

Political and Legal Environment

Political and Legislative System

The Constitution in general establishes the mastery of the people under the leadership of the Communist Party, of which the highest representation is the Politburo and the Party Secretary General. The power of the people is to be exercised through the National Assembly at the central level and the People's Councils at different local levels.

The National Assembly is the supreme representative and legislative body and determines both domestic and foreign policy. It is elected by universal suffrage. The National Assembly in turn elects and may remove from office the President, Vice-President, Chairman of the National Assembly, Vice-chairman of National Assembly, members of the Standing Committee of the National Assembly, the Prime Minister, the Chief Justice of the Supreme People's Court and the Head of the Supreme People's Procuracy. In addition, the National Assembly has the responsibility of sanctioning the Prime Minister's selection of Deputy Prime Ministers and Ministers.

The National Assembly is also responsible for approving the organization of the Government and its agencies, and is the supreme law making body. The duration of the National Assembly is 5 years and elections are held two months prior to the expiry of its term. The Standing Committee possesses the power to manage the day-to-day affairs of the National Assembly when it is not in session and during this time the Standing Committee assumes all its powers, including the law making power on matters entrusted to it by the National Assembly.

The Head of State is the President. He is elected by the National Assembly and represents the Nation internally and

externally.

The highest executive body in Vietnam is the Government, formerly known as the Council of Ministers. It is charged generally with the management of the economy and the state. It is made up of the Prime Minister, Deputy Prime Ministers, Ministers and the Chairmen of the various State Committees and the Governor of the State Bank. Individual ministries and organizations equivalent to ministries aid the Prime Minister in the administration of the Country within the specific fields in which they have jurisdiction. The deputy prime ministers and the ministers are selected by the Prime Minister but must be approved by the National Assembly. With the exception of the Prime Minister, the members of the Government do not have to be members of the National Assembly. Decisions on major issues must be taken on a majority basis.

Below the Government are People's Committees and People's Councils. The People's Councils are elected by the people and in turn elect the People's Committees. These bodies occur at the levels of city/province, district and commune. Each city/province, district and commune is governed by a People's Committee.

The court and prosecution systems in Vietnam have a structure similar to the administrative system. In the central level, the Supreme People's Court is the highest juridical body in Vietnam and the Chief Justice is elected by the National Assembly for the term of the National Assembly. The Supreme People's Procuracy has the highest power on prosecution in Vietnam and the Head is also elected by the National Assembly for the term of the National Assembly. In local levels, these bodies occur at the levels of city/province and district.

Legal System

In Vietnam, the legal system comprises of constitution, codes, laws, ordinances, decrees, decisions, circulars, directives,

and official letters, to some extent. Although all have the force of law, only a law passed by the National Assembly is referred to as such.

Ordinances are issued by the Standing Committee of the National Assembly, commonly to regulate on an area where a law is not yet promulgated and/or regulated. On matters that the National Assembly entrusted to the Government, the Government issues decrees or decisions or directives to implement the issued laws or ordinances.

Circulars, decisions and regulations are normally issued by individual ministries and other State agencies including people's committees, with respect to subjects within their sphere of responsibility and the force of subordinate legislation.

It should be noted when using that while codes, laws and ordinances are referred to by the name, decrees, decisions, circulars and directives are usually referred to by the number, signing date, and the name of issuer.