

Vietnam Independent Civil Society
Network (VICSN) National Process for
ASEAN Civil Society Conference / ASEAN
People's Forum (ACSC/APF)

TERMS OF REFERENCE

(English Version)

January 10th, 2016

INTRODUCTION& OBJECTIVES

1. These Terms of Reference (ToR) are agreed upon by the signatories, a network of independent Vietnamese civil society organizations, and officially establish the Vietnamese National Process for the ASEAN Civil Society Conference and ASEAN People's Forum (ACSC/APF), one that is truly inclusive, grassroots by nature, and independent from government interference.
2. Historically, most notably in 2014, many of the signatories have collaborated with one another and regional allies to engage in ACSC/APF processes. The ToR formalizes and strengthens this effort and expands on coordination already taking place.
3. The ToR formally establishes this National Process so as to create safe space for independent civil society organizations to determine how they will partake in ACSC/APF without interference from the government, either directly or indirectly via government-organized NGOs (GONGOs).
4. The ToR explicitly contests the legitimacy of the Vietnamese government-established organizations' current "National Process" to speak for and decide on behalf of Vietnamese civil society. This objection is on the grounds that the current process is biased, exclusionary, undemocratic, non-transparent, non-representative, and under government control and that it fails to comply with the ACSC/APF's binding Guiding Principles and Engagement Modality [See Annex A], the result of which has been the exclusion of genuine CSOs from ACSC/APF for the past ten years.
5. The ToR invites the participation of GONGOs and, in case they decline to participate, respects their decision to opt for their own separate national process.
6. The ToR sets forth a National Process that builds upon the Guiding Principles and Engagement Modality with an additional binding commitment to Core Values and Principles.
7. The terms of this document may be amended as needed through procedures agreed upon and outlined in the ToR.
8. The original members of the Vietnam Independent Civil Society Network (VICSN) that agree to this National Process include:
 - a. Vietnamese Women for Human Rights (VNWHR)
 - b. Con Dau Parishioners Association
 - c. Bach Dang Giang Foundation

- d. Popular Council of Cao Dai Religion
- e. Vietnamese Prisoners of Conscience
- f. Vietnamese Political And Religious Prisoners Friendship Association (VPRPFA)

CORE VALUES AND PRINCIPLES

1. All signatories of the VICSN National Process commit to upholding in means and striving in ends toward the fulfillment of universal human rights and dignity for all people.
2. In doing so, all signatories joining the VICSN National Process commit to International Human Rights Standards for Vietnam and ASEAN as enshrined in the Universal Declaration of Human Rights and all United Nations Treaties.
3. All signatories explicitly agree to uphold the ACSC/APF Guiding Principles and Engagement Modality in our own National Process and in the ACSC/APF as a whole.
4. In line with and expanding on the aforementioned commitments and in light of our specific circumstances, all signatories also make the following added specific commitments:
 - a. We reassert that human rights are universal. We reject “the ASEAN-way” narrative used to justify the denial of our inherent rights, including freedom of expression, association, and religion or belief as well as the right to democracy.
 - b. We continually call for the release of all political and religious prisoners in Vietnam and throughout ASEAN.
 - c. We call for no more enforced political disappearances in ASEAN. We commit to ask continually “where is Sombath Somphone?” until there are answers. (Sombath Somphone is the prominent member of Lao civil society who was abducted by Lao government in 2012).
 - d. We affirm that successful registration with the government is not a prerequisite or requirement to join a national process. We particularly reach out to and welcome unregistered groups and groups denied legal status, and we explicitly defend their right to participate in ACSC/APF.
 - e. We commit to a national process free of government control and interference and work in solidarity with civil society in all ASEAN countries toward the realization of this goal.

- f. We reject international travel bans and restrictions of movement placed on civil society advocates in Vietnam and ASEAN.
- g. In the spirit of mutual support and solidarity, we commit to supporting human rights-based causes beyond our immediate issues.

ROLES AND RESPONSIBILITIES

1. Upholding the Commitment to Core Values and Principles: In addition to upholding the above mentioned Core Values and Principles, all participants of the VICSN National Process will make their best efforts to disseminate the joint declaration of ACSC/APF and promote its recommendations as widely as possible among Vietnam's society. All participants also pledge to denounce publicly and forcefully any attempts by government to interfere with this National Process, including its use of harassment, threats, travel bans, arrest, or detention.
2. Equality of all member organizations: There are no leadership bodies in this National Process. All member organizations will have an equal footing, and decisions will be made democratically. The Secretariat plays a coordinating role and consults with all VICSN members on all executive decisions.
3. Establishment of Network Secretariat: A Secretariat has been established to facilitate coordination of activities within the network and English language communications outside the network. It is agreed that the interim Secretariat includes Vietnamese Women for Human Rights, Vietnamese Political and Religious Prisoners Friendship Association, Vietnamese Prisoners of Conscience, and Popular Council of Cao Dai Religion. The interim Secretariat will convene a meeting of members no later than the end of January 2016 to select the formal Secretariat. This Secretariat will serve a term of two years.
4. Access: To ensure maximum opportunities for all VICSN members to participate in the National Process, we will use information and communication technologies (ICT) to conduct meetings, collect votes, and prepare for participation in ACSC/APF.
5. Risk Mitigation: Individual participants may use aliases instead of their real names. The Secretariat will work closely with ASEAN counterparts to mobilize regional and international interventions for individuals who may be targeted by the government due to their participation in the National Process.

MEMBERSHIP / JOINING THE NATIONAL PROCESS

1. In the spirit of inclusiveness, the VICSN National Process does not exclude any participants, including GONGOs, as long as they abide by this ToR.
2. Member organizations must:
 - a. Be willing and able to operate without government interference; and
 - b. Publicly sign a statement committing themselves to upholding this ToR.
2. Only organizations that are based in Vietnam may join the VICSN National Process. A local branch or affiliate of an organization that is based outside of Vietnam is not eligible for membership.
3. All political groups and parties, and organizations affiliated with such groups and parties, are excluded from the VICSN National Process.

REPRESENTATION

National Delegation to attend ACSC/APF: Through the VICSN National Process, civil society organizations will designate individuals to serve on the National Delegation which participates in ACSC/APF. The Chair and Co-chair of the Secretariat are automatically members of the National Delegation and serve as National Delegation Chair and Co-chair.

Regional Steering Committee (RSC): Members of the National Delegation decide among themselves which delegation members are to serve on the ACSC/APF Steering Committee and in which capacity. The Secretariat Chair shall notify RSC of such appointments.

Substitutes: Taking into consideration the possibility that some delegation members may face a travel ban imposed by the government, the National Delegation may designate substitutes to attend ACSC/APF consultation meetings. For verification purposes, the Secretariat Chair shall formally notify RSC of such substitutes prior to the meeting.

VOTING

1. All VICSN National Process members have equal voting right and their votes count evenly.
2. The Chair of the Secretariat has the tie-breaking vote for use only when votes by members result in a tie.
3. Only active members may vote.

MEETINGS& COMMUNICATIONS

1. The Secretariat will hold monthly meetings, which are open to all VICSN members. Meeting minutes will be sent out to all members, including those who did not attend the meeting. They will also be posted on the VICSN National Process's website at least seven days before the next meeting.
2. Members may participate in meetings in person or remotely.
3. On substantive matters, the Secretariat will give at least seven days for all members to send in their votes. Substantive matters are those that affect the ToR or its implementation.

DISPUTE RESOLUTION

1. In cases of major disputes among participants or between a participant and the Secretariat, the Secretariat will solicit the input of all concerned parties and form a Working Group composed of three to five members that are independent from all concerned parties. The Secretariat will review the Working Group's recommendations and put them to a vote by all VICSN members.
2. In cases of minor disputes, the Secretariat will follow the same procedure but without seeking a vote by all VICSN members. The Working Group's recommendations would be accepted.
3. Major disputes are those that would halt or delay the National Process if left unresolved.
4. Changes to this ToR will require 2/3 majority of votes of members.

Agreed to on January 10th, 2016

Vietnam Independent Civil Society Network (VICSN)

1. Vietnamese Women for Human Rights (VNWHR)
2. Con Dau Parishioners Association
3. Bach Dang Giang Foundation
4. Popular Council of Cao Dai Religion
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English translation provided by Boat People SOS

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**VIETNAM INDEPENDENT CIVIL SOCIETY NETWORK (VICSN)
NATIONAL PROCESS**

MEMBERSHIP APPLICATION

Organization: _____

Address: _____

Email: _____ Tel: _____

We hereby affirm our wish to participate in the VICSN National Process, and our commitment to its Terms of Reference.

Representing the Organization:

Name:

Title: _____

Date: _____

Witness:

Name:

Title: _____

Date: _____