

## THE NATIONAL ASSEMBLY

No: 1992 Constitution

## SOCIALIST REPUBLIC OF VIET NAM

**Independence - Freedom -  
Happiness**

*Ha Noi, day 25 month 12 year  
2001*

### CHAPTER SIX THE NATIONAL ASSEMBLY

#### Article 83

The National Assembly is the highest representative organ of the people and the highest organ of State power of the Socialist Republic of Vietnam.

The National Assembly is the only organ with constitutional and legislative powers.

The National Assembly shall decide the fundamental domestic and foreign policies, the socio-economic tasks, the country's national-defence and security issues, the essential principles governing the organisation and activity of the State machinery, the social relations and the activities of the citizen.

The National Assembly shall exercise supreme control over all activities of the State.

#### Article 84

The National Assembly has the following obligations and powers:

1. To make and amend the Constitution; to make and amend laws; to work out a programme for making laws and decree-laws;
2. To exercise supreme control over conformity to the Constitution, the law and the resolutions of the National Assembly, to examine the reports of the country's President, the Standing Committee of the National Assembly, the Government, the Supreme People's Court, the Supreme People's Office for Supervision and Control;
3. To decide the country's plan for socio-economic development;
4. To decide the national financial and monetary policies; to decide the draft State budget and budgetary appropriations; to approve the accounts of the State budget; to establish, change, or abolish taxes;
5. To decide the nationalities policy of the State;
6. To regulate the organisation and activity of the National Assembly, the country's President, the Government, the People's Courts, the People's Office of Supervision and Control and the local administrations.
7. To elect, release from duty, remove from office the country's President and Vice-President, the Chairman of the National Assembly, the Vice-Chairmen and members of the Standing Committee of the National Assembly, the Prime Minister, the President of the Supreme People's Court, the Head of the Supreme People's Office of Supervision and Control; to sanction the proposals of the country's President on the establishment of the Council of National Defence and security; to sanction the proposals of the Prime Minister on the appointment, release from duty and removal from office of Deputy Prime Ministers, Cabinet Ministers and other members of the Government;
8. To set up or suppress government ministries and government organs of ministerial rank; to establish, merge, divide, or adjust the boundaries of provinces and cities under direct central rule; to set up or disband special administrative-economic units;
9. To abrogate all formal written documents issued by the country's President, the Standing Committee of the national Assembly, the Government, the Prime Minister, the Supreme People's Court, and the Supreme People's Office of Supervision and Control, that run counter to the Constitution, the law, and resolutions taken by the National Assembly;
10. To proclaim an amnesty;

11. To institute titles and ranks on the people's armed forces, in the diplomatic service and other State titles and ranks; to institute medals, badges and State honours and distinctions;
12. To decide issues of war and peace; to proclaim a state of emergency and other special measures aimed at ensuring national defence and security;
13. To decide fundamental policies in external relations; to ratify or annul international agreements that have been signed or participated in on the proposal of the country's President,
14. To hold a referendum.

#### **Article 85**

The duration of each National Assembly is five years.

Two months before the end of its tenure, a new National Assembly shall have been elected. The electoral procedure and the number of members of the National Assembly shall be established by law.

In special cases, with the approval of at least two-thirds of its members, the National Assembly can either reduce or prolong its period of tenure.

#### **Article 86**

The National Assembly shall hold two sessions each year, to be convened by its Standing Committee.

When so required by the country's President, the Prime Minister, or at least one-third of the total membership of the National Assembly, or in pursuance of its own decision, the Standing Committee may convene an extraordinary session of the National Assembly.

The first session of the newly-elected National Assembly shall be convened two months after its election at the latest; it shall be opened and presided over by the chairman of the outgoing Assembly until the election by the incoming Assembly of its chairman.

#### **Article 87**

The country's President, the Standing Committee of the National Assembly, the Nationalities Council and Committees of the National Assembly, the Government, the Supreme People's Court, the Supreme People's Office of Supervision and Control, the Vietnam Fatherland Front and its member organisations may present draft laws to the National Assembly.

Members of the National Assembly may present motions concerning laws and draft laws to the National Assembly.

The procedure for the presentation to the National Assembly of draft laws and motions concerning laws shall be established by law.

#### **Article 88**

Laws and resolutions of the National Assembly must be approved by more than half the total membership of the National Assembly; but decisions taken by the National Assembly to remove from office one of its members as stipulated in Article 7, to reduce or prolong its tenure as stipulated in Article 85 and to amend the Constitution as stipulated in Article 147 must be approved by at least two-thirds of its total membership.

Laws and resolutions of the National Assembly must be made public fifteen days after their adoption at the latest.

#### **Article 89**

The National Assembly shall elect a Credentials Committee and base itself on the report of the Committee to confirm the capacity of its members.

#### **Article 90**

The Standing Committee of the National Assembly is its permanent Committee.

It is composed of:

- the Chairman of the National Assembly,
- the Vice-Chairmen of the National Assembly;
- the members.

The membership of the Standing Committee shall be determined by the National Assembly. A member of the Standing Committee of the National Assembly cannot be at the same time a member of the Government.

The Standing Committee of each legislature shall fulfill its tasks and exercise its powers until the election by the new legislature of a new Standing Committee.

#### **Article 91**

Following are the duties and powers of the Standing Committee of the National Assembly:

1. To call and preside over the election of the National Assembly,
2. To prepare for, to convene, and preside over the sessions of the National Assembly;
3. To interpret the Constitution, the law, and decree-laws;
4. To enact decree-laws on matters entrusted to it by the National Assembly;
5. To exercise supervision and control over the implementation of the Constitution, the law, the resolutions of the National Assembly, decree-laws, the resolutions of the Standing Committee of the National Assembly; over the activities of the Government, the Supreme People's Court, the Supreme People's Office of Supervision and Control; to suspend the execution of the formal written orders of the Government, the Prime Minister, the Supreme People's Court, the Supreme People's Office of Supervision and Control, that contravene the Constitution, the law, the resolutions of the National Assembly; to report the matter to the National Assembly for it to decide the abrogation of such orders; to repeal the written orders of the Government, Prime Minister, the Supreme People's Court, the Supreme People's Office of Supervision and Control that are contrary to the decree-laws and resolutions of the Standing Committee of the National Assembly;
6. To exercise supervision and control over, and to give guidance to the activities of the People's Councils; to annul wrong resolutions by the People's Councils of provinces and cities under direct central rule; to disband People's Councils of provinces and cities under direct central rule whenever such Councils cause serious harm to the interests of the people;
7. To direct, harmonise, and co-ordinate the activities of the Nationalities Council and the Committees of the National Assembly, to give guidance to, and to ensure good working conditions for, members of the National Assembly;
8. In the intervals between sessions of the National Assembly, to sanction proposals of the Prime Minister concerning the appointment, release from duty, and dismissal of a Deputy Prime Minister, Cabinet Minister, and other members of the Government, and to report such matters to the nearest session of the National Assembly;
9. In the intervals between sessions of the National Assembly, to proclaim the state of war in case of foreign aggression and report the matter to the National Assembly for its approval at its nearest session;
10. To proclaim general or partial mobilisation; to proclaim a state of emergency throughout the country or in a particular region;
11. To carry out the National Assembly's external relations;
12. To organise a referendum following decision by the National Assembly.

#### **Article 92**

The Chairman of the National Assembly shall preside over its sessions; authenticate through his signature laws and resolutions of the National Assembly; give leadership to the activities of its Standing Committee; organise the carrying out of its external relations; maintain relationship with its members.

The Vice-Chairman of the National Assembly shall assist the Chairman in the fulfilment of his duties as required by him.

#### **Article 93**

The decree-laws and resolutions of the Standing Committee of the National Assembly must be approved by more than half of its membership. They must be made public fifteen days following their adoption at the latest, except in case they are presented by the country's President to the National Assembly for review.

#### **Article 94**

The National Assembly shall elect a Nationalities Council comprising the Chairman, Vice-Chairmen, and members.

The Nationalities Council studies and makes proposals to the National Assembly on issues concerning the nationalities; supervises and controls the implementation of policies on nationalities, the execution of programmes and plans for socio-economic development of the highlands and regions inhabited by national minorities.

Prior to the promulgation of decisions related to nationalities policies, the Government must consult the

Nationalities Council.

The Chairman of the Nationalities Council can sit in on meetings of the Standing Committee of the National Assembly and meetings of the Government at which are discussed ways of putting into effect policies on nationalities.

The Nationalities Council has also other duties and powers as assigned to the Committees of the National Assembly in Article 95.

A number of members of the Nationalities Council are in charge of special tasks.

#### **Article 95**

The National Assembly shall elect its Committees.

The Committees of the National Assembly study and check draft laws, make proposals concerning laws, draft decree-laws and other drafts, and reports entrusted to them by the National Assembly or its Standing Committee; present to the National Assembly and its Standing Committee their views on legislative programmes; exercise supervision and control within the bounds determined by law; make proposals concerning issues within their fields of activity.

A number of members of each Committee are in charge of special tasks.

#### **Article 96**

The Nationalities Council and the Committees of the National Assembly can require members of the Government, the President of the Supreme People's Court, the Head of the Supreme People's Office of Supervision and Control, and other State officials to report or supply documents on certain necessary matters. Those to whom such requests are made must satisfy them.

It is the responsibility of State organs to examine and answer the proposals made by the Nationalities Council and the Committees of the National Assembly.

#### **Article 97**

The deputy to the National Assembly represents the will and aspirations of the people, not only of his constituency but of the whole country.

The deputy to the National Assembly must maintain close ties with the electors; submit himself to their control; collect and faithfully reflect their views and aspirations for the consideration of the National Assembly and the State organs concerned; maintain regular contacts with and make reports to the electors on his own activities and the National Assembly's; answer the requests and proposals of the electors; examine, activate and keep track of the way citizens' complaints and denunciations are dealt with, and give guidance and assistance to citizens seeking to exercise their rights.

The deputy to the National Assembly shall popularise and urge the people to implement the Constitution, laws and resolutions of the National Assembly.

#### **Article 98**

The deputy to the National Assembly has the right to interpellate the country's President, the Chairman of the National Assembly, the Prime Minister, Cabinet Ministers and other members of the Government, the President of the Supreme People's Court, and the Head of the Supreme People's Office of Supervision and Control.

The interpellated officials must give an answer at the current session; in case an inquiry is needed the National Assembly may decide that the answer should be given to its Standing Committee or at one of its own subsequent sessions, or may allow the answer to be given in writing.

The deputy to the National Assembly has the right to request State organs, social organisations, economic bodies, and units of the armed forces to answer questions on matters with which he is concerned. The people in charge of those organs, organisations, bodies and units have the responsibility to answer questions put by the deputy within the time limit set by the law.

#### **Article 99**

A member of the National Assembly cannot be arrested or prosecuted without the consent of the National Assembly and, in the intervals between its sessions, without the consent of its Standing Committee.

In case of a flagrant offence and the deputy is taken into temporary custody, the organ effecting his arrest must immediately report the facts to the National Assembly or its Standing Committee for it to examine them and take a decision.

**Article 100**

The deputy to the National Assembly must devote the necessary time to his work.

It is the responsibility of the Standing Committee of the National Assembly, the Prime Minister, the Cabinet Ministers, the other members of the Government, and the other State organs to supply him with the material he requires and to create the necessary conditions for him to fulfill his duty.

The State shall ensure that he has the money necessary to his activities.