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Streamlining Vietnam's Two-Tier Local Government for Human Rights Assurance

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Abstract

This article examines Vietnam's historic shift from a three-tier to a two-tier local government system, focusing on its legal foundations, implementation process, and implications for human rights. Prompted by Resolution 18-NQ/TW and solidified by a 2025 constitutional amendment, the reform eliminates the district level, consolidates administrative units, and aims to enhance governmental efficiency and citizen accessibility. Drawing on Vietnam's Constitution, statutory laws, and international human rights frameworks such as the ICCPR and ICESCR, the article evaluates how the streamlined structure affects rights to participation, access to justice, and public service delivery. It analyzes

transitional challenges, including human resource gaps and infrastructure strain at the commune level, while highlighting the role of grassroots democracy and digital governance in safeguarding civic rights. Recommendations are offered to strengthen institutional capacity, deepen participatory mechanisms, and align policy outcomes with Vietnam's domestic and international human rights obligations. The study concludes that with thoughtful implementation and accountability, Vietnam's local government reform can become a model for rights-oriented administrative restructuring.

Keywords: Vietnam, Two-Tier Local Government, Constitutional Reform, Human Rights, Grassroots Democracy, ICCPR, Administrative Efficiency, Public Participation, Access to Justice, Decentralization, Legal Framework, Governance Reform

Introduction

Vietnam is undergoing a historic administrative reform aimed at streamlining its local government structure into a two-tier system (provincial and communal levels). This reform, implemented nationwide from July 1, 2025, marks a fundamental shift from the decades-old three-tier (province–district–commune) model to a leaner two-level apparatus constitutionnet.org. The change is driven by goals of improving efficiency, reducing overlapping bureaucracy, and bringing government “closer to the people” for better service delivery. Crucially, these structural changes are unfolding in the context of Vietnam's commitments to human rights, as enshrined in its Constitution and international treaties. Ensuring that the new local governance model enhances – and does not inadvertently hinder – the protection of human rights is a key concern of policymakers and the public. This article provides a comprehensive analysis of Vietnam's two-tier local government reform, focusing on the legal framework, policy implementation, and its implications for human rights protection. It draws on Vietnam's domestic laws (including the 2013 Constitution and new statutes on local government and grassroots democracy) as well as international standards such as the *International Covenant on Civil and Political Rights* (ICCPR) and United Nations guidelines, to evaluate both practical outcomes and future reform orientations for safeguarding human rights in Vietnam.

Background: From a Three-Tier to Two-Tier Local Government

For many decades, Vietnam's local administration was organized in three levels of government – provinces (and centrally-run cities), districts (urban and rural districts, towns), and communes (communes, wards, townships). This system, originating from the mid-20th century, became deeply institutionalized; by the early 21st century Vietnam had 63 provincial-level units, around 700 district-level units, and over 11,000 commune-level units. However, over time the three-tier model became increasingly cumbersome and duplicative, contributing to bureaucratic delays and inefficiencies. As noted by National Assembly leaders, the multiple layers “generated excessive administrative procedures” and failed to modernize public service delivery in line with digital governance opportunities.

By the late 2010s, Vietnam's leadership grew concerned that a bloated local bureaucracy was not only costly but also hampering economic development and the timely provision of services to citizensconstitutionnet.org. In 2017, the Party's Resolution 18-NQ/TW set a strategic goal of reorganizing the political system toward greater efficiency and effectiveness. This set the stage for bold experiments in reducing intermediary levels of government. A pilot program even abolished district- and ward-level People's Councils in certain cities to test the impact of trimming the hierarchy. Ultimately, the **Communist** Party of Vietnam (CPV) Central Committee in April 2025 adopted a landmark resolution calling for comprehensive local government reform: *merging provincial units, eliminating district-level administrations, and consolidating communes*constitutionnet.org. General Secretary Tô Lâm hailed this as "a strategic decision without precedent" to create a state apparatus that is "lean, compact, strong, efficient, effective, and impactful," aimed at better serving the people and spurring development.

Under the Party's blueprint and ensuing National Assembly action, Vietnam moved rapidly toward a two-tier local government model. The district level would be eliminated entirely, with provinces directly overseeing communes (grassroots). At the same time, the number of provincial-level units is to be cut roughly in half – from 63 down to 34 (28 provinces and 6 centrally-run cities) through mergers. Commune-level administrative units are also being consolidated (by an estimated 60–70% reduction) to suit the new model. All corresponding Party structures, mass organizations, and judicial bodies at the district level are likewise being restructured or merged in line with this administrative overhaul constitutionnet.org. This reform, which effectively ended the three-tier system in place for decades, is indeed "not only an organizational reshuffle but a revolution that fundamentally transformed the philosophy of power organization [and] local governance", as Deputy Prime Minister Phạm Thị Thanh Trà described it.

Importantly, the ultimate rationale behind this radical streamlining is to *improve governance in order to better serve citizens and protect their rights and interests*. The government asserts that fewer layers of administration will *simplify procedures, reduce overlap, and expedite responses to local needs*, thereby ensuring people's lawful rights and interests are addressed more promptly and fully. By cutting out a middle tier, local authorities are expected to be closer to the populace, both geographically and administratively, making the state more accessible and accountable to the people it serves. These outcomes are closely tied to human rights: a more efficient, responsive government can better deliver on citizens' rights – from civil and political rights like participation and access to justice, to socio-economic rights like education, healthcare, and an adequate standard of living. Yet, realizing these gains depends heavily on the supporting legal framework and the care taken in implementation, as discussed below.

Legal Framework for Reform and Human Rights Guarantees

Constitutional Amendments and Domestic Laws

To enable the two-tier local government reform, Vietnam had to amend its 2013 Constitution – particularly Chapter IX on Local Government. Article 110 of the 2013 Constitution explicitly structured Vietnam's administrative units into

three levels (province, district, commune). Eliminating an entire level of government was therefore unconstitutional without revisionconstitutionnet.org. In May–June 2025, a constitutional amendment process was fast-tracked: the National Assembly passed a resolution to draft amendments, conducted public consultations, and on June 16, 2025, unanimously approved the first amendments to the 2013 Constitution, centered on local government reformconstitutionnet.org. The amended Article 110 removes the fixed listing of district-level units, thereby *institutionalizing a flexible two-tier structure* constitutionnet.org. In place of specifying levels, the Constitution now allows the legislature to adjust administrative organization by law or resolution as needed. This flexibility is meant to future-proof the system so that reorganizing local units (for example, merging more provinces or creating special zones) will not always require another constitutional amendment.

Under the amended Constitution, local government is defined to consist of elected People's Councils and executive People's Committees at the provincial and communal levels. The *district level is formally abolished nationwide as of July 1, 2025*. Transitional clauses ensured that existing district officials and bodies were either dissolved or reassigned in an orderly manner. Notably, the Constitution retains provisions to safeguard democratic participation and oversight in the new context. For instance, the amendment preserved the clause that any establishment, dissolution, or merger of administrative units must be consulted with local people and follow legal procedures – a recognition of the people's right to have a say in changes affecting their local governance. Additionally, it kept the provision that People's Council deputies have the right to question heads of local executive, judicial, and prosecutorial organs. This oversight function essentially a local check-and-balance – was debated during the amendment process, since district-level courts/procuracies would become regional and no longer correspond one-to-one with a People's Councilconstitutionnet.orgconstitutionnet.org. Some lawmakers were concerned about losing the People's Councils' power to question local courts, arguing that at least provincial councils should retain the right to hold provincial judges and prosecutors accountable to protect justiceconstitutionnet.orgconstitutionnet.org. The adopted text affirms that questioning rights for elected deputies remain in place for the two remaining tiers, thereby ensuring that local authorities can still be held to account in public forums – an important aspect of the right to participate in public affairs and to seek government accountability.

In tandem with constitutional changes, a wave of statutory reforms is underway. The Law on the Organization of Local Government (2015, amended 2019) must be overhauled to reflect the two-tier modelconstitutionnet.org. This law delineates the structure, functions, and powers of local authorities. Revisions will need to address the redistribution of powers formerly held by district governments, clarify the roles of provincial vs. communal authorities, and likely set new norms for inter-governmental coordination in the absence of districts. Likewise, the Law on the Vietnam Fatherland Front and related legislation are being revised, as the Front – an umbrella mass organization mandated in Article 9 of the Constitution is slated to streamline its own structure to two levels, eliminating district-level chaptersconstitutionnet.org. The Fatherland Front's role in

aggregating public opinion and supervising government (including on human rights issues) will continue, but with adjustments to avoid overlap and strengthen its reach to grassrootsconstitutionnet.org. The Government estimated that around 19,000 legal documents (laws, decrees, circulars) at central and local levels might need amendments to align with the new system a sweeping legal update to ensure consistency. High on this list, beyond the local government and Front laws, are laws governing courts and procuracies, since the judicial system is being reorganized from four levels to three (with new regional courts replacing district courts). An amendment to the Law on the Organization of People's Courts was already presented in May 2025 to create regional first-instance courts and abolish district courts in line with the administrative. Similar adaptations are discussed for the People's Procuracy.

Crucially, Vietnam's legal framework explicitly requires that *human rights be respected and protected throughout these reforms*. The 2013 Constitution (as amended) retains a robust Chapter II on human rights and citizens' rights, which states that the State (at all levels) "recognizes, respects, protects and guarantees" human rights and citizens' rights in accordance with the Constitution and law. This overarching obligation (Article 14) binds provincial and communal authorities just as it does the central government. Moreover, Vietnam's Constitution guarantees the right of citizens to participate in governance – Article 6 provides that the people exercise state power through direct democracy and through elected bodies such as the National Assembly and *People's Councils*. Even after removing one tier of councils, the system preserves local elections at commune and province, ensuring that citizens continue to have democratically elected representatives voicing their needs and supervising local executives. The Law on the Implementation of Grassroots Democracy (2022) ^[9] further bolsters participatory rights at the local level. This new law, effective July 2023, mandates that citizens be informed of and involved in decisions at the commune/village level, through mechanisms to *discuss, give opinions, vote on, and oversee grassroots affairs*. It spells out citizens' rights and authorities' responsibilities in ensuring "the people's mastery" in local governance. For example, all citizens have the right to know and contribute opinions on communal budgets, local development plans, and administrative procedures in their locality. The law also establishes People's Inspection Boards and Community Investment Supervision Boards as local institutions for citizens to monitor government activities. By institutionalizing grassroots democracy, Vietnam's legal system provides channels for public participation and oversight that become even more vital when formal governmental tiers are reduced. In the absence of a district council, direct participation at the commune level and effective feedback mechanisms to the province must carry more weight – and the law now supports that. Additionally, the grassroots democracy law requires transparency and accountability from local officials, including sanctions for those who violate democratic rights or fail to facilitate citizen participation. These provisions echo the principle that a streamlined government must still be a *consultative and accountable* government.

International Human Rights Commitments and Local Governance

Vietnam's reforms do not occur in a vacuum; the country is party to numerous human rights treaties that set standards relevant to local governance. Under the International Covenant on Civil and Political Rights (ICCPR) (which Vietnam ratified in 1982), every citizen has the right and opportunity, without unreasonable restrictions, "*to take part in the conduct of public affairs, directly or through freely chosen representatives*," as well as the right to vote and be elected in genuine periodic elections and to have access to public service on general terms of equality (ICCPR, Article 25). This means Vietnam must ensure that its new two-tier system continues to uphold citizens' rights to political participation. The elimination of district-level elections could be seen as a reduction in representative avenues, but as long as citizens maintain effective representation at commune and province levels, and can engage in decision-making (via mechanisms like commune meetings or petitions), the requirements of Article 25 can be satisfied. Indeed, ICCPR Article 25 does not mandate a specific number of governmental tiers, but it does require that at least one level of sub-national government be meaningfully open to participation by local populations. Vietnam's ongoing local elections for People's Councils at commune and provincial levels, therefore, remain a cornerstone of compliance with this obligation. It will be important that the forthcoming arrangements (post-merger) ensure fair and inclusive elections for the larger provinces and the newly configured communes, so that all groups – including minorities – have a voice. As one commentary notes, Article 25's guarantee of participation is particularly meant to enable minorities and local communities to engage in decisions affecting them. In practice, this could entail measures like electoral districting that gives minority populations adequate representation on provincial People's Councils after smaller provinces (often ethnic minority areas) are merged.

Furthermore, Vietnam is bound by the International Covenant on Economic, Social and Cultural Rights (ICESCR) (ratified in 1982), which obliges the State to strive for the progressive realization of rights to education, health, social security, an adequate standard of living, and more. These duties extend to all levels of government. The United Nations has emphasized that local governments, being closest to the people, have a pivotal role in fulfilling ESCR obligations. Decentralization can enhance the realization of these rights by tailoring services to local needs but it also means local authorities must have the capacity and resources to carry out responsibilities in health care, education, water and sanitation, housing, etc.. The ICESCR (Article 2) and associated UN guidance stress that *all levels of government* should apply principles of transparency, participation, and accountability in budgeting and delivering public services, in order to meet human rights commitments. This is directly relevant to Vietnam's two-tier reform: as communes and provinces take on new duties, they should also implement human rights-based approaches for instance, participatory budgeting at the local level, and public disclosure of how resources are allocated to education, health, and welfare. The UN Human Rights Council in 2019

and 2021 passed resolutions highlighting the role of local governments in promoting and protecting human rights, noting that as “organs of the State,” local authorities share the duty to respect, protect, and fulfill human rights and must be empowered to do so effectively. Vietnam often underscores at the UN that it is improving its governance to better ensure human rights for example, at its Universal Periodic Review dialogues, Vietnam has cited administrative reforms aimed at improving public services and people’s welfare as evidence of human rights progress. The two-tier local government model, if implemented well, is an opportunity for Vietnam to strengthen its compliance with international standards by creating more responsive and accountable local institutions.

In sum, Vietnam’s legal and policy framework – from the amended Constitution and local government laws to grassroots democracy provisions and international treaties – provides a normative foundation to align the two-tier reform with human rights guarantees. The next sections examine how this reform has been carried out in practice so far, what its early impacts on governance and human rights are, and what challenges and recommendations have emerged.

Implementation in Practice: Impacts on Governance and Human Rights

Improving Efficiency, Accessibility, and Service Delivery

Following the July 2025 implementation of the two-tier model, initial reports indicate that the new system has been operating relatively smoothly, with basic governance functions maintained and even some early improvements noted. The Vietnamese government has highlighted several positive impacts that align with better protection of human rights, especially socio-economic rights and the right to good administration. After only four months, Deputy PM Phạm Thị Thanh Trà reported to the National Assembly that the streamlined apparatus was “*fundamentally stable and seamless*” in operation and had received public recognition for addressing issues more promptly. A major achievement cited was the comprehensive issuance of guiding policies and institutions right after the reform took effect, which helped localities overcome initial obstacles. In other words, the central government moved quickly to issue decrees, circulars, and resolutions clarifying new procedures an important step to ensure that the shift did not disrupt citizens’ access to services or legal remedies.

One of the core promises of the reform is bringing authorities “closer” to citizens. There is evidence that commune-level administrations have become more directly empowered to serve local residents’ needs. Under the old system, many matters of public service or civil affairs had to go through the district level, adding delay. Now, communes (including ward-level in cities) can handle a greater range of administrative procedures directly. For example, tasks such as civil registrations, primary healthcare administration, elementary education management, local infrastructure maintenance, and basic dispute mediation are concentrated at the commune, with oversight or support from the province as needed. This cuts down bureaucratic layers for common transactions. The Ministry of Home Affairs noted that communes have taken on approximately 890 specific tasks that were previously handled by districts. As a result, a citizen can potentially get things done at the commune People’s Committee office that before 2025 might have required a trip to the distant district town. One-stop service

centers at the commune or inter-commune cluster level have been established or strengthened to handle administrative paperwork for residents.

Citizens interact with officials at a ward-level Public Administrative Service Center (Phủ Thọ province). Streamlining local government aims to eliminate redundant steps and bring public services closer to the people, in turn facilitating the exercise of rights and access to justice.

The immediate human rights implication is greater **accessibility of public services**, which supports the right of people to obtain essential documents (identity cards, birth certificates, land use rights) and services (health, education, welfare) without undue burden. For instance, by simplifying administrative procedures and reducing approval times, the reform helps fulfill citizens’ right to receive timely public services and remedies. The official media has emphasized that the “*ultimate goal is to serve the people better*” phrasing that echoes the state’s human rights duty to meet people’s legitimate needs. Indeed, an article on the reform in the Government’s policy gazette highlighted that bringing government closer to citizens enables more timely and complete resolution of “the lawful rights and interests of the people,” thereby improving the quality of public service. This is a direct acknowledgement that streamlining is intended to enhance the protection of citizens’ rights and interests in everyday governance.

Another positive aspect is the impetus the reform has given to digital transformation and e-government initiatives at the local level. With fewer physical offices and personnel, the government is turning to technology to bridge gaps and manage workloads. Deputy PM Trà and other leaders have underscored accelerating digital government, online public services, and even AI applications as key solutions to maintain quality of governance while slimming the apparatus. For example, online portals for administrative procedures allow citizens to file documents or complaints electronically, reducing the need to travel and queue – important for accessibility, especially in remote or rural areas. The Politburo specifically ordered strict control over unnecessary new paperwork and urged maximizing online public services to make the streamlined government “truly effective” for the people. In Phú Thọ province (as in the image above), as well as cities like Hanoi and Hồ Chí Minh City, *electronic civil service systems* have been rolled out to handle certifications, registrations, and feedback, thereby shortening wait times and improving transparency. These measures advance the right to information and the right to petition the government, by making local administration more open and responsive. A government closer to citizens is also one that should be more accountable – and digital systems (like e-portals for people to monitor the status of their applications or lodge service complaints) can enhance accountability mechanisms in line with modern governance standards.

At the provincial level, the merging of provinces is expected to create economies of scale that benefit human development. Larger provinces may marshal more resources for public investment in healthcare, education, and social protection programs, potentially reducing disparities. While these changes are just beginning, the government narrative suggests that consolidating provinces will improve economic capacity and allow for better provision of services across formerly smaller, less-resourced units. This ties into the idea that a stronger economic base for local governments

will enable fuller realization of socio-economic rights.

Maintaining Public Participation and Representation

A critical question is whether removing the district People's Council – thus one layer of elected representation – has diluted the people's voice in governance. The reformers argue that it has not; rather, they claim it eliminates a rubber-stamp layer and *redirects participatory focus to the grassroots (commune) level*, while still ensuring strategic oversight at the provincial level. Vietnam's leadership has placed heavy emphasis on empowering the commune level as “the crucial link” in the two-tier system. The Party's Conclusion 202-KL/TW (October 2025) stressed the need to “*comprehensively strengthen the commune level*” so that communes move from passive administration to active governance, better engaging in socio-economic development and attending to citizens' daily needs. In practical terms, this means giving commune authorities more autonomy and resources to solve local problems, but also greater responsibility to be responsive to citizens. The ongoing implementation of the 2022 Grassroots Democracy Law is instrumental here: commune governments are obliged to hold regular local meetings where residents can question officials, contribute to local plans, and be informed of commune affairs. Many communes and wards have adopted practices such as posting budgets publicly, holding biannual “People's Inspection” meetings, and establishing online forums or hotline numbers for citizen feedback, pursuant to the new law's requirements on transparency and consultation. These forums give people a direct say and oversight at the level closest to them, arguably a more meaningful form of participation than the previous district councils which were more remote.

Meanwhile, at the provincial level, People's Councils remain and in fact carry greater weight. Provincial councils now oversee areas that used to be managed by districts, which could mean a heavier workload but also a more comprehensive view of local governance. The National Assembly's resolution on the constitutional amendment included a transition plan to reassign district-level delegates and officials: essentially, existing district People's Council deputies (elected for 2021–2026) were integrated into either the provincial or commune level bodies for the remainder of their term. This was done to ensure continuity of representation until new elections under the revamped system occur (scheduled in 2026). Thus, citizens did not abruptly lose their elected representatives; rather, those representatives were reallocated and are expected to continue voicing constituents' concerns in the restructured councils. Ensuring that provincial councils are not too distant from grassroots issues is a challenge – larger provinces cover wider areas – but Vietnam's single-party system mitigates this through the Fatherland Front's role in gathering local opinions and the fact that council delegates often come from various localities within the province. Looking forward, Vietnam will need to consider mechanisms (perhaps larger councils or quota of seats for different sub-regions) to keep provincial decision-making inclusive as provinces grow in size.

Another aspect of participation is the election of local leaders. With district-level governments gone, the officials who used to be elected at that level (district People's Council members) or appointed (district People's Committee chairpersons) are no more. However, commune-

level elections and provincial-level elections remain, and Vietnam has indicated it will maintain the five-year cycle for electing these bodies. In fact, by terminating the district level, some human rights advocates see a potential improvement: the voter's choice is now more directly impactful at the grassroots, since commune leaders have more power than before, and there is no intermediary between them and the province. Also, resources that were spent on maintaining district councils (elections, meetings) could be redirected to strengthen commune councils. The state has to ensure that commune councils (often part-time, modestly staffed bodies) are given training and support to handle their expanded role. Encouragingly, the central government has launched programs to train commune-level cadres and civil servants in the skills needed for planning, budget management, legal knowledge, and citizen engagement. The Ministry of Home Affairs is developing new job position frameworks and staffing norms for communes as a basis for recruiting or reallocating personnel and designing training curricula. This capacity-building focus is essentially about empowering the local officials who are the first line in realizing citizens' rights on the ground.

From a human rights perspective, these efforts correspond to fulfilling the state's obligation to provide competent administration and to enable people to partake in public affairs meaningfully. International standards recognize that local officials must have the ability and understanding to implement laws fairly and respond to community needs. By investing in human resource quality at the commune level and modernizing their methods (e.g., shifting from old bureaucratic “management” mindset to a service-delivery and governance mindset), Vietnam aims to make local governance more citizen-centric. The right to participate is not only about elections, but also about everyday interactions where citizens feel their voice matters. A telling quote from Deputy PM Trà was that the new model “*must prioritize service to citizens, [because] a government close to the people is a driver for national development*”. Implicit in that is the understanding that development and human rights progress go hand in hand when the government truly listens to and serves its people.

Access to Justice and Rule of Law at the Local Level

One potential concern during the reform was how access to justice would be affected, since local courts and prosecutors are being reorganized into larger regional units. Previously, every district had a People's Court and a People's Procuracy (prosecutor's office) serving the area, and district People's Councils had a formal role (though limited in practice) in supervising these bodies. Under the new arrangement, *regional trial courts* will cover multiple former districts, and similarly, prosecutorial offices may cover broader. This raises questions about convenience for citizens – will people have to travel farther for court hearings? and accountability how will these regional judicial bodies be overseen? The reforms attempt to address these issues by creating more robust provincial oversight: provincial People's Councils can still question heads of provincial-level courts and procuracies (which now include regional units within their jurisdiction). Some NA deputies advocated that provincial councils explicitly retain the right to summon and question the chief of the provincial court and procuracy on matters of justiceconstitutionnet.org. The Government in response

maintained that such questioning rights are preserved in the Constitution (Article 112 as amended). This mechanism is important for the human right to a fair and public hearing and to an effective remedy it means the judiciary, while independent in adjudication, is not completely insulated from local democratic oversight regarding administrative matters or judicial services.

In terms of physical access, the judiciary has indicated it will deploy mobile tribunals or circuit courts to ensure people in areas without a nearby courthouse can still have their cases heard without undue delay constitutionnet.org. Additionally, Vietnam is expanding e-litigation options (such as electronic filing of cases, online mediation sessions) which can mitigate distance issues. From a rule-of-law standpoint, the elimination of districts could simplify some jurisdictional overlaps that existed (for example, some civil disputes or complaints bounced between district and province). Now, clarity in hierarchical responsibility commune handles initial administrative work, province handles appeals or more complex matters might reduce confusion. It will be important, however, to monitor that communal authorities do not overstep their powers or infringe rights due to lack of legal knowledge. Strengthening legal awareness and the presence of judicial officers (like commune judicial clerks or legal aid counselors) in communes can help citizens navigate the system. The Ministry of Justice and Vietnam Bar Federation have opportunities here to extend legal aid networks further down to the grassroots, compensating for the removal of district-level justice departments.

Another rule-of-law aspect is anti-corruption and accountability. The streamlining is part of a larger anti-corruption drive (termed “anti-corruption storm” in media) to remove redundant bureaucracy that can breed corruption. Fewer levels of approval theoretically mean fewer points where officials could demand bribes or delay unjustly. General Secretary Tô Lâm linked the need to trim the state apparatus to the anti-corruption campaign, implying that a leaner system leaves “no safe havens for weak (corrupt) officials” and that it’s like taking “bitter medicine to remove tumors” from the body of the state. This graphic metaphor underscores that improving governance integrity is seen as a prerequisite for protecting citizens’ rights and building trust. Indeed, corruption is internationally recognized as a major obstacle to human rights – it can deprive people of equal access to services and justice. By cutting down staffing and merging offices, Vietnam is also *shedding potentially tens of thousands of public employees* (some through early retirement or redundancy). The government has promised to handle this humanely, but it insists that inefficiency and incompetence can no longer be tolerated in the drive for a “lean and effective” state. Provided the remaining officials are subject to stronger performance monitoring and there are clear grievance redress mechanisms, citizens should benefit from cleaner governance. For example, a citizen who used to navigate a maze of district departments might now deal with a single commune office, and if mistreated, can escalate directly to the provincial department or even online complaint systems. This more direct line of accountability can help protect the *right to good administration* and reduce arbitrary abuse of power.

Challenges and Transitional Issues

Despite the above gains, the reform’s rollout has not been

without significant challenges, many of which directly affect the assurance of human rights at the local level. The most pressing difficulties reported revolve around human resources, capacity, and infrastructure for grassroots authorities. Commune-level administrations have suddenly found themselves with a greatly expanded mandate – taking over nearly 900 tasks from abolished district offices but often without equivalent expansion in staff or budgets. In Lâm Đồng province, for example, the Department of Home Affairs reported in late 2025 that commune-level governments were *short by 663 civil servants* compared to the allocated staffing quota, with existing staff struggling to handle the increased workload. Each commune typically now has only two functional departments (e.g., General/Economic and Socio-Cultural), whereas previously a district had around 10 specialized departments. This means each commune department is having to multi-task across several sectors and report to multiple provincial departments, leading to overload and occasional bottlenecks. As the Lâm Đồng authorities observed, in some cases one small team had to concurrently prepare plans, implement projects, and do financial settlement roles that normally would be separated for proper oversight. Such overstretch can undermine the quality and legality of administration; for instance, if a commune official with minimal training in land management is suddenly responsible for land use planning (once done at district), there is a risk of errors or even rights violations (like improper land seizures or failure to consult affected residents).

To address these gaps, provinces have resorted to temporary personnel deployments. Hundreds of provincial and former district civil servants have been seconded to communes to provide expertise and help clear backlogs. In Lâm Đồng, 260 experienced staff in fields like IT, accounting, justice, natural resources, etc., were sent to assist communes for three months, and dozens more were rotated between communes to even out shortages. This emergency measure has been likened to a “surge support” to ensure basic functions carry on. It demonstrates the government’s recognition that without sufficient capacity-building and resource support, the reform could falter at the grassroots. The Politburo and Government have since directed that by the end of 2025, all necessary legal documents be revised to clarify decentralization of powers and procedures in the new model, and that the Ministry of Finance allocate funding to equip communes with improved technology infrastructure (especially in remote areas). There is also an ongoing effort to raise the number of qualified staff: the MoHA is finalizing new staffing frameworks for 2026–2030 and implementing a plan to train commune-level cadres up to 2030. These moves are essentially about shoring up the institutional capacity needed to uphold citizens’ rights. If a commune lacks a competent healthcare officer, the right to health of local residents may suffer; if it lacks legal officers, villagers’ access to justice is impaired. Thus, ensuring *adequate human resources* is a human rights issue in this context.

Financial constraints are another challenge. Many communes worry about having sufficient budget to perform additional duties. While the reform aims to save costs in the long run (by cutting duplicate agencies), in the short term there are expenses: e.g., severance or retirement packages for redundant staff, investments in new office facilities for merged provinces or upgraded commune offices, and

improving salaries to attract talent to grassroots positions. Deputy PM Trà noted that wage reform for the public sector cannot happen immediately and needs a careful plan, implying that in the interim, lower-level staff may remain underpaid, which could affect morale and service quality. The Prime Minister in October 2025 ordered the Ministry of Finance to quickly guide provinces in ensuring communes have designated accountants and budget accounts to manage funds directly, with deadlines to prevent any disruption in salary payments or funds flow due to the administrative changes. This is vital: any delay in funding could translate into disruptions of services (e.g., schools or clinics lacking supplies). It appears the Government is aware and taking steps, as seen by the PM's directive to have new financial management mechanisms operational just three months after rollout.

Structural teething problems also include figuring out how newly merged provinces harmonize their laws and policies. When provinces merge (e.g., hypothetically Ha Tinh merging with Nghe An), they might have had different local regulations or development plans. Ensuring a coherent legal environment in the merged province and doing so in a way that respects residents' expectations and rights is complex. The Politburo instructed that immediately after mergers, local authorities must update and adjust all land use plans, construction plans, and sectoral plans to reflect the new reality. This has human rights implications: e.g., if provincial boundaries change, some residents might lose convenient access to certain public facilities unless planning accounts for it; or if land and resources are reallocated, communities should be consulted to prevent grievance. The Constitution's clause about consulting people on boundary changes was put into practice: reportedly, 96% of people's opinions gathered supported the provincial merger proposals, indicating a strong consensus, but the remaining concerns need attention (the minority who dissented may have specific local worries such as loss of identity or fear of neglect in a bigger province).

Lastly, while the official narrative is overwhelmingly positive, it's worth noting that dissenting voices have expressed reservations. Some political dissidents and independent commentators (often outside the state media) criticized the constitutional amendment's legitimacy, pointing out that it was driven by Party decisions more than grassroots demandconstitutionnet.org. They argue that an amendment of such scale ideally would involve a referendum (which the Constitution allows but Vietnam has never held) constitutionnet.orgconstitutionnet.org. From a human rights angle, the right of people to public participation in major policy shifts could have been better served by deeper public debate. The government did conduct an unprecedented public consultation via a digital app (VNeID), claiming over 20 million comments with 99.9% approval figures that suggest at least formal compliance with participatory rule-making, though skeptics question such near-unanimity. In any case, going forward, maintaining public trust will require transparency about the reform's outcomes, continued solicitation of citizen feedback, and mid-course corrections if problems arise. The Party has indicated that this constitutional amendment is narrow and that a more comprehensive constitutional overhaul may happen at the 2026 Party Congressconstitutionnet.org. That could be an opportunity to address any outstanding issues, perhaps embedding more

explicit guarantees for local democratic governance or rights protections once the two-tier model has matured.

Reform Outlook and Recommendations for Human Rights Assurance

As Vietnam presses ahead with its two-tier local government model, it stands at a crossroads where administrative reform must translate into tangible human rights improvements. The following are key orientations and recommendations to ensure the reform fulfills its promise of better safeguarding human rights:

1. Strengthen the Legal and Institutional Framework at Local Levels: Completing the revision of the Law on Local Government Organization is urgent, and this new law should clearly delineate the powers and functions of provinces and communes with a rights-based approach. For example, it should specify service standards (timelines, transparency requirements) for communes in delivering public services, and outline mechanisms for provincial oversight to prevent abuse. Ancillary legal documents (decrees guiding one-stop service centers, digital governance, etc.) should reinforce principles of accountability and citizen-centered service. Additionally, Vietnam should institutionalize the role of the Vietnam Fatherland Front and civil society in local governance – e.g., through legal provisions that Front committees at commune and province monitor compliance with grassroots democracy, handle complaints, and report on human rights issues at the local level. This leverages an existing constitutional body to act as a bridge between the people and authoritiesconstitutionnet.org.

2. Invest in Capacity Building and Resources for Communes: The success of this reform, from a human rights perspective, hinges on well-functioning commune governments. The state should allocate **adequate financial resources** to communes to match their new responsibilities. This includes not only operational budgets but also funds for training, technology, and facility upgrades. As recommended by the UN, local governments must have the capacity – technical and financial – to fulfill their duties in realizing citizens' economic, social, and cultural rights. Vietnam has already begun seconding skilled staff and planning new staffing frameworks; it should convert these short-term fixes into long-term solutions by permanently increasing staffing where needed and possibly introducing incentive schemes (e.g. better pay, housing, career pathways) to attract talent to rural and underserved communes. Training programs should be comprehensive: covering not just administrative skills, but also topics like human rights standards, public ethics, anti-corruption, and citizen engagement, so that local officials carry out their functions with an understanding of the rights implications of their work.

3. Enhance Participation and Inclusivity: To compensate for one less tier of elected government, Vietnam should deepen participatory democracy at the remaining levels. This could involve expanding the scope of the Grassroots Democracy law in practice for instance, encouraging participatory budgeting where community members have a say in how commune funds are spent (aligning with UN guidance on integrating human rights in local budgeting). Regular public hearings or town hall meetings in communes and provinces can be institutionalized, where officials must publicly respond to citizen queries (some localities already do this through "People Ask, Government Answers" forums). Ensuring *inclusivity* is key: women, ethnic

minorities, and other marginalized groups should be encouraged and enabled to participate. The Fatherland Front can facilitate this by mobilizing its mass organizations (women's unions, youth unions, etc.) to voice the concerns of their constituencies. In merged provinces, care should be taken that smaller or less-developed districts (now without their own government) are not overshadowed; one idea is to establish regional advisory councils or citizen committees that represent clusters of former districts within a province to feed inputs to the provincial government. While not elected bodies, these committees could act as consultative mechanisms ensuring no community is left behind (*"leave no one behind"* being a motto consistent with the SDGs and human rights).

4. Safeguard Access to Justice and Remedies: With the judicial reorganization, the government needs to monitor and ensure that people can still easily access legal remedies. Setting up additional service points for courts – e.g., court annexes or mobile courts in areas far from the new regional court hub – would prevent hardships for litigants. Legal aid outreach should be amplified: each commune should ideally have a legal aid officer or an agreement with the provincial Justice Department to regularly send lawyers to hold free consultation sessions. Also, maintain the oversight role of People's Councils over judicial organs vigorously at the provincial level. The National Assembly might consider legislation to detail how provincial councils can oversee regional courts/procuracies – for example, requiring periodic reports on case backlogs or on how courts handle citizen petitions, which can be debated in council sessions. This kind of oversight can reinforce the **right to a fair trial and remedy** by highlighting and correcting systemic issues (like excessive delays or bias) that might arise in the new system.

5. Leverage Technology and Innovation: Continue the push for e-government as an equalizer in service provision. The digital divide must be addressed so that remote communities benefit as much as urban ones. The central government's directive to invest in IT infrastructure especially in remote communes is a welcome step. By 2030, Vietnam could aim for virtually all basic administrative services to be available online or via mobile applications, which dramatically enhances accessibility (for instance, allowing ethnic minority villagers to register births via a mobile app in their own language, or enabling farmers to apply for licenses without leaving their fields). The use of artificial intelligence and data analytics, mentioned by officials as a key solution, should be geared towards improving service delivery (e.g., chatbots for 24/7 information on procedures) and identifying corruption or inefficiency patterns. However, as digital systems are adopted, ensure data protection and privacy rights are respected – a human rights consideration that should not be overlooked.

6. Monitor and Adjust Policies with a Human Rights Lens: Establish a mechanism to monitor the impact of the two-tier reform on human rights. This could take the form of periodic assessments by the National Human Rights Steering Committee or an independent research institute, evaluating indicators such as public satisfaction, service delivery times, participation rates, and the incidence of complaints or rights violations pre- and post-reform. Vietnam could invite international partners (e.g., UNDP, OHCHR) to provide technical assistance in developing indicators and conducting surveys, to ensure objectivity. If

certain negative trends are identified (say, an uptick in unresolved complaints in bigger provinces, or difficulties for minorities in accessing provincial administrations), the government should be ready to tweak the system. Flexibility exists – since the Constitution now allows different administrative models if needed. In extreme cases, Vietnam could pilot alternative arrangements: for instance, if a province finds it challenging to manage everything from the center, it could set up sub-provincial administrative offices (not full governments, but satellite offices of the provincial government in former district capitals) to provide nearer services. These would not contradict the two-tier structure (they'd be part of the provincial executive branch), and could be a way to retain accessibility in geographically large provinces. The important point is that the reform not be static; it should evolve based on evidence and feedback, always with the aim of improving the protection and fulfillment of rights.

7. Uphold International Standards and Engagement: Vietnam should continue to reference and incorporate international human rights standards in its local governance reform. This means aligning its efforts with the UN's Sustainable Development Goal 16 (on peace, justice, and strong institutions) which calls for effective, accountable and inclusive institutions at all levels. By reporting progress on how the two-tier model is increasing government effectiveness and inclusivity, Vietnam can demonstrate its commitment internationally. It should also heed advice from UN bodies: for example, the UN Human Rights Council's resolutions encouraging states to empower local authorities for human rights could guide Vietnam to possibly become a leader in "localizing human rights". Vietnam might consider creating some "human rights cities" localities that explicitly integrate human rights in their charters and practices (a campaign mentioned by UCLG and OHCHR). Cities like Đà Nẵng or Huế, for instance, could pilot this by pledging measurable human rights goals (e.g., universal birth registration, 100% access to clean water) to showcase the benefits of the streamlined system for human well-being.

Conclusion

Vietnam's transition to a streamlined two-tier local government is a transformative reform with wide-ranging implications for governance and human rights. By removing an entire administrative layer and consolidating resources, the country seeks to create a more agile state apparatus that can better meet the needs and rights of its people. The early implementation has shown promise: quicker administrative response, closer commune-level engagement, and a revitalized push towards digital governance all of which can enhance the enjoyment of rights from due process to social security. The reform is anchored in a legal framework that, on paper, continues to safeguard human rights and promote grassroots democracy, reflecting both domestic constitutional principles and international commitments like the ICCPR and ICESCR. At the same time, challenges such as capacity shortfalls and ensuring equitable access have come to the fore, reminding that structural change alone is not a panacea; it must be accompanied by investment in human capital, infrastructure, and robust oversight.

Ultimately, the measure of success will be whether citizens feel a positive difference in their daily interactions with authority. Do villagers get their land certificates faster and with less hassle? Do urban residents see local projects

decided with their input? Are schools and clinics improving now that provincial planning is streamlined? These human-centric outcomes will determine if the reform truly guarantees human rights better. The Vietnamese government's mantra of serving the people "vì dân" (for the people) will be tested in practice, and it will require sustained political will to make adjustments as needed. Encouragingly, there is high-level acknowledgment that the new system must outperform the old in serving citizens, and that any shortcomings are to be swiftly addressed. As General Secretary Tô Lâm noted, it's a bold revolution "aimed at ... better serving the lives of the people". If Vietnam follows through on the recommendations to reinforce participation, build capacity, and remain accountable, the two-tier local government reform could indeed become a model of how governance innovations contribute to the fuller realization of human rights. The journey from policy to practice is ongoing, but the direction is set towards a more efficient, people-centered administration – one that aspires to ensure that every citizen's voice is heard and their rights protected, at the level of government closest to them.

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