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Comparative Analysis of Local Government Structures in European Nations and Experiences for Vietnam

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Abstract: In the contemporary global landscape, local governments are pivotal to the development and prosperity of nations. Consequently, the structure and efficacy of local authorities have garnered significant scholarly attention. An effective local government framework must fulfill several key objectives: optimizing local resources, ensuring democratic governance, and safeguarding the autonomy and dynamism of local regions. In the context of Vietnam, enhancing the legal framework governing local authorities requires a thorough examination of exemplary models from other countries. This paper provides a comparative analysis of local government systems in selected European countries, specifically Austria, France, and the Netherlands. By examining these models, the study offers recommendations to inform the ongoing development of Vietnamese legislation in this domain.

Keywords: Local government, municipality, Europe, Vietnam.

1. Introduction

In the European Union (EU), the state administration framework operates alongside multiple “layers” of government, including the supranational level (EU), the national level (member states), and the regional level (regions and local self-government units). The coexistence and interaction among these layers constitute the EU's “multi-layered governance

system” [1]. This governance model is principally informed by two key documents: the 2001 White Paper on European Governance [2] issued by the European Commission and the 2009 White Paper on Multi-layered Governance [3] published by the Committee of the Regions. The 2001 White Paper on European Governance underscores the critical role of interaction

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between the EU and regional governments. Meanwhile, the 2009 White Paper on Multi-layered Governance offers a comprehensive definition of “*multi-layered governance*” as “*cooperation between the European Union, its Member States, and local and regional authorities, based on partnership and aimed at the development and implementation of EU policies*” [2].

Additionally, several other EU treaties and conventions recognize the significance of local government, particularly urban governance, within EU member states. Notably, the preamble and Articles 4(2), 5(3), and 13(4) of the Lisbon Treaty, as well as Article 2 of the Annex on Subsidies and Adequacy [4], emphasize the importance of local governance. In these documents, the term “*local government*” encompasses all “*local self-government mechanisms*” that possess a degree of autonomy from the national government. Moreover, these local governments are the “*expression*” of their respective communities, being directly elected by them [5].

This layered governance model ensures the autonomy and innovation of individual localities while preserving the coherence of the EU’s power structure. The effective coordination among local, national, and EU authorities has contributed to the Union’s unity and strengthened the bonds between member states. The core of this cooperation is the perfect balance between local autonomy and state union. Within the scope of this article, the author employs the doctrinal and comparative methodologies to analyse the local government systems of three typical EU member states: Austria, France, and the Netherlands. These countries are selected for their distinct federal and unitary structures and well-developed governance models, which are tailored to their respective historical, political, and social contexts. Austria illustrates a federal system with a unique territorial organization, providing insights into decentralized governance. As a unitary state with decentralized features, France highlights the balance between local autonomy

and national oversight. The Netherlands exemplifies strong local self-governance, emphasizing participatory mechanisms and resource optimization. These jurisdictions were chosen for their unique territorial and governance frameworks within the EU, offering a spectrum of models from federal to unitary systems. Together, these diverse approaches offer a comprehensive foundation for comparative analysis and present valuable lessons for Vietnam. Moreover, their advanced legal traditions and practices in local governance provide benchmarks for Vietnam, which is reforming its local government framework to enhance efficiency, autonomy, and democratic governance.

2. Organizing Local Government in some European Countries

2.1. Local Government in Austria

Austria is a federal state with a three-tiered administrative structure comprising the federal (*Bund*), provincial (*cir*), and local self-governing units (*Gemeinden*) levels. Within the Länder, there are currently 2,357 local self-governing units, including 15 cities (among them, the capital is Vienna) with their own statutes, 200 towns (*Stadtgemeinden*), 762 townships (*Marktgemeinden*), and 1,395 villages (*Ortsgemeinden*). The federal and provincial governments hold both legislative and executive powers, whereas local self-governing units do not possess legislative authority. Instead, they can issue administrative decrees (*Verordnungen*) to implement relevant legal regulations. Nevertheless, local self-governing units enjoy a degree of autonomy enshrined in the Federal Constitution (*Selbstverwaltung*) and protected by a special procedure at the Federal Constitutional Court (*Verfassungsgerichtshof*).

2.1.1. Structure

The Federal Constitution governs the organization of local government in Austria (Articles 115 - 118). Alongside detailed

provisions concerning the structure and functioning of local self-government, the Constitution grants the provincial (*Länder*) governments the authority to establish a detailed legal framework for local governance in alignment with constitutional principles. The Federal Constitution outlines key elements such as the administrative organization of local autonomous units, the local electoral process, local taxation, and the right of local autonomous units to propose forms of direct democracy, including referendums. Additionally, the Constitution enshrines the principle of equal treatment among autonomous units (*abstrakte Einheitsgemeinde*), ensuring that local autonomous units perform identical functions and enjoy the same legal status regardless of their geographical area, economic situation, population size, or legal designation (city, town, or village). According to the Federal Constitution, the three fundamental bodies of local autonomous government are the Local Council (*Gemeinderat*), the Local Board (*Gemeindevorstand*), and the Mayor (*Bürgermeister*). This structure is considered the “minimum” required for the government of local autonomous units, though the provincial governments may establish additional bodies as needed.

The local council serves as the representative body and the highest authority within the autonomous unit [6]. According to the Federal Constitution, this body is directly elected by the entire local population for a term of 5 to 6 years, following the same electoral principles as the National Council (*Nationalrat*) and the provincial legislature: equal, direct, and secret ballot. The number of council members is determined by the provincial legislature and typically corresponds to the population size of the respective unit. The local council holds the authority to oversee the functions of other local agencies and acts as the appellate body for decisions made by the Mayor or the Local Board. Additionally, the local council has the power to issue administrative decrees within its jurisdiction and is responsible for approving the

budget of the autonomous unit.

The local board is a public body elected by the local council on a proportional basis. Political parties represented in the local council are entitled to demand representation on the local board in proportion to their electoral strength. In cities with their own statutes, this body is referred to as the City Council (*Stadtsenat*). The primary function of the local board is to prepare for the meetings of the local council. Additionally, the local board is vested with various administrative responsibilities, including the procurement and sale of goods (excluding real estate) [6].

The Mayor serves as the representative of the municipality in external affairs and holds the position of Chairman of both the Local Council and the Local Board. Additionally, the Mayor acts as the head of the local administrative office (*Gemeindeamt*) and is the chief local civil servant. The Mayor also possesses the authority to make decisions regarding local budget and property matters. In cases of unlawful actions, the Mayor may be removed from office by the Provincial Government or the Provincial Governor. According to the Federal Constitution, the Mayor is elected by the Local Council; however, since 1995, six provinces have enacted regulations permitting the direct election of the Mayor by the local population.

The city of Vienna, along with 15 other cities, operates under its own statute (*Statutarstädte*) and is responsible for additional district-level administrative functions. Vienna holds a unique legal status as it simultaneously functions as a provincial unit (*Land*), an autonomous unit, and a statutory city. The Vienna City Council serves as the provincial legislature, the Vienna Senate acts as the Provincial Government, and the Mayor assumes the role of Governor. Due to this “dual” legal status, Vienna receives a portion of the budget allocated to provincial units as well as a share designated for local self-government units. The city is divided into 23 districts, each with its own legislative body. Each district is led by a Chairman elected by the district’s residents. The Mayor of Vienna represents the city and

presides over the City Council and 23 District Chairmen.

2.1.2. Authority

In Austria, local self-government units are not merely administrative subdivisions but are autonomous entities vested with the right to self-governance. Article 118 of the Constitution provides that the powers of local self-government units encompass both their autonomous authority and the functions delegated by provincial and federal governments. The autonomy of these units is enshrined in Articles 116 and 118 of the Federal Constitution, in accordance with the principles of decentralization and devolution. Specifically, local governments possess the authority to make decisions on matters such as appointing government officials, public order and safety, local construction, fire prevention, and local development planning. The federal and provincial governments are required to delineate the matters that fall within the scope of local self-determination, as stipulated in paragraph 2 of Article 118 of the Federal Constitution. Furthermore, local governments are empowered to address additional issues pertinent to the interests of the local population, as delegated by the relevant provincial government. These issues may include policing, urban space management, transportation, environmental protection, water supply and drainage, waste management, social welfare, and healthcare. The federal and provincial governments share responsibilities with local governments in certain key areas, such as education and healthcare. Beyond the general authority of local governments, Mayors of autonomous units hold specific powers, including managing population registration and organizing elections.

According to the Federal Constitution, municipalities may collectively establish Municipal Associations (*Gemeindeverbände*), either by agreement or by law, to address specific issues such as education, environmental protection, water supply, and social services. These Municipal Associations are recognized as legal entities, and participation can be either

voluntary or mandatory. When an Association is formed based on a voluntary agreement between municipalities, its establishment must be approved by the supervisory authority under certain conditions outlined in the Constitution. In some instances, the formation of an Association may be mandatory, particularly for coordinating activities such as waste management.

In addition to Municipal Associations, another form of inter-municipal cooperation is the Administrative Association (*Verwaltungsgemeinschaften*). Unlike Municipal Associations, Administrative Associations typically do not possess legal status and are created to jointly perform specific functions [7]. A primary function of these Administrative Associations is to facilitate the coordinated operation of Local Council offices.

In Austria, the administration of local self-government units operates independently of directives from federal or provincial executive authorities. However, these units remain subject to administrative supervision by federal and provincial governments to ensure they fulfill their functions and comply with the law. This supervision primarily focuses on the legality of local government activities. The tools employed for this oversight include preventive measures, the right of access to information, and the authority to repeal illegal decrees issued by local governments. In cases of repeated violations, the supervisory authority is vested with the power to dissolve the Local Council.

2.1.3. Observations

In Austria, the organization of local government is grounded in the principle of devolving decision-making power to local bodies rather than concentrating it at the federal or provincial levels. While autonomous units possess significant administrative authority, they remain under the supervision of federal and provincial governments. Nevertheless, the independence and flexibility of these autonomous units are safeguarded in various ways. For instance, the Federal Constitution permits autonomous units in different provinces

to establish Municipal Associations for specific purposes. Additionally, autonomous units can enter into cooperative agreements with one another without the need to form a Municipal Association. These provisions enhance flexibility, enable the effective use of economic resources, and strengthen the authority of local governments.

2.2. Local Government in France

As clearly indicated in the Constitution, France is a unitary state organized on the principle of decentralization. The French territory is divided into territorial communities that possess either regular or special status. The territorial communities with regular status include communes, departments, and regions. Among these territorial communities, some regular communities benefit from special mechanisms regarding their internal administrative structure, such as the communes of Paris, Marseille, and Lyon, as well as the islands of Guadeloupe, Martinique, Mayotte, and Réunion, and French Guiana. Territorial communities with special legal status include the territorial entities of Corsica, French Polynesia, Wallis and Futuna, Saint-Pierre and Miquelon, Saint-Barthélemy, and Saint-Martin.

2.2.1. Structure

The local government of territorial communities in France is fundamentally composed of local elected bodies, local administrative bodies, and Mayors. According to Article 72(3) of the Constitution of the French Republic, territorial communities are generally governed by locally elected bodies known as Local Councils. These Councils operate similarly to the Parliament and are elected by the local population based on the principle of universal and direct suffrage. The local administrative body is chosen by the Council and is typically one of its members. The number of Council members is determined by the population size of the respective territorial community. While the basic structure of local government is consistent across different types

of territorial communities, there are specific organizational variations depending on the type of community.

In the communes, administrative authority is vested in the Municipal Council and the Mayor. Members of the Municipal Council are elected by the local population through a two-round voting process and serve a term of six years. The Mayor is elected by the Municipal Council for a six-year term, requiring an absolute majority in the first two rounds of voting and a relative majority in a third round if necessary. In addition to the Mayor, Deputy Mayors are appointed, with their number determined proportionally to the number of Council members. They are elected in the same manner as the Mayor and also serve six-year terms. The Mayor functions as both the administrative head of the commune and the representative of the central government within that commune. To fulfill these roles, the Mayor is granted limited legislative powers.

In the provinces, governing authority resides with the General Council, whose members are elected by the residents through a two-round, single-candidate, majority voting system. Half of the Council members are re-elected every three years, ensuring continuity and representation. The Council Chairman is elected by the Council members through a two-round, absolute majority vote, serving a three-year term. If no candidate secures a majority in the first two rounds, a third round is held, where the Chairman is elected by a relative majority. The Chairman is supported by a standing committee, also elected by the Council for a three-year term.

In France, regions are governed by a Regional Council and a President of the Regional Council. Members of the Regional Council are elected by local voters using a two-round system with proportional representation, serving six-year terms. The President of the Regional Council is elected by the Council members through a two-round system and, if necessary, by a simple majority in a third round, also for a six-year term. Similar to the provinces, the President is supported by a standing committee. Local elected bodies - City Councils,

General Councils, and Regional Councils - are required to convene at least quarterly.

The communes of Paris, Lyon, and Marseille are subdivided into areas known as *arrondissements*, which are distinct from other communes and possess councils directly elected by the residents. These councils have the authority to manage and make decisions on local issues. Notably, the city of Paris holds a unique dual legal status, functioning simultaneously as both a commune and a province. The elected body in Paris serves as both the City Council and the General Council, with the head of the administrative body holding the dual roles of Mayor and President of the General Council.

Territorial communities do not possess the authority to issue normative documents regarding the functions of local bodies. However, local elected bodies are empowered to adopt internal regulations concerning administrative procedures, provided they operate within the framework of laws enacted by Parliament.

2.2.2. Authority

Article 72(2) of the Constitution of the French Republic enshrines the principle of decentralization, granting local authorities the power to “*make decisions on matters that fall within their competence and can be most effectively addressed at the local level.*” Communes, provinces, and regions are responsible for managing issues of local and regional interest. In certain areas, authority is shared among different levels of government. For instance, in education, the central government oversees the curriculum, standards, teaching methods, teacher recruitment, and the management and remuneration of teaching staff. Meanwhile, regional, provincial, and communal authorities handle the administration of educational institutions such as *lycées*, *collèges*, and *écoles publiques*. In specific sectors, such as urban planning, lawmaking, and public services, including transportation, libraries, and museums, authority is delegated to communal authorities. Provincial governments manage

sanitation, drainage, and social issues, while regional governments focus on economic development, town and country planning, long-term strategic planning, and professional and vocational training.

The Constitution of the French Republic permits the governments of territorial communities to issue subordinated documents necessary for performing their functions. Decisions made by local and regional councils and orders issued by local and regional administrative bodies must conform to a hierarchy of legal norms, including constitutional provisions, statutes, and decrees. Within each territorial community, the elected body serves as the governing authority, while the administrative body is responsible for preparing and implementing the elected body's decisions. The Mayor, as the executive officer of the commune, is tasked with preserving and managing communal property, overseeing projects carried out in the commune's name, signing contracts, representing the commune in legal matters, proposing the budget, and authorizing expenditures. Additionally, the Mayor possesses certain exclusive powers, such as managing local government personnel, which can be exercised independently of the local council's consent. In his role as the state's representative within the locality, the Mayor is also responsible for ensuring the enforcement of legal documents, organizing elections, certifying signatures, handling construction permits, as well as issuing birth and death certificates.

The administrations of territorial communities in France are subject to oversight by the central government to ensure that national interests take precedence over local concerns and to uphold legal order. This supervision, however, respects the autonomy of territorial communities and is primarily executed through judicial review initiated by the administrative representatives of the state. Specifically, in the regions, the “*préfet de région*” oversees regional measures, while in the provinces, the “*préfet*” supervises provincial actions. At the commune level, oversight is conducted by either the

“*préfet*” or “*sous-préfet*” within the district (*arrondissement*). These state representatives possess equivalent powers in their supervisory roles. For instance, they can challenge local council decisions in an administrative court within two months if there is a belief that the decisions are unlawful. The administrative court can review and annul such measures, either wholly or partially, if deemed unlawful. Additionally, the central government exercises supervision by reviewing the functioning of local administrations. Local councils may be dissolved by decree if they are deemed incapable of effective operation. Moreover, mayors and deputy mayors may be suspended by the Minister of the Interior or dismissed by the Council of Ministers if they fail to perform their legal duties adequately [8].

2.2.3. Observations

The principle of decentralization in France is characterized by a complex hierarchy of territorial levels (including communes, provinces, regions, and inter-communal bodies), each with numerous territorial communities. This structure often results in overlapping competencies and budget allocations among territorial communities, which can lead to inefficiencies in the operation of local and regional bodies and contribute to excessive local and regional expenditures. While local authorities within these communities generally enjoy a degree of autonomy, they remain subject to central government oversight. Competencies are delineated between central and local governments or coordinated across various levels of government to balance state and public interests effectively.

2.3. Local Government in the Netherlands

The predominant structure of local governance in the Netherlands is the municipality, which represents the most decentralized tier of government within the nation. The entirety of the national territory is systematically divided into municipalities, leaving no area outside their jurisdiction.

Provinces, though to a lesser degree, also constitute a form of local government. The Netherlands is comprised of 12 provinces, each encompassing multiple municipalities, with no cities existing outside provincial boundaries. These provinces function as an intermediary tier of governance between municipalities and the central state, thereby acting as regional authorities. However, as the Netherlands operates under a unitary system, provincial governments do not exhibit the characteristics of sovereign state entities. In certain sectors, such as environmental regulation and child welfare, citizens interact directly with provincial authorities. Both municipalities and provinces are classified under the concept of “*territorial decentralization*”, signifying that their governance authority is confined to subnational territories. In scholarly analysis of local governance within the Netherlands, primary emphasis is placed on the role and functioning of municipalities.

2.3.1. Structure

In the Netherlands, the establishment and dissolution of autonomous municipalities and cities are subject to legislation enacted by an Act of Parliament. Article 82 of the Constitution of Netherlands stipulates that the initiative to propose such an Act rests with the Cabinet or Parliament. However, in practice, the Cabinet and Parliament often act upon recommendations made by the municipalities themselves concerning territorial reorganization. Although the Constitution does not explicitly mandate the number of autonomous municipalities and provinces, their existence is constitutionally safeguarded, ensuring that an Act of Parliament cannot fully abolish municipalities or provinces.

The organization of local government within municipalities and provinces is primarily governed by the Dutch Constitution, alongside the Municipalities and Provinces Act. While the Constitution addresses fundamental issues such as the election of municipal and provincial councils and the establishment of these bodies at the local level, the Municipalities and Provinces Act provides detailed regulations regarding the

structure and functioning of municipal and provincial institutions. Additional legislative documents, such as the Municipalities Act, the Provinces Act, and the Election Act, collectively constitute the legal framework underpinning local governance in the Netherlands.

In the Netherlands, municipal governance is organized with three principal institutions: the City Council (*gemeenteraad*), the Municipal Executive (*college van burgemeester en wethouders*), and the Mayor (*burgemeester*). The City Council, elected for a four-year term through a proportional representation system, oversees local governance and is presided over by the Mayor, who does not hold a seat on the Council. The Municipal Executive comprises the Mayor and two or more councillors (*wethouders*), who are appointed by the City Council. The appointment of councillors typically results from coalition agreements based on electoral outcomes, and the City Council retains the authority to dismiss them. The appointment of the mayor is a prerogative of the Cabinet, following a recommendation from the City Council. According to the Municipalities Act, the City Council submits a list of two candidates, ranked by preference, from which the Cabinet may select the mayor, with changes to this list permitted only under exceptional circumstances. Although the mayor is formally appointed by the Cabinet, the City Council exerts substantial indirect influence over the appointment process. The mayor serves a six-year term and may only be removed by the Cabinet. However, the City Council holds the power to recommend the mayor's removal, a recommendation the Cabinet typically respects, thus making the City Council the effective decision-making body in matters concerning the mayor's tenure.

According to the Constitution, municipalities are governed by a City Council, which holds the authority to make all significant municipal decisions, either directly or with its approval. The City Council's primary powers include enacting ordinances, determining the budget, and overseeing the Executive and the Mayor.

The Executive is responsible for the day-to-day administration of the municipality and possesses a broad decision-making mandate, although macro-policy decisions require the City Council's consent. The Mayor's principal responsibility is maintaining public order and security within the municipality, which includes issuing preventive measures such as the closure of buildings and emergency decrees. The Mayor also commands the local police force in the execution of these duties. Additionally, the Municipalities Act allows for the creation of districts within municipalities. These districts may be governed by a District Council, elected by the district's residents, and a district executive. However, this division is typically implemented only in larger cities like Amsterdam and Rotterdam.

The governance structure of provinces mirrors that of cities, with the Provincial Council (*provinciale staten*) analogous to the City Council. The Provincial Executive (*gedeputeerde staten*) is composed of Councillors and Deputies, paralleling the executive structure found within municipalities.

2.3.2. Authority

In accordance with the principle of respecting local autonomy, provinces and municipalities in the Netherlands possess the authority to address all local matters, provided such actions do not contravene the regulations of higher authorities. Additionally, they are mandated to perform certain tasks as prescribed by law. However, the central government retains significant authority in defining the responsibilities of decentralized entities. It can mandate that local governments undertake specific tasks (delegated tasks) and can also prohibit them from engaging in particular activities.

The legal foundation for the functions assigned to each administrative level is embedded in various legislative acts, which delineate both the "assigned tasks" to local authorities and the responsibilities reserved for the central government. Municipalities, being the administrative units closest to the citizenry,

bear general responsibility for all public administrative activities impacting the rights and interests of individuals. Their competencies extend across several critical areas, including housing, urban planning, local infrastructure, education, public order, and cultural activities. Conversely, the provinces are primarily tasked with integrating central sectoral policies, coordinating municipal policies within their jurisdiction, fostering inter-municipal cooperation, and supporting the administrative operations of municipalities, for example, by providing specialized expertise. Additionally, they manage tasks that are more regional than local in nature.

According to Article 132 of the Constitution, local authorities in the Netherlands are subject to multiple forms of oversight by central and provincial governments. The three primary mechanisms of supervision include: i) Preventive supervision, ii) Repressive supervision, and iii) Supervision in cases of neglect or non-compliance.

i) Preventive Supervision: Preventive supervision refers to any form of control or oversight exercised before a municipal body can finalize a decision. The most intrusive form of this oversight is the requirement of “*prior approval*” where no municipal decision can take effect until it receives authorization from a national or provincial agency. Given its highly restrictive nature, preventive supervision can only be instituted through an act of parliament.

ii) Repressive Supervision: Repressive supervision, in contrast to preventive supervision, allows municipal authorities to retain their decision-making autonomy. The municipal power to create legal effects remains fully operational until the national government intervenes post-decision. This form of supervision employs two primary tools: annulment and suspension of municipal decisions. Annulment completely terminates the municipal decision and all associated legal effects, while suspension temporarily halts the decision and its legal consequences for a specified period, allowing the national

government time to determine whether annulment is warranted. Suspension cannot exceed one year.

iii) Supervision Due to Neglect or Non-Compliance: When a municipal body fails to fulfill its assigned tasks or comply with national requirements, other governing bodies are authorized to “*get involved*” and implement necessary measures to ensure the proper execution of those tasks. If the Municipal Council fails to comply, the municipal executive will intervene; if the municipal executive is non-compliant, the provincial executive will step in; and if the Mayor fails to act, the King’s Commissioner will assume responsibility. For tasks delegated to the local level, only in cases of “*serious neglect*” of self-governing duties can the national legislature introduce alternative measures to ensure the fulfillment of those duties. In such instances, the legislature enacts a specific law targeting the municipality in question, which may involve replacing the Municipal Council, the executive, and the Mayor with national officials tasked with overseeing the municipality [9].

In addition to these mechanisms, municipal bodies are subject to oversight by the Municipal Ombudsman. The Ombudsman is empowered to investigate complaints against municipal agencies; however, the Ombudsman’s findings are not legally binding. Municipalities are not required to appoint an Ombudsman, and in the absence of one, investigative authority is vested in the National Ombudsman.

2.3.3. Observations

In the Netherlands, the term “*local government*” primarily refers to the administration of autonomous municipalities, which constitute the administrative level closest to the citizens and play a crucial role in the exercise of state power at the local level. Although the Dutch Constitution does not explicitly delineate the decentralization of authority among different levels of government, this power largely resides with the central government. Nonetheless, local governments

retain a degree of autonomy and are categorized into two groups of powers: delegated powers and inherent local powers. In executing these powers, local governments are subject to comprehensive oversight by both central and provincial authorities through various forms of supervision, including preventive supervision, repressive supervision, and supervision due to neglect or non-compliance. Additionally, local governments are also overseen by the Municipal Ombudsman.

3. Recommendations for Vietnam

In Vietnam, Article 111 of the 2013 Constitution provides that “Local governments are organized in administrative units of the Socialist Republic of Vietnam.” It further specifies that “Local government levels consist of People's Councils and People's Committees, which are structured in accordance with the distinct characteristics of rural, urban, island, and special administrative-economic units, as prescribed by law.” This provision underscores the constitutional framework for local governance, reflecting an emphasis on adaptability to diverse administrative contexts while adhering to legal stipulations. In accordance with the provisions of the Constitution, the Law on the Organization of Local Government 2015, as amended and supplemented in 2019 (hereinafter referred to as Law on Organization of Local Government), introduces significant updates regarding the organization and functioning of local governments at all levels. These provisions address the allocation of authority between central and local state agencies, as well as among different levels of local government. Furthermore, they define the organizational structure and operational mechanisms of People's Councils and People's Committees, ensuring clarity and alignment with the constitutional framework.

Shortcomings of the current legal framework

Over a decade of implementation, the Law on

the Organization of Local Government has led to substantial improvements in the organization and functioning of local governments in Vietnam, contributing meaningfully to the nation's development. However, despite these achievements, the current legal framework governing local governments reveals several limitations. It has yet to fully promote the unique strengths of individual localities or effectively foster democracy, which highlights the need for further refinement and reform. In particular, the current legal framework governing local government in Vietnam exhibits several shortcomings:

First, decentralization and delegation of authority in Vietnam remain ambiguous and lack an effective monitoring mechanism. Despite numerous efforts to enhance these processes, significant limitations persist in ensuring transparency and accountability. While various legal documents govern the assignment and delegation of authority, their implementation remains inconsistent, with overlapping and unclear divisions of tasks and powers across different levels of government. This ambiguity often leads to conflicts and inefficiencies between central and local authorities and among local governments themselves [10]. Furthermore, although local authorities are granted greater autonomy, the allocation of resources, particularly financial resources, remains inadequate. Many localities continue to rely heavily on higher-level budgets, posing significant challenges in fulfilling their assigned responsibilities. This fact results in the inappropriate allocation of financial and human resources between regions and localities.

Second, the supervisory function of the People's Council is not as effective as expected. The Law on Organization of Local Government provides the People's Council with a number of forms of supervision such as reviewing work reports, questioning, reviewing normative documents, etc... However, the supervisory mechanism of the People's Council over the People's Committee at the same level remains inadequate, with significant shortcomings that

hinder its effectiveness. The supervisory role of this elected body over lower-level governments has not been fully realized, while the inspection and examination processes often lack rigor and are sometimes overly formalistic [11]. These deficiencies have resulted in instances of power abuse, insufficient accountability, and public discontent within certain local governments. Consequently, it is imperative to advance reforms aimed at establishing a clear and transparent decentralization framework, coupled with a robust and effective supervisory system at the local level.

Third, the role of the Chairman of the People's Committee as the head of this agency is not sufficiently prominent. Under the current legal framework, the People's Council and the People's Committee are structured and operate based on the principle of democratic centralism, which emphasizes collective decision-making for significant matters. However, this approach poses challenges, as decisions by the People's Committee are made collectively, which decreases the role of the Chairman in this process and makes it difficult to attribute responsibility for erroneous or harmful decisions to specific individuals. The absence of legal procedures to impose sanctions on an entire leadership group further complicates accountability [12]. While the Law on the Organization of Local Government 2015 grants the Chairman of the People's Committee certain powers, these remain insufficient for the Chairman to effectively act as the head of the local administrative institution with the necessary autonomy and authority to lead its activities decisively. This limitation undermines the Chairman's ability to provide effective leadership and accountability within the local government structure. In addition, as enshrined in the Law on Organization of Local Government, the Chairman of the People's Committee is elected by the People's Council instead of by the local inhabitants. This method of establishment decreases the connection between the people and the leader of the People's Committee, contributing to the insignificant role

of this official.

Recommendations

Through a comparative analysis of local government organization models in various European countries, several recommendations can be made to enhance the functioning of local government in Vietnam:

First, there is a need to further refine the mechanism of decentralization between central government agencies and local governments. Although the 2013 Constitution and the Law on Organization of Local Government acknowledge the principles of authority delineation, the actual implementation of this mechanism remains inadequate and ineffective. To fully leverage the strengths of each locality, Vietnam can draw practical lessons from the Netherlands' model of authority delineation in self-governing units. In the Netherlands, local government authority is clearly divided into two categories: delegated authority, where local governments perform tasks based on central government authorization, and self-governing authority, which is fully decentralized to the local level. Such a clear demarcation would help mitigate overlaps in authority between different levels of government, thereby enhancing the dynamism and autonomy of local administrations.

Second, it is essential to introduce additional forms of supervision over local government activities. The pilot implementation of a local self-management model must thoroughly adhere to the Party's guidelines and policies aimed at promoting administrative reform and improving state management efficiency. To achieve these goals, an effective supervision mechanism for local government activities is crucial. Vietnam can benefit from the Austrian model, which emphasizes the legality of local government actions. This method of supervision balances respect for local self-management rights with the need to ensure legality and coherence in state administration. Additionally, Vietnam can draw valuable insights from the Dutch model of "*supervision for neglect or non-compliance*" in

self-governing cities. This approach not only facilitates the detection and handling of violations by local authorities but also preempts potential negative consequences by enabling competent authorities to intervene promptly when violations are identified.

Third, strengthening the role and position of the local government head requires revising the method of appointment. Under current Vietnamese law, the Chairman of the People's Committee, who heads the local state administrative agency, is elected by the People's Council at the same level. In fact, the Chairman of the People's Committee occupies a pivotal position, playing a central role in the continuous and direct management of the Committee's activities. Furthermore, the Chairman exerts significant influence within the Standing Committee and the collective operation of the People's Committee, often regarded as its driving force and principal figure of leadership [13]. However, the current method of electing the Chairman lacks mechanisms to ensure independence and neutrality in his leadership role within the People's Committee. Therefore, transitioning the operational framework of the People's Committee from a collective decision-making model to a leader system is both a logical and justifiable reform. Additionally, the Chairman of the People's Committee should be vested more authority to decide on the personnel of his deputies and his staff [14], which enhances his role as the leader of the local administrative body. Besides, the Chairman of the People's Committee should be directly elected by the local population. Comparative analysis of European legal frameworks reveals that, in many European countries, the head of the executive agency, typically the Mayor, is directly elected by the local populace. This method of election not only strengthens the connection between the local government head and the citizens but also enhances the independence, dynamism, and autonomy of this position and the local government as a whole. This aspect is particularly worth considering for Vietnamese legislators in their efforts to build a more

effective local government model.

4. Conclusion

This comparative analysis of local government structures in European countries provides valuable lessons for enhancing local governance in Vietnam. The comparative analysis of other countries provides valuable insights and practical lessons that can be instrumental in guiding Vietnam's efforts to improve its local government system. By learning from these experiences, Vietnam can develop a more robust, dynamic, and effective local governance structure. Key insights include the importance of clear authority delineation between central and local governments, robust supervision mechanisms, and empowering local leaders through direct elections. Adopting practices such as the Netherlands' model of delegated and self-governing authority could help Vietnam reduce overlaps and increase local government autonomy. Strengthening supervision mechanisms, as seen in Austria and the Netherlands, is crucial for ensuring the legality and effectiveness of local governance. Additionally, the direct election of local government heads, as practiced in Europe, could enhance accountability and independence in Vietnam. By integrating these practical experiences, Vietnam can improve the efficiency and responsiveness of its local government system, better addressing the needs of its citizens and supporting national development.

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