique and diversified life.

- *Mac Vaybe:* considers politics an aspiration to participate in power or power division, determining the position of each individual in a certain order.

- *Lenin:* The very essence of politics lies in the state government organization. Politics is means to participate in state's activities, set out directions, formality, tasks, and activities for the state. Any social activity has its political characteristic if it is directly or indirectly connected to class interest.

In essence, politics is the area related to the interest of different social classes and groups… In that relation, the ruling class or ruling social force gains the state power to realize, preserve and protect the interest of their class or their social force.

- Originally and officially, state power is the public power of the whole society. Therefore, democracy is a requirement and the trend that every power subjects have to show and reach for (at least formally)

Regarding structure: Politics is a social area with multi-facet structure:

- Political Ideology – Political line
- Political regime – Constitution

9

- Political subjects – political system: Political party – State – political and social organizations;

- Political relationship: domestic – diplomatic

Conclusion: *Politics is an area of social life, representing the relationship among social classes, nations and countries in winning, holding, using and controlling the state power.*

1.2. The subject and contents of the course

1.2.1. Subjects

Politics in public policy is the course that studies the nature and influential means of politics in the public process.

Politic studies in public policy is aimed at a more thorough understanding of the areas that politics influences and controls the process of policy making, helping its participants more self-conscious, professional, thorough and effective in their operation.

1.2.2. Contents

a) In essence, the role and the influence of politics in public policy means the role and impacts of the subjects that hold state power – the official power bodies, directly issue and execute the implementation of public policies by the state bodies and state officials to issue, implement and evaluate public policies.

b) The political influences on the policy process

- The influence and impacts of political ideology, political lines on the making, implementing and evaluating policy;

- The influence and impacts of political regime on the policy process;

- The influence and impacts of political parties, state and political, social organizations on the policy process;

- The influence and impacts of domestic and diplomatic relations on the policy process;

- Democracy and fairness in the policy-making process

1.2.3 The political influences on the policy process

- The political system and the policy-making process

- The political system and policy

- State power in the policy implementation

1.3. Research Methodology

- Empirical research: The course uses this methodology to study theories on the relationship between politics and public policies, especially the policy process, to clarify the impacts of political factors on public policy from theoretical perspectives. This has been discussed by many international researchers who discuss this issue. In Vietnam, it is not a new one either.

- Learning from practice: Using this methodology, the course provides international and domestic factual foundations at different periods in order to better clarify the multi-facet interrelation between politics and public policy.

- Analysis of case studies of the policy process: Some practical cases and specific policies are clarified in order to analyze and provide theoretical factual foundations for the impacts of political factors on public policies. A policy process including making, implementing, analyzing, and evaluating policy that is strongly influenced by political factors will be clarified in specific cases.

CHAPTER II: POLITICAL SYSTEM AND THE POLICY-FORMULATION PROCESS

2.1. The role of political parties in the policy formulation process

The political party is an institution which represents a class or a social group, operates on the basis of a certain ideology or political point of view with an aim to reach by means of seizing state power or by taking part in the execution of state power.

Political parties include ruling parties and non-ruling parties. In political science, ruling party is the political party that represents a ruling class to manage the state in order to serve the interest of this class.

V.I. Lenin first raised the concept of ruling party. The terms of Ruling party, Governing party have been used long ago in Western countries to show the role, the position and the responsibilities of a political party when it reaches power, distinguishing the party that seizes power with those Parties who do not have power in their hand, have not yet seized power, or stand at an opposite position. The ruling Party leads the government, making sure that all of its activities represent and serve to realize the thinking and direction of that Party, in accordance with the point of view and interests of the class which it represents. At present, there is no state, not even a bourgeois or proletarian state, that is not under the direct control of a certain political party.

Power, once gained, is the sharpest and strongest tool to realize the Party's line, roadmap and policies, securing party's leadership to the whole society. In its ruling manner, besides propaganda, education and persuasion, the Party leads the government (State) to institutionalize its lines, guidelines and policies into Constitutions, laws, plans… and secure the Party's leadership to the whole society. Through its members in social institutions, the party transforms its resolutions into laws, management decisions, and action programs of the State bodies and social organizations which brought them into real life. The power of the ruling Party is the power of political leadership in which the ruling Party is at the centre.

The ruling Party plays an important role in establishing State machinery in which the key positions from central to local levels are determined, as well as the key positions in all components of the State Power system.

The activities of the ruling Party always influence the State's political sphere and the operation of the State machinery in association with the policy formulation process:

After winning an election, a political Party becomes the ruling party and controls all activities of the State machinery through senators, who are the party's members. The operation of the State always complies with the leadership of the ruling party, specifies its objectives, translate the political program as well as interest into the national policy.

It is vital for the ruling party to put its ideology into the State's policies and decisions.

The primary way for the ruling Party to reinforce and preserve its ruling position is that its representatives who have leadership in the State organizations have to execute their action programs and fulfill their party's commitments that they made to citizens in their election campaign.

The resource that the ruling Party uses to keep its operation running is the training of human resource management. This work should be well planned, conducted regularly, continuously, effectively and with high quality.

When the ruling party has a certain role in the National Assembly, it is the latter that transfers the influence of the former onto the government or cabinet.

Secondly, through the congress or through direct voting, the election of the Chief of Executive body and local administrative offices are under the influence of the Ruling party.

Any policy made by the State is political in nature, that is, it is based on and serves the political line and guiding thoughts of the ruling party. Policy is a management tool of the State, aiming at goals set by the State, which always imply the nature and orientation of the ruling Party.

In capitalist countries, politics shows the relationship between classes, parties, including political parties, and pressure groups. The competition among parties and the vigorous struggle for the promotion, leadership and control power of their influence and position forms the political environment in these countries. But the real political power lies in the hand of the ruling party (or party coalition) during that period of time. In parliamentary countries, the prime minister and cabinet are appointed by the party that has a majority of seats in the congress; therefore it is a matter of course that the State serves its political line. In presidential countries, although the president is the head of the country, holding supreme executive power and appointment of cabinet, all policies proposed by the government are to be approved by National Assembly (which usually means the party with majority of seats). As a result, even when the president is not a member of the party with majority of seats in the National Assembly, all Government's policies reflect the interest of this party. So the policies made by Government are always in accordance with the political line of current ruling party. It can be concluded that politics decides the policy contents as well as the selection of alternative policies being proposed.

In Vietnam, the Communist Party is the ruling party, leading the State to implement the country's strategic goals. The Party leads the State and the society by setting out its political programs, strategies and policy-orientations, which are the guidelines for the State to promulgate public policies. Public policies are issued by the state. These policies are the realization of the party's line, strategies and policy orientation and the implementation of those lines and guidelines in practice. Public policies in Vietnam are often institutionalized into legal documents in order to create a legal basis for their implementation. These include unobligated, oriented and stimulating action schemes.

It is an indispensable requirement and also the task that citizens entrust in the party that it leads the state and the whole society. The party's leadership can be generalized into the following areas:

- The Party sets out different lines, principle guidelines and major policies for development in each period; the Party leads in organizing the state machinery; leading by monitoring the understanding and implementation of Party's line and state's laws, at the same time by bringing into play the role of Fatherland front, unions, social organizations and citizens in building, executing and monitoring public policies…

The Party is the leading force of the society, determining issues regarding the adoption of social development direction, political regime, and strategic goals for economic, cultural, national defense and security, and foreign affairs. Simultaneously, the Party sets out guidelines for the state to use power against tendencies that are harmful to the interest of the working people and social progress. The function of party's leadership is to set out the lines, policies and major oriented viewpoints and principles to build and protect the country's socialism, whereas the function of state is to execute its power by realizing party's lines into specific laws and policies, and execute the implementation. This is a system to execute the general power of citizens. State power is to execute and protect the power of working people; laws represent the will and power of citizens, ensuring the authority of the state. The state of Vietnam has gone through four amendments of its Constitution, which resulted in the change in the form of state machinery, but the power remained united and undivided. It is because the power belongs to citizens and comes from citizens. Therefore the state is organized so that it executes public power, and this function of the state is to be respected. The party as well as the state only has one aim and reason-to-be, which are the nation's independence and people's freedom and happiness. Their functions may differ, but there is only one

starting point and goal. Different from the capitalist political system, both the ruling party and state of socialist political system are loyal representatives for people's interest.

In the reforms of the party's leadership upon the state, in order to maintain the state as the true representative of people's power, the party decides to appoint different functions of party and state, and it leads the state by using democratic approach. Whether party's leadership or state's management, it is presented in society as subjects that implement what citizens have delegated authority to them. Promoting democracy is the best approach to not let the power of citizens and class turn into the power owned by a privileged group. It is required by reality that the party has to reinforce and enhance its leadership on the state, and at the same time leads the state in democratic approach.

2.2. The role of state bodies in the policy formulation process

In essence, public policies are considered the outputs of state management process, intellectual products created by its officers and civil servants, even a common product of the whole society. This is seen in the acceptance of the goals and implementation methods of public policies by people from every walk of life, as well as in the result of these public policies. If the goals of state's proposed public policies meet the wishes of citizens, it naturally goes into life. Otherwise, a policy that is unclear in its goal, unspecific, or not for the sake of a community will be harder to be accepted or low in feasibility.

Public policy is a tool for the state to executive its macro management on the economics and society. In order to keep socio-economic development in line with the set orientations, the state has to be consistent in its viewpoints or and stand-points; it has to build legal frameworks to keep all activities in it going on, and at the same time encourage subjects from various walks of life in society to actively take

part in the movement to match the developmental requirements of different periods. Determining public policies is the exclusive power of state and state personnel. The capacity to issue and implement the state public policies is influenced by the following factors:

One of the most important factors that influence the state's ability to issue policies is whether it is a federal or a unitary system. The main characteristic of federal political structures regarding public policies is the concurrent existence of two independent governments in one country. In federal countries, the two government levels are not tied to each other in a relationship of superior and subordinate, but the federal governments have more or less free right to act on issues at their level guaranteed by the Constitution. This is different from unitary countries or countries that have only one government level; local governments are subordinate to central government instead of depending on the constitution.

The existence of federal regime has quite an influence on the ability of civil servants in solving urgent issues consistently and timely because public policies are issued and implemented both by central and local state or provincial governments. The overlap of functions lengthens the time needed to issue public policies. Conflicts often occur when different governments compete for problems that they have the right to act on or involve in those large-scale inter-governmental negotiations or Constitutional disputes. Different governments in one country can issue contradicted decisions that can weaken or make ineffective the influence of policies. The existence of courts to arbitrate authoritative disputes only makes the process of policy making more complicated.

The federal regime is considered the main reason for the weakness in policy-making ability of the United States, Australian, Canadian governments. It hinders the ability of these countries to develop consistent and cohesive policies. On the contrary, in unitary states like the

United Kingdom, France, Japan, Korea, Vietnam… with their characteristic of having only one government in one country, there is a high level of unification in issuing and implementing public policies, with smaller chances of disputes and costing less time.

The relation between Legislative, Executive and Judiciary in the influence on public policies.

Another institutional variant that affects public policies involves the relation between the legislative, executive and judiciary bodies. In the parliament system, the executive body includes members of parliament who are selected by the legislative body and only hold their position during a period when they receive the support of a majority of the legislatives. In presidential regime, the executive body is separated from the legislative body.

The separation between legislative and executive in the presidential regime and the merging of the two branches in the parliament regime result in serious consequences in the policy-making process. The separation of power increases difficulty for the policy makers in the presidential regime. The members and Committees of Parliament have a positive role in the formulation of public policies, including the policies proposed by the presidents. It only has validity if the president's party holds majority of seats in both parliaments of National Assembly because selective interests often encourage the legislators. Generally, in order to make sure he has the majority's support for those policies that need approval of the legislative body, the president has to negotiate with the congress members, making concession in exchange for the support, so that he can change the intention of policies. The active involvement of congress members in drafting law proposals triggers contradictory ideas to ones of legislative bodies; it also opens opportunities for interest

groups and voters to intervene in the policy process can result in mixed or even contradicting policies.

In contrast, in the parliament regime, the executive body may not need the support of the legislative body for its solutions because the party's regulation of absolute in the parliament makes all members approve the solutions proposed by legislative body. In some cases, there are negotiations or the parties request adjustment of the policy in exchange for support. However, the policy-making in parliament regime generally focuses on the executive body, always allowing the government to act firmly if it needs to do so.

The structure and role of judiciary body have their influence on the policy-making process as well. In a federal regime, an independent judiciary body is assigned to arbitrate the dispute on authority. In these countries, the judiciary body acts as another potential side to veto, similar to what the executive may do in the issues related to policy. The countries that do not have a federal system or follow the Declaration of human rights like the United Kingdom, the courts have more limited roles, allowing a larger space for policy makers to act upon.

The administrative structure has the biggest impact on the public policy-formulation process, especially at the regional level. The concentration of power in the hands of just a few state bodies reduces the chance of making contradicted policies and allows making long-term policies. On the contrary, the decentralization of power increases the contradictions within a state body and lack combination; decisions may be issued on the basis of an acceptance by all related bodies despite of quality. The independence of administrative apparatus from politicians and social groups also helps increase its power and effect in the public policy-making process. In order to be strong, a state administrative apparatus must have clear authority, expertise and vigorous support from

politicians, but not their intervention in daily activities. If the administrative apparatus performs well, it can avoid the close ties with customer groups. The ability of the administrative apparatus to create and process information also helps reduce its dependence on the information provided by interest groups.

In strong states, the position of the administrative apparatus is highly appreciated by the society. The administrative apparatus is established with the pure elite group who plays the most important role in the policy-making process. In the societies where the state is traditionally weak, the administrative apparatus has quite a low position and lack the ability to resist the pressures from legislators as well as social groups; therefore the policies issued can be unclear and shortsighted.

In many countries where corruption is prevalent, salary is low, and working condition is bad, the administrative apparatus usually lack capacity to solve complicated issues. If these conditions still exist in one country, the state will meet difficulties in making policies and implementing them as they wish. And in many countries, the administrative apparatus may have expertise in certain areas but problems with organization and leadership will prevent it from achieving effectiveness.

The State of the Socialist Republic of Vietnam is the pillar of its political system. State power is united. There is division of roles, collaboration and control among different bodies in the implementation of legislative, executive and judiciary rights. The State issues laws; organizes and manages the society by laws and continuously increases socialist legislation. The organization and operation of the state machinery follow the principle of democratic centralism, assign and decentralize responsibilities, while ensuring the central consistent

stewardship. It is the above-mentioned characteristics that influence the policy-making process in Vietnam.

The issuance and implementation of policies have high accordance among state bodies at different levels; conflicts of interests caused by public policies or the contradiction of authority to issue policies are few. However, because policy proposals are generally based on the local needs or depend on management goals of a certain sector, they usually do not consider the big picture, resulting in many incomprehensive policies. A typical example is that several ministries or sectors may propose different policies to address the same problem, whereas there are big problems to which no ministry or sector proposes policies to address. This leads to a "gap" situation, some cases of which are not adjusted.

The suggestion to policy-making primarily comes from the consideration and analysis of practical situation and from the management needs of state bodies that are assigned the task of state management. The drafting of policies is usually undertaken by ministries or bodies at ministerial level and governmental bodies. There are few issued public policies that come from those who are influenced and affected. This is one of the fundamental reasons why some policies have low feasibility, or are implemented not as effectively as the managers have expected.

The involvement of socio-political organizations and citizens in the policy-making process is limited. The policy-making process is still closed; opinion poll from those who are directly influenced by the policies is limited, and often falls in formalism if there is any; the reception of opinions by ministries and sectors are not active yet. On the other hand, there is not a specific regulation on mobilizing the wisdom of citizens, experts and scientists into the policy-making process, thus limit perception of and solutions for problems.

21

2.3. The role of political and social organizations in the policy-formulation process.

In order to have the ability to issue and implement the policies effectively, the state needs support from social groups in influencing its actions. To an extent, these social groups can provide necessary support at certain level an in certain form depending their internal organization. The decentralization in and among these groups reduces the ability to mobilize them in solving of the social issues. If the social contradiction is critical, the state may not be able to operate as normal regarding the implementation of public policies.

The unification inside and among social groups creates stable environment for public policies, facilitating the formation and promote effective implementation. Strong organization can negotiate more effectively. And when they agree on a solution, they can make their members adhere to it, using restrictions if needed. In those societies where powerful groups have similar interests instead of "narrow" interests, the issuance of state policies does not have to face with much conflicts and opposition from society as a result of interest imbalance. In contrast, the existence of myriad of narrow interest groups encourages the competition among them, forcing the state to serve only the interest of their group, regardless of possible negative impacts on other groups, the accumulated affects of which is that the policies are usually ineffective and contradictory.

The problem of social divergence becomes critical when the strong narrow interest groups are neglected or when the state is too weak to respond to social pressure. However, from the viewpoint of effective formulation and implementation of policies, the best situation is that the state and society are both strong and have close partnership relation; therefore they can issue long-term and consolidated public policies.

22

Otherwise, the effectiveness of policies is at the lowest level when the state is weak and the society is divergent. In this case, the state can create ineffective and shortsighted public policies.

2.4. The role of press and public opinion in the policy-formulation process

The press and public opinion also play an important role in the policy formulation as well as public policy evaluation. By raising practical issues, the press is an important channel of information to quickly address the demands and pressing problems from real life to leaders and managers. In the current society of multi-direction information, the role of press is becoming more important than ever before. Sometimes, thanks to the press those certain policy proposals are adjusted so that they are most appropriate. Also thanks to the press that the society is informed about the implementation of a certain policy in practice

The press is also an important channel to convey social evaluation of a certain state policy, thus showing leaders and managers the multi-facet influences of that policy in reality, including its advantages and disadvantages.

In a flat world like ours today, only with a computer, citizens can grasp every kind of information wherever they are; the press has become an indispensable part of human life. And it is also an effective tool for managers.

CHAPTER III: THE POLICIAL REGIME AND POLICY

3.1. The legitimate regime and policy

A legitimate state is a state that appreciates the supremacy of the Constitutions and Laws. It is a state in which every body; organization and individual live and work according to Constitution and laws.

A legitimate state is a state that ensures the compliance of policies. Laws are the institutionalization of party's policies. The appreciation of laws execution also means the appreciation of policy implementation. Before a policy is issued and transmitted in to practice, it is first institutionalized in legal documents. It can be said that policy is the content, legal document is the interpretation of policy. There is no separation between laws and policy. Policy can only go into realization and be implemented seriously when it is detailed in legal documents. The higher law abiding awareness is, the stricter and clearer policies are to be guaranteed.

Therefore, the legitimate regime ensures that public policies are implemented fully and comprehensively in reality.

3.2. Democratic regime and policy

According to the classics, democracy means that the power belongs to citizens. Citizens are the subjects that create history. Citizens decide for themselves their life and fortune. Marx and Engel put it that democracy is a form of state power which citizens should be able to organize and control. Lenin especially stressed the involvement of citizens in the management of the state. And according to President Ho Chi Minh, democracy means that citizens are the owner and they own. He attached importance to both position and ability of citizens as subjects, who are the owners of the society and the state.

Democracy is the political regime where power belongs to citizens. Citizens directly execute their power or appoint representatives to work in the state apparatus. There are two types of democracy: direct democracy in which citizens directly take part in major issues, and indirect democracy in which citizens select their representatives through election.

Socialist democracy is the essence of Vietnam's political regime. It is both the goal and the drive for country development, for the building and step by step completion of socialist democracy, ensuring that all state power belongs to citizens. Democracy must be executed in real life at

24

every level and on every field through the operation of the State, which is elected by citizens, be institutionalized into laws and protected by laws.

Socialist democracy is the essence of the new social regime – the socialist society. Building a socialist society is one of the most long-term and critical tasks to *make sure the power belong to the people. To reach that goal, it is central to build and complete a socialist legitimate state that is really of the people, by the people and for the people.*

As mentioned above, democracy means that citizens are the owner and take part in the management of the State and society. Democracy in policy formulation, implementation and evaluation means that citizens are allowed to take part in all stages of the policy process.

Policy formulation is a complicated process that requires adherence to various strict requirements of each regime and the point of view of each country, as well as of each developmental phase of history and the current socio-economic conditions. However, regardless of any process or regime, the principle of original meaning of policy must be respected and aimed at the interest of citizens, building a prosperous and civilized society and country. Therefore, in the context of globalization, intensive and comprehensive integration into the world economy, and the tendency of democratization and transparency in the current state management now is setting out new demands and requires policy-makers to reform policies more and more, not only in terms of content or system but also the policy-making process so as to ensure increased involvement of social subjects and best mobilize the initiatives and intelligence of every citizen and organization in the society.

The participation of all citizens and social organizations in the policy-making process is also an opportunity to communicate and disseminate policies and laws, or in other words, it is also a process that

encourages mutual understanding and support among stakeholders in order to establish a mechanism, a general legal framework for society. Besides, with the inherent functions of social organizations, and according to the experience of many countries, the participation of social organizations in the policy-making process is obviously an objective and effective monitoring of the stages and participants in the policy-making process, which represents an essential tendency of modern democratic society in any regime.

Years ago, public participation in the policy-making process was limited. It was often just a hearing. The policy makers made proposals and consulted with those people who made policy decisions. After that, the policy makers organized an opinion poll, in which all stakeholders could give their own opinion and points of view. However, in fact, there were almost no arguments in these polls.

Since then, studies on different models of public participation have increased dramatically in number. In Dutch cities, there started talks at city level, local forums, public consulting rounds, political forums, or council meetings outside the city hall, and local councils... In some cities, citizens are even entrusted to propose issues to the Council's agenda. To a larger extent, they even use various means of information collection from citizens such as surveys, forums, people's jurors, community polls, talk rounds, workshop…

In summary, in order to increase public participation, the policy-makers have developed different models in which everybody in the community can participate in their own way, instead of direct dialogues. They use different consulting methods for different groups. The direct participants may be asked to give opinion, while the opinion of the

community in general can be taken by conducting surveys in various forms among different groups with different purposes.

The participation in policy-making helps citizens understand public work. The authentic participation may lead citizens to enthusiastically accept social choices that they previously opposed to because now they have chance to listen and vote. Opinion poll can provide with a means to solve political issues that are causing dramatic division. Another characteristic of democratic regime that make it more appropriate than other social regimes is that it provides good control of power abuse by empowering all voters to reject inappropriate policies.

The search for support from social groups will increase public participation in the policy-making process. Citizens are not only customers who receive products from service distributors but also, and primarily, active participants affecting the policy decisions. It depends on the direct or indirect democracy that citizens influence, participate and conduct the policy-making process.

Public participation must be executed with the stability of the political system. The support from citizens for the political system is one of the most important inputs among other requirements. It determines the lifetime of a political system. When this support decreases, it can be clearly seen that social problems increase, citizens's trust in the political system reduces and pressure on the government increases.

Policies tend to become better in terms of quality if there is consensus among policy-makers and targeted groups. The transparency of policies is enhanced, along with increased control and accountability. Therefore, the participation of community is a strong expression of "control and balance". It makes sure that policies are better through arguments and agreements among stakeholders.

Public participation in the policy-making process makes policies become more popular, less "authoritarian" and avoid being one-sided in policy issuance which results from the fact that policies are issued only one the basis of the leaders' interest. The effectiveness and validity of policies, as well as interest and needs of citizens are neglected, thus leading to the ineffectiveness of those policies that aim to change citizens' behaviors. Citizens are more sensitive to policy proposals that they participate in than those that reach them by means of documents.

The attempt to attract public participation does not slow down the policy-making process like what we usually think but otherwise can shorten the needed time to implement the process, including all the steps from identifying issues, making decision of policies, to implementing policies. Overlooking public participation and consensus in the first stage will lead to hindrance and delay in following stages of the process.

The public participation in the policy-making process also has a positive influence on their votes for politicians. If the policies that these politicians propose, issue and implement are considered by the citizens as favorable, the chance for them to be re-elected is quite high. In general, they are more likely to re-elected citizens.

The last but not least, public participation may have side effects. When the knowledge and awareness of citizens about social issues are enhanced, it may increase consensus and reduce violent confrontation in the society, contributing to solve social issues more quickly and effectively.

The comprehensive reform during the past 30 years in Vietnam marks outstanding improvements in various fields of socio-economic development, improvement of the state management system, gradual completion of policy and legal system. However, with a view to having a

productive and effective policy system, the reform of policy-making process still requires more in-depth studies and harmonization of the management goals of the state and the goals of community and society, to ensure the building of a socialist legitimate state, to mobilize social resources development to the fullest, and to preserve social order for the benefits of development, respect of human and citizen rights.

Resolution No 48-NQ/TW signed on 24/5/2005 by the Ministry of Politics about "The strategy for development of the legal system until 2010 and looking forward to 2020" clearly points out the requirement to: "…ensure the active participation of citizens in all law making process" and one of the most important solutions is to stress the role of research units, encourage the policy to involve "associations, economic organizations, social-vocational organizations, and skillful experts" in every stage of the policy-making process and law-making process, as well as to determine a critical feedback mechanism to receive opinions of the public. The Constitution of 2013 has a relatively specific regulation on the right of citizens to participate in state and social management: "Constitution Article 28: *1. Citizens have the right to participate in the management of the State and society, participate in discussions and make recommendations to State organs about the organizational, local and national issues. 2. The State creates favorable conditions for its citizens to participate in the management of State and society; the State has to prove its publicity and transparency in receiving public opinions and proposals as well as in giving feedbacks.* http://www.nclp.org.vn/nha_nuoc_va_phap_luat/su-tham-gia-cua-cac-to-chuc-xa-hoi-trong-quy-trinh-xay-dung-phap-luat/ - ref1.

In fact, electronic information gates are the official chanels through which the ministries, sectors and the governement are open to the whole society to participate in making suggestions for the draft legal documents.

* Some requirements for increasing public participation in the policy-making process

Firstly, the political system and its institutions have to, through the state apparatus, operate in a way that they can receive and deal with information about the needs and demands of the society, in order to select the useful information to effectively serve the policy-making process, toward a general objective of effective management of the state and society, and better performance of the state apparatus itself for the sake of the country and for the sake of its people.

Secondly, regarding public power, the state power has to ensure high level of consensus and reflect the will of society and the citizens from various classes. But it also has to harmonize laws and practice and social opinions so as to preserve a certain extent of stability and order, in order to meet development demands.

Specific requirements:

Firstly, it is emphasized that the law on the participation in public policy-making process and procedure is a part of Vietnam's legal system, therefore it is essential to respect general principles for building laws in any state regime, the principle of realization of Constitution, and the implementation of international committments on regulations related to the right of social organizations to participate in building laws.

Secondly, it has to create favourable (legal and social) conditions for the social organizations to participate in the policy-making process,

with clearer and more specific regulations for their legal positions and rights, and with convenient procedures.

Thirdly, it has to ensure publicity, transparency and accessibility to information for citizens to participate in and make policy suggestions. This requires state bodies to undertake many renovations in terms of governance, toward meeting the demand for access to information of diverse subjects in the society.

* Some methods for democratization in the policy-making process

- Develop and issue the law on public opinion poll:

Opinion poll is the highest level of direct democracy but so far it has not been used in Vietnam. With critical significance and its newness, complicatedness, difficulty in implementation, opinion polls must be conducted on the basis of the highly effective legal document - the law on opinion poll. The law on opinion poll must regulate the following contents comprehensively: the content of the opinion poll; the right to decide when an opinion poll is needed, and whose responsibility is it to conduct the opinion poll; the dissemination and communication on opinion poll; evaluation and use of opinion poll results.

- Research and build laws on social criticism

Social criticism is a form of direct democracy of significance to the course of extending and developing democracy. The goal of social criticism is to guarantee harmonization of interests of all members in the society, including the State, political-social organizations, economic organizations and every citizen. In order for social criticism to be implemented as an effective form of direct democracy in social life, it is necessary to do research and issue a law on this kind of activity. This law should regulate clearly and specifically on the mechanism and the flow of

procedure to make social criticism, as well as the roles and responsibilities of organizations in that procedure.

- Research and build laws on demonstration (protest)

Normally, demonstration is considered a public expression of citizens' will on issues of society. In its essence, demonstration may be a support or a protest of a specific program, policy, event or decision. That can be domestic program, policy, event or decision or one of another country. In its form: demonstration exists in 2 forms: peaceful protest and violent protest. In principle, citizens are allowed to protest according to the law; police or public securities only intervene when violence happens, or when there is devastating action and trespassing properties of the state, of organizations and of citizens, and disturbing the order and safety of the society. In the current tendency to extend and develop democracy, it is necessary to draft and issue the law on demonstration to form legal basis for citizens to realize their freedom right that is stipulated by the Constitution.

3.3. The class nature of the State and the policy priorities

Every state has a certain class nature and based on this nature, they have certain priorities …

3.4. The requirement of fairness, equality and the issue of group interest in policy-making

Social fairness reflects the handling of the interrelation among individuals in their social relationships regarding rights and obligations, benefits and responsibilities, devotion and enjoyment, and common and private interests.

Realizing the goal of fairness means to build a society in which every citizen gets equal and similar benefits if they have similar obligations and responsibilities as stipulated by the law.

32

One of the most important roles of public policies is to provide guidance for the activities of socio-economic entities. The goal of policy implies the state's attitude towards a public issue, so it clearly expresses the state's tendency to pose influence on social entities so that they operate according to the future values that the state is pursuing. The general development goal that Vietnam's party and citizens try to reach is: "wealthy people, strong country, and fair, democratic and civilized society", so the policy goals should be in accordance with the general goal of the country, in which fairness one important criteria that helps the state determine specific policy goals. The goal of fairness also expresses the will and wish of people in handling public issues.

In order to achieve fairness in policy goal, it is essential that the policy covers all those who are influenced by the policy, and equal benefits among them should be guaranteed; more benefits to those who need more urgently; thus the distribution of resources to beneficiaries depends on the urgency of their needs, not on their ability.

Originating from the fairness aspect of the distribution of products, fairness in the goal of policy means firstly to make sure that everybody benefits from the policy, that all citizens can easily access basic utilities regardless of their localities or regions.

Regarding particular interest, fairness the policy goal means that "those who have more urgent needs get more attention and those who are disadvantaged (economically and socially) must be cared for more. Justice in policy goal can be interpreted that everybody, whether rich or poor and despite the different classes they belong to, receive similar benefits according to the urgency of their needs; people who are poorer, living in more difficult areas get more support and supplies from the State.

Depending on each particular policy, fairness is considered on the basic of the specific characteristics of those who are influenced by the policy, such as age, sex, regional traits or levels of volatility…Based on the policy goal, policy-makers develop suitable policies that ensure fairness and equality.

* The requirement of ensuring fairness in the policy process

Ensuring fairness in the policy-making process

Based on the determined goals of the policy, the policy-making process once again confirms and institutionalizes the goals of the policy. There are four steps in the policy making process:

- Determine the policy issue: the policy-makers look for and identify a pressing issue that is important to the country's development in general or to a specific area.

- Identify the goals: identify the goals to reach in the handling process the issues.

- Set out solutions to reach the goals: look for effective and feasible solutions to reach the goals that have been set.

- Select and approve the policy: authoritative bodies consider and compare the policy alternatives, then select the most appropriate policy to issue and put into implementation in real life.

Government should understand that the influences of a policy on its beneficiaries are an important part of the adherence to the principle of fairness.

In selecting policy alternatives, it is necessary to consider whether a policy can cover all groups or not, for example, whether a particular policy meet the needs of different beneficiary groups? Can it address the problems that this subject is facing? This consideration will help policy-makers identify negative or illegal issues as well as opportunities to

integrate into the policy. Ensuring fairness is aimed at removing and minimizing the disadvantages of volatile groups, encouraging them to integrate into community. This is done step by step in order to meet different needs of different beneficiary groups.

Ensuring the principle of fairness also implies reasonable calculation and allocation of resources so that all beneficiary groups receive the benefits that are corresponding to their ability and needs, while ensuring its effectiveness widespread across the society. The allocation of policy-related benefits needs to be done in accordance with specific principles in order to make sure that targeted beneficiaries instead of the other participants in the policy-implementation process receive supports from the state; or to make sure that they receive all of the allowed benefits without being taken a rake-off on as a result of the wrongdoings of other participants in the policy-implementation process.

Besides, ensuring of fairness also means to make sure that all citizens have similar opportunity to participate and contribute their ideas when the state organizes an opinion poll, such as doing research, sending proposals for feedback, attending workshops held by the lead organization to raise opinions… At the same time, the authorities should offer favorable conditions to fully mobilize the citizen's participation.

Reality has shown that, social policies primarily affect the citizens, who are direct beneficiaries of policy-created values, so the full mobilization of citizens' participation not only ensures fairness but also the effectiveness of policies. With increased participation of the citizens in the policy-making process, the policy's coverage becomes more comprehensive, citizens' wishes are more clearly understood, and policy solutions to meet those wishes are more specific, objective and appropriate.

Ensuring fairness in policy implementation

It can be said that, policy implementation is the most important stage of the policy-making process. This is a stage that the state's mandates go into effects, policy actions have direct impacts on the beneficiaries, and thus the requirement of fairness is raised more seriously and thoroughly. By policy solutions, the State implements specific activities on the beneficiaries. Not like the previous stages, there are many things to be completed, which relate to various subjects and various fields such as resources or finance… so it is quite complicated. This is also a stage in which when the beneficiaries are directly affected, so ensuring of fairness is a factor to be constantly noted in order to avoid inequality in the process of policy implementation.

Fairness lies in the fact that, by means of policies, the state re-allocates incomes among classes, at the same time gives aids for the volatile, such as the poor, the elderly, children and the disadvantaged in order to overcome the income inequality among social groups. The fairness of policies also lies in the reasonable allocation of costs and benefits, rights and obligations of the participants in the policy-making and implementation process and among those related to the policy.

In any country in the world, resources supplied by policies do not usually meet the needs of everybody, because needs are increasing whereas resources are limited. Therefore, allocation of resources should not base on the principle of equilibrium, but must ensure fairness and equality. Each country must have appropriate policies to exploit and allocate resources and services in accordance with the goal of fairness and effectiveness. In this regard, the poor and disadvantaged in the society are cared for at the fundamental and essential level.

Besides, the government also has to execute its important responsibility in providing rules to make sure that the quality and benefits of policies are allocated equally throughout the country so that its citizens regardless of their locality can get access to the whole system of benefits that the policy provides.

In order to assure the principle of fairness in policy implementation, human factor plays a crucial role. Officers and civil servants who directly participate in policy implementation should be unbiased and keep their integrity, prevent incidents in which the full benefits provided by policy are cut down or reduced by local authorities. In order to make this possible, there should be a mechanism to closely monitor the implementation of public policies.

Ensuring fairness in the policy-evaluation stage

After a public policy is issued and goes into effects for a certain period, normally, the State will have to evaluate its performance and impacts on the society. Meanwhile, different individuals and social organizations also take part in the evaluation of performance and impacts of that policy to show whether they support or protest, or propose change to it. Thorough and comprehensive evaluation of a public policy depends on its original goals and on-going solutions to reach those goals. As to citizens, they evaluate a policy mostly in terms of effectiveness, contents and solutions, not legal aspect.

Like when they participate in the policy-making process, the participation of citizens in the policy-evaluation process should be encouraged in order to ensure the principle of democracy and objectivity of the policy implementation process. Also, it is a demonstration of citizens' participation in the management of the state and society. In order to ensure fairness in the policy evaluation, it is necessary that citizens

have opportunities to participate directly or indirectly and in various forms to communicate their opinions and point of views to the policy-makers. For the effectiveness of the evaluation, state authorities must have mechanism to welcome public's opinions in an effective and respectful way, show that measures are taken to adjust policies. Only by doing so can they make useful use of public evaluation, encouraging citizens to participate in policy and law making process by the state.

CHAPTER IV: STATE POWER IN POLICY IMPLEMENTATION

4.1. The role of Government in execution of policy implementation

In any state, executive power is considered direct power in making, proposing and implementing policies. Compared to legislative and judiciary, executive power has the following fundamental characteristic: "to act to bring laws into life". If the National Assembly has function in issuing laws, judiciary bodies arbitrate and judge illegal behaviors, the "action" of government is to propose policies and laws to the National Assembly for approval, and then the government in turns, within its tasks and rights, implement those policies and laws, prosecute the criminals and bring illegal behaviors to court for judgment. Therefore, the Government is always the main subject that makes sure the normal effective performance of power branches within the state power structure.

So, the executive in its broader meaning in not limited in the adherence to laws, but also means providing guidelines for policies and implementing policies. If we assume that the adherence to laws refers to both those subjects that the laws are applicable to (the society) and the implementation and execution of laws, it will be the task of government and the administrative systems, justice authorities, and courts of investigation (which monitor the adherence and execution of laws). In the case of Vietnam, it can be seen that the whole political system is the executive power.

The executive branch cannot be limited to administrative frame. While the executive branch is responsible for making and proposing policies (macro level), the administrative branch is responsible for that policy (micro level). On the other hand, it is through administration that laws are brought into management. However, the execution of laws here only limit in legal events that protects the rights and benefits of management subjects, such as disputes on management authority among ministries, or providing measures to protect the legal rights and benefits of citizens; even complaints and accusations that citizens submit to state authorities, asking them to address to… reflect the execution of laws in social life.

Regarding the whole political system in Vietnam at present, it can be seen that the executive function is present in the following areas: making macro policies guidelines for the socio-economic development of the country, issuing policies and laws within its authority or in cases which it is empowered with legislative power, organizing the realization of laws in society, monitoring and investigating the implementation of laws; applying laws in necessary situations.

The above areas are described clearly in the contents of Vietnam's Constitutions of 1959, 1989 and 1992. Especially, in Constitutions of 1992 (which was adjusted and amended in 2001), the executive power is elaborated in Chapter VII – The Government: "The Government manages the implementation of political, economic, cultural, social, national defense, security and diplomatic tasks of the State; it guarantees the effectiveness of the State apparatus from Central to locals, ensuring the adherence to and respect of the Constitution; encouraging the sovereignty of the people in the cause of building and protecting Fatherland, ensuring the stability and enhancement of physical and cultural life of the people: (Article 109); all rights and responsibilities at Article 112; tasks and rights of the Head of Government – the Prime Minister (Article 114)

It can be said that, the basic roles of executive bodies are:

- Communicate and disseminate policies
- Propose measures, procedures, process and criteria.

- Develop strategies, programs, plans and projects.

- Mobilize resources, connect forces, assign responsibilities, and appoint organizations and individuals for different roles in the policy implementation process.

- Supervise, inspect, audit preliminary conclusions and conclusions to draw out experience, competitions, awards, punishments, the handling of complaints and accusations.

- Provide public services, organize administrative activities

4.2. The role of the Legislative body in supervising policy implementation

- Request reports and analysis by the executive body.

- Interrogation

- In-place evaluation

+ Request the executive body to adjust and make amendments.

+ Make decision to terminate and temporarily terminate the implementation of a policy.

It can be said that, the legislative body's supervision on the policy implementation plays an important role in the general operation of the state. During the past time, the supervision has brought about practical results, widespread influence, boosting the socio-economic development of the whole country and of every local areas. However, reality shows that the supervision of National Assembly still has certain gaps, resulting in the effectiveness of the supervision has not been up to requirement and demands of reality and not fully shows the role of National Assembly as the highest state power body. The supervisory activity of National Assembly is still unfocused and lack of centralization. It only bases on documents provided by related authorities without making advantage of support from independent channels of information such as auditors, inspectors, examiners and the participation of experts. The supervisory activities of several critical issues related to management, handling of

complaints and accusations from citizens are not attached adequate significance to, resulting in low effectiveness of supervision. Some supervision activities have been stipulated in the Constitutions, the Law on Supervision of National Assembly, but have not been implemented so far, for example: review the reports by National Assembly Standing Committee on the execution of Constitution, laws, National Assembly's resolutions; establish an Interim Committee of the National Assembly in order to investigate certain issues or to hold a vote of confidence for a person that is chosen or approved by National Assembly to hold a certain position. These clearly are the issues to be solved in the coming time.

4.3. The role of the judiciary body in violations in the policy implementation

This is a very important role in a legitimate state. The judiciary body is an important branch of power - judiciary power. Only when the performance of judiciary body is enhanced can the policies be implemented correctly and thoroughly. The judiciary body is considered an important institution to execute the state power.

Regarding the protection of legal system and criminal policies, the judiciary body has an important role in promoting the prevention of criminals; encourage the application of non-custodial re-education, especially with those involuntary offenses with mild consequences.

Regarding civil laws, the judiciary body plays a role in protecting legal rights and benefits of individuals and organizations when participating in transactions, promoting the healthy development of civil relationships, finalizing the institutionalization of contracts.

In order to enhance the role of the judiciary body, it is necessary to do research in order to achieve step-by-step perfection of its organization system, its functions, its tasks and its authorities. Proposals on the organization of investigating authorities, people's investigators and

41

people's courts should be elaborated and finalized in the orientation of identifying correctly and adequately its legal power in order to enhance the effectiveness and performance of those authorities that conduct proceedings. At the same time, the renovation and finalization of the judiciary body is placed in a close relationship with the reforms of administration and reform of the state apparatus in general.

Besides, one of the important directions that the quality of judiciary reforms should follow is: to train the legal workers, especially those with a judiciary title in honoring legal rights and responsibilities.

CHAPTER V: THE ROLE OF POLITICS IN POLICY-MAKING IN VIETNAM

5.1. The political system and the authority on polices

Regarding structure, the political system includes interrelated bodies, which have typical positions, functions and mechanisms to execute their power. There are apparently three groups of relatively independent power: the state power which is the Socialist Republic of Vietnam in the united power structure; political power hold by Vietnam's Communist Party, which is the main subject to organize and direct the state in the orientation of socialism; finally social organizations and unions which are established and operate in the current legal environment, surrounding its representative body which is the Vietnam's Fatherland Front. Therefore the Fatherland Front is not only the representative of social organizations, but also the representative voice of community and citizens. The nature of the strength of Fatherland Front lies in the people's power, which is organized and politically oriented by the ruling party. These parts are connected to one another in particular relationships, mechanisms and operating principles, in a particular cultural, political environment.

5.1.1. The characteristics of Vietnam's political system

42

Firstly, the political system is leaded by only one Communist Party of Vietnam

This characteristic is typical of the political system in socialist countries, but in Vietnam, it also has particular aspect. This particular aspect is determined by the role, the position, the ability and credit of Vietnam's Communist Party leadership from its establishment until now, elaborated during the cause of saving the country, liberating the nation, resisting colonialism, uniting the country, building and defending fatherland, renovating society…

Secondly, Vietnam's political system is influenced by the Soviet model.

Although it is in a renovation process, but the influence of the centralized bureaucratic collectivist regime proves relatively strong in the way of thinking and doing of political subjects and in the organization and execution of state power as well.

Thirdly, the socio-political organizations that are established and leaded by the Communist Party closely adhere to the Party and State, being their political basis.

Fourthly, the State administration, a very important part of the state, is very young (only over 60 years old), and inherits hardly anything from the past (feudal colonialism), seriously affected by the highly centralized bureaucratic but has to do a series of new and significant historical tasks: bring Vietnam from an outdated agricultural and small production-intensive country going on to socialism, skipping capitalism, successfully conducts the cause of industrialization together with modernization, building a socially-oriented market economy, a socialist legitimate state of the people, by the people and for the people… All those tasks are aimed at building Vietnam as a country in which the people are wealthy, the country is powerful, democratic, just and civilized; integrating and

shortening the development gap with other countries in the region and in the world.

These characteristics decides the structure, the organization, the operation and the relationships as well as the difficulties and challenges that Vietnam has to face… at the same time set out new requirement of renovating and perfecting its political system, which is very different from other political systems.

5.1.1. Policy authority

- The Party's bodies such as the Party's National representative Assembly; Central executive committee; the Politburo; the Secretary Committee; other committees of the Party… all have a role and a voice in the policy making process. Especially, Party's National Assembly is considered at the highest position. In the Assembly, the representatives are allowed to raise their voice in the making of major policies, which may create a major improvement in the social, political aspects of the country.

- State bodies such as National Assembly; the Government, People's supreme court, People's supreme investigation… also have their own voice in the policy-making process.

- social, political unions and associations.

5.2. The goals of policies in Vietnam

- Long-term goals: build a Vietnam of wealthy people, powerful country, democratic, and just and civilized society.

- Goals to 2020: basically become a modern, industrialized country

5.4. Several strong points and weak points of policies in Vietnam

* *Strong points*

- Basically systematic, comprehensive and consistent in its goals of humanity advancement. Obviously shows the nature of a state of the people, by the people and for the people.

- The process of policy-making is increasingly democratic and professional.

* *Weak points*

- There is a tendency to lack long-term views and consistency, likely changeable.

- The implementation of policies tends to have discrepancy and poor compliance and lack of transparency from both sides (the state and the people.)

- Questions to discuss before lectures:

1. What is politics? What is a public policy?

2. How does politics influence public policies in Vietnam?

3. What are the factors of the political system?

4. How does the ruling party influence public policies? Give examples.

5. What are the impacts of state as a political subject on public policies? Give example.

6. What are the impacts of socio-political organizations on public policies? Give example.

7. What is democracy in the process of making and implementing public policies? Give example.

- Discussion questions:

1. What is politics?

2. What are the factors of the political system?

3. How does the ruling party influence public policies?

4. What are the impacts of state as a political subject on public policies? Give example.

5. What are the impacts of socio-political organizations on public policies?

6. What is democracy in the process of making and implementing public policies?

- Review questions:

Question 1: Analyze the impacts of politics on public policies. Relate to practice

Question 2: What are the elements of the political system?

Question 3: What are the impacts of ruling Party on public policies?

Question 4: What are the impacts of the State as a political subject on public policies?

Question 5: What are the impacts of socio-political organizations on public policies?

Question 6: What is democracy in the process of making and implementing public policies?

REFERENCE

Required materials:

1. Vietnam Communist Party (2011), Proceeding of the National Congress XI of the Communist Party of Vietnam, National Politic Publishing House, Ha Noi.

2. National Academy of Public Administration (2006), Public Policy Textbook, Science and Technology Publishing House, Ha Noi.

3. National Academy of Public Administration, Lecture Notes on Politics in Public Policy – Master Program of Public Management

4. National Academy of Public Administration (2008), Politic Studies Textbook, Science and Technology Publishing House, Ha Noi.

5. Nguyen Dang Thanh (2010), Power and Political Power – Meanings, Concepts and Fundamental Characteristics, Politics Bulletin No. 1/2010.

Extra reading

Vietnamese:

1. Nguyễn Đăng Dung và Bùi Ngọc Sơn (2004), Thể chế chính trị, Nxb. Lý luận chính trị, Hà Nội.

2. Nguyễn Đăng Dung (2008), *Chính phủ trong nhà nước pháp quyền*, Nxb. Đại học Quốc gia Hà Nội, Hà Nội.

3. S.Chiavo - Campo and P.S.A.Sundaram (2003), *Phục vụ và duy trì cải thiện hành chính công trong một thế giới cạnh tranh*, Nxb. Chính trị quốc gia, Hà Nội.

4. Ngân hàng thế giới (2003), *Phát triển bền vững trong một thế giới năng động - Báo cáo phát triển thế giới năm 2003*, Nxb. Chính trị quốc gia, Hà Nội.

5. *Giáo trình Chính trị học*, Học viện Hành chính Quốc gia;

6. PGS.TS. Nguyễn Hữu Hải*Đại cương về phân tích chính sách công*, NXB Chính trị Quốc gia, 2013;

7. PGS.TS. Nguyễn Hữu Hải, *Chính sách công – những vấn đề cơ bản*, NXB Chính trị Quốc gia, 2014;

8. PGS.TS.Lê Chi Mai, *Những vấn đề cơ bản về chính sách và quy trình chính sách*, NXB Đại học Quốc gia TP. Hồ Chí Minh, 2001;

9. Tinh Tinh (2002), *Cải cách Chính phủ - Cơn lốc chính trị cuối thế kỷ XX*, Nxb. Công an nhân dân, Hà Nội.

10. Viện Chính trị học, Học viện Chính trị - Hành chính quốc gia Hồ Chí Minh (2011), *Tập bài giảng Chính trị học*, Nxb. Chính trị - Hành chính, Hà Nội.

11. Alain Vandenborre (2008), *Ngưỡng cửa nhìn ra tân thế giới - Trung Quốc, Singapo và Ấn độ*, Nxb. Từ điển Bách khoa, Hà Nội.

English

1. Joel D.Aberbach and Mark A.Peterson (2005), The Excutive Branch, Oxford University Press, New York, USA.

2. Robert E.Goodin (1982), Political Theory and Public Policy, The University of Chicago Press, Chicago, USA.

3. Mark Landy and Sidney M.Millkis (2008), American Government, Cambridge University Press, New York, USA.

4. Millkis, Sidney M. (1993), The President and the Parties, Oxford University Press, New York, USA.

5. Abhay Mehta (2001), Power Play, Orient Longman, New Delhi, India

6. Allen D.Putt and J.Fred Springer (1989), Policy Research, Prentice Hall, Englewood Cliffs, New Jersey 07632, USA.

7. Wailer, Lippman (1985), Public Opinion, Free Press, New York, USA.

8. Wilson, James Q. (2000), Bureaucracy: What Government Agencies Do and Why They Do It, Basic Books, New York, USA.

NAPA - JICA

PUBLIC POLICY PROCESS MANAGEMENT

WITH A FOCUS ON CASE STUDIES

Hanoi, July 2015

1. Information on lecturers

1.1. Full name of lecturer in charge of the course: Nguyen Thi Hong Hai

Position, academic title, academic distinction: Associate Professor, Doctor

Contact address: 77 Nguyen Chi Thanh, Dong Da, Hanoi

Tel, email: ;

1.2. Information on participating lecturers (full name, contact address, tel, e-mail):

- Le Van Hoa, M.S.

  Contact address: P.406, building A, National Academy of Public Administration

  Tel:

  Email:

- Nguyen Duc Thang, M.S.

  Contact address: P.406, building A, National Academy of Public Administration

  Tel:

  Email:

- Tran Thanh Nga, M.S.

  Contact address: P.406, building A, National Academy of Public Administration

  Tel:

  Email:

2. General information on the course

- Name of course: **Public Policy Process Management with a focus on case studies**

- English name: **Public Policy Process Management with a focus on case studies**

- Course code: Number of credits (in class/practicing/self-study): 3

- Applicable to academic major/discipline: Public policy

- Academic level:　　Master　　　Form of training: Regular

- Course requirement: *(Compulsory or elective)*

- Prerequisite courses: Public policy making, public policy evaluation

- Pre-courses: Public policy making, public policy evaluation

- Corequisites:

- Other requirements for the course *(if any)*:

- Allocation of credit hours to:

    + Theoretical lecture: 15 class hours

    + Doing exercises in class, discussing, practicing: 30 class hours

- Faculty in charge of the course:

3. Objectives of the course

3.1. General academic objectives of the course

- *Knowledge:* + Reviewing/systemizing knowledge of all stages of the public policy process that students have studied in other courses, from agenda setting to policy formulation and decision making, policy implementation to policy evaluation. Students can by then have comprehensive and sufficient understanding of the public policy process.

    + Helping students understand the diversified practices of the policy process

- *Skills:* Using specific case studies to help students achieve the skills of identifying, analyzing and solving policy problems. Besides, students can also practice the team-working skills through team exercises.

- *Attitude:* Being aware of the importance of the study and examination of the public policy stages in a uniform policy cycle, at the same time being aware of the role and meaning of all the stages in the policy process, thus adopting a positive attitude in forming and implementing public policies.

3.2. Specific academic objectives of the course

- To gain, in a systematic manner, the knowledge of all stages of the public policy process: Agenda setting; policy formulation; policy decision making; policy implementation and policy evaluation.

- To understand the basic requirements of each stage of the policy process. This is the key foundation for good policy process management.

- Through the specific case studies, students will be able to (i) understand the practical stages of the policy process in different agencies and sectors; (ii) conduct case analysis, identify the problems and solve the problems related to all stages of the policy process.

4. Course content summary

The public policy process is divided into various stages, from agenda setting to policy formulation, policy decision making, policy implementation and policy evaluation. Each stage is characterized by different features and requirements.

The course of *Public Policy Process Management with a focus on case studies* in the Master of Public Policy program aims to provide students

with an overview of the public policy process through all stages, for students to be able to approach the public policy in a systematic manner; at the same time provide students with practical knowledge of the stages in the public policy process; the ability to identify, analyze and solve the problems related to different stages of the policy process. The course is divided into 3 main sections:

- Section 1: *Overview of the public policy process.* This section will systemize the stages in the public policy process, providing students with an overview of all stages of the policy process; at the same time summarizing the knowledge gained from other courses. This will help students understand necessary theories for case studies in later sections.

- Section 2: *Policy process analysis framework.* The section provides students with an analysis framework for them to utilize in the analysis of specific case studies in section 3. The analysis framework is developed along all stages of the policy process. It can be considered theoretical standards/desires that stages of the policy process need achieve. The analysis framework will help students analyze the specific policy case studies and compare them with theories in order to discover the limitations and problems to be added to the policy process to improve such policies.

- Section 3: *Policy case studies*. The section covers not only policy case studies in Vietnam but also case studies in Japan. By summarizing the theories on policy process in section 1 and policy process analysis framework in section 2, students will be able to utilize the theories in studying each specific case study in order to get understanding of the practical stages of the policy process; to analyze and discover the problems in the policy process, then to propose the solutions and recommendations for improvement.

5. Detailed contents of the course:

Section 1

OVERVIEW OF THE PUBLIC POLICY PROCESS

The policy process can be divided into 5 stages. However, a number of following matters should be noted:

- Various viewpoints exist in relation to the division of stages in the policy process. Therefore, the division of stages in the policy process is only of relative nature

- Public policy process is not a linear one, going through each stage in turn before ending with the results, but a repeating process, thus the stages in the policy process are not always perfect.

1.1. Agenda setting

1.1.1. The concept of agenda setting

The first and most important stage of the policy process is agenda setting. In the stage, public problems are recognized by the society and the State, and are incorporated into the agenda of the State, and then are considered and resolved by the State. Results of this stage include identification of public problems, explanation of the necessity to solve the public problems, and the decision to incorporate public problems into the policy promulgation program of the State. Therefore, *policy agenda setting is a process by which public problems are recognized by the State and incorporated into the State's policy promulgation program.*

1.1.2. Actors in the agenda setting process

Theoretically, in democratic societies, actors in the policy agenda setting process include the State and the society. However, the degree of participation by the actors depends on such factors as: legal status, professional qualifications (knowledge and experiences on public problems),

and resources. According to existing legal provisions, the actors participating in the public policy agenda setting process in our country include:

- Policy proposers, including: President, Standing Committee of the National Assembly, Ethnic Minority Council and the Committees of the National Assembly, the Government, Supreme People's Court, Supreme People's Procuracy, Ministries, Ministry-level agencies, Governmental agencies, Standing People's Councils and People's Committees); Vietnamese Fatherland Front and member organizations of Vietnamese Fatherland Front.

- Decision-makers of the policy development agenda: The National Assembly making decisions on policy development agenda with regard to policies promulgated by the National Assembly; the Government making decisions on policy development agenda with regard to policies promulgated by the Government; Provincial People's Councils making decisions on policy development agenda with regard to policies promulgated by the Provincial People's Councils.

- Opinion contributors: Based on the policy proposals by the agencies and organizations, the assigned State agency shall develop the policy agenda draft, and arrange to solicit comments from the agencies and organizations on the policy agenda draft.

Therefore, actors in the policy agenda setting process in our country does not only include competent State agencies, but also socio-political organizations, and organizations and individuals in the society.

1.1.3. Agenda setting process

Public problems must go through complicated processes before being considered to be included in the policy development agenda to be solved. The complexity of this process depends on the authority of policy

promulgation. This process commonly includes the following fundamental steps:

- Formulating policy proposals (policy initiatives): In this step, the policy proposers are required to carry out such activities as: identifying the problems, analyzing the problems, proposing the options to solve the problems, conducting preliminary impact assessments of the options. The contents of policy proposals should specify the necessity for policy promulgation; targets and scope of impact of the policies; main contents of the policies; expected resources, conditions necessary for the policy drafting; preliminary impact assessment report; expected time to submit to competent agencies for consideration and adoption.

- Verifying and preparing the policy development agenda proposal: Upon receiving the policy proposals from the agencies and organizations, the competent State agencies shall prepare a policy development agenda proposal (with regard to policies promulgated by the National Assembly, the policy proposals must be pre-verified).

- Soliciting comments on the policy proposals: The agencies preparing the policy development agenda proposals shall solicit comments from the agencies, organizations, and individuals on the policy development agenda proposals. The solicitation of comments will be carried out by sending the policy development agenda to the agencies and organizations, and publicizing on their web portals. The agencies preparing the policy development agenda proposals shall receive the comments and amend the drafts based on comments from the agencies, organizations, and individuals.

- Adopting the policy development agenda: The policy decision making agencies shall consider and approve the policy development agenda. The adopted policy development agenda shall be the legal basis for the agencies and organizations to prepare the policy drafts. In the policy

7

development agenda, name of the document reflecting the policies, responsibilities of the policy drafting agencies, of participating agencies and responsibilities of the coordinating agencies, timeline for policy approval must be identified.

1.1.4. Difficulties and solutions

In formulating the policy proposals, the policy proposers may face the following difficulties and challenges:

- *Difficulties and challenges in identification of problems and formulation of a quality and highly persuasive policy proposal*. In this stage, the policy proposers do not have much time and resources to collect sufficient required information that serves as the basis for the identification and analysis of the causes of the problems, and their consequences to the society, for the identification of possible options to solve the problems and for the forecast of the options' impacts. Therefore, analysis results from this stage are quite preliminary, not yet comprehensive and detailed.

- *Difficulties in incorporating the policy proposals into the policy agenda*. In order for a policy proposal to be accepted, it should be able to attract attention, support, and consensus not only from competent State agencies, and relevant agencies, but also from the society, particularly people affected by the proposed policies. However, it is extremely challenging to achieve this consensus in practice.

In order to overcome the difficulties, the policy proposers should optimally utilize the existing sources of information by studying secondary documents such as: the system of legal documents related to the problems, study results of the domestic and foreign agencies, organizations, and individuals, statistical data, reports of State agencies; conduct rapid field studies; organize consultations from relevant agencies, scientists, experts in relevant fields, representatives of affected groups, policy beneficiaries;

properly utilize such analysis methods as: Regulatory Impact Assessment (RIA), Cost and Benefit Analysis (CBA) or Cost Effectiveness Analysis (CEA).

1.2. Policy formulation

1.2.1. The concept of policy formulation

The next stage of the policy process is policy formulation. After the State is aware of the existence of a public problem and includes it in the policy development agenda for solution, a State agency is assigned with the task of developing the policy draft. In order to do this, the policy drafting agency have to look for the possible alternatives to solve the problem. The objective of this stage is to fully study the public problem, determining the objectives of the solution and studying the options to solve the problem or the policy options. The policy option proposals may originate during the agenda setting process, or be developed after the State decides to solve the problem. In both cases, the possible policy options should be examined and limited to the options that can be accepted by policy makers. Policy formulation includes the discarding of the policy options until only a number of feasible options are available (at least 3 options) for the policy decision making agencies to make their last choice. Therefore*, policy formulation is the process of studying and proposing of feasible policy options for policy decision making agencies to choose from.*

1.2.2. Actors in policy formulation

Social life problems are abundant and diversified, with impacts on various aspects of social life, attracting attention of many actors including the State, organizations, and individuals. A public policy is developed to solve a public problem, and a policy will, upon being promulgated and implemented, have either positive or negative impact, or both to different groups of people in the society. Therefore, the policy formulation process requires the participation of different actors so that feasible policy options can be come up with which can harmoniously deal with the benefits of different groups of people in the society, and bring about the best social

welfare. Actors participate to different extent in the policy formulation process depending on their roles, functions, and capabilities.

In practice, public policies can be developed by central State agencies or local government agencies depending on the nature and scope and public problems that such policies address. In Vietnam, these actors include:

- State agencies (Legislative – Executive – Judicial). This group of actors comprises mainly of the Ministries and Ministry-level agencies at the central level and professional agencies under provincial governments, with state management powers and functions in their assigned sectors and fields. Therefore, the formulation of policies to solve problems arising in their sectors and fields is one of their main functions.

- Political, socio-political and socio-civic organizations. In Vietnam, the political system comprises of three components including the Communist Party of Vietnam, the State, the Political, socio-political organizations (Vietnamese Fatherland Front is the core) and mass organizations, with their own different positions, roles, and functions and having close relationships among one another, forming a system. The Communist Party of Vietnam, as the a ruling party, does not only set the directions and policies to guide the public policies of the State, but also directly leads and instructs the policy formulation. Vietnamese Fatherland Front and other member organizations (including Vietnamese Farmers' Union, Vietnamese Veterans' Union, Vietnamese Women's Union, Ho Chi Minh Youth Union, Vietnam Confederation of Labour) are established from the central to the grass-root levels. The organizations are established to protect the legitimate rights and interests of their members, and also to work with State agencies in the development and implementation of the socio-economic development policies of the country and localities. The organizations participate in the policy formulation process mainly as relevant stakeholders, i.e. their opinions are consulted by policy drafting

agencies or they proactively contribute their opinions on the policy drafts and challenge the policies in the policy formulation process.

- Research institutes (both public and private). In the policy formulation process, the research institutes act as advisors to State agencies in preparing the draft policy options by way of providing theoretical and practical basis for the drafting agencies to identify the feasible policy options that bring about the best social welfare.

- Individual citizens in the society. According to Article 2 of the Constitution 2013 "The people are the owners of the Socialist Republic of Vietnam; all state powers belong to the people whose foundation is the alliance between the working class, the peasantry and the intelligentsia". Therefore, the people are real owners of the country, while the State is an apparatus representing the people, helping people realize their ownership rights. Therefore, in order to ensure the ownership rights of people, apart from the form of democratic representation mentioned above, people also directly participate in the policy formulation process by way of contributing opinions to the policy drafts upon request by the State agencies. The participation of people in the policy formulation process contributes to the development of feasible policy options, in line with their desires and wishes.

1.2.3. Policy formulation procedure

The policy formulation process comprises of various contents and follows a certain procedure. This procedure including the following main steps:

- Establishing a Policy drafting team: In order to study and propose the policy options, the policy drafting agency assigned in the decision on policy development agenda sets up a Policy drafting team.

- Developing the policy options. In this step, the Policy drafting team organizes the implementation of such tasks as: First, analyzing fully, comprehensively and in details the policy problems to identify causes and

consequences caused by the policy problems to the society, clarifying the reasons for the promulgation of the policy, identifying the objectives of the policy and the possible policy options to solve the policy problems. Secondly, conducting research of impacts of a number of prioritized policy options and assessing the feasibility of each policy option in order to prioritize them. Third, making recommendations on the choice of policy options to provide the basis for policy decision making agencies.

To perform these three tasks, the Drafting Team needs to carry out such activities as collecting of necessary information for the development of the policy draft (including surveying, assessing the situation of the policy problems; assessing the implementation of the policy (in case of policy reform) and the legal documents related to the policy draft); organizing the study of information, documents and international treaties related to the policy draft; arranging consultations with relevant stakeholders; and developing the policy draft.

- Organizing the solicitation of opinions on the policy draft. Upon the availability of the policy draft, the Policy drafting team conducts solicitation of opinions from relevant stakeholders including opinions of relevant State agencies, opinions of people impacted by the policies and of the society. In receiving and studying the opinions from relevant stakeholders, the Drafting Team amends the draft, prepares a proposal report, a report explaining the adopting of opinions on the draft, a report assessing the impacts of the policy draft, and publicly discloses the documents (on the web portals the drafting agency).

- Appraising the policy options. Upon completing the documents for the policy draft, the policy drafting agency shall send the documents to the competent agency in charge of appraising the policy draft. The appraisal agency organizes the appraisal of the policy draft and prepares the appraisal report of the policy draft. The policy appraisal can be carried out in various

forms depending on the nature, contents and problems that the policy seeks to solve: conducting appraisal meetings, field studies, and piloting.

- Completing the policy draft and submitting to the policy decision making agency: Based on opinions of the appraisal agency, the policy drafting agency studies and amends the draft, and completes the documents to submit to the policy decision making agency.

1.2.4. Difficulties and solutions

Difficulties in developing a quality policy draft and attracting attention and obtaining consensus from the relevant State agencies and the society. The greatest difficulties faced by the policy drafting agency are to develop a quality policy draft, to attract attention and to obtain consensus from the relevant State agencies and the society, particularly the people directly or indirectly impacted by the proposed policy. The reason is, different from the agenda setting stage, in this stage the drafting agency has to study fully, comprehensively and in details the policy problems, their causes and consequences to the society, identify the options to solve the possible problems and forecast the impacts of each proposed policy option. In order to do these, the drafting agency has to conduct various in-depth studies such as assessment of the actual state of the problems, assessment of the implementation of related legal documents, study of the impacts of the proposed policy options which requires a team of qualified experts with ability to analyze and compile information, a lot of time and resources, yet such resources are not always available and provided. Moreover, this stage attracts great attention from the State agencies (not only the policy decision making agencies, relevant agencies, but also the State agencies who will be in charge of policy implementation), attention from the society (public opinions, people directly or indirectly impacted by the policy, political organizations, socio-political organizations, civil organizations, research institutes, non-

governmental organizations, international organizations – i.e. all concerned stakeholders and people interested in the policy).

In order to overcome the difficulties, the policy drafting agency should inherit the studies and information gained from the stage of development of the policy proposal; accurately identify the types of required additional information and methods of information collection; arrange extended consultations to gain additional information and gain consensus from relevant stakeholders; adopt and positively respond to the contributed opinions; maintain transparency and disclosure of the consultation process, as well as relevant documents (policy drafts, compilation of opinions, explanations of opinion adoption, impact assessment report) to attract attention and obtain consensus in the society; establish a list of policy options in order of priority and only focus on analyzing and assessing a limited number of prioritized policy options (3 - 5 options should be selected).

1.3. Policy decision making

1.3.1. The concept of policy decision making

With the recent development of policy sciences, the decision making stage attracts the most attention from the society, because it legalizes the policy options formed during the policy formulation stage, and sets a start for the policy implementation stage. A number of remarkable features of the policy decision making stage include: First, it is not an independent stage, but continuing and finishing the activities conducted in the previous stages of the policy process. Second, it is not a technical process, but a political one, because a promulgated public policy may have positive impacts (bringing about benefits) on this group of people, but may have negative impacts (losses) on another group of people, therefore only politicians authorized by people have the rights to select the options to solve the problems. Therefore, *policy decision making can be understood as the process of selecting objectives and options to solve policy problems.*

1.3.2. Actors in policy decision making

As mentioned above, policy decision making is a political process, during which politicians or people's representatives act on behalf of the people to choose the policy option to solve public problems. Therefore, the identification of actors in policy decision making depends on the operating method and mechanism of the political system as provided for by the existing legal system. According to the law, the following actors are assigned with the powers of public policy decision making in our country:

- The National Assembly is in charge of making decisions on the basic policies on socio-economic development, ethnic affairs, religions, national finance and monetary, and foreign affairs.

- The Government makes decisions on the policies to exercise the executive power in compliance with the law.

- Provincial People's Councils make decisions on the local socio-economic development policies.

1.3.3. Policy decision making procedure

The policy decision making procedure depends on the powers of policy decision making. Typically, the procedure comprises of the following steps:

- Submitting the policy draft: the policy drafting agency submits the policy draft documents to the standing office of the policy decision making agency.

- Appraising or verifying the policy draft: Upon receiving the policy draft documents, the appraisal agency or verification agency conducts the appraisal or verification of the contents of the policy draft.

- Considering and approving the policy draft: The policy draft is approved with the following procedure:

15

+ Presenting the policy draft: Representative of the agency or organization submitting the draft presents the policy draft.

+ Presenting policy appraisal or verification report: Representative of the appraising or verifying agency presents the appraisal or verification report.

+ Discussing the policy draft: The policy decision making agency conducts discussion on the policy draft.

+ Receiving comments and amending the policy draft: The agency submitting the draft, the draft appraising or verifying agency, and relevant agencies receives opinions, amends the draft and prepares the report explaining the adoption of opinions and amendment of the draft.

+ Approving the policy: The policy decision making agency votes to approve the policy draft.

- Signing to promulgate and publicly disclosing the policy.

1.3.4. Difficulties and solutions

The greatest difficulty in this stage is how to choose the optimal policy solution. In order to choose an optimal policy solution, various conditions are required, such as: the proposed policy options in the draft are designed with good quality and clearly presented; the draft and documents related to the policy draft are provided to the delegates with sufficient time in advance for them to study and prepare questions, and contributive and critical opinions; the discussion of the policy draft must be carried out in a free, interactive, and critical manner; the contributive and critical opinions are reasonably adopted, etc.

1.4. Policy implementation

1.4.1. The concept of policy implementation

Policy implementation is a very important stage in the policy process, because the success of a policy depends on the results of policy implementation, i.e. turning the policy contents into practical activities to realize the policy objectives. Therefore, it can be understood that *policy implementation is the process of applying the policies in real life, aiming at realizing the policy objectives.*

1.4.2. Actors in the policy implementation stage

The policy implementation stage is complicated with various participating actors, and these actors have interactive relationships with one another. Number and role of each actor depends on the specific policies and context of each country. However, the actors participating in public policy implementation can be grouped as follows:

- *Actors arranging the implementation:* Actors arranging the implementation of the policies include agencies in the State apparatus. Depending on the nature, extent, and scope of impacts of the policies, the arrangement of a specific policy implementation requires different implementation methods and participating actors. For example: central policies require the participation of State agencies from Governmental to grass-roots levels; the implementation of policies promulgated by the provinces/cities only requires State agencies in such localities.

- *Actors participating and cooperating in the implementation of the policies:* The policy implementation process is very complicated, including a series of different actions. This process needs the participation and cooperation of various levels and sectors and the political, socio-political organizations, or in other words, it needs to mobilize the participation of the whole political system in order to form a mechanism for coordinating the implementation in a consistent and uniform manner from the central to the local levels. Actors participating and cooperating in the implementation of policies include: State agencies from the central to the local levels in which

the key actors include the Ministries, Ministry-level agencies, Governmental agencies, People's Committees of different levels and professional agencies of People's Committees of different levels; political organizations, socio-political organizations, civic social organizations from central to grassroots levels such as: Vietnamese Fatherland Front, Youth Union, Women's Union, Farmers' Union, etc. the Societies, Professional Associations, other autonomous civil organizations in the society.

- *Targets and beneficiaries of the policies:* In the policy implementation process, targets or people impacted by the policies are abundant and diversified, including State agencies, organizations, individuals in the society, and even direct beneficiaries of the policies and people who are not direct beneficiaries of the policies.

1.4.3. Policy implementation procedure

Public policy implementation is the process of putting the public policy into practice in order to realize the policy objectives. The policy implementation process is carried out by the State apparatus, with the participation of the partners. Depending on each specific public policy, the actors in policy implementation identify the specific policy implementation tasks. However, most commonly, the public policy implementation process is organized into the following steps:

- *Developing and promulgating the documents, programs, and projects for public policy implementation:* Typically, the public policies, as products of the policy making process, only guides the orientation of the objectives and solutions for public problems. Therefore, in order to put the policies into practice, the policy implementation actors will, depending on their powers, promulgate the legal normative documents, programs, and projects to specify the policy objectives and solutions for specific period or locality. In order to perform the tasks, the actors in policy implementation need to carry out the following activities:

+ Studying the policy contents to identify the documents, programs or projects that need to be promulgated or approved.

+ Developing the plan for drafting and promulgating the documents for policy implementation; plan for preparing and approving the programs and projects for policy implementation.

+ Arranging the implementation of the above plans to ensure quality, time and cost saving, and efficiency.

- *Arranging the implementation of the documents, programs, projects for public policy implementation:* After the documents, programs, and projects are promulgated and approved, the implementation actors are assigned with the responsibilities to arrange the implementation of the documents, and to realize the programs and projects. The activities to arrange the implementation of the specific documents, programs, and projects are different. However, below are typical activities:

+ Developing a plan to arrange the implementation of the documents, or preparing a plan to implement the programs or projects.

+ Providing training on the documents, providing necessary knowledge and skills to implement the programs or projects.

+ Propagating, disseminating contents of the documents, programs, or projects.

+ Providing sufficient material facilities, expenditures, organizational structure and human resources to implement the documents, programs, or projects.

+ Arranging the examination and supervision of implementation of documents, programs, or projects.

+ Receiving feedback and adjusting the implementation to make it more in line with actual situation.

- *Conducting preliminary summary, and final summary of public policy implementation:* Periodically, the actors in the public policy

implementation conducts the preliminary summary, and final summary of implementation results. The preliminary summary and final summary of policy implementation is carried out with the bottom up method.

+ First, the agencies and organizations assigned with the implementation of the documents conduct the preliminary summary, final summary of the implementation of such documents, and report to the higher level agencies and organizations. The agencies and organizations assigned with the implementation of the programs or projects conduct the mid-term and final assessments of such programs and projects and report to the higher level agencies and organizations. In the preliminary summary and final summary reports, the mid-term and final assessment reports, the implementation process, results, and limitations should be specified, and recommendations to higher level should be proposed to solve the issues during implementation.

+ Next, based on the preliminary summary and final summary reports, the mid-term and final assessment reports of the lower-level policy implementation agencies and organizations, the highest-level policy implementation agencies and organizations compile a policy implementation preliminary summary, and final summary report. The agencies and organizations ultimately in charge of policy implementation report and explain on the policy implementation results to the policy decision making agencies and the people.

1.4.4. Difficulties and solutions

The greatest difficulties in policy implementation are to ensure the policy implementation process be carried out in a continuous and substantial manner, aiming at achieving the policy objectives. The policy implementation process takes place during a long period, with the participation of many different actors, and in a difficult-to-forecast changing environment. Therefore, the great difficulties and challenges to the actors in

charge of policy implementation are to ensure the policy implementation process be carried out in a continuous and substantial manner, aiming at achieving the policy objectives. In order to achieve this, the actors in charge of policy implementation need to establish a result-based management model for policy implementation; with appropriate mechanism to have active participation of relevant stakeholders; building trust and maintaining long-term support of relevant stakeholders; forecasting risks and setting the solutions to minimize risks; continually monitoring and providing feedback; carrying out timely adjustment solutions; ensuring disclosure and transparency in implementation process; ensuring timely accountability to relevant stakeholders; building human resources for policy implementation with good capacity, hard-working, and devotion; assessing performance and properly and timely rewarding the individuals and organizations with good performance, and strictly disciplining the individuals and organizations with wrong-doings; timely and harmoniously resolving the conflicts of interest that arise.

1. 5. Policy evaluation

1.5.1. The concept of policy evaluation

After a public policy is promulgated and brought into implementation for a period of time, the State starts to assess how such public policy had been implemented and what are its impacts on the society. Different individuals and organizations in the society also participate in the evaluation of its ways of operation and impacts to show their support or objection to such policy, or to request for policy changes. Therefore, the concept of policy evaluation is mainly related to the assessment of a public policy in operation, the solutions being implemented, and the objectives being gradually completed. The intensive or comprehensive evaluation of a policy depends on its initial objectives and the solutions under implementation to achieve such objectives.

Various types of policy evaluation such as prior evaluation, operation or implementation evaluation, and impact or ex-post evaluation. Policy evaluation as a stage of the policy process only includes the second and third types of evaluation – i.e. the operation evaluation and impact evaluation. Therefore, *policy evaluation can be understood as the actual and systematic audit of the results of policy implementation and comparing them with the initial objectives in order to determine whether the desired objectives have been achieved.*

1.5.2. Actors in policy evaluation

The objectives of policy evaluation are to identify the achievements and challenges, to assess the sustainability of policy results, and to provide useful conclusions for the design and improvement of policies in the future. The policy evaluation is carried out by the following actors:

- State agencies: including State administrative agencies (the Government, Ministries, Ministry-level agencies, People's Committees and professional agencies under People's Committees of different levels); political agencies (National Assembly and People's Councils of different levels); judicial agencies (Supreme People's Court and people's courts of different levels); and State research institutes.

- Individuals, organizations in the society: independent assessment organizations, socio-political organizations (Vietnamese Fatherland Front and member organizations of the Vietnamese Fatherland Front), public opinions and people.

1.5.3. Contents of policy evaluation

Depending on the evaluation objectives, legal status, capacity and resources of each evaluation actor, the policy evaluation is carried out in various forms with significant differences in terms of complexity and formality. However, policy evaluation as the last stage of the policy process

includes two following types of evaluation: performance evaluation and impact evaluation.

1.5.3.1. Performance evaluation

Performance evaluation aims to review the situation of policy implementation and measure the actual policy implementation results in order to determine the effectiveness and efficiency of the policy, drawing the lessons learnt and making necessary adjustments to improve the implementation results. The objective of this assessment is to determine whether the policy implementation process can be more properly organized and more efficiently carried out.

The performance evaluation comprises of the followings: input evaluation, output evaluation, effectiveness evaluation, efficiency evaluation.

- Input evaluation: Input evaluation aims to measure the number of input for policy implementation, i.e. the number of inputs used to achieve the policy objectives. The input factors include personnel, offices, equipment, stationery, office tools, information, services, etc. Costs for all such factors are quantifiably measured. Results of input evaluation provide database for the efficiency evaluation of the policies. When conducting evaluation of the input factors, the evaluators need to apply the cost and benefit analysis to calculate the opportunity costs of the input factors.

- Output evaluation: Output evaluation is to measure the outputs of the policies, i.e. the measurement of outputs of the programs, projects, or specific activities in policy implementation. The objective of output evaluation is to determine what the policies are producing. The policy outputs depend on each policy implementation program, project, or specific activity. For examples, the outputs of a program for investment in material facilities of hospitals for implementation of a healthcare policy are the number of hospital beds, or types of equipment and number of each type of equipment that are

purchased and brought into use. The outputs of a school solidification program for implementation of an education policy include the number of standardized classrooms built, quality and number of equipment for teaching and learning that are purchased and brought into use. Results of output evaluation provide a database for effectiveness and efficiency evaluation of the policies. When conducting output evaluation, the evaluators have to collect data to quantify the results produced by the policy implementation in certain measurement units, and monetizing these outputs. In order to do this well, the evaluators need to apply the cost and benefit analysis. Where it is impossible to quantify the outputs into monetary value, the evaluators apply the cost and result analysis approach.

- Effectiveness evaluation: Effectiveness evaluation aims to determine whether the policy implementation produces results in line with the policy objectives or not? Effectiveness evaluation means the comparison of the policy implementation results with the policy objectives to determine whether the policy objectives are being achieved or not, and whether the objectives should be amended to be in line with actual situation. Based on such findings, the evaluators may make recommendations on the amendment or changes to the policy implementation programs, projects or activities, even changing the policies. The effectiveness evaluation is very helpful to the policy makers, but it is difficult to carry out because this type of evaluation requires a very large volume of necessary information and highly complicated evaluation process.

In order to well carry out this evaluation, the evaluators need to well conduct the output evaluation and fully and clearly understand the policy objectives, as well as the objectives of the programs, projects, or specific activities for the implementation of the policy.

- Efficiency evaluation: Efficiency evaluation aims to measure the implementation efficiency of a policy. Efficiency evaluation is to compare the

benefits generated by the policy with the costs for its implementation. Efficiency evaluation uses data gained from the input evaluation and output evaluation. Efficiency evaluation has huge meaning in the context of budget constraint. In order to carry out the efficiency evaluation, evaluators need to well carry out the input evaluation and output evaluation in monetary value, then comparing the results among themselves as follows: First, net benefits are calculated by benefits minus costs. Second, the benefit-cost ratio is determine by benefits divided by costs. And the best way is to combine both methods. In order to quantify the results in monetary value, evaluators need to apply the costs and benefits analysis.

Where it is impossible to quantify the outputs into monetary value, the evaluators apply the cost and result analysis approach. In this case, efficiency is measured by determining the costs required to produce a unit of output, or the volume of outputs produced with a unit of input costs.

1.5.3.2. Impact evaluation

Impact evaluation aims to discover the changes that have happened, and to which they can be attributed. Treatment effect evaluation is the examination of whether the policy implementation produces expected impacts to the beneficiaries and the society.

Its objective is to assess the impacts and sustainability of the policies, identifying the challenges, thus drawing useful conclusions for the design of policies in the future. Impact evaluation is conducted after a period of policy implementation, typically from 3-5 years. It is very difficult to conduct this type of evaluation because the portion of impact produced by the implementation of a policy has to be determined. In order to solve this problem, evaluators can use quasi-experimental design, random distribution, control group or comparison. Impact evaluation can be carried out by qualitative or quantitative methods (i.e. collection of survey data or

simulation) prior to and after a period of policy implementation. Impact evaluation examine the impacts of the policies through the differences between the results of the same participant before and after the policy implementation (programs, projects, or activities) or between participants and non-participants. However, the best way is to prepare a plan for impact evaluation before the policy intervention starts. Determining which targets receive the policy interventions and which do not, and establishing the baseline information on all evaluation targets.

1.5.4. Difficulties and solutions

Policy evaluation is carried out after the policies have been implemented for a certain period of time, thus the greatest difficulty that evaluators face is how to accurately assess the impacts of the policies. The reason is that the treatment effect evaluation requires consistent information and information sources that must be continually collected since before the policy is issued until the time of evaluation. Moreover, policy evaluation is a complicated job requiring evaluators to have in-depth expertise and experience (currently very limited in Vietnam), and requiring significant budget.

In order to overcome the difficulties: First, during the policy formulation stage, a plan for policy monitoring and evaluation, and a system of measurement indicators and performance indicators should be developed. It also means that during the policy design stage, it is required to conduct a baseline study for baseline information collection on the situation before policy promulgation; during the stage of policy evaluation, policy evaluators conduct the collection of same-type and same-source information, using the same information collection and processing methods, but at the evaluation time (if possible, the baseline evaluators should be mobilized for the evaluation). Second, when preparing the estimates and allocation of budget for policy implementation, a satisfactory budget amount should be spared for

policy monitoring and evaluation. Third, there should be a mechanism to attract domestic and foreign individuals and institutes specializing in policy research and consultancy to participate in policy evaluation, including: international organizations, non-governmental organizations, research institutes, universities, scientists, etc. Fourth, there should be a mechanism to mobilize funding sources from domestic and foreign organizations and individuals.

PART 2:

ANALYSIS FRAMEWORK FOR POLICY PROCESS MANAGEMENT

2.1. Requirements on policy agenda setting

A policy proposal should meet the following requirements:

- The basis for policy problem identification is clearly specified;

- The policy problems are clearly identified;

- The causes of the policy problems are preliminarily analyzed;

- The socio-economic implications of the policy problems are preliminarily assessed;

- The options to solve the problems are proposed;

- The impacts of each option are forecast.

2.2. Requirements on policy formulation

The development of options to solving policy problems should meet the following requirements:

- The problems are accurately identified;

- The causes of the problems are accurately identified;

- The targets impacted by the problems are accurately and sufficiently identified;

- The consequences caused by the problems to the society and the parties are accurately and sufficiently identified;

- The legal documents and policies related to the problems are fully examined;

- All possible policy solutions are identified;

- The positive and negative impacts of the prioritized policy options are forecast;

- Political, legal, technical, financial, administrative, and social feasibilities of each prioritized policy option are fully examined;

- The effectiveness, efficiency, and fairness of each prioritized policy option are fully examined;

- The objectivity, sufficiency, comprehensiveness and timeliness of the collected information are ensured;

- Relevant stakeholders fully and substantively participate;

- Actors have good knowledge and experiences on problems;

- Contributive opinions from relevant stakeholders are positively received and provided with feedbacks;

- Relevant State agencies well coordinate;

- Proper technical methods and tools are used;

- Drafting team includes people of good knowledge and experiences on the problems;

- A list of prioritized policy options is prepared.

2.3. Requirements on policy decision making

The process of consideration and approval of the policy drafts should meet the following requirements:

- The appraisal or verification is conducted in an impartial and scientific manner;

- The discussion of policy drafts is carried out in a public and transparent manner;

- The receipt of opinions and amendment of the policy drafts is conducted in a serious and impartial manner;

- The consideration and approval of policies are carried out in a public and transparent manner (except for national secret-related policies);

- The best policy options are selected (meeting the criteria on political, legal, technical, financial, and administrative feasibilities);

- Contents of the policies are presented in a brief, simple, and easy-to-understand manner.

- The process and procedure in the policy decision making process are complied with.

2.4. Requirements on policy implementation

Policy implementation process should meet the following requirements:

- All relevant stakeholders are mobilized in the policy implementation process;

- The documents, programs, and projects for policy implementation are designed without distorting the policies;

- The documents, programs, and projects for policy implementation fully reflect and specify the contents of the policies;

- A framework is developed for policy performance monitoring and evaluation;

- All the risks are identified with risk mitigation measures developed;

- Proper methods and technical tools are used in designing the documents, programs, and projects;

- Agencies in charge of policy implementation are capable, have good sense of responsibilities, and clean motives in policy implementation;

- State agencies and relevant stakeholders are well coordinated during policy implementation;

- Budget allocated to policy implementation is sufficient and in time;

- Budget management mechanism helps ensure saving and efficiency;

- The monitoring, auditing, and inspection are carried out in a timely, impartial, and lawful manner;

- Directing, instructing, and monitoring are regularly conducted during the policy implementation process.

2.5. Requirements on policy evaluation

The policy evaluation should meet the following requirements:

- A system of indicators to measure major policy results (indicators to measure outputs, output results, impact) is identified;

- A system of indicators to measure the input factors and activities (indicators to measure inputs, indicators to measure productivity) is identified;

- The identified indicators are clear, suitable, economic, sufficient, and can be monitored;

- Proper and efficient evaluation methods are selected;

- Proper methods for information collection and processing are selected, consistent with the methods used in policy formulation;

- Policy evaluation is conducted in an independent, objective, and scientific manner;

- Suitable relevant stakeholders are consulted and participate in the evaluation;

- Policy results are evaluated;

- Causes of successes and failures, of the achieved results and limitations are identified;

- Lessons learnt are drawn and recommendations are made to improve the policies in the future;

- An evaluation report is produced which is brief, simple, easy to read, and easy to understand.

PART 3: POLICY CASE STUDIES

Case study 1:

NEW RURAL DEVELOPMENT PROGRAM

1.1. Background

After 20 years of implementing the reform policy, under the leadership of the Party, our agriculture, farmers, and rural areas had made quite comprehensive and significant achievements. Agriculture had continued to develop with relatively high speed along the line of commodity production, enhancing productivity, quality and efficiency; ensuring stable national food security; with a number of export commodities holding good positions in the global markets. The rural economy had been shifting along the line of increased industrial production, services, and other trades; the forms of production organization had been continually reformed. The socio-economic infrastructure had been strengthened; and the looks of various rural areas had been changed. Physical and spiritual lives of residents in almost all rural areas had been enhanced. Poverty reduction had achieved significant results. The rural political system had been consolidated and strengthened. Grassroots democracy had been promoted. Political security and social safety had been well kept. The political position of the farmers had been increasingly improved.

However, the achievements had not been corresponding to the potential strengths and advantages and not yet equal among the regions. Agricultural development had not been sustainable, with decreasing growth rate, low competitiveness, not yet utilizing available resources for production development; and limited research, scientific-technological transfer and human resource training. The shift of economic structure and production mode reform in agriculture had been slow, with small and scattered

production being the most common forms; and low productivity, quality, and added value of various commodities. Industry, services and trades had been slow in development, not yet strongly promoting the shift in economic structure and rural labour. The forms of production organization had been slow in reforming, not meeting the demand for strong development of commodity production. Agriculture and rural areas were developing without a master planning, with weak socio-economic infrastructure, and increasingly polluting environment; and limited resilience and response to natural calamities. Physical and spiritual lives of rural residents were still at low level, with high rates of poor households, particularly people in ethnic minority, remote and far areas; poverty gap between rural and urban areas was significant, causing a great many urgent social problems.

In order to overcome the problems and weaknesses mentioned above, at the Party Central Congress VII, session X dated 25 August 2008, the Party Central Committee issued Resolution No. 26 on agriculture, farmers, and rural areas. This was considered the first political and legal document on new rural development in the current period of industrialization and modernization of our country.

The national target program on new rural development was officially launched since 2010 and gained initial results which were evaluated as satisfactory, contributing to significantly and positively change the rural look and economy. In fact, the overall objectives of the program in accordance with Decision 800-QD/Ttg dated 4/6/2010 was identified as "To build new rural areas with socio-economic infrastructure being gradually modernized; proper economic structure and forms of production organization, to associate agriculture with rapid development of industrial production and services; and rural with urban development under planning; to assure a democratic, stable, and traditionally and culturally rich rural society; to protect the ecological environment; to maintain security and

order; and to enhance physical and spiritual lives of people in accordance with the socialist orientation." The overall objectives were concretized into specific indicators, such as: (1) 20% of communes to meet New Rural standards in 2015 (in accordance with the Set of national standards for new rural areas with 19 criteria); and (2) 50% of communes to meet New Rural standards in 2020 (in accordance with the Set of national standards for new rural areas). The common objectives of the program was also concretized in different sectors such as economy, infrastructure, culture, security, etc.

1.2. Policy making contents and procedure

1.2.1. Contents

According to resolution No. 26-NQ/TW of the Party Central Committee session X dated 25th August 2008 on agriculture, farmers, and rural areas, main objectives for the development of new rural communes were identified as follows:

- *First,* continuously improving physical and spiritual lives of rural people; enhancing people's intellectual level, providing training to farmers to have high production standards, having proper political awareness, playing the role of new rural area owners.

- *Second,* building a sustainably developed and modern agriculture. Improving productivity, quality and efficiency in production. Agricultural products are highly competitive.

- *Third,* developing new rural areas with synchronous and modern socio-economic infrastructure, with focuses on roads, irrigation, schools, health clinics, residential areas, etc.; developing a democratic, stable, civilized, rich, beautiful rural society, protecting the ecological environment, well keeping traditional culture; well maintaining security and order in accordance with the socialist orientation.

- *Fourth,* strengthening the rural political system under the Party's leadership, building the farmers' class, consolidating the strong worker - farmer – intelligentsia alliance, creating a firm socio-economic and political foundation for the industrialization, modernization, development and protection of the Socialist Republic of Vietnam.

Contents for new rural development specified in the national target program for new rural development (Decision No. 800/QD-TTg dated 04/6/2010) include 11 following contents:

a. *New rural development planning*

- *Objectives:* To meet the requirements of criterion 1 of the set of national standards for new rural areas. By 2011, to basically complete rural master plans nationwide as a basis for building new rural areas and implementing the contents of the National target program for new rural development during 2010-2020;

- *Contents:*

+ Content 1: Planning the use of land and essential infrastructure for the development of commodity agricultural production, industries, small and draft industries and services;

+ Content 2: Planning the development of socio-economic-environmental infrastructure; development of new residential areas and improvement of existing residential areas in the communes.

b. *Socio-economic infrastructure development.*

- *Objectives:* Achieving criteria No. 2; 3; 4; 5; 6; 7; 8; 9 in the Set of national standards for new rural areas;

- *Contents:*

+ Content 1: To complete roads leading to offices of commune People's Committees and transport systems in the communes. 35% of communes will meet standards (communal roads are asphalted or concreted) by 2015, and 70% of communes will meet standards (village and hamlet

roads are basically be hard-surfaced) by 2020;

+ Content 2: To complete the facilities to supply electricity for daily-life and production activities in the communes. 85% of the communes will achieve new rural standards by 2015, and 95% of the communes will meet the standards by 2020;

+ Content 3: To complete the works for cultural and sports activities in communes. 30% of communes will have commune and village cultural houses up to standards by 2015, and 75% of the communes will meet the standards by 2020;

+ Content 4: To complete the facilities for standardization of healthcare services in the communes. 50% and 75% of the communes will meet standards by 2015 and 2020, respectively;

+ Content 5: To improve the facilities for the standardization of education in the communes. 45% of the communes will satisfy new rural standards by 2015, and 75% of the communes will meet standards by 2020;

+ Content 6: To complete commune government offices and supporting facilities. 65% of the communes will satisfy new rural standards by 2015, and 85% of the communes will meet standards by 2020;

+ Content 7: To rehabilitate and construct the irrigation systems in the communes. 45% of communes will meet standards (50% of grade 3 canals or higher will be built permanent) by 2015. 77% of the communes will meet standards (intra-field canals and ditches will basically be concreted under planning) by 2020.

c. Structure shifting, developing the economy, and increasing income

- *Objectives:* Achieving criteria No. 10; 12 in the Set of national standards for new rural areas. 20% and 50% of the number of communes meet the criteria by 2015 and 2020, respectively;

- *Contents:*

+ Content 1: To restructure the economy and agricultural production

along the line of developing commodity production with high economic efficiency;

+ Content 2: To enhance agricultural extension work; to step up research and application of scientific and technical advances in agricultural, forestry and fishery production;

+ Content 3: To mechanize agriculture and reduce post-harvest losses in agricultural, forestry and fishery production;

+ Content 4: To conserve and develop traditional craft villages under the motto "every village has its own product" and develop trades and production in line with local advantages;

+ Content 5: To focus on vocational training for rural laborers, promote industries in rural areas, create jobs and quickly restructure rural labor force.

d. Poverty reduction and social welfare.

- *Objectives:* Achieving criterion No. 11 of the Set of national standards for new rural areas;

- *Contents:*

+ Content 1: To effectively implement the program on quick and sustainable poverty reduction for 62 districts with high rate of poor households (under the Government's Resolution No. 30a) in accordance with the set of national standards for new rural areas;

+ Content 2: To continue implementing the national target program on poverty reduction;

+ Content 3: To implement social welfare program.

e. Renewing and developing forms of effective production organization in rural areas

- *Objectives:* Achieving criteria No. 13 of the Set of national standards for new rural areas. 65% and 75% of the communes will meet standards by 2015 and 2020, respectively.

- *Contents:*

+ Content 1: To develop household, farm and cooperative economies;

+ Content 2: To develop small and medium enterprises in rural areas;

+ Content 3: To formulate mechanisms and policies to promote economic linkage among different economic types in rural areas;

f. Developing education and training in rural areas

- *Objectives:* Achieving criteria No. 5 and 14 of the Set of national standards for new rural areas. 45% and 80% of the communes will meet standards by 2015 and 2020, respectively;

- *Content:* To continue implementing the national target program on education and training to meet the requirements of the set of national standards for new rural areas;

g. Developing healthcare services and providing healthcare for rural residents

- *Objectives:* Achieving criteria No. 5 and 15 of the Set of national standards for new rural areas. 50% and 75% of the communes will meet standards by 2015 and 2020, respectively;

- *Content:* To continue implementing the national target program in the healthcare sector to meet the requirements of the set of national standards for new rural areas.

h. Developing a cultured life and developing information and communications in rural areas

- *Objectives:* Achieving criteria No. 6 and 16 of the Set of national standards for new rural areas. 30% and 75% of the communes will have commune or village cultural houses and 45% and 70% of the communes will have post offices and Internet access points meeting standards by 2015 and 2020, respectively.

- *Contents:*

+ Content 1: To continue implementing the national target program on culture to meet the requirements of the set of national standards for new rural areas;

+ Content 2: To develop information and communications in rural

areas to meet the requirements of the set of national standards for new rural areas.

i. Rural clean water supply and environmental sanitation

- *Objectives:* Achieving criteria No. 17 in the Set of national standards for new rural areas; to supply adequate clean and hygienic daily-life water for residential areas, schools, health clinics, offices and public service areas; to fulfil the requirements on ecological environmental protection and improvement in the communes. 35% and 80% of the communes will meet standards by 2015 and 2020, respectively.

- *Contents:*

+ Content 1: To continue implementing the national target program on rural clean water and environmental sanitation;

+ Content 2: To build rural environmental protection works in communes and villages under planning, including: building, rehabilitating and upgrading of water drainage systems in villages and hamlets; building garbage collection and treatment facilities in the communes; improving, rehabilitating cemeteries; renovating or building ecological ponds and lakes in residential areas; and planting more trees within public works, etc.

j. Improving the quality of Party organizations, governments and socio-political organizations in localities

- *Objectives:* Achieving criteria No. 18 in the Set of national standards for new rural areas. 85% and 95% of the communes will meet standards by 2015 and 2020, respectively;

- *Contents:*

+ Content 1: To train Party officers to meet standards under regulations of the Ministry of Home Affairs to meet the requirements of new rural development;

+ Content 2: To promulgate policies to encourage and attract trained and qualified young staff to work in communes, particularly in remote and

extremely difficult areas, in order to quickly standardize the staff in these areas;

- Content 3: To provide for additional functions, tasks and operation mechanisms of organizations within the political system to be in line with the requirements of new rural development;

k. Maintaining social security and order in rural areas

- *Objectives:* Achieving criteria No. 19 of the Set of national standards for new rural areas. 85% and 95% of the communes will meet standards by 2015 and 2020, respectively.

- *Contents:*

+ Content 1: To issue village rules and conventions on order and security; to prevent and combat social evils and outdated practices;

+ Content 2: To adjust and provide for additional functions, tasks and policies to facilitate the fulfilment of tasks by commune, village and hamlet security forces in maintaining local social security and order to meet the requirements on new rural development.

1.2.1. Procedure

Ideas about the program actually originated since 2002 and only became so urgent that it became "indispensable" in 2007-2008. The background for the ideas of a program on building a comprehensively and uniformly developed rural area was complicated, but basically came from two main requirements: (1) requirements on management; and (2) requirements coming from the socio-economic situation, particularly in the field of agriculture since the years of 2007 and 2008.

First, regarding the ***requirements on management***, two problems arose. On the one hand, the Ministry of Agriculture and Rural Development was established with the merging of various agencies to carry out the management of both important socio-economic areas of *agriculture* and

rural development. However, while the agricultural sector was in practice provided for quite clearly and technically, and thus the organizational structure was quite complete, including functional management entities from central to local levels, the rural development sector had not received much attention until the years 2000. The only entity in charge of this sector, under the Ministry of Agriculture and Rural Development, at that time (and even currently) was the Department of Cooperatives and Rural Development established in 2002 with the merger of Department of Policies and Department of Agricultural Settlement. Even at the time of establishment, Department of Cooperatives and Rural Development mainly focused on the development of cooperatives, a sector that is no longer focused much on in Vietnam, commented an expert from the Ministry of Agriculture and Rural Development:

> "*The Ministry of Agriculture and Rural Development was established by merging various agencies… However, it was clear in terms of technical issues for the agricultural sector, while it was not for the rural development sector.*"

On the other hand, the contents on rural development are essentially of multi-sector nature, under management of various other ministries and sectors such as culture, commerce, infrastructure development… Therefore, rural development involves various other ministries and sectors and cannot be smoothly carried out without a focal point for management.

According to an officer of the Ministry of Agriculture and Rural Development: In Vietnam, the policies of the State have been managed under two forms: vertical or horizontal. Horizontally, the policies have been implemented with the top-down approach. The implementation of policies with the top-down approach makes it difficult to understand actual demand of the grassroots level. Vertically, programs may be implemented by

different ministries and sectors in the same location. Therefore, with regard to rural development, there have been many programs such as culture, tourism, poverty reduction, infrastructure development… Recognizing the necessity to promote rural development, the Ministry of Agriculture and Rural Development had proposed such a program. Because the program involved various sectors, the Ministry of Planning and Investment would obviously be the appraisal agency, and many other ministries, sectors, and agencies would contribute their opinions and comments because it was related to the issues under their own management.

Therefore, these two problems required a standing agency to act as the focal point to coordinate, connect, compile, and prepare a master plan, and clearly specify the contents for rural development. Assigned with the task of "rural development", the Ministry of Agriculture and Rural Development obviously acted as the initiator of the proposals on a program to combine the resources and coordinate the implementation, starting from grassroots level demand. The idea of the program was therefore conceived and proposed since 2000 in line with the functions of the Ministry of Agriculture and Rural Development.

However, the requirement on central management by a focal point was interpreted differently from different State management agencies. The ideas of a focal agency for rural development regarding various contents under management of other ministries and sectors therefore did not attract attention and support of other sectors and management levels during 5 years long. As remembered by an expert:

> *"Since 2002, the Ministry of Agriculture and Rural Development piloted a number of programs to connect and rely on the grassroots level for rural development. After that, the Ministry recognized that it was essential to develop the programs based on available resources,*

because the pilot projects received no support by the ministries. Any ministry wanted to keep their own field, no one wanted to join the same playing field. In 2004-2005, the programs gradually reached an impasse. In 2006, Mr. Phat [later appointed as Minister of Agriculture and Rural Development] would like to return to the hamlet-level program because it cost too much for a program at commune level, about VND 500-700 billion/commune. However, the ministries, particularly the Ministry of Planning and Investment, did not support because they had no economic benefits."

The second requirement for the idea on the program was only mature since the period of 2007-2008: requirements originating from agricultural economy and rural development. It could be considered one of the sufficient conditions to form the idea of the Program on new rural area development. During this period, the agricultural economy declined seriously. From the macro perspective, the period was an economic crisis (from the perspective of GDP growth) in Vietnam. However, the most notable point was that the decline happened mostly in rural areas, causing the greatest difference in GDP growth between the urban and rural areas (Figure 1).

In practice, the period of 2007-2008 could be considered a period of agricultural economy crisis when prices of agricultural products such as coffee, rice... went down dramatically, as observed by an expert in the agricultural sector:

"The period of 2007-2008 experienced an economics crisis when prices of agricultural products plummeted. Coffee price went down to all time low, at just a few thousand dongs a kilogram... I think the other [other ministries and sectors] showed their sympathy because of this difficult time. If in such a time like now, it would be very difficult to ask for such a program."

From the Ministry of Agriculture and Rural Development, the reasons provided by the Ministry based on awareness of the necessity of a program due to the demand for overall management of the issues related to rural development. Such issues were individually managed by different ministries and sectors. For example, rural modernization may be related to roads and infrastructure, an issue which heavily involved Ministry of Construction. Another rural development issue may be much related to the development of commerce such as markets, commercial centers… which involved the Ministry of Commerce. The cultural issues such as commune house of culture… are under management of Ministry of Culture, Sports, and Tourism (former Ministry of Culture and Information). Therefore, if each Ministry conducted their own programs without coordination, the implementation of a program may cause difficulties to other programs because they would be implemented in the same localities. Obviously, Ministry of Finance was in charge of managing the fund and sources of fund and Ministry of Planning and Investment was in charge of approving of the implementation plan. A joint coordinating agency for rural development did not exist before 2010.

Regarding this problem, other ministries and sectors had totally different awareness. For example, the Ministry of Planning and Investment said that programs for rural development had been carried out without any significant problems. Thus the question raised by the Ministry of Planning and Investment was that: why would any change be necessary? Besides, this Ministry said that many programs were being implemented by other ministries and sectors nationwide with their specialized expertise. Therefore, would it be reasonable if the Ministry of Agriculture and Rural Development acted as the focal point to lead the program when it only had professional knowledge on agriculture. MARD's awareness of the necessity of a coordinating agency since early 2000s was criticized and rejected upon

soliciting opinions in the Government because such a program had to be first commented by the Ministry of Planning and Investment. Said an expert of the Ministry of Agriculture and Rural Development, who participated in the program drafting team since the early days:

"According to the procedure, the program had to be appraised by the Ministry of Planning and Investment appraisal. However, the two proposals prepared by us were rejected."

Besides, awareness of the policy implementation was also different. If the previous policies were mainly carried out with the top down approach, the Ministry of Agriculture and Rural Development would like to have a development program originating from the demand of the grass-root level, focusing on the grass-root level. However, awareness of the Ministry of Agriculture and Rural Development on the problem was still very basic. The observations of *practical problems in a number of policy programs, together with the pilot results in 17 communes were considered sufficient basis for the implementation of a nation-wide program.* In fact, lessons learnt and serious studies were available during this period, yet they were not received and focused on by the Ministry of Agriculture and Rural Development. There were no references to any full or formal studies regarding the appraisal of the demand and requirements for the implementation of the new rural development program. An expert in the Program Drafting Team revealed:

"There was actually no comprehensive study. With the experiences in Korea, China, and results of the pilot programs, we thought that the program was necessary. Our common approach had always been top-down. The Ministry of Agriculture and Rural Development had piloted some connection and grassroots-based programs since 2002."

Meanwhile, the implementation of all programs until such time (about the year 2000) and most programs until now had been centralized, with the top-down approach. According to which, the Ministry of Planning and Investment is in charge of making the master plan for many programs. Other ministries and sectors are responsible to implement their own areas in such programs. For example, the national target programs on poverty reduction such as Program 135 or 30A (led by Committee on Ethnic Minority Affairs and Ministry of Planning and Investment) have been implemented similarly. Fundamentally, the implementation procedure of such programs is as follows:

- The localities (typically district level) propose their demand.
- The higher level agency (provincial level) compiles the demand for various fields under management of the line Departments.
- The Provincial level (Departments of Planning and Investment) compile a general plan and submit to the Ministry of Planning and Investment.
- The Ministry of Planning and Investment coordinates with the Ministry of Finance to approve the plans of the Provinces and hold "sessions for the provinces to defend their plans".
- The Ministry of Planning and Investment issues decisions on approval of amended plans of the Provinces.
- The Provinces receive their plans and wait for allocated State budget to implement the programs through the Departments.

The problems related to this centralized implementation approach were raised in many studies, assessment reports by various organizations

and individuals [1]. As commented by an expert from the Ministry of Agriculture and Rural Development:

> *"Our management approach is either horizontal or vertical... Vertical approach is problematic and all top-down. Therefore, it happened that a commune is covered by two different power networks, one from program 135, one from the power sector. They both made investment, with the two networks running parallel. The problem here was the lack of a coordinating agency, and most importantly, the communal government played no role at all."*

Another issue in the Program faced with different awareness was resources and program contents. With experience from the pilot program in 17 communes, the Ministry of Agriculture and Rural Development was aware that the assigned resources must match with the proposed program. When acting as the focal point in the pilot program in 17 communes, the Ministry of Agriculture and Rural Development met a lot of difficulties in implementation. This was particularly the case when the program required a large amount of funding. Meanwhile, the Ministry of Finance was in charge of balancing and allocating the overall budget. Other ministries and sectors could only focus on the activities under their management and using the budget allocated by the Ministry of Finance for implementation and thus they had no awareness of overall management. Thus the coordinating role without any allocated resources would only for "compiling, reporting". Said an expert of the Ministry of Agriculture and Rural Development:

> *"After the pilot program in 2002, we understood that any programs should be associated with available resources, because the pilot projects received no support by the ministries. Any ministry wanted to keep their own field, no one wanted to join the same playing field."*

Thus, the idea of the Program on new rural area was rejected immediately in the meetings of the Government. The strongest objection came from the Ministry of Planning and Investment. In fact, according to the Ministry of Planning and Investment, many rural programs were assigned to different ministries and sectors to implement in different localities. Therefore, it was not necessary to have "another" program for the same purpose. In other words, the Ministry of Planning and Investment only considered the program on new rural development as a general program combining the programs under implementation, without any change in nature, which were already led and compiled by the Ministry of Planning and Investment.

Finally, with the advices and opinions of a number of Party officials, the policy proposal team in the Ministry of Agriculture and Rural Development managed to incorporate a number of the policy contents into Resolution No. 26-NQ/TW dated 5/8/2008 at the Seventh Congress of the Central Committee X on agriculture, farmers, and rural areas. It should be noted here that with the adoption of the resolution of the Party Central Committee, the role of the Ministry of Planning and Investment was not as direct and as significant within the Government. At this level, the Ministry of Planning and Investment was only a representative, similar to representatives from other agencies. Therefore, the Ministry of Agriculture and Rural Development successfully defended the two contents in Resolution 26: (1) 50% of the communes meeting the standards of new rural area until 2020 and (2) during the period until 2010, one of the urgent tasks was to implement the program of "new rural development". Resolution 26 became the "precious royal sword" for the Ministry of Agriculture and Rural Development to later request the Government to establish a Steering Committee for the development of the National target program on New rural

area. Remembered an expert of the Ministry of Agriculture and Rural Development who joined the Program since its early days:

"It should be well noted that Deputy Prime Minister Nguyen Sinh Hung at such time was considered a supporter of the program on new rural development. However, according to the opinions of the incumbent Deputy Prime Minister, the Government could not support the program directly if lower level agencies (in this case the Ministry of Planning and Investment) objected to it. Therefore, it was not until the contents on new rural areas were included in the Resolution of the Party's Central Committee that the Government and Ministry of Planning and Investment no longer objected to the proposal on the development and implementation of the program."

Another issue worth noting was that the Ministries in general and the Ministry of Agriculture and Rural Development at that time only considered the policy program only as the numerical criteria. Therefore, the contents in Resolution 26-NQ/TW dated 2008 on agriculture, farmers, and rural areas and even the later Program on new rural area only included the planning criteria (see details of Resolution 26-NQ/TW and Decision 800-QD/TTg approving the Program on New rural area). Meanwhile, the figures on demand and resources were not mentioned and cared about at this time.

After Resolution 26 in 2008, the Steering Committee and Program Drafting Team were established. Deputy Prime Minister Nguyen Sinh Hung was appointed the Head of the Steering Committee. The Drafting Team comprised of experts from the Ministry of Agriculture and Rural Development. The process for drafting the contents of the Program on New rural area comprised of the following main steps:

(1) Establishing the Steering Committee headed by Deputy Prime Minister Nguyen Sinh Hung;

(2) Establishing the Drafting Team at the standing agency (Ministry of Agriculture and Rural Development) to conduct the preparing of the Program Outline;

(3) Soliciting opinions from the ministries and sectors on the Outline (in fact, steps 2 and 3 were repeated several times because it was not initially supported by the ministries and sectors. However, with the opinions from the Party committees and agencies and the results of the pilot program in 11 communes of the Party Secretariat, the Outline was adopted);

(4) The Drafting Team continued to prepare the Detailed Program Outline;

(5) The Ministries and sectors added to the Detailed Program Outline with regard to the issues under their management;

(6) The Project for the National target program on new rural development was submitted to the Government.

The development and drafting of the Program on New rural area actually lasted for two years, from 2008 to 2010. In the Program on New rural area, a great number of contents and programs would involve other ministries and sectors. Thus, it was easy to understand that no other ministries really wanted to support. A member of the Drafting Team revealed: *"The idea was born but the development process during 2008-2010 was very difficult. Because no ministries would like to be under that "impossible circle". No-one agreed"*. During the development of the contents for the Program on New rural area, there were conflicts among the ministries and sectors. As expert in the Drafting Team said: *"Our policy process was carried out using a collective decision making,*

i.e. an agency was in charge of developing, others in charge of commenting, adding more if there was any benefits for them, or rejected if there was none, saying that it was overlapping."

Figures on existing and required resources to carry out the programs were very limited. Especially, as requested by the Ministry of Planning and Investment, the policy formulation procedure required complete reports on actual state as well as impact assessment reports on economic and social aspects. However, as "this was a new program" and must be carried out quickly in accordance with Resolution 26-NQ/TW, the above requirements were either allowed to be completed later or ignored by the parties. Said the Drafting Team:

"The policy process included workshops to solicit expert opinions,… yet the comments were mostly formalistic, with lots of compliments, and just a few critiques, but all ideas came from the drafters, not much contribution from the localities."

It can be said that the drafting process in fact involved mostly the officers in the Drafting Team who were born, grew up, and worked in the Red River delta.

Though there were such problems and difficulties, the drafting process was finally completed in 2010 with Decision 800-QĐ/TTg approved by the Prime Minister on 4th June 2010. Different from other programs or policies, the drafting process of the Program on New rural area had a number of advantages as follows:

After the approval of Decision 800 (4/6/2010), the Program on new rural development was widely implemented in the country. However, because the program had a very large scope, with significant funding,

implemented in the whole nation, and many contents were not very clear, the training and disseminating of policies were quite limited, mostly in the form of documents sent from the Central Steering Committee to the localities through different levels. The provinces themselves were "told" to try and well implement the programs in accordance with the set criteria. During this period, the common understanding of many provinces was similar to that of other previous programs: *this was a State program, funded by the State and therefore must be well implemented to be granted with the State budget.*

The Budget source "turned out" not sufficient for such a huge program. In practice, though the funding structure was provided for in the Program Outline, in which the State budget source was only a portion, though quite significant (40%), the total fund required to carry out the program was much greater than the initial estimates. The reason was that the estimates were based on the results of a pilot program, in the communes where the conditions for program implementation were relatively better than those in other localities nationwide. Thus the State budget was insufficient for the portion of 40% of total program funding, as admitted by an officer in the Program Steering Committee:

> *"At first, the estimated budget for each commune was VND 175 billion, the localities tried to exaggerate the fund because they thought the fund came from the State, even to the amount of VND 700 billion. Yet, due to insufficient appraisal in terms of budget, we had to amend the programs as follows: a number of small facilities would receive 100% funding by the State, the remaining facilities would only receive a portion of funding from the State."*

The implementation process of the Program on New rural development in accordance with Decision 800 obviously met with many

problems. Various contents of the program may went against existing laws and regulations. For example, the existing investment procedure required the provision of VAT invoices for all services. However, there were no enterprises in some localities to provide VAT invoices. Similarly, the existing provisions required the investors to conduct public procurement if total investment was higher than a certain level (e.g. VND 500 million). However, in carrying out the construction projects in many localities, there were not enough legal entities to participate in the bidding. Besides, the program permitted the awarding of works to communities/workers/direct contracting which was against the public procurement provisions. An officer in the Steering Committee remembered:

"During the program implementation, VAT invoices were required for all services. Yet there were no enterprises in some communes in Dien Bien, thus it was impossible to have any VAT invoices. Finally, the problems of invoices were arranged with the help of some enterprises as requested by the officers at Provincial level."

According to the current financial regulations, budget for monitoring was relatively insignificant (less than 3% of total investment). With such budget, monitoring expenditures were only sufficient for activities of officers at the provincial level. Therefore, the lack of strict monitoring resulted in many problems during the implementation of the program in the localities. The level of reliance on the State budget was different among provinces. Some provinces were more active because they had better revenues. Meanwhile, investment regulations were the same in all provinces. Thus, when the State budget was insufficient and later tightened, the provinces who relied much on the State budget failed to resolve the difficulties to be able to mobilize resources. The program implementation in

these provinces was therefore very slow for a long period. An expert in the Steering Committee summarized:

"Many provinces completely relied on the State budget and were very inactive. There were provinces whose road construction for three years was not completed as much as in a commune in another province."

The criteria set out in the Program were applied to all provinces nationwide. Yet, each province and locality had very different characteristics in terms of terrains, population density, traffic demand, cultural demand, etc. Therefore, such fixed criteria posed various issues during the early period of implementation, not appropriate in many provinces, even impossible to be realized due to such differences. For example, the traffic problems were narrated by an expert in the Steering Committee:

"The contents of the program sometimes could not be completed after two years. Because regarding an issue, there were normally two opinions so very different that no conclusion could be drawn. For example, regarding the road standards, the Red River Delta and the transport sectors required the road width of 3.5-4m. While the roads were not required to be wide in Bac Kan province. Because according to the province, 10 kilometers of 2.5 meter-wide road would cost VND 15 billion and serve 03 households, who would invest? Thus it was impossible to conclude."

Therefore, the policy implementation process since 2010 until now was actually a process of "learning by doing", a learning process of all participants, and there have been many positive changes.

In conclusion, the Program on New rural area has achieved certain successes until now. According to the latest summary report of the

Government, as of end of 2014, 785 communes met the standards (accounting for 8.8%); 1,285 communes (14.5%) achieved 15-18 out of 19 criteria; 2.836 communes (32.1%) achieved 10-14 out of 19 criteria; 2,964 communes (33.6%) achieved 5-9 out of 19 criteria; 945 communes (11%) achieved less than 5 out of 19 criteria, and no more communes achieved no criterion. Particularly, there were 2 districts (Xuan Loc and Long Khanh) in Dong Nai province were recognized by the Prime Minister to meet the new rural standards. Therefore, though final results were not available, according to the summary reports, the objectives set by the Program for 2015 regarding the percentage of communes that meet standards may be achieved. In the coming time, the contents of the Program will continue to be strongly pushed and suggested to be included in the agenda of the Party Congress at different levels, an activity that will potentially further accelerate the implementation of the set objectives.

However, there are still many problems in the policy process that need to be solved to ensure the effectiveness and efficiency of the Program.

1.3. Discussion questions

1. How was the idea of the Program formed?

2. Which actors were involved in identifying the necessity of the Program?

3. What were the difficulties faced in identifying the Program as an important problem which needed to be included in the agenda (the process of turning the idea of the program into practice)?

4. Why were conflicts in awareness and necessity of the Program? How were such conflicts resolved?

5. Which actors participated in the program development stage (drafting and developing the contents, approving)? Please comments on the Program drafting and promulgating process? Which were the advantages and limitations of the process?

6. Which actors participated in the program implementation? Evaluate the advantages and limitations of the Program implementation process. With the information gained from the case study, what were the causes of such limitations?

7. Please relate the development and implementation procedure for the Program on new rural development with the theory on Policy process that you have learnt in order to indicate the fundamental limitations in the procedure and to propose the solutions for overcoming the problem.

Case study 2:

THE EVOLUTION OF HIV POLICY IN VIETNAM[2].

2.1. Background

Vietnam, with a population of approximately 86 million (1), has a concentrated HIV epidemic, with the highest HIV prevalence among injecting drug users, female sex workers and men who have sex with men (2). The first HIV case was reported in 1990 and the estimated total number of people living with HIV (PLWH) in 2010 was 254,000 (2). Adult HIV prevalence (age 15-49) was estimated at 0.44% (2). As in many countries in Asia (3) and Eastern Europe (4), the HIV epidemic in Vietnam appears to be a consequence of the social context: new drug trafficking routes, internal migration, increasing economic and urban-rural inequalities and the transition from smoking opium to the risky injection of heroin practices (5). Illicit drug use and sex work were not only illegal but also were both officially (in government policy and reports) and unofficially referred to as 'social evils' in Vietnam. Since the onset of the HIV epidemic in Vietnam, both drug users and sex workers have been seen as 'destroying the morale, creating bad effects on society's culture, public security and contributing to the spread of HIV' (6). Many of Vietnam's HIV prevention and control policies during the 1990s and early 2000s were based on mandatory HIV testing and the internment of drug users and sex workers and information campaigns that linked HIV to these heavily stigmatized risk behaviors.

In 2006, the government of Vietnam passed an HIV law that promoted a more rights-based approach to HIV prevention and care,

---

legalizing harm reduction policies like needle and syringe exchange programs, and instituting medical insurance policies for PLWH. Vietnam had gone, within the span of 10 years, from being a country with one of the most punitive HIV policies to having a rights-based HIV policy that includes measures that many higher-income countries still struggle with, such as needle exchange and health insurance inclusions.

In the case of Vietnam, as in other social and political contexts with a long history of single party governments such as countries from the former Soviet Union (7) and China (8-10), it is often unclear how policy had been formulated, who had been involved, what the relationships are between different actors and the effects that different policies have on each other (11). While difficulties in programme implementation are often described in the literature or in programme evaluations, they are rarely linked back to the policy-making process. Analyses of the processes of policy change and implementation should consider the roles, views and values of the front-line providers tasked with policy implementation (12, 13).

Although HIV epidemics and consequent responses differ between and within countries, there are important cross-country lessons to share, particularly in terms of national policy processes. In a similar way, lessons from Vietnam may be of use for other settings and states in the region and beyond. This study describes the evolution of HIV policies in Vietnam from the mid-1990s to the late 2000s, focusing on the limited set of actors involved, the influences on them, and the processes that led to policy change. The paper also considers implementation issues, especially barriers due to human resource shortages.

2.2. Policy content and policy-making process

2.2.1. Policy content

AIDS , social evils and forced rehabilitation

The first phase of Vietnam's AIDS response was characterized by its closely linking HIV prevention and control to what has, in Vietnam, been referred to as 'social evils'. Therefore, campaigns to combat sex work and drug use were judged to be the most logical solutions to reduce the spread of HIV.

Initially, leaders were afraid that revealing the information of this dangerous disease in the province would make the visitors scared. The public was confused about AIDS and social evils. National communication (prevention campaigns) often used the skull and crossbones to indicate AIDS. (Provincial Health Official)

In 1993, the Government issued Resolution No. 05 on sex work control (18), which stated that 'sex work is linked with the AIDS disaster', and therefore prescribed that 'female sex workers should be interned in rehabilitation centres for the treatment of sexually transmitted diseases and vocational training'. Another Government edict, Resolution No. 06 on drug control, which was also issued in 1993, prescribed that all drug users have compulsory detoxification in rehabilitation centres (18). In March 1995, the Party Commission issued Directive No. 52 on HIV Prevention (18) according to which 'HIV prevention is considered the country's top priority'. The Directive called for 'healthy and faithful lives avoiding drugs and prostitution' and further linked AIDS and social evils in prescribing that 'interventions should be integrated with the prevention of social evils: first, drug abuse and second, sex work. Police should make timely discoveries and punish drug traffickers, producers, users, brothel owners and decoys' (18).

Control of persons living with HIV and compulsory testing

In June 1996, the Government issued Decree No. 34 on guiding the ordinance implementation (18), which, besides defining roles and

responsibilities of different ministries on the AIDS response, listed the responsibilities of PLWH and mandated that they inform their spouses of their HIV status. The Decree also prohibited PLWH from working in 'certain jobs' such as surgery or obstetrics. District health managers or higher-level agencies were given the authority to request that vulnerable populations at higher risk have HIV tests. This often meant that those who fell into the categories of drug users or sex workers were mandated by local agencies to test for HIV, and their results were kept and tracked by local agencies.

From detention and control to harm reduction and individual right

The National Assembly's Ordinance on HIV (18) came into effect as of August 1, 1995 to ensure the confidentiality of PLWH and provided a counterbalance to the dominant coercive strategies focused on actual or suspected drug users or sex workers as well as PLWH. With this ordinance, it was prohibited to publicly share the name, age, address or photo of a PLWH. In March 2004, based on the commitments made to the Declaration of United Nations General Assembly Special Session on AIDS (UNGASS), the Government approved its National HIV Strategy in Vietnam till 2010 with a vision to 2020 (6). This strategy adopted more specific goals, targets and defined three categories of actions to be taken:

First, social solutions including effective leadership, multisectoral collaboration, community involvement and a practical legal framework; second, technical solutions including surveillance, voluntary testing, appropriate medical treatment and harm reduction interventions; and third, resource mobilisation and international collaboration. These included an action plan on prevention that focused on behavior change communication; harm reduction including needle/syringe provision; prevention of mother-to-child transmission; voluntary counselling and testing for HIV; blood transfusion safety; and sexually transmitted infection management.

In November 2005, the Communist Party issued Directive No. 54 on Strengthening Leadership on HIV prevention in new situation (6). It instructed 'the concerned sectors to complete the consistent legal document system for the creation of a favorable legal environment and to issue policies for support and care for HIV-positive persons'. Mass media had mostly stopped giving negative information and images about AIDS with 'skulls and crossbones' (6). HIV/AIDS had slowly started to be de-linked from the social evils construct, encouraging society in general to develop more sympathy for PLWH.

> *During the last few years, communication on HIV has reached the public. People understand causes and transmission of infection. Before, they were so scared of the disease, now they are more aware and do not isolate the infected people/.../Now HIV positive persons get closer to the community. (Provincial Health Official).*

The Law on HIV was adopted by the National Assembly in June 2006. It encouraged PLWH to participate in all social activities, including HIV prevention and also requested that the Government 'implement harm reduction interventions'. According to the Law, the state budget pays for antiretroviral drugs while health insurance pays for medical expenses. In 2009, following WHO's recommendations of 2006 on antiretroviral therapy (ART) for HIV infections in adults and adolescents, the Ministry of Health issued ART guidelines, according to which the cut-off levels for initiating the therapy include: (1) all patients with WHO clinical stage 4, (2) patients with clinical stage 3 and CD4 count under 350 cells/mm3 and (3) patients with clinical stages 1, 2 with CD4 count of under 250 cells/mm3 (21).

In June 2007, the Government issued Decree No. 108 with guidelines on implementation of harm reduction, antiretroviral treatment and the work of the PLWH as peer educators.

2.2.2. The policy making process

Figure 1 shows a timeline for the policy-making process in Vietnam, illustrating the major policy documents for the three main actors: Communist Party, National Assembly and the Government. Vietnam's HIV policy evolved considerably during the 12 years with HIV getting on to and staying on the agenda for several reasons. Firstly, despite all early control efforts, the epidemic continued to spread with new cases being reported from all the provinces. Secondly, the person who was responsible for developing the National HIV Strategy of 2004 was appointed as one of the leaders of the Party Commission to be in charge of health and HIV.

I was one of the persons who initiated development of the National Strategy and the new Party Directive/... / Our political system is that the Party takes the leadership, sets the directions, then the National Assembly will turn them into laws and the Government will make plans. (Party informant)

This was just one of the important links between the Party and the Government implementing bodies, with Party directives preceding most of the important Government legislation on HIV. Fig. 1 illustrates how many of Vietnam's important policies on HIV were first formulated and adopted during 1995-1996, and were later replaced by new policies in 2005-2006, along the lines of those reported above.

	Time	
Communist Party	1995: Directive No. 52	2005: Directive No. 54
National Assembly	1995: Ordinance on HIV/AIDS	2006: Law on HIV/AIDS
Government	1996: Decree No. 34	2004: National AIDS Strategy 2007: Decree No. 108
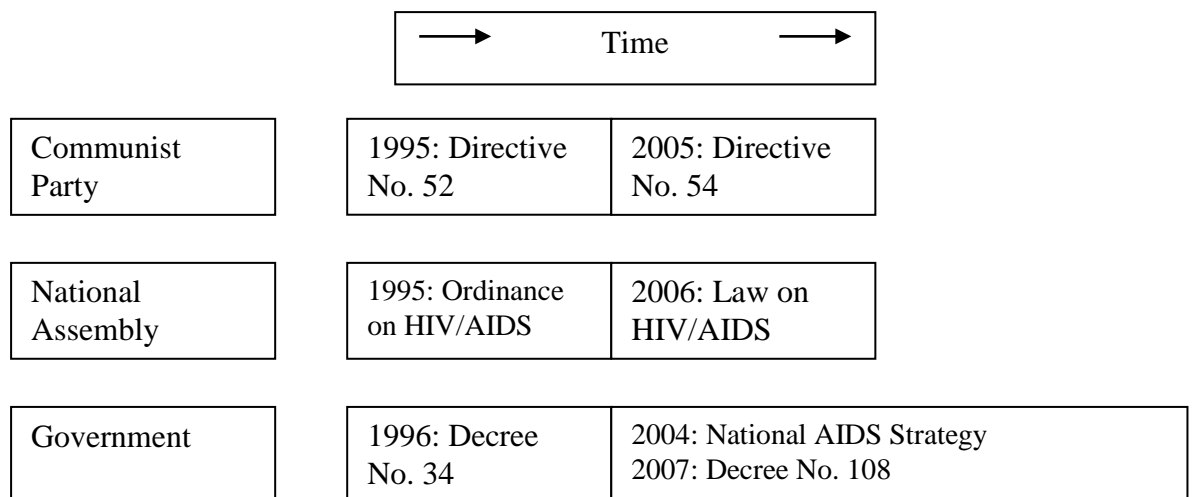
Figure. 1.   Timeline of key HIV policies in Vietnam.

The Law on HIV reflected the change from traditional control measures to more internationally recognised measures and the policy development process illustrated the central role and capacity of the Party to bring about this change.

The Ordinance had been implemented for over 12 years since 1995. Its implementation in provinces met many difficulties /... / We added new articles in the Law such as organizational set up, fights against stigma and discrimination, and harm reduction interventions, etc. It was necessary to have all these components to prevent the epidemic. (National Assembly informant)

One informant reported that more direct experiences and evidence had been used in the policy-making process because of technical and financial support provided by international organisations.

We received both financial and technical support from donors. We did not have any financial difficulties. We could do whatever we wanted. (Party informant)

This support, for example, enabled the Party Commission to organise scientific conferences and international study visits to provide evidence to convince sceptics within the Party of the effectiveness of harm reduction.

> *We built up the Party Directive in a new way /... / very different from the previous one. We hired an external professional team to collect suggestions from localities, ministries, party leaders, national and international experts, and even infected people /... / We organised four scientific conferences on sensitive issues such as harm reduction, syringe exchange and condom distribution. (Party informant)*

Implementation of harm reduction and health insurance for the patients were two of the most difficult and contentious topics during the debate on the Law on HIV at the National Assembly's sessions. The following response from a Ministry of Health informant revealed the problems that were encountered in ensuring coherent policies across different sectors - health and those responsible for enforcing pre-existing laws. It also shows that a process over time was required to bring about cross-sectoral policy change:

> *The biggest difficulty was to reach agreement with other sectors, especially the Ministry of Public Security on harm reduction. We have to deliver clean syringes and needles for drug users. But if drug users were seen injecting each other they would be arrested by the police. Furthermore, the peer groups who deliver the syringes would also be arrested. So it was very difficult. Finally, the people understood that harm reduction is an intervention and not a kind of encouragement to drug addiction. (Ministry of Health informant).*

The issue of health insurance for antiretroviral costs was also described as contentious between the Ministry of Health and the Ministry of

Finance. It was seen as creating a very heavy burden on the economy and on health services.

A key event in 2006 was when the Law was passed, weighing heavily in the eyes of the central level key informants that the battles between Ministries had been won in favour of harm reduction interventions and mandated health insurance that would cover medical expenses for the PLWH. However, key informants at the provincial level were less sure how much influence the Law would have at the level of implementation. Key informants at both central and provincial levels reflected that although provincial representatives were invited to participate in the policy-making process, in practice the process was mostly restricted to central governmental institutions.

Through its resolutions and directives, the Party provides the policy directions for all aspects of national life. The Party has several commissions; the Commission for Popularisation and Education is in charge of science, culture, education and health. The Commission formulated Directive No. 52 and Directive No. 54. The National Assembly has the power to make ordinances and laws and takes direction from Party Commissions. Its Committee of Social Affairs is responsible for the appraisal of ordinances and laws in health and social areas including the Ordinance on HIV in 1995 and the Law on HIV in 2006. The Ministry of Health is responsible for drafting legal documents such as ordinances and laws relating to the health sector, and then submits them to the National Assembly for approval. The Ministry is also in charge of developing health strategies and submitting them to the Government for approval.

Vietnam's political system is that the Party takes overall leadership on everything. The Party's directives and resolutions are concretized by the National Assembly into laws and ordinances. The Government turns them into strategies and plans. The Party raises the issues, the

National Assembly brings out the solutions, and the Government implements. (Party informant).

Many key informants highlighted the acute shortage of human resources as a barrier to the implementation of HIV policy in Vietnam. Before 2005, HIV prevention was mainly carried out by part-time staff in provincial preventive medicine centres. In order to increase the number of staff in terms of quantity and quality for successful implementation of the National HIV Strategy (22), in 2005 the Ministry of Health decided to establish Provincial AIDS Centres (PAC) under the Provincial Health Department, to be responsible for implementing HIV prevention (23). Still, the recruitment of staff at PACs has not been easy. Reasons for difficulties in recruiting were described as: (1) health staff preferred to work in curative care and in hospitals rather than in preventive care, (2) health staff preferred to work in areas other than HIV prevention because of the low salaries and incentives and (3) health staff are reluctant to work with drug users and sex workers because of the extreme social stigma associated with such groups.

There are shortages of staff in terms of quantity and quality. New models of treatment and care take place even at district levels. Shortages of staff in districts are even more serious /... /AIDS Centres in many provinces have only 5 or 6 people. It was very difficult to recruit new staff /... / People said they prefer to work in hospitals to cure patients. Very few are willing to work in a preventive area, especially on AIDS. (VAAC Official)

Low incomes were reported as one of the main reasons for low work motivation. HIV prevention was considered as requiring less input from the medical professions and as having few career development advantages.

Prevention deals with humanitarian issues like health education or public health. These programmes do not have much money. Therefore, staff don't have any other sources of income. Meanwhile a doctor just

needs some hours working in private clinics and earns as much as the monthly salary of preventive staff. (VAAC Official)

Another informant from the same organisation added:

Income is just one of the concerns. Most medical fields are linked with improving professional expertise, for example if you are a doctor, the more you treat patients the more experience you would gain. Then you become a good doctor. But if you work on HIV prevention, what professional experience could you get after 10-15 years? (VAAC Official)

One informant suggested educating health staff to make them feel that their job is important and that it contributed to society, which might give them more job satisfaction and higher morale than they currently experienced:

Many PLWH became more actively involved in the care of other patients, through starting to work as peer educators and distributing syringes and condoms, thereby becoming agents of change. They were even trained to become nursing assistants and received government salaries.

Ministry of Health has approved the nine month training of these people in nursing schools in Ho Chi Minh City. After the training, they can work as nurses to take care of other patients. They will receive government salaries /... / this is a unique Vietnamese initiative /... / PLWH share well with each other about their emotions and feelings. They are not afraid of being infected. (VAAC Official)

However, more covert stigma continued to exist, as illustrated in the following quote from one key informant who saw a benefit from task-shifting to PLWH who would help reduce the risk of health staff becoming infected.

PLWH can take care of each other. It is very good because they already have HIV so they are not afraid of being infected again when

taking blood or dressing the wounds of other patients. So we can reduce staff working accidents. (VAAC Official)

2.3. Discussion questions

1. How was the idea of the Program formed? Why was such policy idea was included in the agenda?

2. Which actors were involved in the above policy making process? Talk about the role and importance of such actors.

3. Which actors were involved in the implementation of the topics. What were your difficulties in policy implementation?

4. Could you please comment on the existing policy making process. Please provide a number of recommendations for improvement.

Case study 3

IMPACT EVALUATION OF HEALTHCARE POLICY FOR THE POOR

3.1.Background

In October 2002, the Prime Minister promulgated Decision 139 on medical examination and treatment for the poor, aiming to strengthen a number of programs to help the poor and people in difficulties to have access to healthcare services. The policy beneficiaries included the poor, people in difficult communes and ethnic minority people in difficult provinces. It was estimated that the total number of policy beneficiaries was 14.6 million people or 18% of the whole country's population in 2002.

According to Decision 139, Fund for medical examination and treatment for the poor was established at provincial level and this fund was used for the purchase of health insurance or to directly refund the costs of healthcare services to the beneficiaries. The policy objective was to reduce financial difficulties for the poor in having access to healthcare services and reducing self pay costs.

In 2007, the study team included Department of Health Policy, Ministry of Health; Independent advisor, Bangkok; WHO, Hanoi; Institute of Health Strategy and Policy, Hanoi with funding from Vietnam-Sweden-Asian Development Bank Health Cooperation Program used a number of methods for quantitative and qualitative analysis, information processing methods, information description and propensity score matching approach to evaluate impacts of Decision 139 on healthcare for the poor.

Objectives of the evaluation were determined to measure the impact of the implementation of Decision 139 on the use of healthcare services, self pay costs and living standards of poor households, households in communes with special socio-economic conditions, ethnic minority households in the Central Highland, and 6 provinces with extreme difficulties in the Northern mountainous region.

The evaluation team used the following methods of information collection:

- Literature review.

- Processing information with software.

- Information description: tables, graphs, maps.

To conduct the impact evaluation, data collected in 2002 and 2004 of Vietnam Household Living Standards Survey (VHLSS) were used. These were the two years before and after the implementation of Decision 139. Data from Vietnam Household Living Standards Survey 2004 were collected for the period from March to November 2004. Data from Vietnam Household Living Standards Survey 2002 were collected for 12 months of the year, but mainly focusing on January, May, August, and October. For both surveys, the questions related to the use of healthcare services and costs were asked for the period of 12 months before the surveys.

Figure 1: Timeline for implementation of Decision 139 and periods related to the surveys

Year	2001				2002				2003				2004			
Quarter	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
VHLSS 2002 related time period	▓	▓	▓	▓	▓	▓	▓									
Decision 139 was approved								■								
Establishment of Healthcare Fund for the poor									■	■	■	■	■	■	■	■
Commencement of fee exemption & reduction for healthcare services									■	■	■	■	■	■	■	■
VHLSS 2004 related time period									▓	▓	▓	▓	▓	▓	▓	▓

Figure 1 illustrates the timeline related to data collection and policy implementation. Survey in 2002 was considered the boundary for comparison of outcomes before and after policy implementation. The period of 2003 and 2004 was covered in the survey in 2004 which was the first year of policy implementation, allowing the evaluation of short-term impact of the policy, during which many difficulties in policy implementation were not resolved. In almost all provinces, it was not until June or July 2003 that the households started to benefit from the policy, even until 2004 with some households. The fact that the policy had not been fully carried out at the time of the survey was an advantage for the impact evaluation because it allowed the comparison between policy beneficiaries who benefited and did not benefit from the policy, who had quite similar characteristics, thus it would partly resemble a random experiment. However, full impact of the policy may not be well reflected at such early time. When VHLSS data in

72

2006 are available, they can be used to evaluate the longer term impacts of the policy.

Vietnam Household Living Standards Survey (VHLSS) contained so many indicators (variables) which could be used to recognize policy beneficiaries, to identify their existing benefits in order to estimate the propensity score and the result variables to estimate impact of the policy on the use of healthcare services, health costs and different perspectives of living standards. Most of the questions in the 2004 survey were consistent with the 2002 survey.

However, between the 2002 and 2004 surveys, there were important changes in the healthcare questions in order to improve the data quality, which resulted in a number of difficulties for the comparison. The inpatient admission data were collected for the period of 12 months before the time of survey for both VHLSSs in 2002 and 2004, and Vietnam National Health Survey (VNHS) 2002 with a different question structure, yet the results were very much similar to those of Vietnam Household Living Standards Survey 2002. However, inpatient admission rate estimated from Vietnam Household Living Standards Survey 2004 was 50% higher than that in the National Health Survey 2002, yet the reports from state hospitals indicated that the inpatient admission growth rate in 2003 compared with 2001 (nearly the same with the survey period in the two survey) was only about 7%, while inpatient admission in private health establishments only accounted for a very small portion.

The comparison of outpatient utilization rates was more difficult. Comparing the outpatient utilization rates between VNHS and VHLSS 2002 indicated that VHLSS estimated a too low number of outpatient visits. The number of outpatient visits (per year) from VNHS was 14 times higher than that from VHLSS 2002, and the number of outpatient visits as reported by state hospitals was 23 times higher than that from VHLSS 2002. Some of

the differences could be attributed to different methods of data collection. VNHS asked questions for the prior 4-week time period with all the documents on the medical visits and treatments during that 4 weeks and the questions on illness and diseases were placed immediately before, all such factors were designed to minimize recall errors. Such data could be multiplied with 12 months to gain the annual rate. The surveyors were also allowed to record the number of medical visits at the same healthcare establishment in a separate line which was totally separate from the questions related to inpatient and outpapient visits to make it less boring for surveyors and respondents and to record the exact number of medical visits. In contrast, the VHLSS 2002 survey required respondents to remember the number of outpatient visits during 12 months (possibly resulting in quite large recall errors and the resulted number was significantly smaller), not raising any questions on illnesses and diseases and requiring the surveyors to record each medical visit in a separate line, while only sparing 20 lines to record both the inpatient and outpatient visits in the same section. In the VHLSS 2004 survey, the data on outpatient visits were based on memory for a period of 12 months, but the questionnaires included questions on illnesses and diseases to help respondents recall their medical visits during the past 12 months and allowed the recording of multiple visits at the same healthcare establishment in the same line. Comparing VHLSS 2004 and VNHS 2002 data indicated that the number of outpatient visits recorded by VHLSS 2004 was 50% lower than that recorded by VNHS 2002. Regarding almost all types of healthcare establishments, data for 2004 were lower, except for provincial hospitals, central hospitals and regional general clinics whose medical visits in the 2004 survey were higher. Comparing VHLSS 2002 and 2004, the number of outpatient visits reported in 2004 was 7 times higher than that in 2002, and such differences happened with almost all types of healthcare establishments. Reports of the Government on

outpatient visits at State healthcare establishments indicated that the number of outpatient visits in these establishments in 2003 only increased by 16% compared with that in 2001 (while the figure increased by 5.5 times if using results of VHLSS 2004 compared with that of 2002).

Comparing 2002 and 2004 surveys, it could be seen that the rates of increase in the number of inpatient and outpapient visits were different. However, it did not seem that all errors reflected a systematic difference between the policy beneficiaries and non-beneficiaries. Thus, if there were positive impacts of the policy on the results, the difference between 2004 and 2002 of the treatment group would be higher in terms of absolute value than the difference in the non-treatment group regardless of the data problems, yet the conclusions could not be drawn based on absolute changes.

Outlier observations in data might have significant impacts on the outcomes (discussed below); therefore it was important to clarify the number of outlier observations, in which situation it happened and what were their nature. Outlier observations could be due to surveyors' errors during the recording or errors during the data input process, in this case the observations could be corrected or discarded. However, probability distribution of the number of medical visits and health costs of the households was very asymmetrical, with lots of values observed in normal situation, suggested that the outlier observations should be paid proper attention, except where solid evidences existed that asymmetrical distribution was due to non-sampling errors. The problem was that it was very difficult to distinguish between the two above situations in order to know whether to discard or keep such observations, particularly with limited information on healthcare available in VHLSS (for example, information was available on the duration of inpatient treatment or types of services used). Therefore, all outlier observations were kept in our main analysis, yet

a number of outliers were discarded in additional analyses to evaluate positive treatment effect in the findings.

In order to identify outlier observations in the data, the evaluation team based on the estimates gained from VNHS of the total number of inpatient admissions, total costs and average costs per inpatient and outpatient visit. Estimates of costs in 2002 were adjusted for an increase of 30% due to inflation in pharmaceutical prices during the period of 2002 - 2004 (based on pharmaceutical price index of the General Statistics Office) in order to get the upper threshold in examining whether or not an observation was an outlier. The upper thresholds of 2004 and 2002 were reported in column 1 of **Table 1** (estimates for 2004 covering inflation of 30%). The lowest threshold was not set because the cost equal 0 was reasonable due to health insurance, cost exemption or reduction.

In VNHS 2002, the largest number of inpatient visits in 12 months was 11. In VHLSS 2004, 7 observations exceeded the maximum value, with the largest value of 36 inpatient visits during 12 months. Due to the difference in duration covered by the question, it was impossible to use this method to estimate the outlier observations for the number of outpatient visits. For people with chronic diseases, many outpatient visits per month could be reasonable. The three largest values of the number of outpatient visits were 72, 60, 56 visits, equivalent to 5 or 6 visits per month, while in VNHS 2002, a surveyed case reported 32 outpatient visits during the 4 week covered by the question.

Cost data seemed to include even more outlier observations. The highest cost for an inpatient admission in VNHS 2002 was VND 144 million (or VND 187 million after being adjusted for inflation for two years between 2002 and 2004). No observations exceeded this threshold in 2004 data. However, when we checked the costs for a medical visit in different healthcare establishments, an outlier observation was noted. At district

hospitals, VND 32 million was paid for an inpatient admission, while the highest inpatient cost at district levels in VNHS was VND 18 million, and the second highest cost was only VND 17 million in VHLSS 2004.

There were 42 outlier observations in the costs of outpatient visits. There were 17 outlier observations that exceeded the highest costs of VND 4.1 million per outpatient visit. However, when data were sub-divided into types of healthcare establishments, there were total 42 outlier observations. Most of these outlier observations did not seem reasonable, yet they were kept due to the shortage of information to identify whether they were normal observations or came from errors in the survey.

Outlier observations in VHLSS 2002 were also checked. An outlier observation was found for the number of inpatient visits with 12 visits per year, very close to the highest value in VNHS and was completely reasonable. There were 4 outlier observations exceeding the highest average costs per inpatient admission with VND 6 to 11 million at commune health clinics/regional general clinics, while there were no outliers regarding state hospitals and private healthcare establishments. With regard to outpatient visits, there were 132 outlier observations in the outpatient treatment costs, yet when examining each level of medical treatment, there were total 280 outlier observations with outlier value fluctuations presented in **Table 1**. The large number of outlier observations for costs per outpatient visit was in line with the reporting of low number of outpatient visits and relation to costs in VHLSS 2002 data.

In the 2004 survey, the questionnaires for communes/precincts were not filled in urban areas. However, a number of (characteristic) variables of the communes were important to the propensity score matching approach, e.g. whether or not a commune/hamlet was under Program 135 and the distance from the commune to the nearest town. Information on the communes under Program 135 was linked with information on the same in

the VHLSS 2002 survey, and approximate estimates of the distances between the communes and the towns were calculated by checking the maps, aiming at filling the missed information in the survey, and in a number of cases at cleaning the data for the communes that lacked information on poor communes in accordance with program 135.

VHLSS survey was conducted with a relatively large sample size selected from all provinces nationwide. The sample size of VHLSS 2004 survey included 9,188 households with 40,438 individuals. Panel data of 2002 - 2004 included 4,081 households with 16,697 individuals. Samples were selected using the stratified random sampling method with 128 stratas representing the urban and rural areas of each province. The clusters were the areas listed in the census. The samples were selected using the two-stage sampling, first the listed areas were selected, then the households. The probability of being selected into the sample changing by each cluster requires the use of weights in various types of statistical analysis to ensure the estimates gained from the samples were not deviated. However, the propensity score matching approach did not use weights because only a portion of the sample was used in the treatment effect evaluation. This was because a certain number of cases need to be discarded to ensure normal support and corresponding ratio of the control group in relation to the policy beneficiaries with high propensity score (discussed in later section below), a number of untreated observations were not used because they were not matched, and a number of untreated observations could be used multiple times, and all these issues were described clearly in later section. However, in the below analysis, clustering is used in bootstrap procedure (self-developed) to estimate standard errors of the impact parameters, which was discussed later.

Table 1: Outlier observations of costs of outpatient visits 2002&2004

	Upper	Number of	Smallest value	Highest value

	threshold from VNHS (Thousand VND)*	observations in VHLSS exceeding thresholds	of outlier observations (Thousand VND)	of outlier observations (Thousand VND)
2004 VHLSS	4,113	17	4,200	15,000
General	**1,106**	**9**	**1,200**	**7,000**
Commune health clinics/ regional general clinics	3,383	2	5,000	7,000
District hospitals	2,886	27	3,000	15,000
Provincial/central hospitals	4,113	4	4,700	9,000
Private healthcare establishments				
2002 VHLSS	3,164	132	3,200	49,000
General	**851**	**96**	**890**	**6,000**
Commune health clinics/ regional general clinics	2,602	121	2,700	49,000
State hospitals	3,164	63	3,200	20,000
Private healthcare establishments				

Note: Threshold values in 2004 in column 1 was adjusted to be increased by 30% for inflation from those in VNHS 2002.

3.2. Treatment effect evaluation process

The evaluation team used the propensity score matching approach to evaluate impacts of the policy for examination and treatment for the poor in accordance with Decision 139. The propensity score, or the probability of being in the treatment group (benefiting from the policy), was estimated using logistic (logit) regression with large fluctuations of covariates. Then a sample of non-treatment individuals (control group) whose propensity scores were nearly the same as those of the individuals in the treatment group. This created a sample of non-treatment observations with probability distribution similar to that of the treatment group. Therefore, the treatment effect could be measured by comparing the average outcomes of the treatment group and the matched non-treatment group (assigned to the

control group for comparison with the treatment group). This method is designed to eliminate errors due to the observed covariates.

The allocation of households into the treatment group or non-treatment groups of Decision 139 was based on: households classified as poor in accordance with the poverty reduction program, all households in poor communes in accordance with Program 135 of the Government, and ethnic minority households in 12 mountainous provinces – with quite a number of households falling into all two or three groups. However, whether a beneficiary of Decision 139 who received his/her health insurance card or not depended on how the policy was carried out in such locality, which was different among the localities because the criteria could be determined by local program implementers. For example, a few provinces intentionally prevented people from benefiting from Program 135, while the delivering of cards was postponed in some other provinces, which meant some beneficiaries of Decision 139 did not receive their cards at the survey time. Such observed covariates were controlled in the estimation of propensity score.

The unobserved factors resulting in self-classification, e.g. individuals requesting to be classified as poor because of bad health, reporting changes of ethnicities, moving to communes under Decision 139 or other activities to be provided with free healthcare cards or health insurance cards for the poor, could not be controlled by propensity score matching approach. However, the unobserved time-changing factors that affected the self-classification were discarded by double difference estimation in the double difference approach described below. Any other deviations due to unobserved time-changing factors were assumed to be insignificant.

3.2.1. Identifying the comparisons related to impact estimate

- Beneficiaries of Decision 139 and already being provided with free health insurance cards or free healthcare cards.

- Beneficiaries but not yet being provided with health insurance cards.

- Not beneficiaries of the policy.

In this evaluation, three comparisons were conducted **(Table 2)**. The first comparison (A in **Table 2**) was between two treatment groups, specifically between the group who were provided with the cards, i.e. they had better healthcare opportunities compared with the matched treatment group who were not provided with the cards.

The second comparison which could be considered a better one (B in **Table 2**) was between the treatment group who were provided with the cards and the non-treatment group who did not have a card, therefore this comparison was not disturbed by the control group who did not benefit from the policy.

The third comparison (C in **Table 2**) was conducted between the treatment group who were not provided with the cards with the non-treatment group. It allowed us to evaluate the area where the first comparison was likely disturbed by people without a card but benefiting from the policy.

Table 2: Three comparisons conducted to evaluate impacts of Decision 139

Comparison	Treatment group	Non-treatment group (control group)
A	Policy beneficiaries provided with free healthcare cards or health insurance cards for the poor	Policy beneficiaries without a card
B	Policy beneficiaries provided with free healthcare cards or health insurance cards for the poor	Non-beneficiaries and no cards
C	Policy beneficiaries without a card	Non-beneficiaries and no cards

3.2.2 Single differences and Double differences

Single differences mean comparing outcomes of the treatment group with that of the non-treatment group.

Double differences, or difference in differences allow the study team to eliminate difference due to unobserved factors which correlated with the outcomes but did not change over time. For example, the time when cards were just provided, people with more healthcare demand were prioritized to be examined and treated, e.g. people with chronic diseases (a characteristic that could not be observed in the survey), subsequently they seemed to use more healthcare services and possibly paid more for medical treatment. In this case, double-difference estimates eliminated two types of differences, difference due to the differences among the observed correlation variables between the treatment group and non-treatment group, and difference due to the differences of the unobserved factors that did not change overtime (e.g. chronic diseases). Difference due to differences in the unobserved time-changing factors may still exist, but was assumed to be minimal in this study.

3.2.3. Estimation of propensity score

The objective of the estimation of propensity score is to reduce the overlapping of properties in a variable (i.e. probability of being in the treatment group or "propensity score") that can be used to find the control observation for each observation in the treatment group so as to arrive at a control group with distribution as similar as possible to that of the treatment group. In this report, the propensity score was estimated using logistic regressions regarding a sample of individuals.[3] Because three comparisons

---

[3] Though the probability of being benefited from the program depended on the characteristics of the households, but data indicated that not all members of the households that were entitled to the policy were provided with the cards, e.g. household members had different types of health insurance cards (e.g. policy beneficiaries), children under six in a number of regions (because children under six were exempt from medical expenses at State healthcare establishments) or some people did not receive their cards for other reasons (e.g. students had student health insurance cards).

were conducted for each single difference and double difference estimate, six different logistic regression models were estimated. Dependent variables in the logistic regression model were binary variables (coded as 1 or 0), representing the treatment group and non-treatment group as described in **Table 2** above. With regard to panel data analysis, policy beneficiaries were defined based on the answers to the questions on free healthcare cards or health insurance cards for the poor in the 2004 survey (because data for 2002 were collected before the policy was implemented), while the explanatory variables were mostly from the 2002 survey.

The objective of the estimation of logistic regression model was to estimate the propensity score, ensuring better covariate balance between the treatment group and matched non-treatment group.

With regard to panel data, the explanatory variables were obtained from the 2002 survey to avoid any effect of the policy (implemented since 2003) on the explanatory variables. Except for the variables on date of interview were from the 2004 survey, which was obviously not under impact of Decision 139. Another exception was the variable about whether or not a person was ill during the past 12 months, because it could not be affected by Decision 139. However, in the logistic regression models used for the cross-section comparisons (B and C in **Table 2**) based on VHLSS 2004 survey, the variables measuring income and expenditure for 2004 were required to achieve balance for these variables, which had close relationships with both the use of healthcare services and self pay costs. Therefore, no estimate reported impact of the policy on living standard outcomes in the cross-section comparisons B and C. The study team decided to include in the model a false variable indicating whether or not a person went to school during the past 12 months (because that person may be entitled to student health insurance in 2004). Therefore, no outcomes related to schooling were analyzed in this study. The selection of variables used in

the logistic regression models depended on each comparison. For example, the variable of policy beneficiaries may be used in the model for comparison A, but not for other comparisons.

The difference in policy implementation among the provinces had an important role in identifying whether or not a household received free healthcare cards or health insurance cards for the poor, yet the use of variables by province would result in poor covariate balance after matching. The use of false variables by region resulted in better balance compared with false variable by province and avoided the need to discard observations in the provinces where there was no change of people with cards in panel data. False variables by region to a certain extent would reflect the change in policy implementation in neighboring provinces.

3.2.4. Identifying normal scope of support

Figure 2 illustrates the normal scope of support using outcomes of B comparison with cross-section data in the study. The horizontal axis reflects the estimated propensity scores. The area of each red rectangle above the line in the column graph reflected the relative frequency of the observations in the treatment group using the range of corresponding propensity score (range of propensity score is displayed by the width of the rectangle), while the area of each green rectangle below the line in the column graph reflected the relative frequency of the observations in the non-treatment group using the range of corresponding propensity score. At the lower threshold with propensity score of less than 0.0016, there were quite a number of untreated cases, but no treated cases. In contrast, at the propensity score of higher than 0.9673, there were no untreated cases, only treated cases. Therefore, the normal scope of support was from 0.0016 to 0.9673.

Figure 2: Illustration of normal scope of support (B comparison with cross-section data)
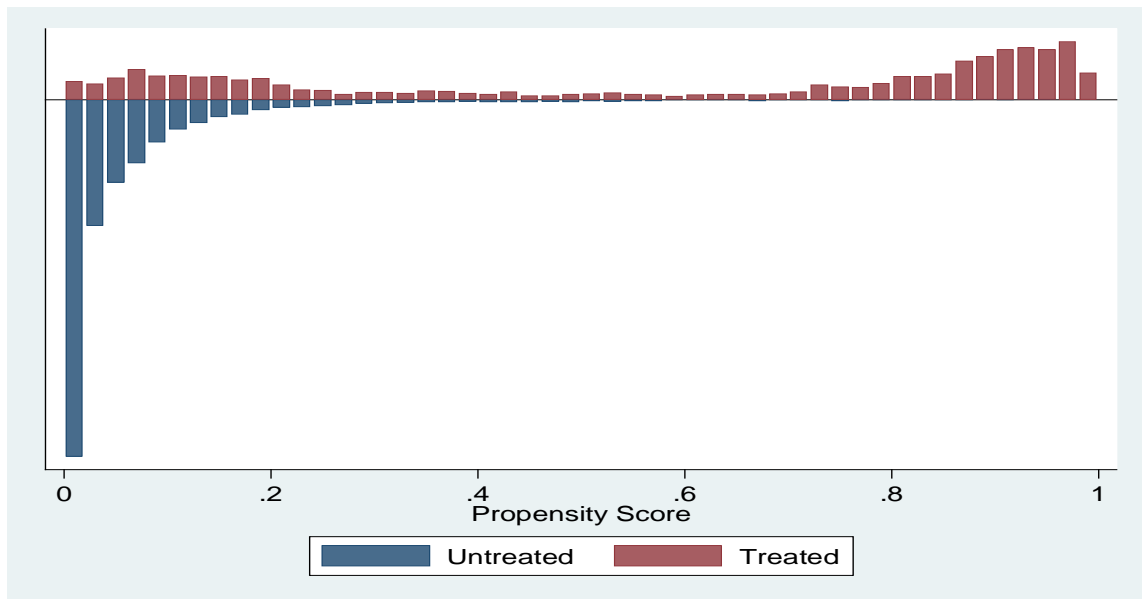
3.2.5. Trimming

In the cross-section comparisons between treatment and non-treatment groups (comparison B), 1,200 treated cases within the range of propensity score from 0.897 to 0.967 while only 34 untreated cases were in this range. Therefore, outcomes of 34 cases could be used as a representative for 27% of total estimated impact, making the result very sensitive to any outlier observations or unsual cases in the control group. Crump et al. proposed a sample trimming algorithm in order to minimize the variance of the average treatment effect estimators.[4] The study team used an algorithm according to which the treated observations were discarded when the number of untreated observations was less than 5% of the treated observations.[5] **Table 3** presents the sample size before and after the estimation of propensity scores, ensuring the analysis within the normal scope of support, trimming and matching.

Table 3: Sample size at different stages of propensity score matching approach

---

[4] Crump R, Hotz J, Imbens G and Mitnik O (2006). "Moving the Goalposts: Addressing Limited Overlap in Estimation of Average Treatment Effects by Changing the Estimand." Processed. University of California (Berkeley).

[5] A portion of the sample with a propensity score larger than 0.6 was divided into 20 portions with similar frequency and applying the minimum standards of 5% as stated in the document. Individuals with propensity scores higher than the minimum value in any portion did not meet the 5% standard and are discarded from the sample.

	Policy beneficiaries with a card	Policy beneficiaries without a card	Non-beneficiaries with no cards	Total
Single differences (cross-section data 2004)				
Common denominator (2004)	**4,844**	**5,388**	**29,171**	**39,403**
A-Policy beneficiaries with cards compared with no cards	4,844	5,388	..	10,232
Sample for estimation of propensity score	4,843	5,386	..	10,229
Sample for normal scope of support	4,843	5,375	..	10,218
Sample after trimming and within the normal scope of support	4,843	5,375	..	10,218
Matched sample for comparison	4,843	4,656	..	9,499
B-Beneficiaries with cards compared with non-beneficiaries	4,844	..	29,171	34,015
Sample for estimation of propensity score	4,843	..	29,164	34,007
Sample for normal scope of support	4,489	..	28,038	32,527
Sample after trimming and within the normal scope of support	3,287	..	28,004	31,291
Matched sample for comparison	3,287	..	6,564	9,851
C-Policy beneficiaries without a card compared with non-beneficiaries	..	5,388	29,171	34,559
Sample for estimation of propensity score	..	5,386	29,152	34,538
Sample for normal scope of support	..	5,108	27,549	32,657
Sample after trimming and within the normal scope of support	..	4,617	27,509	32,126
Matched sample for comparison	..	4,617	4,787	9,404
Double differences (2002-2004 Panel)				
Common sample (2002-2004 Panel)	**1,877**	**2,235**	**12,141**	**16,253**
A-Policy beneficiaries with cards compared with no cards	1,877	2,235		4,112
Sample for estimation of propensity score	1,807	2,159		3,966
Sample for normal scope of	1,784	2,151		3,935

	Policy beneficiaries with a card	Policy beneficiaries without a card	Non-beneficiaries with no cards	Total
support				
Sample after trimming and within the normal scope of support	1,784	2,151		3,935
Matched sample for comparison	1,784	2,151		3,935
B-Beneficiaries with cards compared with non-beneficiaries	1,877		12,141	14,018
Sample for estimation of propensity score	1,807		11,808	13,615
Sample for normal scope of support	1,491		11,661	13,152
Sample after trimming and within the normal scope of support	1,309		11,647	12,956
Matched sample for comparison	1,309		4,133	5,442
C- Policy beneficiaries without a card compared with non-beneficiaries	..	2,235	12,141	14,376
Sample for estimation of propensity score	..	2,159	11,808	13,967
Sample for normal scope of support	..	2,076	10,930	13,006
Sample after trimming and within the normal scope of support	..	1,825	10,917	12,742
Matched sample for comparison	..	1,825	1,802	3,627

In a comparison requiring the randomization of the distribution of policy beneficiaries, the propensity score matching approach applied for the data set of observations may meet with difficulties because it was impossible to measure the impacts on the majority of policy beneficiaries due to the high range of propensity score of the treated observations and a properly matched observation could not be found when estimating average treatment effects on these policy beneficiaries. For example, 1,160 policy beneficiaries were rejected because they were not within the normal scope of support or discarded in cross-section comparison between policy beneficiaries with cards and non-beneficiaries with no cards (e.g. comparison B in **Table 2**), 99% was ethnic minority people, 75% of

household leaders did not complete primary school, 99% resided in mountainous areas, 62% resided at least 20 km from the nearest town, and 53% resided in the Northwest. These observations were discarded in the evaluation team's analysis, thus the treatment effect was not estimated on the full sample of treated observations but only using a portion of the sample with available matching observations. Fortunately, the comparison between cases provided with cards and not provided with cards in the treatment group (comparison A) did not face the same problem and few observations were discarded due to their positions out of the normal scope of support or trimmed (**Table 3**). However, a weakness in comparisons B and C was that pretty many treated observations did not match with untreated ones and thus were discarded from the analysis.

3.2.6. Selection of matching method

In this analysis, nearest neighbour matching and nuclear matching were used. Nearest neighbour matching was used in all cross-section data analysis. The number of nearest neighbours was selected based on the number that brought the best balance of covariates after matching (described later). Therefore, in the cross-section data analysis, the analyzers used 6 nearest neighbours for comparison A, 5 nearest neighbours for comparison B, and 2 nearest neighbours for comparison C. In the panel data analysis, best balance was achieved with nuclear matching (described later). However, with comparison B using 11 nearest neighbours for matching, and with comparison C using 2 nearest neighbours for matching, the outcomes were similar to those of the nuclear matching, yet it took less time for running the program and there was almost no difference in the estimates of impact. Therefore, the evaluation team used nearest neighbour matching to get the estimates for comparisons B and C with regard to panel data, the estimates were reported later in this study.

In this analysis, the range width of 0.06 (selected randomly, default value in "psmatch2" software) was use for comparing outcomes of people with and without cards among treatment group (comparison A) in panel data. Nuclear matching was not used in other panel data comparisons because outcomes were not much different with that of nearest neighbour matching, but more time would be required to run the programs.

3.2.7. Matching software

In this study, the analysts used "psmatch2" program developed by Leuven and Sianesi[6]. The program took into account the implementation of several different propensity score matching methods including nuclear matching and nearest neighbour matching used in this study. It matched the calculations and produced a weight for each observation. In nearest neighbour matching, weight for a control observation was the frequency that such observation would be used for matching and equal 0 with unmatched control observations. In nuclear matching, weight of control observations was the same weight for matched observations. All treated observations were assigned with a weight of one, regardless of matching methods.

The analysis of actual weights obtained from matching in the study presented in **Table 4** indicates that a number of untreated observations were used multiple times to match with a treated one. For example, in the comparison of policy beneficiaries without a card with non-beneficiaries (comparison C), a number of cases were used 34 times. The fact that a control observation was used multiple times in matching analysis was normal, yet the estimated treatment effect may be sensitive to the outlier observations used multiple times for matching.

---

[6] E. Leuven and B. Sianesi. (2003). "PSMATCH2: Stata module to perform full Mahalanobis and propensity score matching, common support graphing, and covariate imbalance testing".
http://ideas.repec.org/c/boc/bocode/s432001.html. This version 3.0.0.

89

Table 4: Description statistics on matching weights of non-beneficiaries by each comparison in the analysis

	Weight median	Weight minimum value	Weight maximum value	% of weight >3	% of weight >10	Number of untreated observations used
Single differences						
A-Policy beneficiaries with cards compared with no cards	0.67	0.17	12.33	3.50	0.21	4,656
B-People with cards compared with non-beneficiaries	0.20	0.17	26.60	1.77	0.41	6,564
C-Policy beneficiaries with no cards compared with non-beneficiaries	0.50	0.33	34.00	3.72	0.71	4,787
Double differences						
A-Policy beneficiaries with cards compared with no cards	0.67	0.03	4.60	0.98	0.00	2,151
B-People with cards compared with non-beneficiaries	0.18	0.08	17.55	1.09	0.24	4,133
C-Policy beneficiaries with no cards compared with non-beneficiaries	0.50	0.33	25.00	3.61	0.39	1,802

3.2.8. Checking balance after matching

A key criterion to see whether or not the matching results are considered of value is that distribution of observed characteristics (covariates) of the treatment group should be as similar as possible to that of the matching control group. In the analysis, two criteria independent of the sample size were used to evaluate whether or not covariate balance was improved and deviations were reduced, including:

- Reduction of mean, median and maximum of absolute "standard deviation"[7].

---

[7] Standard deviation (proposed by Rosenbaum and Rubin to measure the balance) is the sample covariate mean difference between the treatment group and non-treatment group (full sample or matched sample) measured by percentage of square root of the average sample variance of the treatment group and non-treatment group.

- The reduction of false R^2 in probit regression to estimate propensity score after matching, for example: the observed characteristics explained very little about the variation of propensity score in the comparison sample with a mix of policy beneficiaries and non-beneficiaries.

With regard to the first criterion for evaluation of covariate balance, **Table 5** presented the main characteristics of the distribution of absolute standard deviation before and after matching for 3 comparisons conducted in the cross-section data and panel data analyses. A quick check of the table revealed that mean, median and maximum values of absolute standard deviation after matching were much smaller. However, this table also indicated that covariate balance after matching for comparison A (cross-section data and panel data) was better than that for comparisons B and C.

Table 5: Analysis of absolute standard deviations before and after matching

	Comparison A		Comparison B		Comparison C	
	Before	After	Before	After	Before	After
Cross-section data						
Mean deviations	12.82	2.30	24.25	4.13	22.11	4.04
Median of deviations	9.36	1.69	15.93	2.22	15.87	3.29
Standard deviation of deviations	11.83	1.83	26.78	4.80	22.02	3.11
Minimum value of deviations	0.14	0.06	0.11	0.26	0.16	0.25
Maximum value of deviations	53.29	6.77	111.04	23.51	105.22	16.68
Number of explanatory variables	38	38	40	40	44	44
Panel data						
Mean deviation	12.42	1.79	27.08	6.48	24.04	3.86
Median of deviation	10.64	1.41	19.26	4.94	19.32	3.10
Standard deviation of deviations	9.39	1.36	25.98	6.50	22.65	2.94
Minimum value of deviations	0.24	0.01	0.33	0.05	0.06	0.18
Maximum value of deviations	33.25	5.10	105.66	33.71	98.30	11.99
Number of explanatory variables	42	42	41	41	41	41

Regarding cross-section data, the variables had weak balance (i.e. deviations of more than 5%), including the number of people in a household, residence in the Southeast, household leader being a man, and household leader being an ethnic minority person in a mountainous province. With

regard to the set of panel data, only the number of people in a household had a deviation of more than 5% after matching.

With regard to the second criterion to assess covariate balance, results in **Table 6** indicated that false R^2 obtained from the probit model after matching was much smaller. However, results in **Table 6** also showed that R^2 was not reduced to 0 after matching (particularly in comparisons B and C), meaning that the matching reduced but not yet fully eliminated the potential errors in the impact estimates due to the difference of observed characteristics between the treatment and control observations.

Table 6: False R^2 in change forecast models before and after matching

	Before matching	After matching
Comparison A-cross-section data	0,133	0,006
Comparison B-cross-section data	0,348	0,019
Comparison C-cross-section data	0,306	0,016
Comparison A-panel data	0,104	0,003
Comparison B-panel data	0,352	0,042
Comparison C-panel data	0,335	0,019

Because propensity score matching significantly reduced the difference of covariates in comparing policy beneficiaries with cards and without cards (comparison A), the outcomes were considered pretty good and thus were emphasized in this impact evaluation. However, it was likely that policy beneficiaries without cards may still benefit from the policy, other comparisons were also taken into consideration in order to have a full picture of treatment effect.

3.2.9. Estimating standard errors

In the study, propensity score was estimated, not a fixed value, and data used in the impact evaluation were from VHLSS survey, which was conducted using cluster sampling. Therefore, direct estimation of standard errors using "psmatch2" program could not be used because estimated errors would be lower than the actual standard errors.

To estimate the solid estimated value of standard errors, the study team used bootstrap (self-developed). In order to conduct bootstrap, based on the available samples, the study team re-select random samples with replacement, maintaining the former sample size, then using each new sample to re-estimate the propensity score, this sample was later trimmed based on the re-estimated propensity score, the policy beneficiaries were matched and a set of new estimates were be obtained. In order to obtain the standard errors of bootstrap which were corrected with cluster sampling, the study team re-select the samples by cluster sampling instead of individuals (for example, continuous random samples of the clusters were produced). For this analysis, the bootstrap procedure was repeated 100 times and later standard errors were directly estimated from 100 different estimates of the treatment effect.

3.2.10. Summary of treatment effect evaluation results

Results presented in **Table 7** indicated that there was not much difference in the number of outpatient visits or the number of inpatient visits between the treatment group with cards and the matched group without free healthcare cards or health insurance cards. However, there was interesting difference in terms of where people visited for medical treatment. The policy beneficiaries with free healthcare cards used much more outpatient services at state healthcare establishments than matched policy beneficiaries without cards, while they used much less private services. In terms of inpatient treatment, policy beneficiaries with cards had a significantly smaller number of visits at commune health clinics or regional general clinics and a much higher number of inpatient visits at district hospitals compared with matched policy beneficiaries without cards.

Table 7: Impact on the use of healthcare services – Comparison A-cross-section data comparison of policy beneficiaries with cards with people without cards

	Average of card-holders	Average of non card-holders	Difference between two averages	% difference	Boot-strapped standard errors	P-value
Number of outpatient visits	0.818	0.786	0.033	4%	0.060	0.585
Number of outpatient visits at commune health clinics/regional general clinics	**0.380**	**0.308**	**0.072**	**23%**	**0.034**	**0.034**
Number of outpatient visits at district hospitals	**0.144**	**0.078**	**0.066**	**85%**	**0.022**	**0.003**
Number of outpatient visits at provincial/central hospitals	**0.051**	**0.029**	**0.022**	**74%**	**0.009**	**0.018**
Number of outpatient visits at State hospitals	**0.195**	**0.107**	**0.088**	**82%**	**0.025**	**0.000**
Number of outpatient visits at private health clinics	**0.222**	**0.357**	**-0.135**	**-38%**	**0.039**	**0.000**
The number of inpatient visits	0.125	0.118	0.007	6%	0.012	0.557
The number of inpatient visits at commune health clinics/regional general clinics	**0.026**	**0.037**	**-0.010**	**-28%**	**0.004**	**0.020**
The number of inpatient visits at district hospitals	**0.060**	**0.038**	**0.023**	**60%**	**0.008**	**0.003**
The number of inpatient visits at provincial/central hospitals	0.035	0.038	-0.002	-6%	0.006	0.721
The number of inpatient visits at State hospitals	0.096	0.075	0.021	27%	0.011	0.065

Results presented in **Table 8** showed that people with free healthcare cards had much lower households' self pay medical costs than matched policy beneficiaries without cards, comprising of lower average costs, lower household costs, lower inpatient treatment costs, lower self-treatment costs and even lower ratio of people with health costs exceeding the health cost threshold of equal or higher than 20% of actual household costs (but not related to the upper threshold of 40%). Results on the use of services and

costs both indicated that Decision 139 helped decrease significantly the self pay costs while not much change in the use of healthcare services in general (i.e. there was a decrease of self pay costs on a service using unit)

Table 8: Impact on self pay costs of households – Comparison A-cross-section data, comparison between policy beneficiaries with cards and without cards

	Average of card-holders (VND)	Average of non card-holders (VND)	Difference between two averages (VND)	% difference	Boot-strapped standard errors	P-value
Annual actual per capita health expenditure	122,061	142,286	-20,225	-14%	12.597	0.108
Annual actual per household health expenditure	**615,193**	**757,514**	**-142,322**	**-19%**	**56.166**	**0.011**
Annual actual household expenditure on outpatient care	215,971	230,841	-14,870	-6%	25.490	0.560
Annual actual household expenditure on inpatient care	**247,785**	**338,748**	**-90,963**	**-27%**	**37.684**	**0.016**
Annual actual household expenditure on self care	**144,558**	**171,236**	**-26,678**	**-16%**	**12.307**	**0.030**
% of households spending too much on healthcare (20%)	**0.210**	**0.258**	**-0.048**	**-18%**	**0.015**	**0.002**
% of households spending too much on healthcare (40%)	0.074	0.072	0.002	3%	0.010	0.800

Note: Results with 95% confidence level are bold.

With regard to the analysis of living standards, the results presented in **Table 9** showed that there were no differences between actual per capita monthly income, actual per household monthly income, poverty rate or poverty gap indicator between policy beneficiaries with cards and policy beneficiaries without cards.

Table 9: Impact on living standards of households – Comparison A - cross-section data, comparison between policy beneficiaries with cards and without cards

	Average of card-holders (VND)	Average of non card-holders (VND)	Difference between two averages (VND)	% difference	Bootstrapped standard errors	P-value
Actual per capita monthly income (at price of January 2004)	193,174	193,468	-0,294	0%	3.913	0.940
Actual per household monthly income (at price of January 2004)	221,143	225,752	-4,609	-2%	4.559	0.312
Poverty rate	0.605	0.575	0.030	5%	0.017	0.075
Poverty gap indicator	0.191	0.201	-0.011	-5%	0.007	0.112

Results presented in **Table 10** of comparison A on panel data (policy beneficiaries with free healthcare cards compared with matched non-beneficiaries) were generally appropriate with the cross-section data results. However, because the sample size in panel data was fundamentally reduced, the estimate of treatment effect was not statistically meaningful in some cases. However, the replacement of outpatient visits at state healthcare establishments with outpatient visits at private health clinics was evident in the results of comparison A for both panel data and cross-section data. There was no difference of statistical meaning in inpatient treatment in the results of comparison A on panel data, which was not surprising because in panel data, the sample size was smaller and frequency of inpatient visits was quite low. Self pay costs for inpatient treatment increased dramatically, with the treatment group increasing less than the matched non-treatment group, yet all other changes in the households' self pay medical costs or the ratio of excessive health costs was of no statistic meaning. With regard to living standards, the only treatment effect of statistic meaning was average monthly per capita income increasing significantly, of which the treatment group increased less than the matched non-treatment group.

Table 10 did not only examine comparison A between policy beneficiaries with medical cards and without cards but also examine comparison B (policy beneficiaries with cards compared with untreated beneficiaries) and comparison C (policy beneficiaries without cards compared with untreated beneficiaries). These different comparisons were conducted for both cross-section data and panel data.

Outcomes of comparison B were totally different from outcomes of comparison A. Outcomes from comparison B with statistic meaning indicated larger impact on the use of outpatient services at commune health clinics/regional general clinics than comparison A, yet with smaller treatment effect on the use of outpatient services at State hospitals. Treatment effect on the use of outpatient services at private health clinics was really lower than in comparison B. Comparison B revealed significant positive treatment effect on the use of inpatient services, with treatment effect on district hospitals larger than that in comparison A. Regarding the variable of self pay costs, comparison B showed that the treatment group had higher average annual per capital health costs but total health costs of the households did not increase. In comparison B, outcomes indicated that excessive costs in the treatment group were much higher.

Outcomes of impact in comparison C indicated that there was no treatment effect of statistic meaning on the use of services or self pay costs except for less use of outpatient services in district or state hospitals and less use of outpatient services at State hospitals. This outcome was appropriate with explanation that card possession was the exact criterion on whether or not a person benefited from the policy (i.e. estimates of treatment effect based on comparison A were fundamentally not deviated down).

In case of result variables of living standards (only reported for comparisons B and C in panel data analysis because the variables of income/spending were used in the estimation of propensity score for

comparisons B and C on cross-section data), the outcomes were not in line with outcomes of comparison A on panel data in terms of negative treatment effect on per capita household income with statistic meaning and positive treatment effect on the cases of falling into poverty and poverty line (though the latter impact only had statistic meaning in comparisons B and C). However, such treatment effect on living standards was contrary to expectations and it was difficult to explain.

Table 10: Difference of average results between policy beneficiaries and non-beneficiaries in cross-section data and panel data analyses in 3 comparisons

Result variables	A-Cross-section data % difference	B-Cross-section data % difference	C-Cross-section data % difference	A-Panel data Difference	B-Panel data Difference	C-Panel data Difference
Number of outpatient visits	4%	13%	-8%	0,06	0,02	-0,06
Number of outpatient visits at commune health clinics/regional general clinics	**23%**	**66%**	8%	**0,10**	**0,16**	0,06
Number of outpatient visits at district hospitals	**85%**	54%	**-26%**	..	..	..
Number of outpatient visits at provincial/central hospitals	**74%**	43%	-4%	..	..	..
Number of outpatient visits at State hospitals	**82%**	**51%**	-18%	0,08	0,05	-0,03
Number of outpatient visits at private health clinics	**-38%**	**-30%**	-12%	-0,12	-0,18	-0,08
The number of inpatient visits	6%	**50%**	7%	0,00	0,05	0,01
The number of inpatient visits at commune health clinics/regional general clinics	**-28%**	12%	17%	0,00	0,01	0,00
The number of inpatient visits at district hospitals	**60%**	**73%**	-19%	..	..	..
The number of inpatient visits at provincial/central hospitals	-6%	65%	27%	..	..	..

98

The number of inpatient visits at State hospitals	27%	**70%**	-3%	0,02	0.05	0.00
Annual actual per capita health expenditure	-14%	**27%**	-9%	-2.950	-11.950	29.180
Annual actual per household health expenditure	**-19%**	17%	-13%	-52.060	-132.100	59.200
Annual actual household expenditure on outpatient care	-6%	11%	**-25%**	55.070	-56.010	-43.870
Annual actual household expenditure on inpatient care	**-27%**	46%	-7%	**-134.55**	-88.160	150.380
Annual actual household expenditure on selfcare	**-16%**	0%	0%	19.370	-4.850	-43.730
% of households spending too much on healthcare (20%)	**-18%**	-3%	-1%	-0,04	-0,02	**0,07**
% of households spending too much on healthcare (40%)	3%	**92%**	10%	0,01	**0,06**	0,02
Actual per capita monthly income (at price of January 2004)	0%	NR	NR	-14.420	-19.89	-1.32
Actual per household monthly income (at price of January 2004)	-2%	NR	NR	**-19.300**	**-54.810**	-25.300
Poverty rate	5%	NR	NR	0,03	**0,18**	**0,10**
Poverty gap indicator	-5%	NR	NR	0,02	**0,05**	0,02

Note: NR=Non-reported because the income measure was used in logit analysis.

A number of outlier observations were identified in the initial examination of data but were not discarded in the main analysis, because there was no evidence to prove that they were due to survey errors or only a very abnormal case. Propensity score comparison is very sensitive to outlier observations in the case of untreated cases, because a number of values of the untreated cases could be used multiple times. As an examination to check the sensitivity of our analysis to outlier observations, we discarded all outlier observations that were discovered using the thresholds from VNHS data mentioned in the data description section and in Table 1. Changes in the variables used and self pay costs presented in **Table 11** were generally

insignificant and did not change the treatment effect direction. There was no change in the results on living standards, thus they were not included in the table.

Table 11: Result differences when outlier observations are excluded (Comparison A- cross-section data)

Result variables	% differences in results	
	Outliers included	**Outliers excluded**
Number of outpatient visits	4%	5%
Number of outpatient visits at commune health clinics/regional general clinics	**23%**	**20%**
Number of outpatient visits at district hospitals	**85%**	**92%**
Number of outpatient visits at provincial/central hospitals	**74%**	58%
Number of outpatient visits at State hospitals	**82%**	**82%**
Number of outpatient visits at private health clinics	**-38%**	**-36%**
The number of inpatient visits	6%	2%
The number of inpatient visits at commune health clinics/regional general clinics	**-28%**	-24%
The number of inpatient visits at district hospitals	**60%**	**45%**
The number of inpatient visits at provincial/central hospitals	-6%	-13%
The number of inpatient visits at State hospitals	27%	17%
Annual actual per capita health expenditure	-14%	**-17%**
Annual actual per household health expenditure	**-19%**	**-20%**
Annual actual household expenditure on outpatient care	-6%	-7%
Annual actual household expenditure on inpatient care	**-27%**	**-30%**
Annual actual household expenditure on selfcare	**-16%**	**-14%**
% of households spending too much on healthcare (20%)	**-18%**	**-19%**
% of households spending too much on healthcare (40%)	3%	0%

Note: Results with 95% confidence level were bold

6. Discussion and conclusions

This study failed to find evidence on the increase of general use of inpatient or outpatient treatment as an outcome of the policy. However, the study found solid evidence on important changes in providers of healthcare services, which seemed to reflect the importance of healthcare quality or of self pay costs. For example, the study results indicated that Decision 139 only resulted in the movement in the use of outpatient services from private

100

providers to state providers at communal, district provincial/central levels. Though the "replacement impact" reduced the overall treatment effect of the policy on the use of healthcare services but it may improve the healthcare quality for beneficiaries of Decision 139 (for example, by moving from outpatient treatment provided mainly by private doctors to outpatient treatment at a better equipped State hospital). With regard to inpatient treatment, the study revealed that there was a movement from commune health clinics/regional general clinics to better equipped State hospitals.

There were evidences that the possession of free healthcare cards or health insurance cards for the poor provided financial protection to beneficiaries. Health costs in general in the treatment group were significantly lower than that of the matched non-treatment group. There were also evidences on the reduction of self-treatment costs, suggesting that when patients had more access to professionals, they would pay less for self-treatment (it seemed that healthcare quality and health results were improved). No significant difference was found in the costs of outpatient visits between the treatment group and matched non-treatment group, though the use of district hospitals and provincial/central hospitals by policy beneficiaries was more than that of matched non-beneficiaries. Regarding inpatient treatment, there were evidences on lower costs, despite the movement from commune health clinics and regional general clinics to more expensive district and provincial/central hospitals.

Results of excessive costs were mixed. While it was found in the cross-section data analysis of comparison A that the policy resulted in the reduction of excessive spending (but only with the threshold of 20% and no significant reduction in the corresponding panel data analysis), results of comparison B (possibly affected by poor balance of covariates and significantly trimmed sample) indicated that the treatment group suffered significantly higher excessive costs compared with the non-treatment group.

Impact on living standards in the comparison between people with cards matching with policy beneficiaries without cards (comparison A) was not presented. However, this treatment effect evaluation relied on the data collected during the second year of policy implementation, with the period covered by the question corresponding to the first year of policy implementation, thus no treatment effect of the policy on living standards was found which was not surprising.

3.3. Discussion questions

1. Could you please develop the theory on changes of or a series of results of the healthcare policy for the poor in the case study?

2. Could you please talk about the rules to determine the allocation of the policy or identify the conditions to benefit from the policy in the case study and how the allocation rules affect the selection of evaluation methods used in the policy evaluation in the case study.

3. What do you think are the data used in policy evaluation in the case study appropriate? Please explain your answer.

4. What do you think is the Regulatory Impact Assessment used for policy evaluation in the case study appropriate? Please explain your answer.

NAPA・JICA プロジェクト
公共政策の修士課程プログラム

科目名
法律及び公共政策

ハノイ、2015 年

専門的コンサスタント

Hiroshi Ikawa 教授 − 政策研究大学院大学

編集長：

レー・ティ・フオン教授・博士

研究員：

ルオン・タン・クオン副教授・博士

グエン・クオック・シウ副教授・博士

トラン・ティ・デュー・オアン博士

1. 科目の概要
- ・ 科目名：**法律と公共政策**
- ・ 英語名：**LAW AND PUBLIC POLICY**
- ・ 科目コード：
- ・科目数（講義/練習/自習）：
- ・ 適用される教育分野・専門分野：公共政策、教育レベル：大学卒業後、教育形式：正規・集中
- ・科目の要件：（必須またはオプション）
- ・前提条件の科目：
- ・先行学習の科目：
- ・並行学習の科目：
- ・科目へのその他の要件（もしあれば）：

学習者は授業に出る前に推奨された読解、講義、法的文書を呼んでおいて、授業中に積極的に議論に乗って、研究チームに参加することを求められる。

- ・次の活動に対しクレジット数を割り当てる。
  - + 理論の講義：20 クレジット数
  - + 宿題：
  - + 議論：10 クレジット数
  - + 練習、実習：：
  - + チームワーク：
  - + 自習：
- ・ 科目の担当学科・学部：国家行政アカデミー、行政学部、国家と法律学科

2. 科目の目標

2.1. *一般的な教育目標*

知識：

本コースを終了した後、学習者は以下のことをより取得しやすくなる。

- ・公共政策との関係における法制度の役割を特定する。
- ・政策構築を練るプロセスと法律構築プロセスを識別する。
- ・上記の２つのプロセス間の関係を示す。

スキル：

・ 政 策 分 析 ス キ ル 、 法 律 の 効 果 評 価 ス キ ル を 磨 く 。

・政策構築を練るチームや法律構築チームに参加できる。

態度：

法律と公共政策の関係についての知識、方法論を理解して自信を持って実務や科学的な研究に効果的に適用する。

2.2. 具体的な教育目標

各章に沿って以下の具体的教育目標に達成させる。

・法律と公共政策の概要。

・国家の活動中の法律と公共政策とのインタラクション。その中で憲法は公共政策の構築と実現の基盤として扱われる。

・ 法律を通じて公共政策を評価する方式や手段。

3．科目内容のまとめ

法律の基本的な理論枠組み、公共政策及びそれらの関係について紹介する。

上記の理論枠組みに基づいて理論枠組みとツールを適用して法律と公共政策の効力や効果を分析・評価する。

法律と公共政策科目は法律と公共政策の関係について議論し、次の 2 つの部分からなる。*第一部*は法律の社会的機能、法律の重要性、立法プロセスを理解するための概念と理論枠組みを提供し、法律品質評価方法について議論する。*第二部*は法律と公共政策の関係を特定する。

学習者は法制度を分析・評価するための概念と理論枠組みを紹介される。イラストされた法律分野やケーススタディの議論を通じて、学習者は公共管理者が直面している、狭い専門分野での公共政策と法制度の評価ツールやスキルについて段々身につける。

プレゼンテーションは、クラスでの議論への参加という学習方式を通じて、本コース終了後、学習者は公共政策との関係における法制度の役割を特定し、政策構築を練るプロセスと法律構築プロセスを識別することができる。そこから公共政策の構築、法律公表またはこららについての科学研究に適用し効率を高める方法を検討できる。

4．科目の詳細内容

科目の詳細内容を各章、節、小節または主な課題で列挙する。

第 1 章
法律の概要

1.1. 法律の概要

1.1.1. 法律の概念

　　国家のように、法律について多くの異なる概念が存在する [1]。狭い意味では、法律は国家が社会全体の利益と支配階級の利益のため社会的関係を調整するために公表した行動の規則である（政府機関による法律と呼ぶ）。広い意味では、法律は一般的な行動の規則だけを含むものではなく、習慣、判例、行動の原則、考え方、法律上学説等も包含し、異なる源で反映されている。

　　現在、ベトナムでは法律が次のようによく解釈されている：*国家により公表または認められる行動の共通規則のシステムであり、国家の意志を表現し、国家により実現を確保され、社会的関係を事前に特定した目標に応じて調整することを目標とする* [2]。

　　法律は起源、特性、性質、機能、形式、源と法律のタイプという面で認識される。

1.1.2. 法律の性質と機能

a. 法律の性質

　　法律の性質とは法律の内容、性質、内部コアを構成する持続可能な属性であり、法律の存在と運動を決定する。法律の性質を支配する要因が多くあるが、国家の経済基盤、社会基盤が最も基本的な要因となる。法律の性質の性質内容には多くの属性が存在するが、最も基本的で持続可能なのは*階級性*と*社会性*である。

　　*法律の階級性*は法律が支配階級の意志であり、支配階級の利益を保護することを表す。支配階級は国家を介して意志を共通の適用価値のある法律に合法化する。

---

[1] 例えば、法律は神の意志である。法律は社会管理するための手段である（法律は社会に結びつける。社会がある所に法律が存在する）。法律は社会を管理し、社会の悪事や不公正を除去するために誰でも従わなければならない基本的標準である。法律は社会正義を代表する公正であり、皆の利益を保護する。法律は支配階級の意志であり、法律にされたものである、等々

[2] その他の定義：「*法律は国家が設定した、または認めた共通必須の行動規則のシステムであり、社会全体の利益に関する需要を認めることの上、支配階級の意志を表現し、社会の持続的発展を目指して、社会の秩序と安定を目的として社会関係を調整するために国家により実現を確保される*」。（ハノイ国家大学　法律学部 – 准教授・博士　ホアン・ティ・キム・クエ（編集長者）、*国家と法律についての理論教材*、ハノイ国家大学出版社、ハノイ、2013 年、頁 288）

　　　*法律の社会性*は法律の社会の役割を表す。法律は国家が社会全体の存在と発展のために社会の組織・管理を行い、社会の安定、正義を維持するためのツールである。この点で、法律は国家が社会を管理・発展するための政策を実現する基礎である。

　　　その他、法律は国家が世界に統合するための手段である。その過程では、法律は国家の利益、国内外の個人や組織を守りながら、確立された関係の安定性と効率を確保する。

b. *法律の基本的機能*

　　　法律の基本的機能は社会関係に対する法律の基本的な影響の方向、方面、側面であり、法律の階級性質と社会的価値を反映すると解釈される。

　　　法律は次の 3 つの主な機能を有する：調整機能、教育機能、保護機能

- ### *調整機能*

　　　法律は行動の規則を定め、法的枠組みにし、すべての利害関係者を支配階級に有利な方向で施行させる。

　　　しかし、法律は生活で起こるすべての社会関係を調整できる万能のツールではない。法律はすべての社会関係を調整できない、または調整するべきではなく、典型的で普及な社会関係のみを選択すべきである。理由は、法律の他に、人間の行動に影響を与える他の社会的規範も多く存在するからである。その社会的規範は人間の行動調整において、それぞれ特定の意味や位置付けを有する。このため、法律は国家、社会の利益並びに市民の正当な権限と利益に直接関わる社会関係のみを調整する。

　　　法律は規制、許可、禁止、社会関係に参加する各当事者の権利と義務の特定等という方式を介して社会関の調整機能を実現する。

- ### *保護機能*

　　　法律は国家により保護される社会関係を違反されないことを保証する。侵害が発生した場合、国家は権限のある機関を通じて、一定の法的手続きに基いて違反レベルに応じる次の処理措置を適用する：規律処分、市民的な損害賠償の強制、行政処分、刑事責任の訴追。

　　　進歩の法制度は違法行為の防止を保護機能を中心にする。法律の保護機能を実現するには、国家は法律違反行為に関する規定、制裁、法的措置実施の手順と手

続きを公表する。法律は、捜査機関、裁判所、検察院、行政機関という国家機関の法律保護権限について規定する。

- ・ *教育機能*

　　法律の教育機能は法律規定と法律の実用的な実施を人の意識に影響を与えることにより実施され、人を国家が期待するマナーで行動するように導く。

　　法律の教育機能は立律構築活動、法的な情報の提供、法律意識の啓発・教育の形式で展開される。

　　法的な現実も法律の教育機能を実現するための重要なチャネルである。法律執行機関の正しくて他の模範となる法律適用活動自体も社会の法律教育に大きい効果がある。

　　上記の機能は相互の関係を有し、法律の調整目的を達成させることを目指す。

1.2. 法律の開発への役割

1.2.1. 法律が社会発展を正しい方向に置く

　　法律の調整対象は社会の最も基本的で重要な社会関係である。社会関係への法律調整の目的は、それらの関係を客観的な規律を尊重しながら、国家と社会の利益に適する方向に動き、発展するように指導することである。従って、法律は社会の発展に対し上記の目的を実現するための法的基盤と枠組みを確立する。社会の発展の基本的な要因は市場、国家と市民社会である。これは法律の反映機能であり、社会発展に対する支配階級の戦略的な政治方針を表す。

　　経済の国家管理の一流手段として、法律は経済行為者の経営における平等になるための法的枠組みを作りると同時に、管理行為者としての国家もその規格に基づいて経済が持続的な発展になるように指導する。経済市場関係は特にベトナムの特定の条件の下で非常に多様で、動的で複雑である。それは偶然で勝手な要因の除去、混乱や危機の防止、秩序や安定の設定のための調整需要をさらに高める。有効な調整手段の一つは法律である。法律の調整により、経済関係の生存と発展のための有利で公式で信頼のある環境が作れる。法律は能力に応じて作業し実績に応じて受益するという原則を一番よく実現する手段である。それに伴い、法律は金融・商品の関係、利益の関係を制度化するための手段であり、組織と活動に関する管理仕組みを制度化・完璧化し、それを社会的規模で効果的な実施を可能にする。

国家と法律は矛盾に満ちている法律国家という概念を構成する 2 つの要因である。ただし、その矛盾は統一政体の矛盾である。

国家と法律との矛盾は次のように表現される：国家は強力な機関であり、法律を公表するまたは認めるが、法律を尊重し自分の立場を法律の下に置かなければならない。しかし、それらの統一は次のように表現される：互いの前提になり、国家がなければ法律が存在しない。法律がなければ、国家の体制を組織できないし、国家体制での関係を確立できない。

国家は、それらの間の統一性のため法律を遵守しなければならない。それらの間の統一性はその固有の政治性、階級性で表現される。理由は、国家も法律も社会の支配階級の政治権力組みであり、支配階級の利益を保護するからである。また、国家と法律もそれらが存在する社会物質基礎によっても統一される。

国家と法律の一貫性は、国家も法律も社会性があるため、それにより規定される。理由は国家は最も広範囲の公共管理組織、社会組織である一方、法律は共通の行動規則であり、最も普及な社会関係のモデルだからである。それは、なぜ国家が法律を尊重し、法律に従い、国家の革新に伴い革新しなければならないかの理由である。国家と法律の一貫性が破損した場合、国家側からの法律違反につながる。

国家と法律の一貫性はそれらの時で、それらの特定の時期や段階での差異の可能性を除去しない。理由は、国家と法律は様々な程度で様々な仲介段階を通じて社会的要因、経済的要因、政治的要因の影響や支配を受ける二つの現象だからである。つまり、それらは外部要因の影響を受けるという意味である。それは国家・政治関係、法律・政治関係、国家・経済関係、法律・経済関係である。国家は法律を公表する時に、勝手に自分の主観で決めることなく、必ず影響を与える要因を考慮に入れる必要がある。このことは国家と法律の不均等発展と国家の特定の段階における法律違反理由について説明する。

社会では、法律が自分の社会性を完全に表現できる時だけ、法律行為者による真剣で自主的に施行されることを確保できる。その時、国家は初めて自分の立場を法律の下に置いて法律を本当の社会的価値として尊重しはじめる。その時、法律国家が生まれる。

1.2.2. 法律が人間の価値発展用の法的根拠を作る

人文的発展環境は社会関係、個人や組織の行動の公平かつ透明な空間だと解釈され、そこで人権と市民権が確保・保護され、絶えずに拡大される。個人や組織

の制御を超えた場合にリスクを防止・管理し、社会的危機を回避する。このような状況における法律のもう一つの役割は社会福祉を調整して人々全員が発展の成果を受益できるように確保することである。

　　　社会関係を調整する手段として、法律は社会の安定性を確保・保護する要因の一つである。一方、法律はそれらの権限を認めて実現されるために制度化する。他方、人間の所有価値、人間の要る価値、人間の応援する価値を正式に認めることにより、社会のメンバーは法律の手段により自分の正当な利益を保護できるようになる。

　　　社会的利益、生命や財産の安全、名誉と人間としての尊厳、自由、平等と正義等という社会問題は法律の調整に密接に結びつける。従って、法律は社会の存在と安定のために不可欠な手段である。

　　　一方、法律も道徳の形成の支柱・基礎である。道徳の基本原理は法律規範に制度化され、すなわち、道徳と法律の間に内容的な重複が存在する。従って、法律は道徳を保護・発展し、公平性、ヒューマニズム、自由、信頼性と人間の良心を保護する。

　　　法律と法律と道徳の間に公平、善と悪、人道、自由等の概念についての対立が存在しない。社会に対する道徳的な義務への法律による強化、反社会の行為へ許せない関係の強化、家族幸福の保護、若い世代の教育、同志たちの支援、正直さ、誠実さ等の刺激は法律の役割である。

　　　人文的発展環境を構築するには、国家は法律、管理機関を通じて人文的発展環境に必要な政策を実施すべきである。例えば、文化発展政策、教育、科学技術の政策、民主主義制度の確立、個人の自由権限の保証。

　　　これらの制度、機関は社会の人文発展制度システムを構成する。そこで、法律は重要な役割を果たすことが分かる。法律は人間の真、善、美の価値を発展するための基礎と方法である。

1.2.3. 法律が社会発展を保護する

　　　国家は、国家の保護と社会の自己保護を介して、法律により調整される最も基本的で重要な社会関係を侵害されないように保護する。この役割がなければ、法律は完全に構成されず、社会関係が侵害されやすくなるため、各行為者間の平等が失われる。これは、法律は法律が国民を法律違反に対し保護できない独裁社会や無政府社会で示される。

1.3. 法律の源

　　法学では、法律の概念以外に、法律の源という概念も存在する。現在、法律の源は次の 2 つの観点から考慮される：コンテンツの面では（多くの場合は法律構築の分野で考慮する）、法律の源とは法律を形成するものである。形式の面では（多くの場合は法律の施行と適用の分野で考慮する）、法律の源とは法律の規定を格納する場所である。すなわち、何の法律？どこから取得して適用するか？という質問を答える。この場合には、法律の源は法律の外部形式に近い意味である。

1.3.1. 直接の源

・ *慣習法*

　　ブラック法律辞典によると、慣習（カスタム）は「それに対する共通で長期的な認識により変更しない習慣が法律として有効になっている」[3]。その後、この辞書は次のようにいくつかの慣習の種類を述べる：慣習は個人の個別の場合において受け入れらその通りに実施されるために、通常、合意の仲介を通じて各当事者間の法律として直接行われる（風俗とも呼ばれる）。共通の慣習には二つの意味がある：一つは全国で流行している慣習であり、国の法律の源の一つを構成する。もう一つは貿易において認定され、それに従われる。法律慣習は法律の必須条項として実施されるものであり、それに関連する行為者のいずれかの合意に依存しない（通常、慣習の狭い意味である）。地方の慣習は一の都市や県など、一部の地方だけで流行しているものであり、その地方における法律の源となる（特別な慣習、個別の慣習とも呼ばれる）。また、この辞書は慣習と慣習法という用語も述べ、それが公衆により変化しないまたは共通習慣を通じて認められた共通の規定や実践だと説明している。

　　上記の考え方によれば、通常の慣習、共通慣習、法律慣習と地方慣習などは全て法律の源となる可能性がある。

---

[3]ブラック/法則辞書。第 7 版。ブライアンアガーナー。編集長：ST ポール、ミン、1999 年、頁 390（Black/s Law Dictionary. Seventh Edition. Bryan A, Garner. Editor in Chief. ST. Paul, Minn., 1999, tr. 390.）。

　このように、慣習法は国家により認められたものであり、法的価値を有し、共通の行動規則になり、国家により実施を確保されることが分かる [4]。国家が一つの社会関係を調整する必要がある場合、通常、国家は法律規範を公表する。しかし、多くの場合、国家が調整する必要がある社会関係は慣習の規範によって調整されている。そのため、こららの慣習が国家の社会関係の調整目的と一致する場合、多くの国家は認める方法を使って、その慣習を国家が実施を確保する共通必須の行動規則にすることになる。それで、慣習法として扱われるために、その慣習規範自体は必ず国家により次の 2 つの方法の一つで認められる必要がある：一つはすべての場合における原則性のある規定を通じる [5]。もう一つは個別の場合における詳細的な規定を通じる [6]。

　民法 2005 年には、私達の国はいくつかの慣習を認めている。この認定は先ず第 3 条に示す原則性のある規定を通じる：「法律で定めない、かつ各当事者が特に合意がない場合、慣習を適用することができる。慣習がない場合、法律の類似の規定を適用する。慣習と法律の類似の規定は民法に定める原則に反してはいけない。」

　・ *判例法*

　判例法あるいは 判例で裁判される判例方式（判例法）は国家が類似の事件に適用するために行政機関からの決定を受領する、または特定の事件を裁判・解決する形式である。この形式は奴隷所有者国家で使用され、封建国家で広く使用され、現在資産法律（特にイギリス、アメリカ）において相変わらず重要な位置を占めている（特に民法で）。

　判例法は立法機関の活動から生まれたものではなく、法律執行機関と司法機関の活動から出る。従って、この形式は勝手なことを生みやすく、法律の最高を尊重し、法律の構築と実施における国家体制の機関の機能や権限を明確に識別することを必要とする法理に適合しない。

---

[4] 国家と法律についての異論教材、ハノイ国立大学法学部 - 国立大学出版社、2005 年、頁 307。

[5] 例えば、ホンドック法第 40 条には次のように規定している：「高地の人々同士で違反した場合、その地方の慣習に従って処分する。高地の人々が中洲に違反した場合、法律に従って処分する。この規定は原則である。

[6] 例えば、2005 年のベトナム社会主義共和国の民法第 28 条の規定は特定のケースのためである。

　　　しかし、実際に移行期間（特に革命後の期間）の第 1 段階では、一部の事件をすぐに解決しなければならないという革命の要求に対し、法制度がまだ完全に構築されないため、社会主義国家ではまだこの形式を使用している。しかし、それは法律の基礎と共産党の政策方針に基づいて柔軟に適用されたことである。法制度が一貫的かつ完全に構築された場合、この形式はもはや各階級主義国において消えてしまう。

　　　ベトナムでは、ベトナム共和国の政権の下で、判例法も民法分野において一つの源とされる。一方、北ベトナムとその後ベトナム社会主義共和国では、判例法は公式の源として認定されない。しかし、それは上位裁判所の「裁定案内」という変態を介してまだ存在していることが事実である（存在している法的「ギャップ」を埋めるために）。

　　　現在、近い将来に、判例法が正式な法律の源、認められる法律の形式になる形態になるという肯定的な兆候がある。具体的な証拠は、最高人民裁判所が世界との統合要件を満たすために、再考決定（民事および刑事）とベトナム共産党政治局の判例法発展策といつ 2 つの集を出版した。2010 年までベトナム法制度の構築・完全化戦略、2020 年までの指向に関する 2005 年 5 月 24 日付政治局の決議第 48 号・NQ/TW 号は次のように述べる：「判例法等および専門職協会の規則の開拓・使用に関する研究を行い、法律の補完や完全化に貢献する」。

　　　・*法的文書*

　　　法律の最も基本的かつ重要な法律の源である。理由は、ベトナムの国家機関は権限範囲内の法的事件を実際に対応する場合、全て主に法的文書に基づくからである。法的文書とは、権限のある国家機関が法律の手続きや手順に従って公表した文書であり、その中で、国家が実施を確保する共通の行動規則があり、社会関係を社会主義方向へ調整することを目的する。

　　　私たちの国の法的文書には高い法的価値から低い法的価値まで様々異なる種類が含まれる。法的文書の最高の法的価値があるのは憲法、オリジナルの法令、国家の基本法である。その次は国会の法律と決議、国会常任委員会の条例や決議等である。

　　　法的文書は法律構築活動の結果として形成され、団体の知恵を表すので科学性は高い。その規制は文書で表現されるので、通常、明確で具体的で広い範囲で理解され統一に実施されることを確保する。それで、法理の基本的な要件を満たすの

に有利な条件を作る。また、法的文書は生活の要件を適時に満たせるので、我が国の現行法律の最も基本的で重要な源形とみなされる。しかし、法的文書は法律の唯一の形式源ではない。理由は法的文書には次のようにまだ複数の欠点が存在するからである：その規制が多くの場合、非常に一般化されるので生活で起こり得る場面、条件、状況を全て予測できない。従って、調整できず、法律の不足につながるか法律のギャップや空白を作る場合もある。法的文書は比較的高い安定性を有するため、他の源よりも柔軟性が低い。法的文書の策定と公表プロセスも他の源よりも多くの時間や費用がかかる。

　　　法的文書は法律の形式源だけではなく法律の内容源になる場合もある。理由は内容から見ると、より高い法的価値がある文書内の規定がより低い法的価値がある文書の内容源になることがあるからである。例えば、憲法の規定は他の法的文書の内容源である。何故かと言うと、それらの文書内の規定は憲法の規定に基づいて策定・公表され、多くの場合、実際に憲法を実施するために具体化・詳細化されるものである。あるいはある法律はそれの施行を案内する議定の内容源になる場合もある。

　　1.3.2. 間接源

　　・思想や政治・法律上の学説

　　思想や法律上の学説も法律の内容源になることがある。例えば、我が国の現行憲法第 2 条によると、「*1. ベトナム国家社会主義共和国は人民の社会主義法律国家であり、人民から誕生され、人民のために存在する。2. ベトナム国家社会主義共和国は所有者が人民であり、すべての国家権力は人民に属し、その基盤は労働者階級と農民階級と知識人の提携である。3. 国家権力が統一され、立法、執行および司法の実施における国家機関間の分担割り当て、協力、制御が行われる。*」

　　　憲法のこの規定はマルクス・レーニン主義の思想、国家と法律についてのホーチミン氏の思想、国民主権の思想、法律国家の思想を継承し、国家権力の分割学説の合理的な要素を受け取ることに基づいて構築される。

　　・道徳

　　道徳は人間の生活自体から由来する現実的な関係を反映する社会的現象である。道徳は世界や生き方についての一つの社会、社会の一つの階級、特定の人々の観点の集まりである。それにより、人々は自分の行動を社会コミュニティの利益に適合するように調整する。

　このように、法律と道徳は社会生活の管理、市民の人格、特質、能力の教育における共通の目的を有する。私たちの社会では多くの行動の規則は道徳の規則でありながら法律規範である。例えば、親と子の相互義務、妻と夫の相互義務等。多くの場合、法律と道徳は人間の行動について常に統一の評価がある。

　また、法律と道徳で基本的な差異も結構存在する。それに従って、道徳規範は人間の行動の調整において法律規範の制約を補完することに役に立つ。

　法律は法律の源とされている。理由は法律が道徳規範が法律関係における行為者の行為を調整する価値があることを認めるからである。例えば、2005 年の民法第 128 条の規定により次のようなことになっている：「市民の取引が法律禁止事項や社会道徳に違反するため、無効となる。法律禁止事項や社会道徳に違反する目的や内容がある市民の取引は無効となる。法律禁止事項とは、行為者が特定の行為を実施することを許容しない法定である。社会道徳とは、社会生活における人と人の共通行動基準であり、地域社会の認定と尊敬を受ける」。

　この法律も、道徳や良い伝統の尊重が民法の基本原則の一つであることを規定する：「市民の権利と義務の確立と実施は、民族のアイデンティティの保全、風用や習慣、良い伝統、団結、助け合い、人がコミュニティのため、コミュニティが一人一人のための精神及びベトナム国に住んでいる各民族の良い道徳的価値の尊重と発揮を確保しなければならない。少数民族は徐々に生活と精神の水準を向上させるために市民の関係で有利な条件を与えられる。高齢者、子供、障害者の市民の権利と義務の実施についての支援は奨励される」[7]。

　道徳を法律の源とみなされると、法律は道徳に基づいて、道徳に合わせて構築されるべきであることを示す。そうすると、法律は市民により応援され、施しやすくなる。法律の内容は道徳の内容と精神を含む必要がある。法律は進んで社会の発展に適する思想、観点、道徳規制を強化・保護する必要がある。反対側には、法律も法律が厳密に自発的に実施されるように良い条件を与える。

　・　その他の源

　共産党の方針、政策、国家の経済、社会の管理需要はベトナム法律の源とされている。

---

[7] 2005 年市民法第 8 条

　　　共産党の方針、政策は法律の内容源とされている。理由は 国の一定期間での経済社会の発展目標と方向並びにこれらの目的と方向を達成するための基本的な方式を設定するからである。そして、その目標、方向、方式は国家により法律に制度化され、実際に施行される。憲法、法律から内規まで、法的文書の規定の内容は共産党の方針や政策に準拠し、それに反してはいけない。

　　　国家の経済社会管理需要も法律の重要な内容源の一つであり、法律の策定と公表のための基礎の一つである。市場経済を社会主義の志向に組織、管理かつ運営するには、次の目的のために法律の規定を公表しなければならない：市場各種を一致で構築する（労働市場、商品市場、不動産市場、金融市場等）；財政政策、税制、通貨、価格、投資、収入等を具体化する；成長を促進しながら、経済社会のバランスと安定性を確保する傾向という希望の傾向に各経済セクターを整理・編成し、経済関係を調整する。

　　　国際 条約、職業協会の規則はベトナム法律の混合源と考えられる。

　　　国際 条約：「各国間で締結された国際 条約 法に関する 1969 年ウィーン条約のアプローチと現行の国際法の規定によれば、国際 条約 は各国と国際法の行為者間で書面で締結された国際協定であると確定され、国際法により調整され、その契約が唯一の文書かあるいは二つ以上の関連文書に記録されているかどうかに依存せずに、それらの文書の具体的な名前に依存しない」[4]。一般的には、ベトナムが署名、承認または実際に加盟した国際条約は、私たちの国の法律のコンテンツ源でありながら形式源である。その規定が法的文書の規定に変換される場合は内容源である。例えば、私たちが女性に対するあらゆる形態の差別の撤廃に関する条約（CEDAW）に加盟したことは男女平等法の公表につながって、その中の多くの内容はこの条約の規定の具体化である。他の国際条約の多くの規定は、特に WTO に加盟した後、ベトナムの法律の規定に変換された。

　　　国際条約は、全体的または部分的に実際に発生した事件の解決に直接適用される場合は、法律の形式源となる。この適用は私たちの国の 2005 年国際条約の締結、加盟と実施に関する法律で認められている。

　　　一般的には、国際法の分野では、国際条約は最も基本的で需要な源である。国内法としては、特に今日のグローバル化の文脈において国際条約の役割はますます重要になっており、より高い位置を持っている。それは私たちの国の現行法の多くの規定で明らかである：「ベトナム社会主義共和国が署名はしたまたは加盟して

いる国際条約に本書の規定と違う規定がある場合、その国際条約の規定に従う」。

　　　職業協会の規則：この予想の源は 2010 年までのベトナム法制度を構築し完全化する戦略、2020 年までのビジョンに関する政治局の 2005 年 5 月 24 日付決議第 48-NQ/TW 号にのみ記載された。次のように述べた：「判例法等および職業協会の規則の開拓と利用に関して研究し、法律の補完と完全化に貢献する」。このように、この源はベトナムでは前例がなく、国家では正式に認められていない。政治・社会団体の規定だけは一部の文書に間接的に認められている。例えば、1998 年の幹部や公務員法令（2003 年に改正・補完される）、2008 年の幹部や公務員法は、政治・社会団体の規定も政治団体、政治社会団体の各任期で任務するために投票された人の認定を通じて法律の形式源として認められることを間接的に認定した。社級の党委員会の長官と副長官、政治社会団体の長等も幹部や公務員である。従って、このような幹部や公務員がそれらの組織の規律に違反した場合、処分される時にその組織の規律は引用され適用される。

　　　職業協会の規則については、理論上も実践上も明確にする必要がある問題はどんな職業協会の規則が法源の源の一つとして認定されるのか？その規則はどのような社会関係を調整し、どんな問題について述べるか？ 要するに、これは比較的新しい問題であり、私たちの国の法源の一つだと認める前にで慎重に考慮すべきだ。

1.4. 世界中ヶ国の法制度

　　　200 以上の国と地域では今日の世界は文化や民族性の高い多様性を示す。これは政治、経済、社会体制が経済的、社会的に違う国の法制度で明らかに表現される。

　　　しかし、法律伝統と法的方法の観点で全体的に見れば、世界各国の法制度のほとんどは次の 3 つのシステムのいずれかに属する：イギリス・アメリカ法制度（Common Law・英米法）、コンチネンタル法制度（Continental Law ・ 大陸法）とイスラム法（Islamic/ Muslim Law ・ イスラム/イスラム教徒の法律）。

　　　1.4.1. イギリス・アメリカ法制度（Common Law ・ 英米法）

　　　議会によって策定された法律の他に判例法を一般的な法律の形態として使用する法制度である。

　　　また、英米法はサクソン ・ アングロ法制度としても呼ばれる。この法制度は裁判所の裁判実践を高く評価し、裁判所が裁判する機関だけではなく判例によっ

て法律を創った機関としても認める。この法制度は、形式法（訴訟法と行政手続き）を非常に重視する。英米法もオープン法制度と呼ばれる。理由は議会が公表した法律以外に法律の実際上の適用により創られた法律部分もあるからである。

英米法はあまりローマ法の影響を受けない。この法制度では、法律は公法と司法に分割されない。

英米法はイギリス、アメリカとイギリス法律の影響を受けている国に存在する。例えば、ラテンアメリカ諸国の大半、アフリカの一部の国やインド、オーストラリア、ニュージーランド、パキスタン等。

1.4.2. コンチネンタル法制度（Continental Law ・ 大陸法）

世界で一番偉大な法制度であり、欧州大陸諸国と一部の非ヨーロッパ諸国に存在し、世界中の多くの国に広い影響を与えている。

ローマ法とローマの法的科学の影響を深く受ける法制度であり、その中で法律は公法と司法に分割されている。

欧州法制度は世界の法制度の中で最も完全に文書化され、高い成文化されるレベルがある法制度である。英米法とは異なり、本法制度は判例を尊重せず、汎用な形式とは扱わず、限定的に使用している。慣習法に対しても同じ扱いとなっている。

欧州法制度はフランス、イタリア、スペイン、ポルトガル、ドイツ、オーストリア、ベルギー、ルクセンブルグ、オランダ、スイス等のヨーロッパ大陸の国々、アフリカ、中南米、日本を含む東欧諸国の多くの国に存在する。

1.4.3. イスラム法（Islamic/ Muslim Law ・ イスラム/イスラム教徒の法律）

イスラム教に結びつく法制度であり、主な源がコーラン聖（イスラム教徒の聖書）である。

イスラム法はイスラム教の基本原則や柱、イスラム教徒の慣用や習慣に基づいて構築される。世界の法制度と違って、独立した科学ではなく、イスラム教の片側、一側面のみである[8]。宗教規範、道徳と法律のミックス法制度である。社会が行動を良いか悪いか評価するための基礎でありながら、裁判官が行動が正当か違法とみなすための法的根拠である。

---

[8] Les grands systemes de droit contemporains – Réne David & Camille Jauffret-Spinosi, Edition Preciz Dalloz 1992 年、頁 418

　　　　イスラム法の思想は西洋の法律の思想とは異る。ほとんどの欧米諸国は法律を立法機関を通じて市民の意志の表現として扱うのに対して、イスラム法はアッラー様の忠実なの使徒であるアッラー様のモハメッドの預言者の素晴らしい発見を通して法律をアッラー様の意志としている[9]。

　　　　イスラム法制度の法的源は以下のものを含む：*コーラン聖*、すなわち 6237 の詩文がある聖書であり、30 集、114 章で分かれ、法的な原則、民事関係や家族と結婚関係を調整する規定、刑事関係、訴訟関係、貿易金融関係と国際関係が含まれる [10]。スンナ・伝統的な慣用や慣習である。コラン聖を旧約聖書とみなし、スンナを新約聖書とみなすことができる。*Ijam* ・ 権限のある人の協定や合意である。*Quiyas* ・法則同等推定である。

　　　　上記の 4 つの法源の中で、コランとスンナは主な法源であり、Ijam と Quiyas は補助源である [11]。

　　　　コーラン聖（musulman 人はそれを Chariat とも呼ぶ）によると、人間の行動は次の 5 つのカテゴリーに分かれる：a）必要な行為（obligatoire）。例：育児義務、税金の支払義務等；b）行うべきの行為（recommandes）。例：病気がかかった友人の訪問、貧しい人の支援等；c）をやってもやらなくてもいい行為（Indiffrerentes）。大したことがなく留意すべきではない行為である。例：健康的な娯楽や遊びの参加；d）非難されるべきの行為（blamables）。例：約束時間の遅れ、失礼の言い方、不適切な歩き方；e）禁止行為（interdites）。例：殺人、強盗、詐欺、窃盗等。法的面と道徳の面で人間の行動を評価するための基本的な原則だと考えられる。

　　　　イスラム教に結び付くかつ主な源がコーラン聖であるため、イスラム法は他の法制度と比べて多くの特徴を有する。犯罪の重大性により、コラン聖書は次のように 3 つの犯罪の種類を分ける。

---

[9] Introduction to comparative law by Konrad Zweigert and Hein Kotz, Oxford 1998 年、頁 304

[10]各章の長さが異なる。最長の章は 286 節があり、最短章は 3 つの節がある。各章の順序は内容にしろ時間にしろの順次で分類されない。一般的に、最初の章はその後の章より長い。メッカで公表された章はメッカ章と呼ばれ（聖書全体の約 2/3）、マディーナで公表された章はマディーナ章と呼ばれる（聖書の約 1/3）。その聖書の約 200 の詩文のみ（約 3%強）が法律に関係している。その中で、法的な原則、民事関係や家族と結婚関係を調整する規定、刑事関係、手続き関係、貿易金融関係と国際関係が含まれる。

[11] 原文：International law for business by Karolyn Hotchkiss, McGraw-Hill- International edition 1994 年と博士・弁護士ボー・フン・タインのベトナム語バージョン、統計出版社、1996 年、頁 92 も参考のこと。

　　a. Hudud：神に対する犯罪： 7 つの犯罪を含む：浮気（姦通を含む）、誹謗、飲酒（公共の場所と個人の家で）、窃盗、道路上の強盗、背教、聖書違反。上記の 7 犯罪では、最初の三つの犯罪（浮気、誹謗と飲酒）はロッドで打たれる。窃盗、道路上の強盗は身体を十字架に釘付けたり、手足の切り離したりされる。背教、聖書違反は首切り離しを処罰される。

　　b. Quesas：被害者や被害者の家族の復讐を必要とする犯罪である。殺人（意図的にまたは意図せずに）。傷害を引き起こす（意図的にまたは意図せずに）を含む。

　　その他の法制度とは異なり、多くの場合、殺人を最も重大な犯罪だとみなす。イスラム法では神に対する犯罪は最も重大な犯罪であり、殺人や傷害の引き起こしが個人に対する犯罪であり、神に対する犯罪ではないため、ハッドよりも重大度が低い。窃盗、強盗は手足が切り離され、不倫の妻が死刑と判決された場合、ここの処罰は身体または人生で支払われることになるので、お金で償還できない。しかし、殺人した場合でも殺人は加重事項または軽減事項によって死刑または身代金、身代資産と判決する。イスラム法の下では、一人の男性を殺害した場合 50 頭のラクダを償還することができる。一人の女性を殺害した場合、100 頭のラクダで償還できる。現代の時代であっても、サウジアラビア（1988 まで）では償還されるために、犯罪者はイスラム教の一人の男性に対して 32000 ドルを、イスラム教の一人の女性とイスラム教ではない一人の男性に対して 16000 ドルを支払わなければならない。イスラム教ではない一人の女性に対して 8000 ドルを支払う。

　　c. Taazir 犯罪：豚肉を食べること、詐欺発言、贈収賄、スパイ、ひわいな言葉、わいせつな服の着用、交通規則の違反などを含む。Taazir 犯罪の訴追と処罰は裁判所や宗教要人の自己判断による。処罰は懲役、罰金であり、通常、ハッド犯罪やQuesas 犯罪よりも軽い。

　　訴訟法（刑事および民事）ではアッラー様の前の宣誓は誠実な証拠とみなされる。家族と結婚分野ではその他の法制度は一夫一婦制の結婚関係を確立する一方、イスラム法は一人の男性が 4 人の妻を持つことができる。多くの法的規制は重い封建思想を反映する。しかし、この法制度は人類の共通の法律感や法律基準に一致させるためにだんだん進んだ、かつ近代的な傾向へ改善されている [12]。

---

[12]准教授・博士タイ・ビン・タン *イスラム法制度*について（出典：電子立法研究雑誌）も参考のこと。

その他、一部の国には自国の法制度には上記の法制度の影響を受けてミックスの状態になっている。この法律派の特徴は、公的性と私的性、国家性と国際性の両方も持っていること。具体的に言うと、人権と公共自由権に関する法律、欧州コミュニティ法、社会問題に関する法律、建設法、海事法、保険法、刑事法、裁判法（訴訟法）、国際司法等である。

上記の側面により法律を認識することで法律と公共政策のシステムを通じる国家の発展への役割が明確的に分かる。

第 2 章

法律の公共政策のインタラクション

2.1. 法律への公共政策の影響

2.1.1. 公共政策が法律調整の目標や原則を支配する

法律の調整は国家が（調整するツールとして）設定した目的を達成するために社会的関係を一定の方向に影響する過程である。従って、法律の調整は法律による社会管理活動の形式の一つだと呼ばれる[13]。

法律調整の目標、原則は法律調整過程の第一段階の問題である。従って、調整目的のレベルを特定する必要がある。調整活動全体の目的もあるし、個別の分野やケースの目標がある。ここから、個別の分野やケースの目標に合わせて調整目標の原則を特定する。

公共政策は法律調整の目標、原則を支配する。公共政策は経済・社会主体の活動を指向する役割を果たす。政策目的は国家の公共の問題に対する行動を反映するので、社会主体が国家の求めている将来価値に合わせ動かすように国家の社会主体への影響傾向を明らかに表す。社会実体が政策目標に従った活動を行った場合、共通の開発目標を達成する意味であり、国家からの支援を受けることになる。また、政策ソリューション自体も経済・社会主体を施策の策定において指向する役割も果たす。

現在、ほとんどの国家は市場、法律国家と市民社会という 3 つの発展用柱に向かっている。この三つの要素は各分野並びに連携政策（3 つの分野の関係）の政策

---

[13] ハノイ法律大学 – 准教授・博士グエン・ミン・ドアン、*国家と法律の理論教材*、国家政治出版社、ハノイ、2010 年、頁 490

議論プログラムに反映されるべきである。それ以来、政策の制度化は適切な目的と原則を特定する必要がある。法律調整の基本原則は次のとおり：市場の客観的法則（需要と供給の法則）を尊重する；国家の社会への介入を制限する；国家が開発構造役割、小国、サービス国に向ける；個人の民主権、自由権（思想の自由、経営の自由、居住の自由）を尊重・発展する。国家が政策の内容と法律の調整原則を確立できてからこそ、発展に適合する法制度モデルを構築できる。法律業界もここから適切な目標や目的、対象、方法を確立できるようになる。

2.1.2. 公共政策 が法律の調整内容を支配する

　　　法律は国家の社会への基本的で主な管理ツールである（広い意味で）。法律の調整内容は社会生活の特定の分野における法律関係参加者の権利と義務である。法律により政策に基づいて調整される、あるいは管理される社会分野は言葉では期間に応じて不変なことではない。ここで公共政策は国家管理内容と法律の調整内容を確立する役割がある。公共政策を通じて、国家は経済社会主体が活動を行うための良い環境を作るための必要な条件を出す。例えば、労働市場、資本市場、科学技術市場、株式市場、不動産市場、サービス市場の開発政策；または、次のように国家の経済・社会を正常に安定的に発展させるためマクロ経済のバランスを確保するための政策：供給と需要、お金と製品、輸入と輸出、投資と消費、節約と消費等のバランス。その上で、国家は次のように、政策内容を調整する法的文書を公表した：労働法、科学技術法（2014 年）、不動産経営法（2006 年）、投資法（2013 年）、信用機関に関する法律（2004 年）、証券法（2004 年）等とその実施を案内する法的文書。

　　　法制度は権利と義務、実施プロセスを調整し、法律関係の参加者の権利と義務を保証する。その中で国家は法律実施主催者として参加する。このように、公共政策の内容は法律の調整内容を支配する。これは公共政策が生活で行わる方法である。

2.1.3. 公共政策が立法プロセスを支配する

　　　政策は共通の政治方針の具体的な表現である。共通の政治方針や指導党の政治の綱領に基いて、政策を策定する。政策は法律を制度化する基礎である。つまり、法律は政策の制度化の結果である。制度化されない政策がある、またはいつまでも制度化されない政策があるかもしれない。理由は新しい思想や実際の変更にもはや

21

適しなくなるので制度化に選択されない。しかし、非政策法律や政策外の法律が存在しない。この意味では、政策は法律の内容である一方、法律は、政策が「権限のある者」により認められたり「調整」されたりする時、つまり国家によって特定の手順で公表される時に、政策の表現の形式や手段である。

　　　立法プロセス は最高の品質のある法律を策定するために法律が定める合理で厳密な科学的な順序で行われるステップやステージである。2008 年の法的文書公表に関する法律によると、立法プロセスは次の 6 つの手順で行われる：1）法律や法令の構築プログラムの策定；2）法律や法令の起草；3）法律や法令プロジェクトの審査 4）国会常任委員会の検討と意見提案；5）相談、改訂し法案や法令案の通過；6）法律や法令の公表。上記の 6 つのステップは相互に厳密な関係を有する。

　　　立法プロセスへの公共政策の支配は立法プロセスの 3 つのステージで表現される。

　　　ステージ 1：法律や法令の構築プログラムの策定

　　　この段階の二つの主要な内容は、法律や法令の構築議題で構築するために立法のイニシアチブの提案 [14]と優先順位の確立 [15]である。

---

[14]行政法のベトナム語 - フランス語辞書（世界出版社 1992 年）によると、立法のイニシアチブ（initiative de loi）は次のように解釈される：「一部の機関、組織や公務員が国会や議会に法案 (projet de loi)または法律についての提案（proposition de loi）を提案する権利である」（法案の提出権と法律についての提案の提出権は以下のように解釈される：法案の提出権（projet de loi）は機関、組織や公務員が法律に従って文書を国会や議会の前に提出して法律通過のために検討・通過してもらう権限である。法律についての提案の提出権（proposition de loi）は機関、組織、国会議員及び市民が法的文書の草案プロジェクトについて国会や議会の前に検討することを提案する権限である。法律についての提案の提出権はただ国会に法案の草案についての決定を提案することであり、その法案の草案と国会の前での提出を含まない）。

[15]立法のイニシアチブは法律や法令の構築プログラムに入れられるために以下のステップを経過する必要がある。

- ステップ 1：立法のイニシアチブ権のある主体は法律や法令構築案を国会常任委員会に提出する。特に国会議員は法律や法令構築案の提出権の外に法律や法令についての提案を提出する権限もある。政府の法律や法令の構築提案の場合は、政府は法律や法令構築プログラムの計画書を作成して国会常任委員会に提出しなければならない。

- ステップ 2：国会の法律委員会は主催し、民族評議会や国会の他の委員会と協力して政府の法律や法律構築プログラム計画書、他の機関や組織、国会議員の法律、法令構築提案、国会議員の法律、法案についての提案を審査する。

- ステップ 3：国会常任委員会は法律や法律構築プログラムというプロジェクトを策定し、国会に提出して、政府の意見、他の機関や組織の法律、法令構築提案、国会議員の法律、法案についての提案、審査機関の意見に基づいて決定してもらう。

- ステップ 4：国民議会は議会の本会議で法律や法律構築プログラムを通過する。

　　　　原理的には、権利保有者は [16]立法のイニシアチブを提案できる。しかし、指導党の政治の綱領によって、立法の内容は重要な政策課題に絞られる。ここから、立法権限のある機関は議論して法律や法令の構築プログラムを通過する。

　　　　ステージ 2：法律、法令の実現可能な案の策定

　　　　この段階は次の活動がある：1）起草委員会の設立と起草主催機関の割り当て；2）法律や法令プロジェクトへの意見ヒアリング；3）政府が提出した案法の査定；4）法案の審査；5）国会常任委員会の法案についての検討・意見提案 [17]。

　　　　これは「政策を法律に翻訳する」過程とも言われる。このプロセスを通じて法律の起草を担当する権限のある者は政策の目標や政策を法案に反映する義務がある。これらの主体の認識レベルに応じて「政策を法律に翻訳する」は良好な結果（品質がある法案）または悪い結果（品質が悪い法案）をもたらす。

　　　　従って、この段階では政策の目標や政策のソリューションは法律や法令の実現可能な草案の主な対象となる。

　　　　ステージ 3：法律、法令の決定

　　　　この段階は法的文書の議論と通過（決定、公表）を行う。投票・通過の権限を有する者は各政策が法律によく反映されていると判断した場合、その法律を議決して通過する。「法律は政策をよく反映する」状態とは、法律の行為構造には科学的かつ持続可能で目標と政策措置を確立できることである。

2.1.4. 公共政策が法律実施を支配する

　　　　法律の実施は法律の規定を実現し、それらを生活で本当に展開され、法律主体の正当な行為をさせるための意図のある活動である。法律の実施は次の形式がある：法律遵守、法律の執行と法律使用。

---

[16] 三権分立という学説を適用しているアメリカでは、立法のイニシアチブの権限は国会議員の「特権」とみなされる。そのような規定は国家の本当の立法権を確保する。日本では、立法のイニシアチブの権限も国会議員に与えられるが、法案を国会の前に提出されるために、少なくとも 20 人の議員または 10 人の上位議員の同意を得る必要がある。イギリスでは、政府も国会議員も議会の前に法案を提出する権利を有する。

[17] 2008 年の法的文書公表法第 48 条

　　　法律の策定後、法律の実施は法律調整の第二段階である。これは欠かせない、重要な段階である。法律は、尊重され、生活で完全で厳密に実施された時にのみ、社会関係の調整、秩序の維持及び社会の開発用条件の与えにおける価値や役割を果たすことができる。

　　　法律を公共政策内容の制度化だとみなす場合、つまり法律の実施が公共政策の実施の方式であることを意味する。しかし、これら 2 つのプロセスは同一ではない。

　　　法律実施への公共政策の支配は以下の要素で表現される。

　　　・公共政策課題の本質: 解決すべきの公共課題の本質は公共政策の実施と法律の実施に影響を与える。単一の公共政策は複雑の政策（例：学校の開設）より実施しやすい。公共課題が複雑あるいは新しい場合、その公共課題に関する公共政策の実施と法律の実施はただ単一の法律決定・行政決定を実施することではなく、一連の政策の実施方法の決定を実施することになる（例：教育品質向上プログラム）。実施主体の公共政策についての認識レベル、法律の意識によって複雑な公共課題は規定に従って真剣に実施されるかどうかになる。

　　　・公共政策の実施と法律の実施主体: 多くの組織の実施を必要とする公共政策 は多くの組織または組織の多くの部署の適切な連携や協力を要る。従って、法律実施の組織活動も複雑になり、公共政策の性質に応じて垂直、または水平の政府間組織が必要な場合もある。

　　　その他、公共政策は法律の実施主体に別の利益や野望を与えることがある。これは彼らのその公共課題に関する政策や法律の実施の積極性に影響する。

2.1.5. 公共政策が法律評価を支配する

　　　法律評価は複雑な問題である。このテーマでは公共政策と法律のインタラクションを法律の調整仕組みに基づいて確立する時、法律評価は法律の効果の評価に傾く。しかし、法律構築の活動を追加して評価すべきだ。

　　　法律の効果は実際に法律が影響（調整）して形成した結果である。問題についての法律の効果の評価は公共政策の目標と法律実施の結果の関係で検討して意図した目標に達成できたかどうかを確認する必要がある。ここで、公共政策の内容、目的と案は評価基準であり、法律の効果の評価方法も決定する。

　　例えば、貧困削減政策に関する法律の評価は必ず貧困削減政策、貧困削減目標、貧困削減へ影響するプロセスの全体で行い、公表された法的文書が政策の進捗や内容に適合するかどうかを検討する必要がある。

　　明らかに、公共政策の内容、目的と案はその公共課題に関する法律の評価基準でなければならない。政策外法律や非法律の政策が存在しない。

2.2. 法律と公共政策の実施

2.2.1. 法律が公共政策の表現形式である

　　国の発展の各期間では、私達の党と国家は経済社会発展への目標、方向、ミッションとソリューションを特定した。法律は党と国家の政策を制度化する必要があり、社会、市民、社会階層の積極性を活かして経済社会の安定と持続可能な発展を確保する。政策は、その内容が*法律の言葉*に変換された、すなわち、各主体の権限、義務と責任との法律関係の形で確立された場合、法的に確立される。このように、法律は法律関係の形で公共政策の表現形式である。

2.2.2. 法律が公共政策の実施のための法的根拠である

　　法律は国家機関システムの設立のための法的根拠を作り出し、それらの機関の公共政策の実施における権限を明確化する。

　　法律により、国家は公共政策の影響対象を完全で正確に認識することに基づいて国家機関の適切な管理の形式、方式、方法を特定する（一般的）。法律は公共政策に属する課題に関する国家管理機関の組織やシステム運営についての問題特定を通じて公共政策の課題に対する国家管理の効率を確保し、公共政策分野において対象者に適切で特徴的な管理方式や方法を規定する。

2.2.3. 法律が公共政策の評価・監督のための法的根拠である

　　・*法律は公共政策を評価するための根拠である。*

　　公共政策の評価とは政策措置の実施で得た結果を実際に体系的に確認し、当初の目標と比較して意図した目標に達成したかどうかを判断することである。

　　最も一般的な観点では、3 つの公共政策の種類がある：行政評価、司法評価と政治評価。これらは実施形式、参加者と評価の影響で異なる [18]。その中で、司法評価は最も顕著に法的根拠を表す。

---

[18] 准教授・博士グエン・フウ・ハイ _ マスターズレー・バン・ホア（同じ編集者）、*公共政策の概要*、*国家政治出版社*、ハノイ、2013 年、頁 359-363 も参照のこと。

　　　　司法評価は予算、優先順位、効率および支出を無視するが、公共政策のプログラム実施方式に関連する法的問題へ特別な注意を払う。司法評価は政府の行動と憲法の規定または行政行為と個人の権利の間にあり得る紛争について評価する。このため、法律はこの評価タイプの法的根拠である。

　　　　司法機関は政府の行動を自分の意見で、または政府機関を裁判所（行政裁判所）に訴えた個人や組織によりそのように要求された時に見直す権限を与えられる各国の政府の行動を見直す理由は大きく異なるが、常に実施されている政策の合憲性に関連する、または、政策の実施や開発が民主主義社会における自然権や正義の原則に違反するかどうかを確認する。つまり、審査員は、一つの公共政策が政法で認めた原則と規定に従って実施・開発される否かを評価することである [19]。

　　　　・法律は確認・監督の方式や方法を認めて公共政策の実施における違反行為を処分する。

　　　　法律のこの役割は公共政策で定めている要件、原則、規定が尊重され完全で厳密に実施されることを確保する。国家は機能的組織を通じて公共政策における権限のある機関、組織、個人と関連する組織や個人に対して検査を行い、市民から公共政策の実施における法律違反行為のある機関、組織、個人への申し立てや訴えを適時に検討して対応する。

　　　　私たちの国が社会主義指向で市場経済に切り替えた以降、集中的計画化・補助時期の公共政策と実施仕組みは既に 不合理になる。しかし、市場経済の構築がまだ私たちの国にとって新しいことのため、公共政策の課題に関する法律の構築・完全化のプロセスには以下のような傾向を降伏克服する必要がある。

　・社会政策と経済政策の切り離し傾向

　・一度にすべての社会問題を解決したい傾向

2.3. 憲法 ・公共政策の法的基礎

2.3.1. 憲法についての概念

現在研究者の視点に応じて憲法について多くの定義が存在する。

　・政治的・ 法的イベントまたは政治的な機能として、憲法は憲法の公表時点での社会の政治勢力の相関を反映した文書である。資本主義の初期の頃では、憲法

---

[19] 准教授・博士グエン・フウ・ハイ ‒ マスターズレー・バン・ホア（同じ編集者）、*公共政策の概要、国家政治出版社*、ハノイ、2013 年、頁 361-362.

は資産階級と封建階級間の政治勢力の相関を認めた文書である。その後、王が代表する封建階級の位置が弱くなったことに連れてその政治勢力の相関は支配する資産階級と労働者に切り替える。

　　教授 Stecno（ドイツ連邦共和国）は憲法を国家の組織、国家の組織原則と活動、形式、構造および国家と市民の関係を調整するための最上位の規定と考えた。

　　・　内容の面では、憲法は国家の最も重要な法的規則であり、国の政治組織、状態構造及び国家権力の実施組織の基本的な原則や該当する国家体制モデル、人権と市民権を規定する。

　　このように、憲法は、市民によって設立されたため、国家の基本的で最高の法的効果がある。その中で、市民の権利は尊重され、国家の施行と保護を必要とする。逆に、国家権力は憲法こそによって制限されなければならない。人民主権は立法機関により公表された法律と比べて憲法の優れる位置をもたらす特性である。これらの文書は常に憲法に準拠する必要があり、違憲である場合、廃止しなければならない。

2.3.2. 市民 ・公共政策を決定する主体

　　要するに、市民は公共政策の主体である。また、市民は国家権力の主体であり、コミュニティ社会のために公共政策を実施することを国家に委任する。

　　ベトナムでは、国家の最高の主体、全ての国家権力の最高の主体は市民である。国家権力は国民に由来する。国家権力は、いずれかの組織や個人が保持しても市民からの委任に由来する。国家機関自体は市民から権限を与えられないまたは委任されない（直接または間接的に）限りでは国家の権力を有さない。

　　これは、国家と市民との関係には、国家は市民の所有者ではなく、市民は国家の所有者である。市民は国家への所有者を持つことを意味する。市民は国家や各機関の運命を決定するものである。ようするに、市民は公共政策を決定するものでありながら公共政策の影響を受ける対象である。

　　市民は直接または間接的な民主形態を介して公共政策を決定する。

　　例えば、2013 年憲法で定める政治分野における権限を介する（例えば、言論の自由権、新聞の自由権、情報アプローチ、集会権、協会参加権、デモンストレーション権（第 25 条）、投票権、選挙に立候補する権（第 27 条）、国家管理に参加する権（第 28 条）、国家が市民の意見ヒアリングを行う時の議決権（第 29 条）及び申し立て・告発権利（第 30 条）等。市民は公共政策への意志を表す。

2.3.3. 憲法の基本的内容

　　　多くの科学者は二つの感覚を通して憲法の基本的な内容にアプローチする。*第一は* 内容が国家の最高機関、国家構造のすべての規定を含む。*第二は* 形式面では憲法は特別な機関により策定された特別な法的文書であり、その他の一般的な法律より高い法的効力を持っている。*憲法は政治権理の確立、譲渡と処理を定する規則である*（M.Pre'lot: Le Droit Constitutionnel est la science des re'gles juridique suivant lesquelles s'e'tablist, se transment, et s'exerce l'autorite politique）[20]。

　　　古典的な意味では憲法の基本的な内容はただ国家権力の組織について規定する文書であり、目的は国家権力が市民に属するという原則に基いて政治体制を特性することである。今日、多くは憲法は人権、経済、文化と社会制度の市民権についての規定までも拡大している。

　　　結論をいうと、憲法で公共政策と法律との間の相互関係は作用を考慮した場、憲法は違憲を防ぐために政策、国家機関の政策及び法的標準を公表する主体を確立することが分かった。

　　　ベトナムには 2013 年憲法は政治体制、人権、市民権、経済、文化、教育、社会、科学、技術と環境、国防、そして国家体制の組織に関して規定する。

2.3.4. 憲法の保護

　　　憲法の保護とは国家の法制度における憲法の最高の法的秩序を確保する目的で各違憲行為や事件を検討するための憲法訴訟仕組みを構築することである。国家体制での憲保機関の役割や性質、憲保機関の権限、事件の検討と判決の手順や手続き、憲保機関の決定からの法的結果等に基づいて、以下のように一部の憲保機関モデルについて概要的に記載する。

　　　分散型モデル（アメリカンスタイルのモデル）： これは分散型憲保モデルである（Decentralised constitutional control）。立法、執行および司法という枝の間の対立分散と制御学説に基づいて構築される。この学説の観点によると、裁判所システムは市民の法律違反行為を判決する機能のほか、立法や執行機関の権力の監督・制限機能も有する。従って、大統領、政府、議会がそれぞれ憲法の内容または精神に違反した一つの条例、議定、法的文書を公表した場合、これらの文書を無効化する

---

20 ブー・バン・マウ、レー・ディン・チャン　経済と法学辞書、大学書棚、サイゴン、1974 年を参照のこと。フランスの科学者並びに以前制度の科学者はほとんど科学と法律を区別しない。

機関が存在する必要がある。この機能を果たせる機関は立法や執行と独立するもの
でなければならない。それは裁判所の憲保の機能である。

　　米国の憲保モデルは高い効率がある司法により政府を監督するモデルである。
なぜかという、この監督は通常、裁判所での特定の事件の解決から開始するため、
具体的な監督と言われる。徐々に、このモデルはカナダ、メキシコ、アルゼンチン、
オーストラリア、ギリシャ、スウェーデン、日本など多くの国に登場した。米国の
具体的な監督モデルは、下位裁判所が類似のケースを扱う場合、必ず実施しなけれ
ばならない判例を作り出すため、非常に高い効果がある。

　　*集中型モデル（欧州大陸スタイルのモデル）：*欧州大陸諸国は司法裁判所に憲
法の監督権限を与えずに憲法裁判所または憲保評議会、憲保研究所と呼ばれる、特
別な裁判所を設立する。これは集中型監督モデルである。憲法裁判所は以下のよう
に次の国で設立された：オーストリア 1920 年、イタリア 1947 年、ドイツ連邦共和
国 1949 年、南ベトナム 1956 年、フランス 1958 年、トルコ 1961 年、ユーゴスラビ
ア 1963 年、ポルトガル 1976 年、スペインの 1978 年、ギリシャ 1979 年、ポーラン
ド 1982 年、ハンガリー1983 年、ソ連 1988 年、ロシア連邦 1993 年、カンボジア
1993 年、ベラルーシ 1994 年、ウクライナ 1996 年、タイ 1997 年、チェコ共和 1997
年。このモデルはオーストリアで一番早く設立されたため、オーストリアモデルと
呼ばれる場合がある。しかし、ヨーロッパが一番普及なので、多くの場合、欧州大
陸のモデルだと呼ばれる。

　　欧州大陸モデルによる憲法監督の特徴：

　　・欧州大陸モデルによる憲法監督とは主に憲法裁判所あるいは憲法評議会を通
じて集中的に監督するモデルである。

　　・欧州大陸モデルによる憲法監督は具体的な司法の監督だけではなく、抽象監
督も行う。理由はある規定の合憲性の検討課題が必ずしも特定の事件に結びつく必
要がなく、大統領、首相、上院または下院の会長、議会検査員、最高裁判所の裁判
長または議会代表者の 10 の 1 人を含め、権限のある個人や組織の提案に基づいて提
示されることがある。その他、地方評議会、市長も地方の権限が違反された理由で
法律の合憲性の検討を提案する権限がある。地方評議会により公表された法律に対
して、大臣はそれらの法律の合憲性の検討を提案する権限がある。

29

・憲法の規定による憲法裁判所の決定の効力は規範、規制または文書が憲法裁判所により違憲だと公表された時から全ての法律主体に対し必ず実施しなければならない価値がある。

立法機関が同時に憲保機関であるモデル： 現在、専門の憲保機関を設立しない国家がいくつある。それらの国は憲保権限を司法機関に与えず、憲法監督権限を様々な国家機関（例：議会、国家評議会、あるいは議会の特別機関等）に与えている。このモデルを展開している国家はフィンランド、バーレン、クウェート、オマーン、コンゴ、エチオピア、ギニアビサウ、ジンバブエ、ブルネイ、ミャンマー、中国、キューバ、ベトナム、ラオス、北朝鮮、パキスタン等を含む。

私達の国では、「他の全ての法的文書が憲法に一致する」ことを確保するために、国家は次の次のような憲法保護形式を規定した：権力のある機関、祖国戦線、市民の監督活動、権限のある機関が公表する前の法的文書草案の査定活動（事前確認活動）、公表後の文書の検査や自己検査活動（後の確認活動）等。2013 年憲法も法律による憲法の保護仕組みを規定する。従って、憲保仕組みのための研究継続は、市民の、市民により、市民のための社会主義法律国を構築する条件としてベトナムにとって非常に重要である。

2.4. 法律の公共政策の識別

2.4.1.公共政策の表現形式

公共政策は中央政府や地方政府が国家や地方の課題をマクロビジョンで解決するためのツールである。歴史的なプロセスによると、公共政策の最初の関心はギリシャの民主主義から出現した [21]。私達の国では立国の最初段階（1945 年）では、人主人民国家の役割を実施するために、私達の党と国家は次のように政策の役割を特定した：「ベトナム民主共和国の経済政策は永遠に市民の物質生活と文化を向上するために絶えずに生産・開発をやることである」[22]。その後、ベトナムの憲法は全て経済政策、民族政策、外交政策等に関する規定を反映する。

---

[21] 准教授・博士グエン・フウ・ハノ ＿ マスター　レー・バン・ホア　（共同編集者）、*公共政策の概要*、国家政治出版社、ハノイ、2013 年、頁 7-10 も参照のこと。

[22] ホーチミン：*完全集* 国家政治出版社–事実、ハノイ、2011 年、第 12 集、頁 372

　　　現在、「公共政策」についての定義がたくさん存在する [23]。特徴から見て公共政策概念は次のように定義される：「*公共政策 は国家により公表された関連する決定の集合であり、社会を特定の指向に発展させる目的で特定の課題を解決するための目標とソリューションを含む*」。

　　　公共政策は次のような役割を果たす：i)指向、ii）奨励・支援、iii)設立、iv）調整、v)市場の失敗の補正。

　　　次のように公共政策を分類する：i）公表主体による：中央の政策、地方の政策、ii)表現形式による：法律、白書、議定、通達、iii)分野による：経済、科学技術、教育、衣料、保安、国防、資源、環境等の政策。その他、存在機関、関係範囲、応答性質、影響性質と影響範囲による分類もある [24]。

　　　つまり、公共政策と法律は共に国家の管理ツールである。しかし、公共政策は法律の規定だけに表現されることではなく、国家のプログラム、計画、活動方針にも反映される。ある大きい政策は部分的政策の集合でる。例えば、飢餓撲滅と貧困削減の政策は国家目標プログラムを通じて貧しい人々を支援するための政策、貧しい人々のための授業料免除の政策、貧しい人々の無料の健康診断や治療の政策等。従って、政策の評価は、多くの場合、かなり複雑であり、総合的な視点が必要である。

　　　公共政策と法律の識別は次の基準による：公表主体、公表プロセス、目的、実施確保仕組み及びその他の基準。

2.4.2. 法律と公共政策の識別基準

・ *公表主体*

　　　法律の公表主体は国家、すなわち権限のある国家機関と個人 [25]である。法律は法規に従って手順や手続きで公表されるので、国家の力があり、国家の強制力による実施を確保される。

　　　公共政策は原則的に国家により公表され、国家の人事により（主に）とまたは社会のリソースにより実施される（官民化）。しかし、ベトナムの違いとは多く

---

[23]准教授・博士グエン・フウ・ハノ ＿ マスター　レー・バン・ホア　（共同編集者）、*公共政策の概要*、国家政治出版社、ハノイ、2013 年、頁 14-21 も参照のこと。

[24]准教授・博士グエン・フウ・ハノ ＿ マスター　レー・バン・ホア　（共同編集者）、*公共政策の概要*、国家政治出版社、ハノイ、2013 年、頁 298 も参照のこと。

[25] 法的文書の公表に関する法律により特定される。

公共政策は共産党の文書や決議により開始された。例えば、全国議会第 11 回の政治報告は次のように強調した：「信念と宗教に関する政策や法律を継続的に改善し、党の視点に適合させる。各宗教の文化的価値、道徳的善を活かし、宗教団体、政府高官や信者が良い生活と良好な宗教を送ることを励まし、祖国の構築・保護に積極的に貢献する。宗教団体が国家によって認定された宗教団体の定款に従って、法律の規定を順守して活動するために有利な条件を与える。そして自主的に信念や宗教を悪用して民族団結の魅了、分割、退散を防止し戦う [26]。

・　公表プロセス

法律文書と政策文書のタイプによって公表プロセスは異なる。従って、法律公表プロセスは草案策定から査定、検査、議論及び通過までより多くの権限のある主体の参加がある。この手順は法的文書により定められる（法的文書公表法）。法的文書は合法性と合憲性を確保しなければならない。それで、原則的に密接に従わなければならない。違憲、法律違反の行為がある場合、その法的文書は一時停止、訂正または廃棄されなければならない。

公共政策は主に執行機関によりその機関の規則策定権限と行政権限に基づいて策定、査定、公表される。その他の組織や個人は出席して提案の役割を果たす。政策の具体的な例は国家のプログラム、計画、方針であり、単純に法的文書ではない。現在、ベトナムにおいて、行政決定、公共政の構築や公表プロセスに関して規定する法的文書がない。

政策と法律の間の公表プロセスの差異をよりはっきり理解するために、次の日本経済研究所　教授大野健一の違憲を参照されたい [27]：ほとんどの政策は企業の限定された関与で構築される。企業は企業が応援する政策について問題が発生した後または発生した時に意見を述べられる。また、各政策は各省庁の協力がなく、具体的な行動計画がなくただ政策一覧表にすぎない。各省庁自体では多くの計画があるが、優先的分野を特定できない。ベトナムでは業界的戦略が多すぎる。一つの戦略は数人のみで短期間で行われるため、品質が低い。政府は計画の優先順位を付けて選定する。いずれかの政策においても構築は分散的で多くの重複がある。例えば、

[26] ベトナム共産党：全国議会第 11 回の文書、国家政治出版社 – 事実、ハノイ、2011年、頁 245

[27] 日本経済研究所　教授大野健一はベトナム開発フォーラムでベトナムの政策、業界戦略の策定プロセスについての観点を述べる（出典：Vietnamnet.vn 電子新聞でのフォン・ロアン氏の記事）

自動車に関する環境問題を処理したい場合、商工省、交通運輸省、天然資源環境省、科学技術省、交通警察等の代表者に会わなければならないが、最高責任を負う機関がない。他の政策も同様。重なる省級の責任が多すぎる。その中で、大きな方針については決定する機関がない。ベトナム政府はあまりにも多くのことをやっている。国家の幹部は多すぎる計画、戦略を限られた資源、金融のリソースで構築している。
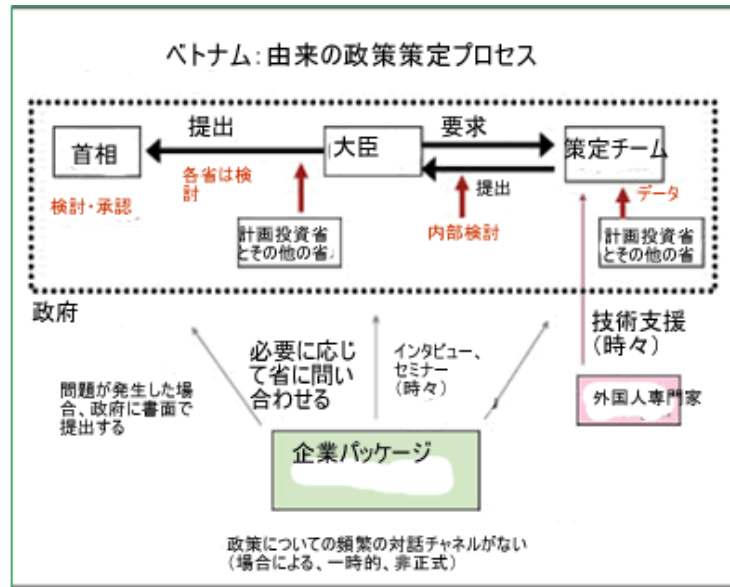
ベトナムの現行の政策策定プロセス

（出典：Vietnamnet.vn）
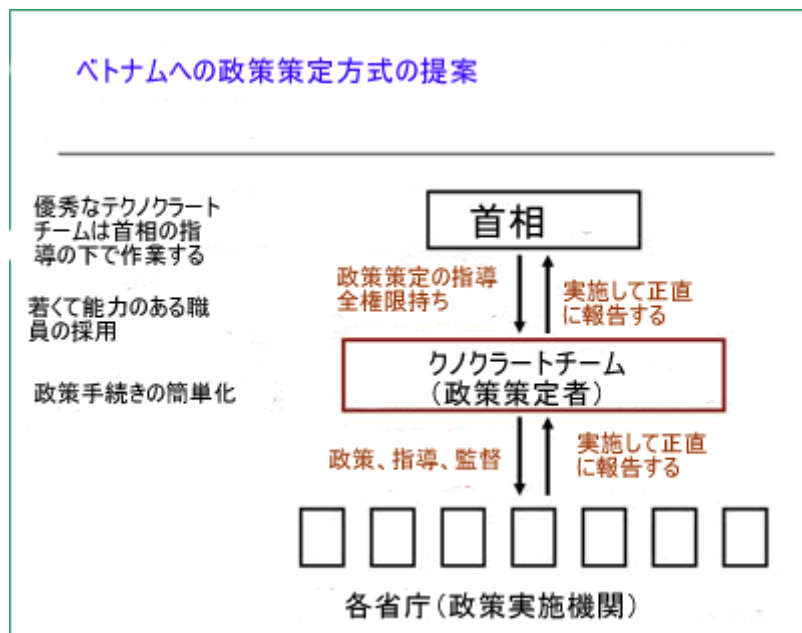
教授大野健一が提案した政策策定プロセス

（出典：Vietnamnet.vn）

　　　このように、立法活動では、上記のように政策と法律という二つの概念間の相互依存関係と縛り付け関係について正しく意識して扱う必要があることが分かった。その中、法律が「1 つの中で 2 つある」カテゴリーの一つである。法律は政策の表現でありながら政策である。

　　　政策の策定・構築プロセスを法律構築プロセスと同一する結果：法律策定が遅延し、進捗加速の要件を満たしなく、実際の要件に応じてますます公表・訂正すべきの法律の数量の増加を必要とする。枠的法律状態はまだ普及である。法制度の矛盾や重複はまだ多くある。個人利益の状態はまだ除去されていない。特に政策構築の研究がまだ弱いため、公表されたが実際に生活で導入できないまたは生活に適合しない法律もある。すなわち、*生活を法律に反映*できないと言える。

　　　多くの場合、皆はなぜ法律が生活で導入できないのかという問題だけについて注目している（すなわち、法律執行の観点からだけ考慮・評価する）。しかし、それはただ結果である。問題の根本は*生活を法律に反映*できないであり、その問題の原因は主に政策の研究と策定の弱点にある。

　　　・ *目的*

　　　法律の調整目的は政策の調整目的と違う。法律は通常、社会で普遍かつ基本的な社会関係を調整する。その目的はその基本的行動規則（法律規範）が社会の安定・発展の保証のために実際に厳密に実施されることを確保することである。

　　　公共政策は政策のタイプによって具体的な目的が異なる。最も一般的な面では国家の管理ツールとして公共政策は次の目的で国家により使用される：(i) 生産を奨励して経済用の商品と公共サービスを確保する。公共部門と民間部門の両方を奨励する；(ii) 短期的にも長期的にも経済、政治、社会、環境に対して効果的かつ実用的、効率的に公共資源を管理する。つまり、公共政策は政策策定能力の測定、目標の特定の根拠、検査・評価の根拠、国家予算、公共財産および天然資源等、公共資源の利用における責任の特定の根拠である。

　　　・*実施確保仕組み*

　　　公共政策と法律の実施確保に 対して多くの同様の条件がある。しかし、根本的な差異は、法律が国家の強制力により実施を確保される。例えば、処分、行政違反処分、さらに刑事違反への刑罰適用。一番高い目的は法律行為が法律規範に違反しないことを確保することである。

　　　逆に、政策は法律より柔軟性があり、行動計画の形で公表され、市場の奨励、支援、確立、調整と失敗の補正を行い、政策の対象者が経済社会生活で自分能力を高め、リスクや不良なことや社会階層間の機会の不平等を削減することを可能にする。

　　　実施確保仕組みには法律は公共政策が実施されることを確保する要素となる。公共政策の目標は、雄一法律執行プロセスを通じて達成できる（政策を生活に導入する）。理由は公共政策の実施は政策に述べた目標を達成するために政府により行われる組織的な活動を含むからである。執行中に国家の権限のある行政機関は政策の目的と目標を実現させるための規定、プログラム、プロジェクト及び手続きを確立してそのプログラム、プロジェクト及び手続きを実施するための活動を行わなければならない。公共政策が法規に制度化されない場合、政策がただ「描いたケーキ」で、生活ではあまり効果が出ないとは言える 。

第 3 章

立法プロセスと法律評価

3.1. 立法プロセス

　　立法プロセスとは最高の品質のある法律を策定するために法律が定める合理で厳密な科学的な順序で行われるステップやステージである。

　　2008 年の法的文書公表に関する法律によると、私達の国の立法プロセスは次の 6 つの手順で行われる：*1）法律や法令の構築プログラムの策定；2）法律や法令の起草；3）法律や法令プロジェクトの審査；4）国会常任委員会の検討と意見提案；5）相談、改訂し法案や法令案の通過；6）法律や法令の公表*。上記の 6 つのステップは相互に厳密な関係を有する。

　　3.1.1. 立法のイニシアチブ

　　　立法のイニシアチブ　（initiative de loi）は次のように解釈される：「一部の機関、組織や公務員が国会や議会に法案 (projet de loi)または法律についての提案（proposition de loi）[28]を提案する権利である」（法案の提出権と法律についての提案の提出権は以下のように解釈される：法案の提出権（projet de loi）は機関、組織や公務員が法律に従って文書を国会や議会の前に提出して法律通過のために検討・通過してもらう権限である。法律についての提案の提出権（proposition de loi）は機関、組織、国会議員及び市民が法的文書の草案プロジェクトについて国会や議会の前に検討することを提案する権限である。法律についての提案の提出権はただ国会に法案の草案についての決定を提案することであり、その法案の草案と国会の前での提出を含まない）。

　　　三権分立という学説を適用しているアメリカでは、立法のイニシアチブの権限は国会議員の「特権」とみなされる。そのような規定は国家の本当の立法権を確保する。日本では、立法のイニシアチブの権限も国会議員に与えられるが、法案を国会の前に提出されるために、少なくとも 20 人の議員または 10 人の上位議員の同意を得る必要がある。イギリスでは、政府も国会議員も議会の前に法案を提出する権利を有する。

　　　私達の国では立法のイニシアチブは法律や法令の構築プログラムに入れられるために以下のステップを経過する必要がある。

　　　・　ステップ 1：立法のイニシアチブ権のある主体は法律や法令構築案を国会常任委員会に提出する。特に国会議員は法律や法令構築案の提出権の外に法律や法令についての提案を提出する権限もある。政府の法律や法令の構築提案の場合は、政府は法律や法令構築プログラムの計画書を作成して国会常任委員会に提出しなければならない。

　　　・　ステップ 2：国会の法律委員会は主催し、民族評議会や国会の他の委員会と協力して政府の法律や法律構築プログラム計画書、他の機関や組織、国会議員の法律、法令構築提案、国会議員の法律、法案についての提案を審査する。

　　　・　ステップ 3：国会常任委員会は法律や法律構築プログラムというプロジェクトを策定し、国会に提出して、政府の意見、他の機関や組織の法律、法令構築提案、国会議員の法律、法案についての提案、審査機関の意見に基づいて決定してもらう。

---

[28] 行政法律仏越語辞書、出版社。世界 1992

・　ステップ 4：国民議会は議会の本会議で法律や法律構築プログラムを通過する。

3.1.2.　立法計画の策定（優先順位付け）

この段階の二つの主要な内容は立法のイニシアチブを提案し、法律や法令の策定議題で策定するために優先順位を付けることである。

．原則的には、権限がある者は立法のイニシアチブを提案することができる。しかし、指導党の政治の綱領によると、立法の内容は重要な政策課題だけに絞られる。ここから、立法権限のある機関は法的文書構築プログラムを議論して通過する。

法的文書構築プログラムの要件：

・法的文書構築プログラムは党の方針、国家の政策を制度化すること

・法的文書構築プログラムは法制度全体の一貫性を確保すること

・法的文書構築プログラムは法制度の順位を確保すること

・法的文書構築プログラムは法律構築の総合戦略に適合すること

・法的文書構築プログラムは実現可能性を確保すること

提案されたプロジェクトの優先順位を検討して決定する：

・先ず最初に考慮すべきの重要な基準は*社会の共通利益に関連*する課題である。例えば、貧困削減、雇用の創出と失業率の減少。通常、法的文書は順調な国家運営や社会福祉向上を促進する文書は最優先になる。

・国の*経済ファンダメンタルズ*を促進することを目指している法律や法令も優先されるべきだ。優先順位を付ける時、工業・農業発展のバランスを取り、国家の金融規制の安定性と安全性を強化し、外国人投資家に有利な条件を与える持続可能なソリューションを提案する法的文書に注意を払う必要がある 。その他、*市場枠組みの改善*（すなわち、どんな経営順序が優先されるのか）に貢献する法的文書にも注目すべきだ。

・また、非営利だが*インフラの構築*において非常に重要な位置がある法律にも注意を払う必要がある。例えば、国家予算法、労働法、高齢者や障害者への補助金の問題、環境保護法等。

優先基準の特定が必要であるが、硬い基準システムが必要であることを意味するものではない。それぞれ異なる時間でのそれぞれの国の状況に応じて文書公表の優先度基準の設定も異なる。

3.1.3.　法律の策定・公表

・法律の策定・公表の原則（客観原則、人権と市民権の尊重・確保原則、民主主義原則、法的原則、指導党原則）

・調整対象、調整方法の選定

・法律の策定・公表プロセス（2015 年法的文書公表法による）

立法プロセスでの法律と公共政策の「矛盾点」：

実際近年での立法は以下のような問題を明らかにした：国会に提出したが国会から停止また法律構築プログラムの後にされた法律がある；政府に提出したが（あるいは他の機関が政府に提出して意見を求める）政府により停止また法律構築プログラムの後にされた法律がある。国会により通知されたが、以下の状況になる：

・政策内容が法律で配向されないため政府や首相に渡して具体的な規定を得る。このため、実際に、政府や首相により公表される文書は法律や法令の効力より遅くれる。それで、法律は実施されるまでに案内文書を待つ必要がある。

・ 公表された法律に定められる政策の内容が政府が法案に述べたものと違う。

・ 政策が不一致のため法律の導入が大変難しい。

「政策を法律に翻訳する」活動の要件：

・法律の形で公表される法的政策の経済社会の影響報告予測に関する規定を完全化すること。

・ 法律に入れる予定の政策内容が明確にされること

・ 政策が安定的になること

・ 政策の構築が明らかであり、共通権利と社会の発展に適合し、共通の発展を促進しなければならぬ、一部の省庁又は個人の利益のためではない。これに基づいて、政策を制度化する法律こそは調整対象者に対し平等的な法律環境が作れる。

・ 適切な関心と投資があること。

3.2. 法律の効率や効果の評価

3.1.1. 法律の効率や効果の評価内容

・ *合憲性についての評価*

先ず、合憲性について。これは法制度全体の一貫性を確保する主要な要因である。合憲性 は、あらゆる法制度に属する全ての法律規範が憲法と矛盾したり反したりしないこと、文書の一貫性、順位、法的効果を確保することを必要とする。そ

のことは憲法の規定により、異なる上下位で名前が一致する制度を形成する。憲法に反している法律や法令は一時停止または廃止されることになる。合憲性は 文言や具体的な規定だけでなく、憲法の精神、思想、原則にも基づいて判断される。

　　*第二は　合法性について。*この用語は「合憲性」と一緒に使用される時に、一般的な法律（憲法を含む）の規定に準拠する意味を含まず、法律と内規の規定に準拠することのみを指す。この意味では、合法性を確保するために、法的文書は所定の権限、順序、手続きに従って公表されなければならない。また、文書の形式は文書上の技術基準に適合しなければならない。

　　・全面性、統一性、同期性についての評価

　　法制度の全面性と同期性はその形式構造で表現される。すなわち、法制度は社会生活の重要な分野での調整需要を十分に対応する能力があること。これは法律の規定が社会生活全体を包括する能力を必要とする。そうすると、代表的で普及される重要な 社会関係が調整を必要とされる時に法律により調整されるようになる。

　　法制度の全面性と同期性は様々なレベルで評価されるべきだ。例えば、各法律規範が論理的で厳密的に構造化されること；各法律規制が必要な法律規範を充分に有すること；各法律業界が法律業界による構造の法律規範を充分に有すること；法制度が国の各発展段階における社会関係の発展需要を満たす法律業界を十分に持つこと。このことは法的文書が全面で同期的に公表され、内容的法律だけではなく手順や手続きに関して形式的法律にも重視されることを必要とする。同時に各文書の実施を案内するための細則文書も十分に公表しなければならない。

　　法制度の一貫性は、法制度に形成する部分の間に親密な関係だけではなく内部的統一性も存在することで表現される。法制度の一貫性はシステム全体及び整形する部分で表現されなければならない。各部分や法制度の異なる部分では法的文書の重複、矛盾等がないこと。このことは法的文書が内容の統一性・調和性を確保することだけではなくそれらの法的価値の順位性も確保しなければならないことをお必要とする。その中で、憲法は基本的な法律で最高の法的効力があり、他の文書は憲法に適合しなければならない。

　　実際法制度の評価は制度全体の一貫性を確保するために主に法制度の一貫性を評価することである。「一貫性」は「合憲性」と法制度の「合理性」 と違う。

　　「法制度の一貫性の確保とは政策内容が法的文書全体で統一に表現される k と尾を確保すること、同じ法律業界または法制度全体の異なる法律業界の法律規範、

39

法律規制が法的文書システムの順位性を低い法的効力の文書がより高い法的効力の文書に適合し、全てが憲法の規定に準拠することを確保する上、相互に適合し、矛盾または重複しないことだと解釈される」。

・　法制度の一貫性の要件：

法制度の一貫性は全ての法的文書、法律規範が憲法の規定に準拠すること、下位機関が公表する法的文書、法律規範が上位機関が公表するものに適合すること、人民委員会が公表する文書や規範が同等階級の文書に適合すること、同じ機関により公表される法的文書、法律規範が一致すること、一つの法的文書内の法律規範が一致すること、法的文書がベトナム社会主義共和国がメンバーである国際条約に適合すること、各文書が文書の形式と調整内容で一致すること、文書技術が一貫で使用されることを必要とする。

・　私達の国の法制度の一貫性を確保するための評価内容：

現行の法律の規定によると、法制度の一貫性の確保は法的文書が公表される前後で実施されることになる。

+ 第 1 段階では法制度の一貫性の確保は法的文書の構築・公表プロセスの手順に集中する。従って、この責任は文書の策定・公表プロセスに参加する様々な主体に割り当てられる。その中で、文書の草案が法制度への合憲性、合法性と一貫性を確保するため査定・検査の責任を負う主な主体が一つ存在する。

+第 2 段階では法制度の一貫性の確保は法的文書の監督、確認、見直しという活動を介して実施され、適時に矛盾や重複がある文書や法律規範を摘発して一貫性の確保のため法制度から除去する。

上記の規定の実施を通じて公表された法的文書の品質は改善され、法制度の構築・完全化の目標に大きく貢献する。しかし、実際に公表された法的文書が一貫性を確保していないことがまだ多い。主に内規や法令である [29]。

---

[29] 政府の報告によると、2006 年、2007 年、2008 年と 2009 年の最初の 6 ヶ月には司法省は各省庁、県級の人民評議会と人民委員会が公表した 16,143 文書を見なおして検査した。その中で、1,388 の文書（8.6%.）には違法な兆候があることを摘発した。2006 年に各省庁、県級の人民評議会と人民委員会が公表した 4215 の文書のうち、違法な兆候がある 286 の文書は処理、処理の提案をされた。翌年のデータはそれぞれ 2007 年は 320/ 4472、2008 年は 490/4646、2009 年の最初の 6 ヶ月は 292/2810 *（政府の 2009 年 8 月 17 日の報告第 127/BC-CP 号）。*

法的文書の検査・処理に関する 2003 年 11 月 14 日付議定第 135/2003/NĐ-CP 号の 5 年間実施報告会で司法省法的文書検査局の報告によると、2008 年までに司法省は 3,460 の文書には違法な兆候があることを摘発した。その中で、省級は 333 の文書（10%）、県級は 3,127 の文書（90%）*（出典：法的文書の検査・処理に関する 2003 年 11 月 14 日付議定第 135/2003/NĐ-CP 号の 5 年間実施報告会資料）。*

・　*実現可能性と実用性の評価*

　　　法律の実現可能性とは法律の規定が現行の経済、政治、社会の条件で実現可能性があることを意味する。

　　　この特性は公表された法律の規定が現行実施・適用されている仕組みに適合することでも表現される。法律を公表する際に、国の経済、政治、社会の条件がその規定または法的文書の実施を可能にするかどうかを検討しなければならない。同時に国の体制組織、幹部や公務員のスキルがそれを実施できるかどうか、市民の知識レベルや法律知識等も考慮しなければならない。

　　　*法律の適合性は*法制度の内容が常に国の経済社会の発展レベルと相関することに表現される。法制度は経済社会の発展レベルを正しく反映しなければならない。その発展レベルより高くなったり低くなったりしてはいけない。

　　　法制度の適合性は次のような面で表現される：法律は国の経済状況に適合すること；国の政治状況に適合し、その中で最も大事なのは指導党の方針や政策に適合すること；道徳、習慣、伝統とその他の社会規範等に適合すること。その他、国家法制度は国際の条約や慣行の基本的原則に準拠して構築され、各社会関係に適合する法律調整方法を有する。

・　*実施費用と効果についての評価*

　　　この数年では、法的文書の見直し・評価は固有の基準で評価することだけに限らない。今法的文書の存在の意義は別の角度でも見直される。それは法的文書の調整対象社会関係や適用対象者への効率や影響の結果である。

　　　この傾向は 20 世紀の 70 年代に米国の学者により開発された法則の経済的教義に由来する。この理論は法律分野での経済学の役割を強調する。法律分野に適用される経済理論は取引費用に基づいて法律の効果を評価する傾向をもたらし、そこから法律の経済学についての理論を形成する。この理論によると、法律規範の効果は、あるいは広い意味では、法的文書の効果はかかった費用の面で評価される。その効果は実施費用と逆比する。規制が重いほど、実施しにくくなる。理由はそれが

「法律化のために収集している過程で違法な兆候がある文書がかなり多くあることが分かった。それは主に経済分野等に集中する。 代表なのは各地方での投資誘致政策である。初期評価によると、ほとんどの県にはこの政策はいくつかの違法な兆候があり、税制上の優遇措置、土地からの収益分野に集中し、国家予算を使って投資家をサポートする」。「上位国家機関の文書に反し、権限に反し、破棄する必要がある文書は 4〜5%、法的根拠を確保しない文書は 20%以上で、公表機関の名前、番号や記号が不正の文書は 15%、表現書式が不正の文書は 50%、署名や押印が不正の文書は 5〜6%を占める」。

（ベトナムエコノミック·タイムズによる： http://vietnamnet.vn/kinhte/chínhsach/2006/02/539965/）。

41

大規模の実施機関システム、遅い決定プロセス、複雑でお金がかかる行政手続きに関連付けられるからである。

・*市民の満足度についての評価*

市民は法律と政策の関係に関わる最大の主体である。民主法律国家では、法律は人、使用と発展を保護する法的なツールでなければならない。このように、市民の満足度は法律の調整目的となる。

法律に対する組織や個人の満足度の調査・評価（以下、満足度の調査・評価と呼ぶ）は国家機関や供給業者の法律サービスの品質を客観的で正確に測定することを目的とする。調査・評価を通じて、適切に強点、弱点、原因を摘発して文書の品質、幹部や公務員、市民の法律実施品質を向上するためのソリューションを構築・実施し、市民、組織や企業の法律と法律施行システムへの満足度を高める。

市民の法律への満足度の評価はベトナムで最近関心された新たな内容である。これも広い課題であり、常に法律の具体的な内容で表現される。例えば：ある法律についての評価、行政手続きについての評価等。従って、この評価は次のような指標セットの規定の調和関係で研究・実施されるべきである：PCI 指標 [30]（県級の競争能力指標、*Provincial Competitiveness Index の略語*）、PAPI 指標 [31]（ベトナムの県級の管理と公共行政効果指標）、正義指標 [32]、等。

---

[30] これは、経済運営品質と民間企業の発展への有利な経営環境構築に関するベトナムの地方の評価とランキング指標である。これは、ベトナム商工会議所とベトナム競争力イニシアティブプロジェクトとの共同研究プロジェクトである（国際開発庁（USAID）により資金を提供されるプロジェクト）。この指標は 2005 年に 42 の省や都市に初めてパイロットを公開された。第 2 回から、2006 年以降、ベトナムのすべての省はランキングされ、同時にコンポネント指標も増加される。

[31] これは 2009 年から現在までのベトナムの科学技術協会のコミュニティ開発・支援研究センター（CECODES）と国連開発プログラム（UNDP）の共同研究活動の成果物である。研究過程中に理論センターとベトナム祖国戦線の戦線雑誌、国会常任委員会の請願委員会（2012 年）とベトナム祖国戦線の幹部教育と科学研究センター（2013 年）を含むパートナーの支援を受ける（2009 年〜2012 年）。各県や都市、区や地区、コミューンやワードの祖国戦線委員会は研究チームの現場での調査を支援した。

PAPI の評価内容は次の 3 つの相互影響のあるプロセスに基づく：政策の策定、政策の実施と公共サービス供給の監督。

[32] 正義指標 2012 年は国際連合（UNDP）の発展プログラムの支援の下でベトナム弁護士会（VLA）とコミュニティ発展・支援研究センター（CECODES）により共同構築された。この指標はベトナム全国の 21 県や都市に住んでいる各階級の 5000 人の市民の実際経験に基づく。

正義指標は市民の正義と市民の基本権の確保における国家機関の活動効果について意見やコメント等を反映する。

正義指標は市民の意見と体験に基づいて正義管理と法律制度の 5 つの側面を反映する。具体的にはアクセシビリティ、平等性、完全性、信頼性と効率性及び基本権の確保である。「正義指標は市民の正義アクセシビリティを正しく反映する。本報告書も社会のあらゆる階級の市民の正義確保における問

3.1.2. 法律の効率や効果の評価主体

・ *国家*

国家は 法律評価の 基本的な主体であり、法的かつ第 1 の権限と責任を有する。国家行政機関にとってこれは業界や分野にそった法律実施と国家行政管理実施の報告である。国会や各委員会にとってこれは市民から投票された機関の機能、義務を実施する基本的な活動である。

国家の法律評価は正式な報告の形で表現される（国家行政機関の法律実施状況の報告、国会の委員会の監督の報告等）。

これらの報告を通じて、関連する主体は評価して法律の効率、効果についての正確な情報を見つける。

・ *法的文書の影響を受ける対象者*

これは法律の調整対象グループである。通常、このグループは機関、幹部、公務員（法律施行者）と組織、個人、市民（国内外）という 2 つの基本的な対象タイプを含む。

公表された法律がどうやって執行されるか法的文書の影響を受ける対象者の法律の受入に大きく依存する。特に外国投資、社会保安等、敏感的分野である。それで政策を公表する前に策定担当機関は、多くの場合、国内外の投資家や専門家等の意見をヒアリングしている。この対象者こそは法律、政策の品質と効果を一番正確に評価する者である。

・*経済団体、社会組織、非政府組織等*

経済団体、社会組織、非政府組織は国家管理参加権がある社会の実体として法律評価に参加することがある。一方、彼らは法律の影響を受ける対象者である、または法律評価義務を与えられる場合もある。この対象グループの法律の評価は市民社会の傾向になっていて社会の国家生活への参加の強化に貢献する。ベトナムにおいて、近年、社会組織、非政府組織の法律評価は法律についての社会学調査プロジェクトを通じて関心を払われる。例えば、PCI 指標の評価（県級の競争能力、

題を解決するための政策についてのい実用的な提案を延べる」（ファム・クオク・アイン、ベトナム弁護士会の会長）。

Provincial Competitiveness Index の省略）、PAPI 指標　（ベトナムでの県級の管理と公共行政効果指標）、正義指標等。

6. 教材 *（教科書、講義ノート、参考文献）*

必須の教材：

・国家行政アカデミー、国家と法律の一般的な理論教材、科学技術出版社、2010 年、ハノイ

・国家行政アカデミー、法律の基礎教材、科学技術出版社、2010 年、ハノイ

・ファム・ズイ・ギア、法律の基礎教材、人民警察出版社、2011 年、ハノイ

・グエン・フウ・ハイ - レー・バン・ホア（共同編集者）、*公共政策の概要*、国家政治出版社、ハノイ

・Barry R Weingast (Stanford University) 2010, Why Developing Countries Prove So Resistant to the Rule of Law, in James J. Heckman, Robert L. Nelson, Lee Cabatingan, Global Perspectives on the Rule of Law. (New York: RoutledgeCavendish, 2010) – 翻訳バージョンあり*

・Pistor and Wellons, The role of law and legal institutions in Asian economic development 1960・1995, ADB Executive Summary, HIID 1998, Oxford University Press 1999 *

・Ann Seidman et al, Assessing a bill in terms of public interest, in WB: Law & Justice for Development, 2003。Ann Seidman、法律草案を見直しよう：立法者向けの手引、国家政治出版社、ハノイ 2004 年に翻訳された*

・Truong Thien Thu, Ranjith Perera, Intermediate levels of property rights and the emerging housing market in HCM City, Vietnam, Land Use Policy 28 (2010) 124・138 –翻訳バージョンあり*

・ドナー・コミュニティ、ベトナム*開発報告 2010 年：近代制度*

・Tom Ginsburg, *Judicial Independence in East Asia: Lessons for China, in Randall Peerenboon, Judicial Independence in China,* Cambridge University Press 2010, pp 247・259 – 翻訳バージョンあり*

44

　　　・Randall Peerenboon、*中国の裁判所の管理に関する調査報告書*、UNDP・司法制度改革の運営委員会、2011（未発表原稿）- E/V

　　　法的文書：

　　　・ 1946 年、1959 年、1980 年、1992 年、2013 年のベトナム憲法

　　　・ 2008 年法的文書公表法、2004 年人民評議会、人民委員会の法的文書公表法

　　　・専門の法的文書

　　　・タイ・ビン・タン、*8月革命以前のベトナムでの憲法思想*、1945 年、NCLP 11/ 2011

　　　・*皆の法律*、第1集、UNDP（2011）

　　　参考文献：

　　　・ハノイ国家大学法律学部、憲法教材、2013 年

　　　・ハノイ国家大学法律学部、行政法教材、2013 年

　　　・ホアン・ティ・キム・クエ、ハノイ国家大学法律学部、*国家と法律の一般的な理論教材*、ハノイ国家大学出版社、2007 年

　　　・グエン・ミン・ドアン、*国家と法律の一般的な理論教材*、国家政治出版社、ハノイ、2010 年

　　　・グエン・バン・ドン、*国家と法律の一般的な理論教材（法律大学教育と法律大学後向け）*、国家政治出版社、ハノイ、2014 年

　　　・ハノイ国家大学法律学部、*海外行政法*、ハノイ国家大学出版社、2011 年

　　　・レー・ディン・チャン、*憲法と政治制度*、大学書棚、サイゴン、1970 年

　　　・グエン・バン・ボン、*憲法と政治学*、サイゴン、1969 年

　　　・ハノイ国家大学法律学部、ベトナムの国家管理分権、状況と展望、人民警察出版社、2011 年

　　　・ハノイ国家大学法律学部、*国家管理分権*、人民警察出版社、2011 年

　　　・ダオ・チ・ウック - ブー・コン・ジャオ（ベトナム語バージョの共同編集者）、*地方レベルの民主*、ハノイ国家大学出版社、2014 年

　　　・ハノイ国家大学法律学部、*政治学教材*、2009 年

　　　・政治科学研究所　ホーチミン国家政治アカデミー、政治学教材、2003 年、ハノイ

・ハノイ国家大学法律学部、各政治学説歴史教材、ハノイ国家大学校、2009年

・ハノイ国家大学法律学部、人権についての理論と法律教材、国家政治出版社、2009年。

・ブー・バン・ホア‐ディン・スアン・ハン、貨幣理論教材、財務出版社、2007年

・金融研究所、金融教材、財務出版社、2011年

・金融研究所、税務教材、財務出版社、2011年

・Zemans, Frances Zahn. 1983 "Legal Mobilization: The Neglected Role of the Law in the Political System." American Political Science Reviͤew 77: 690・702

・Scheingold, Stuart A. 2004. The Politics of Rights: Lawyers, Public Policy, and Political Change. Ann Arbor: University of Michigan Press ・ Part One

・OECD 2005, Guidelines on Corporate Governance of State Owned Enterprises

・OECD 2007, Building a Framework for Conducting RIA, Tools for PolicyMakers

・UNDP and VN Supreme Court, (Bath and Biddulph), Research Studies on the Organization and Function of the Justice System in Five Selected Countries, 2010

・Martine Lombard – Gilles Dumont、フランス共和国の行政法律、司法出版社、2007年

・政策、法律と発展研究所、法律と法令構築プロセスの研究報告、現状とソリューション、労働社会出版社、2008年

・セミナーの議事録：法律国家での国会の監視機能、労働出版社、2011年

・チャン・クオク・ビン、ベトナムの立法プロセスにおける政府の役割、国家政治出版社、2013年

・Devit AuBot と Tet Gheblo、政府活動の革新 ・ 企業の精神がどのように公共部門を変更しているのか、国家政治出版社、1997年

・ベトナム政府 ・国際連合発展プログラム、中央政府と県級政府との間の権力分割についてのワークショップの議事録：実践といくつかの課題、2013年

・UNDP、ベトナムの行政改革、現状とソリューション、国家政治出版社、2009年

・Noccolò Machiavelli、クアン・ブオン、労働社会出版社、2012年

・Aristotle（翻訳と注釈：ノン・ズイ・チュオン）、政治論、世界、2013年

・　John Perkins、経済ヒットマンの告白、文化情報出版社、2007 年

・グエン・ドック・フォン（編集者リーダー）、世界的な金融危機、ベトナムの課題、ユース出版社、2010 年

・ベトナム共産党大会の文書

・Michel Fromont、世界の基本的な法制度、司法出版社社、2009 年

・グエン・ティ・ホイ、*法的源の概念*について、法律学誌、ハノイ法律大学、第 2/2008、頁 25・30

・司法省、法学研究所、法律辞書、百科事典出版社 、司法出版社、2006 年

・行政法のフランス語 ・ ベトナム語辞書、世界出版社、1992 年

・Les grands systemes de droit contemporains – Réne David & Camille Jauffret・Spinosi, Edition Preciz Dalloz 1992

・ Introduction to comparative law by Konrad Zweigert and Hein Kotz, Oxford 1998

・Lack/s Law Dictionary. Seventh Edition. Bryan A, Garner. Editor in Chief. ST. Paul, Minn., 1999，頁 390

・*准教授・博士　タイ・ビン・タン、イスラム法制度*について、（出典：電子立法研究誌)

・WGI:http://info.worldbank.org/governance/wgi/index.asp

・文書源：www.chínhphu.vn（文書システム）又は国会：ベトナム法律データベース：http://vietlaw.gov.vn/LAWNET/

・立法研究誌：http://www.nclp.org.vn/

・法律草案：http://duthaoonline.quochoi.vn/ ; www.vìbonline.com.vn

・次のウェブサイト上の記事：nghiencuuquocte.net

・次のウェブサイト上の記事：thongtinphapluatdansu.info

・統計総局のウェブサイト：

http://www.gso.gov.vn/default.aspx?tabịd=386&idmid=3&ItemID=14154

7. 授業・ 学習の組織形態

レッスン	教授の組織形態			合計
	プレゼンテーション			（時間）
	理論 （時間）	宿題 （時間）	セミナー （時間）	

1	4	0	2	*6*
2	8	0	4	*12*
3	8	0	4	*12*
合計	20	0	10	30

8．科目学習結果の確認・評価方法や形式

項番	評価形式	比率
1	中期テスト	30%
2	最終テスト	70%