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EIGHTH PLENUM RESOLUTION ON NEW CONSTITUTION

Sept 4-10, 1980

VCP ISSUES RESOLUTION ON NEW CONSTITUTION

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[Resolution of the eighth plenum of the fourth VCP Central Committee on "The SRV's Draft Constitution and Tasks To Be Done To Ensure Serious Implementation of the Constitution"-- date and place not given; read by announcer]

[Text]

Part One

The eighth plenum of the VCP Central Committee, held from 4 to 10 September 1980, examined the new draft SRV constitution and decided on measures to ensure its serious implementation once it is adopted by the National Assembly. The party Central Committee approved the basic contents of the new draft constitution and added some ideas to perfect it prior to submitting it to the National Assembly.

The new draft constitution reflects the people's will and aspirations and conforms to the spirit and agenda of the Fourth National Party Congress of Delegates, namely holding firm to proletarian dictatorship; promoting the laboring people's right to collective mastery; establishing close relationships among the party as the leader, the people as the master and the state as the manager; ensuring success for the three revolutions, the revolution in production relations, the scientific and technical revolution and the ideological and cultural revolution; and institutionalizing the party's basic policies in the new stage of our country's revolution so as to successfully build socialism and firmly defend the socialist fatherland.

The party Central Committee warmly commended the cadres and people throughout the country who have upheld the spirit of collective mastery and actively participated in the elaboration of the new draft constitution. The SRV's constitution is that of the period of transition to socialism nationwide. It epitomizes the precious experiences of 35 years of building and consolidating the people's power and the experiences of implementing the 1946 and 1959 constitutions. It affirms the revolutionary achievements which our people have recorded over the past 50 years under the leadership of the party and President Ho Chi Minh, and defines the orientation and objectives of Vietnamese social development in the new stage.

The new constitution will be promulgated in 1980, when our state is 50 years old. During 50 years of steadfast struggle, our state and people have scored very glorious victories and have built and increasingly consolidated the people's power. State and social management, especially economic management, however, still suffers from many shortcomings and weaknesses; socialist law is not fully respected; inadequate laws and regulations are slow in being revised and amended; and specific economic and social policies and procedures have not yet reflected the concordance of the three interests, those of the entire society, the collective and the individual laborer, an important motivating force for economic development and building the new society.

Many activities of the popularly elected organs at various levels are still permeated with formalism. The state apparatuses remain cumbersome, bureaucratic and ineffective. Strengthening of the economic management organs and organs in charge of law protection is too slow. The majority of cadres in our state apparatus are not adequately trained in economic and social management, in socialist law or in state administration.

Our cadres and people are still influenced by the thinking and lifestyle of small producers and have only an inadequate understanding of law, citizens' obligations and rights and collective mastery. No importance is attached to propaganda and education work in connection with the constitution and law. Supervision and control of the implementation of the constitution and law are still lax.

These shortcomings have led to laxity in enforcement of socialist law and failure to promptly overcome negative phenomena in economic and social life, thereby reducing the effectiveness of the party's positions and policies and the state's law and also dampening the people's confidence and enthusiasm.

Part Two

After the new constitution is promulgated, it is extremely important that all party organizations, state organs, people's armed forces and mass organizations and each citizen fully understand its importance and voluntarily and seriously implement it.

The new constitution is the basic law of our state. It institutionalizes the party's line and major policies in the new state. For this reason, it serves as a guideline for the action of our entire party, people and army throughout the period of transition to socialism. Implementation of the constitution is closely linked to the revolutionary cause of the entire people and all activities of the state, especially in economic building and development and in stabilizing and gradually improving the people's living standards. Implementation of the constitution must be aimed at meeting the pressing demands of life, yield practical benefits for the people and infuse the masses with enthusiasm and confidence.

To ensure that the constitution will be seriously and effectively implemented and will strengthen socialist law, it is necessary to accomplish successfully the following tasks:

1. Carry out broad and penetrating propaganda and educational work on the constitution among the cadres and people. After the new constitution is promulgated, it is necessary to organize a broad and penetrating political drive so that the cadres and people can study the constitution and discuss its implementation. A socialist emulation drive must be launched in coordination of this political drive among the entire party, people and army so as to successfully carry out the immediate tasks. All party committee echelons and party chapters must closely lead this political drive and this socialist emulation drive. Each cadre, party member and employee must review and promptly rectify all wrongdoings such as the failure to implement party policies and state law in an exemplary manner; corruption; bribery; wasteful practices; abuse of power; bullying the masses; infringing upon the citizens' rights and the people's right to collective mastery; and irresponsibility, which is detrimental to socialist property and the masses' interest.

Cadres, party members and employees must motivate the people to appraise and criticize the managerial work of state and party organs, of the mass organizations within the VFF and of other cadres, party members and employees. At the same time, they must criticize their own shortcomings in discharging their obligations and responsibilities as citizens to the common affairs of the state and society such as respecting and protecting socialist property, paying taxes and debts to the state, discharging grain obligations, turning over industrial products to the state, discharging military obligations, and so forth.

It is necessary to regularly disseminate and explain law among the people to enable every one of them to clearly understand citizens' rights and obligations and seriously implement the constitution and law. The study of our country's constitution and law in force must be included in the curricula of universities, vocational middle schools and schools of the party and mass organizations. The civic education program in general schools must be revised and amended to suit the spirit and contents of the new constitution.

2. Step up the building of law, strengthen socialist law and promote the management of society according to law. All state organs from the central to the grassroots level must promote management of society according to law and correctly realize relationships among the party as the leader, the people as the master and the state as the manager so as to ensure that every citizen is equal before the law and can exert his rights and discharge his obligations as master throughout the country, in the localities and at the grassroots level.

After the new constitution is promulgated, its stipulations must be concretized by various laws. In the immediate future, the laws on elections of the National Assembly and People's Councils at all levels and on the organization of the National Assembly, the State Council, the Council of Ministers, People's Councils, People's Committees, People's Courts and People's procuratorates must be urgently prepared and submitted to the National Assembly for approval in late 1980 and the first half of 1981.

Special attention must be given to elaborating, revising and amending laws on the economy and economic management. These laws must be aimed at enhancing socialist law in economic activities and at the same time at creating favorable conditions for the development of production and business and the abolition of inconvenience for the people.

Under the next 5-year plan, it is necessary to promulgate laws on labor, military obligation, nationality, consideration of complaints, criminal and civil matters in an appropriate order so as to concretize the constitution and enhance our country's socialist law.

The National Assembly and People's Councils at all levels should fully discharge their functions of supervising the state organs' and social organizations' compliance with the law. The government, ministries, ministerial level committees, People's Committees at all levels, state control and inspection organs, and economic, cultural and social management organs must, within the limits of their responsibilities, constantly check the implementation of law within the state apparatus, ensure the citizens' basic rights and obligations and the people's right to collective mastery, and strictly and judiciously deal with acts at variance with the constitution and law.

The mass organizations within the VFF, basing themselves on their organizational statutes, should actively participate in supervising and controlling the implementation of the constitution and law by state organs, state employees, organization and association members and the people.

3. Strengthen the state apparatus. In coordination with organizing the state apparatus according to the new constitution, it is necessary to strengthen various organs, enhance the quality of cadres, change the work style and streamline the state apparatus so as to enable it to function with full effectiveness and overcome bureaucratism and red tape.

The National Assembly and People's Councils at all levels should work in earnest. National Assembly and People's Council deputies should maintain constant and close contact with their constituencies, guide them in correctly implementing state decisions, correctly relay the people's opinions and aspirations to the organs concerned and actively contribute to handling the people's legitimate suggestions.

It is necessary to strengthen economic management apparatuses at the central level, in various sectors and localities and at the grassroots level. Authority and responsibilities of the general management organs must be increased. Management organizations of the ministries and state commissions in various sectors must be improved.

The provincial and district level must be given adequate management responsibilities. The district-level management apparatus must be actively strengthened. Special importance must be attached to the specialized organs in charge of protecting law--the People's Court, People's Procuratorates, inspection commissions, legislation commissions, and so forth. To help the ministries and state commissions elaborate legal projects and correctly implement law, it is necessary to reorganize their legal organizations. The training of legal and administrative cadres of the state at all levels must be urgently strengthened.

4. Actively strive to create favorable conditions for implementing the constitution and affect a welcome change in the economy and life. To create favorable conditions for implementing the constitution, it is necessary to actively strive for a welcome change in economic work and life. To do so, all levels and sectors must reexamine their work and set forth concrete targets and measures to effectively implement the resolutions of various party Central Committee plenums--especially the resolutions of the fifth and sixth party Central Committee plenums and resolution 26 of the Political Bureau; overcome all immediate difficulties; repel all negative phenomena; and successfully implement the 1980 state plan while elaborating and implementing the 1981 and 1981-1985 5-year state plans well.

All party and administrative committee echelons and mass organizations must adopt active measures to build and develop the laboring people's right to collective mastery and ensure the citizens' rights and obligations, especially at the grassroots level. The state should promptly promulgate policies providing incentives for laborers and ensuring the concordance of the three interests--the interests of the entire people, the collective and the individual.

Part Three

To strengthen the permanent and close leadership of the party over the implementation of the constitution and laws.

The implementation of the constitution and laws as well as the fulfillment of other tasks depends on the party's leadership and on the actions of cadres and party members. All party committee echelons, from the central to the local levels, must constantly concentrate on building the administrative apparatus. They must truly respect the tasks and authority of state organs, must not offer to take the place of these organs in discharging their tasks, must closely lead and supervise the implementation of the constitution and laws and must seriously handle any case of arbitrary formulation of rules and regulations which do not comply with the constitution and laws or with the party's line and policy. They must also seriously handle any violation of the people's collective mastery. Furthermore, party committee echelons must closely guide the propaganda and indoctrination work within the party and among the people regarding the content of the constitution in order to raise the sense of responsibility of the cadres and people in the implementation of the constitution and laws, and they must oppose all enemy allegations aimed at distorting and undermining this implementation. It is necessary to organize sessions for cadres and party members, especially the high-ranking and middle-level cadres of the party, to carefully study the basic problems regarding the state and jurisdiction from a Marxist-Leninist viewpoint and regarding the ways of leadership over the socialist state.

All party cells must indoctrinate and supervise party members on a daily basis to see if they have set an example in implementing the constitution and laws. The constitution and laws constitute the basic line and policy of the party. They have been turned into state laws and systems to be compiled with by everyone.

Any cadre or party member who has committed serious shortcomings and has wrongly implemented the party's policy, constitution and state laws must be punished severely and promptly. Those who have seriously violated the people's collective mastery, oppressed the masses and failed to comply with the constitution and laws must be regarded as unqualified for party membership and must be excluded from the party.

The emergence of the constitution of the SRV was an important event in the political life of our state and people. All our party, people and armed forces must use the constitution as a sharp weapon in building socialism, defending the country, forming socialist new men and building a disciplined and cultured life. They must resolutely eliminate all negative aspects and acts that affect political security and social order and safety.

We are now facing great difficulties in our economy and life. However, that cannot change the situation of our country's revolution that is continuing to advance steadily. In the months ahead, all our party, people and armed forces must resolutely concentrate all efforts on fulfilling the pressing tasks in the economic, social, political and ideological domains and overcome all difficulties in order to step up production and stabilize the people's life. It is important to implement the constitution practically; achieve successes, results and progress monthly and yearly; and secure concrete benefits for the masses.

The party Central Committee is convinced that the promulgation and implementation of the constitution of the SRV will help develop the collective mastery of the working people, step up the strengthening of socialist legal systems, build and perfect the socialist democratic system and create strength for our entire people to achieve new successes and implement the great President Ho Chi Minh's sacred testament by building a peaceful, independent and unified Socialist Vietnam, thus worthily contributing to the revolutionary undertaking of the world's people.

After the National Assembly's promulgation of the constitution, this resolution will be popularized and discussed at all levels, down to the party cell level. The party Secretariat will issue instructions for proper implementation of this important resolution.

On behalf of the party Central Committee, [signed] General Secretary Le Duan.