

THE NATIONAL ASSEMBLY

Law No.: 41/2005/QH11







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.



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

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;

ÿ) 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.

Assembly, or a treaty whose implementation requires amendment,

In case of a recommendation of negotiation, signing of a treaty

***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

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***





*Article 23. Negotiation, signing of treaties requiring Full Powers*

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 wr

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

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.













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

***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

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**

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

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

*Article 51. Procedures for submitting recommendations and making*



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

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

Ⓜ) A proposed plan for the organisation of implementation of the

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

***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 recomm

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

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



## 2. The competent state authority

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 sh

CHAPTER VII  
IMPLEMENTATION OF TREATIES

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

3. A decision on the interpretation of a treaty shall be expressed in written form. The interpretation docum

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



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 amendm



***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*

***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***

***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

*Article 94. Procedures for submitting recommendation and making*



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:

implementation of a multie

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 recomm

5. To make recommendation to the Government on necessary

***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

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

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.





