

**THE NATIONAL  
ASSEMBLY**

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Law No. 22/2018/QH14

**THE SOCIALIST REPUBLIC OF VIETNAM  
Independence - Freedom - Happiness**

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*Hanoi, June 8, 2018*

**LAW ON NATIONAL DEFENCE**

*Pursuant to the Constitution of the Socialist Republic of Vietnam;*

*The National Assembly hereby issues the Law on National Defence.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope**

This Law provides for basic national defence principles, policies and activities; state of war, state of national defence emergency, martial law and curfew; people's armed forces; national defence assurance; duties and powers of regulatory entities and organizations; rights and obligations of citizens regarding national defence.

**Article 2. Interpretation**

For the purposes of this Circular, terms used herein shall be construed as follows:

1. *National defence* means the defense of the nation with the combined strength of the whole nation in which the military power is characteristic, the people's armed forces are the core.
2. *National defence potentiality* means the domestic and foreign human, physical, financial and spiritual capabilities that may be mobilized for performance of national defense tasks.
3. *Military* means a special activity of the society in the building of armed or armed combat forces of which the People's Army is designated as the core.
4. *People's war* means an all-people and total war in which the people's armed forces play the core role in safeguarding independence, sovereignty, unity and territorial integrity of the Homeland and protecting the People and the Party, the State and the socialism.
5. *All-people national defence posture* means organization and disposition of the national defence forces and potentialities throughout the territory in conformity with an integrated strategic intent which is in line with the strategy to succeed in preventing and dealing with any hostile plots and acts, and to be ready to shift the country from peacetime to wartime.

6. *Homeland defense* means a combination of organization, preparation and practice of political, spiritual, economic, cultural, social, scientific, technological, military, security and foreign affairs to safeguard the Homeland.

7. *Aggression* means an act against independence, sovereignty, unity and territorial integrity of the Homeland by using armed forces or other means in breach of Vietnamese and international laws.

8. *Information war* means a form of warfare, including activities and measures to disable the enemy's information system and protect Vietnam's information system.

9. *State of war* means a country's special social state declared during the period from the time when the aggression of the Homeland occurs to the time when that act of aggression is actually ended.

10. *State of emergency* means a social state of the country where there is a risk of a direct invasion, or an armed aggression or violence occurs but not to the extent of being declared the state of war.

11. *General mobilization* means a measure to mobilize all resources of the country against the aggressive war.

12. *Local mobilization* means a measure to mobilize all resources of one or several localities in the state of national defence emergency.

13. *Disaster* means naturally occurring events or dangerous epidemics spreading on a large scale or catastrophic events caused by human beings or as a result of war, all of which inflicts serious damage on people, property and environment.

### **Article 3. National defence principles**

1. Abide by the Constitution and laws of the Socialist Republic of Vietnam; be placed under the direct, absolute and all-round leadership of the Communist Party of Vietnam, the centralized and unified management of the State.

2. Consider strengthening and development of national defense as a key and regular task, and consolidate the overall strength of the whole nation and the entire political system in which the people's armed forces act as the core.

3. Build the all-people national defense and the all-people national defense posture in association with the people's security and the people's security posture.

4. Combine national defense with socio-economic activities, and socio-economic and national defense activities.

5. Combine national defence with security and external affairs.

#### **Article 4. State policy on national defence**

1. Consolidate and strengthen the all-people national defense and military strength so as to build and firmly protect the Vietnam's socialist Homeland and contribute to the protection of peace in the region and the globe.
2. Exercise independence, sovereignty, unity, territorial integrity on land, islands, at sea and in the airspace; implement the policy of peace and self-defense; use sound and proper measures to prevent, deter, repel and defeat all plots and acts of aggression.
3. Carry out the defense external relation activities in line with the foreign policy of independence, self-control, peace, friendship, cooperation and development; prevent wars in any form; actively and enthusiastically integrate and expand international cooperation, defense dialogue and create an international environment favorable for building and protection of the Homeland; disagree participation in military forces or alliances with one party against the other; refuse to allow foreign entities to establish their military bases or use the territory of Vietnam to attack other countries; repulse threatening or use of force in international relations; settle all disputes and discrepancies by peaceful means on the principle of respect for independence, sovereignty, unity, territorial integrity, non-interference in each other's internal affairs, equality and mutual benefit; comply with the Constitution, the laws of Vietnam and related international treaties of which the Socialist Republic of Vietnam is a member.
4. Mobilize resources of domestic agencies, organizations and individuals for the performance of national defense tasks.
5. Encourage and create favorable conditions for agencies, organizations and individuals to provide material, financial and spiritual support to national defense on the principle of voluntariness, not infringing Vietnamese laws and conforming to international law.
6. Develop science and technology to build all people's national defense, the people's armed forces, the national defense and security industry to meet requirements of the task of building and defending the Homeland.
7. The State shall adopt preferential policies for agencies, organizations and individuals in the performance of defense tasks; issue particular policies for the border areas, on offshore islands, strategic and key regions and geographical areas that play crucial national defense roles.
8. The State shall recognize meritorious work and commends agencies, organizations and individuals that have made outstanding achievements in the performance of national defense tasks.

#### **Article 5. Citizen's national defence rights and obligations**

1. Protection of the Homeland is the sacred duty and the noble right of each citizen.

2. Citizens shall have the duty to be loyal to the Homeland; perform military service; have obligations to join the militia and self-defense force, to build all people's national defense; submit to measures of the State and competent persons in the performance of national defense tasks under the provisions of this Law and other relevant laws.

3. Citizens shall have access to propaganda and dissemination of the guidelines and viewpoints of the Communist Party of Vietnam, the State's policies and laws on national defense; national defense and security education; training in knowledge and skills in civil defense according to the provisions of law.

4. Citizens serving in the people's armed forces or mobilized for performance of the national defense duty, they and their relatives shall enjoy legally required benefits and policies.

5. All citizens shall be entitled to equal treatment in implementation of the national defence duty.

#### **Article 6. Prohibited acts in the national defence sector**

1. Oppose independence, sovereignty, unity, territorial integrity of the Homeland, the people, the Communist Party of Vietnam, the State, the socialism, the building and safeguarding of the Homeland.

2. Establish, participate in and sponsor armed organizations in contravention of law.

3. Mobilize and use people, weapons, explosives, support tools, equipment, and other means to carry out armed activities without obtaining orders or decisions of competent authorities or not in the approved training, drill and combat preparedness plans.

4. Fight against or hinder agencies, organizations and individuals while they are performing their national defense tasks

5. Make use of or abuse the performance of national defense tasks to infringe upon the national interests or legitimate rights and interests of agencies, organizations or individuals.

6. Practice the sex discrimination in the performance of national defense tasks.

### **Chapter II**

#### **BASIC NATIONAL DEFENCE ACTIVITIES**

##### **Article 7. All-people national defence**

1. The all-people national defense is the national defense strength of the country, built on the political, spiritual, human, material and financial foundation of the people, and having the characteristics of all-people, comprehensiveness, independence, self-reliance and self-support.

2. Basic tasks of building the all-people national defence shall encompass the followings:

- a) Formulate the Homeland protection strategy, Homeland defence plan; research and develop Vietnamese military art; build all people's great solidarity and the strong political system;
- b) Build up the national defence strength and potentiality; build up the people's armed forces which are strong, have high fighting force and are designated as the core in performing the task of protecting the Homeland;
- c) Build material and technical facilities; develop the national defense and security, military science and technology industry; mobilize the scientific and technological potentials of the State and people to serve national defense requirements; apply appropriate scientific and technological achievements to the construction of the country;
- d) Formulate and organize the implementation of the plan to meet the national reserve requirements for national defense; provide necessary conditions to ensure national defence mobilization;
- dd) Build the military region-based defence and solid and comprehensive defense zones which form the nation's defense; consolidate and strengthen the national defense and security potentialities in key and strategic areas, at sea, on islands, and in border and other important areas; build the all-people national defense posture in association with the people's security posture across the nation;
- e) Formulate and organize the implementation of plans and measures to deal with information war and cyberwar;
- g) Formulate and organize the implementation of civil defense plans and measures throughout the nation;
- h) Perform defence external relation activities;
- i) Combine national defense with socio-economic activities, and socio-economic and national defense activities; combine national defense with security and external relations;
- k) Formulate and ensure regimes and policies for the people's armed forces and relatives of those serving in the people's armed forces;
- l) Propagate and disseminate the guidelines and viewpoints of the Communist Party of Vietnam, the State's policies and laws on national defense; provide national defense and security education.

## **Article 8. Military region defence**

1. Military region defence is an integral part of the nation's defense, including such activities as building strength, defense potentialities, all-people national defense posture and defense zones to perform national defense tasks within the military region.

2. Military region defence tasks shall be comprised of the followings:

a) Plan, prepare and implement military region defense activities;

b) Build affiliates and units of the strong and comprehensive military zone with high combat capability, and the militia and self-defense forces in a military region which are strong and widespread;

c) Plan, direct and guide the affiliates and units of the military region; collaborate with the concerned agencies, organizations, units and localities in the implementation of civil defense activities and measures regarding information warfare and cyberwarfare;

d) Direct, guide and cooperate in the construction of defense zones in an interconnected, firm and comprehensive and all-inclusive pattern; build the all-people national defense and the all-people national defense posture associated with the people's security and security posture in a military region;

dd) Direct, guide and cooperate with localities in combining socio-economic development with national defense and, vice versa, national defense with socio-economic development, in working out planning schemes, plans and projects and taking part in the assessment within their competence; combine national defense with security and foreign relation affairs; participate in the building and development of national defense and security industry; build and manage the designated economic-defense zones; provide national defense and security education; propagate and disseminate the law on national defense; formulate and implement national defense mobilization plans; adopt military logistics policies and preferential policies for people with meritorious services to the revolution in a military region;

e) Cooperate with affiliates and subsidiaries of the Ministry of Defense, localities and concerned agencies and organizations in performing the State management over national borders; maintain security, social order and safety in the boundary areas, border gates, on islands, territorial sea and in the airspace of the Socialist Republic of Vietnam in a military region; perform defense foreign relation activities;

g) Cooperate with localities, relevant agencies and organizations in directing and guiding affiliates and subsidiary units of a military region to participate in building the political system, all people's great solidarity and making them become strong and all-round;

h) Cooperate with affiliates and subsidiary units of the People's Police and other forces in the protection of national security and maintenance of social order and safety, and prevention and control of crimes;

i) Perform other tasks assigned by the Government, the Prime Minister and the Minister of National Defence.

3. The Government shall regulate the direction, command, cooperative relationship, maintenance of, and responsibilities of agencies and organizations for, military region defense.

## **Article 9. Defence zone**

1. The defense zone is an integral part of the military region defense, including political, spiritual, economic, cultural, social, scientific, technological, military, security and external activities; is organized by provinces, districts, and special administrative-economic units with commune-level construction works used as the foundation for protecting a locality.

2. Duties of a defence zone shall include the followings:

a) Formulate and organize the implementation of defense zone plans;

b) Build political, spiritual, economic, cultural, social, scientific and technological, military, security and external relation potentialities; build the all-people national defense, the all-people national defense posture in association with the people's security and the people's security posture;

c) Build up a strong and comprehensive local armed force with high combat capabilities which can play a pivotal role in performing national defense, military and security tasks;

d) Firmly grasp the situation, take measures to prevent, fight and defeat all plots, anti-demolition activities of hostile forces, protect national security and ensure social order and safety, prevent and fight crimes, create favorable environment for socio-economic development; fight for protection of the localities, create the position and power of the regular troops in combat in the area; get ready to send necessary manpower and materials to other localities;

dd) Plan, direct and guide the affiliates and units in the area; collaborate with the concerned agencies, organizations, units and localities in the implementation of civil defense activities and measures regarding information warfare and cyberwarfare;

e) Make inclusive preparations, execute orders, decisions and measures in the state of curfew, martial law, state of national defense emergency, state of war, local mobilization, general mobilization, and meet combat requirements and serve long-term fighting requirements at localities; be willing to arm all people to safeguard the Homeland;

g) Implement military logistics policies and preferential policies for persons rendering meritorious revolutionary services;

h) Perform other tasks assigned by competent authorities.

3. The defense zone of Hanoi capital is an integral part of the Homeland defense, carrying out the duties stipulated in clause 2 of this Article, and establishing units and affiliates of regular troops of the Capital High Command which are strongly comprehensive and have high combat capabilities.

4. The Government shall regulate the direction, command, cooperative relationship, maintenance of, and responsibilities of agencies and organizations for, defense zones.

## **Article 10. National defence and security education**

1. National defense and security education shall be carried out nationwide with contents, forms and methods appropriate for each receiver of such education.
2. Tasks of national defence and security education shall include the followings:
  - a) Provide national defense and security education for pupils, students and learners at educational establishments of state agencies, political organizations, socio-political organizations and those belonging to the national education system;
  - b) Provide training in national defense and security knowledge for trainees in the State agencies and organizations, political organizations, socio-political organizations, managers of non-public sector enterprises, non-state public service enterprises, typical individuals and renowned persons in the community;
  - c) Spread national defence and security knowledge amongst the population.
3. National defense and security education shall be subject to the provisions of the Law on National Defense and Security Education and other relevant laws.

## **Article 11. Defence mobilization**

1. Defence mobilization is a combination of activities and measures to mobilize all resources of the nation or a number of localities for national defense and Homeland defense activities.
2. Tasks of defence mobilization shall include the followings:
  - a) Mobilize all resources of the national economy to ensure national defense;
  - b) Mobilize resources to meet the defense needs in the first year of war;
  - c) Build and mobilize the reserve force; build and expand the militia and self-defense force;
  - d) Carry out industrial mobilization;
  - dd) Shift the organization and operation of ministries, central sectoral administrations and localities from peacetime to wartime;
  - e) Fulfill other duties regulated by relevant laws.
3. Formulation of national defence mobilization plans and measures shall be subject to the Government's regulations.

## **Article 12. National defence and security industry**



1. National defense and security industry is an integral part of the national industry, an important part of the real power and potentiality of the national defense and security, and is a particular discipline tasked with research, development, production, repair, improvement, modernization of weapons, equipment, supplies, technical equipment and other products serving national defense and security demands to ensure furnishment of equipment for the people's armed forces.

2. The State shall have particular policies and mechanisms to build the national defense and security industry following the direction of dual-use, and becoming key in the national industry; enhance the potentials and take full advantage of and develop the linkage between the national defense industry, security and the industry serving the people's life; mobilize to the utmost the achievements of the national industry serving the national defense and security industry's needs; make key investments in weapons and high technology equipment; promote the internal strength and expand international cooperation.

3. The Government shall direct the formulation of planning schemes, plans and projects for development of the national defense and security industry to meet the requirements and tasks of the people's armed forces and of the building and protection of the Homeland.

4. Principles, policies, tasks, operational organization, planning, plans, resources, responsibilities and powers of agencies and organizations shall be subject to the provisions of legislation on the national defense and security industry, and other relevant provisions of law.

### **Article 13. Civil defence**

1. Civil defense is an integral part of the Homeland defense, including measures to prevent and repulse the dangers of war; prevent, repulse and mitigate the consequences of disasters, incidents, natural calamities and epidemics; protect the people, agencies, organizations and the national economy.

2. Tasks of the civil defence shall include the followings:

a) Formulate civil defense mechanisms and plans;

b) Implement propaganda, educational, training, drilling and practice programs;

a) Build a system of civil defence facilities;

d) Set up a system for receiving, processing information, studying forecasts, warnings, notifications and alerts;

dd) Implement civil defence measures.

3. The civil defence force shall be composed of the followings:

a) The core force including the militia and self-defense force; Police of communes, wards and townships; the full-time or part-time units of the People's Army, the People's Police and other ministries and branches at the central or local level;

b) The widespread force joined by the people.

4. The Government shall issue specific regulations of this Article.

#### **Article 14. Defense foreign relation affair**

1. Defense foreign relation affair shall aim to implement the Communist Party's and State's guidelines and policies in order to promote the nation's combined strengths for building and protection of the Homeland, contributing to ensuring peace and national independence, democracy and social progress in the world.

2. Tasks of the defence foreign relation affair shall include the followings:

a) Establish and develop defense relations with sovereign states and international organizations;

b) Build and expand friendship and international cooperation; conduct defence dialogues; build and consolidate mutual understanding, trust and solidarity between the Vietnam People's Army and the armies of other countries in the world;

c) Participate in the establishment and implementation of bilateral, multilateral, regional, inter-regional and global defense mechanisms for the purpose of peace, stability and development;

d) Carry communication on defence foreign relations.

3. Principles, contents and forms of defense foreign relations as well as the responsibilities and powers of agencies and organizations shall comply with the provisions of law.

#### **Article 15. Combination of the national defense with socio-economic development activities, and of socio-economic development activities with the national defense**

1. The combination of the national defence with socio-economic development activities, and vice versa, means the connection between all national defence activities and those in different socio-economic industries and sectors under the uniform state management and administration with the aim of contributing to consolidating and strengthening national defence and socio-economic development.

2. Tasks of the combination of the national defense with socio-economic development activities, and of socio-economic development activities with the national defense, shall include the followings:

a) The State shall work out plans and programs for combining the national defense with socio-economic development activities, and of socio-economic development activities with the

national defense, in line with the socio-economic development and Homeland defense strategy over periods of time;

b) Socio-economic development strategies, planning schemes, plans and projects of ministries, sectoral administrations, regions and localities, important national projects, border regions, islands and strategic areas must be combined with the national defense, and must be in line with the Homeland defense strategy;

c) The Ministry of National Defense shall assume the prime responsibility for, and coordinate with concerned agencies and organizations in, working out plans regarding national defense demands and the capability to combine the national defense with socio-economic development activities in peace time, the state of defence emergency and the state of war; organize and build economic-defense zones; organize and manage the operations of defense service enterprises and military units assigned to perform economic tasks in combination with national defense activities under the provisions of law and in line with the tasks of building and protecting the nation;

d) Ministries, sectoral administrations and localities must, upon formulating strategies, planning schemes, plans and projects, receive consultations from and apply for assessments by the Ministry of National Defense according to the provisions of the Planning Law and the Investment Law and other relevant provisions of law;

dd) Agencies, organizations and individuals must, when carrying out production, business and investment activities as well as scientific and technological research and application, comply with the requirements concerning the combination of socio-economic development activities with national defence maintenance as required by relevant laws;

e) A number of investment projects to be built in key defense areas must be of dual use and ready to be transformed to satisfy national defense demands.

3. The Government shall issue specific regulations of this Article.

#### **Article 16. National defence tasks of ministries, central sectoral administrations and local authorities**

1. National defense tasks of ministries, central sectoral administrations and local authorities are the tasks of leading, directing, managing and administering and organizing the performance of defense tasks within their competence.

2. Ministries and central sectoral administrations shall establish the military steering committee working under the part-time employment regime in order to perform national defence tasks.

3. Localities must have the national defence standing body which is the local military organ at the same level.

4. The Government shall issue specific regulations of this Article.

## **Chapter III**

### **STATE OF WAR, STATE OF NATIONAL DEFENCE EMERGENCY, MARTIAL LAW AND CURFEW**

#### **Article 17. Declaration, announcement and abolishment of the state of war**

1. When the nation is invaded, the National Assembly shall make a decision on state of war.

When the act of aggression is terminated in reality, the National Assembly decides to abolish the state of war.

2. In cases where the National Assembly is unable to convene a meeting, the National Assembly Standing Committee shall decide whether the state of war is declared and report to the National Assembly to seek its decision in its nearest session.

3. Pursuant to the Resolution of the National Assembly or the National Assembly Standing Committee, the State President shall declare and abolish the decision on declaration of state of war.

#### **Article 18. Promulgation, announcement and abolishment of the state of national defence emergency**

1. When a defense emergency occurs, the National Assembly Standing Committee shall decide to declare the state of national defense emergency throughout the nation or in each locality upon the request of the Prime Minister.

When a defense emergency no longer exists, the National Assembly Standing Committee shall decide to abolish the state of national defense emergency upon the request of the Prime Minister.

2. Pursuant to the Resolution of the National Assembly Standing Committee, the State President shall issue the decision on promulgation and abolishment of the state of national defence emergency throughout the nation and in each locality.

In cases where the National Assembly Standing Committee fails to convene a meeting, the State President shall promulgate and abolish the state of national defense emergency throughout the nation or in each locality upon the request of the Prime Minister.

3. The Government shall regulate enforcement of the decision on promulgation, announcement and abolishment of the state of national defence emergency.

#### **Article 19. General mobilization and local mobilization**

1. When there is a decision to declare the state of war or to declare a state of national defense emergency, the National Assembly Standing Committee shall consider and decide the general mobilization or local mobilization.

2. Based on the resolution of the National Assembly Standing Committee, the State President shall issue the order for general or local mobilization.

3. The general mobilization order shall be promulgated nationwide; carry out the entire defense plan; shift from the socio-economic activities of the nation to assurance of implementing the combat missions, meeting combat demands and satisfying defense needs in the state of war.

When performing the general mobilization order, the People's Army and the militia and self-defense force shall be shifted to a state of readiness to fight and expand the militia and self-defense force as prescribed by the Minister of National Defense, shall be provided with logistic and technical equipment; meanwhile, the people's army shall be provided with more reserve military personnel.

4. The local mobilization order shall be promulgated in one or several localities and applied to concerned agencies, organizations and individuals for the implementation of national defense mobilization plans; shift from the socio-economic activities of the locality subject to mobilization to assurance of implementation of the combat missions, readiness to fight and national defense needs.

When executing the local mobilization order, the Minister of National Defence shall command several units of the People's Army and the militia and self-defense force to shift to the proper state of readiness to fight and provide logistic and technical equipment and reserve military personnel for several units of the People's Army, and explain the militia and self-defence force at localities receiving the local mobilization order.

5. When there is neither the state of war nor the state of national defense emergency, the National Assembly Standing Committee shall decide whether the general mobilization or local mobilization is abolished.

6. Based on the resolution of the National Assembly Standing Committee, the State President shall issue the order for the general or local mobilization.

#### **Article 20. Powers of the Minister of National Defence in the state of war and state of national defence emergency**

1. Pursuant to the decision to declare the state of war or the decision on the proclamation of the state of national defense emergency, the general or local mobilization order, the Minister of National Defense may issue special orders to ensure implementation of combat missions at combat zones.

2. The heads of local authorities, agencies and organizations where hostilities occur must obey the special orders of the Minister of National Defense.

#### **Article 21. Martial law**

1. Martial law is a definite-term special state management measure implemented by the Army.

2. When the political security, social order and safety in one or several localities are so seriously violated that their competent authorities have no longer taken control of the situation, the State President shall issue the martial law order upon the request of the Government.

3. The martial law order must specify the province, district, commune level, special administrative-economic unit subject to the martial law, measures and effect; define the tasks and powers of agencies, organizations and individuals; set the social order rules that are necessary in the locality subject to the martial law, and are regularly published on the mass media.

4. Pursuant to the State President's order on martial law, the Prime Minister's decision on the implementation of the martial law order, the Minister of National Defense shall direct and command affiliated units of the People's Army and the Militia and self-defence force assigned tasks in the locality subject to the martial law to implement measures to enforce the martial law order in accordance with law.

5. During the time of martial law, the state management exercised at the locality subject to the martial law shall be assigned to military units. The commanders of military units assigned to manage the locality subject to the martial law may order the application of special measures prescribed in Clause 6 of this Article and other necessary measures to execute martial law orders, and bear the responsibility for the application of such measures. The commander of the military unit authorized to manage the provincial-level locality subject to the martial law shall be entitled to purchase and requisition any property. Purchase and requisitioning of property shall be subject to provisions set forth in the Law on Purchase and Requisitioning of Property.

6. Special measures applied during the time of martial law shall include:

a) Prohibition or restriction of movement of people and vehicles; suspension or restriction of activities at public places;

b) Ban on all forms of public protests, such as strikes, demonstrations or riots of workers, vendors or students, etc., and protest rallies;

c) Arrest of individuals and organizations causing harms to national defence and security, and compulsion of them to leave or forbidding them from leaving their residence or any specified place;

d) Mobilization of people and vehicles of any entity, organization or person;

dd) Imposition of measures for special management of weapons, explosive materials, military equipment, flammable substances, toxins and radioactive substances; strict control of information technology infrastructure, communications equipment, activities of news agencies, publishers, print and copy shops, and information collection and use.

7. All activities of the locality subject to the martial law must comply with martial law orders and special measures.

8. Criminal proceedings occurring in a locality during the execution of martial law order shall be subject to the provisions of the Criminal Procedure Code.

9. When the political security, social order and safety in the locality subject to the martial law are restored to the previous normal state, the State President shall issue the order for abolishment of the martial law order upon the request of the Government.

10. The Government shall regulate duties and powers of the commanders of military units, agencies, organizations and localities regarding the implementation of the martial law and the order for abolishment of the martial law.

## **Article 22. Curfew**

1. Curfew is a measure to prohibit or restrict people and means of transport from travelling or moving at certain specific hours in certain areas, unless otherwise permitted by the person mandated to organize the implementation of a curfew.

2. A curfew shall be promulgated in the event that the situation of political security, social order and safety in one or a number of localities is complicated and threatens to cause serious instability and is published continuously on the mass media.

3. Authority to issue the curfew order shall be regulated as follows:

a) The Prime Minister shall be accorded authority to issue the curfew order in one or a number of provincial-level localities;

b) The provincial-level People's Committee shall be accorded authority to issue the curfew order in one or a number of district-level localities;

c) The district-level People's Committee shall be accorded authority to issue the curfew order in one or a number of commune-level localities;

d) The People's Committee of the special administrative – economic unit shall be accorded authority to issue the curfew order in one or a number of areas within its jurisdiction.

4. The curfew order must define the followings:

a) Curfew zones;

b) In-charge unit and duties to execute the curfew order;

c) Effective period from commencement to termination of a curfew which shall not exceed 24 hours; Upon expiry of a curfew order, if it is necessary to continue, a new curfew order shall be issued;

d) Tasks and powers of agencies, organizations and individuals in curfew zones;

dd) Necessary social order rules to be observed at curfew zones.

5. Measures applied during the effective period of a curfew shall include:

a) Prohibition of large crowds;

b) Ban on travelling of people, movement of vehicles at certain specific time and in specified areas;

c) Suspension or restriction of activities at public places at certain specified time;

d) Installation of sentry boxes for watchstanding and control of a curfew zone, inspection of items, luggage, vehicles and travel documents of passengers across these boxes;

dd) Prompt arrest and handling of persons and means that violate the curfew order and other provisions of law.

6. The Government shall regulate the order in which a curfew is promulgated; responsibilities and powers of the concerned agencies, organizations, localities in execution of the curfew order.

## **Chapter IV**

### **PEOPLE'S ARMED FORCE**

#### **Article 23. Composition and tasks of the people's armed force**

1. The people's armed force shall be composed of the People's Army, the People's Police and the Militia and self-defense force.

2. People's Armed Forces shall be absolutely loyal to the Homeland, the People, the Communist Party and the State; have the duty to be ready to fight, fight, serve a combat, defend the independence, sovereignty, unity, territorial integrity of the Homeland, national security, social order and safety; protect the people, the Communist Party, the State, the socialist regime and revolutionary achievements; join hands with the people to build the country and carry out international obligations

#### **Article 24. Functional principles and cases of use of the people's armed force**

1. The activities of the people's armed force must comply with the Constitution, laws and treaties to which the Socialist Republic of Vietnam is a contracting party; shall be put under the leadership of the Communist Party of Vietnam, the command of the State President and the unified management of the Government.

2. Cases in which the people's armed force is used shall be prescribed as follows:



- a) In the state of war or the state of national defense emergency, the order of the State President and other relevant provisions of law shall be observed;
- b) Upon exercising the martial law or curfew order, provisions of this Law and other relevant provisions of law shall prevail;
- c) In the state of emergency due to disasters, dangerous epidemics or serious threats to national security and social order and safety, the provisions of laws on emergency state and other relevant provisions of law shall prevail;
- d) Where there is a threat to national security or social order and safety which is not so serious that the state of emergency is promulgated, the provisions of laws on national security and other relevant provisions of law shall prevail;
- dd) On participating in activities contributing to the protection of peace in the region and the world, the decisions of the National Defense and Security Council shall be obeyed;
- e) In case of complicated situations of national security, social order and safety; fighting against crime; participation in the prevention, combat and mitigation of consequences of incidents, natural disasters, epidemics, the use of the armed force shall be regulated by the Government.

## **Article 25. People's army**

1. The people's army is the core of the people's armed forces in the performance of national defense tasks, including the permanent standing force and the reserve force. The permanent standing force of the People's Army shall comprise the regular troop and the local troop.

December 22 is the annual traditional day of the People's Army and the All-people National Defense's Day.

2. The people's army shall have assigned functions and duties to get ready to fight and fight for safeguarding of the Homeland; propagate and disseminate guidelines, advocacies of the Communist Party, policies and laws of the State; engage in labour and production work, and combine the national defence and socio-economic development activities, participate in the civil defence and join hands with the people in building the country; fulfill international obligations.

3. The people's army shall assist the state in building the people's army to become revolutionary, regular, elite and gradually modern, and have rationally-structured permanent forces, and a powerful and mighty Militia and Self-defence Force; building several forces to directly advance to modernity.

4. Organizational structure, tasks, service regime and regimes and policies of the people's army shall comply with the provisions of the Law on Officers of the Vietnam People's Army, the Law on Military Professionals, National Defense Workers and Officers, and the Law on Military service and other relevant provisions of law.

## **Article 26. People's police**

1. The people's police is the core of the people's armed force in performance of duties to protect national security and maintain social order and safety, and fight for prevention and control of crimes.
2. Functions, tasks, organizational structure, commanding, assurance of operations, service regimes and regimes and policies of the people's police shall comply with the provisions of the Law on People's Police and other relevant provisions of law.
3. The State shall build a revolutionary, regular, elite and gradually modernized police force; prioritize the modernization of some forces.
4. The people's police shall have to cooperate with the people's army and the militia and the self-defense force in performing national defense tasks. The cooperation between the People's Police, the People's Army and the militia and self-defense force shall be subject to the Government's regulations.

## **Article 27. Militia and self-defence force**

1. The militia and self-defense force shall be the armed force of people that are not freed from production or business activities; is the force that protects the Communist Party, the State, the life and property of the people, the property of the State available in the localities and grassroots-level areas; shall be ready to fight, fight, serve combats and acts as the core to join hands with the people to fight the enemy in localities or grassroots-level areas when the war occurs; shall participate in the building of the all-people national defense, defense zones, civil defense, and the protection of national security and the maintenance of social order and safety, the fight for prevention and control of crimes.
2. The State shall build a strong and widespread militia and self-defense force.
3. Organization, tasks, service regimes and regimes and policies of the militia and self-defense force shall be subject to the provisions of the Militia and Self-Defense Force Law and other relevant law provisions

## **Article 28. Commanding of the People's Army, the People's Police and the Militia and self-defense force**

1. The People's Army, the People's Police and the Militia and self-defense force shall have the commanding system organized under law.
2. The Minister of National Defence shall be the chief commander of the Militia and self-defense force.
3. The Minister of Public Security shall be the chief commander of the people's police.

## **Chapter V**

### **FULFILLMENT OF NATIONAL DEFENCE REQUIREMENTS**

#### **Article 29. Fulfillment of manpower requirements**

1. Vietnamese citizens are the main national defence personnel.
2. The State shall adopt policies and plans for construction, training and fostering of human resources; prioritize attraction of high-quality human resources to meet requirements for implementation of defense tasks.

#### **Article 30. Fulfillment of financial resource requirements**

1. The State shall guarantee that the national defense budget is subject to the provisions of law on the state budget; prioritize investment in border areas, islands, strategic regions, key and strategic defense areas, and investment in a number of forces of the People's Army towards direct modernity.
2. Economic organizations shall provide funds for the performance of defense tasks according to the provisions of law

#### **Article 31. Fulfillment of property requirements for the national defence affair**

1. Property used for national defense purposes are public property under the unified state management and shall include the followings:
  - a) Public property assigned to agencies, organizations and units of the People's Army and the militia and self-defense force, including special property, dedicated property and property used for meeting the needs of the national defense management according to the provisions of the Law on Management and Use of Public Property, the Land Law and other relevant provisions of law;
  - b) Property purchased, requisitioned, mobilized and others assigned by the State for the management of the Ministry of National Defense, agencies, organizations and localities for defense purposes according to the provisions of law.
2. The State shall formulate plans to build national reserves to ensure fulfillment of national defense requirements. The management and use of national reserves for such purpose shall comply with the provisions of law on national reserves.

#### **Article 32. Fulfillment of national defence requirements in the socio-economic and external relation affair**

1. The Government shall work out plans to fulfill national defence requirements in the socio-economic and external relation affair.

2. Ministries, central sectoral administrations and provincial-level People's Committees shall, within the ambit of their respective tasks and powers, coordinate with the Ministry of National Defense and concerned agencies and organizations in working out plans to ensure provision of necessary resources for national defence activities and organizing implementation of these plans in accordance with the provisions of this Law and other relevant provisions of law.

3. The State shall formulate planning schemes, plans and build the system of national defense projects, military zones, ammunition depots, and the national defense and security industry; the system of national defense and security education centers; formulate planning schemes and plans for use of national defense land; work out plans for the construction of the national defense-economic zones throughout the nation.

### **Article 33. Fulfillment of requirements necessary for implementation of activities of the people's armed force**

The State shall ensure satisfaction of the financial and property demands for national defense and security purposes, and issue preferential treatment policies and regimes suitable to the particular characteristics of the people's armed force.

## **Chapter VI**

### **DUTIES AND POWERS OF AGENCIES AND ORGANIZATIONS REGARDING THE NATIONAL DEFENCE AFFAIR**

#### **Article 34. Duties and powers of the Government**

1. The Government shall exercise the unified State management over the national defense affair; perform tasks and exercise powers according to the provisions of the Constitution and relevant laws.

2. Tasks of the State management of national defence shall comprise the followings:

a) Promulgate and submit to competent authorities for promulgation and organize the implementation of legislative normative documents on national defense;

b) Formulate and organize the implementation of defense strategies and policies; build the all-people national defense, Homeland defense plans, plans for national defense mobilization and fulfillment of requirements for implementation of national defense and the armed force's activities;

c) Organize and direct the performance of national defense tasks; execute orders and decisions of competent authorities and necessary measures to protect the Homeland;

d) Propagate and disseminate the guidelines and viewpoints of the Communist Party of Vietnam, the State's policies and laws on national defense; provide national defense and security education;

dd) Carry out the national defense foreign relation affair;

e) Examine, inspect and settle complaints, denunciations, preliminary and final review, commendation and handling of violations against the national defense law.

### **Article 35. Duties and powers of the Ministry of National Defence**

The Ministry of National Defense shall be responsible to the Government for exercising the State management over the national defense affair, and shall have the following duties and powers:

1. Advise and assist the National Defense and Security Council;
2. Preside over, and cooperate with the Ministry of Foreign Affairs and the Ministry of Public Security in, taking responsibility before the Government for performing the State management over national borders; maintain security, social order and safety in border areas, border gates, islands, waters and airspace of the Socialist Republic of Vietnam according to the provisions of Vietnamese law and international treaties to which the Socialist Republic of Vietnam is a member state;
3. Preside over, and cooperate with the ministries, central sectoral administrations and local authorities in, formulating and building defense strategies, planning schemes, plans and projects relating to the national defence, and submit them to competent authorities to seek their decisions;
4. Build, manage and command the People's Army and the militia and self-defense force in the performance of national defense tasks;
5. Direct and guide ministries, central sectoral administrations and localities to build the all-people national defense, military region defence, defense zones and national defense affair.

### **Article 36. Duties and powers of Ministries and central sectoral administrations**

Ministries and central sectoral administrations shall, within the ambit of their tasks and powers, collaborate with the Ministry of National Defense in the State management over national defense and shall have the following tasks and powers:

1. Promulgate or submit to competent authorities for promulgation legislative documents, directive and instructional documents on the implementation of national defense tasks according to the provisions of this Law and other relevant law provisions;
2. Preside over, and collaborate with the Ministry of Defense and concerned agencies and organizations in, combining socio-economic development activities, security and external relations with the national defense of sectors or domains assigned to them in accordance with the strategy for safeguarding the Homeland;
3. Cooperate with the Ministry of National Defense in organizing the implementation of national defense strategies, planning schemes, plans and projects according to assigned tasks;

4. Participate in the building of the all-people national defense and the all-people national defense posture in association with the people's security, the people's security posture, defense zones and the people's armed forces according to the provisions of law, directions and instructions given by competent authorities;

5. Preside over, or cooperate with the Ministry of National Defense in, carrying out periodical or extraordinary inspection, examination, preliminary or final review of implementation of national defense tasks;

6. Implement other national defence duties and powers as stipulated by law.

### **Article 37. Duties and powers of People's Councils at all levels**

People's Councils at all levels shall, within the ambit of their duties and powers, have the following national defence duties and powers:

1. Decide measures to ensure implementation of national defence tasks as stipulated by law;

2. Decide guidelines and measures to promote the potentialities of their localities in building the all-people national defense and the all-people national defense posture associated with the people's security and the people's security posture which are strong, and building the national defence potentialities and defence zones which are steadfast and comprehensive;

3. Decide policies and measures to build the militia and self-defense force and the reserve force; decide policies and measures to combine the national defense affair with socio-economic development activities, and vice versa socio-economic development activities with the national defense affair, and combine the national defense affair with security and foreign relation issues of localities;

4. Pursuant to the orders of the State President, decide policies and measures to perform the tasks required in the state of national defense emergency; shift activities of localities to the state of war;

5. Decide the budget for ensuring implementation of national defence activities of localities;

6. Supervise the compliance with the Constitution and laws, and the implementation of resolutions of the People's Councils on national defense in their respective localities;

7. Implement other national defence duties and powers as stipulated by law.

### **Article 38. Duties and powers of People's Committees at all levels**

People's Committees at all levels shall, within the ambit of their tasks and powers, exercise the State management over national defense at their localities and shall have the following duties and powers:

1. Issue legislative documents under their competence on organizing implementation of national defense tasks according to the provisions of law and resolutions of the People's Councils of the same level and the tasks assigned by competent authorities in relation to the national defence at their localities;
2. Direct and organize the building of the all-people national defense and the all-people national defense posture in association with the people's security and the people's security posture; build the real power and national defense potentiality; build firmly comprehensive defense zones; build the local people's armed forces; implement national defense and security education activities; recruit and call up citizens to join the army, receive and create favorable employment conditions for demobilized servicemen; cooperate with relevant agencies, organizations and units of the people's armed forces in building the military region defense system according to the provisions of law;
3. Submit to the People's Council of the same level the budget estimates for implementation of national defense activities; direct and organize the implementation of resolutions of the People's Councils of the same level on provision of the adequate budget for defense activities in their respective localities;
4. Direct and organize the building, training and operation of, and ensure regimes and policies for, local military troops, reserve forces, militia and self-defense forces;
5. Preside over or cooperate in the building, management and protection of national defense projects, military zones, economic-defense zones in their respective localities; implement civil defense measures, military logistics policy and incentive policies for people with meritorious services to the revolution; provide manpower, material resources and finances for the people's armed forces operating in the localities in the state of emergency, the state of national defence emergency of defense and the state of war;
6. Implement other national defence duties and powers as stipulated by law.

**Article 39. Duties and powers of Vietnam Fatherland Front Committee and its member organizations**

Vietnam Fatherland Front Committee and its member organizations shall, within the scope of their respective tasks and powers, cooperate with the Ministry of National Defense and concerned agencies and organizations in raising the people's awareness of compliance with legislation on national defense; supervise implementation of national defense laws by agencies, organizations and individuals.

**Chapter VII**

**IMPLEMENTARY PROVISION**

**Article 40. Entry into force**

1. This Law shall enter into force on January 1, 2019.
2. This Law on National Defence No. 39/2005/QH11 shall be repealed from the entry into force of this Law.

*This Law is passed during the 5<sup>th</sup> session of the XIV<sup>th</sup> National Assembly of the Socialist Republic of Vietnam on June 8, 2018.*

**THE NATIONAL ASSEMBLY'S CHAIR**

**Nguyen Thi Kim Ngan**

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