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## Inclusive and Collaborative Governance under Vietnam's New Two-Tier Local Government Model: The Education Sector

### Abstract

From July 1, 2025, Vietnam will replace its three-tier local government structure with a two-tier model, raising questions about how far legal decentralization can deliver more inclusive and collaborative governance in key sectors such as education. This article uses doctrinal legal analysis to examine the constitutional, organizational, and fiscal architecture of the reform, focusing on the education decentralization decrees issued by the government. It asks how the two-tier model reallocates powers across the center, province, and commune, whether finance, performance indicators, and data governance rules are aligned with subsidiarity, fiscal equivalence, and transparent multilevel coordination, and which combinations of rules create a real scope for collaboration. The analysis finds that inclusive collaboration is most likely where devolved mandates are matched by predictable, equalized funding, clearly specified Education Management Information System (EMIS)-based information flows, and enforceable participation procedures, while ambiguous oversight clauses and fragmented data systems risk precautionary recentralization, especially in capacity-constrained provinces. The article concludes by proposing doctrinal benchmarks and a phased implementation roadmap to help policymakers translate the two-tier reform from formal devolution into operational collaboration in the education sector.

### Keywords:

collaborative governance; decentralization; education governance; two-tier local government; Vietnam.

### Introduction

From July 1, 2025, Vietnam will replace its three-tier local government structure with a two-tier model comprising provinces and communes. This reform is the most far-reaching reconfiguration of local administration since Renovation and raises a core question: can legal decentralization, by itself, deliver more inclusive and collaborative governance in core service sectors such as education? While policy debates emphasize local autonomy and innovation, experience in Vietnam and elsewhere suggests that formal devolution often leaves accountability chains, information flows, and fiscal incentives largely unchanged.

Against this backdrop, this study employs doctrinal legal analysis to examine the constitutional, organizational, and fiscal architecture of the two-tier reform, focusing on the education decentralization decrees adopted under the Law on Organization of Local Government 2025. It poses three linked questions. First, how does the two-tier model reallocate powers and responsibilities across the center, province, and commune in the education sector? Second, do rules on finance, performance indicators, and data governance align with the principles of subsidiarity, fiscal equivalence, and transparent multilevel coordination, or do they reproduce recentralizing pressures? Third, which combinations of clauses create a real scope for collaborative problem solving between ministries, provincial Departments of Education and Training, and commune-level administrations?

The analysis shows that inclusive collaboration is most likely where devolved mandates are matched by predictable and equalized funding, clearly specified EMIS-based information flows, and enforceable participation procedures, including public hearings and reasoned-response duties. In contrast, ambiguous oversight clauses, fragmented indicators, and weakly integrated data systems risk precautionary recentralization, particularly in capacity-constrained provinces. The article concludes by proposing doctrinal benchmarks and a phased implementation roadmap that policymakers, regulators, and courts can use to translate the two-tier reform from formal devolution into operational collaboration in the education sector.

## Methods

We adopt a doctrinal legal method calibrated to questions regarding institutional design and enforceability. This approach is orthodox within public-law review but is adapted here to incorporate collaborative governance logics and the justiciability of participation.

First, we observe the hierarchy of norms (*lex superior*) in the EU. The 2013 Constitution (as amended in 2025) allocates core competences; the Law on Organization of Local Government 2025 operationalizes a two-tier structure; and sub-legal instruments such as a Ministry of Education and

Training (MOET) decentralization decree must conform to these superior texts. Conflicts between sectoral and cross-cutting regimes are resolved by applying *lex specialis* and *lex posterior* in a manner consistent with constitutional commitments.

Second, purposive and systematic interpretation is used to align statutory text with the stated aims of the reform, shorter accountability chains, and institutionalized participation. Provisions are read across constitutional, organizational, budgetary, and administrative procedure frameworks as parts of a single architecture rather than as isolated clauses (Emerson & Nabatchi, 2015).

Third, legality and *ultra vires* benchmarks test whether implementing clauses exceed delegated authority, omit mandatory safeguards (e.g., minimum consultation windows or duties to provide reasoned responses), or undercut guarantees of transparency and accountability (Emerson & Nabatchi, 2015).

This method is appropriate for the following three reasons. First, it reveals whether collaborative governance is embedded in binding law or left to managerial discretion. Second, it identifies justiciable hooks duties to consult, disclose, and give reasons that render participation enforceable. Third, it converts abstract principles into operational benchmarks for drafters, regulators, and reviewing bodies. While empirical evaluation is essential to assess outcomes, the immediate question in a newly instituted two-tier model is whether the controlling texts contain legal preconditions for inclusive collaboration (Ansell & Gash, 2008).

## Normative tests

Three doctrinal tests discipline interpretation and guide clause-by-clause review. They draw on collaborative governance scholarship that conceptualizes collaborative governance regimes as nested within a wider system context and structured around principled engagement, shared motivation, and capacity for joint action (Emerson, Nabatchi, & Balogh, 2012; Emerson & Nabatchi, 2015). In our doctrinal application, subsidiarity identifies who should exercise authority; fiscal equivalence specifies the resources and incentives needed for joint action; and transparent multilevel coordination

requires information flows and decision rules that support sustained collaboration rather than one-off consultations.

- 1) **Subsidiarity.** Decisions should be made at the lowest effective level compatible with national standards. Two subtests apply. The necessity test asks whether upward intervention is required for a legitimate aim, such as equality of opportunity or curricular integrity to be achieved. The proportionality test asks whether the scope of the central intervention is the least restrictive means capable of achieving that aim. In education, this implies national standard setting (curriculum, qualifications) alongside local discretion over network planning, teacher deployment within agreed ceilings, and school-level service organization, unless the decree explicitly justifies centralization (Ostrom, 2010).
- 2) **Fiscal equivalence.** Functions must be matched by predictable and adequate financing. The test asks whether the decree and associated budget rules specify sufficiency clauses or earmarks for devolved mandates, guarantee timely disbursement, and provide equalization to mitigate vertical and horizontal fiscal gaps. In the absence of such guarantees, nominal devolution invites recentralization by purse (Oates, 1999).
- 3) **Transparent multilevel coordination is required.** Collaboration requires role clarity, data interoperability, and auditability. The test asks whether mandates and decision rights are legible across the center–province–commune, whether the decree imposes mandatory inter-agency data sharing (Education Management Information System (EMIS) schemas, audit trails, submission deadlines, and sanctions), and whether a dispute resolution ladder with time-bound escalation and reasoned outcomes is in place (Emerson & Nabatchi, 2015).

### **Operational definitions**

We adopt law-first, enforceable definitions of “inclusive” and “collaborative” that can be applied clause by clause so that collaborative governance is observable and justiciable in legal texts. These working definitions translate the dimensions of principled

engagement, shared motivation, and capacity for joint action in the Integrative Framework for Collaborative Governance into criteria that can be coded in Vietnam’s sectoral legislation (Emerson et al., 2012; Emerson & Nabatchi, 2015).

Inclusive governance refers to codified participatory procedures (public notice of drafts, minimum consultation windows, and access to drafts and impact notes), accessibility measures (plain language summaries and reasonable accommodation), and a justifiable duty to provide reasoned responses to material comments (Ansell & Gash, 2008). This is consistent with how collaborative governance has been operationalized in empirical studies of integrated early childhood and preschool systems (Li et al., 2024; McIsaac et al., 2020).

Collaborative governance refers to structured inter-level coordination and co-production, inter-governmental committees with decision-relevant powers, joint budget oversight where appropriate, mandatory data sharing enabling near real-time supervision, and a codified dispute resolution ladder. Collaboration is assessed by textual guarantees rather than goodwill (Emerson & Nabatchi, 2015).

When applied together, the method and tests operationalize a simple proposition: devolution enables collaboration only when the law secures procedures, finance, and information. The remainder of this Part briefly situates Vietnam’s two-tier reform and education governance within the existing local governance literature before the subsequent Parts turn to a clause-by-clause analysis of the Constitution (2013, as amended 2025), the Law on Organization of Local Government 2025, and the MOET decree to assess whether the two-tier model contains the doctrinal scaffolding for inclusive and collaborative education governance or whether gaps in legality, financing, or coordination risk precautionary recentralization.

### **Context: Vietnam’s two-tier reform and education governance**

Recent studies on the legal framework for local governance and innovation reinforce these concerns. Trang et al. (2025) argue that incremental reforms to the Law on Organisation of Local Government have yet to resolve tensions between decentralisation and

tight central oversight, particularly in sectors such as education where line ministries retain powerful planning and inspection tools. Analyzing local innovation capacity under the emerging two-tier model, Phan et al. (2025) identify wide disparities in institutional capability, fiscal space, and data governance infrastructure between provinces. Taken together, this literature suggests that Vietnam's shift to a two-tier model from 2025 will interact with pre-existing asymmetries in local capacity, making the design of education decentralization instruments, especially EMIS-based coordination, central to whether collaboration can be both inclusive and effective (Do, 2019; Binh, 2021; Trang et al., 2025; Phan et al., 2025).

Existing scholarship on local governance in Vietnam also highlights how a traditional three-tier, party-led administrative system combines strong central steering with uneven local discretion. Drawing on comparative and doctrinal analyses, Do (2019) shows that local authorities remain heavily dependent on central ministries for resources and guidance, even as they are tasked with delivering increasingly complex public services. Using data from the Vietnam Public Administration Performance Index (PAPI), Binh (2021) documents substantial variation across provinces in transparency, participation, and accountability, with more collaborative and responsive practices associated with better service outcomes.

### **From three tiers to two: legal architecture**

This section maps the legal architecture underpinning Vietnam's shift from a three-tier local government system to a two-tier model consisting of provinces and communes, effective July 1, 2025. It proceeds from the constitutional settlement (Section 3.1) to the operational details of the Law on Organization of Local Government 2025 (Section 3.2), identifies the consequences of abolishing the district tier for education governance (Section 3.3), and finally examines interfaces with cross-cutting regimes on planning, budgeting, audit, information access, and administrative procedures (Section 3.4). Section 3.5 synthesizes these elements and specifies what they require of the Ministry of Education and Training (MOET) decentralization decree. Throughout, the

analysis respects the hierarchy of norms and uses purposive and systematic interpretations to align text with constitutional commitments.

### ***Constitutional basis and hierarchy of norms***

The 2013 Constitution, as amended in 2025, provides a superior framework for territorial organization, legislative competence, and state supervision. Two features are decisive in educational governance. First, the Constitution recognizes local authorities as organs of state power with delimited powers and corresponding mechanisms of legality control by superior authorities and the courts. Second, it preserves the State's prerogative to set national standards salient in curriculum, teacher qualifications, and assessment while enabling sub-national entities to organize and manage service delivery consistent with those standards. Under the principle of *lex superior*, sub-legal instruments (government decrees, ministerial circulars, provincial resolutions) must conform to the constitutional guarantees of transparency, participation, and accountability (Constitution of the Socialist Republic of Vietnam, 2013/2025).

### ***Core features of the Law on Organisation of Local Government 2025***

The Law on the Organisation of Local Government 2025 operationalizes the constitutional settlement by abolishing the district tier, affirming the legal personality of provinces and communes, and allocating functions across representative and executive bodies. For the education sector, three clusters of provisions are particularly salient: powers and responsibilities, supervision and review, and implementation instruments.

Powers and responsibilities of the board of The Law distinguishes between original competences (conferred directly by statute) and delegated competences (transferred from central ministries). In education, provinces are typically responsible for school network planning, capital investment, and personnel deployment within national ceilings, while communes handle frontline administration for early childhood and primary schooling, local outreach, and data reporting. Central authorities retain standard-

setting functions and conduct specialized inspections. The statute also enables inter-governmental agreements and joint programs for matters crossing administrative boundaries.

**Supervision and review.** The Law strengthens legality control through multilayered oversight: ex ante conformity checks by central ministries, ex post review by the Government Inspectorate and State Audit, and judicial review for ultra vires or procedural defects. Where provinces enact norms of general application, the Law requires publication, delayed commencement where appropriate, and mechanisms for revocation or amendment upon a finding of illegality. These safeguards are directly relevant to participatory rule-making and reasons-giving duties in the field of education (Emerson & Nabatchi, 2015).

**Implementation instruments.** The Law provides an instrument ladder from government decrees to ministerial circulars to provincial resolutions and chair decisions. It also contemplates coordination bodies (committees and working groups) that can be vested with decision-relevant powers when authorized by superior law. This ladder is critical for aligning MOET's decentralization decree with provincial by-laws and commune-level administrative rules while avoiding conflicts through *lex specialis* and *lex posterior* coordination.

### ***Abolition of the district tier: consequences for education governance***

The removal of district-level authorities collapses an intermediary layer that historically mediated planning, budgeting, and personnel management. In a two-tier arrangement, the coordination burden shifts upward and downward simultaneously. Upward, provincial Departments of Education and Training (DoETs) must assume functions once performed by district offices, such as teacher deployment, network optimization, and school consolidation. Downward, communes and school-level administrations become the primary loci for community participation, local data generation, and frontline grievance handling. The legal question is whether the controlling texts specify (a) clear decision rights, (b) predictable financing commensurate with new allocations, and (c) a dispute

resolution ladder with time-bound escalation between the center, province, and commune.

Two immediate risks arise from this. First, ambiguous vertical oversight clauses invite precautionary recentralization; for example, provinces defer routine operational decisions to the MOET to avoid legality disputes. Second, fragmented performance metrics across levels generate mixed accountability signals; simultaneous emphasis on enrolment ratios, infrastructure completion, and digital uptake without harmonized baselines can unintentionally penalize collaborative behavior. The Law's supervision and instrument provisions can mitigate these risks if read purposively to require role clarity, budget function symmetry, and reasoned decision making (Oates, 1999; Emerson & Nabatchi, 2015).

### ***Interfaces with cross-cutting regimes: planning, budgeting, audit, information and procedure***

**Planning.** Cross-cutting planning legislation binds sectoral planning in education (school networks, facility standards, and teacher numbers). The two-tier model necessitates integrated plans in which provincial strategies provide a transparent basis for commune-level implementation, with mandatory disclosure and opportunities for comment.

**Budgeting and Fiscal Rules.** The effectiveness of devolution depends on fiscal design. Relevant budget laws should be read to require budget sufficiency clauses, timely disbursement of transfers, and equalization mechanisms that offset vertical and horizontal imbalances. In the absence of such guarantees, provinces face incentives to centralize decisions informally, frustrating their collaborative aims (Oates, 1999).

**Audit and inspection.** State audits and sectoral inspectorates provide ex post assurance but need to be coupled with ex ante clarity of mandates. Where audit criteria and education indicators are harmonized, collaborative arrangements such as joint programs or shared services are less likely to be mischaracterized as irregularities.

Access to information and administrative procedures. Information-access statutes and general administrative procedure rules supply the backbone of

participatory rule-making thresholds: public notice of draft instruments, consultation windows, disclosure of impact notes, and a duty to publish reasoned responses to material comments. These general guarantees should function as minimum floors that sectoral education rules cannot dilute (Ansell & Gash, 2008; Emerson & Nabatchi, 2015).

### ***Implications for the education sector under the MOET decree***

Read together, the Constitution (as amended 2025) and the Law on Organization of Local Government 2025 require that MOET's decentralization decree specify: (i) the allocation of powers across center–province–commune consistent with subsidiarity; (ii) finance function symmetry consistent with fiscal equivalence; and (iii) transparent coordination mechanisms, including mandatory inter-agency data-sharing EMIS schemas, audit trails, submission timetables, and a time-bound dispute-resolution ladder. Where the decree leaves gaps, provincial by-laws should incorporate default rules: predictable funding authorizations for devolved tasks, consultation calendars and disclosure packs for sub-legal norm making, and standing for parent and community representative bodies where provided by law. These elements translate constitutional aspirations into enforceable procedures and provide doctrinal scaffolding for inclusive and collaborative educational governance (Constitution of the Socialist Republic of Vietnam, 2013/2025; Law on Organisation of Local Government, 2025).

### **The MOET education decentralisation decrees**

This Part analyses Vietnam's education decentralization framework through two government instruments: Decree No. 142/2025/ND-CP and De.. 143/2025/ND-CP, read together with the Constitution (2013, as amended 2025) and the Law on the Organization of Local Government 2025. The focus is doctrinal. Section 4.1 examines the legal status, scope, and interfaces of the decrees; Section 4.2 maps the functional allocation of power across the center, province, and commune; Section 4.3 analyses the procedural tools that operationalize inclusiveness;

and Section 4.4 addresses compliance, remedies, and dispute resolution. Section 4.5 synthesizes the doctrinal findings and distils the conditions under which the decrees can sustain inclusive and collaborative education governance under the two-tier model.

### ***Legal status, scope and interfaces***

Decrees 142/2025 and 143/2025 are sub-legal instruments that must conform to superior norms under the *lex superior* principle and coordinate with cross-cutting regimes on planning, budgeting, inspection and audit, and access to information. Read purposively, Decree 142/2025 sets the core allocation of functions and decision rights in education administration planning, personnel, and school operations, whereas Decree 143/2025 specifies the financing arrangements, data governance rules, and coordination mechanisms necessary for implementation. Systematically construed, the decrees provide the operational bridge between national standards issued by the Ministry of Education and Training (MOET) and the two-tier local government structure created by the 2025 Law on the Organisation of Local Government.

Interfaces with superior and parallel norms are crucial. First, any delegation must remain within statutory bounds; clauses that unduly narrow participation or transparency duties risk being declared *ultra-vires*. Second, coordination with budget laws should ensure that assigned functions carry predictable financing and timely disbursements. Third, information access and administrative procedure statutes operate as minimum floors for consultation and reason-giving that sectoral rules cannot dilute (Emerson & Nabatchi, 2015).

### ***Functional allocation across centre, province and commune***

Center (MOET), and Decree 142/2025 preserves MOET's power over national standards: curriculum frameworks, teacher qualification standards, assessment regimes, and minimum facility norms. MOET also retains the authority to design equalization parameters, set interoperability requirements for the Education Management Information

System (EMIS), and conduct specialized inspections. Where upward intervention is necessary to protect equality of opportunity or curricular integrity, the decree should articulate necessity and proportionality, consistent with the principle of subsidiarity (Ostrom, 2010).

**Province** (Departments of Education and Training [DoETs]). Provinces are assigned responsibilities for network planning, capital investment, teacher recruitment and deployment within national ceilings, procurement for major works and services, and stewardship of EMIS at the provincial level. Decree 143/2025 links these devolved functions to budget authorizations, either earmarks or formula-based transfers, and establishes a duty to publish annual implementation plans and performance reports.

**Commune** (school-level administration and local authorities). Communes manage frontline service organizations for early childhood and primary schooling, community engagement, local infrastructure upkeep, and routine data reporting into EMIS. The decrees allow communes to issue administrative decisions within defined spheres and to initiate consultations on school-improvement plans, subject to provincial oversight for legality and coherence with provincial network plans.

**Cross-level coordination:** Both decrees contemplate inter-governmental committees or working groups with representation from the MOET, provinces, and communes to resolve allocation questions that cut across levels, such as teacher mobility, school consolidation, and emergency responses. Where authorized by superior law, these bodies should be vested with decision-relevant powers, and their minutes and decisions should be recorded and disclosed to ensure auditability.

### ***Procedural tools that operationalise inclusiveness***

Stakeholder consultations at defined rule-making stages. The decrees require public notice of draft sub-legal instruments, minimum consultation windows, and publication of impact notes where material effects on school operations or budgets are

expected. The duty to publish reasoned responses to material comments converts participation from symbolic to enforceable and gives reviewing bodies concrete standards for legality control (Ansell & Gash, 2008; Emerson & Nabatchi, 2015).

Parent and community representative bodies are also included. In the absence of school governing councils, the decrees recognize parent and community bodies as advisory and oversight channels for defined matters such as school safety, minor capital works, and inclusion measures. Their standing is procedural: the right to be consulted, to receive timely information, and to trigger reasoned responses where comments are material to the proposed instrument or plan.

Public notices, hearings, and disclosure packs. Decree 143/2025 specifies a disclosure pack for provincial and communal rule-making: the draft text, explanatory memorandum, fiscal note, and consultation calendar. Hearings may be required for high-impact measures, with transcripts or minutes published. The pack anchors transparency and reduces the transaction costs of participation.

Joint budget oversight and EMIS-based coordination. Decree 143/2025 links joint budget oversight to EMIS data, requiring inter-agency data-sharing schema definitions, submission deadlines, and audit trails, and providing proportionate sanctions for non-submission or misreporting. This creates a traceable chain between planning, spending, and outcomes, enabling both collaboration and accountability.

Comparative experience in education underscores that these procedural and EMIS-based mechanisms are not merely formal. In Nova Scotia, an integrated early childhood initiative shows how structured stakeholder processes and shared data platforms can support joint agenda setting and monitoring (McIsaac, Kelly, Turner, & Kirk, 2020). In Rokan Hilir Regency, Indonesia, a hexa-helix collaborative governance model has had to confront sectoral egoism, capacity constraints, and fragmented data, illustrating the risks when participatory channels and information rules remain under specified (Effendi, Ilham, Ruhana, & Azikin, 2025).

## ***Compliance, remedies, and dispute resolution***

Legality and ultra vires reviews. Both decrees are reviewable for conformity with superior law and for failure to observe mandatory procedures, including consultation windows, disclosure, and reasoned responses. Provincial and communal instruments issued under the decrees are likewise subject to ex-ante ministerial conformity checks and ex-post administrative or judicial review.

Dispute resolution ladder: The decrees codify a time-bound escalation pathway for disputes about allocation, funding, or data: conciliation at the inter-governmental committee level; reasoned provincial decisions within fixed timelines; and referral to MOET or the Government for determinations on legality or coordination conflicts. Clear timelines reduce forum shopping and precautionary upward referrals.

Transparency and audit. Annual reports must summarize consultation processes, disclose reasons for accepting or rejecting material comments, and link budget execution to EMIS indicators. State Audit and sectoral inspectorates rely on these records to assess legality and performance; where indicators are harmonized, collaborative arrangements are less likely to be penalized as irregularities.

## ***Synthesis***

Read purposively and systematically, Decrees 142/2025 and 143/2025 supply doctrinal scaffolding for inclusive and collaborative governance in education under the two-tier model, provided three conditions are met: (i) budget function symmetry guaranteed by explicit authorizations and timely transfers; (ii) enforceable participatory procedures, including a duty to give reasons; and (iii) mandatory inter-agency data sharing with audit trails and a codified dispute-resolution ladder. Where provisions remain ambiguous, provincial bylaws should adopt default rules that preserve these guarantees, consistent with lex superior and the objectives of the Law on the Organization of Local Government 2025.

The next section examines the enabling infrastructure for inclusive and collaborative governance under the two-tier model by analyzing four elements that convert devolution into operational practice:

budget design, performance regime, data governance, and a dispute-resolution ladder. The legal question is not whether powers are transferred on paper but whether finance, indicators, information flows, and remedies are specified in a manner that is predictable, auditable, and enforceable. Evidence from Vietnam's higher education and innovation governance reforms shows that when these enabling elements are weak or fragmented, formal decentralisation yields limited space for local problem solving or partnership (Hung et al., 2025; Le, Co, & Do, 2021).

## ***Enabling infrastructure: finance, performance, data and remedies***

Building on the doctrinal scaffolding identified in the decentralization decrees, this section examines the enabling infrastructure required to translate formal devolution into operational practice. It focuses on four elements that determine whether the two-tier model can sustain inclusive and collaborative governance in education: budget design (Section 5.1), performance regime (Section 5.2), data governance (Section 5.3), and the dispute-resolution ladder (Section 5.4). Section 5.5 synthesizes how these elements interact. The central question is not whether powers are transferred on paper but whether finance, indicators, information flows, and remedies are specified in a manner that is predictable, auditable, and enforceable.

### ***Budget design: predictability, earmarks with flexibility, equalization, and timing***

**Predictability.** Devolved mandates require ex-ante visibility of resources. Instruments implementing Decree No. 143/2025/ND-CP should set out annual disbursement calendars and clear carry-over rules so that provinces and communes can plan procurement, teacher deployment, and minor works without precautionary deferral. Predictability is not merely technical; it creates a credible space for horizontal coordination (for example, shared services) and reduces recourse to ad hoc central approvals.

**Earmarks with calibrated flexibility.** While categorical earmarks protect national priorities, such as curriculum rollout and inclusion measures, the framework should allow within-envelope virement among line items up to a defined threshold, subject

to disclosure. Calibrated flexibility enables local problem-solving and innovation without eroding national standards.

**Equalisation.** To address vertical and horizontal fiscal gaps, transfers should apply objective parameters, including remoteness, poverty incidence, small school prevalence, and infrastructure deficits. Equalization is necessary to make subsidiarity credible; without it, poorer provinces face incentives to re-centralize decisions informally to hedge risk (Oates, 1999).

**Timing.** Late disbursement is functionally equivalent to underfunding. The regime should codify time-bound release windows for each tranche and require automatic variance reporting and corrective plans when deadlines are missed. Where delays persist, proportionate fiscal remedies, such as interest for arrears or re-profiling authority, should be available to provinces and communes.

### **Performance regime: aligning indicators and safeguarding due process**

Avoiding metric overload: Performance improves when a bounded, coherent set of indicators is used consistently across the center–province–commune level. A core set of access, quality, inclusion, finance timeliness, and participation compliance should replace expanding checklists that generate mixed signals and perverse incentives. Studies of university governance and innovation policy in Vietnam similarly caution that diffuse, constantly shifting indicator sets can blur accountability and discourage substantive collaboration (Hung et al., 2025; Le, Co, & Do, 2021).

Alignment across the levels. Indicators should be co-defined with clear institutional custodians, common baselines, and metadata. For example, a province may be accountable for the teacher-qualification match rate, while communes report attendance and inclusion uptake, and the center aggregates and publishes comparative dashboards. Misaligned indicators invite forum shopping and undermine collaboration.

Due-process safeguards. Because indicators drive audits and sanctions, the regime should entrench procedural protections: advance publication of the indicator catalogue and calculation methods; the

right to comment on revisions (public notice, consultation windows, and a duty to give reasons); and proportionate, reasoned consequences for under-performance. These safeguards translate inclusiveness into enforceable administrative laws rather than managerial discretion (Emerson & Nabatchi, 2015; Ansell & Gash, 2008).

### ***Data governance: inter-agency sharing, EMIS interoperability, and audit trails***

Mandatory inter-agency data sharing. Collaboration collapses without routine information flow. Implementing measures should require provinces and communes to submit data using standardized schemas, with deadlines, validation steps, and an obligation to correct errors. Data sharing must be the rule, not a negotiated exception.

EMIS interoperability. The center should define unique identifiers, metadata standards, and application programming interfaces (APIs) to reduce the burden of manual reporting and enable automated aggregation. Interoperability lowers transaction costs, allows near-real-time supervision, and provides an evidence base for joint budgeting and program design.

Audit trails and sanctions. Each submission should generate an audit log indicating who submitted, when, and what was changed. Non-submission or misreporting should trigger graduated responses from corrective plans and technical assistance to fiscal penalties for persistent non-compliance while protecting good-faith error correction. Public dashboards should clearly indicate the data quality status.

Empirical work on collaborative educational governance reinforces the centrality of data governance choices. In Nova Scotia, efforts to build collaborative structures around early childhood services identified shared information systems as a prerequisite for joint planning and accountability (McIsaac et al., 2020). In Rokan Hilir, Indonesia, weakly integrated education data and unclear information flows have been shown to impede a hexa-helix collaborative governance model for schooling, underscoring that EMIS design and audit trails are constitutive of collaboration rather than technocratic add-ons (Effendi, Ilham, Ruhana, & Azikin, 2025).

### ***Dispute resolution ladder: procedures, timelines, and outcomes***

Clear cross-level procedures. Disputes about allocation, financing, indicators, or data should follow a codified pathway: first, settlement attempts within the inter-governmental committee; second, a reasoned provincial decision within a fixed window; and third, referral to MOET or the Government for determinations on legality or coordination conflicts. The pathway must be published and made accessible to the affected actors.

Escalation timelines. A 30–60–90-day sequence (conciliation → provincial decision → central determination) balances urgency and deliberation. Extensions should be reasoned and disclosed in the manuscript. Time discipline reduces uncertainty and deters the shopping of forums.

Binding and non-binding outcomes. Outcomes should be binding on factual and technical determinations within the committee’s remit and the province’s lawful discretion, subject to legality review, and non-binding where only guidance is appropriate. All outcomes should include a written statement of reasons with pointers to remedial actions and follow-up audits.

### ***Synthesis***

Finance, performance, data, and remedies are mutually reinforcing elements of the enabling infrastructure. Predictably, equalized funding gives substance to devolved powers; a coherent, due-process-compliant indicator set avoids mixed signals; EMIS-anchored interoperability with audit trails enables transparent coordination; and a time-bound dispute resolution ladder keeps collaboration from collapsing into escalation or drift. Together, these features operationalize the two-tier model’s promise of inclusive and collaborative governance in the education sector and provide concrete criteria against which the implementation of Decrees 142/2025 and 143/2025 can be assessed in the future.

### ***Doctrinal evaluation***

This section evaluates the governing instruments: the Constitution (2013, as amended 2025), the

Law on Organization of Local Government 2025, and Government Decree No. 142/2025/ND-CP and No. 143/2025/ND-CP against the article’s three research questions. The analysis applies the normative tests of subsidiarity, fiscal equivalence, and transparent multilevel coordination, with a law-first focus on whether inclusiveness and collaboration are embedded as justiciable guarantees rather than aspirational commitments (Ansell & Gash, 2008; Emerson & Nabatchi, 2015; Oates, 1999; Ostrom, 2010).

### ***Allocation sufficiency: lowest effective level without disabling national standards***

Decree 142/2025 preserves at the center those functions that logically require uniformity, such as curriculum frameworks, teacher-qualification standards, national examinations, and minimum facility norms, while relocating operational decisions to provinces and communes. Provinces lead school network planning, capital investment, procurement for major works, and teacher recruitment and deployment within the national ceilings. Communes organize frontline delivery for early childhood and primary education, maintain local infrastructure, engage communities, and generate routine data.

On its face, this structure is allocation-sufficient: national standards are insulated from local dilution, and subnational units hold discretion where local knowledge is decisive. However, clauses that authorize center-led direction and inspection without necessity or proportionality tests risk function creep. A purposive reading requires that upward intervention be tied to enumerated triggers, threats to curricular integrity, or equality of opportunity, be time-limited, and be accompanied by reasoned decisions. Similarly, provincial supervisory powers over communes should secure legality and coherence with provincial plans rather than re-micromanaging frontline operations. With these constraints, decisions are made at the lowest effective level without disabling national standards (Ostrom, 2010).

### ***Inclusiveness mechanisms: justiciable consultations and standing of parent and community bodies***

Decree 143/2025 codifies public notice, consultation windows, and disclosure pack draft text,

explanatory memorandum, and fiscal note for sub-legal instruments that materially affect school operations or budgets. Crucially, it imposes a duty to publish reasoned responses to the material comments. This transforms participation from hortatory outreach into a reviewable obligation: administrative reviewers can examine whether the authority published on time, considered relevant submissions, and provided a reasoned justification for acceptance or rejection (Ansell & Gash, 2008; Emerson & Nabatchi, 2015).

For hearings, the decree should be read to tie mandatory hearings to objective impact thresholds, such as school consolidation or major boundary and catchment changes, with published transcripts or meeting minutes. In the absence of such duties, hearings risk becoming perfunctory and legally indeterminate.

Regarding parent and community representative bodies, the instruments sensibly frame their role as procedural standing the right to be consulted, to receive timely information, and to elicit reasoned responses rather than as veto powers. This balances inclusiveness and decision-making efficiency. Guidance should clarify that failure to consult a body with recognized standing constitutes a procedural defect remediable through reconsideration or, where material, invalidation. Provided these justiciability hooks are enforced, the inclusiveness mechanisms are adequate to institutionalize collaboration without paralyzing the administration.

## **Principle fit**

### ***Subsidiarity: proportional upward intervention***

The instruments broadly satisfy subsidiarity by reserving standard-setting to the center and execution at the sub-national levels. Where upward intervention is contemplated, for example, to ensure equality of access in underserved communes, intervention should pass a two-step test: necessity (no less intrusive means would suffice) and proportionality (the scope and duration are the least restrictive compatible with the aim). Drafting that relies on open-ended supervision direction in necessary cases should be tightened by enumerating triggers and requiring written reasons and time limits. Such precision strengthens the legality and protects the local discretion needed for co-production (Ostrom, 2010).

## ***Fiscal equivalence: budget-sufficiency clauses and equalisation***

Decree 143/2025 links devolved mandates to budget authorizations, envisages timely disbursement, and contemplates equalization to address vertical and horizontal gaps. Alignment with fiscal equivalence depends on three features being justiciable or administratively binding: disbursement calendars with variance reporting; within-envelope virement up to defined thresholds to preserve local problem-solving; and formula-based equalization keyed to objective indicators such as remoteness, poverty incidence, and small-school prevalence. In their absence, provinces may default to precautionary central referrals recentralization by purse, which weakens incentives to coordinate horizontally or innovate locally (Oates, 1999). When funding predictability and equalization are present, the allocation established under Research Question 1 becomes credible in practice.

## **Transparent coordination: role clarity, routine data sharing ,and auditability**

The decrees advance transparent multilevel coordination by mandating an Education Management Information System (EMIS) with defined schemas, metadata, and submission deadlines, and by requiring audit trails that record submissions and changes. These features reduce transaction costs, support near-real-time supervision, and enable joint budget oversight. Two clarifications strengthen auditability: a graduated sanctions regime for non-submission or misreporting ranging from corrective plans and technical assistance to fiscal penalties, with allowances for good-faith error correction, and mandatory public dashboards that disclose indicator status and data quality flags. Finally, a codified dispute resolution ladder—30–60–90-day escalation—with reasoned decisions at each step ensures that coordination failures are resolved administratively rather than through ad hoc political escalation. Together, these provisions make coordination verifiable and reviewable, not merely exhortatory (Emerson and Nabatchi, 2015).

## ***Integrated assessment***

Research questions 1–3 define the doctrinal landscape with three enabling conditions and two

systemic risks. Enablers include predictable finance that matches functions, including equalization and time-bound disbursement; a codified dispute resolution ladder that reduces forum shopping and delays; and justiciable participation: public notice, consultation windows, and a duty to provide reasons anchored by EMIS interoperability and audit trails. Risks include ambiguous vertical oversight provisions that chill local discretion and invite precautionary recentralization, and fragmented indicators and data standards that create mixed accountability signals and penalize collaborative behavior.

With targeted drafting of budget sufficiency clauses, enumerated oversight triggers with proportionality tests and time limits, consultation and hearing duties with reason-giving, EMIS-based data sharing with audit trails, and a time-bound dispute ladder, the two-tier framework can move from formal devolution to operational collaboration in the education sector. These adjustments would allow courts, auditors, and regulators to treat inclusive and collaborative governance as legally protected requirements rather than discretionary aspirations.

## Results

This section presents the principal findings in a concise manner. Each proposition flows from the doctrinal evaluation of the Constitution (2013, as amended 2025), the Law on Organization of Local Government 2025, and Government Decree No. 142/2025/ND-CP and No. 143/2025/ND-CP, assessed against the tests of subsidiarity, fiscal equivalence, and transparent multilevel coordination (Oates, 1999; Ostrom, 2010; Emerson & Nabatchi, 2015; Ansell & Gash, 2008).

### **The finance function symmetry condition is collaboration.**

Where devolved mandates are coupled with predictable, time-bound budget authorizations and credible equalization, provinces and communes have incentives to coordinate horizontally and vertically rather than defer upwards. Fiscal predictability reduces precautionary requests for central clearance and enables the provision of shared services and joint programming. Conversely, delayed or volatile transfers

replicate de facto central control recentralization by purse crowding out local problem-solving and weakening incentives to co-produce (Oates, 1999).

### **Public hearings and reasoned-response duties improve rule quality and legitimacy.**

Consultation becomes legally meaningful only when authorities are obliged to publish drafts, keep minimum windows open, and issue written, reasoned responses to material comments. These duties reduce symbolic consultations, surface local knowledge relevant to network planning and teacher deployment logistics, and provide reviewable hooks for legality control. When hearings are tied to objective impact thresholds and records are published, participation informs decisions without paralyzing the administration (Ansell & Gash, 2008; Emerson & Nabatchi, 2015).

### **A codified dispute resolution ladder curbs uncertainty-driven recentralization.**

Clear, time-bound procedures, for example, a 30–60–90-day sequence from conciliation to provincial decision to central determination, reduce forum shopping, limit delay, and keep disagreements within the administrative domain. Requiring reasoned decisions at each stage improves predictability and lowers the transaction costs of coordination across the center–province–commune.

### **Data-sharing mandates are the backbone of transparent coordination.**

Without Education Management Information System (EMIS) interoperability, metadata standards, submission deadlines, audit trails, accountability fragments, and indicators cannot be compared across levels. Mandatory inter-agency data flows with proportionate sanctions for non-submission or misreporting and allowances for good faith correction tie planning and budgeting to outcomes and enable joint budget oversight are required. Public dashboards that disclose data quality flags further align incentives and deter information hoarding (Emerson and Nabatchi, 2015).

Taken together, the findings specify the conditions under which the two-tier architecture can move

from formal devolution to operational collaboration in the education sector: predictable and equalized finance; enforceable participatory procedures with a duty to give reasons; a time-disciplined dispute ladder; and EMIS-anchored data governance. In the absence of these elements, legal ambiguity and fiscal uncertainty invite precautionary recentralization and fragment accountability.

## Recommendations

This Part translates the findings into doctrinal benchmarks that regulators, auditors, and courts can apply. Each benchmark is text-anchored, reviewable, and capable of being incorporated into sub-legal instruments implementing Decrees No. 142/2025/ND-CP and No. 143/2025/ND-CP, so that inclusiveness and collaboration operate as justiciable guarantees rather than aspirational commitments (Ansell & Gash, 2008; Emerson & Nabatchi, 2015; Oates, 1999; Ostrom, 2010).

**Budget sufficiency clause.** To prevent recentralization by purse, implementing instruments should codify three guarantees: (i) funds-match-functions appropriations commensurate with costed devolved mandates; (ii) non-regression, no reduction below baseline financing for essential functions absent reasoned justification and compensatory measures; and (iii) timely disbursement public release calendars and automatic variance reporting. Each devolved education function should be paired with explicit authorization, a published disbursement schedule, and a duty to issue a corrective plan when deadlines are missed.

**Participatory rulemaking thresholds.** Participation must be justiciable and not merely hortatory. Provincial and communal rule-making should, at minimum, provide: (i) consultation windows of no less than 30 days, with reasonable accommodations for remote communities; (ii) open format public access to drafts, explanatory memoranda, and fiscal notes; and (iii) a duty to publish reasoned responses addressing material comments. These elements create a reviewable record of whether the authority published on time, considered relevant submissions, and justified acceptance or rejection.

**Mandatory inter-agency data sharing.** Transparent coordination requires routine information flow with traceability. Instruments should require compliance with EMIS standards (identifiers, schemas, metadata, and submission deadlines), audit logs recording submission time, user identity and changes, and proportionate sanctions for non-submission or misreporting, with allowances for good-faith correction. Non-compliance should trigger corrective plans and technical assistance, and if persistent, fiscal penalties or escalated legality reviews.

**Implementation pathway.** Sequencing should align legal authority, administrative capacity, and monitoring. A pragmatic pathway proceeds in four stages: (1) implementing circulars (0–6 months) to align decrees with the Law on Organization of Local Government 2025, adopt model language for budget, participation, and data benchmarks, and publish consultation calendars; (2) model provincial regulations (6–12 months) to incorporate budget-sufficiency clauses, set consultation windows and a reasons-duty, mandate EMIS schemas and audit logs, and designate units responsible for data quality; (3) capacity building (0–18 months, in parallel) to train Department of Education and Training and commune staff on reasoned responses, fiscal notes, disbursement schedules, and EMIS validation; and (4) compliance and review (12–24 months) through legality and process audits, publication of variance reports, EMIS data quality dashboards, and iterative revision of model clauses in light of oversight feedback.

## Conclusion

This article examines the legal architecture underpinning Vietnam’s transition to a two-tier local government model—province and commune—through the lens of the education sector. It has been asked whether inclusiveness and collaboration are embedded as justiciable guarantees rather than being left as aspirational commitments. Applying the tests of subsidiarity, fiscal equivalence, and transparent multilevel coordination, the analysis identifies three enabling conditions and two systemic risks that determine whether formal devolution can become operational collaboration.

First, predictable, equalized finance matched to devolved functions converts nominal power into

operational capacity. Second, a time-bound dispute resolution ladder spanning commune–province–center, with written and reasoned outcomes, channels conflict into administrable pathways and curbs precautionary recentralization. Third, mandatory public hearings and written response duties transform participation into enforceable due process and strengthen legal control over sub-legal norm-making. Systemic risks arise when vertical oversight clauses are framed broadly and ambiguously, chilling local discretion and inviting upward deferral, and when fragmented indicators and incompatible data standards generate mixed accountability signals.

To operationalize these insights, this study proposes a checklist for regulators, auditors, and courts implementing Decree No. 142/2025/ND-CP and No. 143/2025/ND-CP: B1: budget function symmetry (explicit appropriations, time-bound transfers, and variance reporting with equalization keyed to objective indicators); B2: participatory rule-making thresholds (publication of drafts, minimum consultation windows, and a duty to publish reasoned responses); B3: mandatory inter-agency data sharing (EMIS interoperability, audit logs, and deadlines with proportionate sanctions); and B4: a 30–60–90-day dispute ladder with written, reasoned decisions. Embedded in provincial bylaws and administrative practices, these benchmarks move the reform from formal devolution to operational collaboration.

The analysis underscores that decentralization statutes and decrees are most effective when treated as tools for redesigning accountability and learning relationships, not simply for reallocating formal powers. Embedding collaborative governance requirements directly into legal texts provides enforceable standards for routine decision-making and a clearer mandate for oversight bodies. This study is doctrinal and delimits its claims to legal design; it does not present outcome data or measure behavioral compliance. Future research should use mixed methods to test the operational effects of these benchmarks through budget-incidence analysis, rule-making compliance audits, and Education Management Information System traceability, and comparative studies contrasting early and late adopters of budget sufficiency and participation clauses.

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