

Political Parties and
Political Opposition
in Viet Nam

THE VIETNAM COUNCIL
ON FOREIGN RELATIONS

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Following is the unofficial translation of the full text of Law No. 009/69 of June 19, 1969 governing Political Parties and Political Opposition in the Republic of Viet Nam.

In accordance with the Constitution of the Republic of Viet Nam of April 1, 1967;

After the National Assembly has discussed and made its decision;

The President of the Republic of Viet Nam promulgates Law No. 009/69 of June 19, 1969, determining the Statute Governing Political Parties and Political Opposition as follows:

CHAPTER I

GENERAL

Article 1

A Political Party is an organization having juridical status, consisting of individuals who voluntarily participate on a regular basis in activities which aim at achieving one or more political goals which serve the country and the people and are in accordance with the conditions set forth in this law.

Article 2

All activities of a political party or of an alliance of political parties must be public, non-violent and lawful.

Article 3

Vietnamese citizens eighteen years of age have the right to join a political party.

Article 4

Military personnel on active duty are not allowed to participate in political party activities but they have the right to retain previous party membership.

CHAPTER II

ESTABLISHMENT

Article 5

A political party operates publicly after it has made a declaration at the Ministry of Interior.

The declaration file is composed of:

— The declaration of the establishment of the political party noting clearly the full name of the official representative and the central headquarters of the political party.

— Regulations noting clearly the title, the objectives and the principles of the political party, and the organizational structure and internal operating procedures from the central level down to the local level.

— The party bylaws (if any).

— The full name, date and place of birth, residence, occupation, Identity Card number with date and place of issue, of the founders and, if such exist, of the members of the Central Executive Committee (provisional or official).

A report of the election of the Central Executive Committee (provisional or official), if any.

Article 6

The founders and the members of the Central Executive Committee must:

1. Have Vietnamese citizenship from birth, or have acquired Vietnamese citizenship for at least 10 years, or have regained Vietnamese citizenship for at least five years.

2. Not have been convicted of felony or misdemeanor except for minor offenses resulting from negligence.

The party founders must be at least 25 years of age.

Article 7

1. The Central Headquarters, liaison office, conference hall, etc., of a political party must be openly established. The headquarters of a political party are inviolable except when there is a court order (in the case of provincial headquarters) or an order of the Supreme Court (Central Headquarters).

2. The Central Headquarters of a political party need not be located in the capital city, but a political party must maintain a permanent liaison office there.

3. No political party is authorized to use a government office as its headquarters or liaison office.

Article 8

1. If the declaration file is not in legal order, within seven days from the date of receipt, the Ministry of Interior must request the representative to complete the file. If the file is not completed within one month from the day of the receipt of the request from the Ministry of Interior, the intention to form a political party is automatically considered as having been dropped.

2. After receiving the file of a declaration in legal order, the Ministry of Interior must give the declarer a receipt within a two-month period. After this time limit, if the Ministry of Interior does not cite some reason for refusing to issue a receipt to the declarer, the political party that has submitted a complete file is considered as having been legally founded.

Article 9

The Ministry of Interior has the right to refuse to issue a receipt if it can cite one of the following specific reasons:

— The position and purpose of the Party include some point aimed at opposing the republican form of government in Viet Nam.

— Among the founders or members of the Central Executive Committee there are elements that are communists or have engaged in pro-communist activities.

The declarer has the right to initiate a lawsuit before the Supreme Court to request the cancellation of the above decision of the Ministry of Interior within 15 days from the date of receipt of notification.

The Supreme Court is required to hand down an opinion within two months from the date of receipt of the suit.

The opinion which revokes a negative decision of the Ministry of Interior has the same validity as the receipt noted in Article 8.

Article 10

1. Within a period of 18 months, counting from the day the receipt is issued, a political party must meet the following conditions in order to be validated :

a. Either establish ten Provincial or Municipal Executive Committees. Each Provincial or Municipal Branch must have at least five hundred party members.

b. Or establish five Provincial or Municipal Executive Committees. Each Provincial or Municipal Branch must have at least five hundred party members, ten of whom are elected representatives of the people in the National Assembly.

Party members must have legal residence in their respective localities, and make written application to join the party.

2. Members of Provincial or Municipal Executive Committees must have legal residence in their respective localities and fulfill the conditions provided for in Article 6.

3. A report of the election of the Central Executive Committee must be submitted if it was not yet submitted when the declaration was made.

Article 11

Any political party which fulfills the conditions cited in Article 10 must inform the Ministry of Interior. The Ministry of Interior must validate the status of the concerned political party by ministerial decree at the latest within one month following notification by the party. This ministerial decree will be published in the Official Journal of the Republic of Viet Nam.

CHAPTER III

ACTIVITIES

Article 12

A political party has juridical status after the ministerial decree authorizing its establishment has been published in the Official Journal of the Republic of Viet Nam.

With this status, a political party can initiate legal action before a court of law and can acquire, through gifts or purchase, property or real estate needed to achieve the aims of the political party.

Article 13

A political party does not have the right to accept gifts or financial subsidies from the national budget, from local budgets or from any public legal entity, or from a state-owned enterprise or joint enterprise in which the state holds more than one-half of the total number of shares.

Article 14

A political party has the right to hold ordinary or extraordinary meetings in the headquarters of every party level.

A political party has the right to have an official information organ in accordance with the current press laws and regulations.

Article 15

After being issued a receipt, a political party must make public its bylaws, its party rules and its program of activity.

Article 16

1. A political party must keep a book listing the names of its party members at the central party headquarters and at each local branch,

2. The lists must clearly state the full name, date and place of birth, residence, occupation, Identity Card number with date and place of issue, and the date the member joined the party, for all members.

3. Each page of the party membership books must be paginated, signed and sealed by the Minister of Interior, Mayors, Province Chiefs or those who act on their authority, before the names of party members are recorded in the books.

Article 17

A political party has the right to keep these books secret or make them public.

However, a political party is required to produce the local party membership books at local party headquarters if ordered to do so by a local Court of Law, and to produce all party membership books at all levels if the Supreme Court orders.

Article 18

Executive Committees of provincial and municipal branches must inform local authorities within two months of any change in the number of members, in the composition of the Executive Committee, and location of the headquarters.

Article 19

The Central Executive Committee must inform the Ministry of Interior twice a year, in January and July, of any change which may occur in the party membership, composition of the Central Executive Committee, location of the central headquarters, party rules and bylaws.

The Ministry of Interior will consider and approve the changes within a period of 60 days following receipt of the notification of change.

After this period, if the Ministry of Interior does not reply, the change is considered tacitly accepted.

In case the Ministry of Interior does not wish to accept the changes, it must issue a decision citing the reasons. The

political party has the right to ask for a reversal of this decision by the Supreme Court according to the procedures set forth in Article 9.

Article 20

The changes mentioned in Article 19 become valid vis-a-vis a third party immediately after the political party concerned publishes them in the Official Journal of the Republic of Viet Nam.

Article 21

Members of political parties have the right to resign their membership at any time.

Such resignation is valid from the day the person concerned officially submits his letter of resignation.

Article 22

No one may be compelled to disclose his party membership in any document, except in case of a judicial investigation.

Article 23

Two or more political parties which have been validated in accordance with Article 11 may join into an alliance. In this case, individual party members who join the alliance can only represent one political tendency; they cannot represent the old political party.

The Ministry of Interior must issue a receipt within thirty days from the date the declaration file concerning the formation of the alliance is received.

Once it is established, the activities as well as the dissolution of an alliance must be in accordance with the rules and regulations set for all political parties.

Article 24

1. In the Capital City as well as in the provincial capitals, political parties are permitted to use a common conference hall where they can hold meetings.

2. In addition, political parties are allowed to use radio broadcasting or television facilities for making public their programs and policies, provided that the use of those media be within the limits set by law and be consistent with the common interests of the nation.

3. The use of the hall and the information media must be equally provided to each party.

CHAPTER IV

POLITICAL OPPOSITION

Article 25

A legal political party or an alliance of political parties is entitled to exercise the right of political opposition.

Article 26

Political parties have the right to place themselves in opposition to the policy of the government, but their activities must be public, legal, non-violent, and directed toward serving the nation.

A political party which has a representative in the Government cannot be an opposition party.

Article 27

The exercise of the right of political opposition includes:

a. The right of free comment and criticism of the policy and position of the government and the right to denounce tyrannical and corrupt acts committed by government officials at all levels.

b. The right to have an official information organ, to distribute leaflets, posters and banners, and to organize public discussions after notifying the local authorities.

Article 28

A majority of political parties and alliances which do not have representatives in the government and put themselves in opposition to the government will meet in a public general assembly to elect a representative to serve as leader of the opposition. The minutes of such a general assembly will be

sent to the Ministry of Interior in order to make public this opposition leader.

Article 29

The leader of the opposition plays the role of an advisor to the government, is not allowed to hold any publicly appointed office, receives the same remuneration as a Senator, and is granted legal immunity.

CHAPTER V

DISSOLUTION

Article 30

Political parties may dissolve of their own volition in conformance with the procedures prescribed in the party rules or party bylaws.

The Ministry of Interior must be notified of the party's decision to dissolve itself within a week of the decision. The Ministry of Interior only needs to regularize this dissolution by a ministerial decree published in the Official Journal of the Republic of Viet Nam if the political party had been officially established.

A political party also must dissolve itself if after 18 months of overt activities it is unable to fulfill the conditions set forth in Article 10 of this law. After this time limit, if it continues to operate, such a political party will be considered illegal.

Article 31

In the case of self-dissolution of a political party, the property owned by the political party will be liquidated and used in accordance with the provisions specified in the party rules or bylaws, provided that they be in conformity with the law. If the party rules or bylaws make no provisions for liquidation and use, the Court, upon the Public Prosecutor's request, will designate a liquidator. Within three months the liquidator will convene a general assembly of the political party in order to decide on matters regarding the liquidation and disposal of its property. If, for any reason, the liquidator cannot convene a general assembly of the political party he will ask the Court to decide on the liquidation and disposal of the property.

Article 32

A political party may be dissolved by a decision of the Supreme Court if the party's position and activities are in opposition to the republican form of government in Viet Nam. In this case, the property of the political party will be confiscated and transferred to the national assets.

CHAPTER VI

SANCTIONS

Article 33

Political parties established and carrying out activities not in conformance with the dispositions of Articles 5, 6, 7 and 9 of this law will automatically be considered illegal.

The members of the established Central Executive Committee, or party founders in case the Central Executive Committee has not yet been elected, will be fined from 10,000 to 100,000 piasters and/or imprisoned from six months to five years. Those who provide assistance for the functioning of these illegal political parties are to be similarly punished.

Article 34

The members of the Central Executive Committee of political parties which are not validated because they fail to meet the requirements fixed in Articles 10 and 11 of this law, but which nevertheless continue to operate, will be fined from 10,000 to 100,000 piasters and/or imprisoned from three months to two years.

Article 35

The members of the Central Executive Committee or the party members of a political party that has been dissolved by the Supreme Court in conformance with the dispositions of Article 32 of this law who nevertheless continue to operate will be fined from 20,000 to 200,000 piasters and/or imprisoned from one to five years.

Those who provide assistance to these persons to carry out their activities, or others who take advantage of the name of a political party that has been dissolved in order to carry on activities, will be similarly punished.

Article 36

Any person who uses pressure to force a party member out of his party in contradiction with the party rules or by-laws, or forces a person to join a political party, will be fined from 5,000 to 50,000 piasters and/or imprisoned from one month to two years.

Article 37

Will be fined from 100 to 1,000 piasters and/or imprisoned from six days to six months :

any person who joins two or more political parties at the same time ;

any person who accepts the membership of minors under 18 years of age in a political party.

Article 38

The members of the central or local Executive Committee of a political party who have the task of making a declaration as prescribed by law but intentionally make a false declaration will be fined from 5,000 to 50,000 piasters and or be imprisoned from six days to six months.

Article 39

Those officials who are entitled to inspect the party membership lists mentioned in article 17 will be fined from 10,000 to 100,000 piasters and/or imprisoned from three months to one year if they disclose information received while carrying out their duties, except in the case of a Court order, or if the Central Executive Committee of the political party agrees to the disclosure.

Article 40

Except for members of authorized security forces who act upon Court order to safeguard the national security, the public order or to enforce the law, those who intrude into, or try to intrude into, or violate or try to violate the headquarters, office, or conference hall of a political party will be fined from 10,000 to 100,000 piasters and/or imprisoned from one to five years.

Article 41

If a political party uses public buildings or public offices as headquarters or liaison offices, the party founders and members of the Central Executive Committee will be fined from 20,000 to 200,000 piasters and/or imprisoned from one month to two years.

Article 42

If any political party knowingly receives gifts or subsidies from the national or local budget, from a public legal entity, from a state-owned enterprise, or a joint enterprise in which the state holds more than one half of the total number of shares, the members of the central or local Executive Committee, or the founders in case there is not yet an Executive Committee, will be fined from 100,000 to 1,000,000 piasters and/or imprisoned from two to five years.

The donor will be similarly penalized.

The illegal gifts or subsidies will be returned to the states.

CHAPTER VII

TRANSITIONAL CLAUSES

Article 43

A political party which already possesses a ministerial decree granting permission to operate, or which has submitted a file and has been issued a receipt, must have its situation validated within six months following promulgation of this law. During the above-mentioned period, political parties which are already in operation and which have already organized their party units, and which meet the conditions set forth in Article 10, can be validated immediately by ministerial decree as specified in Article 11.

Article 44

All provisions contrary to this law are void. This law will be published in the Official Journal of the Republic of Viet Nam.

Saigon June 19, 1969
Signed and Sealed
NGUYEN VAN THIEU

THE VIETNAM COUNCIL ON FOREIGN RELATIONS

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