

CENTRAL GOVERNMENT: the Constitution*

P R E A M B L E

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

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

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

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

CHAPTER I

BASIC PROVISIONS

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

(2) Sovereignty resides in the whole people.

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

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

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

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

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

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

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

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

CHAPTER II

RIGHTS AND DUTIES OF CITIZENS.

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

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

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

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

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

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

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

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

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

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

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

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

(10) No one can be detained for indebtedness.

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

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

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

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

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

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

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

(3) University education is autonomous.

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

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

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

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

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

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

(3) Press regulations will be prescribed by law.

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

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

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

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

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

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

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

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

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

(3) The State encourages family cohesion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER III

THE LEGISLATURE

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

The Lower House

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

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

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

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

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

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

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

(3) Enjoying full rights of citizenship;

(4) Having draft status in order;

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

The Upper House

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

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

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

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

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

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

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

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

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

Guarantees for Representatives and Senators

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

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

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

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

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

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

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

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

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

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

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

Authority of the National Assembly

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

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

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

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

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

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

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

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

Legislative Procedures

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

(2) The President may introduce bills.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Regulations

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

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

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

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

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

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

(2) Each house may establish permanent committees.

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

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

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

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

CHAPTER IV

THE EXECUTIVE

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

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

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

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

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

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

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

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

(3) Must have legal draft status;

(4) Must enjoy full rights of citizenship;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Local Administration

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

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

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

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

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

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

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

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

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

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

CHAPTER V

THE JUDICIARY

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

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

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

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

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

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

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

The Supreme Court

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER VI

SPECIAL INSTITUTIONS

Special Court

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

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

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

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

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

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

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

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

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

Inspectorate

Art. 88 - The Inspectorate is empowered to:

(1) Inspect, control and investigate personnel of all public and private agencies directly or indirectly engaged in corruption, speculation, influence-peddling or acts harmful to the national interest;

(2) Inspect accounts of public agencies and commercial enterprises;

(3) Audit the property of personnel of public agencies including the President, Vice-President, Prime Minister, National Assembly members, and the Chairman of the Supreme Court.

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

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

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

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

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

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

Armed Forces Council

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

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

Culture and Education Council

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

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

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

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

One-third designated by the President;

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

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

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

Economic and Social Council

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

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

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

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

One-third designated by the President;

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

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

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

Ethnic Council

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

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

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

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

One-third designated by the President;

Two-thirds elected by the ethnic minorities.

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

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

CHAPTER VII

POLITICAL PARTIES AND OPPOSITION

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

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

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

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

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

CHAPTER VIII

AMENDING THE CONSTITUTION

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

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

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

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

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

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

CHAPTER IX

TRANSITIONAL PROVISIONS

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

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

1. Draft and approve:

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

2. Ratify treaties.

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

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

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

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

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

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

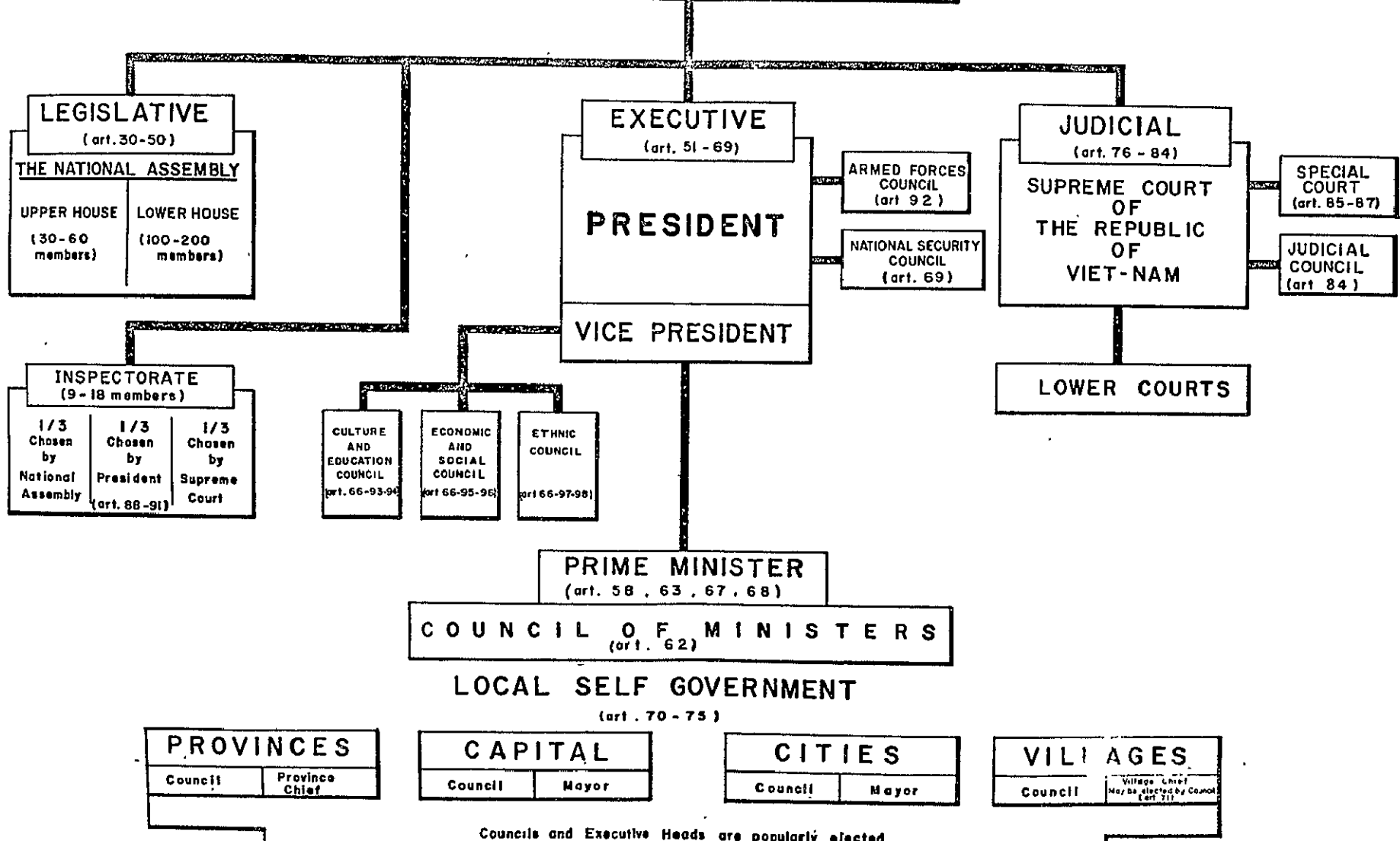
Art. 116 - The election of the National Assembly and the organization of the Supreme Court and Inspectorate must be carried out no later than twelve months from the date the first President assumes office.

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

(Unofficial translation, by
American Embassy, Saigon)

THE REPUBLIC OF VIET NAM

THE CONSTITUTION PROMULGATED APRIL 1, 1967



Councils and Executive Heads are popularly elected

**SOUTH VIETNAM
THE REFUGEE
PROBLEM**

REGION I	Temporary Refugees			REGION II	Temporary Refugees		
	In Camp	Outside Camp	Total		In Camp	Outside Camp	Total
Da Nang	8,160	0	8,160	Binh Dinh	74,995	138,845	213,840
Quang Nam	66,594	72,844	139,440	Binh Thuan	208	223	431
Quang Ngai	32,945	65,949	98,894	Cam Ranh	151	0	151
Quang Tin	16,457	37,256	53,713	Darlac	15,476	3,058	18,534
Quang Tri	10,123	2,287	12,410	Khanh Hoa	323	23,660	24,003
Khue Thien	8,892	0	8,892	Kontum	15,320	0	15,320
Total	143,171	178,338	321,509	Lam Dong	1,830	0	1,830
				Ninh Thuan	25	307	332
				Phu Ben	6,294	75	6,369
				Phu Yen	1,911	86,630	88,541
				Pleiku	9,806	0	9,806
				Quang Duc	6,783	3,571	10,354
				Tuyen Duc	519	0	519
				Total	133,644	256,389	390,033
REGION III	Temporary Refugees			REGION IV	Temporary Refugees		
Eien Hoa	17,979	4,573	22,552	An Giang	0	12,622	12,622
Binh Duong	11,561	22,658	34,219	An Xuyen	264	5,617	5,881
Binh Long	5,628	79	5,707	Ba Xuyen	0	1,664	1,664
Binh Tuy	41	893	934	Bac Lieu	0	3,408	3,408
Gia Dinh	0	1,225	1,225	Chau Doc	823	954	1,777
Ha Nghia	100	7,321	7,421	Chuong Thien	282	3,782	4,064
Long An	0	87	87	Dinh Tuong	85	1,476	1,561
Long Khanh	362	212	574	Go Cong	84	14,753	14,837
Phuoc Long	512	450	962	Kien Giang	36,685	85	36,770
Phuoc Tuy	0	2,642	2,642	Kien Hoa	665	6,604	7,269
Saigon	0	0	0	Kien Phong	0	8,750	8,750
Tay Ninh	425	7,564	7,979	Kien Tuong	0	5,997	5,997
Vung Tau	0	240	240	Phong Dinh	311	3,825	4,126
				Sa Dec	**	**	**
Total	36,598	47,944	84,542	Vinh Binh	48	7,718	7,766
				Vinh Long	0	9,250	9,250
				Total	39,227	86,495	125,722

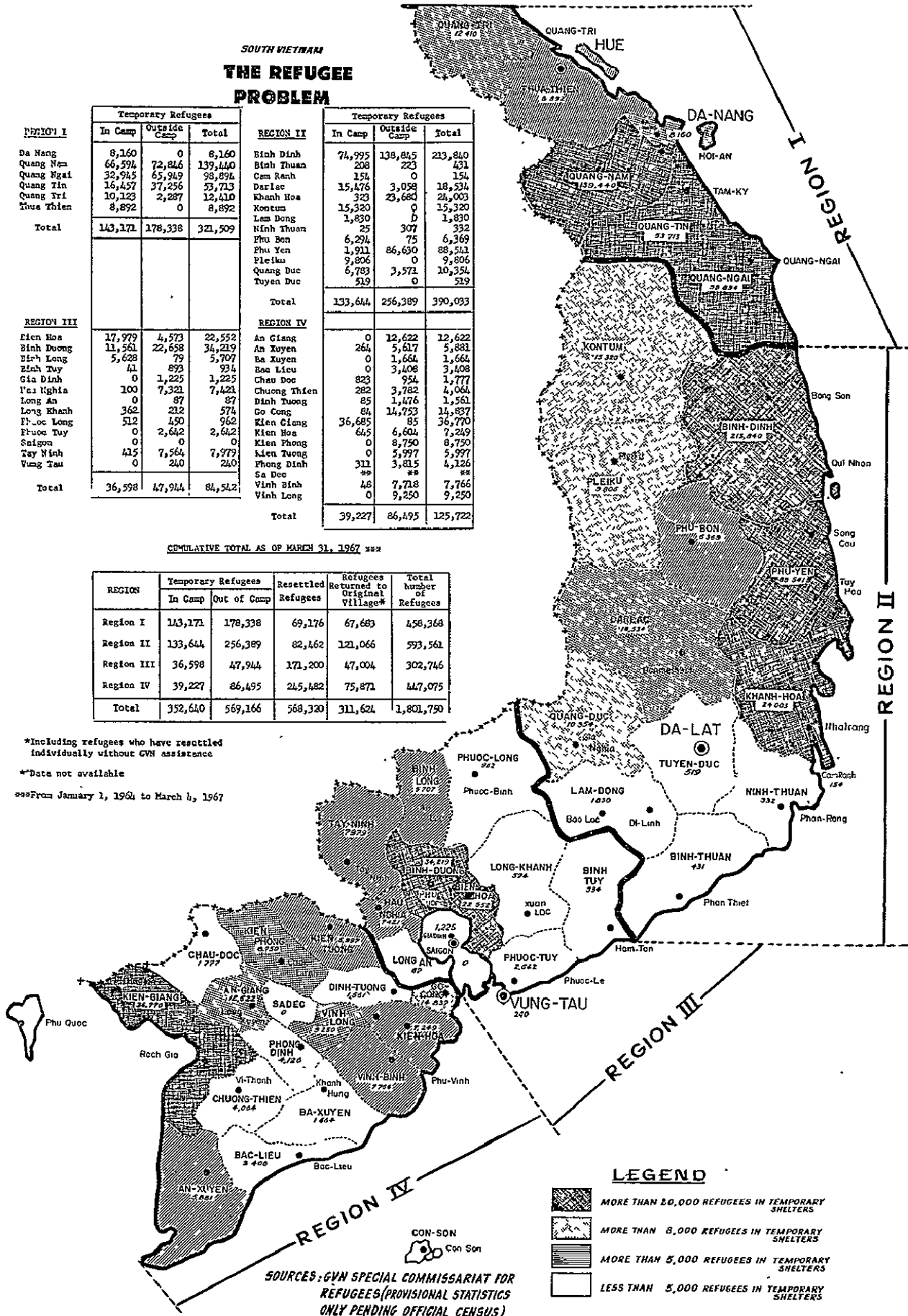
CUMULATIVE TOTAL AS OF MARCH 31, 1967 ***

REGION	Temporary Refugees		Resettled Refugees	Refugees Returned to Original Village*	Total number of Refugees
	In Camp	Out of Camp			
Region I	143,171	178,338	69,176	67,683	458,368
Region II	133,644	256,389	82,462	121,066	593,561
Region III	36,598	47,944	171,200	47,004	302,746
Region IV	39,227	86,495	245,482	75,871	447,075
Total	352,640	569,166	568,320	311,624	1,801,790

*Including refugees who have resettled individually without GVN assistance

**Data not available

***From January 1, 1964 to March 31, 1967



LEGEND

- MORE THAN 20,000 REFUGEES IN TEMPORARY SHELTERS
- MORE THAN 8,000 REFUGEES IN TEMPORARY SHELTERS
- MORE THAN 5,000 REFUGEES IN TEMPORARY SHELTERS
- LESS THAN 5,000 REFUGEES IN TEMPORARY SHELTERS

SOURCES: GVN SPECIAL COMMISSARIAT FOR REFUGEES (PROVISIONAL STATISTICS ONLY PENDING OFFICIAL CENSUS)