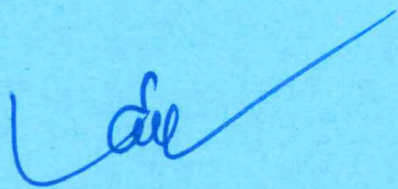


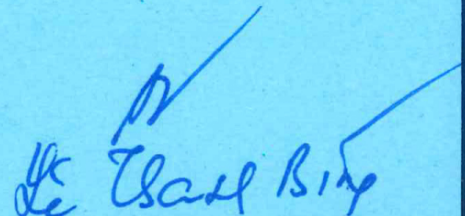
HO CHI MINH NATIONAL ACADEMY OF POLITICS

TRAN DOAN QUAN

**STATE MANAGEMENT BY LAW FOR FOREIGN
NON-GOVERNMENTAL ORGANIZATIONS IN VIETNAM**

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INTRODUCTION

1. Subject urgency

In recent years, charity, humanitarian aid, and development assistance activities of foreign non-governmental organizations have become essential factors contributing to Vietnam's stability and socio-economic development. Vietnam. Since the Doi Moi 1986 up to now, the state has promoted foreign relations and bilateral and multilateral cooperation with countries and international organizations in the region and the world. The number of foreign non-governmental organizations entering Vietnam is increasing rapidly and is distributed throughout the provinces and cities, charity and humanitarian aid activities, and cooperation in many fields with many different programs and projects in the health field. However, the presence of foreign non-governmental organizations has caused a stir and generated many complicated problems, especially in security, social order, and safety. During their operation in Vietnam, several employees of foreign non-governmental organizations and a number of foreign non-governmental organizations have taken advantage of charitable, humanitarian, and development cooperation activities to carry out their actions unlawfully, infringing upon security and order, such as: taking advantage of the name of employees of foreign non-governmental organizations to operate to sabotage ideology, conduct investigation, research, and collect intelligence, insider operations.

However, besides initial successes, state management activities by law for foreign non-governmental organizations in Vietnam have also revealed limitations and shortcomings, such as building and promulgating documents legal documents on state management have not met the requirements; the way the management force is organized is still inadequate; The perception of a large number of officials and employees about state management has not yet met the requirements and tasks. Meanwhile, the theoretical issues of state management by law for non-governmental organizations have also not been clarified, leading to a lack of consistency in awareness and actions, limiting the effectiveness of state agencies' practical activities.

From a theoretical perspective, gaps still need to be studied and clarified, especially the mechanism management methods in building a socialist rule of law state, promoting international integration in our country today. Thereby unifying awareness and providing scientific instructions for practical activities.

Faced with the inadequacies of reality in the past time as well as the requirements outlined in state management in the coming time, the study of state management by law for foreign non-governmental organizations in Vietnam to clarify theoretical and practical issues, thereby building solutions to ensure state management by law for foreign non-governmental organizations is an objective and urgent requirement. Stemming from the above reasons, the Ph.D. candidate has chosen the research topic "*State management by law for*

foreign non-governmental organizations in Vietnam” as his Doctoral dissertation in the Theory and History of the state and law major.

2. Research purposes and tasks

2.1. Research purposes

Clarifying the theoretical basis, assessing the influencing factors and the actual state of state management by law for foreign non-governmental organizations in Vietnam, thereby making forecasts and opinions and proposing groups of solutions to ensure state management by law for foreign non-governmental organizations in Vietnam.

2.2. Research tasks

The dissertation has the following tasks to achieve the research purposes:

- Systematize and interpret the overview of domestic and foreign research related to state management by law for foreign non-governmental organizations in Vietnam.
- Analyze and clarify the theoretical basis issues of state management by law for foreign non-governmental organizations in Vietnam, such as concept, characteristics, roles, content, and other issues like conditions for ensuring state management by law for foreign non-governmental organizations in Vietnam.
- Analysis and assessment of influencing factors and the current state of state management by law for foreign non-governmental organizations in Vietnam. Indicate the achievements, limitations, and causes, and draw lessons from experience in state management by law for foreign non-governmental organizations in Vietnam in the coming time.
- Provide views and propose critical solutions to ensure state management by law for foreign non-governmental organizations in Vietnam.

3. Research object and scope

3.1. Research object

The research object of the dissertation is the theoretical issues and the actual state of state management by law for foreign non-governmental organizations in Vietnam.

3.2. Research scope

- Scope of content: the dissertation focuses on researching the state management by law for foreign non-governmental organizations on the construction and promulgation of laws on foreign non-governmental organizations, implementation of regulations on foreign non-governmental organizations, and inspection, examination, supervising and handling violations of law related to foreign non-governmental organizations in Vietnam.
- Scope of time: the dissertation is limited to 10 years of research (from 2013 to 2022).
- Scope of location: State management by law for foreign non-governmental organizations in Vietnam.

4. Theoretical framework and methodology

4.1. Theoretical framework

The dissertation is researched based on Marxist-Leninist dialectical materialist methodology, Ho Chi Minh's thought, viewpoints, guidelines, and lines of the Communist Party of Vietnam, and policies and laws of the State of Vietnam on state management by law for foreign non-governmental organizations in the period of renovation and international integration.

4.2. Methodology

The dissertation uses a variety of research methods, namely: document research method; methods of analysis and synthesis; comparative jurisprudence method; historical and logical methods; deductive and inductive methods; professional solutions.

5. Dissertation contributions

The thesis is a systematic monograph on state management by law for foreign non-governmental organizations in Vietnam from the perspective of state theory and law, with the following new points:

- From the concepts of state management tools and state management by law, the foreign NGO graduate student introduced the concept of state management by law for foreign non-governmental organizations in Vietnam. Clarifying the contents of state management by law for foreign non-governmental organizations in Vietnam, including formulation and promulgation of laws; organizing law enforcement and inspecting, examining, supervising, and handling law-breaking acts of foreign non-governmental organizations in Vietnam.

- Analyze and evaluate the results, limitations, and causes, and draw lessons learned in state management by law for foreign non-governmental organizations in Vietnam. From there, provide views and propose critical solutions to ensure state management by law for foreign non-governmental organizations in Vietnam.

6. Dissertation theoretical and practical significance

- The thesis has overviewed the research situation directly related to the topic in Vietnam and abroad. Through the review of the research works in the overview, the thesis has pointed out the problems that the researchers have mentioned and solved and the problems that the thesis needs to continue to study.

- The thesis has clarified the theoretical basis of state management by law for foreign non-governmental organizations in Vietnam State in Vietnam (concepts, characteristics, roles, contents, conditions for protection) ensure state management by law over foreign non-governmental organizations in Vietnam); (2) Experience of some countries on state management by law for foreign non-governmental organizations and reference value for Vietnam.

- The thesis has analyzed and clarified the influencing factors and the state of state management by law for foreign non-governmental organizations

in Vietnam over the past time. On that basis, the thesis has pointed out the advantages, limitations, and causes of those limitations.

- The thesis has forecast the development trend and the point of view of state management by law for foreign non-governmental organizations in Vietnam in the coming time.

- Based on the actual results and forecasts, the thesis has proposed 05 solutions to ensure the state management by law for foreign non-governmental organizations in Vietnam in the coming time.

- The thesis contributes to supplementing and perfecting the theory of state management by law in general, state management by law for foreign non-governmental organizations in Vietnam in general; contributes to summarizing the practice of state management by law for the Government, ministries, ministerial-level agencies and provincial governments in Vietnam regarding foreign non-governmental organizations in the process of national renewal, international association import.

- The thesis can be used as a reference for researching and teaching about the state of law about state management by law in training institutions.

7. Dissertation structure

In addition to the introduction, conclusion, appendices, and list of references, the content of the thesis consists of four chapters and ten sections.

Chapter 1:

LITERATURE REVIEW OF THE TOPIC

1.1. LITERATURE REVIEW

1.1.1. Domestic works

1.1.1.1. Works related to non-governmental organizations in Vietnam

The group of works related to non-governmental organizations in Vietnam has such works as the project “*Non-governmental aid activities of foreign non-governmental organizations in Vietnam and issues raised in the security*” by Prof. Dr. Pham Ngoc Hien; ministerial-level scientific research project: “*Building a contingent of civil servants doing state management of associations*” by the Department of Non-governmental organizations; project “*Improving state management institutions for associations of economic organizations*” by the Department of Non-governmental Organizations; project “*Solutions to improve the efficiency of security work for abusing aid from foreign religious non-governmental organizations in Vietnam*” by Dr. Bui Thanh Ha; The book “*The role of social organizations in social development and management*” by Dr. Nguyen Thang Phuc and Assoc. Prof. Dr. Nguyen Minh Phuong; Book “*Law on Associations and Non-governmental organizations in the world and Vietnam*” by Tran Kien, Khuat Thu Hong, and Vu Cong Giao; doctoral dissertation “*The role of non-governmental organizations in providing technical assistance to strengthen the capacity of local people and partners in the Northern mountainous region*” by Le Van Son; doctoral dissertation “*Capital aid of foreign non-governmental organizations in socio-economic development in Vietnam*” by Don Tuan Phong...

1.1.1.2. Works related to state management of foreign non-governmental organizations in Vietnam

The group of works related to the state management of foreign Non-governmental organizations in Vietnam has the following works: The topic “*Improving the state management of associations and non-governmental organizations to meet the requirements of building the socialist rule of law*” by Dr. Sci. Nghiem Vu Khai; the topic “*The role of state management in the activities of non-governmental organizations in Vietnam: Theory and practice*” by Dr. Nguyen Xuan Thiem; the topic “*Renovation of state management of associations and non-governmental organizations in our country in terms of international integration*” by Nguyen Tien Thanh; “*Hanbook of foreign non-governmental organizations in Vietnam/ Hanbook of foreign Non-governmental organizations in Vietnam*” of the Vietnam Union of Friendship Organizations; “*Guidebook for Japanese non-governmental organizations in Vietnam*” of the Vietnam Union of Friendship Organizations; Textbook “*State management for non-governmental organizations*” of the Academy of Administration under the Ho Chi Minh National Academy of Politics; Doctoral thesis “*State management of national security for foreign non-governmental*

organizations in Vietnam” by Nguyen Thi Bich Mo; Doctoral thesis *“Improving the content of state management for non-governmental organizations in Hanoi currently”* by Can Viet Anh...

1.1.2. Foreign works

1.1.2.1. Works related to foreign non-governmental organizations abroad

The group of works related to foreign non-governmental organizations abroad includes: *“Improve Close Link between Government and Non-governmental organizations”* by Hecman Toler, Public Administration Institute, USA; *“Global Impact Monitoring: Save the Children UK’s Experience of Impact Assessment”* by Starling et al., Save the Children; Master’s thesis *“Operations of non-governmental organizations in Vientiane city and issues raised for security work”* by Kham Xenh Si Lam Phon; *“Handbook of Research on Non-governmental organizations”* by Aynsley Kellow and Hannah Murphy – Gregory...

1.1.2.2. Group of works related to state management of foreign non-governmental organizations abroad

The group of works related to state management of foreign non-governmental organizations abroad includes: doctoral dissertation *“Civil society in the Era of Good Governance Dispensation: Non - Governmental Organizations (NGOs) and the politic of Engaging Governmental in Tanzania”* by Andrew A Mushi, University of Birmingham; doctoral dissertation *“Struggling with activities infringing upon national security by employees of foreign non-governmental organizations in Laos”* by Kham Xenh Si Lam Phon; Master’s thesis *“Organizing the work of grasping the situation and detecting activities infringing upon the national security of foreign non-governmental organizations in the capital city of Vientiane, Lao People’s Democratic Republic”* by Su Li Nong Shepherd Tha Man; *“The Management of Non-governmental Development Organizations - An Introduction”* by Davis Lewis, Routledge Publishing, London and New York; *“The State of Civil Society in Japan”* by Frank J. Schwartz and Susan J. Pharr, Cambridge University Press...

1.2. GENERAL COMMENTS ON THE LITERATURE, RESEARCH GAP FILLED BY THE DISSERTATION, SCIENTIFIC HYPOTHESIS, AND RESEARCH QUESTIONS

1.2.1. General comments on the literature

In many works related to the topic, there are studies on foreign non-governmental organizations and state management by law for foreign non-governmental organizations in a number of specific fields. However, there have been no studies on state management by law for foreign non-governmental organizations in Vietnam. However, the research results of relevant scientific works will be valuable references when the Ph.D. candidate researches his/her topic.

Through the process of studying the works related to the topic, some conclusions have been drawn:

Firstly, the problems of theory: most of the works have not mentioned the theory of state management by law for foreign non-governmental organizations in a systematic way. If any, introducing aspects without a specific holistic approach is just a matter of fact. The theoretical contents of state management by law for foreign non-governmental organizations have not been mentioned but have not been clarified.

Secondly, practical problems: domestic and foreign studies have not analyzed and clarified the practice of state management by law for foreign non-governmental organizations in Vietnam compared with the theory of law. Fundamental theories include elaboration and promulgation of legal documents, organization of law enforcement, inspection, examination, supervision, and handling of legal violations related to non-governmental organization activities. Some works have mentioned some management content, but there are still limitations compared to the research topic, such as referring to solutions to manage the licensing of operations for foreign non-governmental organizations. management of aid capital of foreign non-governmental organizations. In addition, the above analytical studies indicate the limitations and causes of state management activities for foreign non-governmental organizations, but they are not highly integrated.

Third, about the system of solutions: a few works have mentioned the system of solutions, but they are solutions for managing non-governmental organizations in general, raising the requirements that need to be solved but not in a highly generalized system or a solution to the management of non-governmental organizations in general, does not derive from the specific conditions of Vietnam.

1.2.2. Research gap filled by the dissertation

On the basis of selectively inheriting the results of the researched works, the thesis needs to continue to study the following contents:

Firstly, supplementing and perfecting the theoretical basis. Completing a new theoretical framework on state management by law for foreign non-governmental organizations in Vietnam, focusing on clarifying issues on Concept, characteristics, and role of state management by legislation for foreign non-governmental organizations in Vietnam; contents and conditions for ensuring state management by law for foreign non-governmental organizations in Vietnam.

The thesis also needs to generalize the experiences of some countries in state management by law for foreign non-governmental organizations and reference values for Vietnam. These countries have certain similarities in political conditions with Vietnam and other countries with a long law-making process, especially experience in state management of foreign non-

governmental organizations. It is precious in applying to the state management by law for foreign non-governmental organizations in Vietnam.

Second, in the actual situation, it is necessary to clarify the following issues:

Factors affecting the state management by law for foreign non-governmental organizations in Vietnam today.

Analyze and evaluate the practice of the management of foreign non-governmental organizations, the results achieved, the limitations and causes of the achieved results, and limitations on the content aspects: construction, implementation of legal documents, organization of law enforcement, inspection, examination, supervision and handling of violations related to foreign non-governmental organizations in Vietnam. From there, it will serve as a basis to set out a system of viewpoints and oriented solutions for state management by law for foreign non-governmental organizations in Vietnam.

Assessment of the current situation of state management activities by law for foreign non-governmental organizations in Vietnam is arranged objectively and scientifically for comparison, research, and analysis, thereby serving as a basis for evidence for the addition of theory in the theoretical basis and will be the basis for proposing solution groups of the thesis.

Thirdly, give opinions and solutions to ensure state management by law for foreign non-governmental organizations in Vietnam. The viewpoints and group of solutions must be consistent with the operation of foreign non-governmental organizations in Vietnam and ensure specificity and feasibility. They can be applied to practical political and economic conditions of Vietnamese society and state management by law for foreign non-governmental organizations in Vietnam today.

1.2.3. Scientific hypothesis and research question

1.3.1.1. Scientific hypothesis

The thesis is conducted to prove the following scientific hypotheses:

- *Hypothesis 1*: State management by law for foreign non-governmental organizations in Vietnam has a significant role in the operation of foreign non-governmental organizations in Vietnam.

Expected research results: clarifying the critical role of state management by law for foreign non-governmental organizations in Vietnam.

- *Hypothesis 2*: State management by law for foreign non-governmental organizations in Vietnam still has limitations and inadequacies.

Expected research results: evaluate the achieved results and the shortcomings in state management activities by law for foreign non-governmental organizations in Vietnam, and at the same time, explain the reasons why causes of those limitations and propose solutions to overcome them.

- *Hypothesis 3*: The synchronous implementation of groups of solutions in state management by law for foreign non-governmental organizations in Vietnam, such as building, promulgating laws, organizing law enforcement,

inspection, examination, supervision, and handling of violations of the law related to foreign non-governmental work and international cooperation will contribute to the state management by the law of foreign non-governmental organizations in Vietnam more effective and efficient.

Expected research results: propose solutions to ensure state management by law for foreign non-governmental organizations in Vietnam.

1.2.3.2. Research question

The thesis was conducted to answer the following research questions:

- *The 1st research question:* the theoretical basis of state management by law for foreign non-governmental organizations in Vietnam includes what contents?

- *The 2nd research question:* what are the influencing factors and current state of state management by law for foreign non-governmental organizations in Vietnam today?

- *The 3rd research question:* what measures should be taken to ensure the state management by law for foreign non-governmental organizations in Vietnam?

Chapter 2:

THEORETICAL BASIS OF STATE MANAGEMENT BY LAW FOR FOREIGN NON-GOVERNMENTAL ORGANIZATIONS IN VIETNAM

2.1. CONCEPT, CHARACTERISTICS, AND ROLE OF STATE MANAGEMENT BY LAW FOR FOREIGN NON-GOVERNMENTAL ORGANIZATIONS IN VIETNAM

2.1.1. The concept of foreign non-governmental organizations and the state management by law for foreign non-governmental organizations in Vietnam

2.1.1.1. The concept of foreign non-governmental organizations

Foreign non-governmental organizations in Vietnam are non-governmental organizations legally established outside the Vietnamese territory, including international non-governmental organizations and non-governmental organizations of other countries and territories (including organizations established by overseas Vietnamese) lawfully operating in the Vietnamese territory for humanitarian and development assistance purposes.

2.1.1.2. The concept of state management by law for foreign non-governmental organizations in Vietnam

- *State management* is the exercise of state power conducted by state agencies over all individuals and social organizations in all aspects of social life by using the proper unilateral coercive state force aimed at serving the common interests of the whole community, maintaining stability, security, and order and promoting the development of society according to a unified orientation of the state.

- *State management by law* is the organizational and powerful influence of the state by state agencies and competent persons carried out by legal tools in combination with other tools, using many methods and forms to influence the management object to regulate, operate, develop, and control the fields in accordance with the objectives set by the state.

- *State management by law for foreign non-governmental organizations in Vietnam* is all activities of agencies in the state apparatus conducted by legal tools to regulate social relations arising in the activities of foreign non-governmental organizations; regulate specific activities of foreign non-governmental organizations in Vietnam as well as the behavior of individuals in foreign non-governmental organizations in Vietnam in order to contribute to ensuring a safe and secure environment for foreign non-governmental organizations in Vietnam operating within the legal framework, protecting national security, ensuring social order and safety, promoting socio-economic development, and ensuring social security society and realize the political, economic and social goals set by the state.

2.1.2. Features of state management by law for foreign non-governmental organizations in Vietnam

2.1.2.1. Characteristics of the purpose of state management by law for foreign non-governmental organizations in Vietnam

Just like the general purpose of state management of foreign Non-governmental organizations in Vietnam, the most direct purpose of state management by law for foreign non-governmental organizations in Vietnam is to ensure that foreign non-governmental organizations in Vietnam operate within the framework of the law, contributing to protecting national security and ensuring social order and safety.

- Through state management by law for foreign non-governmental organizations in Vietnam, create a safe and secure environment for foreign non-governmental organizations in Vietnam to operate and develop within the legal framework, making the most of resources from foreign non-governmental organizations in Vietnam.

- Through the state management by law for foreign non-governmental organizations in Vietnam, it helps state agencies to proactively detect conspiracies, methods of operation of hostile forces, and various types of crimes and other illegal acts taking advantage of foreign non-governmental organizations in Vietnam to infringe upon national security, social order and safety, thereby taking measures to prevent and promptly.

- Through the state management by law for foreign non-governmental organizations in Vietnam to handle violations and violations of foreign non-governmental organizations operating in Vietnam and state agencies managing foreign non-governmental organizations in Vietnam.

2.1.2.2. Characteristics of the subject of state management by law for foreign non-governmental organizations in Vietnam

Subjects in the state management by law for foreign non-governmental organizations in Vietnam, based on their functions, tasks, and competence, can be determined as follows:

- In formulating and promulgating legal regulations on foreign non-governmental organizations in Vietnam. Subjects include: National Assembly; Government

- In organizing the implementation of the law on foreign non-governmental organizations in Vietnam. Subjects include state management agencies (Government, ministries, sectors, and provincial-level People's Committees)

- During the inspection, examination, supervision, and handling of law violations related to foreign non-governmental organizations in Vietnam. Subjects include state management agencies and judicial authorities, such as investigating bodies, procuracies, and people's courts.

2.1.2.3. Features of managed objects

Objects of management of the state management by law for foreign non-governmental organizations in Vietnam include:

- People in foreign non-governmental organizations in Vietnam, experts and employees working for foreign non-governmental organizations in Vietnam (including foreigners, stateless people, and Vietnamese); members of the organization's temporary delegations to Vietnam to survey, inspect and evaluate non-governmental projects.

- Facilities used by foreign non-governmental organizations in Vietnam in the Vietnamese territory, including headquarters of representative offices, project offices, means of transportation, and means of communication registered and used by foreign non-governmental organizations in Vietnam to implement programs and projects in Vietnam.

- State management agencies are conducting activities of foreign non-governmental organizations in Vietnam.

2.1.3. The role of state management by law for foreign Non-governmental organizations in Vietnam

State management by law for foreign non-governmental organizations in Vietnam plays a vital role in, *Firstly*, contributing to ensuring a safe and secure environment for foreign non-governmental organizations in Vietnam. Vietnam operates within the legal framework; *Secondly*, it contributes to the protection of national security, ensuring social order and safety; *Thirdly*, it contributes to the expansion of international cooperation relations and active international integration; *Fourthly*, it contributes to promoting socio-economic development, ensuring social security.

2.2. CONTENTS OF STATE MANAGEMENT BY LAW FOR FOREIGN NON-GOVERNMENTAL ORGANIZATIONS IN VIETNAM

State management by law for foreign non-governmental organizations in Vietnam includes the following primary contents:

2.2.1. Formulate and promulgate laws on foreign non-governmental organizations in Vietnam

Firstly, the legal provisions on the authority to formulate and issue legal documents on foreign non-governmental organizations in Vietnam exercise the authority to appraise and approve the non-governmental organization's charter by the state management agency by law for foreign non-governmental organizations in Vietnam. *Secondly*, the provisions of the law on the establishment of organizations, in the field, scope of activities, about the head, the participants; financial regulations and financial management; regulations on merger and dissolution; determining the things that are forbidden to do by foreign non-governmental organizations, stipulating sanctions for handling violations related to the organization and operation of foreign non-governmental organizations. *Thirdly*, the provisions of the law. Law on inspection, examination and handling of violations against foreign non-

governmental organizations in Vietnam, organizations and individuals with achievements in preventing and dealing with adverse impacts in activities of foreign non-governmental organizations in Vietnam.

2.2.2. Organization of law enforcement for foreign non-governmental organizations in Vietnam

Firstly, the construction of the apparatus and contingent of law enforcement officers on state management of foreign non-governmental organizations in Vietnam. *Secondly*, propagating and disseminating legal education about foreign non-governmental organizations in Vietnam. *Thirdly*, ensure the responsibility of state management agencies in the observance, observance, use and application of the law to foreign non-governmental organizations in Vietnam. *Fourthly*, conduct management content for foreign non-governmental organizations in Vietnam.

2.2.3. Inspect, examine, supervise and handle law violations related to foreign non-governmental organizations in Vietnam

Firstly, the inspection of law implementation for foreign non-governmental organizations in Vietnam. Through the inspection, grasp the situation of law observance of agencies, organizations and citizens, the implementation of assigned tasks of localities and units. *Secondly*, inspecting the law implementation of foreign non-governmental organizations in Vietnam. *Thirdly*, the supervision of the competent authority over foreign non-governmental organizations in Vietnam is an activity for foreign individuals and non-governmental organizations in Vietnam to operate in accordance with the law. *Fourthly*, the handling of violations against foreign non-governmental organizations in Vietnam.

2.3. CONDITIONS TO GUARANTEE STATE MANAGEMENT BY LAW FOR FOREIGN NON-GOVERNMENTAL ORGANIZATIONS IN VIETNAM

Ensuring state management by law for foreign non-governmental organizations in Vietnam in terms of socialist construction and international integration, including the following specific conditions:

2.3.1. Political conditions

In the process of state management by law over foreign non-governmental organizations in Vietnam, state agencies need to thoroughly grasp the principle of Party leadership, the Party's regular leadership and direction for foreign Non-governmental organizations. problems arise in state management of foreign non-governmental organizations in Vietnam. In addition, the Party also needs to conduct activities to check the activities of party members and party organizations in the state management of foreign non-governmental organizations in Vietnam.

2.3.2. Legal conditions

The state management process by law over foreign non-governmental organizations in Vietnam must be carried out according to the order and

procedures prescribed by law. Therefore, the legal guarantee condition of state management by law in this field requires clearly defining the authority and responsibility of the drafting agency, the appraisal and verification agency. and the subjects participating in law-making activities, ensuring that they bring their responsibilities into full play. The goal is that the legal regulations on foreign non-governmental organizations in Vietnam are feasible, constitutional and legal.

2.3.3. Conditions of material resources

Financial investments, equipment and facilities are financial guarantees and physical and technical conditions for state management by law for foreign non-governmental organizations in Vietnam. material and technical facilities to ensure the operation of the apparatus and the operation of the civil service and civil servant regime

Conditions on science, technology and international integration process

For state management by law to be effective for foreign non-governmental organizations in Vietnam, state agencies must apply scientific and technological achievements and information technology in state management activities.

2.3.4. Conditions on organizational apparatus and human resources

- Conditions on the organization of the apparatus

State management by law for foreign non-governmental organizations in Vietnam inevitably requires the state management apparatus, including central state management agencies and local governments, to be organized in a scientific and unified manner with clear and specific regulations on functions, tasks, powers and responsibilities in state management.

- Conditions of human resources

State management of foreign non-governmental organizations in Vietnam requires high-quality human resources, first of all, the quality of the contingent of state officials, public employees and employees in general and cadres, civil servants and public employees performing the state management of foreign non-governmental organizations in Vietnam in particular.

2.3.5. Other conditions

Conditions on coordination relationship in state management of foreign non-governmental organizations in Vietnam

Conditions for administrative procedure reform

2.4. EXPERIENCE OF SOME COUNTRIES ON STATE MANAGEMENT BY LAW FOR FOREIGN NON-GOVERNMENTAL ORGANIZATIONS AND REFERENCE VALUE WITH VIETNAM

2.4.1. Experience in state management by law for foreign non-governmental organizations of some countries

Each country and region has its legal system, so the laws governing foreign non-governmental organizations are very diverse. Vietnam needs to

consult the experiences of countries with successful state management of foreign non-governmental organizations.

Experience in China

Experience in the United States of America

Experience in the Federal Republic of Germany

2.4.2. Reference values for state management by law for foreign non-governmental organizations in Vietnam

The dissertation draws some reference values for Vietnam: *First*, perfecting the state management institutions for foreign non-governmental organizations. *Secondly*, competent state agencies do not intervene. Directly, specifically in formulating the charter of foreign non-governmental organizations, but can provide a general framework for the content of the charter and clearly divide the legal mechanisms to regulate local and international organizations. *Thirdly*, the content of legal provisions governing the organization and operation of foreign non-governmental organizations in different countries is often divided into different areas. *Fourthly*, the common principles in the relationship between the state and foreign non-governmental organizations are support, cooperation, transparency, efficiency, and independence. *Fifthly*, the process of state management of foreign non-governmental organizations in Vietnam can refer to and learn from the experiences of some countries. However, the process of reference and learning must be suitable to the characteristics of the actual situation of politics, economy, and society in Vietnam.

Chapter 3:

FACTORS AND SITUATION OF STATE MANAGEMENT BY LAW FOR FOREIGN NON-GOVERNMENTAL ORGANIZATIONS IN VIETNAM

3.1. FACTORS AFFECTING STATE MANAGEMENT BY LAW FOR FOREIGN NON-GOVERNMENTAL ORGANIZATIONS IN VIETNAM

3.1.1. International and domestic factors affecting the state management by law for foreign non-governmental organizations in Vietnam

3.1.1.1. International factors

Firstly, the trend of globalization and international integration

Secondly, the policies of developed countries towards foreign Non-governmental organizations

3.1.1.2. Domestic factors

Firstly, the system of organization of the State apparatus

Secondly, the participation and support of the people for state management activities by law for foreign non-governmental organizations in Vietnam

Thirdly, the policy environment

Fourthly, project appraisal and approval

Fifthly, doubts about the ability of foreign non-governmental organizations to operate in Vietnam

3.1.2. The development process of foreign non-governmental organizations in Vietnam

From 1954 to 1975, the number of foreign non-governmental organizations entering Vietnam was more prominent, more diverse and complex in terms of form and nature of the operation, mainly US non-governmental organizations and other foreign religious non-governmental organizations.

The period 1975 - 1978 is considered one of the peak periods in foreign non-governmental activities in Vietnam, with the number of up to 70 organizations and an average humanitarian aid value of 30 million USD/year.

From 1989 until now, under the influence of the doi moi, Vietnam's foreign relations have developed enormously, causing the activities of foreign non-governmental organizations in Vietnam to increase in quantity, value of aid, and project size.

3.2. THE SITUATION OF STATE MANAGEMENT BY LAW FOR FOREIGN NON-GOVERNMENTAL ORGANIZATIONS IN VIETNAM

3.2.1. The results achieved in the state management by law for foreign non-governmental organizations in Vietnam and the causes

3.2.1.1. Achievements

a. Formulate and promulgate laws on foreign non-governmental organizations in Vietnam

- In the period from 2013 to the present, the state has issued 24 legal documents related to the state management by law for foreign non-governmental organizations in Vietnam, of which 5 documents on foreign non-governmental organizations; 03 documents related to foreign NGO aid; 02 documents on labor recruitment; 05 immigration management documents; 04 documents on prevention and combat of money laundering; 02 documents on anti-terrorism and 03 documents on the handling of violations.

Legal regulations on state management by law for foreign non-governmental organizations in Vietnam ensure comprehensiveness, synchronization, consistency, suitability, feasibility, modernity, and international integration.

b. Organizations to implement the law on foreign non-governmental organizations in Vietnam

Firstly, the construction of the apparatus and contingent of state management staff for foreign non-governmental organizations in Vietnam.

- The organizational structure of the operation management apparatus of foreign non-governmental organizations in our country is now basically formed, covering from central to local levels. The Government uniformly manages non-governmental organizations abroad on a national scale.

- The number of cadres and civil servants performing state management by law for foreign non-governmental organizations in Vietnam has increased to meet the requirements.

Secondly, propagating and disseminating legal education about foreign non-governmental organizations in Vietnam

The Working Committee on Foreign Non-Governmental Organizations shall coordinate with ministries, sectors, branches and localities in propagating and disseminating the content of legal documents related to non-governmental organizations. foreigners in Vietnam, and at the same time coordinate with other mass media agencies to do an excellent job of propagating and guiding cadres, civil servants and people.

Thirdly, organize the implementation of the contents of state management of foreign non-governmental organizations in Vietnam

The management of aid activities of foreign non-governmental organizations in Vietnam has achieved results such as the activities of foreign non-governmental organizations in Vietnam taking place in accordance with the provisions of law. Vietnam is current and cooperates reasonably with Vietnamese partners in implementing programs and projects in Vietnam.

c. Inspection, examination, supervision and handling by state management agencies on illegal acts of foreign non-governmental organizations in Vietnam

- Inspection, examination and supervision by state management agencies towards foreign non-governmental organizations in Vietnam.

Agencies in various forms for foreign non-governmental organizations in Vietnam regularly inspect, examine and supervise.

- Handling of violations of the law by foreign non-governmental organizations in Vietnam

The inspection, examination, supervision and handling of law violations against foreign non-governmental organizations in Vietnam have been well done by promoting positive aspects of foreign non-governmental organizations in Vietnam.

3.2.2. The reason for the results achieved

State management by law for foreign non-governmental organizations in Vietnam achieved the above results due to the following primary reasons: *Firstly*, the state management of non-governmental organizations foreign governments in Vietnam receives the attention and leadership of the Communist Party of Vietnam; *Secondly*, the organization of the state management apparatus for foreign non-governmental organizations in Vietnam has been gradually consolidated; *Thirdly*, many foreign non-governmental organizations in Vietnam have overcome difficulties, focused on organization building, proactively implemented, creatively and effectively implemented their activities according to the principles and purposes proposed by them.

3.2.3. Limitations in state management by law for foreign non-governmental organizations in Vietnam and causes

3.2.3.1. Limitations in state management by law for foreign non-governmental organizations in Vietnam

a. Formulate and promulgate legislation on foreign non-governmental organizations in Vietnam

Some contents of legal documents related to foreign non-governmental organizations in Vietnam no longer ensure comprehensiveness, synchronism, consistency, and suitability and do not meet practical requirements, leading to the limitation of legal documents in the management and operation of foreign non-governmental organizations.

b. Organizations to implement the law on foreign non-governmental organizations in Vietnam

Firstly, the construction of the apparatus and management staff of foreign non-governmental organizations in Vietnam:

- The construction of the apparatus is still inconsistent and synchronous
- Training human resources for state management activities by law for foreign non-governmental organizations still has some limitations.

Secondly, propagating and disseminating legal education about foreign non-governmental organizations in Vietnam to agencies, organizations, levels of government, all Vietnamese people and foreign individuals and organizations. In addition to having relations with Vietnam not often.

Third, management activities for foreign non-governmental organizations in Vietnam are still limited and inadequate

- The operation of granting registration certificates and the process of handling documents of some organizations have complicated security issues that require a lot of time;

- Appraisal, approval, management of non-governmental aid and financial management in some localities have not been carried out in accordance with regulations.

- Management of activities of foreign non-governmental organizations in Vietnam still has many shortcomings and limitations

c. Inspection, examination, supervision and handling of law violations by foreign non-governmental organizations in Vietnam

During the inspection, examination and supervision, a number of foreign non-governmental organizations in Vietnam operating in a number of localities have not yet been granted registration certificates. Or the area has not yet been licensed to operate but still implements the program/project in the locality. But these cases have not been handled promptly, according to regulations.

The inspection, examination and supervision of foreign non-governmental projects after approval have not been carried out regularly.

Handling violations related to organizations and individuals in foreign non-governmental organizations in Vietnam still lacks deterrence.

3.2.2.2. The cause of the restriction

Firstly, hostile forces and harmful elements take advantage of the name of some foreign individuals and non-governmental organizations to destroy Vietnam.

Secondly, the awareness of officials and the public about the policy of relations with foreign non-governmental organizations and the state management of foreign non-governmental organizations in Vietnam is still inadequate.

Third, the current legal system as a legal basis for state management of foreign non-governmental organizations in Vietnam is still inadequate.

Fourth, the organizational apparatus is still not synchronized and unified.

Fifth, the inspection, examination and supervision of the activities of foreign non-governmental organizations in Vietnam has not been carried out regularly, and there is a lack of sanctions.

Chapter 4:

VIEWS AND SOLUTIONS TO GUARANTEE STATE MANAGEMENT BY LAW FOR FOREIGN NON-GOVERNMENTAL ORGANIZATIONS IN VIETNAM

4.1. VIEWS OF STATE MANAGEMENT BY LAW FOR FOREIGN GOVERNMENT ORGANIZATIONS IN VIETNAM

On the basis of the Party's principles and the combination of scientific theory and practice, it is possible to give views on state management by law for foreign non-governmental organizations in Vietnam in the new period such as: the following: (1) Ensuring the leadership of the Party on state management by law for foreign non-governmental organizations in Vietnam; (2) State management by law for foreign non-governmental organizations must be consistent with the characteristics of the socialist-oriented market economy in Vietnam; (3) State management by law for foreign non-governmental organizations comes from Vietnam's foreign policy; (4) State management by law for foreign non-governmental organizations must be meet the requirements of administrative reform and the fourth industrial revolution

4.2. SOLUTIONS TO GUARANTEE STATE MANAGEMENT BY LAW FOR FOREIGN NON-GOVERNMENTAL ORGANIZATIONS IN VIETNAM

4.2.1. Group of solutions to improve the law on state management for foreign non-governmental organizations in Vietnam

A group of solutions to improve the law on state management of foreign non-governmental organizations in Vietnam includes ensuring the comprehensiveness of legal regulations on registration and operation management of foreign non-governmental organizations and the management and use of aid from foreign non-governmental organizations in Vietnam. *Secondly*, ensure compliance with legal regulations on registration and operation management of foreign non-governmental organizations in Vietnam and management and use of the aid of foreign non-governmental organizations in Vietnam. *Thirdly*, ensure the uniformity and consistency in legal regulations on registration and operation management of foreign non-governmental organizations and aid management and use of foreign non-governmental organizations.

4.2.2. Group of solutions on the organization to implement the law on foreign non-governmental organizations in Vietnam

Firstly, renovating the organizational structure, the management of state management personnel for foreign non-governmental organizations in Vietnam, building the management apparatus and mechanism of non-governmental organizations foreign governments in Vietnam and strengthening coordination in managing activities of foreign non-governmental organizations in Vietnam. *Secondly*, improve the quality of human resources in the state management of

foreign non-governmental organizations in Vietnam. *Thirdly*, promote the propaganda, dissemination and education of the law on foreign non-governmental organizations in Vietnam in order to realize it in social life.

4.2.3. Group of solutions on well performing the work of inspection, examination, supervision and handling of violations of the law on foreign non-governmental organizations in Vietnam

Developing, supplementing, amending and perfecting the system of legal documents related to foreign non-governmental organizations in Vietnam and regulations, regulations and procedures related to the approval and receipt, implementing and inspecting projects of foreign non-governmental organizations in Vietnam.

State management agencies for foreign non-governmental organizations in Vietnam need to proactively plan to inspect and examine all activities of foreign non-governmental organizations in Vietnam.

It is necessary to mobilize the participation of mass organizations in implementing and monitoring projects of foreign non-governmental organizations in Vietnam.

In settlement of complaints and denunciations related to foreign non-governmental organizations in Vietnam, they must actively grasp the situation of complaints and denunciations.

4.2.4. Expanding international cooperation in state management by law for foreign non-governmental organizations in Vietnam

Strengthening international cooperation in developing, signing and promulgating legal documents related to foreign non-governmental work between Vietnam and other countries and between Vietnam and international organizations.

Strengthen international cooperation in law implementation, such as collecting and exchanging information and training to improve qualifications in law, professional skills, foreign languages, and informatics.

International cooperation in handling violations committed by foreign non-governmental organizations in Vietnam ensures political, legal and professional requirements.

4.2.5. Strengthening the review of state management by law for foreign Non-governmental organizations in Vietnam

The preliminary and final review will create favorable conditions for the synthesis and assessment of the state management by law for foreign non-governmental organizations in Vietnam and propose solutions suitable to each stage, each period and suitable for each locality.

Understand the operation situation of foreign non-governmental organizations in Vietnam as well as the state management by law for foreign non-governmental organizations in Vietnam. From the newly systematized actual data, there is an accurate general assessment of the state management by law for foreign non-governmental organizations in Vietnam. It is necessary to

regularly review, exchange and share management experience among management agencies at all levels, sectors and localities.

Strengthen dialogue and share cooperation experience with the foreign non-governmental organizations public in Vietnam and worldwide, listen to their opinions and feedback to make timely and appropriate adjustments. In addition, besides preliminary, summarizing, evaluating, and drawing lessons from domestic reality, it is also necessary to pay attention to learn and learn from foreign non-governmental organizations' management experiences in other countries, especially countries with similar levels of development and socioeconomic conditions and countries with the same political regime.

It is necessary to have appropriate guidelines, policies and measures. These can only be achieved with a solid theoretical foundation and close to objective reality. Although foreign non-governmental organizations have been in Vietnam for a long time, we still do not have highly theoretical studies on this management area.

CONCLUSION

Currently, in our country, foreign non-governmental organizations are increasingly making an essential contribution to efforts to achieve the Millennium Development Goals on poverty alleviation, foreign non-governmental organizations together with other Civil society organizations work closely with authorities at all levels to carry out activities for hunger eradication and poverty reduction, HIV/AIDS prevention and control, health care, education, etc.

With the research results of the thesis, the following conclusions can be drawn:

1. The thesis has clarified the essential awareness of state management by law for foreign non-governmental organizations in Vietnam, in which new concepts have been introduced: *“Foreign non-governmental organizations in Vietnam is a lawfully established non-governmental organization outside the Vietnamese territory, including international non-governmental organizations and non-governmental organizations of other countries and territories (including those established by overseas Vietnamese) entering our country to conduct humanitarian activities and support development,”* *“State management by law for foreign non-governmental organizations in Vietnam is the entire operation of agencies in Vietnam. The state apparatus relies on legal instruments to regulate social relations arising in the activities of foreign non-governmental organizations in Vietnam; regulate specific activities of foreign non-governmental organizations in Vietnam as well as the behavior of individuals in foreign non-governmental organizations in order to contribute to the protection of national security and maintenance of social order and the realization of political, economic and social objectives set by the State”*. These are important new issues, which are the theoretical basis for directing and organizing practical activities of state management by law for foreign non-governmental organizations in Vietnam.

2. The thesis also analyzed and clarified the operation situation of foreign non-governmental organizations in Vietnam, for the first time pointing out 03 characteristics of state management by law for non-governmental organizations. foreigners in Vietnam, including Characteristics of management subjects; characteristics of objects of management and purposes of state management by law for foreign non-governmental organizations in Vietnam.

In addition, the thesis also points out the roles of state management by law for foreign non-governmental organizations in Vietnam: Contributing to ensuring a safe and secure environment for foreign non-governmental organizations. outside Vietnam operating within the legal framework; contributing to the protection of security and order; contributing to the expansion of international relations and active international integration; contribute to promoting socio-economic development, ensuring social security.

3. The thesis has analyzed and assessed the current state of state management by law for foreign non-governmental organizations in Vietnam according to the approach of state management science, shown in the following aspects: construction, formulating and promulgating laws on foreign non-governmental organizations in Vietnam; organize the implementation of the law on foreign non-governmental organizations in Vietnam and inspect, examine, supervise and handle violations of law by foreign non-governmental organizations in Vietnam. Thereby confirming the achieved results, the causes of the results, and pointing out the limitations, inadequacies, and causes. This is the practical basis for proposing solutions to ensure state management by law for foreign non-governmental organizations in Vietnam in the coming time.

4. The thesis has proposed five groups of solutions to improve the efficiency of state management by law for foreign non-governmental organizations in Vietnam, that is: perfecting the law on state management by law. Laws applicable to foreign non-governmental organizations in Vietnam, law enforcement organizations applicable to foreign non-governmental organizations in Vietnam, well perform inspection, examination, supervision, and handling of crimes against foreign non-governmental organizations in Vietnam; expand cooperation in state management of foreign non-governmental organizations in Vietnam and strengthen the review of state management of foreign non-governmental organizations in Vietnam.

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