

Defining the Autonomy, Self-Responsibility Mechanism of Public Science and Technology Organization

Article 1. Decree No. 115/2005/ND-CP dated 05 September 2005 and Decree 96/2010/ND-CP of the Government dated 20 September 2010

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Decree 115/2005/ND-CP dated 05 September 2005 of the Government is the legal documents for concretizing the Resolution of Congress No X of the Communist Party on scientific and technology innovation activities in the process of accelerating the industrialization and modernization of Vietnam. Decree 115/2005/ND-CP stipulating the autonomy and self-responsibility mechanism of the public science and technology (S & T) organization.

Basic contents of Decree 115/2005/ND-CP is: S&T organizations have the right to sign contracts to implement S&T services; directly decide to invite international experts, scientists to Vietnam and send staff to working abroad; decide for themselves the development investment from loans and deposits (domestic and foreign) from S & T development fund; engage in production and business; engage in joint ventures in production; export and import directly; participate in the bidding to perform production contract and supply of goods and services in the expertise fields of that science and technology organization; have the autonomy right in staffing decisions, officer recruitment, proposing deputy officer, deciding to appoint and dismiss the sub-organizations under its management, decision of wages, reward and discipline of the staff and officials under its management; enjoy the preferential policy of the State on development investment support, loans and capital contributions, etc ..

To edit a number of articles in Decree 115/2005/ND-CP, on September 20, 2010 the Government issued Decree No. 96/2010/ND-CP amending and supplementing a number of articles of Decree No. 115/2005/ND-CP stipulating the autonomy mechanism of the public science and technology organization and Decree No. 80/2007/ND-CP on the scientific and technology enterprise. In this document, Article 4 of Decree 115 was amended to name it "Form and implementation organization", extending transition period in Clause 2 from December 2009 to the end of 31 December 2013; transferring the contents of Clause 3 to become Clause 4, adding a new Clause 3 regulating on the scientific and technological organization which having activities in the field of basic research, strategic research, research on developing specialized economic-technical norms for state management, the time is before 31 December 2011 for the change and improvement of operational efficiency for these organizations; adding Clause 5 regulating on the scientific and technological organization's implementation under autonomy and self-responsibility mechanism.

According to this Decree, salaries and wages are specified in the working contract, the labor contract is agreed by both parties, as a basis for paying social insurance, health insurance and are charged in reasonable expenses before tax. In addition, this Decree has also amended and supplemented Clause 1, Article 6 on the production and trading activities; Clause 1, Article 7 on the funding by the state budget; Clause 5, Article 9 on incentive policy ...

Results on the implementation of the Decree and the existing limitations: The State science and technology organizations switching to the autonomy, self-responsibility mechanism have not achieved the desired progress. By the end of 2013, there were 571 new science and technology organizations in the whole country, in which only 249 organizations were approved to switch to the self-financing type for regular activities. In particular, in the implementation process, there are also some problems encountered mostly on: (1) the autonomy in the management and use of assets. Most governing body of the science and technology organization have not transferred the assets yet to S&T organizations while the conversion scheme was approved. (2) Autonomy right in the use of land for joint venture in production and business. This right is limited because when these S&T organizations contribute land to the enterprise for production and business, this part of land must pay rent to the State (Enterprise Law). Meanwhile, with limited capital resources, the S&T organizations cannot afford to pay. (3) Many S&T organizations are afraid to switch to the autonomy and self-responsibility because they still keep the thoughts of relying on government subsidies.

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