

THE GOVERNMENT of the SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom – Happiness

Ref. No.: 88/2003/N§-CP

Ha Noi, 30 July 2003

DECREE OF THE GOVERNMENT
Issuing the Regulations on the Organization, Operations and Management of
Associations

THE GOVERNMENT

- In pursuance to Ordinance No. 102/SL/L004 dated on 20 May 1957 to enact the Law on the Right to Establish Associations;
- In pursuance to the Civil Code dated 28 October 1995;
- In pursuance to the Law on the Organization of the Government dated 25 December 2001;
- Considering the proposal of the Minister of Home Affairs,

HEREBY, DECREES:

Chapter I
GENERAL PROVISIONS

Article 1. The scope of regulation

1. This Decree shall regulate the organization, operations and state management of associations [hereinafter referred to as the Association].

2. This Decree shall not apply to the following organizations:

a) Viet Nam Fatherland Front, Viet Nam General Confederation of Labour, Ho Chi Minh Communist Youth Union, Viet Nam Farmers' Association, Viet Nam Veterans' Association, Viet Nam Women's Union;

b) Religious organizations.

Article 2. The Association

In this Decree, the Association means a voluntary body of Vietnamese citizens and organizations that have the same areas of work and the same interests/hobbies, are of the same gender, and pursue the same purpose of bringing together and uniting its members, operating in a regular and disinterested manner in order to protect the members' legitimate rights and interests, helping one another to work effectively and efficiently, contributing to the country's socio-economic development. The Association

shall be organized and operate according to this Decree and other relevant normative legal documents.

2. The Association can be named differently: Union of Associations, General Association, Confederation, Union and Club. Each of such organizations has its own legal status and name in compliance with the law (hereinafter referred to as the Association).

3. The Association operates at the following levels, depending on its geographical coverage:

- a) The Association that operates at the national or inter-provincial level;
- b) The Association that operates at the provincial level (within a province or a centrally managed city - hereinafter referred to as province)
- c) The Association that operates at the district level (within a rural or urban district, a provincial town and city - hereinafter referred to as district);
- d) The Association that operates at the commune level (within a commune, a ward or a district township - hereinafter referred to as commune).

Article 3. The establishment of the Association, its organizational and operational principles

1. The establishment of the Association shall require a permit from the relevant Government Authority referred to in Article 15 of this Decree;

2. The Association shall be organized and operate according to its Regulation approved by the relevant Government Authority, in a manner not contrary to the law, as well as on a voluntary, autonomous, self-financing and legally accountable principles.

Article 4. The responsibility of the relevant Government Authority to the Association

1. The relevant Government Authority shall, within its own mandate, be responsible for facilitating the Association to operate in compliance with its Regulation as well as in an effective and efficient manner;

2. The Association shall be recognized as a socio-political as well as a socio-political-professional organization. Its operations shall be linked to the Government's tasks and supported by the State Budget according to the Prime Minister's instructions.

Article 5. The Association's legal status, stamp, name and brand

1. The Association shall have its own legal status, stamp and bank account.

2. The Association shall be allowed to choose its name and brand according to the law.

Chapter II
CONDITIONS AND PROCEDURES
FOR THE ESTABLISHMENT OF THE ASSOCIATION

Article 6. Conditions for the establishment of the Association

1. Pursuing a mission not contrary to the law, with its name and main area of operation not overlapping with those of another association previously legally established in the same locality;

2. Having its own Regulation;

3. Having its own premises;

4. Having a sufficient number of people register their membership.

The number of its members shall be decided by the Minister of Home Affairs.

Article 7. The Mobilization Committee for the establishment of the Association

1. Prior to establishing the Association, its founders shall have to form a Mobilization Committee. This Committee shall be recognized by the relevant Government agency responsible for managing the sector/area in which the Association is to operate.

The number of the Mobilization Committee members shall be decided by the Minister of Home Affairs.

2. After being recognized, the Mobilization Committee shall carry out the following activities:

a) Mobilizing citizens and organizations to join the Association and completing a set of application documents for the establishment of the Association;

b) The Chairperson of the Mobilization Committee shall submit the duly completed set of application documents for the establishment of the Association to the relevant Government Authority referred to in Article 15 of this Decree.

Article 8. Application documents for the establishment of the Association

1. A letter of application for the establishment of the Association;

2. Its draft Regulation;
3. Its proposed orientation of operation;
4. The list of the Mobilization Committee members recognized by the relevant Government Authority;
5. The Curriculum Vitae of the Chairperson of the Mobilization Committee certified by the relevant Government Authority;
6. Documents related to the Association's premises and other assets;

Article 9. The main elements of the Association's Regulation

1. Name of the Association;
2. Its mission statement, area and scope of operation;
3. Its responsibilities and power;
4. Its organizational and operational principles;
5. Regulations and procedures for the accession to and the withdrawal from the Association;
6. Eligibility for membership;
7. Rights and obligations of members;
8. Organizational structure; regulations and procedures for election and dismissal; responsibilities and power of the Association's Leadership, Inspectorate and other senior positions;
9. Its assets, financial resources and approach to their management;
10. Conditions for its dissolution as well as for the settlement and liquidation of its assets and financial resources;
11. Rewards and punishments;
12. Regulations and procedures for the revision and amendment of the Association's Regulation;
13. Enforcement.

Article 10. The responsibility of the relevant Government Authority when receiving application documents for the establishment of the Association

After receiving application documents for the establishment of the Association, the relevant Government Authority referred to in Article 15 of this Decree shall provide a letter acknowledging its receipt of these documents. If the documents are complete and legally qualified, the relevant Government Authority shall, within 60 days from the date of receipt of the complete documents, shall respond to the Mobilization Committee. If the relevant Government Authority rejects the application, it shall provide a written response stating clearly the reason(s).

Article 11: The time frame for organizing a Congress on the establishment of the Association

1. Within 90 days from the effective date of the permit for the establishment of the Association, the Mobilization Committee shall organize a Congress;

2. If the Mobilization Committee fails to organize the Congress within the above-mentioned period, it shall submit to the Government Authority that has granted the permit for the establishment of the Association a written request for an extended time frame. The extended period shall not exceed 30 days. If the Mobilization Committee still fails to organize the Congress within the extended period, the permit for the establishment of the Association shall become null and void.

Article 12: The main items on the agenda of the Congress on the establishment of the Association

1. Announcing the Decision to permit the establishment of the Association;
2. Discussing and voting on the Association's Regulation;
3. Electing its Leadership and Inspectorate according to its Regulation;
4. Adopting its Action Programme;
5. Adopting the Resolution of the Congress.

Article 13: Reporting the outcomes of the Congress

Within 30 days from the date of the Congress, the Association's Leadership shall forward to the Government Authority that has granted the permit for the establishment of the Association the documents related to the Congress, including:

1. The Association's Regulation and the written agreement of the Congress to adopt the Regulation;

2. The recorded results of the election to the Association's Leadership and Inspectorate (with the related lists attached) as well as the Curriculum Vitae of the Association's President;

3. The Association's Action Programme;

4. The Resolution of the Congress.

Article 14: Approval and effectiveness of the Association's Regulation

1. The relevant Government Authority referred to in Article 15 of this Decree shall approve the Association's Regulation when it has already been adopted by the Congress. If the Regulation contains stipulations which are contrary to the law, the relevant Government Authority shall refuse to approve it and request the Association to revise it.

2. The Association's Regulation shall come into force from the date of the relevant Government Authority's decision to approve it.

Article 15: The Government Authorities that have the power to permit the establishment, division, separation, affiliation, merger and dissolution of the Association as well as to approve its Regulation

1. The Minister of Home Affairs shall have the power to permit the establishment, division, separation, affiliation, merger and dissolution of the Association as well as to approve its Regulation in case of an association operating at the national or inter-provincial level.

2. The Chairperson of a Provincial People's Committee shall have the power to permit the establishment, division, separation, affiliation, merger and dissolution of the Association as well as to approve its Regulation in case of an association operating at the provincial level.

Chapter III MEMBERSHIP

Article 16: Eligibility for membership

Vietnamese citizens and organizations that are eligible for membership according to the Association's Regulation and voluntarily apply for membership can become its members.

The power and procedures for the admission of the Association's members shall be specified in its Regulation.

1. Article 17: Rights and obligations of members

The rights and obligations of the Association's members are specified in its Regulation.

Article 18: Associate and honorary members

1. Joint venture businesses and 100 per cent foreign investment businesses (hereinafter referred to as businesses with foreign elements) which operate in Viet Nam, contribute to the development of the Union of Economic Entities and endorse its Regulation shall be recognized by the Union as its associate members.

These associate members shall be allowed to participate in the Union's activities and congresses, but shall not participate in or stand for elections to the Union's Leadership and shall not vote on its affairs.

The procedures for the admission of the Union's associate members shall be specified in its Regulation.

2. Vietnamese citizens and organizations that cannot become the Association's official members, but make contributions to it can be recognized by it as its associate or honorary members.

Chapter IV ORGANIZATION, OPERATIONS, RIGHTS AND OBLIGATIONS OF THE ASSOCIATION

Article 19: Terminal and Ad hoc Congresses

1. The most powerful body of the Association shall be its Plenary Congress or its Representative Congress;

2. The term of the Congress shall be defined in the Association's Regulation, but shall not exceed five years;

3. An Ad hoc Congress shall be convened if it is requested by at least two thirds of the Association's Executive Committee members or by at least half of its official members.

Article 20: The main decisions made at the Congress

1. The Association's orientation of operation;

2. Electing its Leadership and Inspectorate;
3. Re-naming the Association and amending its Regulation (if necessary);
4. Joining a Union of Associations operating in the same field;
5. Division, separation, affiliation, merger or dissolution of the Association;
6. Financial issues

Article 21. The voting principles at the Congress

1. The participants of the Congress shall vote by raising their hands or by balloting. Either of these two ways of voting shall be decided by the Congress;
2. For the decisions of the Congress to be adopted, they must be voted for by over half of the official participants attending the Congress.

Article 22: The rights of the Association

1. To promote the Association's mission;
2. To represent its members in internal and external relations related to its mandate;
3. To protect its and its members' legitimate rights and interests;
4. To organize and coordinate its members' activities for its common interests; conciliate its internal conflicts;
5. To disseminate and improve knowledge among its members; provide them with needed information according to the law;
6. To provide advice on and review issues within its area of operation, if requested by organizations and individuals;
7. To provide comments on normative legal documents related to the Association's operations according to the law; provide the relevant Government Authority with its recommendations/proposals on issues related to its development and area of operation;
8. To collaborate with concerned institutions/organizations in fulfilling its tasks;
9. To generate its funds based on the membership fees as well as on the revenues from its business activities and services according to the law in order to finance its own operations;

10. To receive lawful funding resources from domestic and foreign organizations and individuals according to the law;

11. To join an international or regional association (in case of an association operating at the national or inter-provincial level) in compliance with Government Decree No. 20/2002/N§-CP dated 20 February 2002 on the signing and implementation of international agreements by provinces and centrally managed cities as well as by socio-political, social and socio-professional organizations of the Socialist Republic of Viet Nam.

Article 23: Obligations of the Association

1. The Association shall operate strictly in compliance with its approved Regulation.

2. The Association shall be subjected to management by the Government agency responsible for managing the area/sector in which the Association operates.

3. The Association's Leadership shall submit to the relevant Government Authority referred to in Article 15 of this Decree and the Ministry responsible for managing the area/sector in which the Association operates a written notification of its plan for organizing its Terminal Congress 30 days before this event takes place.

4. Before setting up its Representative Office in another locality, the Association shall obtain permission from the Provincial People's Committee of the province where this Office will be located as well as report this, in writing, to the relevant Government Authority referred to in Article 15 of this Decree.

5. The Association shall have to report the replacement of its President, Vice President(s) and General Secretary, the relocation of its Head Office and the revision/amendment of its Regulation to the relevant Government Authority referred to in Article 15 of this Decree.

6. The establishment of legal persons of the Association shall be in accordance with the law and reported to the relevant Government Authority referred to in Article 15 of this Decree.

7. Every year, the Association shall, by 1st December at the latest, report its organization and performance to the relevant Government Authority and the Government agency responsible for managing the area/sector in which the Association operates.

8. The Association shall be subjected to guidance, examination and inspection by the relevant Government Authorities on its compliance with the law.

9. The lists of the Association's members, branches and subordinate units as well as its financial records/documents and proceedings/minutes of its Leadership's meetings shall be filed and kept at its Head Office.

10. The obtained financial resources specified in Paragraphs 9 and 10, Article 22 of this Decree shall be used for the Association's operations in accordance with its Regulation and shall not be distributed among its members.

11. The Association's financial resources shall be used in compliance with the law. Every year, the Association shall prepare and submit to the relevant financial authority at the corresponding level a financial report according to the Government's regulations.

Chapter V

DIVISION, SEPARATION, AFFILIATION, MERGER AND DISSOLUTION OF THE ASSOCIATION

Article 24: Division, separation, affiliation, merger and dissolution of the Association

1. Based on the Association's needs and capacity, its Leadership shall request the relevant Government Authority referred to in Article 15 of this Decree to permit its division, separation, affiliation, merger or dissolution. Its division, separation, affiliation, merger or dissolution shall take place in compliance with the law.

2. The Association shall dissolve in the following cases:

a) It dissolves itself;

b) It is dissolved upon decision by the relevant Government Authority referred to in Article 15 of this Decree.

Article 25: Voluntary dissolution

The Association shall dissolve itself in the following cases:

1. The duration of its existence has ended;

2. Its dissolution is requested by over half of its official members;

3. Its objectives have been achieved.

Article 26: Responsibilities of the Association's Leadership in case of its voluntary dissolution

1. Submitting to the relevant Government Authority referred to in Article 15 of this Decree the following documents:

- a) A letter of application for its dissolution;
- b) A resolution on its dissolution;
- c) An inventory of its assets, funds and other property;
- d) A proposal on how to deal with its assets, funds and other property as well as a deadline for the payment of debts.

2. Notifying the concerned organizations and individuals of a deadline for the payment of debts (if any) according to the law through a national newspaper (for five consecutive issues) in case of an association operating at the national or inter-provincial level as well as through a local newspaper (for five consecutive issues) in case of an association operating at the provincial level.

Article 27: Decision on the dissolution of the Association

The relevant Government Authority referred to in Article 15 of this Decree shall make a decision on the dissolution of the Association within fifteen days from the last day of the time frame for the payment of debts and for the liquidation of its assets, funds and other property as stated in its application for dissolution, if there are no complaints.

The Association shall officially cease to operate from the effective date of the decision made by the relevant Government Authority on its dissolution.

Article 28: Forced dissolution

The Association shall be dissolved upon decision by the relevant Government Authority referred to in Article 15 of this Decree in the following cases:

1. The Association has not been operating for twelve consecutive months;
2. The resolution on its dissolution has been adopted by its Congress, but has not been executed by its Leadership;
3. Its operations have seriously violated the law.

Article 29: Responsibilities of the relevant Government Authority in case of the Association's forced dissolution

In case of the Association's forced dissolution, the relevant Government Authority referred to in Article 15 of this Decree shall:

- a) Make a decision to dissolve the Association;
- b) Announce the decision on its dissolution through the mass media.

Article 30: Dealing with the Association's assets, funds and other property in case of its dissolution, merger, affiliation, division and separation

1. When the Association dissolves itself or is forced to dissolve, its assets, funds and other property shall be dealt with as follows:

a) With regard to its assets, funds and other property provided by domestic and foreign organizations and by the Government, if the Association has fulfilled its property-related obligations and paid all its debts, the utilization of the remainder of its assets, funds and property shall be decided by the relevant Government Authority;

b) With regard to its self-generated assets, funds and other property, if the Association has fulfilled its property-related obligations and paid all its debts after its dissolution, it can decide what to do with the remainder of its assets, funds and property in accordance with its Regulation.

2. When the Association is merged, its assets, funds and other property shall be dealt with as follows:

a) After the merger takes place, the old associations shall cease to exist and the new one shall enjoy its legitimate rights and interests as well as be responsible for handling the unpaid debts and on-going service contracts left by the old ones;

b) The assets, funds and other property of the merged associations shall not be distributed or moved, but shall be fully transferred to the new one.

3. When the Association is affiliated, its assets, funds and other property shall be dealt with as follows:

a) When the Association is affiliated to another, the former's assets, funds and other property shall be transferred to the latter;

b) The affiliating Association shall enjoy the legitimate rights and interests related to the existing assets, funds and other property of the affiliated Association and be responsible for handling the unpaid debts in terms of assets, funds and other property as well as for taking over on-going service contracts.

4. When the Association is divided and separated, its assets, funds and other property shall be dealt with as follows:

a) When the Association is divided, it shall stop operating and its rights and obligations related to the assets, funds and other property shall be transferred to the new ones according to the decision on its division;

b) After the separation takes place, the new associations shall exercise rights and obligations related to their assets, funds and other property in line with their respective missions.

Article 31: Right to lodge complaints

In case the Association is forced to dissolve, but disagrees to the decision on its dissolution, it has the right to lodge a complaint according to the law. While waiting for its complaint to be settled, it shall not be allowed to operate.

Chapter VI STATE MANAGEMENT OF THE ASSOCIATION

Article 32: State management of the Association

1. Preparing, submitting or promulgating normative legal documents on associations;

2. Providing Ministries, local authorities, associations and citizens with guidelines for the implementation of the legislation on associations;

3. Granting permits for the establishment, division, separation, affiliation, merger and dissolution of the Association as well as approving its Regulation in accordance with Article 15 of this Decree;

4. Providing needed skills for civil servants and officers involved in the management of the Association;

5. Disseminating the legislation on associations;

6. Examining and inspecting the Association's compliance with the legislation on associations and with its Regulation;

7. Managing the signing of international cooperation agreements related to associations according to the law;

8. Dealing with complaints and denunciations as well as with violations of the legislation on associations;

9. Preparing consolidated reports on the organization, performance and management of the Association.

The Ministry of Home Affairs shall assist the Government in undertaking a unified management of associations in the whole country.

Article 33: The tasks of a ministry or a ministerial level agency related to the management of the Association operating in the area managed by that ministry or agency at the national level

1. Providing written comments to the relevant Government Authority referred to in Article 15 of this Decree on the grant of a permit for the establishment, division, separation, affiliation, merger and dissolution of the Association as well as on the approval of its Regulation; recognizing the Mobilization Committee for the establishment of the Association;

2. Guiding and facilitating the Association to engage in activities in the sector/area under management by the relevant ministry according to the law; collecting the Association's comments for the finalization of state management regulations in that sector/area;

3. Examining the implementation by the Association of sectoral management regulations; dealing with or requesting the relevant Government Authority to deal with violations according to the law.

Article 34: The tasks of a Provincial People's Committee related to the management of the Association operating at the provincial level

1. Exercising its power specified in Paragraph 2, Article 15 of this Decree as well as its management of the Association's organization and operations;

2. Examining and inspecting the compliance with the legislation on associations;

3. Dealing with complaints and denunciations as well as with violations of the legislation on associations;

4. Considering and providing support for the Association operating in the province;

5. Considering and permitting the Association operating in the province to receive funding resources from domestic and foreign organizations and individuals according to the law;

6. Guiding the province's specialized agencies and people's committees at the district and commune levels in managing the Association;

7. Preparing and submitting to the Ministry of Home Affairs annual consolidated reports on the organization, performance and management of the Association in the province.

Chapter VII REWARDS AND PUNISHMENTS

Article 35: Rewards

1. If the Association has made a lot of contributions to socio-economic development it shall be rewarded according to the Government's relevant regulations;
2. The Association's members who have gained many good achievements shall be rewarded according to the relevant regulations of the Association and of the Government.

Article 36: Punishments

1. Those who have violated the right to establish associations or abused the Association's name to carry out illegal activities shall be disciplined, given administrative punishment or subjected to criminal liability according to the law, depending on the nature and severity of the violations; in case such violations have caused material losses, the violating persons shall compensate for these losses according to the law.
2. Those who have abused their positions and power to permit the establishment of the Association in violation of this Decree shall be disciplined, given administrative punishment or subjected to criminal liability according to the law, depending on the nature and severity of the violations; in case such violations have caused material losses the violating persons shall compensate for these losses according to the law
3. If the Association's leadership or representative has deliberately delayed the organization of its Terminal Congress beyond the deadline specified in its Regulation or failed to fulfill its obligations, they shall be dealt with according to the law, depending on the nature and severity of the violations.

Chapter VIII IMPLEMENTATION

Article 37: Enforcement

1. This Decree shall come into force fifteen days after the date of its announcement on the gazette.
2. This Decree shall supersede the Prime Minister's Decree No. 258/TTg dated 14 June 1957 issuing specific regulations on the implementation of Ordinance No. 102/SL/L004 dated 20 May 1957 on the right to establish associations.

3. The associations previously established upon permission by the former Ministry of Interior and former Provincial Administrative Committees according to Ordinance No. 102/SL/L004 dated 20 May 1957 and upon permission by the Chairman of the former Council of Ministers (now the Prime Minister of the Government) or by the Minister/Chairman of the Government Committee on Organization and Personnel (now the Minister of Home Affairs) and Chairpersons of Provincial People's Committees of provinces and centrally managed cities according to Directive No. 01/CT dated 05 January 1989 on the management, organization and operations of mass associations shall not have to be re-established according to this Decree.

4. The Union of Economic Entities established according to Decision No. 38/H§BT dated 10 April 1989 of the former Council of Ministers (now the Government) on economic alliances in production, distribution and services shall not have to be re-established according to this Decree.

Article 38: Implementation arrangements

The Minister of Home Affairs shall provide guidelines for the implementation of this Decree.

Ministers, Heads of ministerial level agencies, Heads of agencies directly reporting to the Government and Chairpersons of Provincial People's Committees of provinces and centrally managed cities shall be responsible for implementing this Decree./.

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

(signed)

Phan Van Khai

To:

- Secretariat of the Central Party Committee,
- Prime Minister and Deputy Prime Ministers,
- Ministries, ministerial level agencies and agencies directly reporting to the Government,
- People's Councils and People's Committees of provinces and centrally managed cities,
- Central Party Committee Office and Party commissions,
- Office of the National Assembly, NA Committee on Social Affairs
- State President's Office,
- Supreme People's Procuracy,
- Supreme People's Court
- Central offices of mass organizations
- Government gazette
- Office of the Government: Minister/Chairman, Vice Chairmen and its concerned departments

- Filed at the Personnel Department (5 copies) and the Registry