

**THE NATIONAL ASSEMBLY**  
**THE SOCIALIST REPUBLIC OF VIETNAM**  
**The eleventh Assembly, seventh session**  
*(From 5 May to 14 June 2005)*

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**LAW**  
**ON CONCLUSION, ACCESSION AND IMPLEMENTATION OF**  
**TREATIES**

Pursuant to the Constitution of the Socialist Republic of Vietnam, promulgated in 1992, as revised in accordance with the Resolution No. 51/2001/QH10 dated 25 December 2001 of the Tenth National Assembly, the 10<sup>th</sup> Session;

The present Law regulates the conclusion, accession and implementation of treaties.

**CHAPTER I**  
**GENERAL PROVISIONS**

***Article 1. Scope of regulation***

The present Law provides for the conclusion, accession, reservation, deposit, keeping custody, making certified copies, publication, registration, implementation, interpretation, amendment, supplement, extension, termination, denunciation, withdrawal, suspension of the implementation of treaties concluded or acceded to in the name of the State or in the name of the Government of the Socialist Republic of Vietnam.

***Article 2. Use of terms***

For the purposes of the present Law:

1. *Treaties concluded or acceded to by the Socialist Republic of Vietnam* mean agreements in written form concluded or acceded to in the name of the State or in the name of the Government of the Socialist

Republic of Vietnam with one or more States, international organisations or other subjects of international law, irrespective of their titles such as treaties, conventions, agreements, acts, arrangements, protocols, memorandums of understanding, exchanged diplomatic notes or documents with other titles.

2. *Full Powers* means a document emanating from the competent authority designating one or more representatives of the Socialist Republic of Vietnam for undertaking one or more legal acts relating to the negotiation or signing of a treaty.

3. *Credentials* means a document emanating from the competent authority designating one or more representatives of the Socialist Republic of Vietnam for participation in an international conference to undertake one or more legal acts in relation to the negotiation, adoption of the text of a treaty at the conference or the implementation of a multilateral treaty.

4. *Conclusion* means legal acts undertaken by competent persons or authorities, including negotiation, signing, ratification, approval of a treaty or exchange of documents constituting a treaty.

5. *Signing* means a legal act undertaken by a competent or authorised person, including signing of a treaty without subject to ratification or approval and signing of a treaty subject to ratification or approval.

6. *Initialling* means a legal act undertaken by a competent or authorised person to confirm that the text of a treaty the Socialist Republic of Vietnam intends to sign is the final text agreed upon with a foreign contracting party (parties).

7. *Ratification* means a legal act undertaken by the National Assembly or the State President, whereby it expresses the consent of the Socialist Republic of Vietnam to be bound by a treaty signed.

8. *Approval* means a legal act undertaken by the Government, whereby it expresses the consent of the Socialist Republic of Vietnam to be bound by a treaty signed.

9. *Exchange of documents constituting a treaty* means the exchange of letters or diplomatic notes or documents with other titles constituting a bilateral treaty between the Socialist Republic of Vietnam and a foreign contracting party.

10. *Accession* means a legal act undertaken by the National Assembly, the State President or the Government, whereby it expresses the consent of

the Socialist Republic of Vietnam to be bound by a multilateral treaty in case where the Socialist Republic of Vietnam has not signed such treaty, irrespective of the entry into force of the treaty.

11. *Reservation of the Socialist Republic of Vietnam* means a statement made by the Socialist Republic of Vietnam in signing, ratifying, approving or acceding to a multilateral treaty, whereby it purports to exclude or modify the legal effect of certain provision(s) of the treaty in application to the Socialist Republic of Vietnam.

12. *Treaties to which Vietnam is a party* means treaties that are in force with respect to the Socialist Republic of Vietnam.

13. *Termination of a treaty* means a legal act undertaken by the National Assembly, the State President or the Government, whereby it denounces the effect of a treaty to which the Socialist Republic of Vietnam is a party.

14. *Denunciation of or withdrawal from a treaty* means a legal act undertaken by the National Assembly, the State President or the Government, whereby it denounces the consent of the Socialist Republic of Vietnam to be bound by a treaty.

15. *Suspension of the implementation of a treaty* means a legal act undertaken by the National Assembly, the State President or the Government, whereby it suspends the implementation of a treaty in whole or in part, to which the Socialist Republic of Vietnam is a party.

16. *Foreign contracting parties* mean States, international organisations or other subjects of international law.

17. *International organisations* mean inter-governmental organisations.

***Article 3. Principles of conclusion, accession and implementation of treaties***

Treaties shall be concluded, acceded to and implemented on the basis of full compliance with the following principles:

1. Respect for principles of state independence, sovereignty, territorial integrity, of prohibition of the threat or use of force, of non-interference in the domestic affairs of each other, of equality and mutual benefit and other fundamental principles of international law;

2. In conformity with the provisions of the Constitution of the Socialist Republic of Vietnam;

3. In conformity with the national interests, foreign policies of the Socialist Republic of Vietnam;

4. Treaties concluded or acceded to in the name of the Government shall not be in conflict with treaties concluded or acceded to in the name of the State;

5. Treaties containing provision(s) which are in conflict with or not provided for in legal normative documents of the National Assembly or the Standing Committee of the National Assembly or treaties whose implementation requires amendment, supplement, repeal or promulgation of any legal normative documents of the National Assembly or the Standing Committee of the National Assembly, shall be submitted to the Standing Committee of the National Assembly for consideration before the negotiation, signing or accession; in case of negotiation, signing of or accession to a treaty containing provision(s) in conflict with any legal normative document of the National Assembly, the Standing Committee of the National Assembly shall report to the National Assembly for consideration;

6. The Socialist Republic of Vietnam complies with treaties to which the Socialist Republic of Vietnam is a party, and at the same time is entitled to request other parties fully comply with such treaties.

***Article 4. State management over conclusion, accession, and implementation of treaties***

The contents of State management over conclusion, accession, and implementation of treaties are as follows:

1. Promulgating legal normative documents on conclusion, accession, and implementation of treaties;

2. Organising and ensuring the implementation of treaties;

3. Proliferating and disseminating treaties to which the Socialist Republic of Vietnam is a party;

4. Proliferating, disseminating and providing guidance for the enforcement of laws on conclusion, accession, and implementation of treaties;

5. Organising activities of keeping custody, deposit, making certified copies, translation, publication and registration of treaties;

6. Making statistics, reviewing treaties concluded or acceded to by the Socialist Republic of Vietnam;

7. Formulating long-term plans and annual plans on conclusion, accession, and implementation of treaties;

8. Supervising, examining, inspecting, and dealing with breaches of provisions of the legislation on conclusion, accession, and implementation of treaties;

9. Resolving complaints and denunciations relating to the conclusion, accession, and implementation of treaties;

10. Carrying out international co-operation on conclusion, accession, and implementation of treaties.

***Article 5. State agencies responsible of management over the conclusion, accession, and implementation of treaties***

1. The Government uniformly directs state management over the conclusion, accession, and implementation of treaties nation-wide.

2. The Ministry of Foreign Affairs is responsible before the Government to undertake state management over the conclusion, accession, and implementation of treaties;

3. Ministries, ministerial-level agencies, within their respective duties and power, are responsible to co-ordinate with the Ministry of Foreign Affairs in undertaking the state management over the conclusion, accession, and implementation of treaties.

***Article 6. Treaties and provisions of domestic law***

1. In case, with respect to the same subject matter, a legal normative document contains provision(s) different from relevant provision(s) of a treaty to which the Socialist Republic of Vietnam is a party, the provision(s) of the treaty shall apply.

2. The promulgation of legal normative documents shall not create any obstacles to the implementation of treaties to which the Socialist Republic of Vietnam is a party and which contain provisions on the same subject matters.

3. On the basis of the requirement, contents and nature of a treaty, the National Assembly, the State President or the Government, in making decision to accept to be bound by the treaty, shall at the same time make decision on direct application of such treaty, in whole or in part, with respect to agencies, organisations, and individuals, in case the provisions of the treaty are adequately detailed and clear for its implementation; make decision or proposal for amendment, supplement, repeal or promulgation of legal normative documents for implementation of such treaty.

***Article 7. Types of treaties***

1. Bilateral or multilateral treaties concluded or acceded to by the Socialist Republic of Vietnam comprise:

- a) Treaties in the name of the State;
- b) Treaties in the name of the Government.

2. Treaties shall be concluded or acceded to in the name of the State in the following cases:

a) Treaties which are signed directly by the State President together with the Heads of other States;

b) Treaties on peace, security, boundaries, territory and state sovereignty;

c) Treaties on basic rights and duties of nationals, on legal assistance;

d) Treaties on universal international organisations and important regional organisations;

®) Treaties concluded in the name of the State pursuant to the agreement with foreign contracting party (parties).

3. Treaties shall be concluded or acceded to in the name of the Government in the following cases:

a) For the implementation of other treaties previously concluded or acceded to in the name of the State;

b) Treaties on those fields which are not prescribed in sub-paragraph b and sub-paragraph c of Paragraph 2 of this Article;

c) Treaties on those international organisations which are not prescribed in sub-paragraph d of Paragraph 2 of this Article;

d) Treaties, which are concluded in the name of the Government pursuant to the agreement with foreign contracting party (parties).

***Article 8. Consent to be bound by treaties***

The Socialist Republic of Vietnam expresses its consent to be bound by a treaty by taking any of the following legal acts:

1. Definitely signing of the treaty without subject to ratification or approval;

2. Ratification of the treaty;

3. Approval of the treaty;

4. Exchange of documents constituting the treaty;
5. Accession to the treaty;
6. Other acts as agreed upon with foreign contracting party (parties).

CHAPTER II  
CONCLUSION OF TREATIES  
SECTION 1

RECOMMENDATIONS ON NEGOTIATION, SIGNING OF  
TREATIES

***Article 9. Responsibility of making recommendations on negotiation and signing of treaties***

1. The People's Supreme Court, People's Supreme Procuracy, ministries, ministerial-level agencies, agencies attached to the Government (hereinafter referred to as the recommending agencies), on the basis of their duties and power assigned in accordance with the laws, requirements of international co-operation, shall take initiatives to submit to the Government recommendations on the negotiation and signing of treaties.

2. Before submitting recommendations to the Government on the negotiation and signing of a treaty, the recommending agency shall obtain written examining opinions from the Ministry of Foreign Affairs as provided for in Article 10, appraisal opinions from the Ministry of Justice as provided for in Articles from 17 to 21 of this Law, and opinions from relevant agencies, organisations.

3. In case the Ministry of Foreign Affairs makes recommendations on the negotiation or signing of a treaty, the Ministry shall obtain appraisal opinions from the Ministry of Justice and opinions in written form from relevant agencies, organisations.

The Ministry of Foreign Affairs shall take lead and co-ordinate with relevant agencies to submit to the Government recommendations on the negotiation, signing of treaties on peace, security, borders, territory and state sovereignty.

4. The recommending agencies shall be responsible to prepare drafts of treaties of the Vietnamese party. In case a draft treaty was prepared by foreign contracting party (parties), the recommending agency shall be responsible to study such draft treaty and prepare different plans for

acceptance, amendments, supplement of such draft or formulation of a draft treaty of the Vietnamese party.

***Article 10. Responsibility of the Ministry of Foreign Affairs for examination of recommendations on negotiation, signing of treaties***

1. The Ministry of Foreign Affairs shall be responsible to examine recommendations on negotiation, signing of treaties.

2. The recommendations on negotiation, signing of a treaty shall be examined on the following aspects:

a) The necessity, objectives and purposes of negotiation, signing of the treaty, on the basis of evaluating the relationship between the Socialist Republic of Vietnam and the foreign contracting party concerned;

b) Evaluation of the extent of conformity between the draft treaty with fundamental principles of international law;

c) Evaluation of the extent of conformity between the treaty with the national interests and foreign policies of the Socialist Republic of Vietnam;

d) Evaluation of the extent of conformity of the treaty and other treaties on the same field, to which the Socialist Republic of Vietnam is a party;

đ) The authority to sign the treaty, the name under which the treaty will be signed, title, form, language(s), entry into force and document techniques of the treaty;

e) The compliance with the procedures for making recommendations on negotiation, signing of the treaty;

g) Check, collation of the text of the treaty in the Vietnamese language with the text of the treaty in foreign language(s).

***Article 11. Competence to decide, contents of decisions on negotiation, signing of treaties***

1. The State President shall decide on the negotiation and signing of treaties in the name of the State with the Head(s) of other State(s).

2. The Government shall decide on the negotiation and signing of treaties in the name of the Government and in the name of the State, except in cases provided for in Paragraph 1 of this Article.

The Government shall be responsible to report to the State President before making a decision on the negotiation and signing of a treaty in the

name of the State or a treaty in the name of the Government containing a provision which requires the treaty be subject to ratification.

3. The Government shall submit to the Standing Committee of the National Assembly for consideration on the negotiation and signing of treaties containing provisions which are in conflict with or not provided for in legal normative documents of the National Assembly and the Standing Committee of the National Assembly, or treaties whose implementation requires amendment, supplement, repeal or promulgation of any legal normative documents of the National Assembly or the Standing Committee of the National Assembly; in case of negotiation and signing of treaties containing provisions which are in conflict with legal normative documents of the National Assembly, the Standing Committee of the National Assembly shall report to the National Assembly for consideration.

4. The Government shall make decision in written form on the negotiation, signing of a treaty, which contain the following contents:

a) The title, form, language(s) of the treaty and the name in which the treaty shall be signed;

b) The designated representative and his/her designated authority in negotiating, signing the treaty;

c) The entry into force, provisional application of the treaty;

d) The reservation, acceptance of or objection to reservation(s) made by foreign contracting party (parties), declaration(s) with respect to a multilateral treaty;

®) The opinions on the contents of the treaty and other necessary issues;

e) The decision on direct application of the treaty, in whole or in part; the decision or recommendation on amendment, supplement, repeal or promulgation of legal normative document(s) for implementation of the treaty;

g) The responsibility of the recommending agency, Ministry of Foreign Affairs and other relevant agencies, organisations.

***Article 12. Procedures for making recommendations and decisions on negotiation, signing of treaties***

1. No later than 30 days before submitting to the Government recommendations on the negotiation and signing of a treaty, the recommending agency shall be responsible to consult and obtain written

examining opinions from the Ministry of Foreign Affairs, appraisal opinions from the Ministry of Justice, and opinions from relevant agencies, organisations.

2. The consulting agencies, organisations referred to in Paragraph 1 of this Article shall be responsible to reply the recommending agency in writing, within 15 days from the date of receipt of a written request for opinions.

3. The recommending agency shall submit to the Government recommendations on the negotiation and signing of a treaty, within 10 days from the date of receipt of written reply from relevant agencies, organisations referred to in Paragraph 1 of this Article.

4. The Government shall decide:

a) On the negotiation, signing of a treaty within 15 days from the date of receipt of the documents submitted by the recommending agency or from the date of receipt of the opinions of the Standing Committee of the National Assembly or notification of opinions of the National Assembly on the negotiation and signing of a treaty containing provisions which are in conflict with or not provided for in legal normative documents of the National Assembly and the Standing Committee of the National Assembly, or a treaty whose implementation requires amendment, supplement, repeal or promulgation of any legal normative documents of the National Assembly or the Standing Committee of the National Assembly; or

b) To submit to the State President for decision on the negotiation and signing of a treaty in the name of the State, within 15 days from the date of receipt of the documents submitted by the recommending agency in case where the State President shall sign the treaty with the Head(s) of other State(s); or

c) To report to the State President on the negotiation, signing of a treaty in the name of the State, except for the cases as provided for in subparagraph b of this Paragraph or a treaty in the name of the Government containing a provision which requires the treaty be subject to ratification, no later than 15 days before making a decision on the negotiation, signing of the treaty; or

d) To submit to the Standing Committee of the National Assembly for consideration on the negotiation, signing of a treaty containing provisions which are in conflict with or not provided for in legal normative documents of the National Assembly or the Standing Committee of the National

Assembly, or a treaty whose implementation requires amendment, supplement, repeal or promulgation of any legal normative documents of the National Assembly or the Standing Committee of the National Assembly, within 15 days from the date of receipt of the documents submitted by the recommending agency.

5. The Standing Committee of the National Assembly shall give its opinions on the negotiation and signing of a treaty referred to in subparagraph d Paragraph 4 of this Article, within 30 days from the date of receipt of the documents submitted by the Government.

In case of giving opinions on the negotiation, signing of a treaty containing provisions in conflict with legal normative documents of the National Assembly, the Standing Committee of the National Assembly shall report to the National Assembly for consideration.

***Article 13. Procedures for the Standing Committee of the National Assembly to give opinions on negotiation and signing of treaties***

1. The Standing Committee of the National Assembly shall give opinions on negotiation and signing of a treaty as provided for in subparagraph d of Paragraph 4 of Article 12 of this Law at its session in accordance with the following order:

a) The representative of the Government shall present its recommendations on the negotiation, signing of the treaty;

b) The representatives of the Foreign Affairs Committee, the Ethnic Council, and relevant Committees of the National Assembly shall express their views;

c) The representatives of relevant agencies, organisations invited to attend the session shall express their views;

d) The Standing Committee of the National Assembly shall discuss;

đ) The Chairman of the session shall summarise opinions of members of the Standing Committee of the National Assembly on the negotiation, signing of the treaty;

e) The Standing Committee of the National Assembly shall adopt opinions on the negotiation, signing of the treaty.

2. The opinions of the Standing Committee of the National Assembly on negotiation, signing of a treaty shall be expressed in written form and constitute the basis for the State President or the Government to consider and make a decision on the negotiation and signing of the treaty.

In case of a recommendation of negotiation, signing of a treaty containing provisions in conflict with legal normative documents of the National Assembly, the Standing Committee of the National Assembly shall report to the National Assembly for consideration.

***Article 14. Contents of documents of recommendations, reports of recommendations on negotiation and signing of treaties***

A recommendation document or report on recommendations on the negotiation, signing of a treaty shall contain the following contents:

1. The necessity, requirements and objectives of the recommendations on the negotiation, signing of the treaty;
2. Major contents of the treaty;
3. Title, form, the name in which the treaty shall be signed, the representative designated to sign the treaty, the language(s), entry into force and method of entry into force, duration and temporary application of the treaty;
4. Rights and obligations arising from the treaty with respect to the Socialist Republic of Vietnam;
5. Evaluation of political, economic, social and other impacts;
6. Evaluation of the compliance with the principles as provided for in Article 3 of this Law;
7. Evaluation of the conformity of the contents of the treaty with other treaties on the same field, to which the Socialist Republic of Vietnam is a party;
8. Evaluation of the compatibility between the provisions of the treaty and the provisions of the legislation of Vietnam;
9. Recommendations on any reservation, acceptance of or objection to reservation(s) made by foreign contracting party (parties), declaration(s) with respect to a multilateral treaty;
10. Recommendations on direct application of the treaty in whole or in part, or any amendment, supplement, repeal or promulgation of legal normative documents for implementation of the treaty;
11. Issues on which opinions are divergent between the recommending agency and relevant agencies, organisations or between the Vietnamese party and foreign contracting party (parties), and recommendations on the measures to address such issues.

***Article 15. Documents submitted on negotiation and signing of treaties***

1. Documents submitted by a recommending agency to the Government on the negotiation, signing of a treaty shall comprise:

a) A recommendation document of the recommending agency containing the contents as provided for in Article 14 of this Law;

b) The texts of the treaty in the Vietnamese and foreign languages; in case the treaty will be signed only in foreign language(s), the translation version of the treaty in the Vietnamese language shall be attached thereto;

c) Examining opinions of the Ministry of Foreign Affairs, appraisal opinions of the Ministry of Justice and opinions of relevant agencies, organisations;

d) Other necessary documents.

2. Documents submitted or reported by the Government to the State President on the negotiation, signing of a treaty in the name of the State to be signed directly by the State President and the Head(s) of other State(s); or on the negotiation, signing of another treaty in the name of the State; or on the negotiation, signing of a treaty in the name of the Government which is subject to ratification, shall comprise:

a) A recommendation document or report of the Government containing the contents as provided for in Article 14 of this Law;

b) The reasons why the treaty in the name of the Government is subject to ratification;

c) The texts of the treaty in the Vietnamese and foreign languages; in case the treaty shall be signed only in foreign language(s), a translation version of the treaty in the Vietnamese language shall be attached thereto;

d) Other necessary documents.

3. Documents submitted by the Government to the Standing Committee of the National Assembly for consideration on the negotiation and signing of a treaty containing provisions which are in conflict with or not provided for in legal normative documents of the National Assembly and the Standing Committee of the National Assembly, or a treaty whose implementation requires amendment, supplement, repeal or promulgation of any legal normative documents of the National Assembly or the Standing Committee of the National Assembly, shall comprise:

a) A recommendation document of the Government containing the contents as provided for in Article 14 of this Law;

b) The texts of the treaty in the Vietnamese and foreign languages; in case the treaty shall be signed only in foreign language(s), a translation version of the treaty in the Vietnamese language shall be attached thereto;

c) Other necessary documents.

***Article 16. Language(s), form of treaties***

1. A bilateral treaty shall have a text in the Vietnamese language, unless otherwise agreed between the Vietnamese party and foreign contracting party. The Vietnamese text of the treaty shall be commented by the Ministry of Foreign Affairs before it is submitted to the Government on its negotiation and signing.

In case the treaty shall be signed only in foreign language(s), the recommending agency, before submitting to the Government recommendations on its negotiation and signing, shall be responsible to translate the treaty into the Vietnamese language and reach agreement with the Ministry of Foreign Affairs on the collation of the Vietnamese version with the language(s) in which the treaty will be signed.

2. The original text of a bilateral treaty of the Vietnamese party shall be printed in treaty paper, bound with treaty covers and sealed with embossed stamp of the Ministry of Foreign Affairs or of the diplomatic mission of the Socialist Republic of Vietnam to the foreign country where the treaty is signed, unless otherwise agreed by the contracting parties.

## SECTION 2

### APPRAISAL OF TREATIES

***Article 17. Treaties subject to appraisal***

Treaties shall be subject to appraisal before being submitted to the Government on their negotiation and signing.

***Article 18. Scope of appraisal of treaties***

A treaty shall be subject to appraisal on the following aspects:

1. The conformity with the Constitution;
2. The compatibility with the provisions of the legislation of Vietnam;
3. The possibility of direct application of the treaty in whole or in part;

4. The requirements for amendment, supplement, repeal or promulgation of legal normative documents for the implementation of the treaty.

***Article 19. Competence of appraisal of treaties***

1. The Ministry of Justice shall be responsible to make appraisal of treaties.

2. In case the Ministry of Justice makes recommendations on the negotiation, signing of a treaty, or in case another recommending agency makes recommendations on the negotiation, signing of a treaty over which many opinions are divergent, the Minister of Justice shall establish an Appraisal Council for making appraisal of the treaty.

The members of the Appraisal Council shall comprise representatives from the Ministry of Foreign Affairs, the Government's Office, and relevant agencies, organisations.

***Article 20. Procedures for appraisal of treaties***

1. The recommending agency shall be responsible to transmit to the Ministry of Justice documents requesting for appraisal of a treaty before submitting to the Government recommendations on its negotiation, signing.

2. The Ministry of Justice or the Appraisal Council shall make appraisal of the treaty. The appraisal results shall be sent to the recommending agency and the Ministry of Foreign Affairs, within 15 days from the date of receipt of documents requesting for appraisal.

3. In case where the appraised treaty contains provisions which are in conflict or not provided for in legal normative documents of the National Assembly or the Standing Committee of the National Assembly or the implementation of the appraised treaty requires amendment, supplement, repeal or promulgation of any legal normative documents of the National Assembly or the Standing Committee of the National Assembly, the Ministry of Justice shall be responsible to co-ordinate with the recommending agency to submit to the Government solutions for dealing with such issues.

***Article 21. Documents for requesting appraisal of treaties***

1. Documents requesting for appraisal shall comprise:

a) A written request for appraisal, which evaluate the conformity of the treaty with the Constitution, the compatibility between the provisions of the treaty and the provisions of the legislation of Vietnam; the possibility of

direct application of the treaty in whole or in part, proposals for amendment, supplement, repeal or promulgation of any legal normative documents for implementation of the treaty;

b) A draft recommendation document addressed to the Government on the negotiation and signing of the treaty;

c) A copy of the treaty in the Vietnamese and foreign languages; in case the treaty shall be signed only in foreign language(s), a translation version of the treaty in the Vietnamese language shall be attached thereto;

d) Opinions of relevant agencies, organisations;

®) Other necessary documents.

2. Documents requesting for appraisal shall comprise five (5) sets.

### SECTION 3

#### FULL POWERS FOR NEGOTIATION, SIGNING OF TREATIES, CREDENTIALS FOR PARTICIPATION IN INTERNATIONAL CONFERENCES

##### ***Article 22. Negotiation and signing of treaties without requiring Full Powers and participation in international conferences without requiring Credentials***

1. The State President, the Prime Minister and the Minister of Foreign Affairs do not need Full Powers for negotiating, signing treaties and do not need Credentials for participating in international conferences for negotiation, adoption of the texts of treaties or implementation of treaties (hereinafter referred to as international conferences).

2. The heads of diplomatic missions of the Socialist Republic of Vietnam to foreign countries do not need Full Powers for negotiation, adoption of the texts of treaties between the Socialist Republic of Vietnam and the respective receiving States.

3. The heads of permanent representative missions of the Socialist Republic of Vietnam at international organisations or bodies of such international organisations do not need Credentials for negotiation, adoption of the texts of treaties with such international organisations or bodies.

***Article 23. Negotiation, signing of treaties requiring Full Powers and participation in international conferences requiring Credentials***

1. The negotiation, signing of treaties or participation in international conferences shall require Full Powers or Credentials respectively, except in cases as provided for in Article 22 of this Law.

2. The heads of delegations for negotiation of treaties to be signed directly by the State President and the Head(s) of other State(s) shall be authorised by the State President in written form.

3. The heads of delegations for negotiation and signing of treaties in the name of the Government or treaties in the name of the State, which the Government decides on their negotiation and signing, shall be authorised by the Government in written form.

4. The heads of delegations to participate in international conferences must be assigned by the Government in written form.

In case Credentials is required for members of a Vietnamese delegation to participate in an international conference in accordance with the rules of the conference, the recommending agency shall be responsible to submit to the Government for decision.

5. Representatives authorised for negotiation, signing of treaties or assigned for participation in international conferences shall be leaders of the recommending agencies or those persons the recommending agencies recommended to the Government for decision, after obtaining opinions from the Ministry of Foreign Affairs.

6. In case it is impossible to send a representative for signing a treaty or participating an international conference abroad, after having reached an agreement with the Ministry of Foreign Affairs, the recommending agency shall submit recommendations to the Government to authorise or assign the Head of a diplomatic mission or permanent representative mission of the Socialist Republic of Vietnam at international organisation(s) or body (bodies) of such organisation(s) or other representatives for signing such treaty or participating such international conference.

***Article 24. Diplomatic procedures for issuing Full Powers, Credentials***

1. The Ministry of Foreign Affairs shall accomplish diplomatic procedures for issuing a Full Powers for negotiating, signing a treaty or Credentials for participating in an international conference, within 10 days

from the date of receipt of the written decision made by the competent state authority deciding on the negotiation, signing of the treaty, or participation in the international conference.

2. The Minister of Foreign Affairs shall sign the Full Powers for negotiation, signing of treaties or Credentials for participation in international conferences; in case the Minister of Foreign Affairs is absent, the authorised Deputy Minister of Foreign Affairs shall sign instead.

3. In case a decision on authorisation or assignment does not clearly specify the person authorised or assigned, the full title of the treaty in the Vietnamese and foreign languages, the recommending agency, no later than 5 days before the date of the negotiation or signing of the treaty or the date of participation in the international conference, shall be responsible to notify the Ministry of Foreign Affairs in writing of the said information for the completion of diplomatic procedures for issuing Full Powers or Credentials.

4. The recommending agencies shall timely submit to the State President, or the Government for decision, in case of any changes relating to the authorised persons or assigned persons; the Ministry of Foreign Affairs shall accomplish diplomatic procedures for issuing Full Powers or Credentials in accordance with Paragraphs 1, 2 and 3 of this Article, upon the decisions made by the State President or the Government.

## SECTION 4

### SIGNING OF TREATIES

#### ***Article 25. Check, collation of the texts of treaties***

Before the initialling or signing of a treaty, the recommending agency shall co-ordinate with the Ministry of Foreign Affairs and relevant state agencies to check and collate the text in the Vietnamese language and the text in foreign language(s) with an aim to ensuring the correctness of the contents and the uniformity of the form of the texts of the treaty.

#### ***Article 26. Authentication of the texts of treaties***

1. The text of a treaty is established as authentic by the procedures as provided for in the treaty or as agreed upon between the Vietnamese party and the foreign contracting party (parties) participating in drafting the treaty.

2. In case of absence of such procedures referred to in Paragraph 1 of this Article, the text of a treaty is deemed as authentic when competent

representatives of the Vietnamese party and the foreign contracting party (parties) initial the treaty or sign the treaty.

3. The authentic text of a treaty is the final text of the treaty.

***Article 27. Signing of treaties***

1. The recommending agencies shall co-ordinate with the Ministry of Foreign Affairs to accomplish procedures for the signing of treaties and the texts of the treaties, and organise the ceremonies of signing of the treaties. The signing ceremonies shall be held solemnly, on the signing table there shall be State flags of Vietnam and foreign contracting party (parties) or flags of international organisation(s) concerned, unless otherwise agreed between the Vietnamese party and the foreign contracting party (parties).

2. In case the competent state authority has made decision authorising the signing of a treaty, however it is impossible to sign such treaty, the recommending agency shall timely report to the Government with recommendations on solutions for dealing with the case and at the same time notify the Ministry of Foreign Affairs for co-ordination.

3. In case of any changes relating to the name under which the treaty will be signed, rights and obligations of the Vietnamese party, any provisions which are in conflict with or not provided for in legal normative documents of the National Assembly, the Standing Committee of the National Assembly, or other fundamental changes as compared to the contents of the text of the treaty already approved by the competent state authority for signing, such treaty shall only be signed upon decision by the competent state authority authorising the signing.

***Article 28. Signing of treaties during visits by high-level Delegations***

1. The recommending agencies shall be responsible to co-ordinate with the Ministry of Foreign Affairs to accomplish procedures for signing and the texts of treaties, which the competent state authorities authorised for signing during the visits made by Vietnamese high-level delegations to foreign countries or by foreign high-level Delegations to Vietnam.

2. In case the competent state authority has made decision authorising the signing of a treaty, however it is impossible to sign such treaty during a visit by a Vietnamese high-level Delegation to a foreign country or by a foreign high-level Delegations to Vietnam, the recommending agency shall be responsible to timely report to the competent state authority with recommendations on solutions for dealing with the case and notify the Ministry of Foreign Affairs for co-ordination.

3. The Ministry of Foreign Affairs shall take lead or co-ordinate with relevant agencies to check, collate the final texts of treaties, and co-ordinate with the foreign parties to organise ceremonies of signing of the treaties during visits by Vietnamese high-level Delegations to foreign countries or by foreign high-level Delegations to Vietnam, unless otherwise agreed upon with foreign contracting parties or otherwise decided by competent state authorities.

***Article 29. Responsibility to transmit texts of treaties after their signing***

1. The recommending agency shall be responsible to transmit the original text of a treaty, a translation version of the treaty in the Vietnamese language in case the treaty was signed only in foreign language(s) and electronic copies of the versions of the treaty in the Vietnamese and foreign language(s) to the Ministry of Foreign Affairs for completion of treaty procedures, within 10 days from the date of signing of a bilateral treaty in Vietnam or from the date of arrival in Vietnam of the delegation for negotiation and signing of a treaty in a foreign country.

2. In case the Head of a diplomatic mission or permanent representative mission of the Socialist Republic of Vietnam at an international organisation signed a treaty, that person shall be responsible to promptly report and transmit to the Ministry of Foreign Affairs a copy of the text of the signed treaty, and transmit the original text of the treaty, within 15 days from the date of signing, to the recommending agency.

Within 10 days from the date of receipt of the original text of the treaty, the recommending agency shall undertake the responsibility as provided for in Paragraph 1 of this Article.

3. The recommending agency shall be responsible to transmit a copy of the text of a multilateral treaty that was certified by the depositary of that multilateral treaty, a translation version of the treaty in the Vietnamese language, electronic copies of the versions of the treaty in the Vietnamese and foreign languages to the Ministry of Foreign Affairs for completion of treaty procedures, within 10 days from the date of receipt of such copy of the treaty sent by the depositary of that multilateral treaty.

## SECTION 5

### RATIFICATION OF TREATIES

#### ***Article 30. Recommendations on ratification of treaties***

1. The recommending agency shall submit to the Government for the Government to submit to the State President recommendations on ratification of a treaty, after having obtained written opinions from the Ministry of Foreign Affairs and relevant agencies, organisations in case the signed treaty is subject to ratification.

In case the Ministry of Foreign Affairs makes recommendations on ratification of a treaty, the Ministry of Foreign Affairs shall submit to the Government for the Government to submit to the State President recommendations on the ratification of the treaty, after having obtained written opinions from relevant agencies, organisations.

2. In case the State President submits to the National Assembly for decision on ratification of a treaty, the State President's Office shall co-ordinate with the recommending agency to submit to the verifying agency documents requesting for verification of the treaty.

#### ***Article 31. Treaties subject to ratification***

The following treaties shall be subject to ratification:

1. Treaties that contain provisions requiring the treaties be subject to ratification;

2. Treaties signed in the name of the State;

3. Treaties signed in the name of the Government containing provisions, which are in conflict with any provisions of legal normative documents of the National Assembly or the Standing Committee of the National Assembly or containing provisions relating to State budget.

#### ***Article 32. Competence, contents of decision on ratification of treaties***

1. The National Assembly shall decide to ratify treaties, which were directly signed by the State President and the Heads of other States; ratify other treaties at the request of the State President.

2. The State President shall decide to ratify treaties as provided for in Article 31 of this Law, except in cases referred to in Paragraph 1 of this Article.

3. A decision on ratification of a treaty shall contain the following contents:

- a) The title, time and place of signing of the ratified treaty;
- b) Contents of reservation, acceptance of or objection to reservation(s) made by other foreign contracting party (parties), declaration with respect to a multilateral treaty and other necessary issues;
- c) Decision on direct application of the treaty in whole or in part, proposals for amendment, supplement, repeal or promulgation of legal normative documents of the National Assembly or the Standing Committee of the National Assembly for the implementation of the ratified treaty;
- d) The responsibility of the recommending agency, the Ministry of Foreign Affairs and relevant agencies, organisations of completion of the procedures for ratification and organisation of the implementation of the treaty.

***Article 33: Treaties subject to verification***

Treaties to be submitted to the National Assembly for ratification shall be subject to verification.

***Article 34. Scope of verification of treaties***

Treaties shall be verified with respect to the following aspects:

1. The necessity for ratification;
2. The compliance with procedures for making recommendations on ratification of treaties;
3. The conformity with the Constitution, the extent of compatibility with the provisions of legal normative documents of the National Assembly and the Standing Committee of the National Assembly;
4. The possibility of direct application of treaties in whole or in part;
5. Requirements for amendment, supplement, repeal or promulgation of legal normative document(s) of the National Assembly or the Standing Committee of the National Assembly for the implementation of treaties.

***Article 35. Competence of verification of treaties***

The Foreign Affairs Committee of the National Assembly shall be the presiding agency for verification of treaties. The Ethnic Council and other Committees of the National Assembly shall be responsible to participate in the verification of treaties within the respective fields under the

responsibility of the Council or Committees, or in accordance with the designation by the Standing Committee of the National Assembly.

***Article 36. Procedures for verification of treaties***

1. The State President's Office shall co-ordinate with the recommending agency to submit the documents requesting for verification of a treaty to the presiding verification agency and participating verification agencies, no later than 20 days before the start of the session of the Standing Committee of the National Assembly and no later than 30 days before the start of the session of the National Assembly.

2. The presiding verification agency shall convene meetings for the verification of treaties, with the participation of participating verification agencies and other relevant agencies, organisations, within 15 days from the date of receipt of the documents requesting for verification.

3. The verification of a treaty shall be conducted in the following order:

- a) The representative of the Government shall present on the treaty;
- b) Participants at the session shall make questions and the Government's representative shall make additional explanation;
- c) The standing representatives of the Foreign Affairs Committee shall express their opinions;
- d) Standing representatives of the Ethnic Council and other Committees participating in the verification and representatives of relevant agencies, organisations present at the verification session shall express their opinions;
- đ) Members of the Foreign Affairs Committee shall discuss.

In the process of verification, the Government's representative shall make additional explanation to clarify the issues raised or requested by the Foreign Affairs Committee, participants at the verification session;

e) The Chairperson of the session shall make conclusion; with respect to important and necessary issues, the Chairperson of the session shall hold voting.

4. Report of verification of a treaty to be submitted to the National Assembly, the Standing Committee of the National Assembly shall fully reflect opinions of members of the Foreign Affairs Committee and opinions of the Ethnic Council and other Committees participating in the verification.

The verification report shall be submitted to the National Assembly, the Standing Committee of the National Assembly within the timeframe as provided for by relevant legislation.

***Article 37. Documents requesting for verification of treaties***

Documents requesting for verification of a treaty shall comprise:

1. A recommendation document of the State President on the proposal for ratification of the treaty;
2. A copy of the treaty, a translation version of the treaty in the Vietnamese language in case the treaty was signed only in foreign language(s); and
3. Other necessary documents.

***Article 382. Procedures for submitting recommendation and making decisions on ratification of treaties***

1. The recommending agency shall consult and obtain opinions from the Ministry of Foreign Affairs and relevant agencies, organisations on the ratification of a treaty, within 15 days from the date of receipt of the original text or copy of a treaty as prescribed in Article 29 of this Law.

2. The consulting agencies, organisations referred to in Paragraph 1 of this Article shall be responsible to send their written reply to the recommending agency, within 15 days from the date of receipt of the written request for opinions.

3. The recommending agency shall submit to the Government for the Government to submit to the state President on the ratification of the treaty, within 15 days from the date of receipt of written replies from relevant agencies, organisations.

4. The Government shall submit to the State President for decision on the ratification of the treaty, within 15 days from the date of receipt of the documents for ratification of the treaty.

5. The State President shall consider and decide on the ratification of the treaty, within 15 days from the date of receipt of documents submitted by the Government, or submit to the National Assembly for ratification of the treaty no later than 30 days before the start of the session of the National Assembly.

6. The National Assembly shall decide to ratify a treaty at its session.

***Article 39. Procedures for consideration and making decisions on ratification of treaties by the National Assembly at its session***

The National Assembly shall consider and ratify a treaty at its session in accordance with the following order:

1. The State President shall report on the proposal for ratification of the treaty;
2. The representative of the Government shall present on the treaty;
3. The representative of the Foreign Affairs Committee shall present the report of verification;
4. The National Assembly shall discuss at its plenary session on the principal contents of the treaty; before discussions at the plenary session, Groups or Delegations of the National Assembly deputies may discuss on the contents of the treaty.

During discussions, the agency making recommendations on ratification of the treaty shall be entitled to make additional explanations on issues relating to the contents of the treaty;

5. The National Assembly shall vote to adopt a resolution on the ratification of the treaty.

The treaty shall be ratified when there are more than half of the total deputies of the National Assembly voting for. The Chairman of the National Assembly shall sign the resolution on the ratification of the treaty. The State President shall sign the Order on publication of the resolution of the National Assembly on the ratification of the treaty.

***Article 40. Documents submitted for ratification of treaties***

1. Documents submitted by the recommending agency to the Government for the Government to submit the State President on the ratification of a signed treaty shall comprise:

- a) A recommendation document of the recommending agency, which evaluates the impacts of the treaty with respect to Vietnam; makes recommendations on the ratification, time for ratification, the contents of reservation, acceptance or objection to reservation(s) made by foreign contracting party (parties), declaration with respect to a multilateral treaty; makes recommendations on direct application of the treaty in whole or in part, on amendment, supplement, repeal or promulgation of legal normative documents of the National Assembly, the Standing Committee of or the National Assembly or the Government for the implementation of the treaty;

b) A copy of the treaty, a translation version in the Vietnamese language in case the treaty was signed only in foreign language(s);

c) The opinions of the Ministry of Foreign Affairs and relevant agencies, organisations;

d) A proposed plan for organisation of the implementation of such treaty;

®) Other necessary documents.

2. Documents submitted by the Government to the State President on the ratification of a treaty shall comprise:

a) A recommendation document of the Government, which evaluates the impacts of the treaty with respect to Vietnam; makes recommendations on the ratification, the contents of reservation, acceptance or objection to reservation(s) made by foreign contracting party (parties), declaration with respect to a multilateral treaty; makes recommendations on direct application of the treaty in whole or in part, on amendment, supplement, repeal or promulgation of legal normative documents of the National Assembly or the Standing Committee of the National Assembly for the implementation of the treaty;

b) A copy of the treaty, a translation version in the Vietnamese language in case the treaty was signed only in foreign language(s);

c) Other necessary documents;

3. Documents submitted by the State President to the National Assembly on the ratification of a treaty shall comprise:

a) A recommendation document of the State President, which clearly points out the reason why the National Assembly is requested to make decision on the ratification of the treaty, evaluates the impacts of the treaty with respect to Vietnam; makes recommendations on the ratification, contents of reservation, acceptance or objection to reservation(s) made by foreign contracting party (parties), declaration with respect to a multilateral treaty; makes recommendations on direct application of the treaty in whole or in part, on amendment, supplement, repeal or promulgation of legal normative documents of National Assembly or the Standing Committee of the National Assembly for the implementation of the treaty;

b) A copy of the treaty, a translation version in the Vietnamese language in case the treaty was signed only in foreign language(s);

c) Other necessary documents.

***Article 41. Notification of ratification of treaties***

1. The Ministry of Foreign Affairs shall notify foreign contracting party (parties) or the depositary of a multilateral treaty of the ratification of a treaty, within 15 days from the date of signing of the Order of the State President on publication of the Resolution of the National Assembly on ratification of the treaty or from the date of receipt of the decision of the State President on ratification of the treaty.

2. The State President shall sign the instruments of ratification of bilateral treaties. An instrument of ratification of a bilateral treaty shall contain the contents as provided for in sub-paragraphs a and b of Paragraph 3 Article 32 of this Law and other necessary contents.

The Ministry of Foreign Affairs shall carry out the procedures of exchange of instruments of ratification with the foreign contracting party in case it is required to complete the procedures of exchange of instruments of ratification for the entry into force of the treaty as provided for in the bilateral treaty or as agreed upon with the foreign contracting party.

3. The Minister of Foreign Affairs shall sign the instruments of ratification of multilateral treaties to be deposited with the respective depositaries of such treaties.

In case the Minister of Foreign Affairs is absent, the authorised Deputy Minister of Foreign Affairs shall sign instead, unless otherwise provided for by the depositary of the multilateral treaty.

4. The Ministry of Foreign Affairs shall notify relevant state agencies on the date of entry into force of a treaty, within 15 days from the date of entry into force of the ratified bilateral treaty or from the date of receipt of notification of the depositary of the multilateral treaty of the date of entry into force of the multilateral treaty with respect to the Socialist Republic of Vietnam.

Section 6

Approval of treaties

***Article 42. Recommendations on approval of treaties***

The recommending agency shall submit to the Government for decision on the approval of a treaty, after having obtained written opinions from the Ministry of Foreign Affairs and relevant agencies, organisations in case the signed treaty is subject to approval; in case the Ministry of Foreign

Affairs makes recommendations on the approval of a treaty, the Ministry of Foreign Affairs shall submit to the Government for decision on the approval of the treaty, after having obtained written opinions from relevant agencies, organisations.

***Article 43. Treaties subject to approval***

The following treaties shall be subject to approval:

1. Treaties in the name of the Government, which contain provisions requiring the treaties subject to approval;
2. Treaties in the name of the Government, which contain provisions in conflict with the provisions of legal normative documents of the Government;
3. Treaties in the name of the Government, which contain provisions requiring the completion of domestic legal procedures.

***Article 44. Competence, contents of decision on approval of treaties***

1. The Government shall make decisions to approve treaties as prescribed in Article 43 of this Law.
2. A decision on the approval of a treaty shall contain the following contents:
  - a) The title, time and place of signing of the treaty;
  - b) The contents of reservation, acceptance of or objection to reservation(s) made by foreign contracting party (parties), declaration with respect to the multilateral treaty and other necessary issues;
  - c) Decision on direct application of the treaty in whole or in part; recommendations or decisions on amendment, supplement, repeal or promulgation of legal normative documents of the National Assembly, the Standing Committee of the National Assembly or the Government for the implementation of the approved treaty;
  - d) The responsibility of the recommending agency, the Ministry of Foreign Affairs and relevant agencies, organisations of the completion of the procedures for approval and organisation of the implementation of the treaty.

***Article 45. Procedures for submitting recommendations and making decisions on approval of treaties***

1. The recommending agency shall consult and obtain opinions of the Ministry of Foreign Affairs and relevant agencies, organisations on the

approval of a treaty, within 15 days from the date of receipt of the original text or the copy of the treaty as provided for in Article 29 of this Law.

2. The consulting agencies, organisations referred to at Paragraph 1 of this Article shall be responsible to send written replies to the recommending agency, within 15 days from the date of receipt of the written request for opinions.

3. The recommending agency shall submit the Government for decision on the approval of the treaty, within 15 days from the date of receipt of written replies from relevant agencies, organisations.

4. The Government shall decide on the approval of the treaty, within 15 days from the date of receipt of documents submitted by the recommending agency.

***Article 46. Documents submitted on approval of treaties***

Documents submitted by the recommending agency to the Government on the approval of a treaty shall comprise:

1. A recommendation document of the recommending agency, which evaluates the impacts of the treaty with respect to Vietnam; makes recommendations on the approval, point of time for approval, the contents of reservation, acceptance of or objection to reservation(s) made by foreign contracting party (parties), declaration with respect to the multilateral treaty; makes recommendations on direct application of the treaty in whole or in part, on amendment, supplement, repeal or promulgation of legal normative documents of the National Assembly, the Standing Committee of the National Assembly or the Government for the implementation of the treaty;

2. A copy of the treaty, a translation version in the Vietnamese language in case the treaty was signed only in foreign language(s);

3. The opinions of the Ministry of Foreign Affairs and relevant agencies, organisations;

4. A proposed plan for organisation of the implementation of such treaty;

5. Other necessary documents.

***Article 47. Notification of approval of treaties***

1. The Ministry of Foreign Affairs shall notify foreign contracting party (parties) or the depositary of a multilateral treaty of the approval of the treaty, within 15 days from the date of the decision of the Government on approval of the treaty.

2. The Minister of Foreign Affairs shall sign the instruments of approval of multilateral treaties to be deposited with the respective depositaries of such treaties.

In case the Minister of Foreign Affairs is absent, the authorised Deputy Minister of Foreign Affairs shall sign instead, unless otherwise provided for by the depositary of the multilateral treaty.

3. The Ministry of Foreign Affairs shall notify relevant state agencies on the date of entry into force of a treaty, within 15 days from the date of entry into force of the approved treaty or from the date of receipt of notification of the depositary of the multilateral treaty of the date of entry into force of the multilateral treaty with respect to the Socialist Republic of Vietnam.

***Article 48. Exchange of documents constituting treaties***

1. The exchange of documents between the Vietnamese party and a foreign contracting party shall constitute a bilateral treaty, if it is so provided for in such exchanged documents.

2. The provisions of Articles from 9 to 29 of this Law shall apply to the exchange of documents constituting treaties.

CHAPTER III

ACCESSION TO MULTILATERAL TREATIES

***Article 49. Responsibilities for making recommendations on accession to multilateral treaties***

1. The recommending agencies, on the basis of their duties and powers assigned by the provisions of the legislation and requirement for international co-operation, shall take initiatives to submit to the Government recommendations on the accession to multilateral treaties.

2. Before submitting to the Government recommendations on the accession to a treaty, the recommending agency shall obtain written examining opinions from the Ministry of Foreign Affairs in accordance with the provisions of Article 10 of this Law, appraisal opinions from the Ministry of Justice in accordance with the provisions of Articles from 17 to 21 of this Law and opinions of relevant agencies, organizations.

3. In case the Ministry of Foreign Affairs submits the Government on the accession to a multilateral treaty, the Ministry shall obtain appraisal opinions from the Ministry of Justice and written opinions from relevant agencies, organisations.

The Ministry of Foreign Affairs shall take lead and co-ordinate with relevant agencies, organisations to submit to the Government recommendations on the accession to multilateral treaties on peace, security, boundaries, and territory and state sovereignty.

4. In case the State President submits to the National Assembly for decision on the accession to a multilateral treaty, the State President's Office shall co-ordinate with the recommending agency to submit to the verification agency documents requesting for verification of the treaty.

***Article 50. Competence, contents of decisions on accession to multilateral treaties***

1. The National Assembly shall decide on the accession to multilateral treaties at the request of the State President.

2. The State President shall decide on the accession to multilateral treaties in the name of the State, multilateral treaties containing provisions which require the treaties be subject to ratification, except in cases as provided for in Paragraph 1 of this Article.

3. The Government shall decide on the accession to multilateral treaties in the name of the Government.

4. A decision on the accession to a multilateral treaty shall contain the following contents:

a) The title, time and place of signing or adoption of the acceded treaty;

b) The contents of reservation, acceptance of or objection to reservation(s) made by foreign contracting party (parties), declaration with respect to the multilateral treaty and other necessary issues;

c) Decision on direct application of the treaty in whole or in part; decision or proposal on amendment, supplement, repeal or promulgation of legal normative documents of the National Assembly, the Standing Committee of the National Assembly or the Government for the implementation of the treaty;

d) The responsibility of the recommending agency, the Ministry of Foreign Affairs and other relevant agencies, organisations of the completion

of the procedures for accession and organisation of the implementation of the treaty.

***Article 51. Procedures for submitting recommendations and making decisions on accession to multilateral treaties***

1. No later than 30 days before the date of submitting to the Government recommendations on the accession to a multilateral treaty, the recommending agency shall be responsible to consult and obtain written examining opinions from the Ministry of Foreign Affairs, appraisal opinions from the Ministry of Justice and opinions from relevant agencies, organisations.

2. The consulting agencies, organisations referred to in Paragraph 1 of this Article shall be responsible to send written replies to the recommending agency, within 15 days from the date of receipt of the written request for opinions.

3. The recommending agency shall submit to the Government recommendations on the accession to the multilateral treaty, within 15 days from the date of receipt of written replies from relevant agencies, organisations as provided for in Paragraph 1 of this Article.

4. The Government shall decide:

a) To accede to the multilateral treaty in the name of the Government, within 15 days from the date of receipt of documents submitted by the recommending agency or from the date of receipt of opinions from the National Assembly, the Standing Committee of the National Assembly on the accession to the multilateral treaty containing provisions which are in conflict with or not provided for in legal normative documents of the National Assembly or the Standing Committee of the National Assembly or the treaty whose implementation requires amendment, supplement, repeal or promulgation of legal normative documents of the National Assembly or the Standing Committee of the National Assembly; or

b) To submit to the State President on the accession to multilateral treaties as provided for in Paragraph 2 of Article 50 of this Law, within 15 days from the date of receipt of documents submitted by the recommending agencies; or

c) To submit to the Standing Committee of the National Assembly for consideration on the accession to multilateral treaties which contain provisions which are in conflict with or not provided for in legal normative documents of the National Assembly or the Standing Committee of the

National Assembly or treaties whose implementation requires amendment, supplement, repeal or promulgation of legal normative documents of the National Assembly or the Standing Committee of the National Assembly, within 15 days from the date of receipt of documents submitted by the recommending agencies.

5. The Standing Committee of the National Assembly shall give opinions on the accession to multilateral treaties prescribed in sub-paragraph c of Paragraph 4 of this Article in accordance with the procedures prescribed in Article 13 of this Law.

6. The State President shall decide:

a) To accede to multilateral treaties as provided for in Paragraph 2 of Article 50 of this Law, within 15 days from the date of receipt of documents submitted by the Government; or

b) To submit to the National Assembly for decision on the accession to multilateral treaties as provided for in Paragraph 1 of Article 50 of this Law, no later than 30 days before the start of the National Assembly session;

7. The National Assembly shall decide on the accession to a multilateral treaty at its session in accordance with similar procedures as provided for in Article 39 of this Law; before being submitted to the National Assembly, the treaty shall be verified in accordance with similar procedures as provided for in Articles from 34 to 37 of this Law.

***Article 52. Documents submitted on accession to multilateral treaties***

1. The recommendation documents submitted by the recommending agency to the Government on the accession to a multilateral treaty shall comprise:

a) A recommendation document of the recommending agency containing the contents as provided for in Article 14 of this Law;

b) A copy of the treaty, a translation version of the treaty in the Vietnamese language;

c) Examining opinions of the Ministry of Foreign Affairs, appraisal opinions of the Ministry of Justice and opinions of relevant agencies, organisations;

d) The list of parties to the treaty, amendments, supplements to the treaty, reservations, acceptance of or objection to reservations, declarations made by foreign contracting parties with respect to the treaty, legal

procedures required and other relevant information for the accession to the multilateral treaty;

®) A proposed plan for the organisation of implementation of the treaty;

e) Other necessary documents.

2. The recommendation documents submitted by the Government to the State President on the accession to a multilateral treaty shall comprise:

a) A recommendation document of the Government, which evaluates the impacts of the multilateral treaty with respect to Vietnam; makes recommendations on the accession, the contents of reservation, acceptance or objection to reservation(s) made by foreign contracting party (parties), declaration with respect to the multilateral treaty; makes recommendations on direct application of the treaty in whole or in part, on amendment, supplement, repeal or promulgation of legal normative documents of the National Assembly or the Standing Committee of the National Assembly for the implementation of the treaty;

b) A copy of the treaty, a translation version of the treaty in the Vietnamese language;

c) The list of parties to the treaty, amendments, supplements to the treaty, reservations, acceptance of or objection to reservations, declarations made by foreign contracting parties with respect to the treaty, legal procedures required and other relevant information for the accession to the multilateral treaty;

d) The opinions of the Standing Committee of the National Assembly, the National Assembly in case of recommendations on accession to a multilateral treaty prescribed in sub-paragraph c of Paragraph 4 of Article 51 of this Law.

đ) Other necessary documents.

3. In case the Government submits recommendations to the Standing Committee of the National Assembly for consideration on the accession to a multilateral treaty prescribed in sub-paragraph c of Paragraph 4 of Article 51 of this Law, the documents of the Government shall comprise the contents as provided for in sub-paragraphs a, b, c and đ of Paragraph 2 of this Article.

4. The recommendation documents submitted by the State President to the National Assembly on the accession to a multilateral treaty shall comprise:

a) A recommendation document of the State President, which clearly points out the reason to request the National Assembly to decide on the accession to the multilateral treaty; evaluates the impacts of the treaty with respect to the Vietnam; makes recommendations on the contents of reservation, acceptance or objection to reservation(s) made by foreign contracting party (parties), declaration with respect to the multilateral treaty; makes recommendations on direct application of the treaty in whole or in part, on amendment, supplement, repeal or promulgation of legal normative documents of the National Assembly or the Standing Committee of the National Assembly for the implementation of the treaty;

b) A copy of the treaty, a translation version of the treaty in the Vietnamese language;

c) The list of parties to the treaty, amendments, supplements to the treaty, reservations, acceptance of or objection to reservations, declarations made by foreign contracting parties with respect to the treaty, legal procedures required and other relevant information for the accession to the multilateral treaty;

d) Other necessary documents.

***Article 53. Notification of accession to multilateral treaties***

1. The Ministry of Foreign Affairs shall notify the depositary of a multilateral treaty of the accession to the treaty, within 15 days from the date of signing of the Order of the State President on publication of the Resolution of the National Assembly on the accession to the multilateral treaty, or from the date of receipt of the decision of the State President or the Government on the accession to the multilateral treaty.

2. The Minister of Foreign Affairs shall sign the instrument of accession to the multilateral treaty to be deposited with the depositary of the multilateral treaty.

In case the Minister of Foreign Affairs is absent, the authorised Deputy Minister of Foreign Affairs shall sign instead, unless otherwise provided for by the depositary of the multilateral treaty.

3. The Ministry of Foreign Affairs shall notify relevant state agencies of the date of entry into force of the multilateral treaty with respect to the Socialist Republic of Vietnam, within 15 days from the date of receipt of the notification from the depositary of the multilateral treaty.

## CHAPTER IV

### RESERVATIONS TO MULTILATERAL TREATIES

#### ***Article 54. Reservations made by the Socialist Republic of Vietnam***

1. The recommending agency, in its recommendation document submitted to the Government on the signing, ratification, approval of or accession to a multilateral treaty to which reservations are allowed and which contains provision(s) of which the Socialist Republic of Vietnam should declare its reservation(s), shall be responsible to clearly spell out proposal to make reservation(s), the necessity of making such reservation(s), the contents of the reservation(s) and the time to make such reservation(s).

2. The recommending agency, in its recommendation document submitted to the Government on the ratification or approval of a multilateral treaty, shall be responsible to clearly spell out the requirement to officially reconfirm reservation(s) declared by the Socialist Republic of Vietnam with respect to the multilateral treaty at the time of signing of such treaty.

3. The competent state authority that makes decision on the signing, ratification, approval of or accession to a multilateral treaty is competent to decide on making reservation(s) to such treaty.

#### ***Article 55. Notification of reservations made by the Socialist Republic of Vietnam***

1. The recommending agency shall co-ordinate with the Ministry of Foreign Affairs in notifying the depositary of a multilateral treaty of reservation(s) made by the Socialist Republic of Vietnam at the time of signing of the treaty.

2. The Ministry of Foreign Affairs shall notify the depositary of a multilateral treaty of the reservation(s) made by the Socialist Republic of Vietnam, within 15 days from the date of receipt of the decision made by competent state authority on the ratification, approval of or accession to the treaty which contains provision(s) to which the Socialist Republic of Vietnam makes reservation(s) or reconfirms its reservation(s) already made at the time of signing of the treaty.

3. The Ministry of Foreign Affairs shall notify relevant state agencies of the date of entry into force of the reservation declaration made by the Socialist Republic of Vietnam, within 15 days from the date of receipt of the notification from the depositary of the multilateral treaty.

***Article 56. Acceptance of or objection to reservations made by foreign contracting parties***

1. The recommending agency, in their recommendation document submitted to the Government on the signing, ratification, approval of or accession to a multilateral treaty, in case reservations to such treaty are allowed provided that reservations are subject to acceptance by the contracting parties, shall be responsible to clearly spell out the requirement and the contents of the acceptance of or objection to reservation(s) made by foreign contracting party (parties), recommendation on the time to express acceptance of or objection to reservation(s) and the legal effects of such acceptance of or objection to reservation(s).

2. In case a foreign contracting party makes a reservation to the multilateral treaty after the recommending agency has submitted to the Government on the signing, ratification, approval of or accession to the multilateral treaty, the recommending agency shall be responsible to submit to the Government additional recommendations on the acceptance of or objection to reservation after having obtained written opinions from the Ministry of Foreign Affairs, the Ministry of Justice and relevant agencies, organisations.

3. Additional recommendation documents submitted by the recommending agency on the acceptance of or objection to reservations as provided in Paragraph 2 of this Article shall comprise:

- a) A recommendation document of the recommending agency containing the contents as provided for in Paragraph 1 of this Article;
- b) A copy of the multilateral treaty and a translation version of the treaty in the Vietnamese language;
- c) The opinions of the Ministry of Foreign Affairs, the Ministry of Justice and relevant agencies, organisations;
- d) Other necessary documents;

***Article 57. Competence to decide on acceptance of or objection to reservations made by foreign contracting parties***

1. The National Assembly shall decide on the acceptance of or objection to reservations made by foreign contracting parties with respect to multilateral treaties of which the National Assembly made decisions on the ratification or accession.

2. The State President shall decide on the acceptance of or objection to reservations made by foreign contracting parties with respect to multilateral treaties of which the State President made decisions on the signing, ratification or accession.

3. The Government decides on the acceptance or objection to reservations made by foreign contracting parties with respect to multilateral treaties of which the Government made decisions on the signing, approval or accession.

4. The acceptance of or objection to reservations shall be expressed in writing.

***Article 58. Procedures for submitting recommendations and making decisions on acceptance of or objection to reservations made by foreign contracting parties***

1. The procedures for submitting recommendations and making decisions on acceptance or objection to reservations made by foreign contracting parties with respect to multilateral treaties shall be carried out similarly to the procedures as provided for in Article 38 of this Law.

2. The National Assembly shall decide to accept or object to reservations made by foreign contracting parties with respect to a multilateral treaty while making decision on ratification of or accession to the treaty, or after the receipt of the additional recommendation document on the acceptance of or objection to reservations.

3. The State President or the Government shall decide to accept or object to reservations made by foreign contracting parties with respect to a multilateral treaty while making decision on the signing, ratification, approval of or accession to the treaty, or within 30 days from the date of receipt of the additional recommendation document on the acceptance of or objection to reservations.

***Article 59. Notification of the acceptance of or objection to reservations made by foreign contracting parties***

1. The recommending agencies shall co-ordinate with the Ministry of Foreign Affairs in notifying the depositary of a multilateral treaty of the declaration made by the Socialist Republic of Vietnam on the acceptance of or objection to reservations made by foreign contracting parties, within 15 days from the date of receipt of the decision made by the competent state authority.

2. The Ministry of Foreign Affairs, in depositing the instrument of ratification, approval of or accession to a multilateral treaty, shall notify the depositary of the multilateral treaty of the acceptance of or objection to reservations made by foreign contracting parties, within 15 days from the date of receipt of the decision made by competent state authority.

3. The Minister of Foreign Affairs shall sign the written diplomatic notification on the acceptance or objection to reservations to be deposited with the depositary of the multilateral treaty, within 15 days from the date of receipt of the decision made by the competent state authority.

In case the Minister of Foreign Affairs is absent, the authorised Deputy Minister of Foreign Affairs shall sign instead, unless otherwise provided for by the depositary of the multilateral treaty.

4. The Ministry of Foreign Affairs shall notify relevant state agencies of the date of entry into force of the acceptance of or objection to reservations, within 15 days from the date of receipt of the notification from the depositary of the multilateral treaty.

***Article 60. Withdrawal of reservations or withdrawal of objections to reservations***

1. The recommending agencies shall be responsible to submit to the Government on the withdrawal of reservations or withdrawal of objections to reservations, after obtaining written opinions from the Ministry of Foreign Affairs, the Ministry of Justice and relevant agencies, organisations.

2. The competent state authority that makes the decisions on making reservations or objections to reservations is competent to decide on the withdrawal of such reservations or withdrawal of such objections to reservations.

The procedures for submitting recommendations and making decisions on withdrawal of reservations or withdrawal of objection to reservations shall be carried out in similar manner as provided for in Article 38 of this Law.

The withdrawal of reservations or withdrawal of objection to reservations shall be expressed in written form.

3. Documents to be submitted for withdrawal of reservations or withdrawal of objection to reservations shall comprise:

a) A recommendation document on withdrawal of reservations or objections to reservations, legal effect of the withdrawal of reservations or withdrawal of objections to reservations;

b) A copy of the treaty and a translation version of the treaty in the Vietnamese language;

c) The opinions of the Ministry of Foreign Affairs, the Ministry of Justice and relevant agencies, organisations;

d) Other necessary documents.

4. The procedures for notification of withdrawal of reservations or withdrawal of objections to reservations shall be carried out in similar manner as provided for in Article 55 and Article 59 of this Law.

## CHAPTER V ENTRY INTO FORCE, TEMPORARY APPLICATION OF TREATIES IN WHOLE OR IN PART

### ***Article 61. Entry into force of treaties***

A treaty shall enter into force with respect to the Socialist Republic of Vietnam in the way and for the duration as stipulated in such treaty or as agreed upon between the Vietnamese party and the foreign contracting party (parties).

### ***Article 62. Temporary application of a treaty in whole or in part***

A treaty or part of a treaty may be temporarily applied pending the completion of procedures for the entry into force of the treaty as stipulated in the treaty or as agreed upon between the Vietnamese party and the foreign contracting party (parties).

### ***Article 63. Termination of temporary application of a treaty in whole or in part***

1. The temporary application of a treaty in whole or in part shall be terminated in case the Socialist Republic of Vietnam notifies the foreign contracting party (parties) or the foreign contracting party (parties) notify the Vietnamese party of the termination of the temporary application of the treaty, unless otherwise provided for in the treaty or otherwise agreed upon between the Vietnamese party and the foreign contracting party (parties).

2. The competent state authority that makes decisions on the signing of the treaty is competent to decide on the termination of temporary application of the treaty in whole or in part.

3. The procedures for termination of temporary application of a treaty in whole or in part shall be carried out in similar manner as provided for in Articles 12, 14 and 15 of this Law.

***Article 64. Notification on the termination of temporary application of a treaty in whole or in part***

1. The Ministry of Foreign Affairs shall notify the foreign contracting party (parties) of the decision of the Vietnamese party on the termination of temporary application of the treaty in whole or in part or the reply of the Vietnamese party to the decision of a foreign contracting party on the termination of temporary application of the treaty in whole or in part, within 15 days from the date of receipt of the decision made by the competent state authority.

2. The Ministry of Foreign Affairs shall notify relevant state agencies of the date of the termination of temporary application of the treaty in whole or in part, within 15 days from the date on which such termination enters into force.

## CHAPTER VI

### DEPOSIT, KEEPING CUSTODY, PREPARING COPIES, PUBLICATION AND REGISTRATION OF TREATIES

***Article 65. Depositary of multilateral treaties***

The Ministry of Foreign Affairs shall undertake the functions of the depositary of a multilateral treaty in case the Socialist Republic of Vietnam is designated as the depositary of such multilateral treaty.

***Article 66. Functions of the depositary of a multilateral treaty***

1. The functions of the depositary of a multilateral treaty shall comprise:

a) Keeping custody the original text of the treaty and Full Powers;

b) Certifying copies of the original text and preparing other texts of the multilateral treaty in other languages as provided for in the treaty and then transmitting those texts to the parties and States entitled to become parties to the multilateral treaty;

c) Receiving signatures in the treaty, receiving and keeping custody of any instruments, notifications and communication relating to the treaty;

d) Examining whether the signatures or instruments, notifications or communication relating to the multilateral treaty are in due and proper form;

®) Informing the parties and States entitled to become parties to the multilateral treaty of the instruments, notifications and information relating to the treaty;

e) Informing States entitled to become parties to the multilateral treaty of the time of receipt of adequate number of signatures or deposit of adequate number of instruments of ratification, approval, acceptance or accession as required for the entry into force of the treaty;

g) Registering the multilateral treaty at the Secretariat of the United Nations.

2. In case the Socialist Republic of Vietnam is the depositary of a multilateral treaty and a foreign contracting party makes any claim relating to the performance of the functions of the depositary of the treaty, the Ministry of Foreign Affairs shall take lead and co-ordinate with relevant state agencies to submit to the Government for consideration and decision. The Government shall decide on the settlement of such claim, within 15 days from the date of receipt of documents submitted by the Ministry of Foreign Affairs.

The Ministry of Foreign Affairs shall notify the foreign contracting party concerned of the result of the settlement of such claim within 15 days from the date of the decision made by the Government.

***Article 67. Keeping custody of treaties***

1. The Ministry of Foreign Affairs shall keep custody the original texts of bilateral treaties; original texts of multilateral treaties in case the Socialist Republic of Vietnam is the depositary of the multilateral treaties; certified copies of other multilateral treaties to which the Socialist Republic of Vietnam is a party; instruments of ratification, approval, acceptance or accession to the treaties and other related documents.

2. The recommending agencies shall be responsible to transmit to the Ministry of Foreign Affairs the original texts or certified copies and the translation versions in the Vietnamese language of the treaties, within the timeframe as stipulated in Article 29 of this Law.

***Article 68. Preparing certified copies of treaties***

The Ministry of Foreign Affairs shall prepare certified copies of a treaty in force and transmit them to the National Assembly, the State President and the Government for report, transmit them to relevant agencies, organisations for implementation, to the Government's Office for publication on the Official Gazette of the Socialist Republic of Vietnam, within 15 days from the date of receipt of the bilateral treaty in force or 30 days from the date of receipt of the notification from the depositary of the multilateral treaty of the entry into force of such multilateral treaty with respect to the Socialist Republic of Vietnam.

***Article 69. Publication of treaties***

1. Treaties in force with respect to the Socialist Republic of Vietnam shall be published on the Official Gazette of the Socialist Republic of Vietnam and the Yearbook of Treaties, unless otherwise agreed between the Vietnamese party and the foreign contracting parties or otherwise decided by competent state authorities.

In case a treaty is required not to be published, the recommending agency shall submit to the Government for decision, after obtaining written opinions from the Ministry of Foreign Affairs, the Ministry of Justice and relevant agencies, organisations.

2. Within 15 days from the date of receipt of the copy of an effective treaty, which was transmitted by the Ministry of Foreign Affairs, the Government's Office shall publish such treaty on the Official Gazette of the Socialist Republic of Vietnam.

3. The Ministry of Foreign Affairs shall annually prepare and publish Yearbook of Treaties concluded or acceded to by the Socialist Republic of Vietnam.

***Article 70. Registration of treaties***

The Ministry of Foreign Affairs shall register with the Secretariat of the United Nations bilateral treaties in force with respect to the Socialist Republic of Vietnam and effective multilateral treaties, in case the Socialist Republic of Vietnam is the depositary of such treaties.

CHAPTER VII  
IMPLEMENTATION OF TREATIES  
SECTION 1

PLANS FOR IMPLEMENTATION OF TREATIES

***Article 71. Plans for implementation of treaties***

1. The recommending agency, on the basis of the nature and contents of a treaty and its assigned duties and powers, shall submit to the Government for decision on the plan for implementation of the treaty concluded or acceded to by the Socialist Republic of Vietnam.

2. The plan for implementation of a treaty shall contain the following contents:

- a) Schedule for implementation of the treaty;
- b) Proposed responsibilities of relevant state agencies in the organisation of the implementation of the treaty;
- c) Recommendations on amendment, supplement, repeal or promulgation of legal normative documents for the implementation of the treaty;
- d) Measures of organisation, management, financing and other necessary measures for the implementation of the treaty;
- ®) Popularisation, dissemination of the treaty.

***Article 72. Procedures of submitting recommendations for approval of plans of implementation of treaties***

1. The recommending agency shall be responsible to consult and obtain opinions from relevant agencies, organisations on the draft plan of implementation of a treaty, within 15 days from the date of receipt of the notification of the entry into force of the treaty.

2. The consulting agencies, organisations shall reply the recommending agency in writing within 15 days from the date of receipt of the request for opinions.

3. The recommending agency shall submit to the Government for decision on the plan of implementation of the treaty, within 15 days from the date of receipt of replies from relevant agencies, organisations.

4. The Prime Minister shall decide on the plan of implementation of the treaty, within 30 days from the date of receipt of the draft plan submitted by the recommending agency.

***Article 73. Executing plans of implementation of treaties***

1. Upon the decision made by the Prime Minister on the plan of implementation of a treaty, the recommending agency and relevant agencies, organisations within the scope of their duties and powers, shall be responsible to implement the plan.

2. During the process of implementation of the plan, in case of any problems arising in relation to the interpretation, amendment, supplement, extension, termination, denunciation, withdrawal, suspension of the implementation of a treaty, the recommending agency shall follow respective procedures as provided for in sections 2, 3 and 4 of this Chapter.

SECTION 2

INTERPRETATION OF TREATIES

***Article 74. Treaties subject to interpretation***

A treaty shall be interpreted in the following cases:

1. There is a proposal for interpretation by any foreign contracting party; or

2. There is a proposal for interpretation by any individual, agency, organisation concerned; or

3. Other necessary cases.

***Article 75. Requirement and basis for interpretation of treaties***

1. A treaty shall be interpreted in accordance with the merit, objectives and contents of the treaty and the ordinary meaning of the terms used in the treaty.

2. The basis for the interpretation of a treaty comprises:

a) The text of the treaty and annexes attached thereto;

b) Any agreement relating to the treaty which was made between all the parties to the treaty at the time of the conclusion of the treaty;

c) Any instrument relating to the treaty which was made by one or more parties to the treaty at the time of the conclusion of the treaty and accepted by the other parties;

d) Any subsequent agreement between the parties to the treaty regarding the interpretation or implementation of the provisions of the treaty after the conclusion of the treaty;

đ) Any subsequent practice regarding the interpretation of the treaty accepted by the parties to the treaty;

e) Any rules of international law applicable in the relations between the parties to the treaty.

3. In case all the basis stipulated in Paragraph 2 of this Article had been applied for the interpretation of a treaty but the results of interpretation are still unclear or unreasonable, the competent state agencies shall take into account the preparatory work of the treaty, the circumstances of the conclusion of the treaty and other basis for the interpretation.

***Article 76. Competence, contents of decisions on interpretation of treaties***

1. The Standing Committee of the National Assembly, on its own initiative or at the proposals of the State President, the Government, the Supreme People's Court, the Supreme People's Procuracy, the Ethnic Council, Committees of the National Assembly, the Central Committee of the Vietnam Fatherland Front and its member organisations, and deputies of the National Assembly, shall decide on the interpretation of treaties in the following cases:

a) Treaties that the National Assembly decides to ratify or accede to;

b) Treaties containing provisions which are in conflict with or not provided for in legal normative documents of the National Assembly; treaties whose implementation requires amendment, supplement, repeal or promulgation of legal normative documents of the National Assembly;

c) Treaties containing provisions which are in conflict with or not provided for in legal normative documents of the Standing Committee of the National Assembly; treaties whose implementation requires amendment, supplement, repeal or promulgation of legal normative documents of the Standing Committee of the National Assembly;

d) Other necessary cases.

2. The Government shall, on its own initiatives or at the proposals of any recommending agencies, decide on the interpretation of treaties which were signed or acceded to in the name of the State or in the name of the Government, except in cases as provided for in Paragraph 1 of this Article.

3. A decision on the interpretation of a treaty shall be expressed in written form. The interpretation document shall contain the following contents:

- a) The title, time and place of signing of the interpreted treaty;
- b) The contents of the interpretation of the treaty;
- c) The responsibility of the recommending agency, the Ministry of Foreign Affairs and other relevant agencies, organisations.

***Article 77. Procedures for submitting recommendations and making decisions on interpretation of treaties***

1. The recommending agency shall be responsible to consult and obtain written opinions from the Ministry of Foreign Affairs, the Ministry of Justice and relevant agencies, organisations, within 30 days from the date of receipt of the proposal for interpretation of a treaty sent by a foreign contracting party or transmitted by the Ministry of Foreign Affairs or proposed by any relevant agency, organisation of Vietnam.

2. The consulting agencies, organisations shall be responsible to reply the recommending agency in writing within 15 days from the date of receipt of the written request for opinions.

3. The recommending agency shall be responsible to submit to the Government recommendations on the interpretation of the treaty, within 15 days from the date of receipt of written replies of relevant agencies, organisations prescribed in Paragraph 1 of this Article.

4. The Government shall decide:

a) To interpret the treaty as provided for in Paragraph 2 of Article 76 of this Law, within 30 days from the date of receipt of the documents submitted by the recommending agency; in case of interpretation of a treaty signed in the name of the State, the Government shall report to the State President, no later than 15 days before making decision on the interpretation of the treaty; or

b) To submit to the Standing Committee of the National Assembly recommendations on the interpretation of the treaty as provided for in subparagraphs c and d of Paragraph 1 of Article 76 of this Law, within 30 days from the date of receipt of documents submitted by the recommending agency; or

c) To submit to the State President for the State President to submit to the Standing Committee of the National Assembly recommendations on

interpretation of the treaty as provided for in sub-paragraphs a and b of Paragraph 1 of Article 76 of this Law, within 30 days from the date of receipt of documents submitted by the recommending agency.

5. The State President shall submit to the Standing Committee of the National Assembly recommendations on the interpretation of a treaty as provided for in sub-paragraph c of Paragraph 4 of this Article, within 30 days from the date of receipt of documents submitted by the Government.

6. The Standing Committee of the National Assembly shall interpret a treaty, within 30 days from the date of receipt of documents submitted by the State President or the Government.

***Article 78. Documents submitted or reported on interpretation of treaties***

Documents submitted or reported on the interpretation of a treaty shall comprise:

1. A recommendation document or report, which clearly states the requirement, basis for interpretation of the treaty, recommendations on the contents of the interpretation of the treaty;

2. A copy of the treaty and a translation version of the treaty in the Vietnamese language in case the treaty was signed only in foreign language(s);

3. The proposal for interpretation of the treaty made by a foreign contracting party or by relevant agencies, organisations of Vietnam;

4. Opinions of the Ministry of Foreign Affairs, the Ministry of Justice and relevant agencies, organisations;

5. Other necessary documents.

***Article 79. Notification of the interpretation of treaties***

1. In case a contracting party made the proposal for interpretation of a treaty, the Ministry of Foreign Affairs shall notify the foreign contracting party of the contents of interpretation of the treaty by the Vietnamese party, within 15 days from the date of receipt of the text of interpretation from the competent state authority.

In case where after the Vietnamese party has informed the contents of interpretation of the treaty and the foreign contracting party puts forth a new proposal for interpretation of the same treaty, the procedures for submitting

recommendations and making decisions on interpretation of the treaty shall be conducted in accordance with the provisions of Article 77 of this Law.

2. In case a relevant state agency of Vietnam made the proposal for interpretation of the treaty, the recommending agency shall notify that authority of the contents of the interpretation of the treaty, within 10 days from the date of receipt of the text of interpretation of the treaty from the competent state agency.

3. In case the Vietnamese party made the proposal to a foreign contracting party for interpretation of the treaty, the Ministry of Foreign Affairs shall notify the recommending agency, relevant state agencies of Vietnam of the contents of interpretation of the treaty by the foreign contracting party, within 15 days from the date of receipt of the text of interpretation from the foreign contracting party.

In case the foreign contracting party has informed the contents of interpretation of the treaty but the Vietnamese party puts forth a new proposal for interpretation of the treaty, the procedures for submitting recommendations and making decisions on interpretation of the treaty shall be conducted in accordance with the provisions of Article 77 of this Law.

### SECTION 3

#### AMENDMENTS, SUPPLEMENT AND EXTENSION OF TREATIES

##### ***Article 80. Amendment, supplement and extension of treaties***

A treaty may be amended, supplemented or extended in accordance with the provisions of the treaty or otherwise agreed between the Vietnamese party and the foreign contracting party (parties).

##### ***Article 81. Competence, contents of decisions on amendment, supplement or extension of treaties***

1. The National Assembly shall decide on amendment, supplement or extension of treaties that the National Assembly decided on the ratification or accession.

2. The State President shall decide on amendment, supplement or extension of treaties that the State President decided on the signing, ratification or accession.

3. The Government shall decide on amendment, supplement or extension of treaties that the Government decided on the approval, accession or signing without subject to ratification.

4. A decision on the amendment, supplement or extension of a treaty shall be expressed in written form with the following contents:

a) The title of the treaty that is amended, supplemented or extended, time and place of its signing and the date of its entry into force;

b) The contents of amendment, supplement or the duration for which the treaty is extended;

c) The responsibility of the recommending agency, the Ministry of Foreign Affairs and other relevant agencies, organisations.

***Article 82. Procedures for submitting recommendations and making decisions on amendment, supplement or extension of treaties***

1. The recommending agency shall be responsible to consult and obtain written opinions from the Ministry of Foreign Affairs, Ministry of Justice and relevant agencies, organisations, within 15 days from the date of receipt of the proposal for amendment, supplement or extension of a treaty sent by a foreign contracting party or transmitted by the Ministry of Foreign Affairs or proposed by any relevant state agency of Vietnam.

2. The consulting agencies, organisations shall be responsible to reply the recommending agency in writing, within 15 days from the date of receipt of the written request for opinions.

3. The recommending agency shall be responsible to submit to the Government recommendations on amendment, supplement or extension of the treaty, within 30 days from the date of receipt of written replies of agencies, organisations as provided for in Paragraphs 1 of this Article.

No later than 90 days before the termination of the treaty, the recommending agency shall submit to the Government recommendations on the extension of the treaty, unless otherwise provided for in the treaty or otherwise agreed upon between the Vietnamese party and the foreign contracting party (parties).

4. The Government shall decide:

a) To amend, supplement or extend the treaty as provided for in Paragraph 3 of Article 81 of this Law, within 15 days from the date of receipt of documents submitted by the recommending agency; or

b) To submit to the State President recommendations on the amendment, supplement or extension of the treaty as provided for in Paragraph 2 of Article 81 of this Law, within 15 days from the date of receipt of documents submitted by the recommending agency.

5. The State President shall decide:

a) To amend, supplement or extend the treaty as provided for in Paragraph 2 of Article 81 of this Law, within 30 days from the date of receipt of documents submitted by the Government; or

b) To submit to the National Assembly for decision on the amendment, supplement or extension of the treaty as provided for in Paragraph 1 of Article 81 of this Law, within 15 days from the date of receipt of documents submitted by the Government.

6. The National Assembly shall decide to amend, supplement or extend the treaty at its session in accordance with similar procedures as provided for in Article 39 of this Law; before being submitted to the National Assembly, the treaty shall be subject to verification in accordance with similar procedures as provided for in Articles from 34 to 37 of this Law.

***Article 83. Documents submitted on amendment, supplement or extension of treaties***

Recommendation documents submitted on amendment, supplement or extension of a treaty shall comprise:

1. A recommendation document, which clearly states the purpose, requirement, legal basis and legal effects of the amendment, supplement or extension of the treaty;

2. A copy of the treaty and a translation version of the treaty in the Vietnamese language in case the treaty was signed only in foreign language(s);

3. The proposal made by a foreign contracting party or a relevant state agency of Vietnam on amendment, supplement or the duration for which the treaty is extended;

4. The opinions of the Ministry of Foreign Affairs, the Ministry of Justice and relevant agencies, organisations;

5. Other necessary documents.

***Article 84. Notification on amendment, supplement or extension of treaties***

1. The Ministry of Foreign Affairs shall co-ordinate with the recommending agency to notify foreign contracting party (parties) on the amendment, supplement or the extension of a treaty, within 15 days from the date of receipt of the decision made by the competent state authority on amendment, supplement or extension of the treaty.

2. The Ministry of Foreign Affairs shall notify the recommending agency and relevant state agencies on the amendment, supplement or extension of the treaty, within 15 days from the date of entry into force of the amendment, supplement or extension of the treaty.

SECTION 4

TERMINATION, DENUNCIATION, WITHDRAWAL, SUSPENSION OF IMPLEMENTATION OF A TREATY IN WHOLE OR IN PART

***Article 85. Grounds for termination, denunciation, withdrawal, suspension of implementation of a treaty in whole or in part***

1. The termination, denunciation, withdrawal from a treaty or suspension of implementation of a treaty in whole or in part shall be conducted in accordance with the provisions of the treaty or by consent of the Vietnamese party and the foreign contracting party (parties).

2. A treaty shall be terminated, denounced, withdrawn from or suspended in the following cases:

a) In accordance with the provisions of the treaty or by consent of the Vietnamese party and all other parties to the treaty;

b) Due to the conclusion of a later treaty relating to the same contents of the treaty;

c) As a consequence of a breach of the treaty;

d) As the subject matter of the treaty ceases to exist or is denounced;

®) Due to a fundamental change of the circumstance which existed at the time of the conclusion of or accession to the treaty and which affects the implementation of the treaty;

e) As a consequence of the severance of diplomatic or consular relations;

g) Due to conflict with a peremptory norm of international law which newly emerges.

3. A multilateral treaty may be suspended by agreement between only a certain number of the parties to the treaty.

***Article 86. Termination or suspension of implementation of a treaty in whole or in part due to the conclusion of a later treaty with the same contents***

1. A treaty between the Vietnamese party and other party (parties) shall be terminated if subsequently the Vietnamese party and such party (parties) sign a new treaty on the same contents, except for cases as provided for in Paragraph 2 of this Article.

2. The treaty, which was previously signed as stipulated in Paragraph 1 of this Article shall be suspended in case the Vietnamese party and other party (parties) so agree.

***Article 87. Termination or suspension of implementation of a treaty in whole or in part as a consequence of its breach***

1. In case the foreign contracting party made a serious breach of a bilateral treaty to which Vietnam is a party, the Vietnamese party shall be entitled to terminate or suspend the implementation of the treaty in whole or in part.

2. In case there is an obvious breach of a multilateral treaty by a party (parties) of the multilateral treaty to which the Socialist Republic of Vietnam is a party, the Vietnamese party shall be entitled to:

a) Reach an agreement with other parties to the treaty on the termination of the treaty or suspension of the implementation of the treaty in whole or in part in the relations between the Vietnamese party and such parties with the defaulting party or among the Vietnamese party and such parties.

b) Suspend the implementation of the multilateral treaty in whole or in part in the relations between the Vietnamese party and the party that committed the breach of the treaty, in case the Vietnamese party is specially affected by such breach.

c) Suspend the implementation of the multilateral treaty in whole or in part in the relations between the Vietnamese party and other parties, in case such breach changes fundamentally further performance of the obligations under the treaty by the Vietnamese party and other parties.

***Article 88. Termination, denunciation, withdrawal or suspension of implementation of a treaty as its subject matter cease to exist or is denounced***

1. The Vietnamese party shall be entitled to terminate, denounce, withdraw from a treaty in case the subject matter that is closely linked to the implementation of the treaty ceases to exist or was denounced.

2. The Vietnamese party shall be entitled to suspend the implementation of a treaty in case the impossibility of implementation of the treaty is only temporary.

***Article 89. Termination, denunciation, withdrawal or suspension of application of a treaty due to fundamental change of circumstances existing at the time of the conclusion or accession***

1. The Vietnamese party shall be entitled to invoke a fundamental change of the circumstance existing at the time of conclusion of or accession to a treaty as a ground for terminating, denouncing, withdrawing from or suspending the treaty, in case the existence of such circumstances constitutes an essential basis of the consent of the Socialist Republic of Vietnam to be bound by the treaty and such change fundamentally transforms the extent of obligations still to be performed by the Vietnamese party under the treaty.

2. The provisions of Paragraph 1 of this Article shall not apply to treaties establishing national boundaries between the Vietnamese party and foreign contracting party (parties).

***Article 90. Termination or suspension of implementation of a treaty due to severance of diplomatic or consular relations***

In case of a severance of the diplomatic relations or consular relations between the Socialist Republic of Vietnam and other party (parties) to a treaty and the existence of such diplomatic relations or consular relations is indispensable for the implementation of the treaty, the recommending agency shall be responsible to submit to the Government recommendations on the termination or suspension of implementation of the treaty.

***Article 91. Termination of a treaty due to conflict with a new peremptory norm of general international law***

In case a new peremptory norm of general international law emerges, any treaties in force which conflict with such new peremptory norm shall be void and terminated.

***Article 92. Suspension of implementation of a multilateral treaty by agreement between certain parties to the treaty***

1. The Vietnamese party may conclude an agreement with certain parties to a multilateral treaty on the suspension of the implementation of some provisions of the treaty in the relations between the Vietnamese party and such parties, in the following cases:

a) The treaty contains a provision allowing agreement among its parties on suspension of implementation of the treaty; or

b) The suspension of implementation is not prohibited by the treaty, provided that such suspension does not affect the enjoyment by other parties of their rights and performance of their obligations under the treaty and does not conflict with the object and purpose of the treaty.

2. The Vietnamese party shall notify the other remaining parties of the conclusion of such agreement and the concrete provisions of the treaty that the Vietnamese party has the intention to suspend their application, unless otherwise provided for in the treaty.

***Article 93. Competence, contents of a decision on the termination, denunciation, withdrawal, suspension of implementation of a treaty***

1. The National Assembly shall decide on the termination, denunciation, withdrawal or suspension of implementation of a treaty, which the National Assembly decided on the ratification or accession.

2. The State President shall decide on the termination, denunciation, withdrawal or suspension of implementation of a treaty, which the State President decided on the ratification or accession.

3. The Government shall decide on the termination, denunciation, withdrawal, and suspension of implementation of a treaty which the Government decided on the approval of or accession to or signing without subject to ratification.

4. A decision on the termination, denunciation, withdrawal, suspension of implementation of a treaty shall be expressed in written form with the following contents:

a) The title of the treaty which is terminated, withdrawn, denounced, suspended, time and place of its signing and the effective duration of the treaty;

b) The responsibility of the recommending agency, the Ministry of Foreign Affairs and other relevant agencies, organisations.

***Article 94. Procedures for submitting recommendation and making decisions on termination, denunciation, withdrawal and suspension of implementation of treaties***

1. The recommending agency shall be responsible to consult and obtain opinions from the Ministry of Foreign Affairs, the Ministry of Justice and relevant agencies, organisations, within 15 days from the date of receipt of the proposal for termination, denunciation, withdrawal, suspension of implementation of a treaty sent by a foreign contracting party or transmitted by the Ministry of Foreign Affairs or proposed by any relevant state agency of Vietnam.

2. The consulting agencies, organisations shall be responsible to reply the recommending agency in writing, within 15 days from the date of receipt of the written request for opinions.

3. The recommending agency shall be responsible to submit to the Government recommendations on termination, denunciation, withdrawal or suspension of implementation of a treaty, within 30 days from the date of receipt of written replies from agencies, organisations as provided for in Paragraph 1 of this Article.

4. The Government shall decide:

a) To terminate, denounce, withdraw from or suspend the implementation of the treaty stipulated in Paragraph 3 of Article 93 of this Law, within 15 days from the date of receipt of documents submitted by the recommending agency; or

b) To submit to the State President for decision on the termination, denunciation, withdrawal or suspension of implementation of the treaty stipulated in Paragraph 2 of Article 93 of this Law, within 15 days from the date of receipt of documents submitted by the recommending agency.

5. The State President shall decide:

a) To terminate, denounce, withdraw from or suspend the implementation of the treaty as provided for in Paragraph 2 of Article 93 of this Law, within 15 days from the date of receipt of documents submitted by the Government; or

b) To submit to the National Assembly for decision on the termination, denunciation, withdrawal or suspension of implementation of the treaty stipulated in Paragraph 1 of Article 93 of this Law, within 15 days from the date of receipt of documents submitted by the Government.

6. The National Assembly shall decide on the termination, denunciation, withdrawal or suspension of implementation of the treaty at its session in accordance with similar procedures as provided for in Article 39 of this Law; before being submitted to the National Assembly, the treaty shall be subject to verification in accordance with similar procedures as provided for in Articles from 34 to 37 of this Law.

***Article 95. Recommendation documents submitted on the termination, denunciation, withdrawal, and suspension of implementation of treaties***

Recommendation documents on the termination, denunciation, withdrawal or suspension of implementation of a treaty shall comprise:

1. A recommendation document, which clearly states the reasons, legal grounds and legal effects of the termination, denunciation, withdrawal or suspension of implementation of the treaty;

2. A copy of the treaty and a translation version of the treaty in the Vietnamese language in case the treaty was signed only in foreign language(s);

3. The proposal on the termination, denunciation, withdrawal or suspension of implementation of the treaty by a foreign contracting party or a relevant state agency of Vietnam;

4. The opinions of the Ministry of Foreign Affairs, the Ministry of Justice and relevant agencies, organisations;

5. Other necessary documents.

***Article 96. Notification of the termination, denunciation, withdrawal or suspension of implementation of treaties***

1. The recommending agency shall co-ordinate with the Ministry of Foreign Affairs to implement procedures for the termination, denunciation, withdrawal or suspension of implementation of a treaty, within 30 days from the date of receipt of the decision made by competent state authority as provided for in Article 93 of this Law.

The Ministry of Foreign Affairs shall notify the foreign contracting parties of the termination, denunciation, withdrawal or suspension of implementation of bilateral treaties, which were concluded by the Socialist Republic of Vietnam.

2. The Minister of Foreign Affairs shall sign diplomatic notification on the termination, denunciation, withdrawal or suspension of

implementation of a multilateral treaty to be deposited with the depositary of such multilateral treaty.

In case the Minister of Foreign Affairs is absent, the authorised Deputy Minister of Foreign Affairs shall sign instead, unless otherwise provided for by the depositary of the multilateral treaty.

3. The Ministry of Foreign Affairs shall notify relevant state agencies of the termination, denunciation, withdrawal or suspension of implementation of the treaty, within 15 days from the date of entry into force of the termination, denunciation, withdrawal or suspension of implementation of the treaty.

## CHAPTER VIII

Responsibilities of agencies, organisations,  
and individuals in activities of conclusion,  
accession, and implementation of treaties

### ***Article 97. Responsibility of agencies, organisations and individuals***

Agencies, organisations and individuals are responsible to comply with treaties to which the Socialist Republic of Vietnam is a party.

### ***Article 98. Responsibility of the Ministry of Foreign Affairs***

In performing state management over the conclusion, accession and implementation of treaties, the Ministry of Foreign Affairs has the following duties and powers:

1. Taking lead or co-ordinating to prepare legal normative documents on the conclusion, accession, and implementation of treaties;
2. Taking lead in organisation of proliferation, dissemination, guidance of implementation of the legislation on the conclusion, accession, and implementation of treaties;
3. Submitting to the Government long term plans and annual plans on the conclusion, accession and implementation of treaties;
4. Submitting to the Government annually or at the request of the Government, submitting to the State President, on his request, reports on the conclusion, accession and implementation of treaties;
5. Completing diplomatic procedures in relation to the conclusion, accession and implementation of treaties;

6. Completing diplomatic procedures for protection of the rights and interests of the Socialist Republic of Vietnam, in case any foreign contracting party made a breach of a treaty;

7. Taking part directly in assisting the conclusion of or accession to treaties during visits by high-level delegations of Vietnam to foreign countries and by high-level delegations of foreign countries to Vietnam;

8. Conducting international co-operation in the field of conclusion, accession and implementation of treaties within its competence or as assigned by the Government;

9. Organising the activities of keeping custody, deposit, making certified copies, publication and registration of treaties;

10. Taking lead or co-ordinating in organising activities of popularisation, dissemination of treaties to which the Socialist Republic of Vietnam is a party;

11. Making statistics, reviewing treaties concluded or acceded to by the Socialist Republic of Vietnam.

***Article 99. Responsibility of recommending agencies***

Within the scope of their respective duties and power, the recommending agencies are responsible:

1. To prepare long-term plans and annual plans on conclusion, accession and implementation of treaties within their respective scope of state management and transmit such plans to the Ministry of Foreign Affairs for synthesising to submit to the Government; an annual plan on conclusion, accession and implementation of treaties shall be transmitted to the Ministry of Foreign Affairs no later than 15 October of the previous year;

2. To take lead in making recommendations on the accomplishment of legal procedures with respect to treaties;

3. To draw out schedules and concrete measures for the implementation of treaties which are in force with respect to the Socialist Republic of Vietnam and which was concluded or acceded to at their respective recommendations;

4. To take lead or co-ordinate in organising the popularisation and dissemination of treaties which are in force with respect to the Socialist Republic of Vietnam and which was concluded or acceded to at their respective recommendations;

5. To make recommendation to the Government on necessary measures for protection of the rights and interests of the Socialist Republic of Vietnam in case of a breach of a treaty concluded or acceded at their respective recommendations;

6. To make reports on the conclusion, accession and implementation of treaties within their respective scope of state management and transmit them to the Ministry of Foreign Affairs for synthesising to submit to the Government no later than 15 November annually. Reports of recommending agencies shall be made in accordance with the forms prescribed by the Ministry of Foreign Affairs,

The recommending agencies, upon requests, shall submit to the State President and the Government reports on conclusion, accession and implementation of treaties.

***Article 100. Responsibilities of supervision over activities of conclusion, accession, and implementation of treaties***

1. The National Assembly, the Standing Committee of the National Assembly, the Ethnic Council, Committees of the National Assembly, Delegations of deputies of the National Assembly, and deputies of the National Assembly shall be responsible to supervise activities of conclusion, accession, and implementation of treaties carried out by agencies, organisations and individuals under the supervision.

2. Activities of supervision shall be carried out in an open, objective manner in accordance with the competence, procedures as provided for by the law and shall not cause any obstacles to ordinary activities of the agencies, organizations and individuals under the supervision.

***Article 101. Scope and programs of supervision***

1. The scope of supervision over activities of conclusion, accession, and implementation of treaties shall comprise:

a) Supervising the implementation of the provisions of the legislation on conclusion, accession, and implementation of treaties;

b) Supervising the implementation of treaties.

2. The supervision over activities of conclusion, accession, and implementation of treaties constitutes part of annual supervision programs of the National Assembly.

***Article 102. Activities of supervision***

1. The National Assembly shall supervise through the following activities:

a) Considering reports on the conclusion, accession, and implementation of treaties by the State President and the Government;

b) Considering reports by the Standing Committee of the National Assembly on its opinions already expressed on the negotiation, signing of treaties containing provisions which are in conflict with or not provided for in legal normative documents of the National Assembly, treaties whose implementation requires amendment, supplement, repeal or promulgation of legal normative documents of the National Assembly;

c) Reviewing effective treaties, which were concluded, acceded to at the decisions of the State President or the Government and which have any indications of conflict with the Constitution;

d) Considering the answers by the State President, the Chairman of the National Assembly, the Prime Minister, Ministers and other members of the Government, Chief Judge of the Supreme People's Court, the General Director of the Supreme People's Procuracy in responding to questions on activities of conclusion, accession and implementation of treaties;

2. The Standing Committee of the National Assembly shall supervise through the following activities:

a) Considering reports on activities of conclusion, accession, and implementation of treaties by the Government;

b) Considering recommendation documents made by the Government on the negotiation, signing of, accession to treaties containing provisions which are in conflict with or not provided for in legal normative documents of the National Assembly or the Standing Committee of the National Assembly, treaties whose implementation requires amendment, supplement, repeal or promulgation of legal normative documents of the National Assembly or the Standing Committee of the National Assembly;

c) Reviewing effective treaties, which were concluded, acceded to at the decisions of the State President or the Government and which have any indications of conflict with the Constitution;

d) Considering the answers by the State President, the Chairman of the National Assembly, the Prime Minister, Ministers and other members of the Government, Chief Judge of the Supreme People's Court, the General

Director of the Supreme People's Procuracy in responding to questions on activities of conclusion, accession and implementation of treaties in the intervals between the sessions of the National Assembly.

3. The Ethnic Council, Committees of the National Assembly shall supervise through the following activities:

a) Considering reports by the Government on activities of conclusion, accession, and implementation of treaties within respective fields in charge of the Council, Committees or in accordance with the assignment by the Standing Committee of the National Assembly;

b) Where necessary, requesting the Government, Ministries, Ministerial-level agencies, the Supreme People's Court, the Supreme People's Procuracy to submit reports on the issues relating to the activities of conclusion, accession, and implementation of treaties of interests of the Council and the Committees.

4. Delegations of deputies of the National Assembly shall supervise through the following activities:

a) Organising Supervising Missions of the Delegations of deputies of the National Assembly and arranging for the National Assembly deputies in their respective Delegations to supervise the implementation of provisions of the legislation on conclusion, accession and implementation of treaties as well as local implementation of treaties;

b) Requesting local agencies, organisations or individuals to give answers on issues relating to activities of conclusion, accession and implementation of treaties of interest of the Delegations of deputies of the National Assembly;

c) Sending National Assembly deputies in the Delegation, as requested, to take part in Supervising Missions of any bodies of the National Assembly to supervise the implementation of provisions of the legislation on conclusion, accession and implementation of treaties as well as local implementation of treaties.

5. The National Assembly deputies shall supervise through the following activities:

a) Questioning the State President, the Chairman of the National Assembly, the Prime Minister, Ministers and members of the Government, Chief Judge of the Supreme People's Court, the General Director of the

Supreme People's Procuracy on activities of conclusion, accession and implementation of treaties;

b) Supervising the implementation of provisions of the legislation on conclusion, accession and implementation of treaties as well as local implementation of treaties.

***Article 103. Competence to consider results of supervision***

1. On the basis of the results of supervision, the National Assembly shall be entitled to:

a) Request the Standing Committee of the National Assembly, the Government, the Prime Minister, the Supreme People's Court, the Supreme People's Procuracy to promulgate documents stipulating guidelines for the implementation of treaties;

b) Request the Government to make decisions or to submit to the State President for decisions on the amendment, termination, denunciation, withdrawal from a treaty, or suspension of implementation of a treaty in whole or in part, which has any indications of conflict with the Constitution; in case where such decisions fall within the competence of the National Assembly, the State President shall submit to the National Assembly for decisions;

c) Issuing resolutions on the answers to questions and responsibilities of the persons being questioned, where necessary.

2. On the basis of the results of supervision, the Standing Committee of the National Assembly shall be entitled to:

a) Request the Government to make decisions or to submit to the State President for decisions on the amendment, termination, denunciation, withdrawal from a treaty, or suspension of implementation of a treaty in whole or in part, which has any indications of conflict with the Constitution; in case where such decisions fall within the competence of the National Assembly, the State President shall submit to the National Assembly for decisions;

b) Request competent agencies, organisations, or individuals to take measures to timely terminate acts of violation of treaties in Vietnam; or request the Government to make decisions or to submit to the State President for decisions on the termination, denunciation, withdrawal from a treaty, or suspension of implementation of a treaty in whole or in part, in case it is discovered that the acts of violation of the treaty committed by a foreign

contracting party cause damages to national interests, legal rights and interests of organisations, individuals; in case where such decisions fall within the competence of the National Assembly, the State President shall submit to the National Assembly for decisions;

c) Issue resolutions on the answers to questions and responsibilities of the persons being questioned, where necessary.

3. On the basis of the results of supervision, the Ethic Council and Committees of the National Assembly shall be entitled to:

a) Recommend, request the Government, competent state agencies to make proposals or decisions on the amendment, termination, denunciation, withdrawal from a treaty, or suspension of implementation of a treaty in whole or in part, which was concluded or acceded at the decision of the Government and has indications of conflict with the Constitution;

b) Request competent agencies, organisations, or individuals to take measures to timely terminate acts of violation of treaties in Vietnam; or request the Government to make decisions or to submit to the State President for decisions on the termination, denunciation, withdrawal from a treaty, or suspension of implementation of a treaty in whole or in part, in case it is discovered that the acts of violation of the treaty committed by a foreign contracting party cause damages to national interests, legal rights and interests of organisations, individuals; in case where such decisions fall within the competence of the National Assembly, the State President shall submit to the National Assembly for decision.

4. On the basis of the results of the supervision, the Delegations of deputies of the National Assembly and the National Assembly deputies shall be entitled to:

a) Recommend, or request competent agencies, individuals for amendment, supplement, suspension of, or repeal of any legal normative documents, in whole or in part, as required for the implementation of treaties;

b) Recommend competent agencies, organisations, or individuals to consider and solve any issues relating to state policies and legislation on activities of conclusion, accession and implementation of treaties;

c) Request competent agencies, organisations, or individuals to take measures to timely terminate acts of violation of treaties committed in their localities.

***Article 104. Responsibilities of agencies, organisations, individuals under the supervision***

Agencies, organisations, and individuals under the supervision shall bear responsibilities in accordance with the provisions of this Law and the legislation on Supervision Activities of the National Assembly.

Chapter ix

IMPLEMENTATION PROVISIONS

***Article 105. Expenditure for conclusion, accession and implementation of treaties***

The expenditure for the conclusion, accession and implementation of treaties in the name of the State or in the name of the Government are ensured by the State budgets and other financial supports.

The Government stipulates detailed guidelines on the provision, use and management of expenditures from the State budgets for the conclusion, accession and implementation of treaties.

***Article 106. Transitional clause***

1. The National Assembly, the State President, the Government shall make decisions on direct application of treaties, in whole or in part, to which the Socialist Republic of Vietnam is a party and which were concluded or acceded to prior to the date on which this Law takes effect, with respect to agencies, organisations or individuals, where necessary.

2. Treaties concluded in the names of the Supreme People's Court, the Supreme People's Procuracy, Ministries, ministerial-level agencies and agencies attached to the Government prior to the date on which this Law takes effect shall remain in force until the treaties are terminated in accordance with the provisions of respective treaties; in case a treaty provides that it shall be automatically extended, or does not provide for its duration, or provides that it remains in force for an infinitive period, the Supreme People's Court, the Supreme People's Procuracy, Ministries, ministerial-level agencies and agencies attached to the Government shall be responsible to make recommendations to competent state agencies for decisions on the termination of such treaty.

3. Within one year from the date on which this Law takes effect, taking into account the implementation of treaties, the agencies stipulated in Paragraph 2 of this Article shall be responsible to:

a) Make recommendations on direct application, in whole or in part, of those treaties stipulated in Paragraph 1 of this Article;

b) Make recommendations on negotiation and signing of new treaties in the name of the State or in the name of the Government to replace those treaties stipulated in Paragraph 2 of this Article, where necessary.

***Article 107. Effect***

1. This Law shall take effect from 1 January 2006.

2. The Ordinance on the Conclusion and Implementation of Treaties adopted on 20 August 1998 shall be terminated on the date on which this Law takes effect.

3. The Government shall stipulate in details and provide guidelines for the implementation of this Law.

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*This Law was adopted by the Eleventh National Assembly of the Socialist Republic of Vietnam, the seventh session, on 14 June 2005.*

**THE CHAIRMAN OF THE NATIONAL  
ASSEMBLY**

(signed and sealed)

**NGUYEN VAN AN**