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## **LEGAL PARTNERSHIP GROUP FOR INTERNATIONAL LEGAL COOPERATION IN THE NEW CONTEXT**

To implement guidelines and policies of the Party and the State on international integration, in recent years, Vietnam has gradually asserted and improved its position in the international arena, making proactive international integration in all fields, from political, economic, defense and security affairs to cultural, social affairs... Accompanying the international integration process of Vietnam, there is an indispensable role of international legal cooperation in. International legal cooperation in recent years has seen development through increasing number of programs and projects on legal cooperation (including cooperation programs and projects with 100% content on law issues and legal affairs and cooperation programs and projects in other areas with certain content on law issues and legal affairs); agencies and organizations of Vietnam participating in cooperation activities are also wider, international partners involved in legal cooperation are also diverse, not only including bilateral Government counterparts<sup>1</sup>, but also non-government organizations or regional and international organizations<sup>2</sup>; contents of cooperation in the field of law are increasingly being extended to very diverse forms. International legal cooperation has an important contribution to the expansion, consolidation and strengthening of cooperation relations between Vietnam and other countries and international organizations under the mottos of “proactive and positive integration”, “Vietnam is a friend and a reliable partner and a responsible member of the international community”. International legal cooperation also contributes to creating legal framework for far-reaching international integration of other areas, supporting the process

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<sup>1</sup>Such as Australia, UK, France, Ireland, Sweden, Germany, Canada, UK, Japan, Singapore, Korea, Denmark, Norway, the Netherlands, Switzerland, EU, UN agencies - UNDP, UNICEF, UNODC, UNFPA, UNIDO, ILO, UNWomen, UNHCR.

<sup>2</sup>Such as the Danish Institute for Human Rights, the World Bank (WB), the International Monetary Fund (IMF), the Asian Development Bank (ADB), the Institute for Legislative Studies of Korea, Committee for human rights and equal opportunities of Australia, KOICA, SEARCH, CARE Germany-Luxembourg, KAS, FES in Germany, the International Francophone Organisation (IOF), the Norwegian Centre for human rights, some organizations of international child adoption ... Korea Maritime Institute - KMI, Wallonie- Bruxell delegation, ADETEF (France)

of building and perfecting the legal system, public administration reform , judicial reform, building the rule-of-law Socialist state of the people, by the people and for the people. To inherit and develop achievements in legal international cooperation, **Legal Partnership Group(LGP)** is established as one of the institutions to carry out international cooperation in legal affairs and law issues in the new context.

## **1. Legal basis and practical basis for the formation of the Legal Partnership Group**

### **1.1. Legal basis**

The Legal Partnership Group is established based on the following legal documents:

- Vietnam Partnership Document (VPD)<sup>3</sup>. This is a written agreement between the Government of Vietnam and donors with commitments and concrete actions to improve effectiveness of development cooperation in Vietnam in the spirit of the VPD to contribute to the implementation of the social and economic development plan (SEDP) for 5 years from 2011 to 2015. In this document, the Government of Vietnam and its development partners committed to strengthening Sectoral Partnership Groups (SPGs) as a means to coordinate dialogue at sectoral level, investments and to improve development results.

- Decree No. 113/2014/NĐ-CP dated 26/11/2014 of the Government ON THE MANAGEMENT OF INTERNATIONAL LEGAL COOPERATION(effective since 01/3/2015), Clause 4, Article 4: *“In the course of mobilizing ODA, preferential loans of donors and foreign nongovernmental aid in international legal cooperation, the Ministry of Justice shall assume the prime responsibility for, and coordinate with the Ministry of Planning and Investment, the Ministry of Foreign Affairs and related agencies in, organizing the Legal Development Cooperation Forum; organizing meetings of the Legal Partnership Group; and making lists of priority fields in legal cooperation”*. Clause 2, Article 19: *“MOJ to establish and maintain the operation of the Legal Partnership Group”*. The studies and development of a Project on establishment of the Legal Partnership Group is one of many activities to implement this Decree in practice.

### **1.2. Practical basis**

Legal Partnership Group is established from operational experience of Sectoral Partnership Groups partnership in practice and initiatives and activities of legal forums, legal policy dialogues held by the Ministry of Justice and UNDP for over ten years.

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<sup>3</sup>This document has been approved by the Prime Minister and Government Office issued Letter No. 831 / VPCP-QHQT dated 01.25.2013 to inform agencies and organizations in Vietnam to seriously implement the document.

-From 2010s, in Vietnam there have been more than 20 partnership groups<sup>4</sup>, many of which have maintained very effective operation, increasingly make their marks and images and make positive contribution to funding mobilization. Activities of the Groups were to serve effectively and successfully for objectives of sharing, information, policy advice, law advice, discussion on demand for cooperation, seeking possibilities for cooperation and coordination of activities within sectors or domains under their charge.

- In the field of law, from 2004 to present, the Ministry of Justice, law enforcement bodies and judiciary bodies of Vietnam in collaboration with the United Nations Development Program (UNDP) and other development partners have organized Annual Legal Partnership Forums to recognize the most outstanding achievements of legislation and law enforcement of Vietnam every year; evaluate, synthesize results of cooperation achieved and cooperation orientations and plans going forward for Vietnam to achieve the highest efficiency in international cooperation, contributing to support the planning and implementation of development policies of the Government of Vietnam as well as provide information on policies and laws of Vietnam to the international community. This forum has become an annual event, with a significant increase in scale and quality, is increasingly attracting the attention and participation of many agencies and organizations in Vietnam and international community in Vietnam.

## **2. Legal Partnership Group – an institution for international legal cooperation in the new context**

### ***2.1. Position, function and tasks of the Legal Partnership Group***

- Legal Partnership Group is founded and maintained by the Ministry of Justice with participation of all ministries, People's Committees of provinces and centrally-run cities, organizations (including non-governmental organizations in the country who have capacity and cooperation activities in the field of law) and development partners who have been and will be interested in the field of legal cooperation.

- Legal Partnership Group has two major functions, including: (i) dialogue, sharing information on policies, legislation, legal cooperation situation and (ii) advocacy, search and coordination of aid and assistance in the field of law.

#### ***Legal Partnership Group has the following specific tasks:***

+ To collect, synthesize and share updated information on (i) legal reform policies and tasks, judicial reform, new developments in legal system and judicial system of Vietnam; (ii) programs, projects and technical assistance of donors in the field of legal

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<sup>4</sup> Extracted from Partnership Report 2010. Detailed list of Partnership Groups, please see Annex 1.

cooperation; (lii) legal cooperation needs of agencies and organizations of Vietnam and international partners;

+ To coordinate with international partners to assess effectiveness of aid and assistance in the field of legal cooperation;

+ To build and maintain a website of the Legal Partnership Group;

+ To organize Legal Partnership Forums and other specific activities to implement the tasks of the Legal Partnership Group.

## **2.2. Principles, scope, content and activities of the Group**

### *a) Operation principles*

Legal Partnership Group operates based on the following principles:

- Ensure compliance with provisions of the Constitution and the law.
- Publicity and transparency, ensure accountability, treat and create equal opportunities for all agencies, organizations of Vietnam as well as international partners in establishing and developing international cooperation relations in law, issues in accordance with guidelines and policies of the Party and the State on judicial reform, legal reform and foreign policy orientation.
- Enhancing efficiency, practicality and timeliness of activities of the Legal Partnership Group.
- LPG Chairman makes decision on issues of the LPG on the principle of consensus;
- Ensure sharing of outputs of the LPG with domestic and international development partners with a view to implementing set-out objectives.
- Focus on Monitoring and Evaluation (M&E) of performance of the group for timely suggestions and recommendations to enhance operational efficiency of the Group.

### *b) Scope of activities*

Legal Partnership Group's activities are not limited within the justice sector, but also in common service to development of the legal system of Vietnam.

## **2.3. Organization, staffing of the Group**

In order to perform the above-mentioned tasks, the LPG is established to consist a Management Board and a Secretariat, specifically:

### **a) Management Board**

- Management Board is the decision-making body to decide operation orientations, annual action plans of the Group, identify prioritized issues, topics for workshops and meetings of the Group, propose cooperation priorities on a yearly basis, and direct and supervise activities of the Secretariat

- Management Board includes:

+ Chairman: is the head of the Group, manages and directs operation and hosts a/some key meetings in the framework of Legal Partnership Group forums. The Chairman position is assumed by a Deputy Minister of Justice in charge of international cooperation.

+ Vice Chairman: assists the Chairman in directing and managing activities of the Group, assumed by Director General of Department of International Cooperation - Ministry of Justice.

+ Members: including 03 persons who are Department-level representatives of Ministry of Planning and Investment, Ministry of Police and representatives of the Union of Vietnam Friendship Organizations. Members of the Management Board shall work on a part-time basis.

The Management Board may have short-term local experts and international consultants.

### ***b) Secretariat***

- Secretariat is the permanent body of the Management Board in the process of promoting exchanges and sharing of information between the Government of Vietnam, local partners and international partners, and mobilizing financial resources, technical and other resources to support the process of law making; training and retraining of law in Vietnam

- Secretariat includes:

+ Head of Secretariat: is assumed by Leader of Department of International Cooperation, MOJ.

+ Members: Secretariat has unfixed number of members, from 3 -5 members, who are staffs of ICD, work on a part-time basis to undertake the following specific positions: coordinator, aggregation staff, administrative staff, professional staff, programming - planning staff, communication officer

Specific staffing of the Secretariat shall be decided by the Minister of Justice on the basis of consultation with Chairman of the Group and upon recommendations of the Department of International Cooperation and Department of Human Resources.

Secretariat can have long-term/short-term local experts and international consultants.

\* On 21/7/2016, MOJ Minister signed a Decision to establish the Legal Partnership Group consisting of the following members:

***Management Board consisting of 06 members, namely:***

1. Mr. Nguyễn Khánh Ngọc–MOJ Vice Minister, Chairman;
2. Ms. Đặng Hoàng Oanh–Director General of ICD, MOJ – Vice Chairman;
3. Mr. Nguyễn Văn Cừ - Deputy Director General, MOPS;
4. Mr. Cao Mạnh Cường–Deputy Director General of Foreign Economic Affairs Department, MPI;
5. Ms. Vũ Thị Châu Quỳnh - Deputy Director General of Legal Department, MPI;
6. Mr. Nguyễn Trung Dũng - Deputy Head of the People's Aid Coordinating Committee - Union of Friendship Organizations Vietnam (PACCOM).

***Secretariat consisting of 05 members, namely:***

1. Ms. Trần Thu Hường–Deputy Director General of ICD, MOJ;
2. Ms. Hoàng Chung Thủy – Head of Administration Division, ICD, MOJ;
3. Mr. Lại Thế Anh–Head of Legal Cooperation Management Division, MOJ;
4. Ms. Bùi Hương Quế - Deputy Head of Legal Cooperation Management Division, MOJ;
5. Ms. Vũ Hà Thu - Staff of Legal Cooperation Management Division, MOJ.

**III. Orientations of the Legal Partnership Group in the coming time**

**1. General orientations**

Decree No. 113/2014 / ND-CP of the Government unifies state management in legal international cooperation. The Ministry of Justice is responsible for assisting the Government in unified management of international legal cooperation activities with tasks and powers of advocacy, coordination, development and approval of programs and projects, to carry out cooperation and monitor and evaluate (M&E) the implementation of legal international cooperation.

Legal Partnership Group implements activities to improve efficiency of movement, coordination and strengthening of international cooperation in the field of law, serves the development, improvement and implementation of laws under legal reform and judicial reform strategy orientations; The group is also supporting institutions for promoting and deepening cooperation relations between Vietnam and international partners on the basis of sharing needs, provision of information, and experiences in legal area.

## **2. Specific activities**

### *\* Annual legal partnership forum*

This is the most important activity of the Group. Scheduled to be held at the end of the year.

- Contents: (i) to share information on results of implementation of cooperation programs, projects and activities in the year; thereby evaluating effectiveness of aid and assistance used in the year, problems, difficulties and obstacles to be overcome, solutions proposed in the coming year; (ii) dialogue, update and share information on judicial reform, legal reform, new developments in legal system of Vietnam, priority areas, the need for legal cooperation on Vietnam's side, proposal for cooperation and support ability of foreign partners in the year.

- Participants: all agencies and organizations in Vietnam (including non-governmental organizations who have sufficient capacity) having legal cooperation with international partners or having needs for legal cooperation in the future, together with international partners have been and may be interested in the field of legal cooperation.

### *\* Specialized/Thematic workshops and conferences*

This is one of basic activities of the Group on basis of need to share information and experience on legal cooperation.

- Contents: sharing, updating information on legal reform, judicial reform in Vietnam, in-depth discussion on important areas of expertise, current issues of the legal system in Vietnam, contents of laws involving many ministries, sectors and localities to provide domestic partners and international partners with insight about legal issues that Vietnam is facing.

Besides, these events can also discuss possibility of cooperation with each international partner, or development of specific legislation, specialized law enforcement (criminal, civil, economics, finance, labor ...) including communication and information dissemination and introduction of a specific legislation, and discussion on difficulties and obstacles in the process of implementation, review of implementation efficiency, proposal

of amendment, supplement or replacement of legal documents, measures to improve quality of human resources ...

Specific topics of those workshops will be decided by Chairman of the Group based on actual situation at the time of the expected event.

- Participants: all agencies and organizations in Vietnam who have legal cooperation with international partners or have needs for cooperation in the future, some related agencies and organizations of Vietnam, with a / some / all international partners interested in legal cooperation partnership (depending on content of each conference, seminar, workshop).

*\* Publication of materials*

This activity is done to save important information or events, as well as provide necessary materials for professional activities in judicial reform, legal reform and international cooperation on legal affairs. Publications and documents can be published as Proceedings of a seminar, technical materials collected in the course of cooperation, kinds of manuals, books, newspapers, professional documents.

*\* Specialized/Thematic Studies*

Depending on actual requirements and financial conditions, the legal partnership group can organize thematic studies on legal reform, judicial reform in Vietnam or target to increase international legal cooperation in the near future.

*\* Website of the Legal Partnership Group*

The development of a website of the Group is an effective means to share information and contribute to improving efficiency of cooperation, at the same time plays an important role in promoting image of the Group. Website of the Legal Partnership Group will be studied to ensure integrated and linked connection to the website of the Ministry of Justice, database on legal cooperation, Sub-pages on international cooperation and website of other SPGs or websites/pages on international cooperation of other ministries.

Information page is formed on basis of promoting the role of information technology in legal international cooperation, while enhancing effectiveness of cooperative activities through sharing and leveraging information, knowledge and experience gained from cooperation activities. The Secretariat of the Group will manage and maintain the operation of this Web Site.



The main content of the LPG website includes: information on operations of the Group, results of international cooperation in law issues and legal affairs, information about international partners in legal cooperation, cooperation proposals...

*\* Surveys to provide practical information to the Group*

Legal partnership group can organize surveys at central agencies and local authorities to assess nature of needs and demands, cooperation possibilities, learn experience in performance of cooperation and proposals and recommendations to agencies and organizations for legal international cooperation.

Respondents are mainly: (i) Agencies or organizations (including non-governmental organizations in the country) in central and local levels with few or without programs, projects and activities of international legal cooperation to find out causes and to identify cooperation needs, cooperation possibilities of agencies and organizations; (ii) Agencies and organizations at national and local levels having programs, projects and activities of international legal cooperation share experiences in advocacy, negotiation and management of programs, projects and activities on legal cooperation, making materials and documents to share in forums of the Legal Partnership Groups, and acknowledging/noting suggestions and comments to promote more efficient operation of the Group in the future. Also, depending on actual requirements, the Group can conduct survey from other respondents in order to collect information and documents for symposiums, workshops or other events of the Group.

*\* Internal activities within the Group for information sharing and coordinating*

- The secretariat is the focal point to gather, receive information, prepare reports (including preliminary reports, reports on review of legal international cooperation, reports on results of advocacy, negotiation of cooperation programs and projects and activities, reports on evaluation of effectiveness of cooperation, reports on assessment of capacity on legal cooperation of domestic and international partners), proposals on specialized reports, ... for activities of the Group (such as conferences, seminars, workshops, meetings with international partners ...).

- Organize meetings with other Sectoral Partnership Groups for learning experiences in order to improve operational efficiency of the Group and internal meetings of the Group.

\* In addition, the Legal Partnership Group can take other forms of activities according to needs arising in the course of performing its tasks.

**Article 19 Decree No. 113/2014/NĐ-CP dated 26/11/2014 of the Government on THE MANAGEMENT OF INTERNATIONAL LEGAL COOPERATION**

***Article 19. Responsibilities of the Ministry of Justice***

*The Ministry of Justice shall assist the Government in performing the unified state management of international legal cooperation, having the following specific tasks and powers:*

- 1. To assume the prime responsibility for drafting, submitting to competent state agencies for promulgation or promulgating according to its competence legal documents on international legal cooperation.*
- 2. To establish and maintain the operation of the Legal Partnership Group.*
- 3. To appraise and comment on draft documents of legal cooperation programs and projects.*
- 4. To disseminate the law on international legal cooperation.*
- 5. To monitor, urge, examine and inspect the legal international cooperation; to assume the prime responsibility for organizing the inter-disciplinary teams to examine the international legal cooperation nationwide.*
- 6. To annually report to the Prime Minister on the international legal cooperation nationwide.*
- 7. Other tasks and powers prescribed by law.*