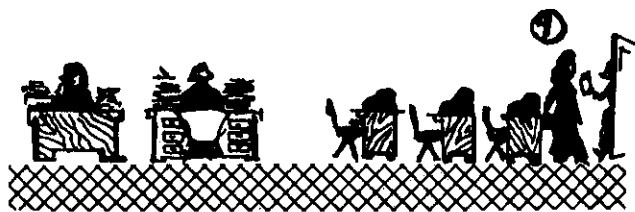
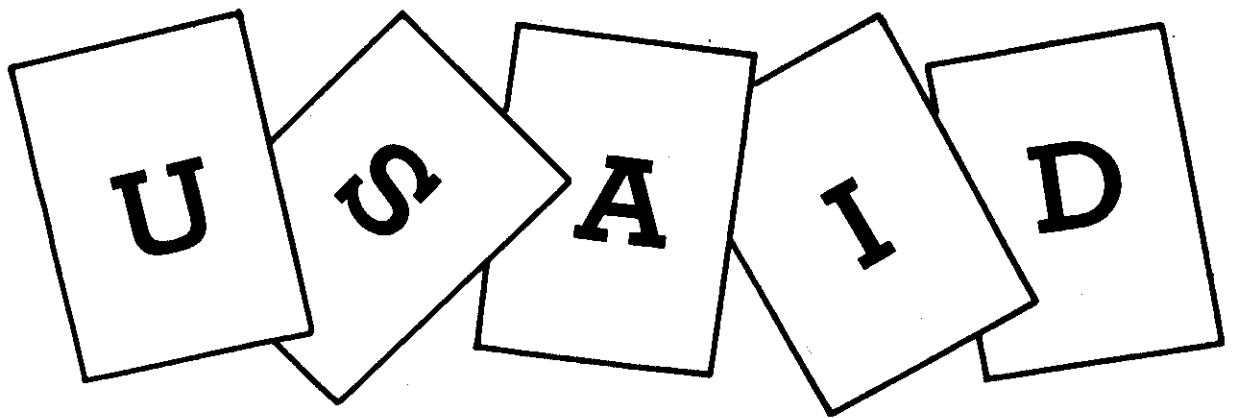


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The Office of Public Administration (ADPA) of USAID/Saigon, is on the first and second floors at 85 Le van Duyet, Saigon. Our APO Address is ADPA/USAID, APO 96243.

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CENTRAL GOVERNMENT: the Constitution*

P R E A M B L E

Confident that the patriotism, indomitable will, and unyielding traditions of the people will assure a radiant future for our country:

Conscious that after many years of foreign domination, followed by the division of our territory, dictatorship and war, the people of Viet Nam must take responsibility before history to perpetuate those hardy traditions and at the same time to welcome progressive ideas in order to establish a republican form of government of the people, by the people and for the people whose purpose is to unite the nation, unite the territory and assure independence, freedom, and democracy with justice and altruism for the present and future generations;

We, 117 Deputies of the National Constituent Assembly representing the people of Vietnam, after debate, approve this Constitution.

* put into effect April 1, 1967, by executive action.

CHAPTER I
BASIC PROVISIONS

Art. 1 - (1) Viet-Nam is a territorially indivisible, unified and independent Republic.

(2) Sovereignty resides in the whole people.

Art. 2 - (1) The State recognizes and guarantees the basic rights of all citizens.

(2) The State advocates equality of all citizens without discrimination as to sex, religion, race or political party. Minority compatriots will receive special support so that they can achieve the same rate of progress as the population as a whole.

(3) It is the duty of every citizen to serve the interests of the nation and the people.

Art. 3 - The functions and powers of the legislative, executive and judicial branches of government must be clearly delineated. Activities of these three branches must be coordinated and harmonized in order to realize public order and prosperity on the basis of freedom, democracy and social justice.

Art. 4 - (1) The Republic of Viet-Nam opposes Communism in any form.

(2) Every activity designed to publicize or carry out Communism is prohibited.

Art. 5 - (1) The Republic of Viet-Nam will comply with those provisions of international law which are not contrary to its national sovereignty and the principle of equality between nations.

(2) The Republic of Viet-Nam is determined to oppose all forms of aggression and strives to contribute to the building of international peace and security.

CHAPTER II

RIGHTS AND DUTIES OF CITIZENS

Art. 6 - (1) The State respects human dignity.

(2) The law protects the freedom, lives, property and honor of every citizen.

Art. 7 - (1) The State respects and protects the security of each individual and the right of every citizen to plead his case before a Court of Law.

(2) No one can be arrested or detained without a legal order issued by an agency with judicial powers conferred upon it by law, except in case of flagrant violation of the law.

(3) The accused and his next of kin must be informed of the accusation against him within the time limit prescribed by law. Detentions must be controlled by an agency of the Judiciary.

(4) No citizen can be tortured, threatened or forced to confess. A confession obtained by torture, threat or coercion will not be considered as valid evidence.

(5) A defendant is entitled to a speedy and public trial.

(6) A defendant has the right to a defense lawyer for counsel in every phase of the interrogation, including the preliminary investigation.

(7) Any person accused of a minor offense who does not have a record of more than three months imprisonment for an intentional crime may be released pending trial, provided that he or she is employed and has a fixed residence. Women pregnant more than three months accused of minor offenses who are employed and have fixed residence can be released pending trial.

(8) Accused persons will be considered innocent until sentence recognizing their guilt is handed down.

In event of doubt, the court will rule in favor of the accused.

(9) If unjustly detained, a person has the right to demand compensation for damages from the State after he has been pronounced innocent, in accordance with the provisions of law.

(10) No one can be detained for indebtedness.

Art. 8 - (1) The private life, home and correspondence of every citizen must be respected.

(2) No one has the right to enter, search or confiscate the property of a person unless in possession of orders from a court or when necessary to the defense of security and public order according to the spirit of the law.

(3) Privacy of correspondence is protected by law. Any restriction imposed on this right must be determined by law.

Art. 9 - (1) The State respects and guarantees freedom of religious belief and freedom to preach and practice religion of every citizen as long as it does not violate the national interest and is not harmful to public safety and order or contrary to good morale.

(2) No religion is recognized as the State religion. The State is impartial in the development of various religions.

Art. 10 - (1) The State recognizes freedom of education.

(2) Basic education is compulsory and free of charge.

(3) University education is autonomous.

(4) Talented persons who do not have means will be given aid and support to continue their studies.

(5) The State encourages and supports research and creative work by citizens in the fields of science, letters and the arts.

Art. 11 - (1) Culture and education must be considered matters of national policy, on a national, scientific and humanistic basis.

(2) An appropriate budget must be reserved for the development of culture and education.

Art. 12 - (1) The State recognizes freedom of thought, speech, press and publishing as long as it does not harm personal honor, national security or good morals.

(2) Censorship is abolished except for motion pictures and plays.

(3) Press regulations will be prescribed by law.

Art. 13 - (1) Every citizen has the right to meet and form associations in accordance with conditions and procedures prescribed by law.

(2) Every citizen has the right to vote, run for office and participate in public affairs on an equal basis and in accordance with conditions and procedures prescribed by law.

(3) The State respects the political rights of all citizens, including the right to petition freely and engage in overt, non-violent and legal opposition.

Art. 14 - Every citizen enjoys freedom to choose his place of residence and freedom of movement including the right to go and return from abroad. These freedom can be restricted by law only for reasons of public health, security or defense.

Art. 15 - (1) Every citizen has the right and the duty to work and will receive fair remuneration enabling him and his family to live in dignity.

(2) The State will endeavor to create employment for all citizens.

Art. 16 - Freedom to join labor unions and to strike is respected within the framework and regulations prescribed by law.

Art. 17 - (1) The State recognizes the family as the foundation of society. The State encourages and facilitates the formation of families, and assists expectant mothers and infants.

(2) Marriage must be based on mutual consent, equality and cooperation.

(3) The State encourages family cohesion.

Art. 18 - (1) The State endeavors to establish a system of social security.

(2) It is the duty of the State to establish a system of social welfare and public health.

(3) It is the duty of the State to support the nation's warriors both spiritually and materially, as well as to support and raise the nation's orphans.

Art. 19 - (1) The State recognizes and guarantees the right of private property.

(2) The State advocates a policy of making the people property owners.

(3) Expropriation or requisition by the State for the common good must be accompanied by speedy and just compensation at price levels existing at time of expropriation or requisition.

Art. 20 - (1) Freedom of trade and competition is recognized, but it cannot be exercised to secure monopoly or control of the market.

(2) The State encourages and assists economic cooperation which has the nature of mutual economic assistance.

(3) The State gives special support to those elements of society which have a low standard of living.

Art. 21 - The State advocates raising the standard of living of rural citizens, and especially helping farmers to have farmland.

Art. 22 - On the basis of equality between duties and rights, workers have the right to choose representatives to participate in the management of business enterprises, especially in matters concerning wages and conditions of work in accordance with framework and procedures prescribed by law.

Art. 23 - (1) Military personnel elected to public office or serving in positions in the central government must be demobilized or take leave of absence without salary, according to their choice.

(2) Military personnel on active duty are not permitted to engage in political party activity.

Art. 24 - (1) The State recognizes the presence of minorities in the Vietnamese community.

(2) The State respects the habits and customs of the minority compatriots. Customary courts will be established to pronounce judgments on some disputes involving habits and customs of minority compatriots.

(3) A law will prescribe special rights in order to assist minority compatriots.

Art. 25 - Every citizen has the duty to defend the country and the Republic.

Art. 26 - Every citizen has the duty to defend the constitution and respect the law.

Art. 27 - Every citizen has the duty to fulfill his military obligations as prescribed by law.

Art. 28 - Every citizen has the duty to pay taxes in accordance with the provisions of law.

Art. 29 - Any restriction upon the basic rights of the citizens must be prescribed by law and the time and place within which such a restriction is in force must be clearly specified. In any event the essence of all basic freedoms cannot be violated.

CHAPTER III

THE LEGISLATURE

Art. 30 - Legislative authority is vested by the people in the National Assembly. The National Assembly includes two houses, the Lower House and the Upper House.

The Lower House

Art. 31 - (1) The Lower House includes from 100 to 200 Representatives.

(2) Representatives are elected by universal suffrage, direct and secret ballot. Candidates run as individuals from separate constituencies no larger than provinces.

(3) Representatives serve for four years. They may be re-elected.

(4) The election for a new Lower House will be completed at least one month prior to the completion of the term of the old Lower House.

Art. 32 - Citizens meeting the following qualifications may run for the Lower House:

(1) Vietnamese citizenship at birth or having held Vietnamese citizenship for at least seven years, or having recovered Vietnamese citizenship for at least five years, counting from the day of elections;

(2) At least 25 years old on the day of election;

(3) Enjoying full rights of citizenship;

(4) Having draft status in order;

(5) Meeting other conditions specified in the electoral law.

The Upper House

Art. 33 - The Upper House includes from 30 to 60 members.

(1) Senators are elected at large by universal suffrage, direct and secret ballot. Election is by list voting and on a basis of plurality. Each list includes from one-third to one-sixth of the total membership of the House.

(2) Senators serve for six years. One half of the Upper House is re-elected every three years. Senators may be re-elected.

(3) Members of the first Upper House will be divided into two groups by drawing lots. The first group will serve six years, the second group three years.

(4) The election of one half of the Upper House must take place at least two months before the term of that half of the Upper House ends.

Art. 34 - Candidates for the Upper House must be citizens thirty years of age by election day. They must meet all the conditions prescribed in the Upper House election law and those prescribed in Article 32.

Art. 35 - (1) If for any reason a vacancy occurs in the Lower House more than two years prior to the end of the term, an election will be held within three months to choose a replacement.

(2) If for any reason a vacancy occurs in the Upper House, the election of the replacement will be held concurrently with the next regular election of one-half of the Upper House.

Art. 36 - Procedures and conditions for the candidacies and election of Representatives and Senators, including ethnic minority Representatives, will be prescribed by law.

Guarantees for Representatives and Senators

Art. 37 - (1) Representatives or Senators cannot be prosecuted, pursued, arrested or judged for any statement or vote in the National Assembly.

(2) During their entire term of office, Representatives and Senators cannot be prosecuted, pursued, arrested or judged without the approval of three-fourths of the total number of Representatives or Senators, except in cases of flagrant violation of the law.

(3) In cases of flagrant violation of the law prosecution or detention of Representatives and Senators must cease if the house concerned so decides.

(4) Representatives and Senators have the right to keep secret the origin of documents presented to the National Assembly.

(5) Responsibilities of Representatives and Senators are not compatible with any other elected position.

(6) Representatives and Senators may serve as instructors at universities and advanced technical schools.

(7) Under no circumstances may a Representative or Senator or his spouse participate in a bid or sign a contract with a government agency.

Art. 38 - (1) In cases of treason or other serious crime, Representatives or Senators may be removed from office by the house concerned.

(2) Removal from office must be proposed by two-thirds of the total number of Representatives or Senators.

(3) The resolution to remove a member from office must be approved by three-quarters of the total number of Representatives or Senators.

(4) The Representative or Senator concerned has the right to defend himself in debate during all phases of the removal procedure.

Authority of the National Assembly

Art. 39 - The National Assembly has the authority to:

- (1) Vote legislation.
- (2) Ratify treaties and international agreements.
- (3) Determine declarations of war and holding of peace talks.
- (4) Determine declarations of a state of war.
- (5) Control the government in the carrying out of national policy.
- (6) Within the framework of each house, pass on the validation of the election of Representatives or Senators.

Art. 40 - (1) Each house, with the agreement of third of its membership, has the right to request the Prime Minister or government officials to appear before it to answer questions regarding the execution of national policy.

(2) Committee chairmen in each house have the right to request government officials to appear before sessions of their committee to report on problems relating to various ministries.

Art. 41 - The Upper House has the right to open investigations regarding the execution of national policy and to request public agencies to produce documents necessary in its investigations.

Art. 42 - (1) The National Assembly has the right to recommend the replacement of part or all of the government by a two-thirds majority vote of the total number of Representatives and Senators.

(2) The recommendation is binding unless the President has special reasons for rejecting it.

(3) In the event of rejection by the President, the National Assembly has the right to vote final approval of the recommendation by a three-quarters majority vote of the total number of Representatives and Senators. This recommendation by the National Assembly is binding from the day it is voted.

Legislative Procedures

Art. 43 - (1) Representatives and Senators have the right to introduce bills.

(2) The President may introduce bills.

(3) Bills must be submitted to the office of the Lower House.

(4) If the Lower House approves or rejects a bill, it must transmit the bill to the office of the Upper House within three consecutive days.

(5) If the Upper House agrees with the viewpoint of the Lower House, the bill will be transmitted to the President for promulgation or will be abolished.

(6) If the Upper House does not agree with the viewpoint of the Lower House, it must return the bill to the Lower House within three consecutive days along with an explanation for its action.

(7) In the latter case, the Lower House has the right to vote final approval of the bill with a two-thirds majority of its total membership.

(8) If the Lower House is unable to reach a two-thirds majority, the viewpoint of the Upper House will be considered as approved.

(9) The time limit for debating and voting on a bill in the Upper House may not exceed half the time required to debate and vote on the bill in the Lower House. The time limit for debating and voting on a bill in the Lower House may not exceed twice the time required to debate and vote on the bill in the Upper House.

Art. 44 - (1) Bills approved by the National Assembly will be transmitted to the President within three consecutive days.

(2) The President must promulgate the law within 15 days from the date of receipt.

(3) If the National Assembly appraises the matter as urgent, the bill must be promulgated within seven consecutive days.

(4) If the President does not promulgate the bill within the specified period of time, the bill will automatically become law and will be promulgated by the Chairman of the Upper House.

Art. 45 - Within the period allowed for promulgation the President has the right to send a message outlining his reasons and requesting the National Assembly to reconsider one or more articles of the bill.

(2) In this case, the National Assembly will meet in joint plenary session to vote final approval of the bill with an absolute majority of the total number of Representatives and Senators. If the National Assembly votes to reject the amendment proposed by the President, the bill will automatically become law and will be transmitted to the President for promulgation.

Art. 46 - (1) The draft budget must be submitted to the office of the Lower House prior to September 30.

(2) Representatives and Senators have the right to propose additional expenditures but must at the same time propose equivalent new receipts.

(3) The Lower House must vote on the budget prior to November 30 and transmit the approved version to the Upper House by December 1 at the latest.

(4) The Upper House must vote on the draft budget before December 31.

(5) During the above mentioned period, if the Upper House reconsiders one or more provisions of the draft budget, then the procedures outlined in Article 43 will be applied. In the event that the draft budget has not been finally voted by December 31, the President has the right to sign a decree authorizing expenditure of one-twelfth of the previous budget until the Lower House has voted final approval of the draft budget.

Regulations

Art. 47 - (1) Each house will meet in regular and extraordinary sessions.

(2) Every year each house will meet in two regular sessions: one session beginning on the first Monday of April; the other beginning on the first Monday of October. A session cannot last for more than ninety days. However, the Lower House can prolong its session in order to vote final approval of the draft budget.

(3) Either house may meet in extraordinary sessions when so requested by the President or one-third of the Representatives or Senators. When extraordinary sessions are convened by the President, the President will set the agenda.

Art. 48 - (1) Each house will meet in open session except when more than half the members present in the house request a closed session.

(2) In open sessions complete reports of the debate and documents presented will be printed in the official journal.

Art. 49 - (1) Each house will elect its Chairman and permanent officers.

(2) Each house may establish permanent committees.

(3) Each house is responsible for establishing its own internal rules.

(4) The offices of the two houses will meet together to determine procedures for maintaining liaison between houses.

Art. 50 - (1) The Chairman of the Upper House will convene and preside over joint plenary sessions of both houses.

(2) If the Chairman of the Upper House is unable to perform this function, it will be carried out by the Chairman of the Lower House.

CHAPTER IV

THE EXECUTIVE

Art. 51 - Executive authority is vested by the people in the President.

Art. 52 - (1) The President and Vice-President run together on one list and are elected by the entire nation by direct and secret ballot.

(2) The term of office of the President and Vice-President is four years. The President and Vice-President can be re-elected once.

(3) The term of office of the President and Vice-President ends precisely at 12:00 noon on the last day of the forty-eighth month from the day they took office, and the term of the new President and Vice-President begins at that time.

(4) The election of the new President and new Vice-President will be held on a Sunday, four weeks before the term of the incumbent President ends.

Art. 53 - Citizens who fulfill the following conditions may run for President or Vice-President:

(1) Must have Vietnamese citizenship from day of birth and continuous residence in Viet-Nam for at least ten years as of the date of the election. Time spent abroad on official assignment or in political exile is considered as residence in Viet-Nam;

(2) Must be 35 years of age as of election day;

(3) Must have legal draft status;

(4) Must enjoy full rights of citizenship;

(5) Must meet all other conditions set forth in the Presidential and Vice-Presidential election law.

Art. 54 - (1) The Supreme Court will establish a list of candidates, will control the fairness of the election, and will announce the result.

(2) Candidates will receive equal means in the electoral campaign.

(3) Procedures and conditions governing candidacies and election of the President and Vice-President will be prescribed by law.

Art. 55 - When assuming office, the President, witnessed by the Supreme Court and National Assembly, shall take the following oath before the nation: "I solemnly swear before the nation to protect the fatherland, respect the Constitution, serve the interests of the people, and to the best of my ability fulfill my duties as President of the Republic of Viet-Nam."

Art. 56 - (1) The duties of the President and Vice-President may terminate prior to the end of their terms of office in the following circumstances:

- (a) Death;
- (b) Resignation;
- (c) Impeachment;

(d) Serious and prolonged illness such that the incumbent can no longer carry out his duties. This disability must be recognized by three-fourths of the total membership of the two houses of the National Assembly after complete medical examination.

(2) In the event that the duties of the President are terminated more than one year prior to the end of his term of office, the Vice-President will temporarily assume the Presidency for a period not to exceed three months in order to organize the election of a new President and new Vice-President for a new term of office.

(3) In the event that the duties of the President are terminated within one year prior to the end of his term of office, the Vice-President shall assume the Presidency for the remainder of the term, except in cases of impeachment of the President.

(4) If for any reason the Vice-President is unable to assume the Presidency, the Chairman of the Upper House will assume the office for a period not to exceed three months in order to organize the election of a new President and new Vice-President for a new term of office.

Art. 57 - The President promulgates laws within the period determined in Article 44.

Art. 58 - (1) The President appoints the Prime Minister. Upon the proposal of the Prime Minister, the President appoints members of the government.

(2) The President has the right to reorganize all or part of the government on his own initiative, or upon the recommendation of the National Assembly.

Art. 59 - (1) The President appoints, with the approval of the Upper House, Chiefs of diplomatic missions and Rectors of Universities.

(2) The President represents the nation in international relations and receives the letters of accreditation of diplomatic envoys.

(3) The President signs and, after ratification by the National Assembly, promulgates treaties and international agreements.

Art. 60 - The President is the Supreme Commander of the Armed Forces of the Republic of Viet-Nam.

Art. 61 - (1) The President grants all types of decorations.

(2) The President has the right to grant amnesty and pardon for criminals.

Art. 62 - (1) The President determines national policy.

(2) The President presides over the Council of Ministers.

Art. 63 - (1) The President communicates with the National Assembly by message. In each regular sessions, and whenever the President considers it necessary, he will advise the National Assembly of the situation in the country and of the government's domestic and foreign policies.

(2) The Prime Minister and other government officials may participate in sessions of the National Assembly or its committees in order to present and explain matters relating to national policy and its execution.

Art. 64 - (1) In special situations, the President may sign

decrees declaring states of emergency, curfew or alert over part or all of the territory of the country.

(2) The National Assembly must meet no later than twelve days after the date of promulgation of the decree in order to ratify, amend or reject it.

(3) If the National Assembly rejects or amends the President's decree, the special situations which were decreed will end or be modified accordingly.

Art. 65 - In a state of war, and when elections cannot be held, the President, with the approval of two-thirds of the National Assembly, has the right to prolong the terms of office of some of the elected bodies of the country and to appoint some province chiefs.

Art. 66 - (1) The Vice-President is Chairman of the Culture and Education Council, the Economic and Social Council and the Ethnic Minority Council.

(2) The Vice-President cannot hold any other position in the government.

Art. 67 - (1) The Prime Minister directs the government and the administrative agencies of the nation.

(2) The Prime Minister is responsible before the President for carrying out national policy.

Art. 68 - (1) The President, Vice-President, Prime Minister and members of the government cannot hold any position in the private sector whether it is remunerated or not.

(2) Spouses of persons holding the above positions may not participate in government bids or contracts.

Art. 69 - (1) It is the task of the National Security Council to: examine all matters relating to national defense; propose measures appropriate to the maintenance of national security; propose the declarations of states of emergency, curfew, alert or war; propose declarations of war or the holding of peace talks.

(2) The President is Chairman of the National Security Council.

(3) A law shall prescribe the organization and procedures of the National Security Council.

Local Administration

Art. 70 - (1) The principle of local separation of power is recognized for legal regional entities: Villages, Provinces, Cities, and the Capital.

(2) The organization and regulation of local administration shall be prescribed by law.

Art. 71 - (1) Deliberative bodies and the heads of executive agencies of local administrative units will be popularly elected by direct and secret ballot.

(2) At the village level, Village Chiefs may be elected by Village Councils from among Village Council members.

Art. 72 - The heads of executive agencies of local administrative units are:

Villages - Village Chiefs;
Provinces - Province Chief;
Cities - Mayor;
Capital - Mayor.

Art. 73 - The deliberative bodies of local administrative units are:

Villages - Village Council;
Provinces - Province Council;
Cities - Municipal Council;
Capital - Municipal Council.

Art. 74 - The government will appoint two civil servants who have the responsibility to assist Mayors, Province Chiefs and Village Chiefs in administrative and security matters, as well as other administrative personnel.

Art. 75 - Members of deliberative bodies and heads of executive agencies of local administrative units may be dismissed by the President if they violate the Constitution, laws of the nation, or national policy.

CHAPTER V

THE JUDICIARY

Art. 76 - (1) Independent judicial power is vested in the Supreme Court and is exercised by judges.

(2) A law shall establish the organization and administration of the Judiciary.

Art. 77 - Every court must be established by law with an element that judges and an element that prosecutes, both of which are professionally qualified. Courts must respect rights of defense.

Art. 78 - (1) The responsibilities of Presiding Judges and Prosecuting Judges are clearly delineated, and the two are governed by separate regulations.

(2) Presiding Judges make decisions according to their consciences and the law, under the control of the Supreme Court.

(3) Prosecuting Judges monitor the application of the law in order to protect public order, under the control of the Ministry of Justice.

Art. 79 - Presiding Judges can be relieved of their functions only in cases of mental and physical incapacity, conviction, or violation of discipline.

The Supreme Court

Art. 80 - (1) The Supreme Court includes from nine to fifteen judges chosen by the National Assembly and appointed by the President from a list elected by the Association of Judges, Association of Prosecutors and Association of Lawyers.

(2) Judges of the Supreme Court must be judges or lawyers who have served at least ten years in the judiciary.

(3) The Term of office of Judges of the Supreme Court is six years.

(4) The numbers of electors of the Association of Judges, Association of Prosecutors and Association of Lawyers must be equal.

(5) The organization and regulation of the Supreme Court will be prescribed by law.

Art. 81 - (1) The Supreme Court is empowered to interpret the Constitution, to decide on the constitutionality of all laws and decree-laws, and to decide on the constitutionality and legality of decrees and administrative decisions.

(2) The Supreme Court is empowered to decide on the dissolution of a political party whose policy and activities oppose the republican form of government.

(3) In these cases, the Supreme Court will meet in plenary session. Representatives of the legislative and executive branches may participate in order to present their viewpoints.

(4) Decisions declaring the unconstitutionality of a law or the dissolution of a political party require a three-fourths vote of the total number of Supreme Court judges.

Art. 82 - The Supreme Court is empowered to decide appeals from lower courts.

Art. 83 - The Supreme Court has a separate budget and is empowered to establish regulations governing the judiciary.

Art. 84 - (1) The Judicial Council has the following responsibilities:

To propose the appointment, promotion, transfer and disciplining of judges;

To advise the Supreme Court in matters relating to the judiciary.

(2) The Judicial Council will be composed of judges elected by the Association of Judges.

(3) The organization and regulation of the Judicial Council will be prescribed by law.

CHAPTER VI

SPECIAL INSTITUTIONS

Special Court

Art. 85 - The Special Court is empowered to remove from office the President, Vice-President, Prime Minister, Ministers, Secretaries of State, Supreme Court Judges and members of the Inspectorate in cases of treason or other high crimes.

Art. 86 - (1) The Special Court is chaired by the Chairman of the Supreme Court and consists of five Representatives and five Senators.

(2) When the Chairman of the Supreme Court is a defendant the Special Court will be chaired by the Chairman of the Upper House.

Art. 87 - (1) A motion to bring charges and citing reasons therefor must be signed by more than one half of the total number of Representatives and Senators. The motion must be approved by a two-thirds majority vote of the total number of Representatives and Senators. In the particular case of the President and Vice-President, the motion must be signed by two-thirds of the total number of Representatives and Senators and it must be approved by a majority vote of three-fourths of the total number of Representatives and Senators.

(2) The functions of the accused must be suspended from the date of approval of the motion by the National Assembly until the decision of the Special Court is rendered.

(3) The Special Court decides removal from office by a three-fourths vote of its membership. In the particular case of the President and Vice-President, the decision must be by a four-fifths vote of the total membership.

(4) The accused will enjoy the right of defense during the entire proceedings.

(5) After having been removed from office, the accused may be tried by an ordinary court.

(6) The organization, administration and procedures of the Special Court will be prescribed by law.

Inspectorate

Art. 88 - The Inspectorate is empowered to:

- (1) Inspect, control and investigate personnel of all public and private agencies directly or indirectly engaged in corruption, speculation, influence-peddling or acts harmful to the national interest;
- (2) Inspect accounts of public agencies and commercial enterprises;
- (3) Audit the property of personnel of public agencies including the President, Vice-President, Prime Minister, National Assembly members, and the Chairman of the Supreme Court.
- (4) In the cases of the Chairman and members of the Inspectorate, the audit of personal property will be conducted by the Supreme Court.

Art. 89 - (1) The Inspectorate is empowered to propose disciplinary measures against guilty persons or to request prosecution by competent courts.

- (2) The Inspectorate has the right to announce publicly the results of its investigations.

Art. 90 - (1) The Inspectorate includes from nine to eighteen Inspectors, one-third designated by the National Assembly, one-third by the President, and one-third by the Supreme Court.

- (2) Inspectors will enjoy those guarantees necessary for them to carry out their duties.

Art. 91 - The Inspectorate has an autonomous budget and is empowered to establish regulations governing its internal organization and the Inspectorate branch. The organization and regulation of the Inspectorate will be prescribed by law.

Armed Forces Council

Art. 92 - (1) The Armed Forces Council advises the President in matters relating to the Armed Forces, especially promotion, transfer and disciplining of soldiers of all ranks.

(2) The organization and regulation of the Armed Forces Council will be prescribed by law.

Culture and Education Council

Art. 93 - (1) The Culture and Education Council has the responsibility to advise the government in the drafting and execution of cultural and educational policy. A National Academy will be established.

(2) With the approval of the National Assembly, the Culture and Education Council may select representatives to brief the National Assembly on related matters.

(3) The Culture and Education Council may contribute ideas before the National Assembly debates laws relating to culture and education.

Art. 94 - (1) The membership of the Culture and Education Council includes:

One-third designated by the President;

Two-thirds elected by public and private cultural and educational organizations and by parent-teacher associations.

(2) The term of office of the Culture and Education Council is four years.

(3) The organization and regulations of the Culture and Education Council will be prescribed by law.

Economic and Social Council

Art. 95 - (1) The Economic and Social Council has the responsibility to advise the government in economic and social matters.

(2) With the approval of the National Assembly, the Economic and Social Council may select representatives to brief the National Assembly on related matters.

(3) The Economic and Social Council may contribute ideas before draft laws and economic and social programs are debated.

Art. 96 - (1) The membership of the Economic and Social Council includes:

One-third designated by the President;

Two-thirds nominated by industrial and commercial organizations, and by labor unions and associations having an economic and social character.

(2) The term of office of the Economic and Social Council is four years.

(3) The organization and regulation of the Economic and Social Council will be prescribed by law.

Ethnic Council

Art. 97 - (1) The Ethnic Council, representing the ethnic minorities living on the territory of Vietnam, has the responsibility to advise the government in matters affecting ethnic minorities.

(2) With the approval of the National Assembly, the Ethnic Council may select representatives to brief the National Assembly on related matters.

(3) The Ethnic Council may contribute ideas before draft laws, programs and plans affecting ethnic minorities are debated.

Art. 98 - (1) The membership of the Ethnic Council includes:

One-third designated by the President;

Two-thirds elected by the ethnic minorities.

(2) The term of office of the Ethnic Council is four years.

(3) The organization and regulations of the Ethnic Council will be prescribed by law.

CHAPTER VII

POLITICAL PARTIES AND OPPOSITION

Art. 99 - (1) The Nation recognizes that political parties have an essential role in a democratic system.

(2) Political parties may be organized and may operate freely, according to the procedures and conditions prescribed by law.

Art. 100 - The Nation encourages progress toward a two-party system.

Art. 101 - The Nation recognizes the formalization of political opposition.

Art. 102 - Regulations governing political parties and political opposition will be prescribed by law.

CHAPTER VIII

AMENDING THE CONSTITUTION

Art. 103 - (1) The President or an absolute majority of the total number of Representatives or an absolute majority of the total number of Senators has the right to propose amendments to the Constitution.

(2) The proposal must cite reasons, and must be submitted to the Office of the Upper House.

Art. 104 - A Joint Committee will be established to research the proposed amendment and report to joint plenary sessions of the Assembly.

Art. 105 - The resolution to amend the Constitution must be approved by two-thirds of the total number of Representatives and Senators.

Art. 106 - The President promulgates a law amending the Constitution according to the procedures prescribed in Article 4.

Art. 107 - Article 1 of the Constitution and this article may not be amended or deleted.

CHAPTER IX

TRANSITIONAL PROVISIONS

Art. 108 - The constitution takes effect from the date it is promulgated, and the Provisional Charter of June 19, 1965 is automatically invalidated.

Art. 109 - During the transitional period, the National Assembly popularly elected on September 11, 1966, representing the people of the nation in the legislative sphere, will:

1. Draft and approve:

Election laws for the election of the President and Vice-President, Upper House and Lower House; laws organizing the Supreme Court and the Inspectorate; political party and press regulations.

2. Ratify treaties.

Art. 110 - From the time the first President and Vice-President take office, the Assembly popularly elected on September 11, 1966 assumes legislative powers until the first National Legislative Assembly is convened.

Art. 111 - During the transitional period, the National Leadership Committee and the Central Executive Committee will continue in power until the first President and Vice-President take office.

Art. 112 - During the transitional period, Courts presently in operation will continue to exercise judicial authority until the judicial organs prescribed in this constitution are established.

Art. 113 - The Assembly elected on September 11, 1966 will establish a list of candidates, will control the propriety and will announce the result of the election of the first President and Vice-President.

Art. 114 - During the first Presidential term, the President may appoint province chiefs.

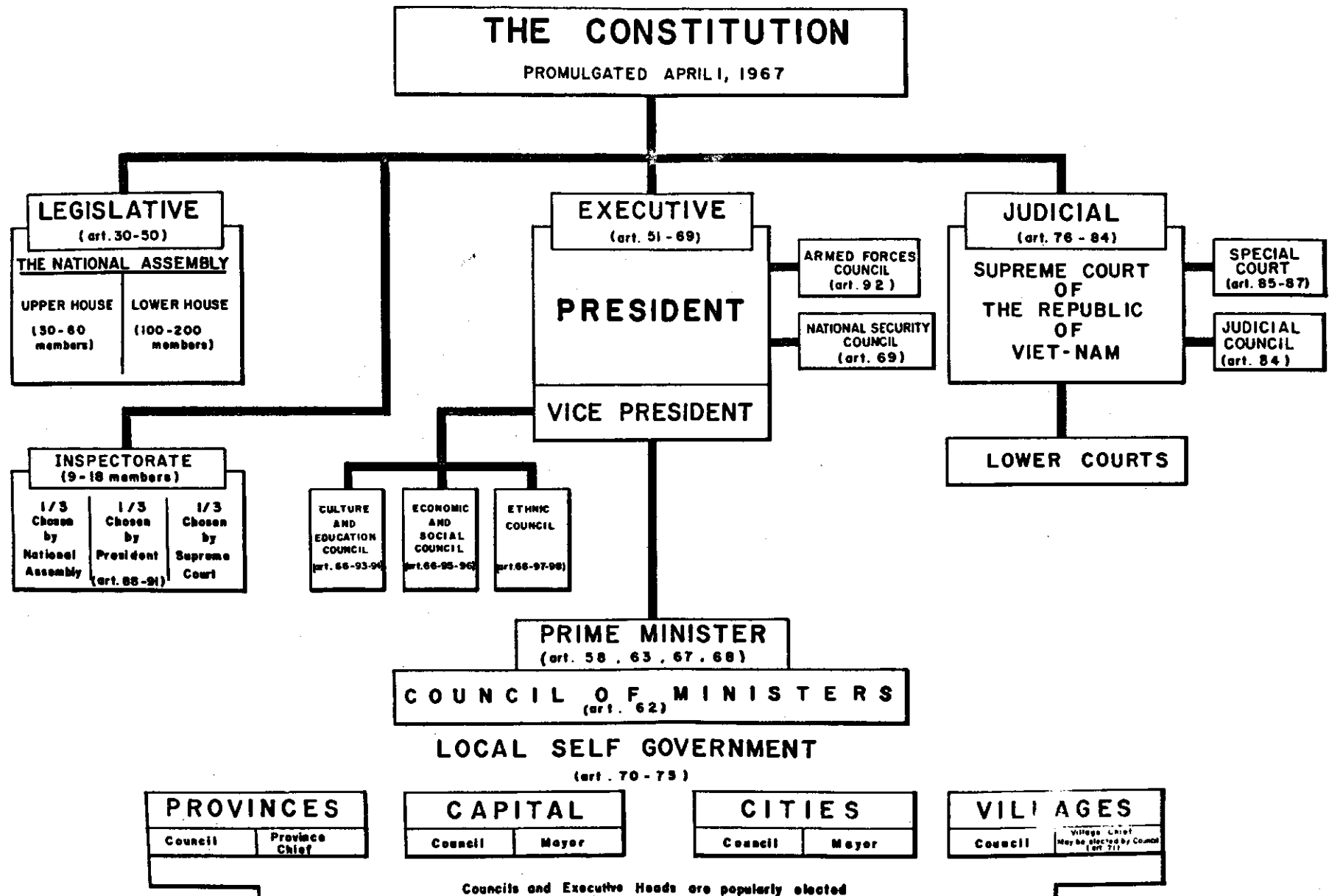
Art. 115 - The election of the President and Vice-President must be organized no later than six months from the date of promulgation of this constitution.

Art. 116 - The election of the National Assembly and the organization of the Supreme Court and Inspectorate must be carried out no later than twelve months from the date the first President assumes office.

Art. 117 - The other structures prescribed by the Constitution must be established no later than two years from the date the first National Assembly is established.

(Unofficial translation, by
American Embassy, Saigon)

THE REPUBLIC OF VIET NAM



CENTRAL GOVERNMENT: expropriation of private property

Decree-Law No. 022/67:

THE CHAIRMAN OF THE NATIONAL DIRECTORY,

Considering the Provincial Constitution, dated 19 June 1965, supplemented by Decision #6-QLVNCH/QD, dated 6 June 1966 of the Armed Forces Council, Republic of VN Armed Forces;

Considering Decision #3-QLVNCH/QD, dated 14 June 1965, supplemented by Decision #7-QLVNCH/QD, dated 6 June 1966, of the Armed Forces Council, Republic of VN Armed Forces, establishing and prescribing the composition of the National Directory;

Considering Decree #001-a/CT/LDQG/SL, dated 19 June 1965, and subsequent documents prescribing the composition of the Central Executive Committee;

Considering the Decree dated 21 July 1925 prescribing new regulations for land;

Considering the Decree dated 15 June 1930, and Order #580-Cob/SG, dated 19 November 1951, determining the expropriation of land for works of public interest in the southern and central parts of South VN;

Considering Edict #32, dated 10 May 1955, prescribing the procedures for reestablishing land registers and other archives that have been destroyed, lost due to theft and other incidents;

Considering Law #17/59, dated 18 June 1959, amending the regulations for registration of mortgage and registration of judiciary mortgage;

Considering the recommendations of the Chairman of the Central Executive Committee;

After the discussion and decision have been made by the National Directory;

DECREES THAT:

- 0 -

ARTICLE 1. With regard to the real property that has been taken by the Government and used for the execution of public works, national defense works or works of public interest before the publication of this Decree-law, the expropriation will be

formalized in compliance with the following clauses:

CHAPTER I

GENERAL CLAUSE

ARTICLE 2. The transfer to ownership of the property indicated in Article 1 above to the VN Government, local administrative and legal entities, or Government agencies will be executed by means of a contract of sale of the property or a judgment after issuance of the following document:

1. An Order has been issued by the Chairman of the Central Executive Committee authorizing the purchase of the property for the Vietnamese Government or Government Agencies, or by the Special Commissioner for Administration, authorizing the purchase of the property for local administrative and legal entities.
2. An Order has been issued by the Commissioner of the Commission (Ministry) using the property, or responsible for the control of the activities of Government Agencies; or a Decision has been issued by Province Chief confirming the details of the property and the offered price for purchase, if the Order indicated in paragraph 1 above does not mention these points.

ARTICLE 3. All the following acts regarding the part of property that has been expropriated will be null and void:

1. All registrations of preferential rights or special delegations made after the date of publication of the Order prescribing the details of the property and the offered buying price.
2. The contracts made after the above date for the purpose of transferring the ownership of the entire real property to any natural person or artificial person other than the legal personality using the property.

CHAPTER II

ADMINISTRATIVE MEASURES

ARTICLE 4. An Order authorizing the purchase (of the property) accompanied with a plan drawn to an appropriate scale will be signed after consideration of a report submitted by the agency using the property.

ARTICLE 5. The Order or Decision confirming the details of the property with the offered buying price will be signed, based on:

1. The land registry certificate or cadastral record or other documents confirming the ownership as stated in Articles 15 and 16.

2. The record prepared by the local appraisement committee whose composition will be determined by an Order or Decision of the local administration and must include a legal representative of the property owner.

In case of transfer of ownership to the Vietnamese Government, and Government Agencies, this document must be countersigned by the Office of the Commissioner in Administration and the Ministry of Finance.

In case of transfer of ownership to the local administrative and legal entities, the document must be agreed upon by the agency responsible for controlling the use of the local budget.

ARTICLE 6. The Order of Decision confirming the details of the property, the property owner's name, the area of the property etc., along with the offered price must indicate the year of expropriation of the property and the official authorized to sign the property purchase contract, and must be:

1. Published in the Official Gazette of the Republic of Vietnam.
2. Published in the form of a notice indicating summarized necessary information for two consecutive days in three newspapers authorized to publish legal notices.

The notice should indicate that the public may consult the dossier designated in Article 7, specify the delay for announcing the preferential rights stated in Article 9, and reiterated in Articles 12, 27, and 28 of this Decree law.

3. Province Chiefs, Capital City Mayor or City Mayors provide notifications for the Presiding Judge of the Court of 1st Instance or Court of Peace with Extended Jurisdictions, Chief of the Land Registry Service, and Administrative Agency in the area where the property is located.

The above notification will be posted for ten full days at the District Administrative Office, Provincial Administrative Office, Town Administrative Office, City Administrative Office, and Public Offices in the area where the property is located.

ARTICLE 7. As of the date of posting the above notification, a dossier consisting of:

1. A copy of this Decree-law.
2. The Order authorizing the purchase,
3. The Order or Decision confirming the details of the property along with the offered purchase price,

must be lodged for a 3 month period at the Provincial Administrative Office, District Administrative Office, and Communal Administrative Offices, in the area where the property is located, for consultation by the public.

ARTICLE 8. Province Chief must prepare a certificate stating that the procedures provided for in Articles 6 and 7 above have been thoroughly executed.

CHAPTER III

TRANSFER OF OWNERSHIP AND CONSEQUENCES RELATED TO THE RIGHT OF PRIORITY FOR MORTGAGE AND TO OTHER REAL PROPERTY RIGHTS

ARTICLE 9. Within a period of 15 full days upon expiration of the period for posting the notification stated in Article 6, all creditors having preferential rights (right of priority, mortgage, other real property rights) must provide notifications for the Province Chief or Mayor if they have not yet formally registered these real property rights in the land registry books.

The right of priority prescribed above is based on the land registry books in compliance with the current law. In case the books are lost or destroyed, it is based on the order of declarations, or on the evidence which creditors must produce to the Court.

Notifications on claims, if any, can be submitted by registered letters on non-registered letters which the individuals concerned must personally submit to the Administrative Office. The official who receives the letters must issue receipts for them.

ARTICLE 10. Also within the above-mentioned delay, regarding all formally registered operations for mally registered operations for establishing culturalestates, endowment funds, the Communal Administrative Authority or the Chief of the Land Registry Service must issue an extract from those registrations and give notifications to Province Chief or Mayor.

In case the land registry books are not yet established, lost or destroyed and are not yet re-established, the individuals concerned must make statements on the above operations again to the Communal Administrative Agency so that this Agency will notify the Provincial Administrative Office of it.

ARTICLE 11. Creditors having the above preferential rights can only request the appraisement of the property, not the increase of the purchase price.

If the individual concerned requests the redetermination of the price, he must declare in the notification stated in Article 9 that he will submit such a request in which he will have to indicate his remarks and demands, with an obligation to pay all survey expenses, court fees, costs of justice, and to deposit a security the amount of which is determined by the Court.

The individual concerned can also request the reassessment of the price by indicating it on the notification itself. This, adequate details must be indicated on the notification, and accompanied with all documents relating to this matter.

ARTICLE 12. If the notification is not effectuated within the delay, that property will be regarded as free from any caution (mortgage, attachment, mention of restraint on alienation etc...) or from whatever preferential right regardless of its nature.

If the notification is made but without any observation on the offered price, it is considered that creditors have agreed on this price.

ARTICLE 13. The procedures stipulated in Articles 9 and 10 above will not be applied regarding expropriated pieces of property the price of which does not exceed 5,000 VN\$.

In this case, the land owner or his assignee or representative should be responsible for settling his debts or for reinvestment.

The amount of 5,000 VN\$ designated in paragraph of this Article and the other amounts designated in the other articles of this Decree-law are the prices determined by the Appraisement Committee.

ARTICLE 14. Regarding expropriated pieces of property subject to preferential rights, special delegation, which are determined at more than 5,000 VN\$, the Court will decide about the questions:

- Reinvestment case of inheritance, cultural estates destined to the celebration of the anniversary of the death of a person, property entrusted to a male descendant (huong hoa), property assigned to a descendant the income of which is to be used as offerings to ancestors (ky dien), or property offered for the benefit of a pagoda or temple (hau dien).

- Sharing between the creditors and the land owner, except that the individuals concerned agree to let the land owner or the rightful beneficiary receive the entire sum.

CHAPTER IV

**EVIDENCE OF OWNERSHIP; RIGHTFUL BENEFICIARY REPRESENTING
THE LAND OWNER; CONTRACTING PARTY**

ARTICLE 15. The boundaries of the expropriated property will be marked based on the real estate register or land register.

ARTICLE 16. If the real estate register or land register held at the commune or the local Land Registry Agency is destroyed or missing;

1. The Communal Administrative Authority will have to certify that the expropriated property belongs to the person whose name is indicated on the title deed (incase the title deed is not lost) on condition that this person makes a statement to be fully responsible for any mistake in the title deed or for forgery.

2. The Communal Administrative Authority will have to certify that the expropriated property belongs to the individual concerned in case the title deed is lost and this will be based on:

a. The actual fact, if the offered price of the property is less than 5,000 VN\$.

b. The actual fact and the statements of two witnesses, if the offered price is more than 5,000 VN\$ but does not exceed 10,000 VN\$.

c. The actual fact, after posting up the name of the land owner and the plan of the property at the communal administrative office for 15 full days without receiving any disproof, and if the offered price is more than 10,000 VN\$ but does not exceed 20,000 VN\$.

This procedure is applied instead of those provided for in paragraph 1 and 2, and items a & b above, if deemed necessary by the Communal Administrative Agency.

ARTICLE 17. If the land owner is deceased or absent, or cannot appear, due to whatever reasons, to the Communal Administrative Authority to produce the contract or present his observations, the Communal Administrative Agency will authorize the rightful beneficiary to represent the land owner to prepare the contract or present observations, and receive the money.

The Communal Administrative Authority's decision will be based on:

1. The actual facts, if the offered price of the expropriated property is less than 5,000 VN\$;

2. The actual facts, and the statement of the Chief of the family council of the land owner if the offered price is more than 5,000 VN\$ but less than 10,000 VN\$;

3. The actual facts, and the report prepared by the family council of the land owner if the offered price of the property is more than 10,000 VN\$ but less than 20,000 VN\$.

This procedure is applied instead of procedures 1 and 2 indicated above, if deemed necessary by the Communal Administrative Agency.

The contracting party receiving the money should be fully responsible to other rightful persons. After the contract has been prepared, in case of disputes arising about the ownership of the property concerned, or about the amount of money that has been received, the other contracting agency will not be involved in the dispute, and whatever it may be, the above contract will remain available.

ARTICLE 18. If, due to some serious reason, the Communal Administrative Authority refuses to certify the ownership of the property or the capacity of the rightful beneficiary in accordance with the procedures stipulated above, or if the offered price of the expropriated property is more than 20,000 VN\$ or if the total amount paid to each land owner or rightful beneficiary exceeds this sum, the individuals concerned are required to justify their rights or positions in compliance with the current law applied in civil matter.

ARTICLE 19. The following persons are entitled to exercise the rights that have been recognized for the property owner, excluding the receipt of the money resulting from the sale of the property in case the offered price is more than 5,000 VN\$, this case will require a Court decision on reinvestment:

1. Usufructuaries, regarding cultural estates.
2. Wife, regarding dowry.

ARTICLE 20. The procedures stipulated in Articles 17 and 18 are also applied to certify the rights and positions of the usufructuaries.

ARTICLE 21. Regarding the category of public property not affected to the public use, and commune's private property, the Communal Administrative Authority is entitled to exercise all rights that have been recognized.

However, the Communal Administrative Authority must comply with the current law for reinvestment.

ARTICLE 22. The recognition of ownership, capacity of the rightful beneficiary representing the land owner, and of the usufructuaries in compliance with the special procedures indicated in this Chapter is only applicable to the expropriated part of property.

CHAPTER V

PROCEDURES FOR TRANSFER OF OWNERSHIP

ARTICLE 23. The transfer of ownership is carried out immediately after the property sale contract has been signed or after a judgment has been rendered in the place of this contract.

In case of disputes arising about the question of ownership of the expropriated property, the transfer of ownership will be executed only after a Court sentence has decided on the case.

ARTICLE 24. The property sale contract will be signed in the local area between:

- The representative of the Ministry using the property, or of the Government Agency, or of the local administrative legal entity, and;
- The land owner or the rightful person recognized by the current law or by virtue of special provisions stated in Chapter IV.

These persons are entitled to sign the sale contract without requiring an agreement of their spouse if the offered price of the property does not exceed 50,000 VN\$.

The contract will be signed:

- After the delay for posting the notice indicated in Article 6 has expired, if the offered price of the expropriated property does not exceed 5,000 VN\$.
- After the delay for the notification of preferential rights and special delegations has expired, if the offered price of the property is more than 5,000 VN\$ and there is no request for the review of this price.

ARTICLE 25. The contract may be prepared in the form of an administrative deed or drawn up by a solicitor for all pieces of property in a commune which belong to one or several landowners.

Fingerprints or signatures by Chinese characters are also considered available with the presence of a witness.

ARTICLE 26. In case of non-agreement on the offered purchase price, the rightful persons must submit a request by registered mail to the Province Chief or City Mayor.

They can submit their requests in person to the Provincial Administrative Office or City Administrative Office. In this case, the official who receives the requests must deliver a receipt to them.

The requests must be accompanied with necessary justificative documents, and must mention the statements, observations, demands, with an obligation to pay all survey expenses and costs of justice in compliance with Articles 37 and 38 of this Decree.

Upon receipt of the requests, the Province Chief or City Mayor must transmit them to the Court of First Instance or Court of Peace with Extended Jurisdiction for consideration.

ARTICLE 27. The delay allowed to the land owners or rightful persons to appear to sign the contract or to petition for review of the price is three months starting from the date of posting the notice indicated in Article 6.

In any case, this delay shall not be suspended or extended.

ARTICLE 28. Any land owner or rightful person who fails to appear to sign the contract or does not submit his request for review of the price within the prescribed delay will be regarded as agreeing to sell the expropriated property at the offered price and under the specific details.

The Province Chief will prepare a record to confirm the facts, and submit it to the Court to:

- Readjust the price, if the preferential creditors request it.
- Recognize the agreement, if there are not preferential creditors, or if they do not request the review of the price.

ARTICLE 29. The judgment of readjustment of the price or recognizing the agreement will substitute for the property sale contract.

ARTICLE 30. After the property sale contract or the judgment substituting for it has been registered, it will be transmitted to the local Land Registry Agency for registration in the real estate register or for entries in the land title deed register, and will be transmitted to the Ministry of Finance for registration in the public property register.

The transfer of title to the Vietnamese Government, Government Agencies, and local administrative legal entities will automatically be executed in reference to the above-mentioned contract or judgment, and will be exempted from registration to compel the payment to be made.

ARTICLE 31. If the expropriated property is a public property purchased by public funds, no procedures will be required other than the updating of the real estate register, either the numbers of the piece of land or of the public property.

The updating will automatically be executed, referring to the Order authorizing the purchase, and the Order or Decision confirming the details of the expropriated property.

CHAPTER VI

TRIAL PROCEEDINGS CONCERNING THE TRANSFER OF OWNERSHIP

ARTICLE 32. The dossier transmitted by the Province Chief to the Court for the purpose provided in Articles 11, 14, 26, and 28, above will consist of:

A. For all cases:

1. A copy of this Decree-law.
2. The Order authorizing the purchase.
3. The Order or Decision confirming the details and the offered price of the property.
4. The certificate indicated in Article 8.

B. For each particular case:

1. When the Court is requested to decide on the sharing, reinvestment (Art. 14): Notification of preferential rights and special delegations.
2. When the Court is requested to readjust the price of the property (Art. 11 and 26): notification of preferential rights or request for readjustment of the price with indications as to the statements, observations and demands of the individual concerned, and with necessary justificative documents.
3. When the Court is requested to issue a sentence recognizing the agreement (Art. 28): record confirming that there has been no individual appearing to sign

the contract or to request the readjustment of the price.

ARTICLE 33. If the dossier received is improper or incomplete, the Court will notify the individuals concerned of it within a delay of 15 days as of the date of receipt of the dossier, so that they will complete or to put into proper form within a one-month delay. Upon expiration of that time, the Court will decide according to each particular case.

In all cases, starting from the date the dossier is received or from the end of the time for completing the dossier, the Court will have to:

1. Readjust the price within a 3 month period.
2. Recognize the agreement within a 15-day period.
3. Decide on the distribution of reinvestment within a one-month period.

If several matters are to be decided upon, the attendant periods of time may be added together.

ARTICLE 34. For the readjustment of the price, the Court only takes cognizance of the requests aiming to change the price of the property.

The Court can deliberately designate one or many surveyors, or require that surveyors be designated, order that all measures be implemented, and have all necessary procedures executed.

ARTICLE 35. If it is necessary to require that surveyors be designated, the Court will notify:

- The individuals concerned (land owner, assignee representing the creditors having preferential rights etc...) who request for readjustment of the price.
- The local representative of the Ministry or Government Agency or the administrative legal entity who requests the purchase of the property and has been delegated to prepare the contract, so that each party will designate two surveyors, and inform the Court and the other party of this within a period of 15 days as of the date of receipt of the notification from the Court. This delay is also the time allowed for depositing the security.

The surveyors appointed by the individuals concerned who request for readjustment of the price are responsible for convening other surveyors for carrying out. However, they must previously inform

the Court and other surveyors of that for at least 2 full days before the meeting.

The surveyors appointed by both parties will work together to estimate the price of the property. Their report must be submitted to the Court within 30 days, starting from the date of appointment.

ARTICLE 36. In case no surveyors are appointed within the prescribed period of time, it is considered that the individuals requesting the review of the price have agreed on the offered purchase price, and the Court will issue an order recognizing this agreement.

Any designated surveyor that fails to conduct the survey for whatever reason will be regarded as agreeing on the conclusion taken by a majority of other surveyors who have actually conducted the survey.

If the survey report is not submitted within the prescribed period of time, the Court will try the case according to the state of the dossier.

ARTICLE 37. If the price fixed by the Court is equal to the offered purchase price, the individuals requesting the review of the price will be charged with all expenses (court fees, law costs, survey charges).

If the price fixed by the Court is equal to the wanted sale price, all expenses will be paid by the budget of the agency purchasing the property.

If the price fixed by the Court is higher than the offered purchase price but lower than the wanted sale price, the Court will order each party to share the expenses in proportion to the balance between the price offered or wanted by each party and the price fixed by the Court.

In all cases, the expenses born by the individuals requesting the review of the price will not be higher than the price fixed by the Court. The balance amount will be covered by the public funds used for the purchase of the property.

ARTICLE 38. If all the rightful persons request the readjustment of the price, they will be dispensed from any deposit of security.

If among the preferential creditors, land owner of his representative (assignee), and other rightful individuals, some

agree on the offered purchase price while others do not agree on it and request the review of the price, ~~The~~ Court will order the latter to deposit a security to cover incurred expenses.

In case of failure to deposit the security; it is considered that means withdrawal of the request, and they have agreed upon the offered purchase price, and the Court will issue a sentence recognizing this agreement.

If the readjusted price minus the expenses is still higher than the offered purchase price, the individuals who have not requested for readjustment are also entitled to take advantage of this balance amount.

If the readjusted price minus the expenses is lower than the offered purchase, only the individual requesting for readjustment will be charged with this balance amount.

ARTICLE 39. The judgment readjusting the price or recognizing the agreement is final in nature, and may only be subject to petition for review to the Court of Cassation.

The declaration of petition for review must be made at the Court Clerk's office within 3 days of the pronouncement of the judgement.

ARTICLE 40. Current law relating to trial proceedings will apply if they are not in conflict with the provisions set forth in this Decree law.

CHAPTER VII

PAYMENT

ARTICLE 41. The sum paid to the land owner or rightful beneficiary consists of the price of the property plus the interest.

ARTICLE 42. The price of the property is the price offered for the purchase and agreed upon by the land owner or rightful person, or the price adjudged by the Court.

This price will be equal to the price estimated at the time when the land is expropriated and the work intended has not yet started. All expenses resulting from the removal of houses, crops, vegetation, tombs, and equipment will be certified by the agency using the property.

The Appraisement Committee after examination of the case will pay compensation to each damaged person.

ARTICLE 43. The simple interest calculated on the price of the property is rated at six per cent (6%).

The interest is computed on a one full year basis, and the number of years for which the interest is paid is not limited. The year when the land is expropriated and the year when payment is made are calculated as two years.

ARTICLE 44. The price of the expropriated property will be paid in cash to the land owner or rightful person immediately after the contract is signed or after a judgment substituting for the contract is made available, if the property transferred is priced at no more than 5,000 VN\$, or if the property is not subject to a promise of sale, or mortgage or any special delegation, or if there are only creditors having preferential rights and they all agree to allow the land owner or rightful person to receive the full amount of money.

ARTICLE 45. This Decree-Law is to free expropriated pieces of property. Creditors will be paid compensation following the procedures concerning the land owner.

Concerning the payment of sums which are delayed and have not yet been made pending Court decisions on sharing or reinvestment (Art. 14) or due to the absence of the land owner without representative, they will be deposited at the "Deposit and Consignment Office".

All charges on the expropriated property will automatically be cancelled by the payment of the money or deposition at the "Deposit and Consignment Office".

CHAPTER VIII

MISCELLANEOUS CLAUSES

ARTICLE 46. All sale contracts or judgments rendered in the place of which as well as decisions on the sharing or reinvestment of the sale price of property set forth in this Decree-law are exempted from registration tax and stamp duty.

If the land owner or the rightful persons has not requested readjustment of the price of the expropriated property, this property may be exempted from the succession tax.

ARTICLE 47. All judgments substituting for the sale contracts (not including those fixing the price) and all Court

decisions on the sharing or reinvestment of funds produced from the transfer of property to the Vietnamese Government, local legal entities or Government Agencies are exempted from all fees and costs of justice.

ARTICLE 48. The above pieces of property are also exempted from registration tax, and other fees for delivery of real estate certificates.

ARTICLE 49. Regarding the expropriation for public interest executed under the Decree dated 15 June 1930 or Order #480-Cab/SG, dated 19 November 1951, the provisions of this Decree-law will also apply if the payment has not been made yet, but the land has been taken, and if the Commission using the property considers there is need apply it.

In the above case, the clauses in this Decree-law will apply continuously, referring to the Order issued by the Commission using the property, and regarded as an Order authorizing the sale of the property (Art. 4):

1. Order declaring the expropriation as set forth in Article 2, Order #480-Cab/SG, dated 19 November 1951;
2. Law or Decree authorizing the carrying out of the public work stipulated in Article 1, Decree dated 15 June 1930.

ARTICLE 50. Regarding the property stated in Article 2 the purchase of which having been authorized by an Order in compliance with the current law, the Commission using the property can, as deemed necessary, issue an Order to assimilate the above order to one or both of the following documents, according to the case:

- Order authorizing the purchase (Art. 2 and 4);
- Order confirming the details of the property and the offered purchase price (Art. 2 & 5).

Thus, the clauses in this Decree-law will apply continuously to the case.

ARTICLE 51. The Chairman of the Central Executive Committee will be in charge of the execution of this Decree Law.

This Decree-law will be published in the Official Gazette of the Republic of Vietnam.

Saigon, 14 February 1967

LT GENERAL NGUYEN VAN THIEU

CENTRAL GOVERNMENT: The Commission for Handicrafts and Industry:

Republic of Vietnam
Office of the Chairman
Central Executive Committee

The Chairman, Central Executive Committee

Considering.....

DECREES:

Art. 1 - Decree No. 188-SL/CKN of 5 December 1966 is hereby abolished and replaced by the following provisions:

Art. 2 - The Commission for Handicraft & Industry is composed of the following agencies --

A. Central Agencies, namely:

- The Office of the Director of Cabinet
- The Secretariat General
- The Directorate of Industrial Supply
- The Directorate of Techniques
- The Directorate of Mining
- The Institute of Standards
- The Committee on National Enterprises
- The Inter-Ministerial Committee on Investment

B. Dependent Agencies, namely:

- The Industrial Development Center
- The Handicraft Development Center

Art. 3 - The office of the Director of Cabinet is headed by a Director of Cabinet who is responsible for helping the Commissioner for Handicraft & Industry, solving problems relating to the Commission, directing and coordinating activities of the dependent agencies, and determining the general policies of the Commission.

The office of the Director of Cabinet is composed of:

- A Chief of Cabinet whose functions are to direct:
 - The Private Secretary
 - The Press Secretary
 - Four Expeditors
 - One Generalist
 - The team of Specialists, comprising six Specialists remunerated on a contractual basis
 - The team of Industrial Inspectors, comprising four Inspectors ranking equally with the Chiefs of Service.