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**PERFECTING THE CURRENT ORGANIZATION
AND OPERATION OF LOCAL GOVERNMENT
AGENCIES IN VIET NAM**

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**SUMMARY OF LAWSTUDY
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INTRODUCTION

1. Implication of the dissertation

The 2013 Constitution of the Socialist Republic of Vietnam was passed on November 28, 2013 by the XIIIth National Assembly of the Socialist Republic of Vietnam at its sixth session, with the important amendments at the IXth Chapter – Local Government. The regulations on local government, are governed by the 2013 Constitution, have generalize contents, good for building the active and democratic local government's agencies in Vietnam. The Law on local government organization was passed on June 19, 2015 by the XIIIth National Assembly of the Socialist Republic of Vietnam at its ninexth session. The spirit of the Law is to end the trial operation, to return the local government's agencies to the model in the 2003 Law on the People council's and the People committee's organisation each level of local government.

However, The Laws on local government organization is only a framework law, there are many issues of organization and operation of the local government's agencies, they need to be further clarified and specified. Otherway, the trial operation – no organizing the People council in urban districts, rural districts and wards and a lot of changes in organization and operation of the local government's agencies, all must end and return the previous model. It is the Vietnamese lawmakers' discretion in present, but it shows that, there are confusions, inconsistencies in the recognition and evaluation of local government. These theoretical problems make the rules of organization and operation of the local government's agencies become unpersuasive.

Solving problems of organization and operation of the local government's agencies in reality, has always been a complex process. It depends on many factors and social conditions, depends on the determination of the ruling party and social consensus, specially. However, the reforming in order to build a model, methods of organizing the best local government, is always an inevitable trend of the modern administration. And the scientific knowledge, including knowledge of constitutional law, will lead the way for the process of selecting and preparing the conditions in Vietnam to build a perfect system of the local government's agencies. Therefore, the researcher selected issues **“Perfecting the current organization and operation of local government agencies in Viet Nam”** to used as a topic for the jurisprudence doctoral disserttation.

2. Research purpose and mission

2.1. Research purpose

Research purpose of the disserttation is determining the direction and suggest scientific solutions for perfecting the local government's agencies on the organization and operation in present Viet Nam.

2.2- Research mission

For that purpose, the disserttation focus on the main research mission:

- *Firstly*, the dissertation has researched theoretical problems, including: the concept, position, nature, and function of the local government's agencies in the state apparatus and the principle of building the organizational structure, the method of operation of the local government's agencies based on the comparison with the models of the local government's agencies in the world. The dissertation has

determined the basic criteria to analyze and evaluate the local government's agencies on the organization and operation.

- *Secondly*, the dissertation analyze and evaluate the organization and operation of the local government's agencies in a long developmental history and the present, pointing out the advantages and disadvantages of the organization and operation of these agencies, with their reason.

- *Thirdly*, based on the theory and practice of organization and operation of local government's agencies in present Viet Nam, the dissertation has identified requirements and directions of perfection these agencies.

- *Fourthly*, the dissertation suggests the solutions for perfecting organization and operation of the People's council and the People's committee in present Viet Nam.

3. Research methods

3.1- The general research methods

- *Using the systematic approach method, social sciences and humanities, especially paying attention to law*

- *The indirect research method.*

- *The direct research method.*

3.2- The specific research methods

To solve the research object and task of the topic, the author uses specific research methods such as: - Methods of analysising, summarizing, comparing and abstracting ; - The method of legal comparison ; - The method describing and analysising rules ; - The method of scientific analysis and forecast .

4. Research object and scope

4.1- Research object

The dissertation studies the scientific issues perfecting the local government's agencies on the organization and operation in present Viet Nam.

4.2- Research scope

- Scope of space: The practice in Vietnam.
- Scope of time: From 1992 to the present

5. New contributions of the dissertation

5.1. The contents are inherited, codified

-The dissertation has clarified theoretical issues on the organization and operation of the local government's agencies, help build the basic theoretical system of the local government in constitutional law. They are: determining the concept, nature and the position and function of local government on the basis of natural conditions, social and development processes.

-The dissertation has clarified theoretical principles of building the organizational structure and operations of the local government's agencies.

- The dissertation has compared the principles, models of organization and operation of the local government's agencies in the world to define the basic and universal principles in building the local government's agencies and the inevitable development trend of this institution.

5.2. The contents of research, discovery

- The dissertation analyzed, comprehensive assessment the practices of the local government's agencies on the organization and operation in the history and in the present, pointing out the advantages and the shortcomings in the law and practice on the organization and operation of this system agencies and their causes.

-The dissertation requests interpretations, the orientation of the improvement of the local government agencies in Vietnams on the organization and operation, proposed a system of measures to build dynamic the local government's agencies, development maximize the strength of democracy in the state management activities on the basis of ensuring the unity of the state apparatus in present Vietnam.

6. The structure of the dissertation

Introduction; *Chapter 1*, Overview of related research to the dissertation; *Chapter 2*, Theoretical basic on the organization and operation of local government's agencies; *Chapter 3*, Current situation of the organization and operation of local government's agencies; *Chapter 4*, Requirements, directions and solutions for perfecting organization and operation of local government's agencies; Conclusions and next research recommendations; List of references.

Chapter 1

OVERVIEW OF RELATED RESEARCH TO THE DISSERTATION

1.1. The evaluation of researches

1.1.1. The theoretical issues of the state apparatus and the local government

1.1.1.1. The overseas research

The state apparatus, including systems of the local government's agencies, is a matter to be researched, discussed in many works, documents of philosophy, politic, law, administrative and specially jurisprudence.

1.1.1.2. The research in Vietnam

The theoretical issues about the local government's agencies in Vietnam are problems that many scientists discussed in many

scientific research projects on subjects of Constitutional Law. That is,

- The syllabus of constitutional law, history of state and law;
- The specialized reference books;

1.1.2. The organization and operation of local government's agencies

1.1.2.1. The overseas research

In the jurisprudence documents, the local government's agencies are largely studied in the overall state apparatus:

+ David J. Bodenheimer (1992), *The federalism and democracy*, Has chosen by Faculty of Law - National University, in book *Rule of law and constitutionalism*, The Publishing house Labour - Society, Hanoi (2012); + Rich Ard C.Schroeder (1999), *Overview of government of the United States American*, The Publishing house National Politics, Hanoi; + Jay M.Shafritz (2002), *Dictionary of Government and Politics USA*, The Publishing house National Politics, Hanoi; + Davies K.L (1983), *Local government law*, Nxb Butterworth; Gerald E. Frug, Richard T.Ford, David J.Barron (2005), *"Local Government Law (Cases and Materials)"* Edition fourth, The Publishing house Thomson West; + The World Bank (1998) "Government in the changing world", The Publishing house National Politics, Hanoi ...

In the article, the authors mainly studies institutional mechanisms and control of state power, including institutional mechanisms and control of power of the local government's agencies. These are important documents, help us to see about the modern and effective administration – law: + Wrong D. H. (USA), (1968) "Some problems in Defining Social power", *Americal journal of Sociology*; + Schmuhn, Robert (USA), (2005) "Government Accountability and

External Whatchdogs”, *Electronic Journal of the US, Department of State*, vol 5, No 2, August...

1.1.1.2. The research in Vietnam

The organization and operation of the local government’s agencies in Vietnam are problems that many scientists discussed in many scientific research projects on subjects of Constitutional Law.

That is,

- The specialized reference books;
- Some of scientific topics;
- Theses, dissertations;
- The articles posted on scientific journals and scientific conferences...

1.1.3. The practical survey organizations and operations of the local government agencies

- The specialized reference books;
- Some of scientific topics;
- Theses, dissertations;
- The articles posted on scientific journals and scientific conferences...

1.2. Inheritance, development and issues that need further study

1.2.1- The advantages and research results will be inherited and continued to develop by the dissertation

- *The theoretical issues*, the researchers in the country and abroad have developed the concept of local government’s agencies, location, basic functions of this institution.

- *The researching current situation*: The research has provided the authentic, reliable documentation and data to use in the

dissertation, helped solve the difficulties of authors's dissertation in data collection and research practice.

After analyzing the practices and pointed out the problems of organization and operation of local government's agencies, the researching suggest directions and solutions for changing, perfecting the organization and operation of local government's agencies. Overall, the values of solutions are reference.

1.2.2- The problems need to be studied further

- The dissertation continues to define the unity in concept of location, nature and function of local government's agencies. The identification, evaluation of local government's agencies must overview, because the local government's agencies are the unified legal entities in the state apparatus.

- The dissertation should codify the principles, the models of local government's agencies in the world, specify the inevitable trend of social democracy in the organization and operation of the local government's agencies.

- The dissertation should identify the criteria, the most important element to ensure the progress and effectiveness of the local government's agencies.

- Evaluating the organization and operation of the local government's agencies in Vietnam needs to be done on the basis of certain criteria to ensure specify the advantages and disadvantages of these institutions.

- The solutions of perfecting the local government's agencies on the organization and operation should be developed on the basis of a situational analysis combined with the study of the specific requirements of the conditions along political, economic, social, and

the undertakings, guidelines of the Party and the Socialist Republic of Vietnam in present.

1.3. Theoretical basis and research hypotheses

1.3.1. Theoretical basis

Marxism – Leninism, Ho Chi Minh's ideology of the state and the law, the Communist Party's view on building the rule of law and the Socialist democracy is theoretical basis of the dissertation. The dissertation selectively receipt the quintessence of human thinking about law, democracy, the controlling and division of power, the local self-government...

1.3.2. Research hypotheses

The main question of the dissertation: What are the solutions of perfecting the local government's agencies on the organization and operation?

Research hypotheses of the dissertation: *Although the Law on Local Administration Organization in 2015 was enacted but the regulations on the organization and operations of the local government's agencies in Vietnam today are still irrational and not specific, need be further improved.*

1.4. The research direction of the dissertation

- *The function approach:* This is the important approach of the dissertation. In researching the agencies, organizations in the state apparatus, the basic missions must be clarifying their functions. The evaluation of the local government's agencies on organizations and operations (research object of the dissertation) is the evaluation the implementation of these agencies' functions and missions in local management.

- *The system approach:* Analyzing and evaluating the issues of assignment, coordinate and control the power of the local

government's agencies are set in a complex of the relevant factors, interacting together to create a unity. A division, a component must be studied in one body, avoid studying incoherently, individually.

- *Interbranch approach, omparative law approach, history approach*: These are also the important approaches that are applied in the dissertation.

Chapter 2

THEORETICAL BASIC ON THE ORGANIZATION AND OPERATION OF LOCAL GOVERNMENT'S AGENCIES

2.1. Concept, location, nature of local government's agencies

2.1.1- Some of concepts

2.1.1.1- Local, administrative units and administrative-territorial units

Local is considered *the regions, areas in relation to the central, in relation to the country; Local is part of the national territorial. The local are divided into different levels. The local may be the provinces and centrally run cities; may be the rural districts, urban districts, towns or provincial cities; may be the communes, wards and townships.*

Administrative units are the territorial units defined boundaries, are separated in a unified national territorial, in order to perform the public administration. *Administrative-territorial units* is the concept of the administrative unit attached to a certain territorial. The territory is part of the Earth's surface, including limited land, water and space under the management of a certain government agencies, is the living space of a community.

Pursuant to the provisions of the Constitution and laws, the concept of "local" is associated with the concept of administrative units.

2.1.1.2- The concept of the local government

In a general views, the local government may be defined as: *the local government is part of the unified state authorities, including representative–resolutive agencies are directly elected by local people, and other agencies established on the basis of these representative –resolutive agencies, to manage the local society as stipulated by the constitution and law.*

2.1.1.3- The concept of the local government's agencies

Local government is a generalized concept, in fact only ever local government's agencies really exist. According to the definition of the local government's agencies, the systems of the local government's agencies include: representative–resolutive agencies are directly elected by local people and administrative-executive agencies established on the basis of these representative –resolutive agencies (or head directly elected by the people)

According to The Laws on local government organization was passed on June 19, 2015, the representative–resolutive agencies are the People's council and the administrative-executive agencies are the People committee.

2.1.2- The location of local government's agencies in the state apparatus

- *Location dependent with the central government of local government's agencies*
- *Location relative independence of local government's agencies*

Location relative independence and dependent with the central government of local government's agencies basically has been prescribed by the Constitution and laws. In the development of modern public administration, tend to maintain the position of local government's agencies dependent on the central government is done by the control mechanism of the law, instead of the solution of staff, to increase the initiative and creativity of local government's agencies. And many forms and mechanisms of cooperation between localities are established to make up the great achievements in the development of economic, political and social.

2.1.3- The nature of local government's agencies

- *The first aspect:* The local government's agencies are the state agencies at the local, the extended arm of the central government in the implementation of state power. As such, in relation to the unity of state power, the local government's agencies are parts of the whole, parts of a system of unified state agencies.

- *The second aspect:* However, the local government's agencies not only represent the power of the nation government, but also represent the interests, the will and aspirations of the communities in the territorial.

The researchers analyzed the model of the state apparatus of nation governments in the world (and Vietnam) have agreed with the conclusion: all levels of the local government's agencies has demonstrated dual nature: moderate nature of state power and self-management.

2.2- The functions of the local government agencies

2.2.1- The general functions of the local government agencies

2.2.1.1- Executive functions

2.2.1.2- *Functions in the implementation of the will of the local people's community*

2.2.1.3- *Functions of the association and support the community*

2.2.2- *Functions, missions of the representative–resolutive agencies*

2.2.2.1- *Resolutive functions*

2.2.2.2- *Functions in building local government apparatus*

2.2.2.3- *Functions in supervising the administrative-executive agencies, the other agencies and social organizations.*

2.2.3- *Functions of the administrative-executive agencies*

2.2.3.1- *The executive Functions*

2.2.3.2- *The administrative Functions*

2.3. *Organizational structure of the local government's agencies*

2.3.1- *The diversity of organizational models of local government's agencies around the world*

2.3.1.1- *The model of local government's agencies by a leading official (provincial governors, district chiefs ...)*

2.3.1.2- *The "dual directly under" model*

2.3.1.3- *The “dual supervision” model (The model of the French local government's agencies)*

2.3.1.4- *The “deconcentration combines decentralization” model (The model of German local government's agencies)*

2.3.1.5- *The “decentralization combine regional decentralization” model (The model of the British local government's agencies)*

2.3.1.6- *The decentralization model (The model of the US local government's agencies)*

2.3.2- Organizational structure of the representative–resolutive agencies

2.3.3- Organizational structure of the administrative-executive agencies

2.4- The criteria for evaluating the organization and operation of the local government agencies

The criteria for evaluating the organization and operation of the local government agencies are the bases (basic expressions) reflects the nature and function to identify the advantages and disadvantages, the effectiveness of the local government agencies in practice. Those are,

2.4.1- The rationality in determining the competence of the local government agencies

The determining the competence should first be established between the central government and the local government, then the determining the competence between units of the local government together

2.4.1.1- The determining the competence between the central government and the local government

2.4.1.2- The determining the competence between the local governments together

2.4.1.3- The determining the competence between units of the local governments

2.4.2- The participation of the people in the organization and operation of the local government agencies

People transfer of power for the local government agencies by law and through the activities of their elected representatives. Activities of representatives and the represented agencies and organizations must reflect the People's will and aspirations. To

quantify this, needs to be examined at the of the local government agencies, which particularly representative-resolutive agencies. These properties are expressed through electoral mechanisms, the organizational structure of the representative-resolutive agencies, mechanism for implementing resolutions activity... Through these signs, we can partly evaluate the effectiveness and quality of activities of the local government's agencies.

2.4.3- The control of power, the responsible mechanisms for the organization and operation of the local government agencies

Power control is always an important criteria for evaluating the local government agencies. No power control means that, the abuse of power, corruption has existed. The representative-resolutive agency is the agency elected by the people to represent them should do resolutions. Typically, the representative-resolutive agencies are the agencies, which elect administrative-executive agencies (Unless the people directly elect the head of administrative-executive agencies) so that, the controll of power should be handed to the representative-resolutive agencies, through functions are strictly defined: the supervise function.

Along with the supervise activities, another aspect of the power control is the responsible mechanism of the state agencies and the local government agencies. The responsible nature shall also be a criteria for evaluating the organization and operation of the local government's agencies.

CONCLUSIONS OF CHAPTER 2

Chapter 3

CURRENT SITUATION OF THE ORGANIZATION AND OPERATION OF LOCAL GOVERNMENT'S AGENCIES

3.1. The system of local government agencies in the history of Vietnam

3.1.1- The system of local government agencies in the feudal, monarchical states and the French colonial period in Vietnam

- The local government's agencies before the French colonial period

- The local government's agencies in the French colonial period

3.1.2- The system of local government agencies in the period 1945 -1959

- The period of the Revolutionary Committee

- The period organized the local government's agencies under the Ordinance and the 1946 Constitution.

- The first phase of the resistance war against French colonialism.

- The later phase of the resistance war against French colonialism.

3.1.3- The system of local government agencies in the period 1959 Constitution

After winning the war against France in 1954, the Vietnam was divided into two parts with the different political regimes. The North with the government of the Democratic Republic of Vietnam, building a socialist regime; The South continued to conduct the people democratic revolution, governed by the government of the Republic of Vietnam.

The new Constitution of the Democratic Republic of Vietnam was built in 1959, the 1962 (27/10/1962) Law on the People

council's and the People committee's organisation to provide for a systematic way of organizing each levels of the local government's agencies.

The South was governed by the government of the Republic of Vietnam, the local government's agencies are set, but in general, they are still the anonymous military apparatus management.

3.1.4- The system of local government agencies in the period 1980 Constitution

The local government's agencies system of Vietnam in this period are held according to the Constitution of 1980 and the 1983 Law on on People's council and People's committee Organization, amended in 1989. This is considered the period of The local government's agencies be held according to the "people's Commissar mode" (according to the Soviet model).

3.1.5- The system of local government agencies in the period 1992 Constitution (revised in 2001)

- *The General functions of the local government's agencies*
- *Structure of the organs of local government's agencies*

As such, Vietnam has a long history to experience the agency model of the local government's agencies. The special thing is that the pattern of local self-government level was applied from very early (XVth century), through the model villages associated with the monarchy.

After the August revolution, the people's democratic State was borned in Vietnam. All rights belong to the People and the People trusted his representatives, under the leadership of the party to build a new State apparatus. The mechanism of the people's (representative–resolutive agencies) and Administrative Committee (administrative-executive agencies) be perfected over time.

However, the local government's agencies over the period also showed a key issue is the power control mechanisms, especially the mechanism of responsibility of State agencies and the local government's agencies agency said.

3.2- Organization and operation of the People's council granted under the provisions of the current law

3.2.1. Functions, missions of the levels of the People's Council

3.2.1.1. The resolute function

3.2.1.2. The supervising function

+ *The supervising form at the People's council session*

+ *The supervising the Permanent People's Council*

+ *Perform monitoring through the activities of the Board of the People's Council*

+ *Supervising activities of the People's Council deputies*

3.2.2. Organizational structure of the level People's councils

3.2.2.1. Provincial People's Council

3.2.2.2. District People's Councils

3.2.2.3. Commune People's Council

3.3- Organization and operation of the People's committee granted under the provisions of the current law

3.3.1- The nature and functions of the People's Committee

3.3.1.1. The legal nature of the People's Committee

- *As the executive agencies organ of the People's Council of the same level*

- *As the state administrative agencies at the local*

3.3.1.2. The functions of the People's Committee

3.3.2- Organizational structure of the level People's Committee

3.3.2.1. Organizing principle

3.3.2.2. The structure and composition of the People's Committees

3.3.3. Operation and jurisdiction of the People's Committee

3.3.3. Operation of the People's Committee

3.3.3.1. Activities of People's Committees:

- + *Activities Committee's collective*
- + *Activities of the Chairman and members*

3.3.3.2. Competence of the People's Committee:

The competence of the People's Committee is the competence of the people's committee collective and competence of the Chairman of People's Committee.

- + The competence of the people's committee collective
- + The competence of the Chairman of the People's Committee

3.4. Evaluate the organization and operation of the local government agencies in present Vietnam

3.4.1- Evaluate the rationality in determining the competence of the local government agencies in present Vietnam

3.4.1.1- The determining the competence between the central government and the local government

- *The strengths, achievements*
- *The limitations and inadequacies*
- + *As irrationality in the determination of competence*
- + *The scattered and arbitrary status in management activities*
- + *Lack of control status.*

3.4.1.2- The determining the functions and missions between urban local government's agencies and rural local government's agencies

- *The strengths, achievements*
- *The limitations and shortcomings of decentralization, urban development in Vietnam*

The 2015 Laws on local government organization has one step ahead embodied the principles for determination of competence of the local government agencies, delegation, decentralization, authorization for the local government also been identified as an important legal basis for determining jurisdiction for the local government's agencies. However, these principles, rules need to be organized effectively implemented on the basis of overcoming the limitations and inadequacies of the system current local government's agencies.

3.4.2- Evaluate the participation of the people in the organization and operation of the local government agencies

3.4.2.1- Implementation resolution function

- *Analyze and evaluate the strengths, achievements*
- *The limitations and shortcomings of the People's Councils at all levels in the implementation of the resolution function*

Restrictions and shortcomings of the People's Council at all levels in the implementation of resolution can function with the statement encapsulates: the decisions of the People's Councils still superficial, for these reasons:

- + Level, the capacity of the People's Council deputies still limited and does not meet the general requirements.
- + For the People's Councils at all levels are the lack of a mechanism for professional delegates so the limitations on capability of participants is difficult to overcome.
- + Method leadership and guidance of the Party Committees of People's Councils not guarantee democratic principles.

3.4.2.2- Assessment supervisory functions of the People's Council at all levels

- *The supervising form at the People's council session*
- *The supervising the Permanent People's Council*

- *Perform monitoring through the activities of the Board of the People's Council*

- *Supervising activities of the People's Council deputies*

3.4.3- The control of power, the responsible mechanisms for the organization and operation of People's Committees at all levels

3.4.3.1- The strengths, achievements

- *Mechanisms established*

- *Regarding the organizational structure*

3.4.3.2- The limitations, shortcomings

- *The limitations of the mechanism established People's Committee*

- *The restrictions on the composition and organization of the People's Committees*

- *The limitations and shortcomings of the delimitation of authorities between the collective and the individual, between individuals and individuals in the People's Committees*

- *The limitations and shortcomings of the mechanism determining the responsibilities of the People's Committee of the local government agencies.*

• CONCLUSION OF CHAPTER 3

Chapter 4
REQUIREMENTS, DIRECTIONS AND SOLUTIONS
FOR PERFECTING ORGANIZATION AND OPERATION
OF LOCAL GOVERNMENT’S AGENCIES

4.1. Requirements for perfecting organization and operation of local government’s agencies in present Vietnam

4.1.1- Requirements enforce the constitution and the laws, the will and aspirations of the local population

4.1.2- The requirement to raise the effectiveness of state management development to meet the requirements in all aspects of society

4.1.3- Requirements compliance guidelines and policy of the Party

4.2. Directions for perfecting organization and operation of local government’s agencies in present Vietnam

4.2.1- Promoting decentralizations, decentralization to local authorities

4.2.2- Ensure the particular nature of the the local government agencies

4.2.3 Promoting develop mechanisms that link the region and the ability to scale administrative units

4.2.4- Ensure dispute settlement mechanisms between administrative institutions

4.2.5- Ensure raise standards and competencies for staffs, local civil servants.

4.3. Solutions for perfecting organization and operation of local government's agencies in present Vietnam

4.3.1- Continue legalizing the determination of competence for local government agencies

- *Identify the functions and tasks of the local government's agencies*
- *Clearly determining principles of autonomy and self-responsibility of the local government agencies*
- *Giving full competence for local governments*

4.3.2- Develop the mechanism of regional linkage between the provinces and centrally run cities and the special administrative-economic units.

To be consistent with the 2013 Constitution and the 2015 Law on organization of the local government, the mechanism of regional linkage to be built with the following basic content:

- *Determination of the participants' objectives in the regional linkage.*
- *Identify government institutions of the regional linkage.*
- *Planning and zoning for the regional linkage.*

4.3.3- Improving mechanisms of social control to local government agencies

- *Improving mechanisms of voting to control the power*
- *Improving mechanisms of voters in waiving (dismissal)*
- *Complete regulations on the use of the public media to control the power:*

4.3.4- Continue building a model of urban local governments' agencies dynamic in the spirit of the 2013 Constitution

The urban local government's agencies should be organized as follows:

- + *Level centrally run city (or provincial)*

Naturally this is the full level of the local government, it has People's Council and People's Committee.

+ *Urban districts (grant counties) and cities under the central run cities, provincial cities and towns*

People's Council and People's Committee were established in Urban districts (grant counties) and cities under the central run cities, provincial cities and towns - since this is the local government level in an administrative unit with relative independence.

+ *“Ward” level administrative unit:*

Ward level administrative units of the centrally run cities and provincial cities and towns should be organized into administrative office (one stop shop model), connected to the local government of the district, the provincial cities and towns to solve the issues as assigned by superiors. Administrative offices located in the ward include Head and officials responsible directly under the management of the People's Committee of urban district, provincial cities and towns. Chairman of the People's Committee of urban district, provincial cities and towns have the right to appoint Heads. The personnels of the ward administrative offices are civil servants under the expert committee and assigned to perform work in the ward, under the direct authority of the Head and professional committees under the People's Committee of urban districts, provincial cities and towns (under one stop shop model).

Thus, the administrative office is receiving records and return the results for all the work under the jurisdiction of the district People's Committee decision, provincial cities and towns. The local government's agencies in the ward administrative units can be organized into patterns People's Committee (Functions and missions of the People's Committee are implemented as current provisions of the 2015 Law on Organization of local government). The establishment of the ward People's Committee elected by the urban

district People's Council at the request of the Chairman of the urban district People's Council.

+ *The local government of the towns in the rural district:*

In this administrative unit, has established the full level People's Councils and People's Committees.

4.3.5- Continue to build the institution of the People's Council to promote democratic power

4.3.5.1- Perfect the mechanism of the People's Council deputies

- Making the standard of the People's Council deputies into law
- Making structural problems (ensure rationality in the composition of the People's Council deputies) into law

- Increase the professionalism of the People's Council deputies

4.3.5.2- Perfect the operational mechanism of the People's Council agencies

- Make sure the position of the Permanent of People's council
- Construction the assisting apparatus - Office of the People's council

4.3.5.3- Perfect the supervision mechanism of People's Councils

- Publicity and transparency of supervisory activities
- Must provide more specifically of missions, powers and supervisory procedures of the People's Council, the People's Council bodies and People's Council deputies.

- Ensure the continuity of monitoring activities

4.3.5.4- Renewing methods of the Party leadership for the People's Council

- *Renewing methods of leadership for the People's Council election*
- *Renewing methods of leadership for the People's Council operation*

4.3.6. To continue perfecting the organization and operation of People's Committees at all levels

4.3.6.1- Continue overcome the shortcomings in the mechanisms established People's Committee

4.3.6.2- Perfect the mechanism of collective leadership of the People's Committee

4.3.6.3- Perfect the mechanism responsible for the collective of the People's Committee

4.3.6.4- Building personal liability regime of the Chairman, Vice Chairman and members of the People's Committee.

- CONCLUSION OF CHAPTER 4

CONCLUSIONS AND NEXT RESEARCH RECOMMENDATIONS

The dissertation clarified the concept, location, nature and function of the local government's agencies in the state apparatus; research the models of the local government's agencies in the world, research organization and operation of the local government's agencies in Vietnam through historical periods.

The dissertation has built three fundamental criteria when assessing the organization and operation of the local government's agencies and describe the organization and operation of the local government's agencies in Vietnam under the provisions of the current legislation and reviews reality, analyzing their advantages, shortcomings and existence.

Analyze the requirements of the practice, on the basis of the views, the party line and compare them with the conditions of political, specific economic - society, the dissertation determined the direction and completed solution for improve organization and operation of the local government's agencies in Vietnam today. At the same time, the dissertation also mentioned the problems the organization and operation of the local government's agencies should be further research:

- Problems develop mechanisms that link between the local government units (provinces, the centrally run cities) together.
- Mechanism of People's Council deputies, the mechanisms of organization and operation of the People's Council in the implementation of each specific function of this institution.
- The responsible mechanism of the People's Committee.
- The problems of social oversight for the organization and operation of the local government's agencies in present Vietnam ...

RESEARCHER'S PUBLICATIONS RELEVANT TO THE DISSERTATION

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2. Tran Cong Dung (2015), "The unity of concept of local government in the 2013 Constitution and the making of Law on local government organisation", *Administrative Law Faculty Workshop, College of Law – Hue university* (4/2015), pp 07-11.
3. Tran Cong Dung (2015), "Guarantee the real power of People's Councils in laws of The local government", *Legal Professions Review* (10/2015), pp 7-11.
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