

Governing process of building association in contemporary Vietnam

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Abstract

The right to form associations is a human right recognized in many international political and legal documents. In countries led by a single party, the formation of associations can influence issues related to human rights and conflict with national management interests. In this context, this article examines the legal aspects related to the right to form associations in Vietnam today. This research aims to collect, analyze, and clarify aspects of the right to form associations in Vietnam. It assesses the current legal status of the implementation of the right to form associations in Vietnam. The research method used in this article is a literature review. The results of the research show that Vietnam has nearly 70,000 associations, including more than 1,200 international non-governmental organizations. Associations and organizations cover various issues such as the environment, social security, scientific research, ethnic minorities, water resource management, and forests. Although the formation and operation of associations still face many difficulties and obstacles, the role of associations is to coordinate and jointly resolve complex, urgent, and emerging social issues with state management institutions. This article discusses governance issues related to the formation of associations since Doi Moi (1986).

Keywords: *association, governance, formation, policy, human rights*

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Introduction

Association formation is a fundamental human right, recognised in many international political and legal documents (Carver, 2010; Hamelink, 2024; Schutter, 2019). In Vietnam, the only country led by the Communist Party, the policy always puts people at the center of socioeconomic policies, considering people as both the goal and driving force of social development, promoting and protecting them. In that spirit, the legal framework for implementing the right to establish associations and the mechanisms and procedures for implementing the right to establish associations have been adjusted early in the constitution's history and the legal documents system. Most recently, the 2013 Constitution of the Socialist Republic of Vietnam reaffirmed that all citizens can assemble and form associations (G. C. Vu & Tran, 2016). However, the activities of associations are often considered *sensitive* by state management agencies at all levels, restricted from operating or excluded from policy consultations, and cut off from state media. As a result, the right to establish associations in Vietnam faces significant barriers, primarily legal ones (Buckley, 2021)

Anheier (2005) emphasized that the right to association, which includes the freedom to form clubs, organizations, or other groups, is a fundamental civil liberty that allows individuals to gather without interference from the state. This right often includes the freedom of peaceful assembly. According to Anheier, this right pertains

exclusively to the establishment of associations and does not allow for government involvement. Rohde (2009), in *Freedom of Assembly*, examined the theoretical dimensions of this right and its connections with other political and civil liberties. Similarly, Russell (2010), in *Freedom of Assembly and Petition: The First Amendment, Its Constitutional History and the Contemporary Debate*, analyzed the constitutional basis for freedom of assembly in the United States. He reviewed the historical debates that occurred during the drafting of the First Amendment and explored recent discussions regarding its interpretation. Nowak (1993), in *UN Covenant on Civil and Political Rights: CCPR Commentary*, provided a comprehensive legal interpretation of the 1966 International Covenant on Civil and Political Rights, with a focus on the rights to freedom of assembly and demonstration. His work, supported by case law and human rights jurisprudence, differs from Russell's by concentrating on the general commentary issued by the UN Human Rights Committee.

Inazu (2007), in *Liberty's Refuge: The Forgotten Freedom of Assembly*, critically evaluated the status of freedom of assembly in the United States, identifying several legal and practical challenges. His analysis is also relevant to international settings, including Vietnam. Joseph and Castan (2013) contributed further to the discourse by offering a detailed examination of the International Covenant on Civil and Political Rights, which they supported with case law and commentary from United Nations bodies and regional human rights courts. In terms of practical applications, Lu et al. (2020) found that informal associations in rural China have taken over the role of formal institutions in providing elderly care, including emotional and instrumental support. Rye et al. (2018) showed that citizen-created associations in parts of Europe enhanced transportation systems by addressing mobility gaps that formal state mechanisms failed to cover. Ndakaripa (2023), using a local approach framework, analyzed the role of civil society during Zimbabwe's 2018 elections. His findings indicated that although civil society organizations promoted cohesion, dialogue, and peace, their lack of autonomy and perceived partisanship reduced their credibility and effectiveness in peacebuilding efforts.

In a political institutional context comparable to Vietnam, Haefner (2025) examined the governance of international non-governmental organizations and associations in Laos between 2010 and 2020. The study concluded that legal reforms in Laos represent a strategic balancing act, whereby the state maintains considerable control while simultaneously presenting an image of modernization and international legitimacy. These legal frameworks allow the government to regulate dissent, harness civil society for developmental purposes, and convey a commitment to reform, all without permitting true independence for civil associations. Rather than acting as instruments of direct enforcement, these legislative changes operate as flexible mechanisms of control. They are typically applied selectively, particularly in moments of political conflict, thereby demonstrating the discretionary authority of the state. In a broader theoretical context, Dietrich (2023) argued that although associations can support the operations of official state institutions, they must operate within certain boundaries. This is necessary to prevent conflict with state bodies, as the state is regarded as the legitimate representative of the people, entrusted through elections to manage and organize societal affairs.

In Vietnam, scholarly research on associations has addressed various dimensions of their existence and function within the political system. Vu and Tran (2016), in their work on the constitutional debate and the development of human rights in Vietnam, introduced foundational concepts and principles related to citizens' political

rights. They emphasized the need to strengthen the role of the constitution in protecting these rights. Dryzek and Dunleavy (2009) contributed by exploring theoretical and practical considerations surrounding civil and political rights, including freedom of speech, the press, information, assembly, and association. They stressed the importance of translating constitutional provisions into actionable legal instruments. However, Sidel (2023) noted a growing trend of regulatory restriction, as the Vietnamese government increasingly asserts control over the operational space of civil society organizations. The enactment of strict rules on the establishment, organization, and supervision of associations reflects this tightening grip. Nguyen-Pochan (2024) analyzed the complex and lengthy process of drafting the Law on Association in Vietnam. This process reveals two major areas of tension. The first is a normative conflict between liberal democratic values that encourage an open civil society and an illiberal authoritarian model inspired by China, which prioritizes state control. The second is a practical challenge as Vietnam attempts to manage rapid social change and increasing civic engagement while maintaining centralized authority. Although the draft law was submitted to the National Assembly multiple times between 2006 and 2016, it was eventually withdrawn due to ideological divisions and unresolved legal issues. Vu and Le (2023) further investigated the relationship between the state and civil society in Vietnam. Their study highlighted the difficulties associations face despite their substantial contributions to national development, revealing the ongoing tension between civic engagement and state-imposed limitations.

Extensive research has been conducted on the subject of associations globally. However, studies focusing specifically on the Vietnamese context remain limited and underdeveloped. Scholarship on this issue is still emerging, with numerous research gaps yet to be addressed. Despite increasing interest in civil society, comprehensive academic engagement with the legal and institutional aspects of associations in Vietnam continues to be insufficient.

This article addresses the right to establish associations in Vietnam within the context of policy developments since the Đổi Mới reform era, which began in 1986. The primary objective is to gather and critically analyze relevant legal documents and implementation practices, with the aim of clarifying key aspects of this right. The study evaluates both the current legal framework and the practical application of laws related to the formation of associations, offering a detailed assessment of the existing conditions and ongoing challenges in this area.

The concept of association in the article is understood in a broad sense. Associations exist in many forms, with or without legal status (clubs, professional organizations, non-governmental organizations, non-profit organizations, funds, trade unions, religious organizations, political parties, businesses, companies). In Vietnam, associations do not include groups and collectives voluntarily and spontaneously established by the people (without regulations, without material, physical, or intellectual contributions, without a unified, tight organizational system, and regular action). At the same time, political organizations in Vietnam such as the Vietnam Fatherland Front, the Vietnam General Confederation of Labor, the Ho Chi Minh Communist Youth Union, the Vietnam Farmers' Association, the Vietnam Veterans' Association, and the Vietnam Women's Union, although they are voluntary mass organizations, are organized according to stricter principles, have closer and more direct relations with the ruling Party, and are the core in all activities and organizations of mass organizations, and are not considered associations. In addition, Vietnam does not include religious and belief organizations in associations.

Research Methods

The article uses a desk-study research method, through synthesizing documents on association management policies of the Vietnamese Government from 1945 to 2024, including policies and data. The study also uses documents from the press and non-governmental associations in Vietnam to support research information. The collected documents are related to the establishment of associations from the Central Party Office, the Communist Party Executive Committee, and Communist Party documents of different periods. The Communist Party's source of documents is the strategic orientations directing the National Assembly and government agencies to issue laws, decrees, and circulars on establishing associations. The Ministry of Home Affairs is the government agency that provides details and guidance on establishing associations through circulars and decrees. Another significant agency that gathered the grand national unity bloc was the Vietnam Fatherland Front, which also proposed and participated in developing Party and State policies on establishing associations. These sources of documents are now widely accessible. Documents are selected and analyzed according to thematic issues corresponding to the keywords of associations, the right to establish associations, and freedom.

Based on the above methods, the research questions include: Does the issue of establishing associations oppose the leadership capacity of the Party and the State? Or, is it true that the establishment of associations is to support and take advantage of society's capabilities that the Vietnamese state agencies cannot fully cover? Is it true that in the context of the period since Doi Moi (1986), the establishment of associations is to adapt to international integration?

Table 1. System of legal documents on forming associations

Dates	Organizations	Scopes
03/27/1990	Central Executive Committee of the Communist Party of Vietnam	Resolution of the Eighth Conference of the Party Central Committee (Session VI): Forming associations.
01/28/2016	Communist Party of Vietnam	The 12th National Congress Document of the Party: Promoting democratic freedoms and promoting the activities of associations.
05/20/1957	National Assembly of the Socialist Republic of Vietnam	Law No. 102/SL-L004: Stipulating the right to form associations.
11/28/2013	National Assembly of the Socialist Republic of Vietnam	Constitution 2013; regulations on human rights, civil rights.
11/27/2015	National Assembly of the Socialist Republic of Vietnam	The 2015 Penal Code: Regulating acts of association rights, establishing a separate article on crimes of violating citizens' rights to assembly and association.
21/04/2010	Government of Vietnam	Decree No. 45/2010/ND-CP: The right to form associations operating in any field must be subject to the agency's management in that field.
08/10/2024	Government of Vietnam	Decree No. 126/2024/ND-CP; regulations, operation, and management of associations

Source: processed by author

The conceptual framework to solve the problem is derived from the orientations of the Communist Party of Vietnam on the role of the National Assembly and the Vietnam Fatherland Front. The Vietnam Fatherland Front supports the Party and Government in gathering and promoting the strength of great national unity,

representing the legitimate rights and interests of the people. The Government of Vietnam is responsible for issuing decrees and circulars to implement the orientations and legal corridors issued by the National Assembly. This conceptual framework has been consistent in all development policies since the country's founding in 1945.

Results and Discussion

Changing the perspective of association formation

The Communist Party has consistently advocated for the implementation of democratic human freedoms, including the right to form associations. Numerous documents issued by the Party during the struggle for national independence (1930–1945) clearly articulated demands for this right, specifically calling for “the people's freedom to organize” and “freedom of organization, speech, assembly, strike, demonstration, and march” (Barnett, 2021).

Furthermore, the Communist Party also expressed a commitment to safeguarding universal suffrage, democratic freedoms, freedom of belief, freedom of thought, and freedom of speech (G. C. Vu & Tran, 2016b).

Until 1990, the Resolution of the Eighth Conference of the Party Central Committee (Session VI) on innovating the Party's mass work and strengthening the relationship between the Party and the people, set forth the Party's guiding viewpoint,

“... in the new period, it is necessary to establish mass organizations that meet the legitimate needs of the people in terms of occupation and life, operating in the direction of national and family benefits, mutual love and affection. Mass organizations are established on the principles of voluntariness, self-management, and self-financing, organized in each locality, operating nationally, not uniformly the same.” (Vermillion, 1991)

However, in the context of the fear of developing associations leading to “peaceful evolution”, the regime's change from multi-association to multi-party” style is still heavy. Therefore, institutionalizing the Communist Party's guidelines into law is still slow and does not meet life's demands. The fact that the Law on Associations has been drafted but has not yet been passed proves that.

To overcome the above limitations, the 11th National Congress of the Communist Party of Vietnam 2011 determined the direction, expanded and diversified the forms of gathering people to participate in mass organizations, social organizations, professional, cultural, friendship, charitable, and humanitarian associations.

On May 28, 2013, the Seventh Conference of the 11th Party Central Committee issued *Conclusion No. 64-KL/TW* on continuing to innovate and perfect the political system from the Central to the grassroots level, emphasizing the organization and operation of associations according to the principles of voluntariness, self-management, self-financing and compliance with the law, amending and supplementing State regulations on the management of association organization and operation under the new situation (Kolotov, 2017).

In particular, the 12th National Congress Document of the Party in 2016 expressed the spirit of promoting democratic freedoms, including many new points towards promoting the activities of associations, specifically such as strongly promoting all resources and creative potential of the people, respecting differences that are not contrary to the common interests of the nation (T. Vu, 2014).

The Documents of the 13th Party Congress in 2016 reaffirmed this viewpoint, especially emphasizing the people's role with the motto that the Party's guidelines and policies create a political and legal foundation for them to exercise their right to

mastery. The political system led by the Party must respect, ensure, and protect the people's right to mastery through representative democracy and direct democracy mechanisms.

The breakthrough in the viewpoint of the Communist Party of Vietnam is that by 2021, the Party's documents at the 14th Congress officially recognized the term "civil society" or "civil society" and oriented to promote the role of civil society first of all in gathering and building national unity and in criticizing and supervising the implementation of state power.

The unique point in the Party's thinking and perception of associations and the right to establish associations is the recognition of the political and social nature of many organizations of special importance such as the Vietnam Fatherland Front, the Vietnam General Confederation of Labor, the Ho Chi Minh Communist Youth Union, the Vietnam Women's Union, the Farmers' Association, and the Veterans' Association. These political and social organizations originated as simple mass organizations but played a significant role and contributed to fighting for power under the leadership of the Party. In the context of Vietnam's political system, the existence of the above organizations is considered a solution to the problem of overcoming the possibility of authoritarianism, arbitrariness, and power degradation of the unitary political system.

Therefore, since its establishment, the Vietnamese government has maintained socio-political organizations alongside regular associations, creating two basic types of associational organizations with similarities and differences.

Adjusting the law on the right of association formation in Vietnam

From very early on, the right to establish associations in Vietnam was recognized in the constitution, and through the ages, the constitution, as the nation's supreme law, has always protected human rights and civil rights.

The 1946 Constitution, in Article 10, stated that "Vietnamese citizens have the right to freedom of organization and assembly." The 1959 Constitution continued to uphold this right in Article 25, which declared, "Citizens of the Democratic Republic of Vietnam have the right to freedom of speech, press, assembly, association, and demonstration. The State ensures the necessary material conditions for citizens to enjoy these rights" (National Assembly of the Democratic Republic of Vietnam, 1946). The 1959 Constitution marked a significant advancement by explicitly recognizing the State's obligation to ensure not only the right to form associations but also other constitutional freedoms, including freedom of speech, press, assembly, and demonstration (Vietnam, 1967).

Article 67 of the 1980 Constitution reaffirmed the rights and guarantees related to association formation. It stated, "Citizens have the right to freedom of speech, freedom of the press, freedom of assembly, freedom of association formation, and freedom of demonstration, following the interests of socialism and the people. The State creates the necessary material conditions for citizens to exercise those rights. No one can take advantage of democratic freedoms to infringe upon the interests of the State and the people." When compared to the constitutions of other countries, Article 67 reflects considerable progress. However, the practical conditions for ensuring the realization of human rights and the right to establish associations remain significantly limited (Vietnam, 1967).

Article 50 of the 1992 Constitution introduced the concept of human rights in a separate section for the first time, though the concept was narrowly framed within the

broader category of civil rights. Based on this framework, Article 69 of the 1992 Constitution stipulated, "Citizens have the right to freedom of speech, freedom of the press, the right to information; the right to assemble, association formation, and demonstrate" (National Assembly of the Socialist Republic of Vietnam, 1992). This provision was pivotal in defining the political freedoms of citizens. However, grouping fundamental democratic freedoms into a single article created ambiguity. The lack of specificity in the definition of each right posed challenges for legal institutionalization, making the practical implementation of these rights difficult and resulting in various obstacles and shortcomings.

Building upon and advancing the values of previous constitutional provisions, the 2013 Constitution continued to affirm and strengthen fundamental human freedoms in a manner increasingly aligned with international human rights standards. Regarding the right to form associations, Article 25 of the 2013 Constitution provided that citizens have the right to freedom of speech, press, access to information, assembly, association, and demonstration (Vietnam, 1967). From a constitutional perspective, the constitutions of the Socialist Republic of Vietnam have consistently recognized the right to form associations as a fundamental right of citizenship, offering a crucial legal foundation for its protection. Vietnamese citizens thus hold the constitutional right to establish associations, and the State bears responsibility for ensuring the exercise of this right. Any restrictions imposed on this right must be based on and limited by specific legal provisions.

System of legal documents on forming associations

Immediately after the August Revolution in 1945, the President of the Democratic Republic of Vietnam issued Decree No. 52, dated April 22, 1946, consisting of 12 articles regulating the right to establish associations (Corley, 1961).

Following the promulgation of the 1946 Constitution, the 1st National Assembly of the Democratic Republic of Vietnam passed Law No. 102/SL-L004 to regulate the right to form associations. President Ho Chi Minh promulgated this document. The first law formally institutionalized the fundamental principles of citizens' association rights.

Entering the Renovation period 1986, to meet the requirements of state management of associations, there were many important documents directly related to association work. First, Directive No. 01/CT, dated January 5, 1989, of the Council of Ministers on managing the organization and activities of mass associations. (Sherrington, 2000).

The Prime Minister issued Decision No. 21/2003/QĐ-TTg dated January 29, 2003, on financial support from the state budget for political-social-professional organizations, social organizations, and socio-professional organizations for activities related to the tasks of the State. (Painter, 2003).

Decree No. 45/2010/NĐ-CP, dated April 21, 2010, of the Vietnamese Government, plays the most prominent role in establishing and operating associations. In 2024, this decree will be amended to suit the role and tasks of the new Government. However, the contents are also very similar (Prime Minister of Vietnam, 2024). The implementation of seminar and training activities is subject to regulations on meetings, conferences, and seminar organization, and there are separate regulations if these activities have foreign elements. (Manyin, 2010).

A review of legal documents regulating the right to establish associations in Vietnam reveals several key principles. First, with regard to the subject of the right to freedom of association, Vietnamese law identifies citizenship as the determining factor.

Every Vietnamese citizen is entitled to establish an association. The term “citizen” refers to an individual who belongs to a particular state, and therefore, only Vietnamese citizens are granted this right under the law. Foreign nationals and stateless persons are excluded from this provision and are not legally recognized as eligible to form associations in Vietnam.

Second, the right to establish and join associations is conditional upon approval by competent state authorities. The application process must go through the appropriate administrative agencies at various levels of government. Several legal conditions must be met for an association to be formally recognized: the association must have a lawful purpose; its name and primary field of activity must not duplicate an existing association within the same geographic area; it must possess an official charter and headquarters; and it must include a sufficient number of registered members. Since Vietnam became a member of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) in 2016, legal reforms have been necessary to align with international labor commitments. Among these reforms is the recognition of workers’ freedom to establish their own organizations within enterprises, reflecting a broader understanding of the right to association in the labor sector.

Third, the right to association also includes the freedom to operate independently and the protection from arbitrary state interference. This is outlined in Article 23 of Decree No. 45/2010/ND-CP, which specifies the rights of associations. These include the right to function according to an approved charter, to protect the legitimate interests of members, to organize cooperative activities for mutual benefit, and to mediate internal disputes. Associations are also entitled to participate in state-assigned programs, projects, research, consultation, and social evaluation. They may provide public services in their field, organize vocational training, and raise funds through membership fees and lawful business or service activities. Furthermore, they may receive financial support from both domestic and international donors, as well as from the State for assigned public duties. National-level associations are permitted to join international organizations and to sign and implement international agreements, in accordance with the law and under the oversight of relevant state management bodies.

Thus, Decree No. 45/2010/ND-CP has significantly expanded the aspects of association activities. Additionally, this decree stipulates the right to establish legal entities under the association. In particular, the decree has a new chapter regulating the application to associations with special characteristics. The Prime Minister of Vietnam stipulates associations with special characteristics. These associations have the right to participate with ministries and ministerial-level agencies in developing mechanisms and policies directly related to the functions, tasks, and powers of the association's field of operation; participate in implementing several state management activities and public services in the association's field of operation. The association must gather leading experts, good experts from member associations, and related organizations to perform assigned tasks and provide consulting, criticism, and social appraisal.

As mentioned earlier, the 2013 Constitution, in Clause 2, Article 14, expresses the right to establish an association as a limited right, outlining the principles for restricting rights accordingly, Human rights and civil rights may only be limited following the provisions of law in necessary cases for reasons of national defense, national security, social order and safety, social morality, and public health. The constitution of this principle is important because it clarifies the spirit of international human rights law, which is that the State must respect, protect and ensure human rights, but also set and apply limits to some rights, in order to perform the State's

function of managing society, ensuring the common rights and interests of the community and the legitimate rights and interests of other individuals, while preventing extreme thoughts and actions in the enjoyment of rights (Bui, 2023).

One of the important contents to protect the right to establish associations, initially specified in the current legal regulations, is handling violations of the right to establish associations. The law explicitly stipulates administrative and criminal violations and sanctions applicable to such violations. Notably, the 2015 Penal Code has paid special attention to regulating acts that violate citizens' rights to establish associations to build a separate law on the crime of violating citizens' rights to assemble and form associations, as follows *"Anyone who uses force, threatens to use force or uses other means to prevent or force others to form legal associations or meetings, has been disciplined or administratively sanctioned for one of these acts but still commits the violation, shall be subject to non-custodial reform for up to 01 year or imprisonment from 03 months to 01 year"* and further stipulates some cases with imprisonment from 01 year to 03 years if organized, taking advantage of position and power to cause protests and negatively affecting security, order and social safety (Thayer, 2015)

Also from the 1999 Penal Code to the 2015 Penal Code, for those who violate the rights of citizens to establish associations and meetings, other administrative measures are also applied, such as *"may be banned from holding positions, practicing a profession or doing certain jobs from 01 year to 05 years ."* to strictly handle the right person, the right crime, for the type of violators who are people with positions, with expertise who have taken advantage of their working position and professional ability to cause harm to society. In addition, the 2015 Penal Code states that authorities will only prosecute individuals for this crime if they have been disciplined or administratively sanctioned for the act but continue to violate it (National Assembly of the Socialist Republic of Vietnam, 2009 & 2015). This provision ensures that authorities prosecute individuals only after disciplinary and administrative measures have been used to educate and deter them. Thus, by adding more specific signs of constituting this crime and stipulating cases that increase the penalty for this type of crime that infringes on citizens' right to form associations, it shows that the State always attaches importance to the responsibility of protecting citizens' freedom in the field of associations and assembly.

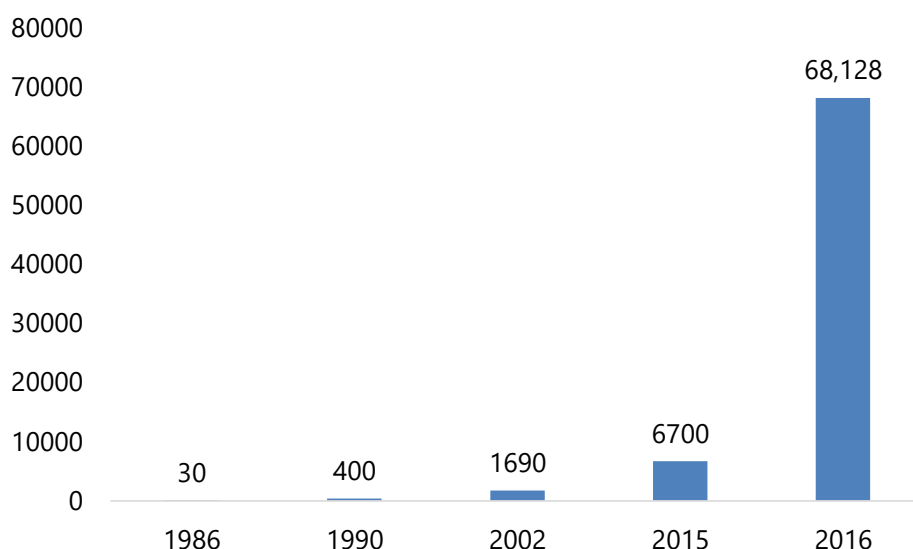
Exercising the right to form associations in Vietnam

In Vietnam, before 1986, the whole country had only nearly 30 mass organizations operating nationwide. By 1990, about 100 organizations operated nationwide, and 300 operated in provinces and centrally run cities. Statistics in 2002 showed that about 240 organizations were operating nationwide, and 1450 organizations were operating in provinces and centrally run cities. This number has grown continuously until 2015, with nearly 500 organizations operating nationwide, more than 6200 organizations operating in provinces and centrally run cities, and hundreds of thousands operating in communes, wards, and towns in all social life areas. In recent years, authorities have licensed about 10 associations each year to operate nationwide (Nguyen, 2017)

Currently, according to incomplete statistics up to 2016, Vietnam has about 68128 associations, of which 498 associations operate nationwide, 67627 associations operate at the local level, specifically 3639 associations operate at the provincial level, 7526 associations operate at the district level, and 56462 associations operate at the commune level. Among the nationwide associations, 45703 associations are not

specific, and 22422 are specific associations. Thus, the number of associations with 11871 staff, content, and forms of operation is fast, diverse, and rich (Dao, 2019)

Figure 1. Number of Associations from 1986 to 2016



Source: The author was combined with Nguyen, (2017) and the Ministry of Home Affairs, (2019)

Associations develop in various sizes, scopes, and characteristics of activities. The organizational system of associations is very diverse, from the central level down to communes and wards. In addition to associations with legal status, in many localities, there are also organizations gathered by the masses to meet the diverse needs and interests of the people, such as hometown associations, school councils, and comrades with the scope of activities at each commune, district, province, or inter-commune, district, and province.

In addition to Vietnamese citizens and legal entities forming associations, there are international non-governmental organizations and foreign business associations, with 1200 organizations and a large amount of aid. Of which, in 1991-2012, it was more than three billion USD.

The activities of the associations focus on social, humanitarian, and charitable aspects, primarily providing services in many areas such as education, training, health care, sports, and environmental protection. In general, the associations have made many contributions to the process of building and developing the country, demonstrating their role as a bridge between members and government agencies, thereby reflecting the aspirations of members, supporting members in production and business activities, improving competitiveness, supporting the resolution of trade disputes, and providing consulting information on production and markets.

Regarding economic impact, although there are no exact statistics, there is currently a large number of human resources (hundreds of thousands of people) working for associations in Vietnam, contributing to solving the problem of employment for workers (Vu, 2007). More specifically, through the activities of associations of economic organizations (Vietnam Federation of Commerce and Industry, Vietnam Cooperative Alliance, Association of Small and Medium Enterprises, Vietnam Craft Village Association, and Vietnam Young Entrepreneurs Association), they have become a bridge representing members to give opinions to state management agencies on policy making for the development of the industry. Associations have coordinated with functional sectors to effectively implement movements in job

creation, poverty reduction, new rural construction, charity, humanitarian activities, social relief, overcoming the consequences of natural disasters, and improving people's lives.

Regarding socio-political influence, associations in Vietnam are increasingly participating in solving problems in the fields of health, culture, education, sports, environmental protection, scientific research, community development, poverty reduction, assessment and supervision of state apparatus activities, providing basic services in places where the State lacks resources and where the private sector is not interested because of low profits, providing goods, public services, and social services in the community more and more effectively due to the voluntary nature, competitiveness, and closeness to the community of the association.

Regarding the material facilities for association activities, if including specific associations, currently 30% of associations have headquarters supported by the State, 10% rent, and 3% have their own; the remaining associations borrow houses from members as headquarters. Nguyen, (2017). The State supports the activities of specific associations by allocating staff and assigning projects, programs, and topics related to the association's field of activity.

Accordingly, authorities granted 686 staffing levels to 498 central associations, including 28 special associations. They also allocated 5054 staffing levels to 3639 provincial and 947 special associations. Additionally, the 7526 district association includes 3439 officials. Finally, authorities granted 2665 staffing levels to 56462 commune associations, 18008 of which were special. The Party and the State assign these associations tasks, have special activities, usually for social and humanitarian purposes, or represent disadvantaged subjects. The State usually supports these associations in terms of funding and operating conditions.

Table 2. Number of associations' officials from the central to the commune levels

Level of Associations	Number of officials
498 central associations	686 officials
3639 provincial associations	5054 officials
7526 district associations	3439 officials
56462 commune associations	18008 officials

Source: The author was combined with Nguyen, (2017) and the Ministry of Home Affairs (2019)

In addition, authorities facilitate associations' participation in social, charitable, and humanitarian activities. Associations also receive support for activities and information on industry development strategies. These associations are assigned to perform consulting, criticism, and social appraisal work, to provide public service. The government has issued many policies to encourage and develop non-public service providers through policies on taxes and funding for implementing state projects.

Regarding social consulting and appraisal activities (Vietnam Union of Science and Technology Associations, Vietnam Federation of Commerce and Industry, Vietnam Union of Literature and Arts Associations, Consumer Protection Association and many professional associations including Vietnam Textile and Garment Association, Vietnam Seafood Import-Export Association, and Vietnam Leather, Footwear and Handbag Association) have participated in contributing opinions to build policies, laws, programs and projects for socioeconomic development of the country to promote social consulting and appraisal for significant policies and guidelines of the Party and State to enhance the strengths of each association and union of associations, especially in the field of consulting, criticism and social appraisal.

Regarding international cooperation, the associations have had many activities in the field of international cooperation with the motto of being proactive, creative, and practical, helping to deepen relations with traditional friends, progressive forces in the world and key areas, creating conditions for the world to understand and have good feelings about the citizens and the State of Vietnam. The associations have sought the support of countries for the country's innovation cause, focusing on activities such as strengthening cooperation between our people and people of countries around the world to build solidarity and friendship; exchanging experiences, culture, education, science and technology, health, and economics (Dao, 2019).

The status of establishment and existence of associations in Vietnam indicates the level of implementation of the Vietnamese citizens' right to form associations. If we only look purely at the statistics on the number of associations, it reflects on the one hand the needs of civil society, on the other hand, it shows the level of realization of the right to establish associations of citizens, and the increasingly high level of human rights culture. A study from 2006 showed that 65 - 70 million/82 million (accounting for about 77%) of Vietnamese people are participating in at least one association (civil society organization), many participating in two to three associations simultaneously. Only counting political organizations - The social organizations are the Vietnam General Confederation of Labour, the Ho Chi Minh Communist Youth Union, the Vietnam Farmers' Association, the Vietnam Veterans' Association, and the Vietnam Women's Union, with over 30 million members. (G. C. Vu & Tran, 2016a)

However, establishing and operating associations in Vietnam also reveals many limitations and shortcomings, causing significant impacts on the right to establish associations.

For various reasons, local authorities recognize some associations as special associations, and their staffing does not comply with regulations. Some associations are established under the imposition of the superior association, not really based on the needs and wishes of the people, operating formally, only having an executive committee, not gathering and attracting the masses and members. Some associations at the central level require provinces and cities to establish associations in a vertical system from the central to the grassroots level, or consider themselves as the superior leadership body directing the activities of the lower-level associations, contrary to the spirit that associations do not necessarily have to be organized into a system from the central to the grassroots level of Decree No. 33 /2012/ND-CP, dated April 13, 2012 (Vuving, 2017)

From the perspective of association activities, citizens have not fully exercised their right to form associations, as association activities remain largely symbolic and fail to capture their members' genuine aspirations. After establishment, associations have not adequately protected their members' legitimate rights and interests compared to their capacity. Some associations disregard their charter, organize term congresses inconsistently with its provisions, fail to report activities to state management agencies, or submit sketchy, perfunctory, and non-prescribed reports. This issue arises because some associations do not fully understand coordination regulations or the process for requesting permission to establish and organize term congresses. Consequently, they struggle with submitting application documents correctly, failing to ensure the proper order, procedures, and components as required by law. In addition, there is a phenomenon where, although the association's leaders are enthusiastic and experienced, many hold concurrent positions or are old. Some internal leaders of the association are still disunited, leading to prolonged complaints, and members

participate in many association organizations. Hence, the association's operational efficiency is not high.

Meanwhile, there is also the "*Hoi chui*" (unofficial associations). A typical case is the Hanoi Harley Association - an association of Harley motorcycle enthusiasts. Similarly, some associations have declared their establishment (the Women's Human Rights Association, the Association of Former Prisoners of Conscience, the Independent Writers Association, and the Independent Journalists Association) but exist illegally because they have not or do not accept carrying out the establishment procedures according to the provisions of the law. In addition, some Scouting groups are gradually being restored or newly established, but the activities of these groups and the re-establishment of the Vietnam Scouting Association have encountered difficulties. However, many individuals and groups have petitioned to allow the association to operate again. Many illegal associations and groups themselves have hidden behind the guise of civil society, such as the "Democratic Brotherhood Association", "Mutual Gourd Association", "Independent Journalists Association", "Civil Society Organization", "Viet Liberty", "Free Publishing House", "Vietnam Human Rights Network" to gather forces, conduct training, and educate methods of operation; create forces to oppose the country, leading to riots and overthrows in the direction of "color revolution", "street revolution".

From another perspective, the people sometimes create barriers to exercising their right to form associations. To be granted a license to establish an association, many people are willing to pay a certain amount of money as "grease". The state apparatus has caused negative consequences in public administration. However, this also raises the urgent issue of promoting administrative reform to eliminate cumbersome procedures that cause trouble for people in establishing and dissolving associations, particularly in administrative activities in general.

Conclusion

Human rights and civil rights, including the right to establish associations, are not new issues in Vietnam today. The perspective of what an association is shapes how people perceive the right to establish one.

The Party has prioritized the development of policies, and the State has focused on building a legal framework to regulate the right to form associations by defining eligible subjects, establishing the scope of the right, and outlining the necessary conditions for its exercise. Although the mechanism for forming associations has achieved certain successes, such as the recognition, respect, and protection of this right when violations occur, several limitations persist within both the legal system and its practical implementation. These include overlapping and inconsistent regulations, a lack of coherence, and the continued absence of essential legal instruments, particularly the long-drafted but still unadopted Law on Associations. At present, the State places greater emphasis on controlling and managing associations than on promoting and facilitating the full realization of this right. Many civil servants, citizens, and association members do not yet possess a modern understanding of the right to establish associations, and there is no specialized human rights agency responsible for protecting this right when infringements occur. These challenges stem from multiple sources, including limited public awareness, inconsistent interpretations of the right to association compared to international standards, and a legislative orientation that remains focused on administrative control rather than enabling civil society. Furthermore, the State has not provided sufficient conditions for exercising this right, and confusion continues over how to design an effective organizational model capable

of protecting and advancing human rights through associations.

Respecting, promoting, and protecting the right to establish associations in any country is a common goal of the State and society. The State, citizens, and associations must take positive measures to ensure the right to form associations that meet practical requirements. First, it is necessary to innovate the mindset and awareness of the right to form associations by strengthening the propaganda, dissemination, and education of human rights and human rights laws, including the right to establish associations. It is necessary to perfect the legal system on the right to establish associations, focusing on promptly promulgating the Law on Associations. In addition, state management of associations also needs to be improved to ensure citizens' right to establish associations. At the same time, it is necessary to build good conditions to ensure the right in terms of both human and material resources to realize the right to establish associations in practice.

The study results show that since Doi Moi 1986, the Party and the Government of Vietnam have become more and more open to policies allowing many groups and associations to establish and operate in many different fields. Since 2010, the Government has increasingly tightened the activities of the associations through various management documents. So far, the Law on Associations is still in draft and has not been officially promulgated. The results of the study show that associations and groups that have activities to support the government in implementing socioeconomic development policies, such as charity associations, environmental protection associations, afforestation, social security, and education, are supported by state agencies. Associations with a tendency to operate in the field of human rights, tend to oppose state policies, and go against the view of national unity are often not supported. Therefore, this study shows that the management policies of the Vietnamese state, on the one hand, support international policies in the integration process, but still have frameworks that allow associations to operate within their manageable capacity.

From this study, the author believes that Vietnam's policy needs to promulgate the Law on Associations quickly to create a legal corridor and operational framework for associations. Also, agencies and departments need to be specific about the areas in which associations can be established to participate with state agencies in promoting socioeconomic development.

Acknowledgement limitation: The study results show that the right to form associations has been increasingly tightly controlled in Vietnam since 1986. The state allows the formation of associations, but different authorities must manage them. However, informal associations are still increasing, and in many different forms. In the context of increasingly popular social media platforms such as Facebook, TikTok, Telegram, WhatsApp, and LinkedIn. Therefore, this study has limitations because it only understands the problem through the research method of desk study and documents from state agencies.

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