



Constitution of the Republic of Viet-Nam

Vietnam Newsletter

# VIETNAM NEWSLETTER

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866 UNITED NATIONS PLAZA SUITE 547-9 TEL. 688-3850

SPECIAL ISSUE

Following is the English translation of the new Constitution of the Republic of Viet-Nam which was promulgated on April 1, 1967.

## THE CONSTITUTION OF THE REPUBLIC OF VIET-NAM

### PREAMBLE

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 Viet-Nam, after debate, approve this Constitution.

### CHAPTER ONE - BASIC PROVISIONS

Article 1. (1) Viet-Nam is a territorially indivisible, unified and independent republic.

(2) Sovereignty resides in the People.

Article 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. Ethnic minorities will receive special support so that they can keep up with the rate of progress of the nation as a whole.

(3) It is the duty of every citizen to serve the national interests.

Article 3. The functions and powers of the Legislative, Executive and Judicial Branches must be clearly delineated. The activities of these three branches must be coordinated and harmonized to realize public order and prosperity on

the basis of freedom, democracy and social justice.

Article 4. (1) The Republic of Viet-Nam opposes communism in every form.  
(2) Every activity designed to propagandize or carry out communism is prohibited.

Article 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 TWO - RIGHTS AND DUTIES OF CITIZENS

Article 6. (1) The State respects human dignity.  
(2) The State will protect freedom, the lives, property and honor of every citizen.

Article 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 which has judicial powers conferred upon it by law except in cases 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 doesn't have a record of more than three months imprisonment for an intentional crime may be released pending trial provided he (or she) is employed and has fixed residence. Women pregnant more than three months accused of minor offenses who are employed and have a fixed residence may be released pending trial.

(8) Accused persons will be considered innocent until sentence recognizing his guilt is handed down. In event of doubt, the court will rule in favor of the accused.

(9) If unjustly detained, a citizen has the right to demand compensation for damages after his release, in accordance with the provisions of the law.

(10) No one can be detained for indebtedness.

Article 8. (1) The private life, home, and correspondence of every citizen will be respected.

(2) No one can enter, search or confiscate a person's property 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 will be protected by law. Any restriction imposed on this right must be determined by law.

Article 9. (1) The State will respect and guarantee 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 morals.

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

Article 10. (1) The State recognizes freedom of education.

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

(3) University education will be 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.

Article 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.

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

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

(3) Press regulations will be prescribed by law.

Article 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 recognizes the political rights of every citizen including the right to petition freely and engage in overt, non-violent and legal opposition.

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

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

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

Article 16. Freedom to join labor unions and to strike will be respected within the framework and regulations prescribed by law.

Article 17. The State recognizes the family as the foundation of society. The State will encourage and facilitate the formation of families and will assist expectant mothers and infants.

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

(3) The State will encourage family cohesion.

Article 18. (1) The State will endeavor 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.

Article 19. (1) The State recognizes and guarantees the freedom of private property.

(2) The State will advocate 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.

Article 20. (1) Freedom of trade and competition will be recognized but it cannot be exercised to secure monopoly or control of the market.

(2) The State will encourage and assist economic cooperation which has the nature of mutual economic assistance.

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

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

Article 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 particularly with respect to matters concerning wages and conditions of work within the framework and procedures prescribed by law.

Article 23. (1) Military personnel elected to public office or serving in positions in 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.

Article 24. (1) The State recognizes the presence of racial 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.

Article 25. Every citizen has the duty to defend the country and the republic.

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

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

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

Article 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 THREE - NATIONAL ASSEMBLY

Article 30. (1) Legislative authority is vested by the people in the National Assembly.

(2) The National Assembly includes two houses, the Lower House and the Upper House.

Article 31. The Lower House includes from 100 to 200 representatives.

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

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

(3) 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.

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

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

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

(3) Enjoying full rights of citizenship.

(4) Having draft status in order.

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

Article 33. The Upper House will include from 30 to 60 members.

(1) Senators are elected at-large by universal suffrage, direct and secret ballot. The election will be by list voting and on basis of plurality. Each list will include from 1/3 to 1/6 of the total membership of the Upper House.

(2) Senators will serve for six years. One-half of the Senate will be 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.

Article 34. Candidates for the Upper House must be citizens 30 years of age by election day, must meet all the conditions prescribed in the senatorial election law and those prescribed in Article 32.

Article 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 concurrent with the next regular election of one-half of the Upper House.

Article 36. Procedures and conditions for the candidacies and election of representatives and senators, including ethnic minority representatives, will be prescribed by law.

Article 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, except in cases of flagrant violation of the law, representatives and senators cannot be prosecuted, pursued, arrested or judged without the approval of three-fourths of the total number of representatives or senators.

(3) In cases of flagrant violation of the law, prosecution or detention of representatives or 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 or senators are not compatible with any other elected or appointed 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 bid in or sign a contract with a Government agency.

Article 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 2/3 of the total number of representatives or senators.

(3) The resolution to remove a member from office must be approved by 3/4 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.

Article 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 declaration of a state of war.

(5) Control the Government in the carrying out of national policy.

Article 40. (1) Each House, with the agreement of 1/3 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 Government policy.

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

Article 41. The senate has the right to open investigations regarding the execution of national policy and to request public agencies to produce documents necessary in its investigations.

Article 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 for 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.

Article 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 redebating and revoting 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.

Article 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 7 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.

Article 45. (1) 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.

Article 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 abovementioned 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.

Article 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.

Article 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 session complete reports of the debate and documents presented will be printed in the official journal.

Article 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 Officers of the two Houses will meet together to determine procedures for maintaining liaison between Houses.

Article 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

Article 51. Executive authority is vested by the people in the President.

Article 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 will be held on a Sunday, four weeks before the incumbent's term ends.

Article 53. Citizens meeting the following conditions may run for President and Vice-President:

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

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

(3) Must enjoy full rights of citizenship.

(4) Must have legal draft status.

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

Article 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.

Article 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."

Article 56. (1) 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 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 an election for a new President and Vice-President.

Article 57. The President promulgates laws within the period determined in Article 43.

Article 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.

Article 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 letters of accreditation of diplomatic envoys.

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

Article 60. The President is the supreme commander of the Armed Forces of the Republic of Viet-Nam.

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

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

Article 62. (1) The President determines national policy.

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

Article 63. (1) The President communicates with the National Assembly by message. In each regular session, 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.

Article 64. (1) In special situations, the President may sign decrees declaring states of emergency, curfew or tension 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.

Article 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.

Article 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.

Article 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.

Article 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.

Article 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 declaration of states of emergency, curfew, tension or war, propose declarations of war or 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.

Article 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.

Article 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.

Article 72. The heads of executive agencies of local administrative units are:  
Villages - Village Chief  
Provinces - Province Chiefs  
Cities - Mayor  
Capital - Mayor

Article 73. The deliberative bodies of local administrative units are:  
Villages - Village Council  
Provinces - Province Council  
Cities - Municipal Council  
Capital - Municipal Council

Article 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.

Article 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 - JUDICIARY

Article 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.

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

Article 78. (1) The responsibilities of judges and prosecuting judges are clearly delineated, and the two are governed by separate regulations.

(2) 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.

Article 79. Presiding judges can be relieved of their functions only in cases of mental or physical incapacity, conviction or violation of discipline.

Article 80. (1) The Supreme Court includes from 9 to 15 judges chosen by the National Assembly and appointed by the President from among 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 number 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.

Article 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 regime.

(3) In these cases, the Supreme Court will meet in plenary session. Representatives of the legislative or 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.

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

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

Article 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

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

Article 86. (1) The Special Court is chaired by the Chief Justice of the Supreme Court and consists of five representatives and five senators.

(2) When the Chief Justice of the Supreme Court is the accused, the chairman of the Upper House sits as presiding judge.

Article 87. (1) A motion to bring charges and citing reasons therefore must be supported by more than one-half of the total number of representatives and senators. The motion must be signed by two-thirds 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-quarters 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-quarters majority vote of its membership. In the particular case of the President and Vice-President, the decision must be by a four-fifths majority vote of total membership.

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

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

(6) A law will establish the organization, administration and procedures of the Special Court.

Article 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, representatives, senators, the Chief Justice of the Supreme Court and the chairman of the Inspectorate.

(4) In the cases of the chairman and members of the Inspectorate, the audit of personal property will be conducted by the Supreme Court.

Article 89. (1) The Inspectorate is empowered to propose disciplinary measures against government personnel or to request prosecution by competent courts.

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

Article 90. (1) The Inspectorate includes from 9 to 18 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 responsibilities.

Article 91. (1) The Inspectorate has an autonomous budget, and is empowered to establish regulations governing its internal organization and the inspectorate branch.

(2) The organization and regulation of the Inspectorate will be prescribed by law.

Article 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 regulations of the Armed Forces Council will be prescribed by law.

Article 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.

Article 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-teachers associations.

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

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

Article 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 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.

Article 97. (1) The Ethnic Council representing the ethnic minorities living on the territory of Viet-Nam, 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.

Article 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 regulation of the Ethnic Council will be prescribed by law.

#### CHAPTER VII - POLITICAL PARTIES AND OPPOSITION

Article 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.

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

Article 101. The Nation recognizes the formalization of political opposition.

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

#### CHAPTER VIII - AMENDING THE CONSTITUTION

Article 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.

Article 104. A joint committee will be established to study the proposed amendment and report to joint plenary sessions of the Assembly.

Article 105. The resolution to amend the constitution must be supported by two-thirds of the total number of representatives and senators.

Article 106. The President promulgates a law amending the Constitution according to the procedures prescribed in Article 44.

CHAPTER IX - TRANSITIONAL PROVISIONS

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

Article 109. During the transitional period, the National Assembly popularly elected on September 11, 1966 shall represent the people of the nation in the legislative sphere, and shall:

(1) Draft and approve:

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

(2) Ratify treaties.

Article 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.

Article 111. During the transitional period, the National Directory and the Cabinet shall continue in power until the first President and Vice-President take office.

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

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

Article 114. During the first Presidential term, the President shall appoint province chiefs.

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

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

Article 117. The other structures prescribed by the constitution shall be established no later than two years from the date the first National Assembly is established.