

LEGAL REGULATIONS ON RECOGNITION OF RELIGIOUS ORGANIZATIONS

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According to current legal regulations of our country, our State will gradually consider and recognize religious organizations. It means that our State will recognize the legal person status of religious organizations, which meet sufficient conditions as stipulated by the law. This new and important content must be understood completely in process of implementation.

1. The legal regulations on recognition of religious organizations

As we know, Vietnamese has many religions and religious organizations. We should know that religion and religious organization are two different categories. Religion is the large category, it denotes people who have the same belief and dogmas; religious organization denotes people who have the same dogmas, rite, religious practice and operate in the same organization. Religious organization, in some instances, is understood as religious administrative machine or powerful office of religious organization that shows its legal person status. In Vietnam, Buddhism has one organization, Catholicism, Hòa Hảo Buddhism like that. However, Protestantism, Caodai have some organizations.

Basing on activities of religious organizations in our country, Ordinance of Belief and Religion 2004 was promulgated (Ordinance in short) to officially regulate recognition of religious organization. Organization that will be recognized as a religious organization has to meet following conditions.

- Being an organization of people sharing the same religious belief, of which the religious dogmas, cannon laws and rites are not contrary to the fine customs and habits and the interests of the nation.

- Having a charter and statutes depicting the goal, objectives and action orientation that are in close association with the nation and not contrary to the provisions of law.

- Having its religious activities registered and conducted on a stable condition.

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- Having a lawful office, organization and representative.
- Having an appellation not duplicating that of any other religious organization that has been recognized by the competent State authority. (Article 16 of Ordinance)

New point of Ordinance in recognition of religious organizations is that religious organizations had to register their religious activities on stable basis before they are recognized. (3 item, 16 article of Ordinance). In the process of recognition, there are two steps: the first step is to register activities of organization; the second is to recognize organization. Afterwards, Decree 22 of Government (2005) *On guidance for implementation of a number of Articles of Ordinance on Belief and Religion* (Guide Decree in short) has defined that duration of recognition of religious organization is about 20 years counting from the date of organization's registration for activities to recognition. However, religious organizations that operated continuously and stably from 1975 will be considered and recognized after one year of registration. If religious organization is interrupted in its activity, it will be recognized when the duration of its operation is about 20 years (Article 8, Guide Decree).

Ordinance and Guide Decree define clearly condition and duration of registration of religious organizations. This is one of new points in recognition of religious organizations, although it seems to be administrative. After the effective date of the Ordinance on Belief and Religion, (15th November 2004), religious organization carries out procedure for registration. The duration for the Government Committee for Religious Affairs is about 60 days and for the Provincial Committees for Religious Affairs is about 45 days to consider and make a decision to recognize the religious organization after religious organization finishes necessary producers; in case of non-recognition, a reply must be in writing with clearly stated reason (Article 6 of Decree). According to regulations, any religious organization that operates continuously and stably during 20 years will carry out procedure for registration. If any religious organization that meets, sufficient conditions as stipulated by the Ordinance will be recognized. Within 90 days of receipt of a due form application, the Prime Minister shall consider and make a decision to recognize the religious organization. Within 60 days of receipt of a due form application, the Provincial People's Committee shall consider and make a decision to recognize the religious organization (Article 8 of Guide Decree).

2. Religious Organizations that have been recognized in recent years

Before Ordinance and Guide - Decree were promulgated 16 religious organizations were recognized by State.

- Before the period of renovation three religious organizations were recognized such as Vietnam General Protestant Church (Northern region) in 1958; Vietnamese Episcopal Conference in 1980; Vietnam Buddhist Sangha in 1981.

- In the period of renovation: from promulgation of Resolution 24 of Politburo, 1990 to 2001 there are 13 religious organizations to be recognized such as Cao Dai (10 organizations), Hòa Hảo Buddhism, the Hồ Chí Minh City Muslim Community Representative Committee, Vietnam Federal Protestant Church (Southern region).

In those religious organizations, there are religious organizations that are recognized legal person status by State's writing such as religious organizations of Caodai. Vietnam Buddhist Sangha is not recognized by direct State writing but all of us understand that State has recognized legal person status of Vietnam Buddhist Sangha. Vietnamese Episcopal Conference was established in 1980, because of it special organization, State has not promulgated official writing to recognize its legal person status, but our State has approved its process of operation and the organization of its conferences.

- From the Ordinance on Belief and Religion was promulgated to now: our State has considered and granted certificate to 19 religious organizations. Among them, there are 15 religious organizations to be recognized.

Religious organizations have been recognized:

- + An Giang Muslim Community Representative Committee in 2006;
- + Vietnamese Christian Mission in 2007;
- + The Pure Land Buddhist Home Practice Association in 2007;
- + Ninh Thuận Muslim Bani Council of Masters in 2007;
- + Vietnam Seventh Day Adventist Church in 2008;
- + Baptist General Association (Southern Grace) in 2008;
- + Vietnam Baptist Church (Southern region) in 2008;
- + Vietnam Presbyterian Church in 2008;
- + Phật đường Nam tông Minh sư đạo in 2008;

- + Minh Lý đạo Tam tông miếu in 2008;
- + Vietnam Mennonite Church in 2009;
- + Vietnam Bahai'i Religious Spiritual Council in 2009;
- + Tây Ninh Muslim Community Representative Committee in 2009;
- + The Four Debts of Gratitude in 2010;
- + Vietnam Christian Fellowship Church in 2011.

****Religion organizations are granted certification***

- + Bửu Sơn Kỳ Hương in 2005
- + Pentecostal Evangelical Church of Vietnam in 2009
- + Chăm Balamôn Provisional Representative Committee of Ninh Thuận province in 2010
- + The Provisional Representative Committee of Ninh Thuận Muslim Community in 2011.

After being granted certificates or recognized, religious organizations obey the legal orders and regulations of Ordinance and Guide Decree. They carry out to check the number of their believers, of dignitaries and religious basis. They hold their Conferences of representatives. In their conferences, they adopt their charter, orientation and elect the leadership of their churches. In this process, the Government Committee for Religious Affairs combines with levels of administration and localities to help religious organizations to carry out their activities according to legal regulations.

3. Some remarks

From presenting legal regulations and the process of recognition of religious organizations, we have following remarks.

3.1. From the effective date of the Ordinance on Belief and Religion up to now, the recognition of religious organizations is a continuous process that has been carried out formerly, especially when Vietnam has implemented policy on Reform of Religions. The recognition of religious organizations is in accordance with legal regulations and legal procedure, namely with the *Ordinance on Belief and Religion and Government Decree on Guidance for Implementation of a Number of Articles of the Ordinance on Belief and Religion*.

3.2. The religious organizations that are recognized lately are new organizations or newly imported organizations. The number of their believers and dignitaries is few. The sphere of their activities is not large. They only operate in some localities (comparing with religious organizations that were recognized before 2004). It shows that the policy on religions of our Party and State is right and explicit. Our Party and State respect and guarantee the right to freedom of religion and belief of all citizens and all religions are equal before law.

3.3. The recognition of religion organizations, including 13 religious organizations that were recognized before the effective date of the Ordinance on Belief and Religion, makes active results. Believers and dignitaries of recognized religious organizations are very heartening because they find that State realizes religious need of religious followers and assess their religious organizations at their true worth. Since then, they more and more believe in our Party, in State and in the cause of renovation.

3.4. The religious organizations that are recognized legal person status will not have illegal activities; the religious practice and study of religious believers are guaranteed so the relation of State and religious organizations becomes better and more favorable. The recognition of religious organizations helps appropriate authorities to realize management of State according to law.

3.5. Naturally, the more religious organizations are recognized, the more religious affairs are strenuous. The management of State will face many matters leaving by history and new matters such as building of places of worship; education and appointment of dignitaries including competition between religious organizations for their believers. /.