

Organization of Local Government in France and Experiences for Vietnam

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ABSTRACT: Among European countries, France is considered the country with the most centralized administration - meaning that the management power of the central State is still very strong. As a unitary country, local government in France is organized in principle according to a common model and has a common legal status. Local government in France is organized according to a unified general status (commune, province, region), the three largest cities in the country (Paris, Lyon, Marseille) have their own specific status. Studying the model of local government in France, a country with a very long history in Europe, is one of the basic factors and necessary conditions to build this model suitable for the current conditions of Vietnam.

KEYWORDS: Local government; government in France; government building; experience in building local government.

Building, innovating and perfecting the local government model is one of the important issues for the cause of innovation in order to perfect and enhance the effectiveness and efficiency of the operation of the Socialist Republic of Vietnam in the new situation. In countries around the world, especially in Europe, local governments have been built for a long time with very diverse models, many of which are very effective. Therefore, to build and effectively manage local governments in Vietnam, it is necessary to learn from the experiences of countries around the world, including the construction of local governments in European countries. In Europe, France is a country quite familiar to Vietnam and the article has outlined a number of issues on the construction of local governments in France, thereby drawing useful lessons for Vietnam in the process of building and organizing local governments.

1. Overview of local government

According to the Vietnamese Dictionary, government is explained in 2 meanings: "1. The right to control the state apparatus. Holding power. Government in the hands of the people.", "2. The apparatus that controls and manages the work of the state. Democratic government. Government levels" (Center for Lexicography, 2008). Thus, "Government" can be understood as the apparatus that controls and manages the work of the state.

The term "Local government" is understood in many different ways. If understood according to the general explanation of "Government" as in the Vietnamese Dictionary, "Local government" includes all state agencies organized locally to operate and manage the work of the state in the locality.

In Vietnam, the phrase "Local Government" was recognized in the 2013 Constitution, in Chapter IX, and was specified in terms of objectives, contents, methods of operation, and processes and procedures in the 2015 Law on Organization of Local Government. The application of the phrase "Local Government" under the 2013 Constitution has profoundly demonstrated the innovation of the organization and operation of local state administrative agencies according to a new philosophy (Congress, 2013).

The structure of local government in Vietnam includes two main bodies: the People's Council and the People's Committee. These two organizations are considered the foundation of the political system of local government. The identification of the People's Council and the People's Committee in a unified body of local government is the responsibility of the elected body and the executive body. This is considered an important step to create the necessary conditions and foundations for local governments to be able to perform their work effectively and reasonably. The completion of these institutions and conditions will help improve the performance of local governments, thereby bringing positive results to the community.

Thus, the centralized and unified management of all state administrative work in the locality is carried out by local governments at all levels, including the People's Council and the People's Committee. The democratic rights of the People and the socialist legal system are guaranteed; All agencies, organizations, enterprises and citizens are supervised to ensure compliance with the laws of the State in the area. The economy in the territory, including the central and local parts, is managed and built through the participation of local authorities. The obligations of local authorities at all levels to the State are implemented comprehensively; the lives of local people are cared for and taken care of; security, order and social safety are protected; environmental resources are managed and protected; building armed forces and national defense are the tasks of local authorities. The organization of local authorities in Vietnam in this way comes from the concept that "in our country, there is a unitary state, so the model of local government

Organization of Local Government in France and Experiences for Vietnam

organization is organized according to territorial administrative units and there is a division between the "central state apparatus" and the "local state apparatus" (Le Minh Thong, 2006).

2. Building urban government in France

Researching and referring to the experience of building local government in France is important in building and perfecting local government in Vietnam. Local government in France is established with the following characteristics:

According to Article 72 of the 1958 Constitution Amendment dated March 28, 2003 of the French Republic, except for special territories, local government in France is organized according to three territorial administrative levels: commune, province and region. These are self-governing local government levels, with a general model: an elected body directly elected by local residents; an administrative body established by the elected body. The regional level has an additional economic council and social council (Truong Thi Hong Ha, 2017).

- Commune: this is the first and oldest local level in France. Communes have long been parishes, all of which are spontaneous residential clusters, existing in the very early stages. The State did not establish a commune government but mainly to recognize the existence of the commune. The commune government includes: the commune council - an agency elected by the people in the commune, the number depends on the size of the commune. The council elects the commune chief - who is the representative of the council, also the head of the commune-level administrative agency.

- Province: the provincial level was also established in 1789 - however, unlike the commune level, the province was not considered an autonomous government from the beginning. Previously, the provincial level was a local administrative organization established by the central government and elected a representative agency of the central government in the locality (provincial governor). By 1871, the law recognized the provinces as having an autonomous local mechanism - with independent legal status, separate powers and separate resources. Having the mark of decentralization of the State, although today, the province has become a level that concentrates many representative agencies of ministries. But the general structure of the province is according to the general structure: the provincial council - elected by the people in the province - is the representative agency and decides on local affairs; the Chairman of the provincial council is elected by the provincial council - is the administrative agency, responsible for organizing the implementation of local affairs. The governor has two tasks: representing the State in the locality and implementing the resolutions of the provincial council. After the Law on Local Government in 1982, the governor has only the sole task of representing the State and ensuring the legality in the performance of his duties.

- Region: this is a new level of government that has recently been recognized as a local government. Previously, there was no regional level: until the 1960s, regions were only public service agencies - with the task of operating and organizing State activities on a larger scale than the province. The French Law on Decentralization in 1982 gave the region the status of a local government. The chairman of the regional council is elected from among the members of the regional council and is responsible for coordinating local activities. The head of the region (the governor of the capital province of the region) is the representative of the State in the region and must conduct a legal check on the operation of the regional council.

The three levels of government above all have the status of local government agencies of the State, all are local self-governing governments. Here, there is supervision from the Central Government, but most local activities are run through a self-governing government. When discussing "local government" in France, the most basic meaning is all three levels: province, district and commune.

3. The mechanism of decentralization and administrative autonomy of local governments in France

The principle of local administrative autonomy was stipulated in the 1958 Constitution of the French Republic, amended and supplemented in 2003. According to Article 72 of the 1958 Constitution of the French Republic, amended and supplemented in 2003, it is stipulated that: "under the conditions prescribed by law, local governments exercise administrative autonomy by elected councils and have the right to issue legal documents to exercise their powers". At the same time, the Constitution of the French Republic emphasized: France is a country that follows the principle of decentralization. The increasing expansion of local autonomy has been clearly demonstrated in the legal system of the French Republic. Local autonomy appears through the clear definition of the roles and powers of local governments and in the connection between the central government and local governments. Specifically, it is shown as follows:

- Regarding Local authority: the lower the level, the broader the autonomy.

The authority at the local level in France has been determined in two forms: i) According to the provisions on authority in each field of specific laws. Although not recorded in the Constitution, the authority of local levels in France is clearly stated in the laws. In France, the term "clause generale de competence" is often used to refer to a general provision on the authority of local levels. For example, when talking about the commune level, the Law of April 5, 1884 clearly stated: "The commune council through its conference resolves the affairs of the commune".

Currently, except at the commune level, most factors related to the authority of local levels in France have been clearly stated in legal documents in each field; or are stipulated in a number of different legal documents. Specifically, the authority of local authorities in France is stipulated as follows:

Organization of Local Government in France and Experiences for Vietnam

Commune level: is the administrative level closest to the people, the commune government has many diverse powers:

- In the field of urban planning management, many powers previously belonging to the Government have been transferred to the commune level. The commune level has the right to self-determination in issuing normative documents on urbanization (urban planning and corresponding urban development planning) on the principle of compliance with and respect for legal regulations on urban planning. The commune chief has the authority to grant construction permits and urban planning to citizens.
- In addition, the commune level also has authority in specific areas such as: Organizing social activities at humanitarian and social assistance facilities; Managing kindergartens and primary schools; Establishing and managing activities in the field of culture and arts; Establishing and managing sports clubs, supporting the organization of sports activities, including all competitive sports; Maintaining streets and ensuring security and order in the commune - through the enforcement power exercised by the commune chief.
- In addition, the commune also has a number of authorities - exercised by the commune chief or deputy commune chief - which are all State authorities but exercised by the resources and personnel of the commune such as: managing the civil status of the commune's residents (registration of births, deaths and marriages); organizing general elections, etc.; organizing communal public services and planning for construction and rural development.

Provincial level: The Law on the modernization of territorial public services and the establishment of urban centers has identified the provincial level as the leading level in the field of social assistance; personnel self-management and territorial integration. Provincial social activities, which account for half of the provincial budget, are carried out for the following purposes:

- Ensuring the implementation of social security policies under the authority of the province such as: Supporting mothers, children and families in difficulty; Policy on creating living conditions and social integration for people with disabilities; Social policy to help retirees live at home or in nursing homes.
- In the field of education, the provincial level has the authority to build, maintain and equip universities.
- In urban management, the provincial level has the authority to: Invest in and equip rural areas, manage land, water and rural transport (based on priorities from communes);
- In the field of transport: Some provincial authority has been transferred to the regional level - currently only the transport of disabled students is within the scope of the province. In addition, all roads not belonging to the national public property area will be the responsibility of the province. The province also manages areas related to seaports and inland waterways, and some domestic airports.
- In the cultural field: Provincial libraries; museum services, heritage conservation, etc. are served and managed by the provincial level. The province has a role in managing cultural and sports activities. This role is shared between the commune and regional levels.

Regional level: The new Territorial Organization Act of the French Republic (August 7, 2015) has strengthened the authority of the regional level, especially in the areas of planning, zoning and arranging the activities of localities within the regional territory. However, the regions do not enjoy the general authority clause - their competences are only regulated by specific laws (since 1983). These areas include:

- The region has the task of providing directions for economic development. To achieve the above goal, the region must provide a regional map of economic development; innovation and internationalization - the core task of which is to develop directions to support businesses and promote internationalization trends, support the real estate market and business innovation as well as directions that influence the increase of regional (investment) attractiveness.

Regional plans must be approved by the regional master plan - to test the compatibility of regional plans with national interests. Conversely, decisions of local authorities must also be compatible with regional plans.

- The region has authority in the field of land management - with authorities such as: drafting a regional planning map, plans for equitable and sustainable development.
- One of the very important authorities is the regional level (transferred by the provincial level) with basic authorities for the field of non-urban public transport - with a self-designed or statutory mechanism. This is a very basic area of authority of the region.
- In the field of professional education and vocational training, specific activities are carried out by the regional level - including the integration of education for poor youth and additional types of training. The competence of the regional level also includes the construction, maintenance and operation of general secondary schools, as well as secondary schools and agricultural training establishments.

- In addition, according to the Law of 27-02-2002, many competences previously belonging to the State have been transferred to the regional level such as: heritage conservation; development of seaports and inland airports; implementation of regional plans on air quality, classification of natural species by region.

Thus, it can be seen that: the competence of the provincial and regional levels has been clearly defined, and both lean towards defined directions: for the province, the competence is focused on social support and management of culture and traffic; At the regional level, the main authority is in the field of planning and economic development. For the commune level, in addition to other specific authorities, there is a general part (with related provisions) that significantly increases the authority of the commune level.

Organization of Local Government in France and Experiences for Vietnam

The specific authorities of localities will be regulated in more detail in the law to limit the level of local autonomy. Normally, for self-governing administrative units, it is not easy to determine these authorities simply through listing. Instead, more abstract concepts such as the provision on general authority will appear. As a grassroots level, the commune level has the broadest authority - this is in line with the principle of commune autonomy.

4. Comparison of local government organization models in France and Vietnam

1. Administrative structure		
Criteria	French	Vietnam
Number of administrative levels	3 levels: Region → Department → Commune.	3 levels: Province/City directly under the Central Government → District/County → Commune/Ward.
Characteristic	- 18 regions (of which 13 are in the mother country). - 101 provinces. - ~35,000 communes.	- 63 provinces/cities directly under the Central Government. - ~700 districts/counties. - ~10,600 communes/wards.
Big city	Paris, Lyon, Marseille (with special regulations).	Hanoi, Ho Chi Minh City, Da Nang (centrally governed).
2. Decentralization and autonomy		
Criteria	French	Vietnam
Level of autonomy	- High autonomy: Localities have the right to legislate (within a framework), collect taxes, and manage the budget. - Regions and provinces have their own elected People's Councils.	- More centralization: Local governments depend on the central government for budget and policy. - The People's Council (PC) has supervisory power, but major decisions must be approved by the central government.
Monitoring mechanism	- The Central Government can intervene if the locality violates the law. - The "Prefect" system (Central representative) supervises the province.	- The Party system leads closely. - The Central Inspection Commission supervises local activities.
3. Budget and finance		
Criteria	French	Vietnam
Revenue	- Local taxes (property tax, corporate tax). - Subsidies from the Central Government. - Issuance of local bonds.	- Mainly based on budget allocation from the Central Government. - Some provinces retain % of tax (eg land use tax).
Spending	- Autonomy in spending on education, health care, local transport. - Area for managing large projects (e.g. railways).	- Spend according to the Central approved plan. - Prioritize infrastructure development in large urban areas.
4. Elections and representation		
Criteria	French	Vietnam
Local Council	- Regional, Provincial and Commune Councils are directly elected by the people. - Mayor (Maire) is elected by the Commune Council.	- People's Councils (PCs) at all levels are elected by the people, but candidates must be consulted by the Fatherland Front.
Term	6 years (Commune, Provincial, Regional Council).	5 years (People's Councils at all levels).
5. Outstanding challenges		
French	Vietnam	
- Development gaps between rural and urban areas. - Controversial decentralization reforms (e.g. regional mergers).	- Lack of financial autonomy at the commune level. - Corruption and lack of transparency in land management. - Urbanization pressure in Hanoi and Ho Chi Minh City.	

Thus, the above comparison table shows:

- Regarding administrative structure: Both countries have a 3-level administrative structure, but France has a much larger number of provinces and communes than Vietnam. Large urban areas in France (Paris, Lyon, Marseille) have special regulations, while in

Organization of Local Government in France and Experiences for Vietnam

Vietnam, large urban areas are directly under the Central Government. It can be seen that in France, decentralization is clearer, while Vietnam tends to a centralization model from the Central Government.

- Regarding decentralization and autonomy: France has a much higher level of autonomy than Vietnam, allowing localities more freedom in management and decision-making. The supervisory system in France is based on the law and the function of the "Prefect", while in Vietnam, the Party system and the Central Inspection Committee play an important role. In France, the model of strong decentralization is followed, while in Vietnam, the socialist centralization model is under the comprehensive leadership of the Party.

- Regarding budget and finance: France has more diversified sources of revenue and is more autonomous in budget management, while Vietnam depends heavily on allocations from the Central Government. France has the right to manage large projects at the regional level, while Vietnam focuses on spending in large urban areas according to the Central Government's plan. France grants fiscal autonomy to localities, while Vietnam strictly controls to avoid regional imbalances.

- Regarding elections and representation: Both countries have electoral systems for local councils, but France has a more direct and independent election process. Mayors in France are elected by the Commune Council, while in Vietnam, candidates must be consulted by the Fatherland Front. The term of office of local councils in France is longer than in Vietnam. France promotes direct representative democracy, while Vietnam combines democracy but has the leadership of the Party.

- Regarding outstanding challenges: France is facing the balance of development between urban and rural areas, as well as debates related to decentralization reforms. Vietnam is facing problems such as low financial autonomy, corruption, and non-transparent land management, while facing urbanization pressure in large cities. Both face the problem of balanced development, but the causes are different (France due to decentralization, Vietnam due to power concentration). From this analysis, we see that the local government organization model in France has a much higher level of autonomy and power than Vietnam. France has a more complex and diverse administrative structure, with many powers concentrated at the local level. In contrast, Vietnam has a more centralized model, with power and finances mainly controlled by the Central Government. France's challenge focuses on balanced development and decentralization reform, while Vietnam faces problems related to financial autonomy, corruption, and land management.

5. Lessons learned for building urban government in Vietnam

From the practice of the local government model in France, some lessons can be drawn for reference in building local government in Vietnam as follows:

First, it is necessary to clearly distinguish between natural and artificial administrative units, from which the organizational structure of the government can be established at an appropriate level. With natural administrative units, decentralization and delegation of authority can be implemented most effectively, because as a fairly complete entity, the locality will be able to be ready to exercise self-governance. With localities that differ in size, population and level of socio-economic development - it is necessary to open up the possibility of organizing in separate ways - not only to ensure professionalism but also to maintain the connection between the government and the people in using public services. In addition to applying the usual model, it is necessary to recognize the specificity of different localities in order to build an appropriate local government model - in the style deployed by the French Republic.

Second, after identifying localities with the ability to exercise autonomy, it is necessary to clearly stipulate the competences of those localities. For these localities, it is impossible to apply the general competence model in the way of "Based on the Constitution, laws, or documents from higher-level state agencies,... to make decisions on ensuring the implementation of the Constitution and laws at the local level". The competences of local governments need to be established separately - compared to the above state agencies. These are the competences that can only be exercised within the framework of administrative decentralization. It is possible that these competences have been recognized in the Law on Organization of Local Government in 2015 or have been specified in detail in the laws on each field. These powers can be defined in an exclusive manner: everything that does not fall within the scope of the central government will fall within the jurisdiction of each locality. When the boundaries between organizations, the central government or between levels of administration are not yet specific and clear, the court will be the final person responsible for clarifying any disputes.

Third, for self-governing localities, the Law on Organization of Local Government 2015 needs to be reformed with direct supervision by the locality.

Administrative supervision activities - carried out by the superior and highest authority, the Government - should only be carried out within the framework of the authority that is "shared" between the locality and those administrative agencies. If supervision and inspection (such as suspending the implementation of documents or any form of requesting reports, approvals, implementing disciplinary measures, etc.) are carried out within the scope of tasks that have been delegated at the local level, it will go against the spirit of decentralization, or in short, invalidate decentralization. Experience from many countries in the world shows that: for areas of local self-management, only one form of supervision can be applied: the judiciary. The court is also the most independent, objective and professional agency to check the transparency of local government activities in areas that have been decentralized and delegated. In addition, even in areas that have been decentralized to the local level, in addition to administrative supervision and

Organization of Local Government in France and Experiences for Vietnam

inspection, the court also appears in parallel or is the last way to carry out direct supervision and inspection of local governments. Reducing direct and comprehensive intervention by superiors in administrative supervision is a necessary measure to respect local autonomy. In the context of decentralized and autonomous local government, supervision should be carried out in two different cases: i) For powers not yet delegated to localities - that is, powers that localities exercise based on legal documents and instructions from superiors (for example, decisions that need to be approved by superiors). In this situation, the superior can conduct direct supervision through reviewing and canceling local government documents if they violate the law or do not comply with documents from higher levels. ii) For the powers that have been delegated to the locality - that is, the powers that the locality has full authority in decision-making, in this situation, the superior should not interfere in the supervision: local government documents are subject only to the law and are under the sole control of legal provisions, carried out by local judicial organizations. According to the experience of developed countries, the competent organization to control local documents in this situation is the administrative court - or the civil court - in places where there is no separate administrative court organization.

6. CONCLUSION

Local governments in the world in general and in Vietnam in particular are formed with the purpose of managing issues in local territories. The organization and operation of local governments are being built and perfected in 63 provinces and cities nationwide and are increasingly being strengthened in terms of effectiveness and efficiency. However, at present, the organization and operation of local governments in some places still have shortcomings and limitations. This requirement is set for research and implementation of the organization and operation of local governments towards building a suitable, streamlined, effective and efficient local government model, aiming at the happiness of the people, meeting the general development requirements of the country in the new context. Through the French model of local government organization, some theoretical and practical lessons can be provided in the organization of the local government management apparatus in our country today./.

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