

Legal Regulation of Religious Organizations’ International Relations—an Analysis in Vietnam

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ABSTRACT

The article demonstrates an analysis of the Vietnamese practice and legislation in regulating international relations of religious organizations. These analyses are increasingly important in the context of extensive international Vietnam’s integration in many areas, where the religious field is not an exception. At the same time, this study also reflects the behaviour of the Vietnamese secular state. The authors deal with the following duties: Analysing the nature of international relations of religious organizations in Vietnam, pointing out the content characteristics of the regulation of the religious organizations’ international relations in Vietnamese law, suggesting valuable references for the Vietnamese case in the process of this regulation. Methods of comparison, analysis, and synthesis are the instruments to study the materials of this paper. The completion of legal regulation of international relations is an affirmation on the development of the rule of law in Vietnam.

Keywords: *regulation, international relations, religious organizations, Vietnam, legislation*

1. INTRODUCTION

The relations between the state and religious organizations are sensitive and essential in society. For secular countries like Vietnam, the adjustment of these relations by law is a necessity. Obviously, the regulation only emphasises on the activities that affect the outside of the religious organization, not the internal affairs of each religious organization. This article addresses one of the outside influences of a religious organization - its international relations. Previous studies on this issue have shown abundance in the form of international relations, contents, and the popularity of these relations in religious organizations in Vietnam [1]. However, in the context of increasing cooperation and cross-culture, international relations of religious organizations are more and more important, the state’s behaviour toward these relations becomes more attractive than before.

Vietnam is a multi-religious country. Most of the major religions in the world are present in Vietnam, existing and developing along with the nation’s history. The relations between the state and religious organizations have changed over each historical period. However, in the modern Vietnamese state, the secular principle needs to be maintained. The “separation” and “equality” have made religious issues become personal matters while also placed religious organizations in a specific legal status in the social - legal life. In another analysis of the legal status of religious organizations in Vietnam, the author cited the characteristics of rights and obligations of religious organizations [2]. On a more in-depth aspect, when considering the international relations of religious organizations, many affairs need to be further discussed to

clarify the legal adjustments to these relations, both in historical – legal aspects and experiences from other countries.

2. FINDINGS

2.1. The Nature of International Relations of Religious Organizations in Vietnam

2.1.1. The historical nature of international relations of religious organizations

The historical upheavals associated with Vietnam’s religion have created international relations of religious organizations.

Firstly, the introduction of exogenous religions.

Vietnam’s white paper on religion has made an essential summary of the introduction process of exogenous religions into Vietnam [3]: Buddhism was brought to Vietnam about two thousand years ago; for Catholicism, Western missionaries started their work in Vietnam as early as the beginning of sixteenth century; according to historical documents, the Cham people familiarized themselves with Islam during the tenth and eleventh centuries; Christian and Missionary Alliance (CMA) brought Protestantism to Vietnam in the late nineteenth and early twentieth centuries. Therefore, the association between the religious organizations of these religions and the foreign element is an inevitable history.

For example, for Catholicism, Vietnamese Catholics have a close relationship with the Vatican. Beginning in the 90s of the twentieth century, foreign Catholic missions and individuals who came to Vietnam were delegations of the Catholic Church such as diplomatic missions of the Vatican, delegations of the Episcopal Conferences of Italy, England, and the United States, delegations of the superior religious order [4]. Vietnamese Protestant has a relationship with American Protestant, Korean Protestant, and Evangelical Fellowship (WEF). The Muslim community regularly has relationships with the Muslim community in Southeast Asia. These relationships are very diverse: the relationship between Vietnamese Islam and the Malaysian Muslim Community, Indonesian Islamic Community, the Cambodian Muslim community, the World Islamic Union [1].

Secondly, the spread of endogenous religions.

There are many endogenous religions in Vietnam, two of them having the longest history are Caodaism and Hoa Hao Buddhism. On 7 October 1926, a group of 28 Vietnamese representing 247 believers signed the “Declaration of the Founding of the Cao Dai Religion” and sent it to the French Governor of Cochinchina. In the middle of November 1926, the first disciples of the Cao Dai religion organized their inauguration ceremony and officially declared the foundation of the Cao Dai religion. Hoa Hao Buddhism first appeared when World War II was about to start. The ceremony for the founding of Hoa Hao Buddhism was conducted on 4 July 1939 [3]. Following Vietnamese immigrants, sects of these religions were present in other countries.

2.2.1. The modern nature of international relations of religious organizations

Modernity is governed by two typical causes.

Firstly, Vietnam’s fourth cultural encounter with global culture is taking place, in which religion is a vital bridge. Vietnamese culture is exchanged and developed through many state policies. According to [4], religious foreign policies have made a positive contribution to the implementation of Vietnam’s open foreign policy in the renovation and international integration process in the spirit of “Vietnam is a friend and reliable partner of countries in the international community, striving for peace, independence, and development.” For instance, in May 2008, the United Nations Day of Vesak (VESAK) took place in Vietnam with the participation of 4,000 international and domestic delegates from 74 countries and territories. In 2012, the 10th Asian Conference of The Federation of Asian Bishops’ Conferences (FABC) and the FABC 40th Anniversary Ceremony took place. These are major prestigious religious activities in the world, contributing to helping international friends understand Vietnamese religious life, Vietnamese culture, policies on freedom of belief and religion in Vietnam.

International relations activities of religious organizations in Vietnam support the consolidation and development of

friendship and cooperation between religious organizations in Vietnam and religious organizations in the world, as a bridge for the expansion of friendly and cooperative relations between the State and people of Vietnam with other countries and peoples in the world. Religion also proves its pervasive power in the age of globalization. Thomas asserted: “The global resurgence of religion is the growing saliency and persuasiveness of religion, i.e., the increasing importance of religious beliefs, practices, and discourses in personal and public life, and the growing role of religious or religiously-related individuals, non-state groups, political parties, and communities, and organizations in domestic politics and this is occurring in ways that have significant implications for international politics.” [5]

Secondly, policies of foreign religious organizations and visions of domestic religious organizations.

At present, high-level religious organizations maintain and strengthen their ties with subordinate religious organizations in countries. At the same time, domestic religious organizations also want to study and exchange to develop, so the closer to the prestigious organizations in the same religion is made more evident. Therefore, the trend of increasing international relations activities is understandable.

This leads to the diversity of international relations of religious organizations in modern times. In a recent statistic [1], international relations of religious organizations are generalized as follows: Purely religious activities (visits and participation in workshops and international and regional conferences on religious doctrines, rites, regulations, theological studies); Social activities of religious individuals and organizations (social activities, charitable activities, cultural activities, and participation at international conferences concerning peace, development, social progress, anti-war, combating poverty, fighting AIDs); The organization of domestic workshops, conferences on religion with the participation of dignitaries and researchers on religion.

2.2. The Content Characteristics of the Regulation in Vietnamese Legislation

2.2.1. The approach to the problem in Vietnamese law

Although it asserts that the legal regulation of the religious organization’s international relations is reasonable in the secular state, the focus is on answering the questions of what to regulate and how to make such regulation.

In the fundamental legal document on regulating state-confessional relations in Vietnam in 1955, the idea of the adjustment of foreign-related relations of religious organizations was expressed, albeit in a minimal range. It stated, “Foreign monks who are allowed by the Government of the Democratic Republic of Vietnam are taught as Vietnamese monks and must obey the laws of the

Democratic Republic of Vietnam, such as other foreigners.” [6]

After a long process of recognition of the legal status of religious organizations, up to now, Vietnamese law [7] has emphasised on regulating the following matters: Collective religious practice of foreigners lawfully residing in Vietnam; Religious activities and religion-related international relation activities of foreign organizations and individuals in Vietnam; Foreigners studying at religious training institutions in Vietnam; Participation in overseas religious activities and religious training activities; Ordainment, appointment, and election involving foreign elements; International relation activities of religious organizations, dependent religious organizations, dignitaries, religious officers, clergypersons and believers; Joining foreign religious organizations. The above seven issues are considered by Vietnamese law to be “religious activities involving foreign elements.”

Thus, in general, the approach of Vietnamese law when adjusting the issue of the international relations of religious organizations in Vietnam revolves around the two-dimensional issue:

The first, inviting a foreign organization or individual to Vietnam to carry out religious activities.

One of the invited reasons is the matter of conferences, set out in Article 44 of the law 2016 [7] – “Conferences of religious organizations and dependent religious organizations”: A religious organization or dependent one that wishes to organize an inter-religious or a foreign-related conference shall send a written request to the central state management agency in charge of belief and religion. A written request must specify the name of the organization, reason for organization; expected participants and number of participants; and content, program, time, and venue of the conference.

The second, “Religious officers and clergypersons participate in overseas religious or religious training activities” and “Joining foreign religious organizations.”

In the two-way process, it gives rise to foreigners working in Vietnam for religious purposes. Furthermore, according to the basic logic, the activities of these foreigners must ensure the legitimacy of the idea from the beginning in Presidential Decree No. 234 in 1955 on religious issues.

Another arising in international relations is the property relationship; however, the law also clearly states that this is the right of a religious organization: “To receive lawful assets voluntarily donated by organizations and individuals at home and abroad.” [7]

2.2.2. The mechanism of regulation

Currently, the management mechanism is of the type “Register - approve” or “Request - approve.” The party “registering,” “requesting,” is a religious organization, and the “approving” party is a competent state agency.

To legalise international relations, Vietnamese religious organizations have the responsibility to send “a dossier of request” with corresponding contents to state agencies according to law. The document is mainly papers proving

the content of relational activities and participants. The law also specifies the time limit for state management agencies to respond to religious organizations. Depending on the extent, geographical scope, and social influence of each international relations activity, a competent state agency at the appropriate level will issue documents named “approve” or “disapprove” (attach reason). Deadlines are usually set to 30 or 45 days. With this moderation, all international relations activities and adjustments to them are made public.

2.2.3. The positive reviews of legal regulations

Vietnamese law recognizes the international relations activities of religious organizations and makes adjustments to ensure the freedom of belief and religion. This is also compatible with the “non-commercial” legal status of a religious organization stated by Vietnamese law [7]. With the current regulations, the rights of religious organizations and the responsibilities of the State for guaranteeing the right to freedom of belief and religion are basically conducted. The provisions of Law 2016 [7] have shown certain progress. For example, to avoid individuals impersonating foreign religious dignitaries, the Law 2016 stipulates the composition of additional documents “A document proving the religious title of the invited person” or the recognition that “a religious organization in Vietnam may join a foreign religious organization.” All the improvements in legal regulations of the religious organization’s international relations are closely related to the trends in Vietnamese law on belief and religion as “promoting religious activities that contribute to social development” and “building a harmonious relationship between the state and religion” [8].

2.3. Valuable References for Vietnam in the Process of this Regulation

Firstly, the points need to be further improved in Vietnamese law on international relations of religious organizations.

In the trend of administrative reform, the issue of the time-limit for replies to “a dossier of request” and simplification of procedures are essential contents. Consequently, the effectiveness of management can be increased, and the guarantee of the rights of religious organizations, as well as the increased responsibilities of management agencies, are shown more specifically. Regarding tech legislative affairs, the provisions on religious organizations’ international relations are still fragmented, so there is a need to gather to make them more well-defined. Besides, the purpose of the regulation and the interpretation of “disapproved” cases need to be clarified in detail. The general tendency of the regulation of religious organizations’ international relations is to put these organizations under the management and protection of the state. The Vietnamese state creates favourable conditions

for delegations, individuals of Vietnamese religious organizations to go abroad and delegations, individuals of foreign religious organizations to enter and operate in Vietnam. These have met the legitimate aspirations of religious organizations and believers. This also reflects the consistent policy of Vietnam on the freedom of belief and religion and the right to practice people's religious activities under the Vietnamese Constitution and laws.

Secondly, the necessity to elucidate the purpose in the adjustment decisions.

Each management and adjustment decision of a competent state agency on international relations of religious organizations must be based on the law. However, the purpose of these regulations needs to be focused first. To rationalise the regulations, a broader consideration should be paid more attention to:

- The roles of religion in both exacerbating and resolving international conflicts.
- Religion, international conflict, and international order.
- How religion can affect the formulation of underlying foreign policy considerations and policies of states.
- Various ways in which transnational religious actors can challenge or undermine state sovereignty.

Thirdly, remarkable provisions in the laws of other countries.

Russian Federal Law on the freedom of conscience and religious associations contains a way of refocusing all the state's legal adjustments to religious affairs' international relations. Only by an article, the regulation contents of the state can be conceived. Article 20 - International Links and Contacts – stated: Religious organizations have the right to establish and maintain international links and contacts, including those for the goals of pilgrimages, participation in meetings and other undertakings, for receiving religious education, and also they have the right to invite foreign citizens for these purposes. Religious organizations have the exclusive right to invite foreign citizens for professional purposes, including preaching and religious activity in the said organizations in accordance with federal laws [9]. Although the strengthening of international relations of religious organizations is necessary, the notes in this process are entirely grounded. In concern with this regard, Chinese law has mentioned the following: “Religious bodies, sites for religious activities and religious affairs are not subject to any foreign domination” [10].

3. CONCLUSION

International relations of religious organizations in Vietnam are historical and epochal. The existence of these relationships contributes positively to Vietnam in the process of international integration. The legal regulation of the international relations of religious organizations in Vietnam focuses on a two-way process. This adjustment is the typical and civilized behaviour of the state in the process of regulating society and ensuring freedom of belief and religion. Although this regulation is necessary and useful, valuable references from countries still need to

be emphasised on the process of improving and finalizing Vietnamese law the next time

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