

September 19, 2017

We are pleased to share with you the attached submission, in partnership with the organizations listed within.

We appreciate the opportunity to provide feedback on the draft Decree, and would welcome the chance to meet with relevant officials to discuss our comments.

Thank you in advance for your consideration,

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Head of Development Cooperation, Embassy of Belgium

Kate Reekie  
Head of Development Cooperation, Embassy of Canada

Nuala O'Brien  
Head of Development, Irish Aid, Embassy of Ireland

Michael Greene  
Mission Director, USAID

**Submission to the Office of Government and the Ministry of Foreign Affairs as part of the Consultation on the DRAFT Decree on Sanction of Administrative Violations in the Organization of International Conferences and Workshops in Vietnam, the Operation of Foreign Non-Governmental Organizations in Vietnam, and Consular Certification and Legalization Activities**

19 September 2017

As representatives of Development Partners and International and Vietnamese NGOs working cooperatively in Vietnam, we welcome the opportunity to contribute our joint comments on the revised Draft Decree on Sanction of Administrative Violations in the Organization of International Conferences and Workshops in Vietnam, the Operation of Foreign Non-Governmental Organizations in Vietnam, and the Consular Certification and Legalization Activities (the Draft Decree).

We write as partners supporting the Government of Vietnam's objectives of poverty reduction and sustainable development, and recall that our engagement with the Government of Vietnam on the regulatory framework for development cooperation, including for the provision and management of foreign non-governmental aid, has consistently emphasized the over-riding goal of simplifying the regulatory framework to promote effective aid and to facilitate the transfer and use of aid, and the importance of alignment of relevant regulations with Vietnam's overall legal and regulatory framework.

It is therefore with concern that we have reviewed the Draft Decree, with particular consideration to the potential impact on the entire development sector of sanctions proposed on the organization of international conferences and workshops, and on the operation of non-governmental organizations.

- The justification for proposing sanctions at this time is not clear. A regulatory framework for the management of development assistance exists. It is complex and its implementation is challenging, but sanctions will not, for example, improve delays which – while attributed to aid donors and recipients in the Draft Decree – are often caused by government agencies tasked with appraisal, approval, or issuing required permits. A simplification of the existing framework, with clear timelines for completion of required steps for both aid donors/recipients and administering authorities, would be a better strategy to strengthen compliance.
- We are seeing increasingly contradictory signals from the Government. We understand a commitment to increase foreign non-governmental aid, and to facilitate the contribution of social organizations to Vietnam's socio-economic development and to the Sustainable Development Goals (SDG). As an example, this past July and August the Ministry of Planning & Investment and the Peoples' Aid Coordinating Committee (PACCOM) organized parallel workshops on the implementation of Vietnam's SDG Action Plan, addressing the role of Development Partners, international and local NGOs in the process. These were well-received, and there was strong interest and commitment to contribute to the SDGs.

At the same time, we are facing an increasingly complicated regulatory environment for the provision and management of aid. The imposition of sanctions sends a negative signal that contradicts the spirit of partnership within which we approach cooperation in Vietnam, and with the Government of Vietnam. Further, the implementation of the Draft Decree would add another layer to aid management that would increase inefficiencies and transaction costs for donors and beneficiaries as well as for Government, diverting funds from their intended purpose. These changes could increase the risk that partners will choose to work or have an office in other countries in the future, where the operating environment is easier.

Within APEC, Vietnam is taking leadership on inclusive growth – participation of all citizens - as well as a recent commitment to become a more ‘Facilitating State’. Mindful of the strong, positive record of international and local NGOs to Vietnam’s socio-economic development over the past three decades, we would like to reiterate a call for a balanced approach to the regulatory framework for the development sector – ensuring it enables the continued provision of development assistance in Vietnam, while at the same time respecting the management needs of the Government of Vietnam.

We would welcome an opportunity to meet with those officials responsible for the Decree, to discuss challenges with the Draft Decree in further detail.

**This contribution to the Drafting Committee is submitted to you with the support of the undersigned organizations:**

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| 1. ActionAid Vietnam   | 51. Trung tâm Dân số, Môi trường và Phát triển (PED)                              |
| 2. Adventist Development and Relief Agency                       | 52. Trung tâm Hành động và Liên kết vì Môi trường và Phát triển (CHANGE)          |
| 3. Agricultural Development Denmark Asia                         | 53. Trung tâm hỗ trợ giáo dục và nâng cao năng lực cho phụ nữ (CEPEW)             |
| 4. Allianz-Mission in Vietnam                                    | 54. Trung tâm Hỗ trợ nguồn lực phát triển (CENFORD)                               |
| 5. American Council of Learned Societies                         | 55. Trung tâm Hỗ trợ phát triển bền vững cộng đồng các dân tộc miền núi (SUDECOM) |
| 6. American Red Cross  | 56. Trung tâm ICS (ICS)   |
| 7. Animals Asia  | 57. Trung tâm Môi trường và Phát triển Cộng đồng (CECod)                          |
| 8. Australian Foundation for the Peoples of Asia and the Pacific | 58. Trung tâm Nâng cao Năng lực Cộng đồng (CECEM)                                 |
| 9. Ban Hành động vì sự phát triển hòa nhập (IDEA)                | 59. Trung tâm nghiên cứu Giới, Gia đình và Môi trường trong Phát triển (CGFED)    |
| 10. Bread for the World  | 60. Trung Tâm nghiên cứu môi trường và cộng đồng (CECR)                           |
| 11. CARE International   | 61. Trung tâm Nghiên cứu Phát triển Nông lâm nghiệp miền núi (ADC)                |
| 12. Catholic Relief Services                                     | 62. Trung tâm Nghiên cứu tài nguyên và Phát                                       |
| 13. CBM  |   |
| 14. ChildFund  |   |
| 15. Clinton Health Access Initiative                             |   |
| 16. Cơ sở xã hội Bình Lợi (BLC)                                  |   |
| 17. Community and Family Services                                |   |

- International
18. Environnement et Developpement Du TIERS-MONDE
  19. FHI 360
  20. Foundation for International Development / Relief
  21. Friedrich Ebert Stiftung
  22. German Red Cross
  23. Habitat for Humanity Vietnam
  24. Handicap International
  25. Healthbridge Foundation of Canada
  26. Heifer International Vietnam
  27. HELVETAS Vietnam
  28. Hội Người khuyết tật Sơn Tây (DPO SonTay)
  29. Institute of International Education
  30. MAG Vietnam
  31. Malteser International
  32. Marie Stopes International Vietnam
  33. MCNV
  34. Medecins du Monde
  35. Netherlands Development Organization—SNV
  36. Nhóm Sáng tạo trẻ Bến Tre (STT BenTre)
  37. Norwegian Church Aid
  38. Orbis International
  39. Oxfam in Vietnam
  40. Partage Vietnam
  41. PATH
  42. Plan International Vietnam
  43. Save the Children Vietnam
  44. The Asia Foundation
  45. The Fred Hollows Foundation
  46. Tổ chức hướng tới minh bạch (TT)
  47. TRAFFIC International
  48. Trung tâm Bảo tồn đa dạng sinh học Nước Việt Xanh (GreenViet)
  49. Trung tâm Bảo tồn và Phát triển Tài nguyên nước (WARECOD)
  50. Trung tâm Con người và Thiên nhiên (PanNature)
  - triển nông thôn (RECERD)
  63. Trung tâm Nghiên cứu và Phát triển cộng đồng Nông thôn (CCRD)
  64. Trung tâm Nghiên cứu và Phát triển Xã hội (CSRĐ)
  65. Trung tâm Phát triển Cộng đồng Cao Bằng (DECEN)
  66. Trung tâm Phát triển cộng đồng Hà Tĩnh (HCCD)
  67. Trung tâm Phát triển Cộng đồng LIN (LIN)
  68. Trung tâm Phát triển cộng đồng và công tác xã hội (Codes)
  69. Trung tâm phát triển năng lực cộng đồng (CYCAD)
  70. Trung tâm Phát triển Sáng tạo Xanh (GreenID)
  71. Trung tâm Phát triển Truyền thông và Sức khỏe (HCDC)
  72. Trung tâm Phát triển và Hội nhập (CDI)
  73. Trung tâm Sáng kiến Sức khỏe và Dân số (CCIHP)
  74. Trung tâm Sức khỏe cộng đồng và phát triển (CEPHAD)
  75. Trung tâm Tư vấn quản lý bền vững tài nguyên (CIRUM)
  76. Trung tâm tư vấn truyền thông và phát triển (CCDC)
  77. Trung tâm Tư vấn và hỗ trợ dự án phát triển nông thôn (RDP)
  78. Trung tâm tư vấn và hỗ trợ nghề cho thanh niên có hoàn cảnh khó khăn (REACH)
  79. Trung tâm Vì sự phát triển bền vững miền núi (CSDM)
  80. Viện nghiên cứu xã hội kinh tế và môi trường (iSEE)
  81. Viện Tư vấn Phát triển Kinh tế Xã hội Nông thôn và Miền núi (CISDOMA)
  82. Vietnam Assistance for the Handicapped
  83. VUFO-NGO Resource Centre
  84. VVOB
  85. Wildlife Conservation Society
  86. Woolcock Institute of Medical Research
  87. World University Service of Canada
  88. World Vision Vietnam