



**NATIONAL LEGISLATIVE DEVELOPMENT IN VIETNAM (NLD) PROJECT
DRAFT PROJECT IMPLEMENTATION PLAN (PIP)**

Acronyms

AFA	Application for Approval
AFM	Vietnamese Assistant Field Manager
AWP	Annual Work Plan
CBA	Canadian Bar Association
CEA	Canadian Executing Agency
CEDAW	Convention on the Elimination of Discrimination Against Women
CIDA	Canadian International Development Agency
DANIDA	Danish International Development Agency
EC	European Commission
GALD	Department of General Affairs on Legal Development
GOPAR (DANIDA)	Good Governance and Public Administration Reform Programme
GOV	Government of Vietnam
GRS	Gender and Results Based Management Specialist
ICD	International Cooperation Department, Ministry of Justice
ILS	Institute of Legal Science
IM/IT	Information Management/Information Technology
IOs	Immediate Outcomes
IMOs	Intermediate Outcomes
JPP	Justice Partnership Program (EC/DANIDA/SIDA)
LC	Law Committee of the National Assembly
LCs	Locally Engaged Consultants
LM	Logic Model
LND	Legal Normative Document
MAG	Ministry of the Attorney General for the Province of Ontario
MARD	Ministry of Agriculture and Rural Development
MOF	Ministry of Finance
MOIT	Ministry of Industry and Trade
MOJ	Ministry of Justice of Vietnam
NA	National Assembly of Vietnam
NLD	National Legislative Development Project
OJI	Ontario Justice International
OOG	Office of Government
OP	Operational Plan
OPS	Ontario Public Service
PD	Project Director
PFM	Project Field Manager
PIAP	Policy Implementation Assistance Project (CIDA)
PIP	Project Implementation Plan
PMF	Performance Measurement Framework
PMT	Project Management Team
PMU	Project Management Unit
PSC	Project Steering Committee
PSs	Project Specialists
RBM	Results Based Management
RFP	Request for Proposal
RIA	Regulatory Impact Assessment
SE	Stikeman Elliott LLP
SEAP	CEDAW Southeast Asia Project
SIDA	Swedish International Development Agency
STAR	Support for Trade Acceleration Project (USAID)
TA	Technical Assistance

TAT	Technical Advisory Team
TOR	Terms of Reference
UNDP	United Nations Development Program
USAID	United States Agency for International Development
VN	Vietnam
VNCI	Vietnam Competitiveness Initiative
WBS	Work Breakdown Structure
Y1	Year One [etc]

Chapter 1 – Introduction

1.1 Contextual Background

Since the introduction of the Doi Moi policy in 1986, Vietnam has made significant progress in developing a legal and policy framework to support the socio-economic aspects of the shift from a centrally planned economy to a “socialist oriented market economy” and to develop a state governed by the rule of law.

On the economic front, the adoption of regulatory and legal reforms has contributed, since 1996, to an average annual GDP growth rate of 6.45%. This growth has been accompanied by the rapid expansion of the private sector and a greater recognition of property rights. In addition, accession to the WTO in January 2007 has led the Government of Vietnam (GOV) to put a greater focus on the harmonization of its laws with its international commitments and the completion of the legal system to promote economic reforms and international economic integration.

Economic growth has had a major impact on the living conditions of the population. Poverty rates have dropped significantly (10% in 2010 vs. 58.1% in 1990) and the country is on track to meet the majority of the Millennium Development Goals. However, there has been recognition on the part of the GOV that the improvement of material conditions constitutes only a first step and that social and human development is also necessary to ensure sustainable economic growth. The Strategy on Gender Equality 2011-2020 and the Socio-Economic Development Strategy 2011-2020 (SEDS) confirm the GOV’s willingness to support further social development, the protection of citizen’s rights and to involve all citizens, in particular women and members of vulnerable groups, in ensuring more effective, accountable and transparent governance.

At the same time, the GOV has moved forward with its commitment to the development of a rule of law state. Clearly stated in the 1992 Constitution of Vietnam (amended in 2001), the commitment of moving toward a socialist rule-of-law state was reiterated by the Communist Party of Vietnam (CPV) through 2002 Resolution 08-NQ/TW of the Politburo. This Resolution led to the adoption of Resolution 48-NQ/TW on the Legal System Development Strategy to 2010 with a Vision to 2020 (LSDS) and Resolution 49-NQ/TW on the Judicial Reform Strategy for the Period until 2020 (JRS), by the Politburo in 2005. These strategies set out the foundations of a rule of law state through, inter alia, initiatives to protect human rights, promote democracy, ensure greater access to justice and reform the judicial system.

Over the last two decades, with support from international donors, the GOV also developed and implemented a number of administrative and legislative initiatives to strengthen its legal institutions and improve its processes. One of the measures undertaken by the GOV in that context was to reform its legislative processes.

The Law on the Promulgation of Legal Normative Documents (LNDs) (hereinafter the Law on Laws (LoL)) was adopted in 2008 in an attempt to reform a legal framework – consisting at that time of 200 laws, 100 ordinances and 10,000 ministerial-level LNDs – that had become inconsistent, ineffective and often contradictory.

Reducing the number of types of LNDs that could be issued by authorized competent bodies - including the central government, the national line ministries, and the sixty-four provincial governments - from 23 to 18 and establishing the principle that each agency could only issue one type of LND, the LoL sought to address, inter alia, shortcomings in

legislative research, consultation and analysis, by setting out clear procedures that would improve consistency in legislative development processes and legal system coherence.

Four years later, it is undeniable that the introduction of this legislation, supported by significant work in the field of legislative reform, has had some positive impact on legislative development processes. However, issues such as: the high number of government entities that remain involved in the legislative development process; the absence of a centralized, coordinated and clearly defined approach to policy making, legislative development, enactment and implementation; the limited use of public consultation; and the lack of skills and tools to effectively meet legislative review requirements, continue to pose significant challenges. Moreover, the law that governs the law-making process at the provincial level was passed in 2004 and has not yet been harmonized with the 2008 law. These challenges contribute to a lack of legal clarity and an absence of transparency; both have a major impact on economic and social development. The lack of legal clarity hampers effective planning and management of economic policies and affects implementation of social policies and programs; elements which are critical to respond to the challenges of an economy in transition, as well as to navigate through the international economic downturn. The lack of transparency of the legal system hinders the protection of the rights of all citizens, and in particular the most vulnerable in society, including women and ethnic minorities.

By supporting an integrated program of reform of the Vietnamese law-making process, the National Legislative Development Project (NLD) will assist the GOV in developing a strengthened, effective and transparent legal framework that will reflect the needs of Vietnamese citizens and support equitable economic growth.

1.2 Project Background

The NLD was designed in parallel to the above-described governmental and donor initiatives. The initial design, the result of the submission by MOJ of a proposal on legislative development reform in January 2007, was first developed and reviewed in November 2007, before the adoption of the LoL. The project was designed to support four core components of the law-making process: planning; policy analysis; legislative drafting; and the coherence and systematization of laws. The design was refined a year later to take into consideration the changes brought by the adoption of the LoL and to include a focus on legislation with an impact on economic development.

On 20 July 2010, CIDA published a Request for Proposals based on the above-mentioned design. In response, the Canadian Executing Agency (CEA), a consortium of the Canadian Bar Association (CBA), Ontario Justice International, Ministry of the Attorney General of Ontario (MAG), and Stikeman Elliott LLP (SE) submitted a technical and financial proposal to CIDA.

CIDA entered into a Consulting and Professional Services Contract with the CEA on March 29, 2012, to implement the NLD.

1.3 Project Objectives

Project Goal: To support more equitable economic growth through more transparent and accountable governance.

Project Purpose: To support an integrated program of reform of the Vietnamese lawmaking process and improve the quality of economic legislation.

Ultimate Outcome: A strengthened, effective, transparent legal framework reflecting the needs of Vietnamese citizens and supporting equitable economic growth

Intermediate Outcomes:

- Strategic planning and management processes being applied by the MOJ and line ministries in the legislative development process;
- Increased participation in legislative development by citizens and the private sector;
- Enhanced consistency, coherence, and standardization in the Vietnamese legislative development system; and
- Improved quality of economic legislation developed through pilot programmes.

Immediate Outcomes:

- Improved capacity within the MOJ and partner economic line ministries to engage in strategic planning processes;
- Increased capacity in MOJ and economic line ministries to conduct policy research and impact assessments, including gender impact assessment;
- Improved capacity in MOJ and economic line ministries to conduct consultations with citizens and the private sector throughout the legislative development process;
- Strengthened capacity in MOJ and economic line ministries to draft legislation in accordance with recognized techniques and standards;
- Improved capacity of MOJ to support and ensure quality of legislative drafting;
- Improved capacity of MOJ and National Assembly's Law Committee to apply consistent standards to the appraisal and review of legislation; and
- Increased capacity of MOJ and line ministries to systematize legal normative documents and increase the consistency of the Vietnamese legal framework.

1.4 Summary of Inception Mission Findings Relevant to Project Implementation

The inception mission and the preparation of the PIP were envisioned as the key activities of the inception phase of the NLD. In collaboration with CIDA and the MOJ, the CEA planned and conducted an inception mission to Vietnam from 18 May to 2 June 2012.

The key goals of the mission were as follows:

- to establish relationships with the MOJ and other key Vietnamese government project stakeholders;
- to ensure the MOJ and stakeholders' support for the project goals and better understand their expectations with respect to the project results, their commitment and operational capacity and their political and practical constraints; and
- to work with CIDA and the MOJ to develop a project methodology that will reflect their goals and include partners, processes and activities that will achieve the desired project results.

The mission team members consulted with CIDA and key Vietnamese project stakeholders including MOJ and its Department of General Affairs on Legal Development (GALD), the Department of International Cooperation (ICD), the Department of Civil and Economic Law, the Department of Criminal and Administrative Law, the Department of

International Law, the Department of Legal Dissemination and Education, the Institute of Legal Science (ILS), and the Legal Normative Document Review Agency; the Law Committee/LC (Law Department of the Office of the National Assembly/NA) ; the Department of Law of the Office of the Government (OOG); the Ministry of Agriculture and Rural Development (MARD); the Ministry of Finance (MOF) and the Ministry of Industry and Trade (MOIT). The team members also met with donors engaged in justice and legislative reform initiatives in Vietnam, including UNDP, DANIDA, USAID, STAR, PIAP and JPP.

These consultations as well as the research undertaken prior to the mission resulted in the following findings:

With respect to the context and the legislative reform process:

- The MOJ and donors that the mission team met with indicated that the MOJ views the NLD as a very important project. However, almost five years have elapsed since the first project design mission in 2007 and so the MOJ is anxious to move forward as quickly as possible. This creates a risk that the CEA will be pressured to move too quickly to respond to this sense of urgency. Because of the delays and the MOJ's high expectations of the project, it will also be a challenge to meet the high expectations of the MOJ and the donor community (many of whom have been discouraged from working on legislative reform projects in anticipation of the start of this project).
- Since the adoption of the LoL in 2008, significant work has been undertaken by the Vietnamese authorities and the MOJ in particular, with donor support, in the field of legislative reform. Through the inception team's meetings with the donor community and information gathered prior to the mission, the CEA has become aware of the following donor-funded initiatives undertaken in recent years that overlap with the areas of NLD:
 - The USAID-funded Support for Trade Acceleration (STAR) Project (which has been operating since 2001) has provided support to the MOJ on the drafting of the 2004 Law on Laws governing provincial LNDs and 2008 Law on Laws governing LNDs issued by the central government. Recently, STAR has provided support to the National Assembly (NA) for the development of the Ordinances on Codification and Consolidation. In addition, STAR has supported two pilot projects on codification using the U.S. codification model with the Ministry of Science and Technology (codifying all intellectual property legislation) and the State Bank of Vietnam. The project has also supported the publication of Official Gazettes (in which new LNDs are published) in 21 provinces throughout Vietnam.
 - The USAID-funded Vietnam Competitiveness Initiative (VNCI) project has provided support for implementation of the Regulatory Impact Assessment (RIA) requirement in the Law on Laws, including training for MOJ and other government staff.
 - The UNDP has been providing support to a number of departments within the MOJ on a broad range of issues for many years, including support for development of the 2008 Law on Laws.
 - The CIDA-funded Policy Implementation and Assistance Project (PIAP), which has worked closely with the Judicial Affairs Committee, Law Committee and Social Affairs Committee of the National Assembly for the past 15 years, has provided technical assistance through comparative workshops and study tours on a wide range of legal issues, including codification and consolidation.

- The European Union has also supported a project on codification of the Law on National Assembly (which was used as a model by the STAR project).
 - DANIDA is in the early stages of working with the National Assembly on the Good Governance in Public Administration Reform (GOPAR) project, which will provide opportunities for the public to participate in policy development and law-making by establishing a fund for civil society organizations to engage in policy and law research related to laws on the legislative agenda as well as monitor the implementation of laws.
 - The STAR project is in the process of conducting a diagnostic study in five provinces on the implementation of the 2008 Law on Laws in collaboration with the MOJ and VNCI is conducting an evaluation of the implementation of the Law on Laws based on 20 laws adopted since its enactment.
- In spite of the above initiatives, ministries, departments and donors consulted identified a number of ongoing problems with the legislative development process and existing legislative framework, including: very limited policy analysis prior to drafting legislation results in laws drafted based on the interests of the drafting entity; the quality of the RIAs being conducted is low and ministries/departments do not have the tools to do them properly (the existing RIA training is done by the Ministry of Investment and Planning and is not skills-based); lack of resources; inadequate training and the absence of clarity and direction regarding how to conduct public consultations and incorporate comments received into the drafting process; inconsistencies between laws and regulations issued by different agencies at different levels in the system; the numerous types of LNDs leads to conflicts between LNDs and uncertainty as to which LNDs are in force; significant problems with the interpretation, implementation, and enforcement of legislation.
 - The ministry and other government representatives consulted agree that the four original components of the project (planning, policy analysis, legislative drafting and coherence of laws) all continue to be areas that need further technical assistance and support.
 - The GOV is currently working on revisions to the Constitution which are expected to be completed within the next 18 months and which, when enacted, may impact the roles of different government bodies involved in the legislative process.
 - The 2008 Law on Laws and its provincial equivalent, the 2004 Law on Laws, are scheduled to be the subject of a major consolidation and drafting exercise to be completed before the end of 2014. The MOJ is also expected to develop implementing regulations under two new Ordinances on Consolidation and Codification passed in March and April 2012. In addition, more than 100 laws and ordinances are included in the 2011-2016 legislative agenda and the MOJ is expected to take the lead in drafting 20 of these laws, including the consolidated Law on Laws, the Civil Code and the Criminal Code. (The LC has been tasked with recommending reforms to the Law on Laws in order to consolidate it with the Law on the Promulgation of Legal Normative Documents by the People's Councils and People's Committees 2004 but the MOJ will take the lead in drafting it.)
 - The LC currently has responsibility for the NA's annual and five year legislative plans; the plans are prepared by the LC with the majority of

initiatives (prepared by the MOJ) from the Government and submitted to the National Assembly.

In this context, the MOJ, the line ministries and the LC are under added pressure to take significant action on the issues identified above and, overall, on the reform of the legal system.

With respect to the project design, CIDA emphasized the need for flexibility in approaching project design and implementation and requested that we develop a plan for a first phase initially in order to be able to respond to changes in the Vietnamese environment and build on what is learned in the first phase during implementation of the remainder of the project. CIDA also reiterated the importance of the economic issues, more specifically trade and investment, to both Canada and Vietnam. Furthermore, both CIDA and the MOJ confirmed that a Technical Advisory Team of all participating ministries, departments and other government entities should be established to support the implementation of the project.

Based on the above findings and recommendations the CEA developed a draft Project Framework for the development and implementation of the NLD project which it reviewed and discussed with the International Cooperation Department (ICD) of the MOJ, the Law Committee (LC) of the National Assembly, the General Legal Affairs Department (GALD) of the MOJ and the Institute of Legal Science (ILS) at meetings organized for that purpose during the final days of the inception mission. The proposed framework was designed to ensure that that expertise and technical support to be provided under the project are responsive to Vietnamese stakeholders needs, are sustainable and will ensure that the project goals are achieved. Feedback from the Vietnamese counterparts on the proposed Project Framework was positive.

The CEA prepared a draft PIP for Phase 1 of the project based on the proposed Project Framework and submitted it to both CIDA and the MOJ in August 2012. After a more detailed review of the proposed methodology, the MOJ provided a number of comments on the draft PIP in October 2012 and expressed the concern that it did not adequately meet their short term needs and particularly the need for the MOJ to develop a consolidated Law on Laws by 2014. Discussions about the methodology continued until January 2013, when a second mission was organized for three representatives of the CEA (the Project Director, Field Manager and a representative of the Ministry of the Attorney General for Ontario).

The second mission took place from 28 January to 6 February 2013. The CEA representatives and their counterparts at the MOJ and LC held in depth discussions to clarify some of the details related to the law-making process and the responsibilities of the different units in the MOJ, as well as on the methodology and activities to be organized in Phase 1. As a result of those discussions a revised approach and workplan for Phase 1 were agreed upon by the CEA and MOJ; this revised approach is the basis for the methodology set out below.

1.5 PIP Methodology

The primary purpose of this Project Implementation Plan (PIP) is to provide and define the overall methodology for the implementation of the project as called for in the Memorandum of Understanding (MoU) between the governments of Canada and Vietnam attached as **Appendix A**. The PIP defines the results expected from the project and incorporates a results-based management (RBM) approach to the project implementation. It is expected that the PIP will be kept relevant through the life of the

project by means of updates, adjustments and management decisions detailed in the performance reports and annual work plans which will be approved by the Project Steering Committee (PSC) as the project is implemented.

Chapter 2 – Project Methodology

2.1 Guiding Principles

Four overarching principles will be applied throughout the implementation of the project:

Partnership and Participatory Processes: The CEA will work with its main partner, the MOJ, to build capacity for legislative development using a participatory approach that will ensure that all of the project partners are fully engaged in planning, activity design and implementation as well as monitoring and evaluation processes. While the CEA's main counterpart will be the MOJ's ICD, the CEA will also work with other MOJ departments (GALD, ILS and others), engaged line ministries and the LC and through establishment of a Technical Advisory Team that will provide ongoing advice, support and feedback to the Project Management Team throughout all stages of the project. As the project progresses, other stakeholders that may become directly engaged in the project (such as OOG), may also be invited to join the TAT.

Capacity Building using Knowledge-based, Institutionally-linked Practices: Building the capacity of Vietnamese law-makers and research institutes and fostering legislative development processes that ensure that all of the key institutions (MOJ, line ministries, LC and OOG) are collaborating effectively throughout the law-making process will be the core focus of the project. The CEA team members are part of a growing international network of individuals and organizations working in law and policy planning and development, legislative drafting and government relations. The team will expose Vietnamese partners to the widest range of evidence-based research and practice alternatives in use in Canada and elsewhere, to help them choose the options most suitable to Vietnam. The CEA will start by ensuring that existing Vietnamese expertise and tools developed by or through projects with the MOJ, line ministries and the NA are utilized and integrated into the project. Data gathering, needs assessments and surveys to identify gaps, research and monitoring processes will be used to ensure that activities and their outputs are knowledge-based and knowledge gathered can be institutionalized through direct engagement of the ILS, GALD, other MOJ departments, line ministries, the LC and other government entities as required. Training and capacity development activities will be designed to foster and build inter-institutional relationships. In addition to providing ongoing advice and feedback on project implementation, the Technical Advisory Team of the key participating institutions will also serve as a forum to build and strengthen working relationships between institutions. As a government institution with a similar mandate to the MOJ and a member of the CEA, the Ministry of the Attorney General of Ontario will provide direct institutional linkages to share comparative knowledge and experience in the key legislative development areas of the project: planning; policy analysis; legislative drafting; and coherence of laws.

Iterative Management Approach: The CEA will manage the project iteratively by building learning cycles into the project's strategies, monitoring and evaluating progress and integrating lessons learned throughout the project, in close consultation with the MOJ and the Technical Advisory Team. The project will employ a wide range of feedback and analysis opportunities for both individuals and institutions engaged in project implementation in order to allow for ongoing adjustment and redesign. The first 13 months of the project are specifically designed to utilize this approach in order to build the necessary foundation of knowledge and skills for the design of the second longer-term phase of the project.

Gender Equality: As set out in Section 2.3 below, the CEA will ensure that considerations of gender equality are integrated into all project activities including capacity building and training, research, data gathering, monitoring of results as well as in new processes developed and institutionalized by the Vietnamese partner institutions.

2.2 Approach to Project Methodology

The CEA and MOJ have agreed that the project should be delivered in two phases. Phase 1 will be implemented over the first 13 months of the project. The design of Phase 1 recognizes the desire of the MOJ to move forward with legislative development activities as quickly as possible and at the same time, the need to assess the current law-making process and existing capacity and skills, in order to feed into the longer term project activities and strengthening of the law-making process. All of the activities to be implemented in Phase 1 will contribute to achieving the overall project results related to strengthening Vietnam's legislative development process. Phase 1 will focus on:

1. Assessing the current law-making process and identifying capacity development needs;
2. Supporting development of the new Law on Laws;
3. Sharing comparative experience on policy analysis and legislative drafting;
4. Beginning to build capacity to improve the law-making process, particularly with respect to legislative drafting skills.

The assessments conducted in Phase 1 will form the basis for the planning for Phase 2. Phase 2 activities will build on the results of Phase 1 and will include a more in depth focus on building capacity with respect to all four project components: planning; policy development; legislative drafting; and coherence and systemization of laws.

This methodology for Phase 1 will be implemented through the framework of the four components originally identified in the project design documents and the MOU as follows:

(i) Component 1: Capacity development for strategic planning needs assessment and performance management

As stated in the MOU, at the beginning of the project "....this component focuses on capacity development in the MOJ for a systematic identification of problems in the system. This will include activities and support to assist in: mapping gaps and primary problem areas in the legislative development process; improving decision-making processes for strategic performance-based planning; identify appropriate indicators related to reform targets and indicator data collection; and methods of effective reporting for policy reform purposes."

The project will support the MOJ's **Assessment of the 2004 and 2008 Law on Laws** in the first quarter of Phase 1 in order to identify the gaps and primary problem areas in the legislative development process. During the first quarter, two workshops will be held to further inform the MOJ's assessment: the **Workshop on the Current Process for Legislative Development and Recommendations to Improve the Process** and the **Workshop on Objectives/Major Directions for the new Law on Laws** will examine the problems and challenges that have been identified with respect to the law-making process and will support decision-making on how to address the identified problems in the new Law on Laws.

The **CEA Assessment of the Law-Making Process and Related Skills** will be initiated in the first quarter through the CEA's participation in the MOJ's assessment activities. The CEA's assessment will complement the MOJ's assessment and will support the identification of gaps in the MOJ's assessment process. This will inform and support the planning activities to be undertaken in Phase 2. At the end of Phase 1, the CEA will prepare a **Report on the CEA Assessment of the Law-Making Process and Related Skills** that will provide baseline data for the activities to be undertaken in Phase 2.

A Working Session on Performance Indicators for Law

Implementation/Enforcement Monitoring to support the development of a law monitoring framework to implement Decree 59 will support the MOJ in identifying appropriate indicators to be used to monitor the challenges in the implementation and enforcement of laws, which will inform the legislative planning process.

A Study Tour to Canada on the Law-Making Process with senior leader of the MOJ and other agencies (including the OOG and LC of the NA) will be organized in the second quarter. The study tour will support the identification of further gaps and problems in Vietnam's law-making process through the comparative experience of examining and learning about the entire law-making process in Canada from the initiation of the process to the end, when laws are reviewed and passed by the legislature.

(ii) Component 2: Development of Policy research impact assessment and consultation capacities

As set out in the MOU: "Component 2 will provide in-country training (and potentially mentoring) as well as study tours and/or work placements abroad for ministry staff. These activities will provide learning opportunities and practical training on the methodologies and processes employed by Canadian (and potentially regional) institutions to improve the content of legislation, including: policy research and analysis to ensure a sound basis for proposed legislation; regulatory impact assessment, and methods/guidelines to ensure the quality of these assessments; gender and environmental impact analyses; consultation methods; and policy relevant monitoring and evaluation skills."

In the first quarter, the project will support ILS to conduct **Policy Analysis Research** that will examine and gather data on the policy analysis process used to develop 10 selected laws that were developed under the 2008 Law on Laws. This research will be conducted through in-depth interviews with the government officials that were directly involved in the drafting of the selected laws and will culminate in report on the current policy analysis process in Vietnam.

The **Workshop on the Objectives/Major Directions for the new Law on Laws** and the **Workshop on the Current Process for Legislative Development and Recommendations to Improve the Process** to be held in the first quarter, will also provide opportunities to use learning from the MOJ assessment to contribute to policy analysis for the new Law on Laws.

The **Study Tour on the Law-Making Process** in the second quarter will demonstrate Canadian approaches to policy research and analysis, regulatory impact assessment, gender and environmental assessments, public consultation methods and policy relevant monitoring and evaluation skills.

A major **Policy Analysis Workshop** will be held after the study tour in the second quarter and will provide an opportunity to compare the Vietnamese, Canadian and possibly other countries' policy development processes. Canadian and international best

practices and existing tools for policy research and analysis, RIAs, gender analysis, public consultation and implementation and monitoring will be presented and discussed at this workshop. The workshop would also examine Vietnam's current policy development processes (based on the MOJ's assessment and the policy analysis research conducted by ILS) as well as the LC and NA's role in review and appraisal of draft laws. Representatives of a number of MOJ units (including GALD, the Criminal and Administrative Law Unit, the Civil and Economic Law Unit, etc), the OOG, LC and the legal departments of selected line ministries will attend the workshop.

(iii) Component 3: Development of technical skills for legislative drafting

According to the MOU, "Component 3 activities will help to make the process more coherent, standardized and effective by improving the capacity for drafting of legal normative documents and being Vietnamese legislative drafting practice into accord with best international standards and practices. Attention will be focused on standardising drafting techniques, language, and interpretation rules, and harmonising the content of laws with Vietnam's international commitments.

Activities would include training of trainers and experts within the Ministry of Justice to develop a centralized cadre of legislative drafting specialists, training of line ministry legal and policy research staff in drafting rules and techniques, mentoring during specific drafting activities, study tours and/or short term placements to learn from drafting work in other countries, and production of guides and handbooks for trainers, drafters, and those involved in legislative review work."

The third and fourth quarters of Phase 1 will focus on developing the capacity for legislative drafting with a focus on the consolidated Law on Laws and possibly other laws currently being drafted within the MOJ and that have an economic focus and are on the NA's 2014 legislative agenda. Activities will include:

A Legislative Drafting Study Tour will provide participants with the opportunity to learn about the legislative drafting processes used by the Ontario and Canadian governments, including addressing issues such as interpretation rules and harmonizing the content with international commitments. Participants are expected to include representatives of key MOJ units and line ministries engaged in legislative drafting work.

Following the study tour on legislative drafting, an interactive training on legislative drafting skills (**Legislative Drafting Skill Training – Part 1**) will be facilitated by senior legislative drafting experts from Canada. Representatives of all relevant MOJ departments (GALD, Criminal and Administrative Law, Civil and Economic Law, etc) and line ministries will participate in the training session, including those tasked with drafting the new Law on Laws and other laws on the 2014 or 2015 legislative agenda.

Following the training session, **Mentoring on Legislative Drafting** will be provided to those working on the new Law on Laws and other selected laws within the MOJ on the 2014 legislative agenda. The MOJ legislative drafters will work directly with their Canadian counterparts throughout the drafting process.

The draft new Law on Laws is expected to be submitted to the OOG in December 2013 with comments from the OOG on the draft law expected to be provided to the Drafting Committee in early 2014. Accordingly, the project will support a **Seminar on Comments on the Draft Law on Laws** early in the fourth quarter to review the comments received and determine how best to address the in the revisions to the draft law.

To further support the revision of the draft Law on Laws and other draft laws being prepared by the MOJ and line ministries, a second legislative drafting training session will be held in the fourth quarter (**Legislative Drafting Skill Training – Part 2**). This second training session, facilitated by the same senior legislative drafting experts from Canada, will be convened to review the draft Law on Laws and other selected draft laws, to identify problems encountered in the drafting processes and discuss possible approaches for addressing the identified problems. The participants will be the same as in the Part 1 training in order to build on and reinforce the skills developed in the first training.

Throughout Quarters 3 and 4, the CEA will be collecting data and assessing skills to contribute to the CEA's Assessment of the Law-Making Process and Related Skills.

(iv) Component 4: Development of capacities to ensure the consistency and organization of legislation

According to the MOU, "Component 4 addresses the long-term results of the project: increasing the consistency of the legislative development across the system in terms of quality control. Through its work on review, post-checking and systemization of legislation, Component 4 will also provide much of the data and evidence for work under component 1 to assess and address issues of consistency in the legal system."

This component will strengthen the capacity of the Ministry of Justice and other project partners to establish and utilize, clear consistent and agreed-upon standards for assisting consistency of legal normative documents with the legal and constitutional framework (including consistency with the provisions of the Gender Equality Law), collecting and collating data on consistency and coherence, and to use these as part of developing a system for organising laws – codification or consolidation - to increase the accessibility of legislation and make it easier to search, update, and use. This will be done through such activities as formal training in legislative analysis, on-site mentoring, study tours and/or work placement to learn how other countries systematise legislation and ensure consistency of their laws, and deliverables such as manuals, training materials, and improved legislative databases. Effective and clearly defined work relations between legal departments of selected partner line ministries and the MOJ will also be promoted to increase coordination and promote consistency throughout the legislative development process, particularly at the early stages."

The **Seminar on the Two Circulars on Implementation of the Ordinance on Codification** to be held in the first quarter will support the MOJ and the Ministry of Finance to discuss and receive comments from other stakeholders on the two draft circulars. Comments from other stakeholders in the law-making process will assist in improving the coordination between the various actors in the law-making process in implementing the difficult task of codifying existing laws in order to improve the coherency and organization of the legal system.

Also in the first quarter, the **Working Session on Performance Indicators for Law Implementation/Enforcement** Monitoring will assist GALD in developing a framework for monitoring the implementation of laws under Decree No.59/2012/ND-CP that can be employed by all MOJ departments and line ministries to collect data on the implementation, enforcement, consistency and coherence of laws.

A **Technical Assistance Fund** will also be available in the third and fourth quarters to support activities, as agreed upon by the CEA and MOJ that are consistent with the objectives and scope of support being provided in Phase 1. Possible activities include

technical assistance to the LC of the NA to support their role in reviewing and appraising the draft Law on Laws and/or further support to the MOJ and line ministries on implementation of the Ordinance on Codification and the related Decree and Circulars.

As discussed above, the **Report on the CEA's Assessment of the Law-Making Process and Related Skills** will be prepared in the fourth quarter. The report will identify what was learned through the assessment, the needs and gaps that need to be addressed related to the law-making process and the capacity building activities that need to be undertaken to strengthen the skills needed in the MOJ and other government agencies to effectively implement the law-making process. The report will be reviewed at a **Planning Workshop** at the end of the fourth quarter with the MOJ, line ministries, OOG, LC and other actors in the law-making process, to develop a comprehensive plan for the activities to be undertaken in Phase 2.

A detailed Workplan for Phase 1 is attached as **Appendix E**.

At the end of Phase 1 we expect to have the following deliverables:

1. A comprehensive assessment of the law-making process will have been conducted through both the MOJ's assessment of the implementation of the 2004 and 2008 Law on Laws and the CEA's assessment of the law-making process and related skills;
2. The new Law on Laws will have been drafted and submitted to the National Assembly;
3. Comparative approaches to policy analysis will have been discussed and reviewed by the key actors engaged in the law-making process, including senior representatives of the MOJ, OOG and LC of NA.
4. The legislative drafting skills of MOJ and line ministry legislative drafters will have been strengthened;
5. Representatives of the key actors in the law-making process from the MOJ, line ministries, OOG and LC will have jointly participated in project activities and the TAT to provide ongoing advice on project activities;
6. A report on the knowledge gathered and lessons learned related to the law-making process and skills needed to improve the process will have been produced and will form the basis for joint planning with all of the key actors in the law-making process for Phase 2.

Phase 2

In Phase 2, the project will build on the the results of the assessment processes of Phase 1. It is expected that Phase 2 activities will focus on supporting continuing capacity development in the four core components of the project: planning; policy analysis; legislative drafting; and coherence of laws. Given the existing challenges with the legislative development process identified by the design missions and during the inception phase, Phase 2 activities are expected to include:

- **Legislative Planning Processes:** Ensuring that there is a systematic approach to identifying legislative needs through collection and tracking of data and research, consultation with relevant stakeholders and assessment of needs and gaps within the existing legislative framework.
- **Policy Analysis Processes:** Ensuring that policy research and analysis, RIAs, public consultation and gender analysis processes are strengthened and can be used as an effective foundation for the legislative drafting stage.

- ***Legislative Drafting Processes:*** Ensuring that legislative drafting skills are strengthened within the MOJ and selected line ministries and that the skills developed meet international standards. Activities may also include training to develop skills to address the challenges of drafting in a bijuridical system (where both common law and civil law elements exist) as well as developing an approach to standard interpretation of LNDs.
- ***Consistency and Coherence of Laws:*** Supporting the GOV in developing a standardized approach to the post-review, implementation and monitoring of laws as well as on implementing the Ordinances on Consolidation and Codification.

As the Government of Vietnam is currently working on revisions to the Constitution which are expected to be completed by the end of 2013, those revisions may also impact the legislative planning priorities for the final five years of the project. The Strategy for Phase 2 will address new government legislative development priorities and any changes in the roles and responsibilities of our partners in order to ensure project activities are responsive to our partners needs and as effective as possible.

Potential technical assistance activities for the longer term project implementation include study tours, short term placements, long term placements, individual mentoring, on-the-job training, institutional or departmental peer groups, research, development of training modules and resource materials, training workshops, distance learning and resource banks.

At the end of Phase 2 it is expected that the intermediate results for the project will be achieved.

2.3 Methodology to develop a Gender Equality Strategy

2.3.1 The Gender dimension: Approach to integrating Gender Equality

Gender Equality has been enshrined in Vietnam's Constitution and National Policies for more than two decades, but in practice actual equality lags behind legal equality. The NLD will integrate gender equality as a cross cutting theme in all components by supporting the Vietnamese Partner to apply the principles set out in international treaties that Vietnam has ratified, and in domestic law, in all project activities with the Ministry of Justice and selected line ministries.

Vietnam signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on July 29, 1980 and ratified it on February 17, 1982. CEDAW entered into force in Vietnam on March 19, 1982. The legislative development process must ensure that existing and new laws do not conflict with provisions under the treaty and the NLD Project will integrate this consideration within its training and policy and process development activities.

Domestic legislation is in place beginning with the promulgation of the Law on Gender Equality in 2006 and the introduction of a number of Directives, Decrees and Decisions over subsequent years culminating in Decision No. 2351/QĐ-TTĐ, December 24 2010 approving the National Strategy for Gender Equality 2011-2020 (NSGE). The NLD project will, with the Ministry of Justice, apply a gender analysis approach to assess the degree to which the provisions and requirements of these laws have been applied in legislative development to date.

Within the last two to three years CIDA (through UN Women CEDAW-Southeast Asia Project (SEAP)) and UNDP and USAID have provided training materials, training on gender responsive law-making and assistance to the Ministry of Justice on gender mainstreaming and gender analysis, but it is not clear how the training has been applied in the day to day work of MOJ officials. To ensure that the NLD Gender Strategy contributes to the goals and objectives of the NLD project overall, and that the scope of gender initiatives is confined to implementing the Vietnam Gender Equality Law and Vietnam National Strategy on Gender Equality 2011-2020 as it relates to the NLD Project mandate, we will integrate gender into the collection of baseline data and into the methodology of the project overall.

Specific sections of the Law on Gender Equality and the National Strategy on Gender Equality 2011-2020 (NSGE) that have particular relevance to the mandate of the Ministry of Justice and that are within the scope of the NLD Project have been identified. For example, references are made in the Gender Equality Law to the integration of gender equality in the process of formulating legal documents as a measure to achieve gender equality goals, that gender equality issues are to be integrated in the process of law formulation and enforcement and that it is the responsibility of drafting agencies to integrate gender issues and prepare reports on integration of gender issues in the process of formulating legal documents.

The time frame of the NLD project fits well within the mandate and target of the NSGE and was described by the Vietnamese Prime Minister as "a tool to bring the Law on Gender Equality to life". Potential areas of focus for the NLD based on the NSGE content and timeframe can be related to the fact that the Ministry of Justice is to assume the prime responsibility for and coordination with the Ministry of Labour, War, Invalids and Social Affairs (the lead ministry for implementation of the Gender Equality Law), as well as concerned ministries and sectors in assessing the inclusion of gender equality issues

in drafting of legal documents related to gender equality or gender inequality or discrimination within the scope of regulations of such documents.

The Law on Laws makes specific reference to the responsibility to address gender equality in legislative development. Article 47 refers to the responsibilities of the National Assembly's Committee for Social Affairs for inspecting the inclusion of gender equality issues in a draft laws and links this responsibility to the Law on Gender Equality.

2.3.2 Methodology related to Gender Equality

The gender approach of the NLD Project will be to ensure that gender issues are considered throughout the legislative process in Vietnam. A Canadian Gender/RBM Specialist will work with a Gender Focal Point within the MOJ or a person designated to fill this role, to integrate a gender based analysis approach into all activities. This will ensure that gender equality issues are identified early and activities to address these issues will be developed. As far as possible gender activities will be integrated or mainstreamed, but where it is deemed advisable, separate gender analysis and research and training activities will be mounted. Recognizing that there has already been a great deal of gender training in Vietnam, some of it provided by other CIDA projects, but also that past gender training has been of a general nature and learning may not have been consistently applied, the project will assess the degree to which the results of past gender related training is evident within the MOJ as well as the effectiveness of any current gender initiatives within the ministry.

The Project will consult with the CIDA funded UN Women CEDAW-Southeast Asia Project to avoid duplication of activity within the MOJ and to explore the value of future collaboration between NLD, CEDAW SEAP and MOJ.

During the further development of the RBM framework, the Gender/RBM Specialist will ensure that sex-disaggregated data is collected in the baseline and that the expected results statements and indicators in the logic model and the Performance Measurement Framework indicators are gender sensitive. Specific gender equality expected results and indicators will be articulated at the outcome and output levels.

The Project will ensure that gender equality activities are fully integrated in annual work plans and reported on throughout the life of the project.

An initial meeting will be held with the project Technical Advisory Team to discuss the relevance of the gender dimension of the project and the reasons for integrating gender equality and to underscore the fact that gender equality is one of Vietnam's and Canada's stated goals and basic policies and part of both countries' international agreements.

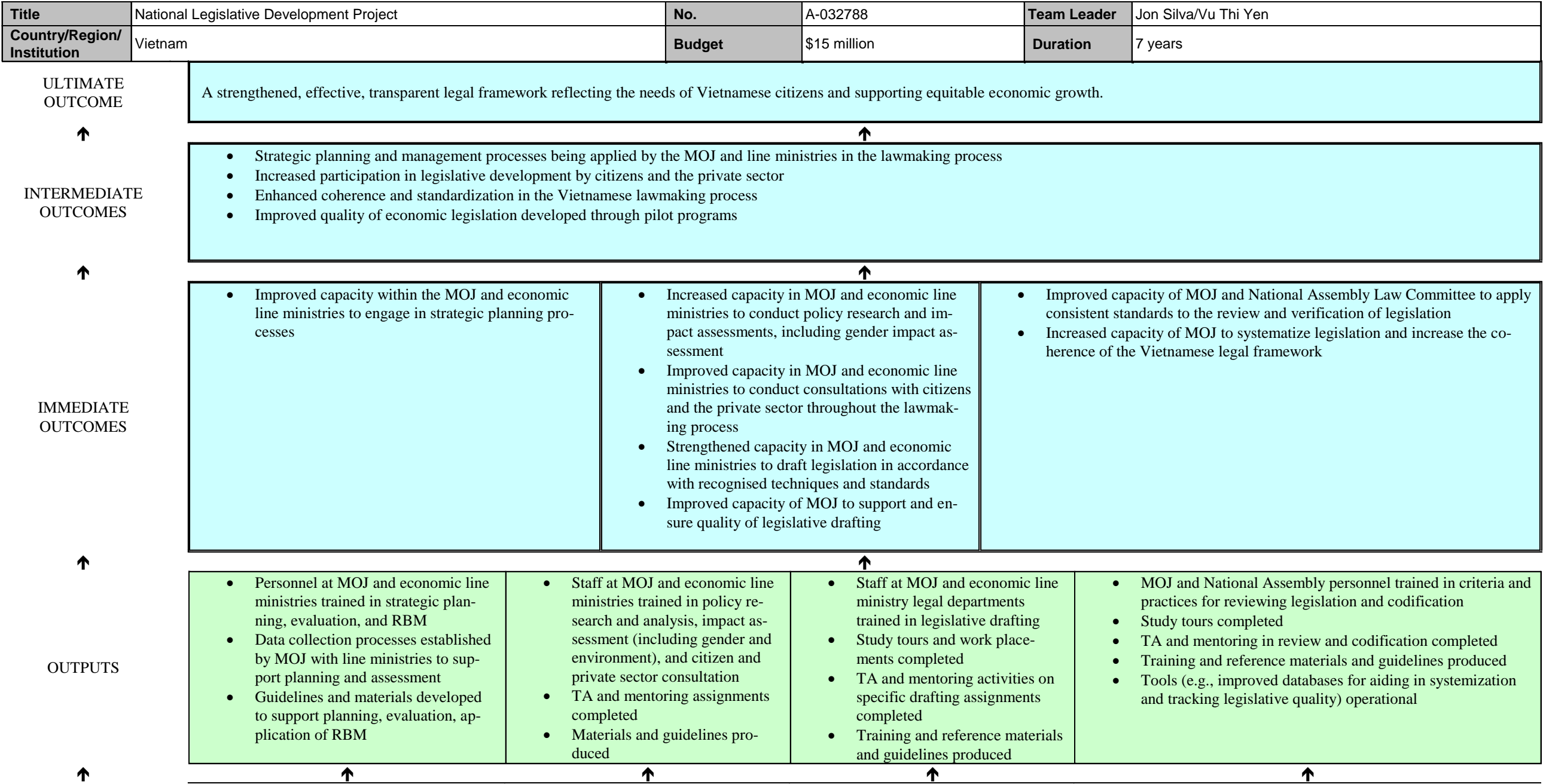
2.4 Strategy for the coordination of project activities with the Vietnamese partners, donors and other relevant stakeholders in the legislative development sector

The CEA will work closely with the MOJ, the line ministries, the LC and other participating stakeholders to ensure that the project activities are responsive to the GOV's needs and priorities. The monthly meetings of the Technical Advisory Team, which will have representation from all of the key participating government entities, will play a central role in ensuring the project activities are effectively coordinated with the Vietnamese partners and other donor projects.

The CEA will also collaborate with other international donors through participation in the Rule of Law roundtables coordinated by UNDP on a monthly basis. Through these roundtables, the CEA will share information about the project activities with the international donor community in Vietnam and will learn about other ongoing donor projects that may fall within the scope of, or impact, the NLD project. Whenever possible, project activities will be coordinated with other donors to ensure there is no overlap and that activities are as effective as possible.

2.5 Logic Model

As stated above, the information gathered during the first 13 months of the project will feed into and inform the planning for the longer-term work of the project. One of the key activities in the 1st Quarter of the project will be a RBM training session with the Technical Advisory Team which will review and revise as necessary the below Logic Model (LM) and, based on the revised LM, develop a Performance Measurement Framework for the Project. The current LM is as follows:



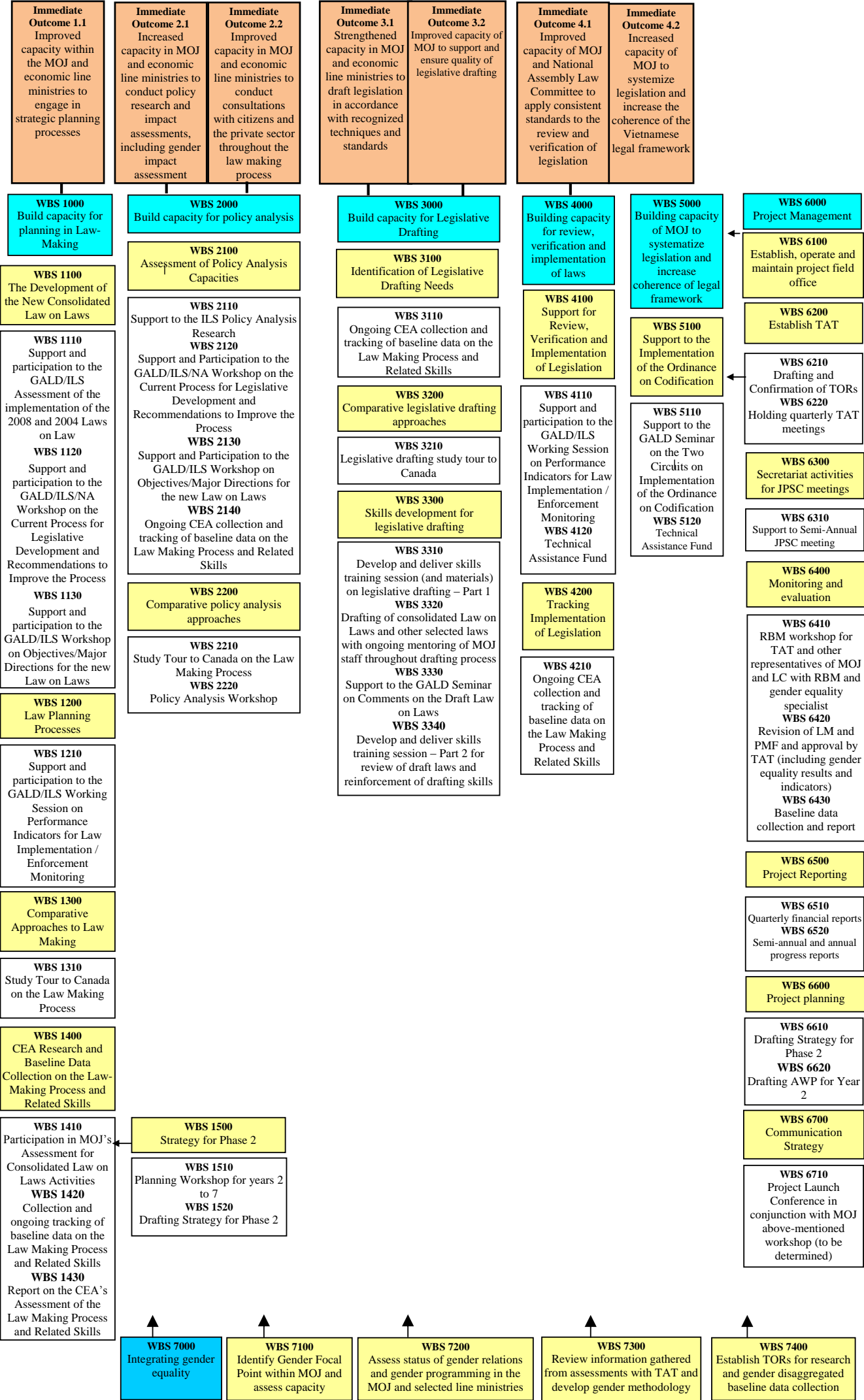
ACTIVITIES

<ul style="list-style-type: none">• Training in strategic planning, RBM, monitoring and evaluation of legislative development activities• Technical assistance in planning activities and data analysis/collection methods• Development of guidelines and materials to support training and for reference	<ul style="list-style-type: none">• Training in policy research and analysis; citizen and private sector consultation methodologies; regulatory impact assessment (including gender and environmental analysis)• TA and mentoring in research and analysis, and citizen and private sector consultation procedures in support of pilot activities• Development of guidelines and materials to support training and for reference	<ul style="list-style-type: none">• Training in recognised standards and techniques for legislative drafting• Study tours to, and work placements in Canadian justice departments for MOJ personnel• TA and mentoring to support pilot drafting activities• Development of training and reference materials and drafting guidelines	<ul style="list-style-type: none">• Training in standards and practices for review and verification of draft legislation, and in recognised standards and methods for legislative codification• TA and mentoring in developing and applying standards and practices for review and codification• Development of guidelines, tools, and training and reference materials• Study tours to observe practices in legal verification and codification
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Notes:

1. The boxes in the template are there for illustration purposes only. You can adjust the number of boxes to suit the needs of your investments/program (i.e. you may add or remove boxes). It is not the number of boxes that is important, but rather the logical link between result levels.
2. When preparing a logic model for an investment, make sure that the program level logic model is considered. This is because the investment falls under a particular sector of the program. As such, the intermediate outcome of the program (i.e. outcome level that reflect program objectives) should inform the development of the investment level logic model. Developing an investment level logic model in this way will ensure a clear linkage between the investment and the program level results and assist in the roll up of results for larger monitoring and reporting requirements.

2.6 Work Breakdown Structure



2.7 Project Implementation Schedule by activity

2.7.1 Gantt Chart indicating proposed Scheduling

Activities ¹	Q1 (May – August 2013)	Q2 (September – November 2013)	Q3 (December 2013- February 2014)	Q4 (March – May 2014)
WBS 1000: Build Capacity for Planning in Law-Making				
WBS 1100: The Development of the New Consolidated Law on Laws				
WBS 1110: Support and participation to the GALD/ILS Assessment of the implementation of the 2008 and 2004 Law on Laws				
WBS 1120(2120): Support and participation to the GALD/ILS/NA Workshop on the Current Process for Legislative Development and Recommendations to Improve the Process				
WBS 1130(2130): Support and participation to the GALD/ILS Workshop on Objectives/Major Directions for the new Law on Laws				
WBS 1200: Law Planning Processes				
WBS 1210(4110): Support and participation to the GALD/ILS Working Session on Performance Indicators for Law Implementation/Enforcement Monitoring				
WBS 1300: Comparative Approaches to Law Making				
WBS 1310(2210): Study Tour to Canada on the Law Making Process				
WBS 1400: CEA Research and Baseline Data Collection on the Law-Making Process and Related Skills				
WBS 1410: Participation in MOJ's Assessment for Consolidated Law on Laws Activities and Summary Workshop on the Assessment of the Consolidated Law on Laws				
WBS 1420(2140; 3110; 4210): Ongoing CEA collection and tracking of baseline data on the Law Making Process and Related Skills				
WBS 1430: Report on the CEA'S Assessment of the Law Making Process and Related Skills				

¹ Number in parenthesis indicates a duplicate WBS activity

Activities ¹	Q1 (May – August 2013)	Q2 (September – November 2013)	Q3 (December 2013- February 2014)	Q4 (March – May 2014)
WBS 1500: Strategy for Phase 2				
WBS 1510: Planning Workshop for Years 2 to 7				
WBS 1520: Drafting Strategy for Phase 2				
WBS 2000: Build Capacity for Policy Analysis				
WBS 2100: Assessment of Policy Analysis Capacities				
WBS 2110: Support to the ILS Policy Analysis Research				
WBS 2120(1120): Support and Participation to the GALD/ILS/NA Workshop on the Current Process for Legislative Development and Recommendations to Improve the Process				
WBS 2130(1130): Support and Participation to the GALD/ILS Workshop on Objectives/Major Directions for the new Law on Laws				
WBS 2140(1420; 3110; 4210): Ongoing CEA collection and tracking of baseline data on the Law Making Process and Related Skills				
WBS 2200: Comparative Policy Analysis Approaches				
WBS 2210(1310): Study Tour to Canada on the Law Making Process				
WBS 2220: Policy Analysis Workshop				
WBS 3000: Build Capacity for Legislative Drafting				
WBS 3100: Identification of Legislative Drafting Needs				
WBS 3110(1420; 2140; 4210): Ongoing CEA collection and tracking of baseline data on the Law Making Process and Related Skills				
WBS 3200: Comparative Legislative Drafting Approaches				
WBS 3210: Legislative Drafting Study Tour to Canada				
WBS 3300: Skills Development for Legislative Drafting				
WBS 3310: Develop and deliver Skills Training Session (and materials) on Legislative Drafting – Part 1				
WBS 3320: Drafting of Consolidated Law on Laws and other selected laws				

Activities ¹	Q1 (May – August 2013)	Q2 (September – November 2013)	Q3 (December 2013- February 2014)	Q4 (March – May 2014)
with ongoing mentoring of MOJ staff throughout drafting process				
WBS 3330: Support to the GALD Seminar on Comments on the Draft Law on Laws				
WBS 3340: Develop and Deliver Skills Training Session – Part 2 for review of draft laws and reinforcement of drafting skills				
WBS 4000: Building Capacity for Post-Review and Implementation of Laws				
WBS 4100: Support to Post-Review and Implementation of Legislation				
WBS 4110(1210): Support and participation to the GALD/ILS Working Session on Performance Indicators for Law Implementation/Enforcement Monitoring				
WBS 4120: Technical Assistance Fund				
WBS 4200: Tracking Implementation of Legislation				
WBS 4210(1420; 2140; 3110): Ongoing CEA collection and tracking of baseline data on the Law Making Process and Related Skills				
WBS 5000: Building Capacity of MOJ to Systemize Legislation and Increase Coherence of Legal Framework				
WBS 5100: Support to the Implementation of the Ordinance on Codification				
WBS 5110: Support to the GALD Seminar on the Two Circulars on Implementation of the Ordinance on Codification				
WBS 5120: Technical Assistance Fund				
WBS 6000: Project Management				
WBS 6100: Establish, Operate and Maintain Project Field Office				
WBS 6200: Establish TAT				
WBS 6210: Drafting and Confirmation of TORs				
WBS 6220: Holding quarterly TAT meetings				

Activities ¹	Q1 (May – August 2013)	Q2 (September – November 2013)	Q3 (December 2013- February 2014)	Q4 (March – May 2014)
WBS 6300: Secretariat Activities for PSC Meetings				
WBS 6310: Support to Semi-Annual JPSC meetings				
WBS 6400: Monitoring and Evaluation				
WBS 6410: RBM Workshop for TAT and other representatives of MOJ and LC with RBM and gender equality specialist				
WBS 6420: Revision of LM and PMF and approval by TAT (including gender equality indicators results and indicators)				
WBS 6430: Baseline data report				
WBS 6440: Ongoing monitoring and evaluation activities				
WBS 6500: Project Reporting				
WBS 6510: Quarterly Financial Reports				
WBS 6520: Semi-annual and Annual Progress Reports				
WBS 6600: Project Planning				
WBS 6610: Drafting Strategy for Phase 2				
WBS 6620: Drafting AWP for Year 2				
WBS 6700: Communications Strategy				
WBS 6710: Project Launch Conference in conjunction with MOJ above-mentioned workshop (to be determined)				
WBS 7000: Integrating Gender Equality				
WBS 7100: Identify Gender Focal Point Within MOJ and Assess Capacity				
WBS 7200: Assess Status of Gender Relations and Gender Programming in the MOJ and Selected Line Ministries				
WBS 7300: Review Information Gathered from Assessments with TAT and Develop Gender Methodology				
WBS 7400: Establish TORs for Research and Gender Disaggregated Baseline Data Collection				

Activities ¹	Q1 (May – August 2013)	Q2 (September – November 2013)	Q3 (December 2013- February 2014)	Q4 (March – May 2014)

