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NATIONAL ASSEMBLY COMMITTEE ON LAW

UNITED NATIONS DEVELOPMENT PROGRAMME

PROJECT: STRENGTHENING THE CAPACITY OF REPRESENTATIVE BODIES IN VIETNAM

RESEARCH REPORT
LEGISLATIVE PROCESSES AND PROCEDURES OF THE
NATIONAL ASSEMBLY

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INTRODUCTION

Under regulations of the Constitution and the Law on the Organization of the National Assembly, the National Assembly is the only body vested with powers to formulate and amend the constitution, to make and amend laws; the National Assembly is also the highest body supervising all activities of the state, playing the decision-making role when dealing with issues of national importance. To ensure the highest efficiency in the National Assembly's performance, effective rules and procedures should be in place.

The rules and procedures of the National Assembly are the whole regulations that entities shall follow when executing their functions, responsibilities and authority. In other words, this is the arrangement, organization of activities to execute the functions, power and responsibilities of the National Assembly, serving the basis for entities participating in activities of the National Assembly to execute. These rules and procedures include those of the National Assembly at its sessions, those of operation of different agencies in the National Assembly, delegations of National Assembly deputies, and individual deputies.

The rules and procedures are not just "steps to follow" in relation with the National Assembly's activities; in fact, the rules and procedures bear close connection with the quality of the National Assembly's performance. To reflect the changing needs, the operation of the National Assembly requires reforms in rules and procedures to ensure the smooth flow of the National Assembly's operation. In fact, objectives and contents of legislative activities are to implement and regulate the plans and policies of the Party and State; make the will and aspirations of the people the specific regulations so that everybody can follow. To this end, it is necessary to develop and improve the rules and procedures of the National Assembly to ensure the scientific and suitable nature among legislative stages and steps.

Recent years have seen positive changes in the National Assembly's operation to be more assertive in its legislative function. Accordingly, efforts are needed to ensure continued reforms in the rules and procedures of National Assembly's

operation; such reforms should also be reflected in laws, rules and regulations on the National Assembly's operation (e.g. Law on the Organization of National Assembly, Law on the Promulgation of Legal Normative Documents, Law on Oversight Activities of the National Assembly, Rules on the National Assembly Session, Working Regulations of the National Assembly Standing Committee, Working Regulations of the Ethnic Council and the Committees of the National Assembly, etc.). According to the end-of-term reports of the previous Legislature, despite positive changes (mostly technical), the rules and procedures of the National Assembly have yet to be streamlined with further multi-faceted reforms. Over recent terms of legislature, many National Assembly's agencies, delegations of deputies and individual deputies have also raised the need of further reforms in the rules and procedures of the National Assembly's operation, especially on legislative processes and procedures.

The resolution of the 7th session of the 8th Central Committee of the Party has made the 'reforms in the procedures of preparing and passing bills' one of the core elements in enhancing the quality and effectiveness of the National Assembly's legislative activities. The draft Political Report at the 11th Party Congress has stressed the importance of the continued reforms of the National Assembly's organization and operations to ensure the National Assembly continues to be the highest representative body and the highest State authority, promoting democracy, dialogue, transparency in discussions/Q&A sessions and reforming the legislative activities of the National Assembly. In order to improve the quality of the National Assembly's legislative activities, the legislative processes and procedures need constant reviews and reforms inside the National Assembly, its agencies, delegations of deputies and individual deputies.

Therefore, the development, improvement and reform of the rules and procedures of the National Assembly including the legislative activities of the National Assembly; the verification and oversight activities of the National Assembly's agencies; activities of the Delegation of National Assembly Deputies and individual National Assembly Deputy to ensure the quality of the operation of the National Assembly are necessary. In this context, the research on the reform of the rules and

procedures of the National Assembly is necessary and significant, particularly in the beginning of the XIIIth National Assembly.

This report focuses on the rules and procedures of the National Assembly as follows:

- Legislative process and procedures of the National Assembly including the verification activities of the National Assembly's agencies;
- Oversight procedures of the National Assembly's agencies;
- Rules and procedures in operation of the Delegations of National Assembly Deputies and individual National Assembly Deputy;
- Comparative experiences of some countries in the rules and procedures of the National Assembly with regard to legislation of the National Assembly, verification and oversight activities of the National Assembly's agencies.

Part I

LEGISLATIVE PROCESS AND PROCEDURES OF THE NATIONAL ASSEMBLY

The legislative process and procedures of the National Assembly include the following steps:

- Develop legislative program;
- Ethnic Council and Committees of the National Assembly verify bills;
- The National Assembly Standing Committee gives opinions on bills;
- The National Assembly examines and approves bills.

1. Procedures on the development of the legislative program

1.1. Current situation of the development of the legislative program

Development of the legislative program is the first stage of the legislative process to plan and orient the legislative activities of the National Assembly. Under provisions of law, the National Assembly decides the legislative program (legislative program for the whole legislature and the annual legislative program); the National Assembly Standing Committee shall draft the legislative program to submit to the National Assembly for decision.

The Constitution and Law on the Organization of the National Assembly, Law on the Promulgation of Legal Normative Documents regulate the development and approval of legislative program under the following steps:

Step 1: Entities which have the right to submit bills send their legislative proposals to the National Assembly Standing Committee

There are two types of legislative proposals including “recommendations on laws and ordinances” and “motions on laws and ordinances”.

- The State President, National Assembly’s agencies, Government, Supreme People’s Court, Supreme People’s Procuracy, Viet Nam Fatherland Front and its member organizations, National Assembly Deputies send motions on laws and

ordinances; National Assembly Deputies send recommendations on laws and ordinances to the National Assembly Standing Committee.

- A motion to elaborate a law or an ordinance must clearly state the necessity to promulgate the document, its subjects and scope of regulation, fundamental viewpoints and policies and principal contents of the document; projected resources and conditions to ensure the drafting of the document; a preliminary report assessing impacts of the document; and the proposed time for consideration and passage by the National Assembly or its Standing Committee.

- A recommendation on a law or an ordinance must clearly state the necessity to promulgate the document, and its subjects and scope of regulation.

• The Government shall “devise proposals on legislative programs” regarding issues within the scope of its functions, tasks and powers, submit them to the National Assembly Standing Committee, and give opinions on law and ordinance passage motions of other agencies and organizations and National Assembly deputies and National Assembly deputies’ recommendations on laws and ordinances.

Step 2: Verification of recommendations on laws and ordinances

Before being submitted to the National Assembly Standing Committee, legislative proposals shall be verified by the National Assembly’s agencies. The verification of recommendations on laws and ordinances is an important stage in the development of legislative program. This stage aims to examine, clarify the legal requirements which are met for legislative proposals.

Entities to conduct verification are Law Committee, Ethnic Council and other Committees of the National Assembly. In which, the Law Committee chairs the verification, the Ethnic Council and other Committees of the National Assembly are coordinating agencies.

Verified contents are the comprehensive examination and verification of the legislative proposal with focus on the examination and verification of the legal requirements which are met for a legislative proposal, including:

- The necessity to promulgate the document;

- Subjects and scope of the regulation;
- Fundamental viewpoints and principal contents of the document;
- Projected impact on society and economy;
- Projected resources to ensure the execution;
- Projected conditions to ensure the drafting of the document.

After the verification session, the Law Committee shall have a verification report on legislative proposals to submit to the National Assembly Standing Committee.

Step 3: The National Assembly Standing Committee drafts the legislative program to submit to the National Assembly for decision

Based on the legislative proposals of agencies, organizations, National Assembly Deputies and the verification report of the Law Committee, the National Assembly Standing Committee shall formulate the legislative program and submit it to the National Assembly for consideration and decision. The National Assembly Standing Committee formulates the legislative program based on both subjective and objective elements. That is, the legislative program must be in line with plans and policies of the Party, strategies for the socio-economic development, national defense and security, requirements on State management in each period, and the necessity to promulgate documents as well as the socio-economic impacts of the promulgation, etc.

The dossier of the draft legislative program developed by the National Assembly Standing Committee comprises the submission report and a draft resolution of the National Assembly on the legislative program, the explanation of legislative proposals. The draft legislative program shall be published on the website of the National Assembly.

The Law Committee chairs and coordinates with concerned agencies to support the National Assembly Standing Committee in drafting the legislative program.

Step 4: The National Assembly shall consider and adopt the draft legislative program

At its session, the National Assembly shall consider and adopt the draft

legislative program under the following procedures:

- A representative of the National Assembly Standing Committee presents a submission report on the draft legislative program;
- The National Assembly discusses at a plenary session the draft legislative program. Before being discussed at a plenary session, the draft legislative program may be discussed in National Assembly Deputies' groups;
- After the National Assembly discusses and gives opinions on the draft legislative program, the National Assembly Standing Committee directs the Law Committee, the Ministry of Justice and concerned agencies and organisations to study and assimilate these opinions and revise the draft resolution of the National Assembly on the legislative program and produces a report explaining the assimilation of opinions and the revision of the draft resolution.
- The National Assembly Standing Committee reports to the National Assembly on the assimilation of opinions and revision of the National Assembly's draft resolution on the legislative program.
- The National Assembly votes to adopt the National Assembly's resolution on the legislative program.

A resolution on the legislative program must clearly state the titles of the bills and ordinances. For a resolution on the annual legislative program, it must also state the expected time for submission of each bill or ordinance to the National Assembly or its Standing Committee for consideration and approval.

1.2. Some comments and recommendations

The legislative program is the basis to study, draft and verify bills and ordinances; create the stability and activeness in legislative activities of the National Assembly; contribute to ensuring the timeliness and quality of laws issued by the National Assembly. However, given the current legislative process and the legislative practice over the past time, the process is still limited, particularly:

- The submission of recommendations and motions on laws and ordinances is insufficiently practical; is not implemented under a consistent and scientific process; is

not comprehensively analyzed and assessed as of the objective need of the promulgation, amendment and supplementation of laws and ordinances; quality of report on regulatory impact assessment is limited; lack of report to ensure financial resources for implementation; some recommendations and proposals do not meet the time frame under provisions of law.

- When verifying, the examination of the necessity to promulgate laws and ordinances so as to put in the legislative program is not implemented thoroughly; so is the feasibility and projection of bills and ordinances. In some cases, the verifying agency is not provided with sufficient information and bases to propose the National Assembly Standing Committee in term of the number and priority of bills and ordinances. In addition, sometimes the verification of bills and ordinances do not meet the requirements.

The aforementioned limitations have led to the inappropriate priority of bills in the legislative program; there exists the fact that some bills which are not necessary and ill-prepared are put in the legislative program, and vice versa. Thus, the legislative program is somewhat formalistic, particularly the legislative program for the whole National Assembly legislature. Such legislative program is of low quality and is regularly revised.

To deal with the limitations in the current process, the following proposals should be considered:

- Reform of the development of legislative program in the direction to reflect the actual need of laws and to ensure the right to submit bills of entities. Particularly:

+ *Improvement of the mechanism to ensure the implementation of National Assembly Deputies' legislative initiatives.* Submission of bills is one of the National Assembly Deputies' right regulated in the Constitution. The good implementation of this right will make use of the intellectuals, activeness and creation of National Assembly deputies. This is one of the optimal ways to present the will of the people in the legal system as National Assembly Deputies are competent to take in the aspirations of the voters and reflect the aspirations in the bills. However, few National Assembly Deputies implement the right. This is due to many reasons, of which there

lacks an effective mechanism on the legal framework, manpower and finance, etc so that National Assembly Deputies can implement the right. Therefore, it is necessary to regulate the rules and procedures, finance mechanism, manpower for National Assembly Deputies to implement their right to submit bills.

+ *Study to expand the entities who have right to submit bills.* Under the provisions of law, the submission of bills comes from the need of state agencies or some other entities who participate in the work of state management such as socio-political organizations, but not the need of those subject to the management and the social nature of the legislative activities. Therefore, it is necessary to expand the entities who have the right to submit bills. For instance, the submission of the bill on taxation may come from the legislative initiatives of business associations (those subject to the tax payment); the submission of bills with scope of regulation related to the right and obligations of a community may come from the legislative initiatives of the Provincial People's Councils or centrally-run cities. Such expansion will ensure the democracy and the social nature of legislative activities, making the legislative program close to the need of the society. Otherwise, it is necessary to apply a mechanism of "bill protection". That is, bills, which are drafted by interest groups in the society and "are protected" by one entity, can be submitted to the National Assembly Standing Committee and National Assembly for consideration.

- *Regard the development of draft legislative program as the stage of the policy development and analysis, the stage of pre-drafting.* If the policy analysis is done well at this stage, it will lay good conditions for the approval of the policies during the examination of the National Assembly. In principle, the stage of policy analysis shall be implemented before drafting laws in term of techniques. Therefore, when developing annual legislative program, the National Assembly needs to spend more time on discussion and approval of basic policies, laying the ground and orientation of the bills. That the policies are studied, assessed and approved by the National Assembly will contribute to promoting the development and promulgation of bills. It is determined not to put in the legislative program bills whose basic policies are not identified.

- *The verifying agency needs to spend time on examining each bill to give*

feedback and recommendations. In addition, coordination in verification should be paid attention, because bills in the legislative program are related to profession of each agency of the National Assembly. Therefore, it is necessary to increase the responsibility of these agencies to coordinate in verification. Given this, bills are sent to both verifying agency and coordinating agency at the time as regulated by law; the verifying agency needs to organize a plenary meeting with participation of all members of the Ethnic Council or Committees (in the case of not organizing a plenary session, the meeting of standing members of the Ethnic Council or Committees can be organized) to give opinions on the draft documents; to send verifying documents and send representative of the Standing members of the Ethnic Council or Committees to the meeting of the verifying agency to reflect their opinions on the draft documents.

- *The discussion and decision on putting the bills in the annual legislative program should be regarded as an important step.* It is necessary to allocate time for National Assembly Deputies to thoroughly discuss each bill with regard to its title, subjects, scope of regulation, viewpoints, basic policy, key contents, tentative time to submit the bill to the National Assembly for examination and approval. And, the preliminary report on the regulatory impact assessment should be valued based on the proposals of the submitting agency, opinions of verifying agency so as to orient the drafting later on. This will enable the discussion of the National Assembly Deputies at the session of the National Assembly. This session focuses on topical contents of the bill, laying ground for voting.

- *The legislative program shall be developed in the open manner, and timely meet the need of institutional development in the state management.* It is to regulate the legislative program for the whole legislature of the National Assembly as the “soft” program to remark bills to be prepared. Whether only tentative list of draft laws being developed and promulgated during the National Assembly term should be developed. The annual legislative program is regarded as the ordinance, and it should thus be developed based on the necessity, priority, quality of bills; the number of bills in the legislative program should be in line with the capacity of the National Assembly and its agencies, particularly the time for verification, improvement and examination for approval, of which the necessity to meet the factual requirements should be

prioritized.

In addition, some said that at present, a basic legal framework has been formed¹, and it is necessary to examine and approve bills based on the real need. Under which, the preparation for bills is the responsibility of entities who have the right to submit bills basing on the need to manage the society; when the bills are well-prepared, the National Assembly will then be requested to put them in the program for consideration; the National Assemble puts in its agenda only feasible bills.

2. Verification of bills

Verification of bills is the next important step of the legislative process. The Law on the Promulgation of the Legal Normative Documents provides that bills before being submitted to the National Assembly and National Assembly Standing Committee shall be verified by the Ethnic Council and Committees of the National Assembly. The verification of bills will enable the National Assembly to discuss bills comprehensively and decide on the approval. In the condition that most National Assembly Deputies work on a part-time basis, and the number of bills examined and approved at a session of the National Assembly is increasing. The quality of these bills is required while time of each session of the National Assembly is limited. The verification of bills is of significance to examine and approve the bills at a session so as to ensure the progress, time to examine, approve bills as well as quality of bills.

Verification activities are conducted when the National Assembly Standing Committee assigns the work to Committees, and the activities complete when the Ethnic Council and Committees of the National Assembly submit the verification report to the National Assembly.

2.1. Current situation of the rules and procedures on the verification of bills

- For bills submitted to the National Assembly Standing Committee, no later than 20 days before the opening of a session of the National Assembly Standing Committee; for the bills submitted to the National Assembly, no later than 30 days before the opening day of the National Assembly session, submitting entities shall

¹ Laws and ordinances promulgated over the past time are amended and supplemented ones (accounting for over 70%).

send the dossier to the verifying agency for verification.

Under the regulations at Article 44 of the Law on the Promulgation of Legal Normative Documents, the methods of verification can be preliminary verification or official verification. The official verification shall be conducted by plenary sessions of the Ethnic Council and Committees of the National Assembly. The preliminary verification shall be conducted by meetings of the Standing members of the Ethnic Council and Committees. The regulation of preliminary verification is to meet the requirements of timeliness, ensure the progress of legislation while most of the members of the Ethnic Council and Committees of the National Assembly work on a part-time basis. This method can only be applied to bills submitted to the National Assembly Standing Committee for comments; for bills submitted to the National Assembly for examination and approval, the official verification shall be applied.

The verification of bills by the method of official verification (organizing plenary sessions of the Ethnic Council and Committees) will ensure the quality of verification, showing the viewpoints of all members of the Committees on every issue of the bills based on the principle of democratic centralism, working under the conference regime and taking decisions by a vote of majority. Due to the fact that opinions of committee members come from specific characteristics of each locality, each branch, sector, contents of bills will comprehensively be examined from different aspects; and through discussion, issues can be detected and clarified for voting.

After the verification meeting, based on the opinions at the meeting, the Standing Board of the Ethnic Council or Standing Board of a Committee shall prepare a verification report and submit it to the National Assembly and National Assembly Standing Committee. With regard to the form of the report, besides the classification of verification: official and preliminary verification as mentioned above, if based on the entities preparing the verification report, such report can also be classified as follows:

- Verification report by verifying agency;
- Verification report by agency participating in the verification (on contents related to the field that the committee is in charge of);

- Report by the Law Committee (as the participating agency to ensure the constitutionality, legality and consistency of the legal system).

Under regulations at Article 45 of the Law on the Promulgation of the Legal Normative Documents; Article 23 of the Working Regulations of the Ethnic Council and Committees of the National Assembly, contents of the verification report will focus on main issues of the bills such as necessity to promulgate document; subjects, scope of regulation; the appropriateness of contents of the bills to the plans and policies of the Party; the constitutionality, legality of bills and consistency of the legal system; the compliance of rules and procedures in drafting; feasibility of bills; detailed contents and topical issues of bills; language; drafting techniques.

With regard to the layout, the verification report shall reflect sufficiently opinions of all members of the Ethnic Council and Committees, and include the viewpoints of the Ethnic Council and Committees on issues that are agreed or disagreed so that the National Assembly can examine and approve the bills. In fact, these opinions are shown in the forms of agreement of the Ethnic Council or Committees; opinions of all members of the Ethnic Council or Committees; opinions of few members of the Ethnic Council or Committees.

2.2. Assessment and recommendations

Through studying the current situation of verification of bills by National Assembly's agencies, the verification reveals the following limitations:

- The coordination between the drafting agency and verifying agency as well as other relevant organizations and agencies is not regular and close, which leads to the fact that the progress of some bills is not as expected, and the quality of the bills is limited. The sending of documents is not compliance with provisions of law, creating difficulties and challenges for the verification.

- There are cases that verifying agency does not spend much time on verifying, studying and revising every article and clause of bills. The legislative techniques are thus limited. In other cases, opinions of the verifying agency are just comments rather than detected issues, and many verification reports are not taken advantages of the intellectuals of the Standing members of the Ethnic Council and Committees.

- Legislative work is an important content in state management, but it is not paid sufficient attention by leaders of the state agencies in term of time, finance and manpower, etc. The capacity of giving advice, studying, policy analysis of the agencies is limited.

- Verifying work has not been promote the involvement of scientists and experts. Meanwhile, there is no mechanism to enable those affected by legal documents to speak out their concerns and expectations before the verifying agencies.

- There is no mechanism for MPs who are interested in the draf laws to giving their comments in the verifying session conducted by verifying agencies to directly reflect voters' opinions to verifying agencies.

- There is no mechanism to promote and enhance resonsibilities of NA agencies, especially verifying agencies.

- The involvement of Law committee in verifying all draft laws to ensure the constitutionality, legality and consistency of legal system, for some both objective and subjective reasons , has not been really effective and met the factual requirements.

To deal with the aforementioned limitations, proposed solutions are as follows:

- *Improvement of regulations on verification process, creating conditions for the Ethnic Council and Committees of the National Assembly to execute verification.* Legal documents on verification should provide sepcific criteria to assess quality of bills; time, process and procedures; contents to be verified; responsibility of participating members; contents of the verification report; a mechanism to ensure the principle of democratic centralism, working under the conference regime and taking decisions by a vote of majority of verifying agency, etc.

- *There should be a coordination mechanism between drafting agency and verifying agency* to take in contents of bills, exchange ideas and deal with relevant issues; the verifying agency shall not verify the bill if the bill is not submitted at the time as regulated by laws (this is the mimimum time scale to ensure the quality of verification work).

- *The verifying agency needs to spend more time in studying the bills, collecting and studying information related to the bills;* be active to organize field visits,

workshops and seminars to collect opinions of experts, scientists and those directly affected by the bills; increase time for verification so that all participants may raise their deep and comprehensive ideas, opinions on issues of each bill. It is determined to verify dossier of the bill which has sufficient documents as regulated by law; limit the preliminary verification on bills submitted to the National Assembly Standing Committee for comments; ensure that all bills submitted to the National Assembly and National Assembly Standing Committee are officially verified.

- *Organize meetings for representatives from submitting agency, drafting agency, those directly affected by the bills and relevant interest groups to explain, provide information or present their opinions on issues related to the bills.* This activity aims to collect deep and comprehensive information to serve the verification, revision and improvement of the bills; this is also the mechanism for National Assembly Deputies (even National Assembly Deputies who are not members of the verifying agency) to take in the information and directly participate in the legislative process.

- *Highly value the responsibility of participating agency in verification,* particularly to ensure the constitutionality, legality and consistency of the legal system. Before participating in meetings of the verifying agency, participating agencies should organise meetings of the Standing members or all members to verify the bill. Representatives of the participating agency take part in the meeting of the verifying agency to express their opinions.

- Verification reports of verifying agencies shall reflect opinions of participating agencies, especially opinions of Law Committee to ensure the constitutionality, legality and consistency of the legal system.

- *It is recommended to identify the legal validity of the verification report,* particularly the analysis and examination of basic policies proposed in the bill. Thus, the verification report should focus on the analysis and make recommendations showing the viewpoints of the verifying agency on policies in bills to serve as basis for the National Assembly Standing Committee and National Assembly to examine and approve; recommend important and topical issues to the National Assembly for voting

at the first reading, which serves as basis for the revision and improvement of the bills in the interval of the National Assembly session; and assess the quality of the bills.

- The meetings of verifying agencies should be organized in an “open” manner for MPs who are interested can participate and directly reflect opinions of voters or express their opinions to verifying agencies.

- *It is recommended to improve the organization of the Ethnic Council and Committees of the National Assembly* in the way to appropriately increase the proportion of National Assembly Deputies with expertise in the field; to increase the number of full-time National Assembly Deputies; and enable Deputies to participate in activities of the Ethnic Council and Committees of the National Assembly. The Committee on Law shall ensure the constitutionality, legality and consistency of the legal system, therefore, it is necessary to increase full-time National Assembly Deputies for the Committee, at least 2/3 of the total number of Committee’s members.

- *It is recommended to enhance the capacity of supporting staff of the Ethnic Council and Committees of the National Assembly and their working conditions* to improve the quality of verification activities, meeting the requirement of the Ethnic Council and Committees of the National Assembly. To supporting staff of the Law Committee, apart form supporting staff as the Ethnic Council and Committees of the National Assembly, it is necessary to establish a division which is in charge of legislative techniques to technically support the Committee in revising and improving bills before and after being submitted to the National Assembly. It is also recommended to enhance and increase the number collaborators of the Ethnic Council and Committees of the National Assembly. It is recommended to ensure the conditions for verification work in term of budget, time, documents related to the bills as reference for the verifying agency.

3. The National Assembly Standing Committee examines and gives opinions on bills

3.1. Current situation of the examination on bills of the National Assembly Standing Committee

Given the purposes of enhancing the quality of bills submitted to the National Assembly while most of the National Assembly Deputies work on a part-time basis. The National Assembly holds two sessions yearly with limited time for each session, therefore, the National Assembly has regulated that before being submitted to the National Assembly, all bills should be commented by the National Assembly Standing Committee (Article 72 of the Law on the Organization of the National Assembly). This is also a compulsory stage of the legislative process. To this end, Article 48 of the Law on the Promulgation of Legal Normative Documents provides that no later than seven days before the opening of a session of the National Assembly Standing Committee, the agency, organisation or National Assembly Deputies submitting a bill or resolution of the National Assembly shall send a submission report, bill, and documents related to the bill; verifying agency sends verification report on the bill to the National Assembly Standing Committee. Thus, this is the next stage of the verification: bills verified by the Ethnic Council and relevant Committees of the National Assembly. As mentioned above, verification report can be the preliminary or official one. Regulation on the time limit to send documents is to ensure conditions for all members of the National Assembly Standing Committee to examine and give opinions on the bill. However, for different reasons, the time limit is not abided by, which leads to the late sending of verification report. This limitation affects the quality of comments on bills by the National Assembly Standing Committee.

Given the fact that the National Assembly Standing Committee is organised and operates on the principle of democratic centralism, works under the conference regime and takes decisions by a vote of majority, the opinions on bills of the National Assembly Standing Committee shall be given at its session. Depending on the nature and contents of a bill, the National Assembly Standing Committee may examine and give opinions on the bill for once or more than once. Normally, for bills that do not have complicated contents and are well-prepared by the submitting agency, the National Assembly Standing Committee shall give opinions at one session.

Based on the opinions of the National Assembly Standing Committee, organizations, and agencies, National Assembly Deputies submitting the bill shall study and assimilate the opinions for the revision. In principle, all not opinions of the National Assembly Standing Committee are comprehensively taken. These agencies

may hold the opinions and explain to the National Assembly Standing Committee. The principle is to ensure the submitting process of entities who have such right. Clause 2 of Article 50 of the Law on the Promulgation of Legal Normative Documents provides that *“If the agency, organisation or National Assembly deputy submitting the bill or resolution of the National Assembly holds any opinions divergent from those given by the National Assembly Standing Committee, such opinions shall be reported to the National Assembly for consideration and decision”*.

3.2. Assessment and recommendations

Under provisions of the Law on the Promulgation of Legal Normative Documents, the National Assembly Standing Committee shall give opinions on bills before submitting to the National Assembly. Though the Law does not specifically provide the scope of issues to be commented, for bills that are submitted to the National Assembly for the first time, the National Assembly Standing Committee often gives opinions on substantive contents of the bills; submitting agencies may or may not assimilate these opinions. If the latter happens, these agencies shall have to report to the National Assembly. For bills commented by the National Assembly, the National Assembly Standing Committee shall direct concerned agencies to revise and improve these bills. The National Assembly Standing Committee shall then report the work to submit it to the National Assembly for examination and approval. The aforementioned provisions are not totally appropriate with the position and functions of the National Assembly Standing Committee.

The National Assembly Standing Committee is the standing agency of the National Assembly and takes responsibility to draft the legislative agenda of the National Assembly as described in the Resolution of the National Assembly and request of authorised entities. To this end, the National Assembly Standing Committee shall consider “the preparation of bills”² so as to see whether the bills are well-prepared to submit them to the National Assembly or not. Such methodology of the National Assembly Standing Committee leads to different understanding over the role of the National Assembly Standing Committee. Moreover, the legal value of opinions by the National Assembly Standing Committee is not very clear. For instance, after the

² Clause 2 Article 8, Law on the Organization of the National Assembly

National Assembly Standing Committee gives opinions, and submitting agencies, based on these opinions, revise the bill. The bill will then be submitted to the National Assembly, and the National Assembly gives divergent opinions. The consideration of the preparation of bills by the National Assembly Standing Committee is not highly valued.

For bills submitted to the National Assembly for comments, it is necessary that the National Assembly assigns the National Assembly Standing Committee to direct concerned agencies to study and revise bills. However, the provision that National Assembly Standing Committee shall report the explanation and revision of bill to submit it to the National Assembly is not appropriate. That is because the examination, assimilation and revision of bills are the work of professional agencies (verifying agency or drafting agency) but not of executive agencies. As such, the National Assembly Standing Committee functions as the professional agency to hold the bill while the National Assembly Standing Committee should function as the “moderator” between the National Assembly Deputies and professional agencies. Moreover, if the bill is not passed by the National Assembly, the National Assembly Standing Committee will be in a difficult condition. And, as the standing agency of the National Assembly with leaders of the National Assembly, if the National Assembly Standing Committee is assigned to protect bills, National Assembly Deputies will not have any opinions which remain divergent to those of the National Assembly Standing Committee..

To deal with the aforementioned limitations, the following recommendations should be considered:

- *It is recommended to reform the giving opinion on bills of the National Assembly Standing Committee in the way focusing on assessment of progress, quality of the bills; that is to see whether the bill is well-prepared to submit it to the National Assembly. And, to prepare major and topical contents to submit them to the National Assembly for discussion serving as the basis for the revision and improvement of the bills.*

- *It is recommended to assign the National Assembly Standing Committee to decide whether to put the bill in the legislative agenda of the National Assembly*

session.³. Based on the comments on quality, progress and preparation; and the recommendations of the verifying agency, the National Assembly Standing Committee decides to or not to put the bills in the legislative agenda of the National Assembly session.

- *For a bill commented by the National Assembly Standing Committee, the Committee should have its conclusion in writing, in which specifies assessment of the Committee on commented issues and contents; responsibility of submitting agency, the agency verifying the drafting, and verifying bills that are not in good quality and progress.*

- *For bills which are not well-prepared for putting in the legislative agenda of the National Assembly session, the National Assembly Standing Committee should consider the responsibility of verifying agency, for instance to notify in the official communication of the Committee session.*

4. Submitting bills to the National Assembly for examination and approval

4.1. Current situation of the process that the National Assembly examines and approves bills

The procedures that the National Assembly examines and approves bills are provided in the Law on the Promulgation of Legal Normative Documents (2008). Under this law, depending on the nature and contents of the bills, the National Assembly may examine and approves the bills at a single session or two sessions. Being responsible to draft the legislative agenda of the National Assembly session, the National Assembly Standing Committee shall tentatively decide which bill will be examined and approved at a single session or two sessions of the National Assembly to submit it to the National Assembly for decision. (this can be done through the preparatory meeting of the National Assembly before its session). Though the bill is examined and approved at single session or two sessions, the following steps should be followed:

- *Explanation on the bills:*

³ Through collecting opinions of the National Assembly Deputies, there are 175/200 opinions agreeing that the National Assembly Standing Committee should be assigned to decide which law is not submitted to the National Assembly to ensure the quality of bills before being submitted to the National Assembly.

This is the first step to be done by representatives of the organizations, agencies and National Assembly Deputies submitting the bills by reading the submission report.

- Presentation on the verification report:

The submission of verification report to the National Assembly is done by the verifying agency right after the organizations, agencies and individuals, who have the rights to submit bills, present the bills. Submission of good verification reports will enable the discussion and approval of the bills at sessions of the National Assembly. Verification report will serve as the basis to express their opinions on topical issues; to reduce time of discussion, thus to ensure the progress of examination and approval of bills.

- Discussion at Groups or Delegations of National Assembly Deputies:

This type of discussion is conducted before the discussion at the plenary session of the National Assembly. Discussion at groups and delegations of National Assembly Deputies aims to enable the National Assembly Deputies to exchange opinions, study the basic contents of the bills and prepare for opinions to speak at the plenary session.

- Discussion at the plenary session:

The discussion is of significance in the process and procedures to examine and approve bills at sessions of the National Assembly. In recent years, to increase the effectiveness and efficiency in discussion of bills and to ensure that National Assembly Deputies from different regions can express their opinions at plenary sessions, the National Assembly has reduced time for discussion at groups and delegations of National Assembly Deputies.

At previous session, National Assembly Deputies might speak about drafting techniques and the layout of the bills. This consumes much time of the National Assembly and is not appropriate with a big forum as a plenary session. In recent years, the discussion has considerably been reformed. The National Assembly discusses on only major contents of the bills.

During discussion, if National Assembly Deputies still have divergent opinions, the chairman of the session may request the Secretariat to prepare Opinion Form to send to Deputies and collect their opinions. Based on the collected opinions, the bills

will be revised appropriately.

During the discussion on bills at the plenary session, under the request by the chairman of the session and of the National Assembly Deputies, drafting agencies, organizations, agencies and individuals submitting the bills may present additional issues of the bills. Members of the Government who are not National Assembly Deputies may, under his/her request or request of the Deputies, if allowed by the chairman of the session, raise their opinions on issues of the sectors and branches.

- The National Assembly votes on basic contents of bills serving as basis for the revision:

Practice in operation of the National Assembly shows that the National Assembly discusses issues of the bills and does not vote on the issues, so it has to re-discuss issues in its next session. This prolongs the examination and approval of bills. Moreover, the discussion without voting on issues of the bills leads to difficulties in revision.

To deal with the aforementioned limitations, the Law amending and supplementing a number of articles of the Law on the Promulgation of Legal Normative Documents (2002) then (2008) provides that in the first discussion (before submitting the bills to the National Assembly), the National Assembly Standing Committee shall direct the Secretariat to consolidate opinions of National Assembly Deputies and prepare basic contents of bills to submit them to the National Assembly for voting. However, in fact, up to the 6th session (November 2004), the National Assembly, for its first time, voted on basic contents of the Bill on State Auditing.

- Revision of bills based on opinions of National Assembly Deputies:

The revision of bills takes place right at the time of the session if the National Assembly examines and approves the bill at a single session (usually applied to short and simple bills with few articles or laws amending and supplementing a number of articles of current laws). The revision of bills takes place at the interval of the two sessions if the National Assembly examines and approves the bills at two sessions (applied to most of bills). As being revised at the interval of the two sessions, the work has met requirements of time for the revision.

In the interval of the two sessions of the National Assembly, the National Assembly Standing Committee shall direct and organise the study, assimilation and revision of bills in the following procedures:

+ The standing body of the verifying agency coordinates with organizations, agencies and National Assembly Deputies submitting the bills, Law Committee, Ministry of Justice, and other concerned organizations and agencies to study, assimilate collected opinions and revise bills, and prepare a report explaining the assimilation of opinions and revision of bills. The verifying agency organises a meeting of its standing members or a plenary meeting to discuss the draft report explaining the assimilation of collected opinions and revision of bills.

The National Assembly Standing Committee considers and discusses the report explaining the assimilation of opinions and revision of bills.

+ The National Assembly Standing Committee sends the revised bill to National Assembly Deputies, delegations of National Assembly Deputies, the Ethnic Council and Committees of the National Assembly for comments.

The verifying agency consolidates opinions of National Assembly Deputies, delegations of National Assembly Deputies, the Ethnic Council and Committees of the National Assembly for study, assimilation and revision of the bill, and finalizes the report explaining the assimilation of opinions and the revision of the bill for submission to the National Assembly Standing Committee.

+ The National Assembly Standing Committee organises a meeting to give comments on the revision of the bill and preparation of the report explaining the assimilation of opinions and the revision of the bill.

- Presentation on the assimilation and revision of bills:

The Law on the Promulgation of Legal Normative Documents provides that the National Assembly Standing Committee shall report to the National Assembly the acquisition and revision of bills. The time for the presentation on the assimilation and revision of bills is identified depending on the examination and approval of bills at a single session or two sessions of the National Assembly.

If the bill is examined and approved at a single session, the presentation will be

made at the session when the bill is submitted for the first time. To ensure the time for revision, the presentation will be arranged at the sitting by the beginning of a session, and the presentation of the report explaining the assimilation of collected opinions and revision of the bill will be made at the sitting by end of the session.

If the bill is examined and approved at two sessions, the presentation will be made at the second session (the subsequent session that the bill is submitted).

The National Assembly Standing Committee shall present the assimilation of collected opinions and revision of bills. In principle, all opinions of National Assembly Deputies, if not be assimilated, require explanation. Contents of the report explaining the assimilation of collected opinions and revision of bills shall specify assimilated issues, and those that are not assimilated; issues that need to be retained; and plans for revision for the National Assembly to examine and decide.

Under the leadership of the National Assembly Standing Committee (directly under the leadership of a deputy speaker of the National Assembly), verifying agency coordinates with drafting agency to prepare the report.

Depending on the quality of the revision and the complexity of the bills, there can be one or more readings. In fact, if the revision of bills is well-done, and the report explaining the assimilation of collected opinions and revision of bill is well-prepared, the issues regarding on the bills will not be much discussed and mentioned by the National Assembly Deputies at plenary sessions of the National Assembly. The process of examination and approval of bills would be quicker.

- Reading the revised and discussed bills:

The National Assembly listens to the revised and discussed bills and discusses the revised contents.

As the documents have been sent to the National Assembly Deputies for study, after listening to the report explaining the assimilation of collected opinions and revision of bills, the National Assembly shall discuss the bill (without discussion at groups or delegations of National Assembly Deputies).

The main contents of the discussion focus on revised contents and divergent issues of the bill. However, the fact shows that National Assembly Deputies discuss all

contents of the bill. The registration to speak at the Chamber, and the amount of time for each time of speaking is applied as the first discussion. After revising bills, the National Assembly Standing Committee shall prepare the 2nd report on assimilation of collected opinions and revision of bills and submit the revised bill to the National Assembly for approval. To enable the National Assembly Deputies to have time to study the revised bill, such bill and the report on the assimilation of collected opinions and revision of the bill should be sent to the National Assembly Deputies beforehand. At this submission, after representative of the National Assembly Standing Committee reads the report on assimilation of collected opinions and revision of the bill, the chairman of the session may mention revised contents without reading the whole document, then request the National Assembly to vote for approval.

- Voting to approve the bill:

This is the final step of the approving process. The bill is approved when more than half of the total number of National Assembly Deputies vote for approval. The voting method is regulated at the Rules of the National Assembly Session. Before casting vote on an issue, the chairperson of a session shall clearly elaborate that issue. National Assembly Deputies may vote for, vote against or abstain on the issue. National Assembly Deputies may not cast votes on behalf of other Deputies. The National Assembly shall decide on the use of any of the following modes of voting: voting through an electronic voting system; voting by secret ballot; voting by a show of hands. Normally, voting to approve a bill is done through the electronic voting system. When necessary to vote once again on an issue which has been adopted by National Assembly deputies, the National Assembly Standing Committee may propose, on its own decision or at the proposal of National Assembly deputies, the agency, organisation or individual that has submitted the draft or report, the re-voting to the National Assembly for consideration and decision.

In the case that the bill has not been approved or partly approved, the examination and approval of the bills will be decided under the request of the National Assembly Standing Committee.

4.2. Assessment and recommendations

To ensure the quality of issued bills, it is necessary to limit the number of bills submitted to the National Assembly to examine and approve at one session except for short and simple, amended and supplemented ones. Such provision aims to enable the National Assembly, its agencies, National Assembly Deputies to have time studying contents of bills; ensure the thorough filtering of policies at the legislative agency. Given this, it is necessary to reform the revision and improvement of bills in two sessions of the National Assembly in following directions:

- *The National Assembly Standing Committee directs the study and revision of bills while the leading role is assigned to verifying agency (instead of the National Assembly Standing Committee) to coordinate with concerned organizations and agencies. The verifying agency will, on behalf of the concerned organizations, agencies, to report the explanation and assimilation of bills to the National Assembly Standing Committee and National Assembly. This provision highly values the role and responsibility of the Ethnic Council and Committees of the National Assembly in legislative activities.*

- *It is recommended to develop a coordination mechanism among the verifying agency, drafting agency, Law Committee, Ministry of Justice, concerned organizations and agencies in studying, revising and finalizing bills and preparing a report explaining the assimilation of collected opinions and revision of bill to submit it to the National Assembly.*

The advantage of this method is that legislative work will be shared to all agencies of the National Assembly. However, it is recommended to deal with limitations in the coordination among these agencies, particularly the participation of the Law Committee to ensure the constitutionality, legality and consistency of the legal system; and it is also recommended to have solutions on the organization and functioning to enhance skills and quality of activities of National Assembly Deputies, and to improve the supporting apparatus of the National Assembly's agencies so that the agencies can fulfill their legislative work.

- *Develop the role of the Ethnic Council, Committees of the National Assembly and individual National Assembly Deputy to actively participate in the revision and improvement of bills. The Ethnic Council and Committees of the National Assembly*

need to thoroughly study and discuss bills of their field; National Assembly Deputies spend time on studying and collecting opinions of voters and experts on contents of bills. Representatives of the Ethnic Council and Committees of the National Assembly, National Assembly Deputies have the right (obligations) to participate in meetings organized by agencies revising bills so as to express the opinions of the agencies.

- It is recommended to study the organization of a seminar for full-time MPs between 2 sessions to give opinions on the process of collecting comments and consideration of revising the draft laws for improved quality of the draft laws.

-At the stage of revising and improving the bill in the recess between the two sessions of the National Assembly, the role of the submitting and drafting agencies is very important. Therefore, these agencies need to send their representatives who are authorised and responsible to participate in meetings organised by revising agencies; otherwise, it is determined not to organise such meetings but clarify the responsibilities of the agencies. In the current legislative activities of Viet Nam, most of the bills are submitted by the Government, so the Government should send their representatives (representatives of the submitting agencies) to meetings organized by revising agencies. The representatives can be leaders of the Ministry of Justice or Government Office (given the current regulation, they should be representatives of the Government Office because the Office is the supporting agency of the Government and takes in the opinions of the Government and timely reports to the Government with regard to contents of bills; and be more objective).

- *It is recommended to reform the discussion and giving opinions on bills at sessions of the National Assembly* with focus on discussing and giving opinions on basic policy issues of bills, issues of divergent opinions, then voting on these issues. Such voting is an advanced step in the Law on the Promulgation of Legal Normative Documents (2008), particularly with bills of two readings. Therefore, it is necessary to execute such provisions of this law. However, the following issues should be considered:

+ It is to highly value the discussion and giving opinions on bills, avoiding the psychology that it is the stage of the National Assembly, and there is much time for

revision and improvement of bills;

+ It is to arrange appropriate time for the National Assembly to discuss more thoroughly on bills. Bills will then be discussed both at the groups of National Assembly Deputies and at plenary session with reform in the discussion⁴. In addition, it is to study the discussion of bills at meetings of the verifying agency; the National Assembly Deputies who are not members of the verifying agency shall participate in discussions that they are interested⁵;

+ Bills discussed at groups of National Assembly Deputies should focus on major and important issues of divergent opinions;

+ At the plenary session, the submitting agency shall have a report explaining the assimilation of collected opinions by groups of National Assembly Deputies. And, the chairperson of the session shall guide the National Assembly Deputies to discuss major and important issues of divergent opinions;

+ Opinions of National Assembly Deputies at meetings of their groups and at plenary session shall be recorded timely and accurately, then be consolidated and reported to the National Assembly and its Standing Committee so that the Standing Committee can draft contents to be voted;

+ Based on the submission report, verification report and opinions of National Assembly Deputies, the National Assembly Standing Committee shall direct the Secretariat to consolidate opinions of National Assembly Deputies and prepare contents and issues of divergent opinions of the bill to submit them to the National Assembly for voting;

+ The casting vote of important contents and issues of divergent opinions is conducted at the sitting by end of the session so that concerned organizations, agencies have time to study issues to be voted;

+ The voting results of the National Assembly on important contents and issues of bills shall be in writing (it can be a Resolution of the National Assembly), which

⁴ 146/200 opinions of National Assembly Deputies agree on retaining discussion at both groups of National Assembly Deputies and plenary session.

⁵ Through collecting opinions of National Assembly Deputies, 80/200 said that meetings to discuss bills should be organized at the verifying agency, National Assembly Deputies who are not members of the verifying agency shall participate in discussions that they are interested.

serves as the basis for further study, assimilation and revision of the bill. In the interval of the two sessions, the National Assembly Standing Committee shall direct concerned organizations and agencies to revise the bill to submit it to the National Assembly at the subsequent session.

- It is necessary to draw the participation of members of the verifying agencies, full-time National Assembly Deputies, qualified experts, representatives from concerned organizations and agencies to the revision and improvement of bills.

Part II

OVERSIGHT ACTIVITIES OF THE ETHNIC COUNCIL AND COMMITTEES OF THE NATIONAL ASSEMBLY

1. Oversight activities of legal normative documents

1.1. Current situation on the oversight of the legal normative documents

Oversight over the legal normative documents is one of the important activities of Ethnic Council and Committees of the National Assembly. Through this activity, the Ethnic Council, Committees of the National Assembly and the National Assembly Standing Committee know the execution of laws and ordinances which they promulgated, and assess whether these laws and ordinances are appropriate with current practice.

The legal ground for the oversight activities of the Ethnic Council and Committees of the National Assembly is the Law on the Organization of the National Assembly, Law on the Oversight Activities of the National Assembly, Law on the Promulgation of Legal Normative Documents, etc. Under these laws, the Ethnic Council and Committees of the National Assembly “*oversee legal normative documents within the scope of their tasks and powers*” (Article 3, Law on the Oversight Activities of the National Assembly). Clause 2, Article 27 of the Law on the Oversight Activities of the National Assembly provides that the Ethnic Council and Committees of the National Assembly oversee through “*Examining legal normative documents of the Government, the Prime Minister, ministers, heads of ministerial-level agencies, the Supreme People’s Court or the Supreme People’s Procuracy, legal normative documents jointly issued by competent state bodies at the central level or by competent state bodies and central bodies of socio-political organizations which display indications of contravening the Constitution, laws, resolutions of the National Assembly, ordinances or resolutions of the National Assembly Standing Committee and legal normative documents of superior state bodies*”.

Contents of the oversight over the legal normative documents of the Ethnic Council and Committees of the National Assembly include:

- The appropriateness of the legal normative documents to the Constitution, Laws, Resolutions of the National Assembly, and legal normative documents of the superior state agencies.

- The appropriateness of the format of the document to its contents.

- The appropriateness of the contents of the documents to the authorization of the issuing agency.

- The consistency between the current legal documents and the legal normative documents of the same issuing agency.

The examination of the legal normative documents by the Ethnic Council and Committees of the National Assembly is conducted through the following procedures:

- Representatives of the Standing body of the Ethnic Council, Committees or members of the Ethnic Council and Committees are assigned to study, prepare to present their opinions on the legal normative documents;

- When necessary, the chairperson of the session may invite representatives of organizations, agencies and individuals who issued the legal normative documents to participate and present their opinions on relevant issues;

- The Ethnic Council and Committees hold discussions on contents of the documents which display indications of contravening the Constitution, laws, resolutions of the National Assembly, ordinances or resolutions of the National Assembly Standing Committee or documents of the superior State agencies, and have solutions;

- The chairperson of the session summaries main issues so that the Ethnic Council and Committee can approve the conclusion;

- The Ethnic Council and Committees approve the conclusion.

When detecting that the legal normative documents display indications of contravening the Constitution, laws, resolutions of the National Assembly, ordinances or resolutions of the National Assembly Standing Committee, the Ethnic Council or the Committees of the National Assembly may, within the scope of their respective tasks and powers, request competent agencies, organizations or persons to examine,

amend, supplement, terminate the implementation of, or annul parts or whole of, such documents.

Within thirty days after receiving the requests, those agencies, organisations or persons shall notify the Council or the Committees of the settlement; if past the above-stated time limit they still fail to reply or their settlement fails to satisfy the requirements, the Council or Committees may:

Propose that the National Assembly Standing Committee consider and decide on the termination of the implementation of legal normative documents of the Government, the Prime Minister, the Supreme People's Court or the Supreme People's Procuracy which display indications of contravening the Constitution, laws or resolutions of the National Assembly, and submit them to the National Assembly for consideration and decision.

Propose that the National Assembly Standing Committee consider and decide on the annulment of parts or whole of legal normative documents of the Government, the Prime Minister, the Supreme People's Court or the Supreme People's Procuracy which display indications of contravening the ordinances or resolutions of the National Assembly Standing Committee; decide on the annulment of parts or whole of the resolutions of the People's Councils of provinces or centrally run cities which are contrary to the Constitution, laws or resolutions of the National Assembly, ordinances or resolutions of the National Assembly Standing Committee.

Propose that the Prime Minister consider and decide on the annulment or termination of the implementation of parts or whole of decisions, directives or circulars of ministers, heads of ministerial-level agencies which display indications of contravening the Constitution, laws or resolutions of the National Assembly, ordinances or resolutions of the National Assembly Standing Committee, resolutions or decrees of the Government, decisions or directives of the Prime Minister.

Propose that competent agencies, organisations or individuals consider and decide on the annulment or termination of the implementation of parts or whole of legal normative documents jointly issued by central competent state bodies or between competent state bodies and central bodies of socio-political organisations which

display indications of contravening legal normative documents of superior state bodies.

1.2. Assessment and recommendations

Over the past time, the oversight of legal normative documents is concerned and implemented by the Ethnic Council and Committees. For example, the Law Committee (the National Assembly Legislature XI) oversaw Decree No. 07/2007/NĐ-CP regulating and guiding the execution of some articles of the Law on Legal Assistance and Decree No. 50/2005/NĐ-CP on the management in the execution of civil cases. The oversight activities have contributed to timely promulgation of guiding documents which are appropriate with the Constitution, laws, resolutions of the National Assembly, ordinances or resolutions of the National Assembly Standing Committee; detecting contravening or unclear contents for timely amendment, supplementation or annulment of parts or whole of the document so as to ensure the constitutionality, legality and consistency of the legal system.

However, in fact, the oversight of legal normative documents of the Ethnic Council and Committees of the National Assembly mainly focused on the establishment of topical oversight teams such as oversight of the compliance of law in the execution of criminal cases, oversight of the execution of the law on complaints and denunciation, etc. The oversight teams operate in a short time and in a certain field. While the Ethnic Council and Committees have not organized plenary sessions to examine and discuss reports of the oversight teams. (as regulated at Article 32 of the Law on the Oversight Activities of the National Assembly). In addition, the oversight of legal normative documents by the Ethnic Council and Committees focuses on the promulgation progress, and the number of guiding documents rather than the contents of these documents so that the contrary and inconsistent contents of laws are not timely detected for recommendations of amendment, supplementation and annulment.

Limitations in oversight of legal normative documents are of many reasons: the National Assembly's agencies do not spend sufficient time on the oversight of legal normative documents or are hesitate and not determined in the work; the Ethnic Council and Committees have not regarded oversight as the regular activities of all

their members. The Ethnic Council and Committees can only set up topical oversight teams, etc. This has affected the quality and effectiveness of oversight activities.

Given the aforementioned situation of oversight in legal normative documents, we would like to make the following recommendations:

- *It is recommended to amend the Law on the Oversight Activities of the National Assembly to regulate that oversight is the regular work of the Ethnic Council and Committees.* The oversight of legal documents is conducted before and after the documents are issued.

+ For the oversight before issuance of documents: the Ethnic Council and Committees verify the bills before they are issued by the National Assembly. For ill-prepared bills, verifying agencies (the Ethnic Council and Committees) are entitled to recommend the National Assembly Standing Committee not to put in the legislative agenda of the National Assembly session.

+ For the oversight after issuance of documents: after the bills are approved by the National Assembly, the Ethnic Council and Committees shall monitor, oversee and review the promulgation of guiding documents so as to ensure the progress and contents of these legal documents. The guiding documents of bills and ordinances shall be sent to the Ethnic Council and Committees within 5 days since the days of signature.

- *The Ethnic Council and Committees shall study, review contents of the guiding documents through verification activities.* The Ethnic Council and Committees will then report these documents to the National Assembly Standing Committee and National Assembly. Every three year, the Ethnic Council and Committees report to the National Assembly and National Assembly Standing Committee the implementation of every bill and ordinance; if detecting acts of violation, the Ethnic Council and Committees may recommend the National Assembly and National Assembly Standing Committee to deal with such violations.

- *There should be a mechanism for the Ethnic Council and Committees to collect opinions of organizations, agencies and people on legal normative documents displaying indicators contravening laws.* Ethnic Council and Committees will then

conduct particular oversight activities.

- Conclusions from oversight activities of Ethnic Council and Committees should be public on mass media, which will force subjects under oversight to have actions.

2. Verification of work reports by the Government, Supreme People's Court, Supreme People's Procuracy in the field of the Ethnic Council and Committees

2.1. Current situation of the verification of work reports by agencies

Under regulations of the Law on the Oversight Activities of the National Assembly, the Ethnic Council and Committees of the National Assembly shall oversee activities of the Government, ministerial-level agencies, the Supreme People's Court or the Supreme People's Procuracy in the domains under their charge. The Ethnic Council and Committees oversee activities of the agencies through verifying work reports of the Government, the Supreme People's Court or the Supreme People's Procuracy in the domains under their respective management or assignment by the National Assembly Standing Committee. In case of necessity, the Ethnic Council and Committees of the National Assembly may request the Government, ministerial-level agencies, the Supreme People's Court or the Supreme People's Procuracy to report on their activities in the domains under their charge.

The Ethnic Council and the Committees of the National Assembly shall convene meetings to verify work reports on activities of the Government, ministries, and ministerial-level agencies, the Supreme People's Court or the Supreme People's Procuracy in the domains under their charge under the following procedures:

- The head of the agency which has compiled the report presents the report;
- The representatives of agencies and organizations invited to attend the meeting give their opinions;
- The Ethnic Council or the Committee of the National Assembly holds discussions;
- The chairperson of the meeting makes conclusions.

Verification report of the Ethnic Council and Committees of the National Assembly shall be sent to the National Assembly and the National Assembly Standing Committee.

If the Ethnic Council and different Committees of the National Assembly are assigned to verify the work report, the verifying agency organizes a meeting with the participation of the representatives of the standing bodies of the Ethnic Council and Committees. When participating in the meeting, representatives of the standing bodies of the Ethnic Council and Committees shall report the opinions of the standing bodies of the Ethnic Council and Committees; or he/she may present his/her opinions. In case of necessity, the Ethnic Council and Committees participating in verification organize a separate meeting to verify the report and send opinions in writing to the verifying agencies or present their opinions before the National Assembly, National Assembly Standing Committee on contents of the report.

The Ethnic Council and Committees of the National Assembly oversee activities the Government, the Supreme People's Court or the Supreme People's Procuracy through their work reports. In fact, there are two types of reports as follows:

- *Work reports of the Government, Supreme People's Court and Supreme People's Procuracy.*

- *Other reports as regulated in the professional laws or under resolutions of the National Assembly.* For example, report on the prevention of corruption; annual report on foreign affairs of the State; annual report on the national defence; Government's report on prevention of law violations; Government's report on thrift practice; reports by the Government, Supreme People's Court, and Supreme People's Procuracy on the settlement of citizens' complaints and denunciations; reports by the Government on the implementation of resolutions of the National Assembly with regard to national projects; reports on socio-economics and budget⁶, etc.

2.2. Assessment and recommendations

Over the past time, the Ethnic Council and Committees of the National

⁶ According to preliminary statistics, there are 23 laws regulating that agencies managing sectors shall send their work reports to the National Assembly and its agencies.

Assembly have seriously verified the aforementioned reports as regulated by laws. Through verification reports, the Ethnic Council and Committees have expressed their viewpoints and opinions on the work reports of state agencies; assessed the strengths and weaknesses and made recommendations. The recommendations and proposals in the verification reports are feasible, creating consensus at the plenary session of the National Assembly.

However, the current law has not provided compulsory contents in the work reports of the Government, Supreme People's Court, and Supreme People's Procuracy sent to the National Assembly and its agencies. The verification work of the Ethnic Council and Committees are thus facing difficulties and challenges. In fact, work reports of state agencies focus mainly on current situation of fields, particularly the limitations and weaknesses; or just provide information, but not on the analysis and assessment the implementation of their tasks, functions and power as regulated by laws as well as the effectiveness and efficiency in their operation. The reports of these entities have not separated the responsibility of individuals and collectives in management and in the procuracy, prosecution and trials.

Meanwhile, under the current provisions of law, the scope and subjects to oversight of the Ethnic Council and Committees are wide. The Ethnic Council and each Committee is assigned to oversee many ministries and sectors in the domains of their charge, but the capacity and conditions for oversight activities are limited. The number of full-time National Assembly Deputies at the Ethnic Council and Committees increased, but not sufficient; The Ethnic Council and Committees have not organized enough field visits; oversight skills of their members are limited. Therefore, the quality of oversight activities is not high, and contents of the mentioned reports have not comprehensively been assessed.

Moreover, work reports are often sent to the National Assembly and its agencies late. The National Assembly and its agencies will not thus have sufficient time to study and organize field visits or use other independent channel of information as auditing, procurement of consultants, etc. Therefore, the verification of work reports is mainly based on information provided in the reports. Though Article 32 of the Law on the Oversight Activities of the National Assembly provides that the verification of

work reports by the Government, Supreme People's Court, and Supreme People's Procuracy shall be done in the plenary session of the Ethnic Council and Committees, the verification is done at meetings of the standing bodies of the Ethnic Council and Committees.

In addition, the current laws have not provided the verification of work reports for the whole term of the State President, Prime Minister, and President of the Supreme People's Court and Procurator General of the Supreme People's Procuracy before submitting to the National Assembly, so in fact the reports have not been verified by the National Assembly's agencies.

To deal with the aforementioned limitations, apart from the enhancement of capacity, ensuring the conditions of the Ethnic Council and Committees, it is needed to amend and supplement regulations of relevant laws with regard to the verification of work reports by state agencies, particularly:

- To regulate basic contents of a report which serves as the basis for the Ethnic Council and Committees to verify activities of these agencies. Verifying agencies are recommended to express their viewpoints and opinions on the responsibility of individuals and collectives in management or control of the procuracy and trial work.

- To supplement regulations that work reports for the whole term of the State President, Prime Minister, President of the Supreme People's Court and Procurator General of the Supreme People's Procuracy shall be verified before being submitted to the National Assembly.

- To supplement regulations on cases that relevant entities do not send their work reports within the time limit as provided by law and reports of poor quality.

3. The settlement of complaints and denunciations by the Ethnic Council, the Committees of the National Assembly

3.1. Current situation on the verification of reports by agencies

Under regulations at Article 33 of the Law on the Oversight Activities of the National Assembly, the Ethnic Council, the Committees of the National Assembly shall, within the scope of their respective tasks and powers, receive citizens; receive,

study and handle citizens' complaints and denunciations; and oversee the settlement of citizens' complaints and denunciations in the fields under their charge. Such work is done through the following procedures:

When receiving complaints or denunciations of citizens, the Ethnic Council, the Committees of the National Assembly shall study and forward them to competent agencies, organisations or persons for consideration and settlement.

The concerned agencies, organisations or persons shall consider and settle them within the time limits prescribed by law and notify the settlement thereof to the Ethnic Council, the Committees of the National Assembly within seven days after the issuance of the settlement decisions.

If the Ethnic Council and Committees disagree with the settlement results, they shall request heads of the immediate superior agencies or organisations to consider and settle them.

In case of necessity, the Ethnic Council, the Committees of the National Assembly may request concerned agencies, organisations or individuals or the complainants or denouncers to come and present the matters and supply information and documents in which the Council or the Committees are interested; and organise oversight teams to examine and verify matters in which the Council or the Committees are interested or at the request of the National Assembly Standing Committee or the Chairman of the National Assembly.

3.2. Assessment and recommendations

Over the past time, under the assigned tasks and power, the Ethnic Council and Committees of the National Assembly have received, studied and transferred hundreds of complaints and denunciations of citizens to the authorised agencies for settlement. In addition, the Ethnic Council and Committees selected issues which have not been settled for oversight and made recommendations to authorised agencies for settlement. However, the oversight of the settlement of the complaints and denunciations by the Ethnic Council and Committees is still limited. In fact, the Ethnic Council and Committees only receive and transfer complaints and denunciations to authorised agencies without specific recommendations and requests. Moreover, the current laws

have not provided that the authorised agencies shall seriously study and answer complaints and denunciations sent by the Ethnic Council and Committees. While the National Assembly does not have an agency responsible for the oversight of the settlement of complaints and denunciations, but the work is assigned to the Ethnic Council and Committees, which consumes much time and efforts while unsettlement of these complaints and denunciations still exists.

In addition, Clauses 1, Article 33 of the Law on Oversight Activities of the National Assembly provides the responsibility of the Ethnic Council and Committees to receive the citizens without any procedures. Such regulation is infeasible. At present, the receipt of people is done by the Board of Deputies' Affairs of the National Assembly Standing Committee under regulations of the Law on Complaints and Denunciations and Decree No. 89/CP dated 07/8/1997 of the Government.

To deal with the aforementioned limitations, we would like to propose the following solutions:

- It is recommended to amend, supplement regulations of current laws in the ways to establish a professional agency of the National Assembly (based on the Board of Deputies' Affairs of the National Assembly Standing Committee). The agency shall function as the focal point in receiving, monitoring the settlement of complaints and denunciations of the citizens sent to the National Assembly; the Ethnic Council and Committees focus on legislation, decision on important issues of the nation and oversight of the execution of laws. It is recommended to study the establishment of National Assembly Ombudsman as in some other parliaments to carry out these tasks.

- The Law on the Oversight Activities of the National Assembly should provide that when receiving complaints and denunciations of the citizen and recognizing that the settlement is contradictory to provisions of law, the National Assembly's agencies shall transfer these complaints and denunciations to authorised agencies for settlement.

- Relevant laws should also provide regulations on authorised agencies that do not settle complaints and denunciations sent by the Ethnic Council and Committees; and agencies that do not report the settlement of the complaints and denunciations within the time limit as described by law.

4. Explanatory activities of the Ethnic Council and Committees of the National Assembly

4.1. Current situation on the implementation of explanatory activities of the Ethnic Council and Committees of the National Assembly

Under regulations at Article 27 of the Working Regulations of the Ethnic Council and Committees of the National Assembly, the Ethnic Council and Committees of the National Assembly may request cabinet members, the President of the Supreme People's Court, the Procurator General of the Supreme People's Procuracy, other agencies or relevant organisations or individuals to supply documents or appear to present issues which are being considered and verified by the Council or the Committees. The recipients of the request shall comply with such a request.

The Working Regulations of the Ethnic Council and Committees of the National Assembly also provides that when necessary, the Ethnic Council and Committees may request the Government, ministries, ministeriallevel agencies, the Supreme People's Court or the Supreme People's Procuracy to report on the issues interested by the Council or the Committees. When receiving information on a case of violation of law in the domains managed by the Ethnic Council or a Committee of the National Assembly, the Council or the Committee may request relevant agencies, organisations and individuals to give explanations. When necessary, the Council or the Committee may set up an oversight team to clarify the case.

4.2. Assessment and recommendations

The current practice in explanatory activities of the Ethnic Council and Committees of the National Assembly shows that if the work is done well, it will settle the pressing issues of the Ethnic Council and Committees, and reduce the time of the questiontime at session of the National Assembly and actively support legislation and oversight activities of the Ethnic Council and Committees of the National Assembly. Over the past time, the activity has been done by some agencies of the 12th National Assemnbly with initial results. However, the implementation of this activity is still limited. Reasons are that the rules for explanatory activities of the Ethnic Council and

Committees of the National Assembly are simple with no legal binding to those who are subject to oversight. Moreover, the activity has not drawn the attention of competent National Assembly Deputies who can provide the Ethnic Council and Committees of the National Assembly with useful information.

To make the explanatory activities of the Ethnic Council and Committees of the National Assembly regular activities and become an important stage in the oversight process, we would like to recommend the followings:

- The National Assembly Standing Committee directs and coordinates with the Ethnic Council and Committees to conduct the activities consistently.

- The Ethnic Council and Committees of the National Assembly, based on the oversight program and oversight results, need to develop annual plans for explanatory activities (annual or 6-month plan) and send to the National Assembly Standing Committee.

- It is recommended to expand the subjects to participate in explanatory activities of the Ethnic Council and Committees of the National Assembly in the ways that besides members of Committees, full-time National Assembly Deputies at central agencies should be invited, and an announcement is made for the participation of any National Assembly Deputies who are interested in the activity.

- Communication and information of the activities on the mass media so that people throughout the country may follow.

- Experiences of some parliaments show that committee hearings is the necessary activity, which directly influences the activities of ministries, sectors in both legislation and execution of laws. Therefore, committee hearings should be applied widely at the Ethnic Council and Committees of the National Assembly, and the rules and procedures for committee hearings should be clearly regulated, particularly the responsibility of concerned organizations and agencies and the legal validity of hearing results.

5. The Ethnic Council and Committees of the National Assembly request the National Assembly Standing Committee to submit the National Assembly the

casting vote of confidence on persons holding posts elected or ratified by the National Assembly

5.1. Current situation on the request to the Standing Committee to submit the National Assembly the casting vote of confidence on persons holding posts elected or ratified by the National Assembly

Under the regulations of the Law on the Oversight Activities of the National Assembly, in the course of oversight, if detecting that the persons holding posts elected or ratified by the National Assembly commit acts of violation of the law or fail to properly and fully perform their assigned tasks or vested powers, thus causing serious harms to the interests of the State, the legitimate rights and interests of organisations or individuals; or at the request of at least twenty percent (20%) of the total number of National Assembly Deputies or the request of the Ethnic Council or the Committees of the National Assembly to cast votes of confidence on persons holding posts elected or ratified by the National Assembly, the Ethnic Council or the Committees of the National Assembly may propose the National Assembly Standing Committee to consider and propose that the National Assembly cast votes of confidence on such persons.

The Ethnic Council and Committees of the National Assembly examine and propose to the National Assembly Standing Committee that the National Assembly casts votes of confidence on persons holding posts elected or ratified by the National Assembly under the following procedures:

- The Ethnic Council or the Committees of the National Assembly organise meetings to consider, discuss and assess acts of violation by the persons under consideration and proposal for the casting of votes of confidence by the National Assembly;

- Representatives of agencies or organisations invited to attend the meetings give their opinions;

- The persons under consideration and proposal for the casting of votes of confidence may be invited to attend the meetings and present their opinions on matters

in which the Ethnic Council or the Committees of the National Assembly is/are interested;

- The Ethnic Council and the Committees of the National Assembly hold discussions;

- The Ethnic Council, the Committees of the National Assembly cast votes.

When at least two-thirds of the total number of members agree to cast votes of confidence, the Ethnic Council or the Committees of the National Assembly shall propose that the National Assembly Standing Committee consider and propose the National Assembly to cast votes of confidence on such persons.

5.2. Assessment and recommendations

Though the casting vote of confidence regulated in the Constitution 1992 was amended and supplemented in the Consitution 2001, Law on the Organization of the National Assembly (2003) and Law on the Oversight Activities of the National Assembly (2003), over the past 10 years, the National Assembly has never cast vote of confidence on any persons holding post elected or ratified by the National Assembly. Oversight activities reveal that among persons holding posts elected or ratified by the National Assembly, not all of these persons “commit acts of violation of the law or fail to properly and fully perform their assigned tasks or vested powers”, but for different reasons, the Ethnic Council and Committees have not applied their right to request the National Assembly Standing Committee to propose the National Assembly to cast vote of confidence on these persons.

One of the basic reasons for this situation is that the Ethnic Council and Committees of the National Assembly are just agencies which have the right to propose (recommend), but not the ones which have the right to propose the National Assembly to cast vote of condidence. The Ethnic Council and Committees are one of the entities who have the right to propose the casting vote of confidence. At the request in writing of at least twenty percent of the total number of National Assembly Deputies, the standing bodies of the Ethnic Council or the Committees report to the Ethnic Council or Committees for decision; or when at least two-thirds of the total number of members of the Ethnic Council and Committee agree to cast votes of

confidence, the Ethnic Council or the Committees of the National Assembly shall propose that the National Assembly Standing Committee consider and propose the National Assembly to cast votes of confidence on such persons. This regulation is too tight and infeasible if there are no procedures guiding the collection of opinions of twenty percent of the total number of members of the Ethnic Council and Committees. It is difficult to have a collective proposal of the Ethnic Council and Committees, and the proposal will then be submitted to the National Assembly Standing Committee before being submitted to the National Assembly (if such proposal is agreed by the National Assembly Standing Committee). Thus, the Ethnic Council and Committees are just proposing agencies, but not having the right to request the National Assembly to cast vote of confidence.

To enhance the role of the Ethnic Council and Committees in proposing the National Assembly to cast vote of confidence on persons elected or ratified by the National Assembly, it is recommended that the Ethnic Council and Committees should be regulated as the entities to propose the National Assembly to cast vote of confidence on persons elected or ratified by the National Assembly. Given this, the collective proposal of the Ethnic Council and Committees will not have to go through the National Assembly Standing Committee but directly to the National Assembly. To this end, procedures on the issue should be regulated clearly so that the Ethnic Council, Committees and National Assembly Deputies can implement their right.

In addition, it should be regulated that Standings of the Ethnic Council and Committees have the entities to propose the Ethnic Council and Committees about submitting to the National Assembly to cast vote of confidence on persons elected or ratified by the National Assembly.

6. Establishment of oversight teams of the Ethnic Council and Committees of the National Assembly

6.1. Current situation on the organisation of oversight teams

The Ethnic Council and Committees of the National Assembly organize oversight teams to execute their assigned tasks and right as regulated in the Constitution and laws. The organisation of the oversight team of the Ethnic Council

and Committees are conducted under the following procedures:

- Setting up oversight teams

Basing themselves on their oversight programs or through the oversight of the settlement of citizens' complaints and denunciations or through the mass media, if detecting indications of contravening the law or being assigned by the National Assembly Standing Committee, the Ethnic Council, the Committees of the National Assembly shall organise their oversight teams.

The formation of oversight teams, oversight contents and plans, the composition of oversight teams and agencies, organisations or individuals subject to oversight shall be decided by the standing body(ies) of the Council or of the Committees. Normally, the oversight team is headed by a chair or vice-chair of the Ethnic Council or Committees with the participation of its members and representatives from concerned organizations and agencies. The oversight team has a group of supporting staff including staff of supporting departments of the Ethnic Council and Committees.

- Conduct oversight activities

Based on the oversight contents and plans written in the decision on the establishment of the oversight team, the head of the team organises oversight activities and reports to the Ethnic Council or Committees or the Standing body of the Ethnic Council and Committees. The oversight teams' oversight contents and plans shall be notified to the agencies, organisations or individuals subject to oversight seven days at the latest before the teams commence their oversight activities.

The oversight team of the Ethnic Council, Committees conducts oversight through the following activities:

+ To request the agency, organisation or individuals subject to oversight to make written reports, supply information and documents related to the oversight contents; to explain matters in which the team is interested;

+ To examine and verify matters which the team considers necessary;

+ When detecting acts of violation of the law which harm the interests of the State, the legitimate rights and interests of organisations or individuals, the oversight team may request concerned agencies, organisations or persons to apply measures in order to promptly put an end to those acts, restore the interests of the State, the legitimate rights and interests of organisations or individuals which have been infringed upon; and request competent agencies, organisations or persons to examine responsibilities of the violators in accordance with law.

- Oversight report

Within ten days after concluding oversight activities, the oversight team shall report on oversight results to the Ethnic Council, the Committees of the National Assembly or their standing bodies. Basing themselves on the nature and contents of the issues of oversight, the Ethnic Council, the Committees of the National Assembly shall organise meetings of the Council, the Committees or meetings of their standing bodies to consider and discuss reports of the oversight teams. The procedures are as follows:

- + The head of the oversight team presents the report;
- + The representatives of agencies and organisations invited to attend the meeting give their opinions;
- + The Ethnic Council, the Committees of the National Assembly or their standing bodies discuss the report;
- d/ The chairperson of the meeting makes conclusions; the Ethnic Council, the Committees of the National Assembly or their standing bodies vote when considering it necessary.

The Ethnic Council, the Committees of the National Assembly shall send reports on oversight results to the National Assembly Standing Committee, and concurrently to the agencies, organisations or individuals subject to oversight. The reports must clearly state the recommendation on necessary measures.

6.2. Assessment and recommendations

Over the past time, along with the reform of the operation and functioning of the Ethnic Council and Committees of the National Assembly, the reform of the operation of the oversight teams has been paid much attention, which brings about good results. The Ethnic Council and Committees have organized oversight teams on pressing issues as investment in construction, education, training, administrative reform, healthcare, execution of laws of the National Assembly, etc. Through this activity, Ethnic Council and Committees gained conclusions, assessment, recommendations and proposals contributing to assessing and supplementing verification activities. Thus, the activity should be further developed in the coming time.

However, the organization of oversight teams of the National Assembly's agencies exists limitations. The biggest limitation is the waste of time and budget and ineffectiveness when the oversight team comprises of representatives from different agencies, but lack of competent people who are knowledgeable and experienced. Thus, the main activity of the oversight team is to listen to reports. The issues for oversight are scattered, and subjects to oversight are selected inappropriately and insufficiently. Sometimes, oversight teams of the National Assembly's agencies come to the same locality, which causes hesitation and confusion for the locality. In addition, the method to organize oversight teams is not clear, and it can be misunderstood "oversight team" or "field visits". At present, most of the oversight activities are just to listen to reports of localities. While the Ethnic Council and Committees of the National Assembly have not organized their plenary sessions to examine and discuss oversight report of the oversight team as regulated at Article 32 of the Law on the Oversight Activities of the National Assembly. Therefore, the oversight activities are not very effective.

In addition, due to the limited awareness of the position, role and significance over oversight activities of the Ethnic Council and Committees, the coordination of those subject to oversight is limited. The oversight report is still simple and not sent within the time limit. The current laws have not provided regulations on punishment to organizations and individuals who do not implement recommendations of the oversight teams. Thus, in some cases such recommendations have not effectively been implemented.

To enhance the quality of oversight activities by oversight teams of the Ethnic Council and Committees, it is recommended to:

- Clearly identify the objectives, contents of the oversight teams so as to overlap with those of other teams (such as inquiry team, field study team...);

- The National Assembly Standing Committee needs to coordinate oversight activities of the Ethnic Council and Committees to avoid overlapping in contents, subjects, places. At the beginning of the year, Standings of Ethnic Council and Committees should develop a plan of conducting oversight teams for submitting to National Assembly Standing Committee, which will be a basis for National Assembly Standing Committee to harmonize the organization of oversight teams to ensure the efficiency and avoid overlapping.

- The examination of oversight report is recommended to be conducted at plenary sessions of the Ethnic Council and Committees. These sessions should be organized in an open manner for MPs who are interested in the topic can attend and give comments.

- To supplement regulations on ensuring the implementation of measures recommended by the Ethnic Council and Committees after oversight activities are conducted.

Part III

RULES AND PROCEDURES ON OPERATION OF THE DELEGATIONS OF THE NATIONAL ASSEMBLY DEPUTIES AND NATIONAL ASSEMBLY DEPUTIES

1. Rules and procedures on operation of the Delegations of the National Assembly Deputies

Under the Law on the Organization of the National Assembly, the National Assembly Deputies elected in a province or a central-run city gather into a Delegation of National Assembly Deputies. The tasks and powers of the Delegation of the National Assembly Deputies are regulated in the Law on the Organization of the National Assembly, Law on the Oversight Activities of the National Assembly, Working Regulations of the Delegations of National Assembly Deputies and National Assembly Deputies and some Resolutions of the National Assembly Standing Committee. However, these regulations are just on the tasks and powers. Based on the regulations in the mentioned laws and the practice in operation of the Delegations of National Assembly Deputies, we can see that activities of the Delegations of the National Assembly Deputies are implemented under the following procedures:

1.1. Delegations of National Assembly Deputies organize the reception of citizens by the National Assembly Deputies and National Assembly Deputies contact voters

The Delegations of National Assembly Deputies receive voters under the following procedures:

1.1.1. Development of the plan for voter-outreach and assignment of the National Assembly Deputies

Delegations of National Assembly Deputies shall base themselves on the working programs of the National Assembly, the National Assembly Standing Committee, the local practical situation and voters' opinions to devise their biannual and annual programs and plans of action; and create conditions for deputies in the

delegations to perform a deputy's tasks and powers.

The plan for voter-outreach is sent to the National Assembly Standing Committee, Standing Board of the Viet Nam Fatherland Front's Committee; organizations and agencies where the activity take places; the mass media in the locality with regard to the contents, time, place of the voter-outreach between the National Assembly Deputies and voters.

Assign National Assembly Deputies in the delegation to receive voters at their constituencies.

1.1.2. Implementing voter-outreach

- The Delegation of National Assembly Deputies coordinates with the Standing Board of the Fatherland Front's Committee, the Standing Board of the People's Council and the People's Committee of the locality in organising meetings between voters and National Assembly deputies;

- The Standing Board of the Provincial Fatherland Front's Committee coordinates with the Delegation of National Assembly Deputies to organize meetings between voters an National Assembly Deputies; guides the Standing Board of the lower Fatherland Front Committee to coordinate with the People's Council and People's Committee of the same level to organize meetings between voters and National Assembly Deputies.

- The Standing Board of the Provincial People's Council and People's Committee sends representatives to participate in the organizing meeting between voters and National Assembly Deputies and guides the Standing Board of the lower People's Council and People's committee to organize meetings between voters and National Assembly Deputies.

- Office of the Delegation of National Assembly Deputies takes responsibility to support the Delegation in coordinating with the Standing Board of the Fatherland Front Committee, People's Council, People's Committee to organize meetings between voters and National Assembly Deputies.

The organization of meetings between voters and National Assembly Deputies is conducted in the following forms:

- *Organization of meetings with voters*

- Meetings with voters before and after session of the National Assembly:

Within twenty days before the opening of a National Assembly session, a delegation of National Assembly deputies shall organize meetings between the delegation's deputies and voters in order to collect public opinions and aspirations on contents of the legislative agenda of the National Assembly session and opinions of the voters sent to the National Assembly, Government, ministries, central and local government; within twenty days after the conclusion of a National Assembly session, a delegation of National Assembly Deputies shall make arrangement for deputies in the delegation to report the results of the National Assembly session to voters. The meeting with voters is organized as follows:

Representative of the Standing Board of the Fatherland Front Committee presents the reasons for the meeting, introduces participants, agenda, contents of the meeting, and responsibilities of participants; assigns secretary for the meeting. Normally, composition of the meeting is representatives of the Party Committee, People's Council, People's Committee, Fatherland Front Committee and its member organizations, concerned agencies and organizations, units, businesses of different economic sectors, voters of the villages;

The National Assembly Deputies report to the voters the tentative legislative agenda, contents of the National Assembly session at the meeting before the session; results of the session and results on the settlement of voters' petitions in the meetings after the session; the implementation of deputies' tasks and their action plan after the year-end session of the National Assembly;

Voters present their opinions and exchange their ideas to the National Assembly Deputies;

Representative of the Standing Board of the People's Council and People's Committees answer the questions of the voters within the authorization of the locality; if answers are not made at the meeting, the written answers will be sent to the Delegation of National Assembly Deputies so as to inform the voters in an appropriate manner;

The National Assembly Deputies explain and listen to recommendations and opinions of voters;

Representative of the Standing Board of the Fatherland Front Committee makes conclusion of the meeting.

- Commune meeting:

Office of the Delegation of National Assembly Deputies supports the Deputies or by itself contacts with the Standing Board of the People's Council, People's Committee, and Standing Board of the Fatherland Front Committee at the commune to organize the meeting;

The Standing Board of the Fatherland Front Committee at commune level coordinates with the Standing Board of the People's Council, People's Committee of the same level organize the meeting, send invitation letters to voters, and inform the voters contents of the meeting, and the place where the National Assembly Deputies meet the voters;

The People's Committee at commune level where the meeting takes place ensures the most favorable conditions and security for the meeting.

Rules and procedures for the commune meetings are similar to those of the periodic meeting with voters.

- Meeting with voters at working places

Office of the Delegation of National Assembly Deputies supports the Deputies or the Deputies themselves contact with the head of the agency, the executive board of the trade union of the agency, organization and unit to organize the meeting;

The executive board of the trade union coordinates with the head of the agency, organization, and unit to organize the meeting and inform voters of the agency, organization, and unit of the contents, time, and place of the meeting; where there is no trade union, the head of the agency, organization, and unit will directly organize the meeting.

Rules and procedures for the meeting with voters at working places are similar to those of the periodic meeting with voters

- Topical meeting with voters

Office of the Delegation of National Assembly Deputies supports the Deputies or the Deputies themselves contact with the head of the agency, organization, and unit to organize the meeting with voters on the issues that the Deputies are interested in. The head of the agency, organization and unit shall support the Deputies to organize these meetings.

- *National Assembly Deputies meet voters*

National Assembly Deputies may directly meet voters to study their thoughts and aspirations and issues that Deputies are interested in; transfer these legitimate opinions to the Delegation of National Assembly Deputies to consolidate and report to the National Assembly Standing Committee or send to authorized agencies, organizations, and units for settlement.

- *Collect, consolidate opinions and recommendations of voters and report on results of the meetings with voters*

National Assembly Deputies shall report the results of meetings with voters to the National Assembly Standing Committee within five days after the meeting.

After each meeting, the Delegation of National Assembly Deputies coordinates with the Standing Board of the Provincial Fatherland Front Committee to collect, consolidate and classify recommendations and opinions of voters, then sends to authorized agencies, organizations, and units for settlement and answering. The Delegation of National Assembly Deputies coordinates with the Standing Board of the Provincial Fatherland Front Committee to prepare the report on results of meetings with voters and sends to the National Assembly Standing Committee and the Standing Board of the Viet Nam Fatherland Front Committee within five days before the opening session of the National Assembly for meeting with voters before the session; and within 30 days after the closing day of the session for meeting with voter after the session.

1.2. Delegation of National Assembly Deputies organize meetings for National Assembly Deputies to discuss, give comments and revise bills, National Assembly Deputies give comments on bills

Based on the annual Resolution on legislative program of the National Assembly and guideline of the National Assembly Standing Committee, the Delegation of National Assembly Deputies organizes meetings to give comments on bills. Normally, such meeting takes place one or two months before the National Assembly session with bills submitted to the National Assembly for examination and approval. The work is conducted under the following procedures:

1.2.1. Develop plans for meetings to collect opinions on bills

- After receiving the document and request of the National Assembly Standing Committee, Office of the Delegation of National Assembly Deputies supports the Delegation to draft the plan to collect opinions on bills.

- Leadership of the Delegation meets to comment on and finalize the draft plan. Head of the Delegation signs the plan.

1.2.2. Collect opinions on bills

Depending on the situation and conditions, before each session of the National Assembly, the Delegation of National Assembly Deputies organizes meetings for Deputies to discuss bills submitted to the National Assembly for approval.

- Head of the Delegation of National Assembly Deputies summarizes bills and contents to be discussed.
- Deputies discuss contents of the bill.
- Head of the Delegation summarizes opinions of Deputies and makes conclusion.

Secretary of the Delegation takes minutes of the meetings. Head of the Delegation and the secretary sign the minutes.

1.2.3. Develop a report consolidating opinions of Deputies to send to authorized agencies

No later than five days after the meeting, Office of the Delegation of National Assembly Deputies develops a report consolidating opinions of Deputies. Head of the Delegation signs the report and sends to the National Assembly Standing Committee, Ethnic Council and Committees of the National Assembly.

In addition, based on the scope of regulation and contents of the bill, Delegation of the National Assembly Deputies organizes a meeting to collect opinions on the bill with the participation of Deputies of the delegation, concerned departments, representatives from districts, experts, scientists, universities and institutes. Given this, the document is sent to the participants seven days before the meeting. For bills that need to be consulted with the people, under the guideline of the National Assembly Standing Committee, the Delegation of National Assembly Deputies coordinates with the Provincial People's Council to collect opinions of people and concerned departments.

1.3. Oversight activities of the Delegation of National Assembly Deputies

Delegations of National Assembly Deputies shall, based on the oversight program of each deputy, the oversight programs of the National Assembly, the National Assembly Standing Committee, the Ethnic Council and the Committees of the National Assembly, the practical situation of their respective localities, the proposals of the provincial-level Fatherland Front Committees and the opinions and petitions of voters in the localities, elaborate their own biannual and annual oversight programs and report them to the National Assembly Standing Committee.

Delegations of National Assembly deputies shall organise their own oversight activities and make arrangement for National Assembly Deputies in the delegations to carry out their own oversight programs. Biannually and annually, delegations of National Assembly deputies shall report to the National Assembly Standing Committee on the realisation of oversight programs of their own and of National Assembly deputies in the delegations.

1.3.1. The Delegation of National Assembly Deputies oversee the promulgation of legal normative documents at localities

When receiving legal normative documents, National Assembly Deputies and delegations of National Assembly deputies shall study and examine the contents of those documents. If detecting that the legal normative documents display indications of contravening the Constitution, laws, resolutions of the National Assembly, ordinances or resolutions of the National Assembly Standing Committee, National

Assembly deputies or delegations of National Assembly deputies may, within the scope of their respective tasks and powers, request competent agencies, organisations or persons to amend, supplement, terminate the implementation of, annul parts or whole of, the legal normative documents or promulgate new legal normative documents⁷.

1.3.2. The Delegation of National Assembly Deputies oversee the law enforcement at localities

The Delegation of National Assembly Deputies organizes the oversight team and makes arrangement for National Assembly Deputies to oversee the law enforcement at localities⁸. The organization of the oversight team and makes arrangement for National Assembly Deputies to oversee the law enforcement is conducted under the following procedures:

- *Setting up oversight teams*

Basing themselves on their oversight programs, the Delegations of National Assembly Deputies shall organize their oversight teams and arrange for their National Assembly deputies to oversee the law enforcement in localities. The formation of oversight teams, oversight contents and plans, the composition of oversight teams and agencies, organizations or individuals subject to oversight shall be decided by their delegations.

The overseeing National Assembly Deputies shall decide on the contents and plans of oversight, the persons to be invited to participate in the oversight, and on the agencies, organizations or individuals subject to oversight and report them to their delegations.

- *Conduct oversight activities*

The oversight contents and plans of oversight teams of Delegations of National Assembly Deputies and National Assembly Deputies shall be notified by heads of Delegations of National Assembly Deputies to the agencies, organizations or individuals subject to oversight seven days at the latest before oversight activities start.

⁷ See Article 41, Law on the Oversight Activities of the National Assembly.

⁸ See Article 38, Law on the Oversight Activities of the National Assembly.

Based on the oversight contents, plans, the oversight team and National Assembly Deputies conduct oversight through the following activities:

- To request the agency, organization or individuals subject to oversight to make written reports, supply information and documents related to the oversight contents, to explain matters in which the oversight team or National Assembly Deputies are interested; to consider and settle matters related to the implementation of the State's policies and laws or to the socio-economic life of local people;

- To examine and verify matters which the oversight team and National Assembly Deputies consider necessary;

- When detecting acts in violation of law which harm the interests of the State, the legitimate rights and interests of organizations or individuals, to propose concerned agencies, organizations or persons to apply measures to promptly put an end to these acts, restore the interests of the State, the legitimate rights and interests of organizations or individuals which have been infringed upon; to request competent agencies, organizations or persons to examine responsibilities of the violators in accordance with law.

- *Oversight report*

Within ten days after concluding oversight activities, the oversight team or National Assembly deputies that have carried out oversight activities shall send reports on oversight results to the delegations of National Assembly deputies.

Basing themselves on the nature and contents of the issues of oversight, delegations of National Assembly deputies may organize discussions about the recommendations and requests of the oversight teams or the National Assembly deputies that have conducted the oversight. The recommendations and requests of delegations of National Assembly deputies through oversight activities shall be sent to the agencies, organizations or individuals subject to oversight.

1.3.3. National Assembly Deputies receive, examine and settle complaints and denunciations of the people

The Delegation of National Assembly Deputies receive and consider the settlement of citizens' recommendations under the following procedures:

- The Delegations of the National Assembly Deputies receive recommendations of the citizens, study and forward them to the authorized agencies, organizations and individuals for settlement.

- When receiving citizens' recommendations forward by the Delegations of National Assembly Deputies, competent agencies, organizations or persons shall consider and settle them and notify the Delegations of National Assembly deputies of the settlement results.

- When considering that the settlement is unsatisfactory, the Delegations of National Assembly deputies may meet the heads of concerned agencies or organizations to inquire into the issues and request the reconsideration thereof. When necessary, Delegations of National Assembly deputies may request heads of concerned superior agencies or organizations of such agencies or organizations to settle the matter. If heads of concerned superior agencies or organizations of such agencies or organizations do not settle or their settlement is unsatisfactory, the Delegations of National Assembly Deputies report to the National Assembly Standing Committee for consideration and decision.

In case of necessity, Delegations of National Assembly deputies may request relevant agencies, organizations or persons to supply relevant information and matters in which the delegations are interested in.

1.3.4. Delegations of the National Assembly Deputies receive, study the settlement of citizens' complaints and denunciations

Delegations of National Assembly Deputies shall receive, handle, urge and monitor the settlement of, citizens' complaints and denunciations⁹ under the following procedures:

Delegations of National Assembly deputies shall receive citizens' complaints and denunciations and forward them to competent agencies, organizations and persons for settlement.

When receiving citizens' complaints and denunciations, competent agencies, organizations or persons shall consider and settle them and notify Delegations of

⁹ See Article 43, Law on the Oversight Activities of the National Assembly.

National Assembly Deputies of the settlement thereof within seven days after the issuing date of the settlement decisions and answer the citizens.

When considering that the settlement is unsatisfactory, Delegations of National Assembly Deputies may meet the heads of concerned agencies or organizations to inquire into the issues and request the reconsideration thereof. When necessary, the Delegations of National Assembly Deputies may request heads of concerned superior agencies or organizations of such agencies or organizations to settle the matter.

In case of necessity, Delegations of National Assembly Deputies may request relevant agencies, organizations or persons or the complainants or denouncers to appear and present the matters, supply relevant information and documents, examine and verify matters in which the Delegations of National Assembly Deputies are interested; and organize oversight teams within Delegations of National Assembly Deputies to oversee the settlement of citizens' complaints and denunciations in localities.

1.4. Delegations of National Assembly Deputies request relevant agencies, organizations or persons answer questions in which the Delegations are interested

The Delegations of National Assembly Deputies request relevant agencies, organizations and individuals to answer questions in which the Delegations are interested through exchanging, directly working with or requesting these agencies, organizations and individuals to have written answers.

1.5. The Delegations of National Assembly Deputies work with State agencies, political organizations, social-political organizations, social organizations, economic organizations, units of people's armed forces at localities

To have such meeting, the Delegation shall have an official letter with contents of the meeting and composition of the delegation from 7 to 10 days prior to the meeting. When the meeting finishes, the Delegation shall send a report to members of the delegation serving the discussion on relevant contents at the session of the National Assembly.

Heads of concerned agencies or organizations shall, within their assigned tasks and powers, receive and meet requirements of National Assembly Deputies. If the agencies, organizations and units do not settle or their settlement is unsatisfactory, the

National Assembly Deputies may request the heads of the immediate superior body of the concerned agencies or organizations to settle; if the heads do not settle or their settlement is unsatisfactory, the National Assembly Deputies report to the National Assembly Standing Committee for consideration and decision.

1.6. Delegations of National Assembly Deputies participate in oversight teams of the National Assembly's agencies if requested

•At the request of the National Assembly Standing Committee, the Ethnic Council and Committees of the National Assembly with regard to sending Deputies to the oversight teams at the localities, the Delegations of National Assembly Deputies shall meet and send deputies to the oversight teams. The sent deputies are knowledgeable and experienced in the oversight contents.

•The Delegations of National Assembly Deputies directs the Office of the Delegation of the National Assembly Deputies and People's Council to contact concerned agencies, organizations to serve the work of the oversight teams; send staff to participate in meetings of the oversight teams.

•For some specific oversight contents, the Delegations of National Assembly Deputies shall have a report specifying viewpoints and opinions of the Delegations on the oversight contents.

2. Rules and procedure on activities of National Assembly Deputies

2.1. National Assembly Deputies meet with voters at localities

One of the most important tasks of a National Assembly Deputy is to regularly and closely contact with voters to learn their thoughts and aspirations and transfer their opinions and recommendations to the National Assembly and concerned state agencies. To this end, National Assembly Deputies shall hold periodic meetings with voter before and after the session of the National Assembly at their constituencies; meet with voters at their living and working places; organize topical meetings with voters; or directly meet voters.

2.2. National Assembly Deputies discuss, give opinions and revise bills

National Assembly Deputies participate, discuss, give opinions on bills at meetings of the Delegation of National Assembly Deputies at the localities; by themselves study, give written opinions; participate in meetings of the groups or delegations of National Assembly Deputies, in plenary sessions, sessions of the Ethnic Council or Committees that Deputies are members.

Under regulations of the Constitution, Law on the Organization of the National Assembly, Law on the Promulgation of Legal Normative Documents. National Assembly Deputies have the legislative initiatives. The initiatives of the National Assembly Deputies shall be sent to the National Assembly Standing Committee so as to submit to the National Assembly. If agreed, the legislative initiatives will be put in the annual legislative program or program of the whole National Assembly Legislature.

2.3. Oversight activities of National Assembly Deputies

National Assembly Deputies exercise their oversight activities under different forms through questioning the President, the Chairman of the National Assembly, the Prime Minister, ministers and other members of the Government, the President of the Supreme People's Court and the Procurator General of the Supreme People's Procuracy (*questioned persons*); overseeing legal normative documents; overseeing the law enforcement in localities; overseeing the settlement of citizens' complaints and denunciations, etc.

To increase the consensus and effectiveness of the oversight activities of the National Assembly particularly the oversight activities of National Assembly Deputies, the law provides that National Assembly deputies shall draw up their own biannual and annual oversight programs and send them to their respective delegations¹⁰.

If the National Assembly Deputies conduct oversight activities, the Deputies develop oversight contents and programs with composition of the oversight team including organizations, agencies and individuals subject to the oversight and report to

¹⁰ See Article 39, Law on oversight Activities of the National Assembly.

the head of the Delegation. After oversight, National Assembly Deputies shall send the oversight report to the Delegations of National Assembly Deputies.

2.3.1. National Assembly Deputies exercise the right to question

National Assembly Deputies exercise the right to question at session of the National Assembly or at the interval of the two sessions.

- *At a National Assembly session, the questioning and answering shall be carried out as follows¹¹:*

National Assembly deputies clearly write the questioned issues and the name(s) of the person(s) to be questioned on the question cards and send them to the Chairman of the National Assembly for forwarding to the questioned persons. The session secretariat assists the Chairman of the National Assembly in summarising the questions of National Assembly deputies for reporting to the National Assembly Standing Committee.

The National Assembly Standing Committee prepares a list of persons responsible for answering questions at each session and reports this to the National Assembly for decision.

Questioned persons personally provide answers on each questioned issue that the National Assembly raised, and identify responsibility and measures to restore at the session of the National Assembly under the orders announced by the chairperson. The maximum duration for answering questions on an issue is fifteen minutes.

The chairperson of the sitting raises issues questioned and announces the order of answering questions

National Assembly deputies may raise more questions on answered issues within three minutes;

After hearing answers, if National Assembly deputies disagree with the answers, they may propose the National Assembly to continue discussions at such meetings, to put up the issues in question for discussion at other meetings of the National Assembly or propose the National Assembly to examine the responsibilities

¹¹ See Article 11, Law on oversight Activities of the National Assembly; Article 25, Working Regulations of the National Assembly Standing Committee; Article 43, Rules of the National Assembly Session.

of the questioned persons.

If questioned issues must be investigated, the National Assembly may decide to allow the answering of questions to be conducted before the National Assembly Standing Committee or at the subsequent session of the National Assembly or allow answers to be provided in writing. When necessary, the National Assembly may issue a resolution on answering of questions and responsibilities of questioned persons.

Persons who have answered questions at National Assembly sessions or provided written answers to questions of National Assembly deputies shall send reports to National Assembly deputies on the realisation of matters they pledged in their answers to questions at the coming session.

- *Questioning and answering at the interval of the two session of the National Assembly are conducted under the following procedures¹²:*

In the interval of the two sessions, the National Assembly Standing Committee consider the answering questions of National Assembly Deputies at the session of the National Assembly Standing Committee and other questions sent to the National Assembly Standing Committee. The questioning and answering in the interval of the two session are conducted in the following procedures¹³:

National Assembly Deputies write the questioned issues and the name(s) of the person(s) to be questioned on the question cards and send them to the National Assembly Standing Committee;

The National Assembly directs the Board on Deputies' Affairs to assist the National Assembly Standing Committee in receiving questions from National Assembly deputies for forwarding to the questioned agencies or persons. Depending on the questioned contents and nature of the questions, the National Assembly shall decide whether the questioned persons have written answers for the National Assembly Deputies or answer at sessions of the National Assembly Standing Committee.

If the National Assembly Standing Committee decides the questioned persons to

¹² See Article 11, Law on oversight Activities of the National Assembly; Article 25, Working Regulations of the National Assembly Standing Committee; Article 43, Rules on National Assembly Session.

¹³ See Article 16 and 49, Law on the Organization of the National Assembly; Article 11 and 19 of Law on oversight Activities of the National Assembly and Article 25, Working Regulations of the National Assembly Standing Committee.

have written answers, the answers shall be sent to the National Assembly Standing Committee and Deputies; If National Assembly deputies disagree with the answers to their questions, they may propose that the Chairman of the National Assembly put issues in question to discussions at a plenary sitting of the National Assembly or a session of the National Assembly Standing Committee.

If the National Assembly Standing Committee decides the answering of questions at the plenary session of the National Assembly Standing Committee, the questioning and answering shall be implemented as follows:

- The Chairman of the National Assembly puts forth questions of National Assembly deputies, which have been decided by the National Assembly to be answered at the sessions of the National Assembly Standing Committee and other questions forwarded to the National Assembly Standing Committee in the recess between two National Assembly sessions;

- The questioned persons answer directly and fully the issues questioned by National Assembly deputies and clearly determine the responsibilities therefor and remedial measures;

- The questioning National Assembly deputies may be invited to attend sessions of the National Assembly Standing Committee and give their opinions;

- After hearing answers to questions, the National Assembly Standing Committee may issue resolutions on the answer to questions and the responsibilities of the questioned persons when considering it necessary.

When they fail to attend such meetings, the contents of the answers to their questions and the outcomes of the meetings shall be sent to them within seven days after the conclusion of the meetings of the National Assembly Standing Committee; if they disagree with the answers, they may request the National Assembly Standing Committee to raise the issues for discussion at a National Assembly session.

Persons who have answered questions at sessions of the National Assembly Standing Committee or provided written answers to questions of National Assembly Deputies shall send reports to National Assembly Deputies on the realisation of matters they pledged in their answers to questions at the coming session.

2.3.2. National Assembly Deputies oversee legal normative documents of localities, law enforcement at localities

National Assembly Deputies oversee legal normative documents of localities, law enforcement at localities by participating in oversight teams organised by the Delegations of National Assembly Deputies, and in other oversight teams sent by the Delegation of National Assembly Deputies or conduct oversight activities by themselves.

To National Assembly Deputies, when detecting that legal normative documents of the National Assembly Standing Committees or the President display indications of contravening the Constitution, laws or resolutions of the National Assembly, National Assembly deputies shall propose the National Assembly Standing Committee or the President to amend or annul parts or whole of such documents; the National Assembly Standing Committee or the President shall examine them and reply National Assembly deputies. When National Assembly deputies disagree with the replies of the National Assembly Standing Committee or the President, they shall request the National Assembly Standing Committee to submit them to the National Assembly for consideration and decision at its coming session¹⁴.

2.3.3. National Assembly Deputies receive, consider the recommendations of the citizens

When receiving citizens' recommendations, National Assembly Deputies shall study and forward them to the authorized agencies, organizations and individuals for settlement.

When receiving citizens' recommendations forwarded by the National Assembly deputies, competent agencies, organisations or persons shall consider and settle them and notify National Assembly deputies of the settlement and answer the citizens.

When considering that the settlement is unsatisfactory, the National Assembly deputies may meet the heads of concerned agencies or organizations to inquire into the issues and request the reconsideration thereof. When necessary, National Assembly deputies may request heads of concerned superior agencies or organizations of such

¹⁴ See Article 10, Law on oversight Activities of the National Assembly.

agencies or organizations to settle the matter. If heads of concerned superior agencies or organizations of such agencies or organizations do not settle or their settlement is unsatisfactory, National Assembly Deputies report to the National Assembly Standing Committee for consideration and decision.

2.3.4. National Assembly Deputies receive and consider the settlement of the citizens' complaints and denunciations

When receiving citizens' complaints and denunciations, National Assembly deputies shall study and by themselves or through the Delegations of National Assembly Deputies to forward them to competent agencies, organizations and persons for settlement and inform the complainants and denouncers.

When receiving citizens' complaints and denunciations forwarded by the National Assembly Deputies, competent agencies, organizations or persons shall consider and settle them and notify National Assembly Deputies of the settlement thereof within seven days after the issuing date of the settlement decisions and answer the citizens.

When considering that the settlement is unsatisfactory, National Assembly Deputies may meet the heads of concerned agencies or organizations to inquire into the issues and request the reconsideration thereof. When necessary, National Assembly Deputies may request heads of concerned superior agencies or organizations of such agencies or organizations to settle the matter.

In case of necessity, National Assembly Deputies may request relevant agencies, organizations or persons or the complainants or denouncers to appear and present the matters, supply relevant information and documents, examine and verify matters in which National Assembly Deputies are interested.

2.4. Other activities of the National Assembly Deputies

2.4.1. National Assembly Deputies work with state agencies, political organisations, socio-political organisations, social organisations, economic organisations or people's armed forces units

When performing their tasks, National Assembly Deputies may request state agencies, political organisations, socio-political organisations, social organisations,

economic organisations or people's armed forces units to supply information about issues of their interest; propose the consideration and handling of issues related to the implementation of state policies and laws and the exercise of the people's mastery or other issues related to the people's life or local socio-economic situation.

2.4.2. National Assembly Deputies move to work in another Delegation of National Assembly Deputies

When a National Assembly Deputy moves to work in another locality, he/she shall join the delegation of National Assembly deputies in that locality. The transfer of a National Assembly Deputy to a new Delegation of National Assembly Deputies is effected as follows:

- The National Assembly deputy sends an application to the National Assembly Standing Committee, the National Assembly Delegation, the Fatherland Front Committee of the province or centrally run city where he/she has been elected, and the Delegation of National Assembly Deputies and the Fatherland Front Committee of the province or centrally run city to which he/she moves;

- The National Assembly Standing Committee takes a decision.

- The decision of the National Assembly Standing Committee shall be sent to the National Assembly Deputy, the Delegations of National Assembly Deputies and the Fatherland Front Committees of the provinces or cities where the deputy has been elected and to which he/she moves. If the National Assembly deputy is recommended by the Central Committee of the Viet Nam Fatherland Front, the decision shall also be sent to the Front's Central Committee. The Fatherland Front Committees of the provinces or centrally run cities shall coordinate with the heads of the delegations of National Assembly deputies in notifying voters in localities where the deputy has been elected and to which he/she moves.

2.4.3. National Assembly Deputies may apply for permission to discontinue their tasks

Under current regulations, National Assembly deputies may apply for permission to discontinue their tasks for poor health or other reasons. They shall send their applications for permission to discontinue a deputy's tasks to their delegations,

the National Assembly Standing Committees, the Central Committee of the Viet Nam Fatherland Front and Fatherland Front Committees of provinces or centrally run cities where they were elected.

The permission for National Assembly deputies to discontinue their tasks shall be decided by the National Assembly. In the recess between two National Assembly sessions, that permission shall be decided and reported by the National Assembly Standing Committee to the National Assembly at the coming session.

The National Assembly shall consider and decide on permission for National Assembly deputies to discontinue their tasks according to the following procedures:

- The National Assembly Standing Committee proposes a National Assembly deputy's application for permission to discontinue his/her tasks to the National Assembly;

- The National Assembly discusses the proposal. Before the National Assembly's discussions, the National Assembly deputy seeking permission to discontinue his/her tasks may present his/her opinions at a plenary sitting;

- The National Assembly establishes a Vote Count Committee under the request of the Chairman of the National Assembly;

- The National Assembly votes on the permission for the deputy to discontinue his/her tasks by secret ballot;

- The Vote Count Committee announces the vote count results;

- The National Assembly discusses and approves a resolution on the permission for the deputy to discontinue his/her tasks.

If the National Assembly Standing Committee considers and decides on the discontinuation of tasks by a deputy, similar procedures are applied as the National Assembly adopts a resolution.

The National Assembly Deputy is permitted to discontinue his/her tasks since the day that the National Assembly or National Assembly Standing Committee adopts a resolution on the permission for the deputy to discontinue his/her tasks Đại. The resolution of the National Assembly or National Assembly Standing Committee shall be

sent to the Central Committee of the Viet Nam Fatherland Front and Fatherland Front Committees of provinces or centrally run cities, Delegation of National Assembly Deputies where they were elected, and the new Delegation of National Assembly Deputies that the Deputy moves (if any); and to the permitted Deputy. The Central Committee of the Viet Nam Fatherland Front and Fatherland Front Committees of provinces or centrally run cities coordinates with Head of the Delegation of National Assembly Deputies to notify voters at the constituencies and constituencies where the Deputy moves (if any).

3. Assessment and recommendations

3.1. Delegations of National Assembly Deputies organize meetings with voters for Deputies and Deputies meet with voters

The voter outreach by the National Assembly Deputies has been improved over the past time, but it is common that Deputies meet with grand voters. In addition, recommendations of voters at these meetings have not much been answered and considered. The voter outreach after the National Assembly session is formalistic as most of the information regarding the session has been disseminated by the mass media.

Therefore, it is recommended to have specific regulations on time for voter outreach; rules and procedures of voter outreach after the National Assembly session so that the activity can be more effective. The responsibilities of National Assembly Deputies should be regulated with regard to the preparation of documents, reports, presentation, and writing of opinions of their interest for settlement. It is also recommended to have a mechanism to recommend authorized agencies for settlement after the voter outreach of National Assembly Deputies.

3.2. Delegations of National Assembly Deputies organize meetings for Deputies to discuss and give opinions on bills, and Deputies discuss and give opinions on bills

Over the past time, Delegations of National Assembly Deputies have gradually established a mechanism and methods to organize meetings for Deputies to discuss and give opinions on bills. In addition, depending on conditions, the Delegations of

National Assembly Deputies comment on bill based on appropriate methods with the participation of Deputies, scientists, legal experts. Delegations have collected and consolidated documents which serves as the valuable source of reference for Deputies to discuss on bills. However, there has been no rules and procedures on the collection of opinions on bills while the number of bills submitted to the National Assembly is increasing, the collection is thus conducted in a passive and ineffective manner.

Therefore, it is recommended to study the rules and procedures so that the Delegations of National Assembly Deputies may organize meeting to discuss and give opinions on bills, responsibility of MP delegations in consulting and reflecting votes' opinions on bills. It is also necessary to open possibility to early discuss bills, creating conditions for National Assembly Deputies to approach to the bills and relevant documents.

3.3. Oversight activities of Delegations of National Assembly Deputies and National Assembly Deputies

3.3.1. Oversight activities of Delegations of National Assembly Deputies

Oversight activities of the Delegations of National Assembly Deputies have been improved and reformed, which increases the quality of recommendation of the Delegations. However, there still exist limitations.

- The oversight of legal documents is not very effective. Delegations rarely oversee contents of legal document. There are no rules and procedures on the oversight of legal normative documents by the Delegations of National Assembly Deputies.

- In fact, the oversight of the execution of legal documents at organizations, agencies and localities to detect and deal with acts in violations of law; protect the legitimate rights and interests of organizations, agencies and individuals; ensure the implementation of the Constitution and laws is one of the oversight activities of the Delegations of the National Assembly Deputies. Through the activity, it is to assist these organizations, agencies and localities to deal with difficulties in the implementation of laws and their assigned tasks, contributing to enhancing the effectiveness in activities of those subject to oversight and serving as the basis for important decisions of the National Assembly.

Therefore, to improve effectiveness and efficiency of oversight activities of MPs delegation, it is recommended:

+ To clearly regulate the mechanism and procedures that organizations and agencies implement requests of oversight by the Delegations of National Assembly Deputies. It is to regulate the time that authorized organizations, agencies and persons to answer their settlement over the request of the Deputies, and regulations if the settlement exceeds the time limit.

+ To regulate the role, tasks and power of MP Delegations when there are oversight teams of the National Assembly Standing Committee, Ethnic Council and Committees of the National Assembly at localities.

+ To regulate a mechanism to settle petitions through oversight of MP Delegations.

3.3.2. Oversight activities of National Assembly Deputies

- Oversight activities of National Assembly Deputy are not conducted regularly as there is no mechanism for Deputies to exercise their oversight rights. In addition, most of Deputies work on a part-time basis with little time to study in their respective fields, thus are not active in arranging meetings and oversight activities. Therefore, there should be specific regulation on oversight procedures of National Assembly Deputies and responsibility of Offices of MP delegation and People's Council of Provinces and Cities under central government in advising, supporting oversight activities of MPs.

- Questioning activities of National Assembly Deputies have improved since the promulgation of Law on the Oversight Activities of the National Assembly with clear rules and procedures on questioning and answering. This is the effective form for the National Assembly Deputies to exercise their oversight rights. However, to make questioning activities more effective, it is recommended:

+ To supplement some regulations on responsibilities of concerned agencies and organizations in answering questions raised by National Assembly Deputies.

+ To regulate clearly responsibilities of questioned organizations, agencies and persons with acts of violations of law; to have a mechanism ensuring the implementation of recommendations by National Assembly Deputies on

responsibilities of questioned organizations, agencies and persons with acts of violation of law.

- The receipt, examination and settlement of citizens' complaints and denunciations have been regulated, however the work of National Assembly Deputies is not ensured. Therefore, it is recommended:

+ To have a mechanism providing National Assembly Deputies with information, documents, legal documents, serving the Deputies in receiving the citizens, documents, and monitoring the settlement of citizens' complaints and denunciations.

+ Organizations and agencies where the National Assembly Deputies are working shall arrange the work and enable the Deputies to receive citizens, monitor the settlement of citizens' complaints and denunciations.

3.4. Some general recommendations

3.4.1. Improvement of the rules and procedures on activities of National Assembly Deputies and Delegation of National Assembly Deputies

At present, rules and procedures on the activities of National Assembly Deputies and Delegations of National Assembly Deputies are simple. Legal documents simply regulate the right and obligations of National Assembly Deputies but not the rules and procedures to conduct their assigned tasks. Therefore, it is recommended to improve the legal framework on activities of the National Assembly Deputies and Delegations of National Assembly Deputies; to supplement rules and procedures in relevant documents, which enables the Deputies to implement their assigned tasks. It is also necessary to systemize relevant regulations in different legal documents.

3.4.2. Reform in organization

- To increase the number of full-time National Assembly Deputies, their capacity and make full use of their qualification.

- To reform and improve the quality in activities of supporting agencies (Office of MP Delegations and People's Councils). Office of MP Delegation should be established separately to support MP Delegation and

Deputies. Staff working at Office of the Delegations shall be knowledgeable and experienced in activities of the National Assembly; skillful to advise and support activities of the National Assembly.

3.4.3. Reform in other activities

- To ensure conditions for National Assembly Deputies to study bills.
- To prepare some templates for regular work of the National Assembly and National Assembly Deputies.
- To increase information capacity for National Assembly Deputies; develop different channels of information so that the National Assembly Deputies have sufficient information to discuss and adopt bills at sessions of the National Assembly.
- To study, apply science and technology in activities of Delegations of National Assembly Deputies and National Assembly Deputies so as to improve the provision of documents and exchange of information, reducing budget for printing and delivery of documents.

ANNEX 1

SOME RECOMMENDATIONS ON AMENDMENT OF RULES AND PROCEDURES OF NATIONAL ASSEMBLY WORK IN CURRENT LEGAL NORMATIVE DOCUMENTS

I. Legislative activities in the Law on Organization of the National Assembly and the Law on the Promulgation of Legal Normative Documents

1. At Clause 1, Article 9 of the Law on Organization of the National Assembly: to guarantee the rights to submit legal initiatives of competent subjects, the regulation of designating the NA Standing Committee to prepare the tentative legislative programs should be amended. That is, legal initiatives shall be submitted to the Committee on Law and professional Committees for appraisal. The legal initiatives then shall be incorporated and submitted to the National Assembly together with the appraising reports of the Committee on Law;

2. At Article 29 of the Law on Promulgation of Legal Normative Documents: the NA Standing Committee's competence to adjust the legislative programs should be reconsidered. It is advisable not to empower the NA Committee with this competence because the current doings actually mean resolutions of the NA Committee adjust the resolutions of the NA. In case of maintaining the current procedure, this competence should be supplemented to the Law on Organization of the National Assembly. Otherwise, the related provisions in the Law on Promulgation of Legal Normative Documents should be amended to ensure the consistence of the legal system.

3. It is advisable to abrogate the issuance of Resolution on the NA tenure's legislative program. For the time being, we have a fairly sufficient legal system and the legal normative documents need promulgating are mainly documents on amendment and supplementation of current documents. Thus, it is unnecessary to have a long-term plan on the legislative program for the whole tenure of the NA. If maintaining this regulation, the program should be deemed a tentative list of laws need promulgating during the NA tenure, which orients the planning of annual legislative programs;

4. To innovate the tenure and annual legislative programs according to the orientation of guaranteeing the rights to submit draft laws and ordinances of statutory subjects; to deem the discussion and decision on taking the draft laws and ordinances into the annual legislative programs an important stage; to heighten the responsibilities of agencies and organizations in proposing draft laws and ordinances incorporated to the programs. The preparation of draft laws and ordinances should be deemed one of the focused tasks of the submitting agencies. Only highly feasible draft laws and ordinances which meet all requirements prescribed in the Law on

Promulgation of Legal Normative Documents shall be incorporated in the program. Besides, it is necessary to issue a legal document on the implementation of the program, therein the active role of the Standing Committee of NA in directing the implementation shall be clearly identified and there must be measures to determine the responsibilities of the agencies or organizations which fail to carry out the right progress or fail to ensure the quality of draft laws and ordinances;

5- To amend the Law on Organization of Legal Normative Documents in the orientation of providing more specifically the order, procedures; providing more clearly the responsibility of the agencies in charge of drafting, agencies in charge of appraising and agencies participating in the appraisal, coordination work in the process of drafting, appraising, modifying, and finalizing. The agencies in charge of appraising the draft laws and ordinances must be responsible for the quality of the draft laws and ordinances to the NA when the draft laws and ordinances are submitted to the NA.

6- To complete the provisions on procedures for appraisal, time, order, procedures, and contents of appraisal, responsibilities of members in the appraisal process; to provide in details the criteria of quality evaluation and conditions for submission of the draft laws and ordinances, regime for ensuring the principle of teamwork and deciding by majority, the coordination between appraising agencies and drafting agencies during the appraisal and finalization of the draft laws and ordinances; to clearly identify the legal value of the appraising reports; ensure financial and time conditions for the draft laws and ordinances as well as provide documents with subjective and critical information so that appraising agencies and agencies participating in the appraisal can review and refer to in the appraisal process.

7- To clearly identify the role of the NA Committee in “giving comments on draft laws and ordinances” (clause 3, Article 9 of the Law on Organization of the National Assembly) in the orientation that the NA Committee shall focus on evaluating if the draft laws and ordinances are qualified to be submitted to the NA or not.

8- To develop a general law on promulgation of legal normative documents, codify operational procedures and practices of the NA, its agencies, MPs delegations, and MPs; to promulgate laws regulating the matters relating to citizens’ claims and petitions, constituent outreach, etc.; to issue a document providing specifically the responsibilities of agencies, organizations, procedure and practices for modification and finalization of draft laws and ordinances; criteria for ensuring the consistence in the legislative technique; to amend and perfect the Regulation on document technique of the NA Committee.

II. Oversight of the Ethnic Council, Committees of the NA in the Law on Supervisory Activities of the National Assembly

1- To improve the quality, effectiveness of the oversight of the Ethnic Council, Committees of the NA, it is advisable to supplement the form of hearings in the Council and Committees. As can be seen from the experience of many countries, hearing in Committee is practical oversight which is profound and has quick and strong impact on the overseen subjects. Therefore, the legal basis for hearings in the Ethnic Council and Committees of the NA, order, procedures, and liabilities of agencies as well as legal consequences of the hearings should be clearly specified.

2- Budget, legal documents, and topical oversights should be re-organized to ensure their effectiveness and efficiency.

3- In practice, the organization of oversight missions of NA bodies has many shortcomings. The biggest shortcoming is the wastefulness and inefficiency in the organization of large-scale oversight missions with full of members from different bodies and organizations while few of them have in-depth knowledge and experience of oversight. The main form of this activity is listening to the reports. Overseen issues are dispersedly selected. The focus of issues to be overseen as well as the right number of the exact overseen subjects has not yet been determined. The situation that at the same time several oversight missions of the NA bodies paid working visits to a locality still exists, making it embarrassed to arrange the agenda. These shortcomings should be settled in the amendment of the Law this time.

4- One of the reasons resulting in the low effectiveness of NA and its bodies' oversight in the recent time is that we do not have a regime for tracing out the issued to be overseen and for handle the post-oversight recommendation and conclusions of the NA, its bodies, MPs, and MPs delegations. In fact, the post-oversight recommendations and conclusions shall be sent to the overseen agencies for implementation without a regime for supervising, considering, and assessing such recommendations and conclusions. The NA and NA Standing Committee hardly issue resolutions on the performance of post-oversight solutions and recommendations. Thus, a more specific regime for handle post-oversight recommendations and conclusions should be established.

5- The competence, order, and procedures of confidence vote against the persons holding positions elected or ratified by the NA should be specifically prescribed.

6- To clearly provide that the NA's oversight results must be reflected in the form of resolutions on the overseen issues. The resolutions on oversight of the NA must assess the oversight results, state if agreeing or disagreeing with the oversight results and contents relating to the recommendations.

7- There should be a regime for supervising, speeding up, and handling the violations in the implementation of resolutions, oversight results made by the overseeing subjects.

Besides, based on the analysis and review of the existing Law on Oversight of the National Assembly, to amend, supplement certain contents of the Law on Oversight of the National Assembly as follows¹⁵:

- Clause 2, Article 3: to narrow the scope of overseen subjects, closely and clearly provide the conditions for overseeing other agencies, organizations, and individuals' activities by the NA, NA Standing Committee, Ethnic Council, Committees of the NA.

- Article 9: with respect to the examination of working report, to supplement the provisions on contents need included in the working report; to specify which report should be discussed collectively by the NA, which reports should be discussed within MPs group or MPs delegation, which reports should be sent to the MPs for self-study; to supplement the provision that except for the reports of the NA, all reports submitted to the NA for examination and discussion must undergo appraisal procedure; to provide clearly which cases shall be “in case of necessity” where the NA must issue a resolution after examining the working reports.

- Clause 4, Article 11: to clearly provide in which cases the NA shall issue resolution on question times and which specific contents should the resolution include.

- Article 13: Based on the amendment of clause 7, Article 84 of the Constitution, to limit the confidence voters, and specify the procedure for confidence vote. During the question times, based on the questions made at the NA sessions, the NA may directly decide the confidence vote without having petition of 20% of the MPs or proposal of the Standing Committees of the NA. To provide clearly the regime for taking opinions of 20% of the MPs and simplify the procedure for proposal of petitions by the Ethnic Council and Committees of the NA.

- Supplementing 01 article: to provide the procedure for the NA to relieve from duty, remove from office or ratify the relief of duty, dismissal against the persons losing confidence vote.

- Clause 3, Article 15 and Article 19 need amending and supplementing to specify the procedures and practices of the question times by the NA Committee in conformity with the Constitution and the Law on Organization of National Assembly, that is, the question times shall be organized at the NA Committee in cases where it is necessary to investigate and where the MPs disagree with the Ministers' written reply to questions received between the NA sessions.

¹⁵ Đinh Xuan Thao, Le Nhu Tien (chief editor): Oversight of the NA– Theoretical and practical issues; Publishing House of People's Public Security, Hanoi 2010

- Article 10 and Article 5 need amending to overcome the overlapping of competence and subjects of legal document oversight between the NA and its Standing Committee.

- Supplementing 01 article on the order, procedure for overseeing legal documents and relationship between the oversight of legal documents and other tools of oversight.

- Supplementing Article 30a: to provide a separate procedure for the Ethnic Council, Committees of the NA to request the Government, Ministries, ministerial agencies, the Supreme People's Court, the Supreme People's Procuracy to explain about an issue they are interested in (based on the competence stipulated in Article 38 of the Law on Organization of the National Assembly).

- Supplementing Article 30b: to provide a separate procedure for the Ethnic Council, Committees of the NA to dispatch their members to the related agencies or organizations to consider, verify the issues they are interested in.

- Article 31: to provide more strictly the conditions for establishment of oversight teams of the Ethnic Council and Committees of the NA.

III. Legal regulations for National Assembly Deputies and Delegations

1. National Assembly Deputies are a part forming National Assembly. Quality of MPs' activities play a critical role to the efficiency of National Assembly activities. Therefore, structure of MPs should be identified according to representativeness as present or by voting for those who are really competent as in many countries. It should regulate clearly criteria and structure of deputies in laws. Structure of deputies is necessary but should be identified on the basis of meeting required criteria.

2. It should regulate responsibility of National Assembly Deputies in receiving and settling petitions and complaints of people.

3. To study the supplement of regulations on national meeting of full-time deputies as a form of activities in the non-session period.

4. To avoid the unclearness in activities of National Assembly deputies, it should increase the number of centrally full-time deputies, to reduce the number of part-time deputies, especially those holding key positions in executive and justice systems. It should clearly regulate legal position, tasks and jurisdiction of full-time MPs (differences with part-time MPs)

5. It should clearly regulate positions and tasks of MP Delegations: whether it is a forming part of National Assembly or just an organizational form to support work of MPs at localities. Whether it should regulate some certain jurisdictions of MP delegations, such as oversight activity. If so, it may occur overlapping with oversight jurisdiction of local People's Councils.

Therefore, with aforementioned recommendations, following legal normative documents should be amended, supplemented:

1. Law on organization of National Assembly;

2. Law on promulgation of legal normative documents (law on promulgation of legal normative documents of People's Committees and People's Councils should be unified in this law);
3. Law on oversight activities of National Assembly;
4. Regulation on National Assembly sessions;
5. Standing order of National Assembly Standing Committee;
6. Standing order of Ethnic Council, Committees;
7. Standing order of National Assembly Deputies and Delegations.

Together with revising these documents, it should study the development of a Code on National Assembly rules and procedures, including all regulations on rules and procedures of National Assembly in general, National Assembly Standing Committee, Ethnic Council, Committees, MPs Delegations, National Assembly Deputies, Office of National Assembly, Office of MP Delegations to ensure the consistency and convenience in implementation.

ANNEX II

PARLIAMENTARY STANDING ORDERS IN SOME COUNTRIES

1. Process and procedures for passing bills

Legislation is a main function of parliaments. A legislative process starts with legislative initiatives then drafting (mostly done by the executive government) and then submission to the parliament. The parliament starts its process of examining and then passing the bill. At present, legislative activities are governed by legislation, including provisions for the modes and orders of examining and passing bills at parliamentary chambers. The basic parliamentary process and orders for examining and passing bills include:

- Submission of the bill;
- First reading at the chamber;
- Second reading at the chamber;
- Examining the bill by parliamentary committees;
- Report on the bill at a plenary sitting;
- Third reading and passage of the bill.

1.1. Submission of the bill

In many countries, the number of bills submitted to the parliament is normally very large (for example in Denmark, around 275 draft bills are submitted each year; in Australia from 1992 to 2001, 206 draft bills were submitted to the House of Representative each year; in the United States, at the 107th Congress (2001-2002), 8948 draft bills were submitted to both Houses¹⁶). To ensure the efficiency of parliamentary work, the number of those who can submit a bill to the parliament is limited by law in many countries. Normally, the two key players who exercise the right to submit bills are members of parliament and the government (in countries like Britain, Sweden, Japan, Canada and Australia both members of parliament and the government have the right to submit bills; but in countries of presidential republic

¹⁶ Reference document of legislative process of some countries provided by the UNDP Vietnam Office, translated by the Commission of Legislative Affairs of the National Assembly Standing Committee, p. 4, 26,75.

model like the United States, this right belongs to members of parliament). Besides, in some other countries, the right to submit bills is granted to a group of voters (for example in Thailand and Italy, voters can submit written bills with the signatures of 50 thousand voters) or to parliamentary committees (Brazil, China, Japan, Hungary, etc.), or the Russian Federal Supreme Court or Supreme Courts of the Commonwealth of Independent States (CIS) countries of Russia.

The usual procedure for bill submission starts with those who have the right sending the bill and related documents such as the minute of government approval of the bill (for those submitted by the government); policy analysis documents, and explanation documents, etc. as the basis for the bill to the parliamentary office or the parliamentary Secretary General.¹⁷ For example, in Australia, if a minister wants to submit a bill, he or she has to notice the Clerk of the House of Representatives. The notice should follow the form: “I would like to inform you of my intention to submit at the coming sitting a bill on...”. In Britain, bills prepared by the government first need to be communicated to the parliament and be sent to the Information Office and printed in the Order paper or Agenda of the House’s business. In these papers, the bills are introduced as being submitted for the first time. In Japan, before being submitted to the National Diet, the bill must be sent to the Speaker of the House of Representatives (for bills prepared by members of the House of Representatives and by the government to be submitted to the House of Representatives) or to the President of the House of Councilors (for bills prepared by members of the House of Councilors and by the government to be submitted to the House of Councilors).

In addition, for bills prepared by members of parliaments, it is required by law that before submitted to the parliament, bills need to meet certain conditions, such as: a number of supportive members (Germany, Japan, South Korea), their content needs to be in accordance with the mandate of the parliament, whether they are related to budget increase or decrease (for example, in France, before submitted to the Parliament, bills must be sent to the Bureau of the Assembly¹⁸ for checking whether

¹⁷ In Sweden, all documents related to the process of a bill is archived for reference, comparison and understanding during the examination of such draft bill.

¹⁸ Under Section 8 of the Standing Order of the French Parliament, the Bureau of the Assembly includes the President, 6 Vice-Presidents, 3 Questeurs and 12 secretaries.

issues governed by the bills are under the mandate of the Parliament according to Article 34 of the Constitution. In the Philippines, a Congress member can submit a budgetary bill but he or she needs to seek the consent from the government). Under Britain's legislation, the procedure for the examination of bills submitted by members of parliament is different from that for the examination of bills submitted by the government. "Backbenchers"¹⁹ can submit legislative motions by: voting²⁰, the ten minute rule²¹, normal order²², and private member's bills²³. Procedures for these issues in Britain are very detailed and complicated. Meanwhile, those in United States for the introduction of draft bill are very simple. In the House of Representative, a member initiating or introducing a draft bill can place his/her motion to the "hopper", a special box on the side of the clerk's desk. The member who initiated the draft bill is called the sponsor of the bill. He or she needs to sign on the draft bill before it is introduced in the parliament. The co-sponsors do not need to sign on the draft bill. In the Senate, senators often introduce a draft bill by hand it over to a clerk without presenting it at the sitting of the Senate. However, a senator can make use of a more formal procedure, which is to present directly his or her motion at the sitting of the parliament.

In case of bicameral parliaments in some countries, it is required that a bill can only be submitted to the lower house and must be passed by the lower house before submitted to the upper house. In some other countries, a bill can start in either lower or upper house, but it needs to be considered by a house before going to the other for consideration. The law also provides for cases when there is a difference between the mandates of each house. For instance in Australia, according to the Constitution, the

¹⁹ Members who do not hold positions in the Cabinet.

²⁰ Due to the time limit for members to examine bills, this priority right is given to 20 members winning in a voting. The private member's bills of the chosen members will be formally introduced in the House of Commons on the Wednesday of the 5th week of each sitting session.

²¹ This is the way to propose the need for changing laws on a particular issue. National Assembly Deputies can have a motion to propose a law according to the ten minute rule and notice the Office of draft bills 15 working days in advance. National Assembly Deputies often have to wait for hours to make sure they have the first turn. The ten minute rule allows the member to have a short speech on the bill that he or she initiates. Those National Assembly Deputies who oppose to that draft bill then speak. All these need to take place after the question time (at 2.30pm or on the coming Tuesday or Wednesday). If it is agreed upon by the House, it will have its first reading.

²² Any MP has the right to propose a bill after giving notice as needed. The bill is formally introduced so the MP do not need to speak to introduce it. However, this type of bills can only be submitted after bills of the voting type have been submitted and prepared for the second reading. Therefore bills of normal procedures may not be put forth for debate.

²³ All bills submitted by backbenchers can be sent to the House of Commons after passing all procedures at the House of Lords. However, bills of this type are often sent to the House of Commons late so they take turns after other bills of the House of Commons.

House of Representatives has more power in enacting legislation relating to budget; the Senate does not have the right to initiate legislation relating to budget allocation, taxation or amending tax legislation, other documents relating to budget allocation or any other legislation that increases the burden of financial contribution of the people²⁴. For this reason, most of the laws on important issues are first submitted in the House of Representatives. In the United States, both Houses have equal function and power in legislation, except: under item 1, section 7 of the Constitution, all draft bills on budget revenue must be first examined by the House. The Senate can propose or agree with suitable amendments. Traditionally, the House is often the one which propose bills on budget allocation. The law also requires that bills on budget allocation (Canada), bills on finance, taxation, other important bills and some international treaties (Japan) must be examined first by the lower house before submitted to the upper house. Bills are officially submitted to the parliament after they are numbered and fit in the working agenda of the parliament.

Based on the argument that parliaments operates according to their office terms, in some countries if a bill submitted to the parliament of this term but has not been passed, in the parliament of the following term, such bill needs to start again from the beginning (Germany, the Philippines, etc.). If the bill is not accepted, it cannot be submitted again to the parliament of the same term or within a certain time limit (Italy, Kuwait).

After submitted to the parliament, a bill can be withdrawn. This action however needs to take place before the standing committee assigned to examine the bill submits its appraisal report to the parliament (Japan, Sweden) or before the bill is passed by the parliament (for bills submitted by the government) or before the first reading (for bills submitted by National Assembly Deputies) (France).

1.2. The first reading

The first reading of a bill in countries of the British parliamentary model like Canada or Australia is to officially introduce the bill for consideration. This is a preliminary consideration without going into details, so it is often formalistic and very

²⁴ Reference document of legislative process of some countries provided by the UNDP Vietnam Office, translated by the Commission of Legislative Affairs of the National Assembly Standing Committee, p. 16-17.

simple. For example in Britain, the first reading of bills prepared by the government is only to introduce the bill and set a date for the second reading without any debate or amendments. At a sitting of the Parliament, a clerk briefly reads the name of the bill, then the minister in charge of that bill will state the date for the second reading. In Australia, the first reading starts when the Clerk of the House of Representatives states the next item in the agenda and briefly reads the name of the bill. Then the minister in charge of that bill stands up and says “May I present the bill...” and hands it over to the Clerk. The Clerk reads the full name of the bill. After that, the minister speak on the purpose, major principles and intended effects of the bills and then submit the House a document explaining the reasons for the enactment of the law, and outline of the law. This document can be heard by a court to decide on the purpose and intention of the bill.

After the first reading, the bill is often printed to be given to National Assembly Deputies and is available in the parliamentary media (the gazette or website of the parliament). For instance in Britain, after the first reading, each bill submitted by the government has a code printed in the lower left corner of the first page (e.g. [Bill4]). Whenever a bill is reprinted (after the consideration by a committee for example), it will have a new code. The public can buy a copy of the bill or see it on the parliamentary website. An explanation accompanying the bill is also printed, which includes the summary of the main purpose of the bill, comments on some articles or reference of related legislation, reports or requirements for the bill before it becomes a law. The explanation is coded according to the code of the bill plus EN at the end, for example [Bill4-EN].

In countries like Denmark, to ensure the time amount for a careful consideration of a bill, it is required by law that bills cannot be put forth in extraordinary sittings of the parliament, and the principle that readings of a bill cannot end before a time limit of 30 days²⁵ needs to be observed.

In countries of the presidential republic model like the United States, bills may not need the first reading but sent directly to relevant committees for consideration. In

²⁵ Reference document of legislative process of some countries provided by the UNDP Vietnam Office, translated by the Board of Legislative Affairs of the National Assembly Standing Committee, p.4.

the US House of Representatives, the first reading of bills (including the reading of the name of the bills) has long ceased to exist. In the Senate, in case of no objection, the name of the bills will be read and they will be sent to relevant committees for consideration. Bills are also printed and made available. The public can have the hard copies or see them online.

1.3. The second reading

The second reading is to debate and decide on major principal contents, policies of bills such as reasons for the approval or denial of the bills, whether major policies of the bills are good or not, the necessity of proposals and policies put forth and the alternative options for the achievement of the given purpose. This reading is often the most important for the passage of bills. To ensure the oneness of parliamentary policies and the effectiveness of the parliamentary work, the outcomes of the second reading cannot be changed in the following readings of the bills.

The timing for the second reading is different in different countries. In Britain, the time for the second reading of a bill is declared by the Speaker of the House of Commons in the Business Statement, and it is often on a Thursday. The Parliament reserves 13 Fridays for the consideration of private member's bills. The first seven Fridays will be for the consideration of bills of priority orders after the voting process (as above mentioned), the last six Friday is for other procedures and priority amendments by the House of Lords. The sponsor MP of the bill can propose the time for the second reading. Therefore, National Assembly Deputies who have the first turns following the voting will have advantage in proposing to choose the first Friday.

Parliamentary procedures for the second reading are often as follows:

- The Minister in charge of the bill presents key principles of the bill and a brief report on the most important articles or provisions.
- The parliament discusses major contents of the bill.

In countries like Australia, the total amount of time for discussion is not rigidly limited by parliamentary rules. Normally the number of National Assembly Deputies speaking is agreed upon among the government, the opposition and independent National Assembly Deputies.

In Britain, the debate during the second reading of a bill often includes divergent opinions. The opposition may propose some amendments at this reading. This is not to amend the bill but it is a technical amendment regarding the second submission to the parliament as a reason for the objection to the bill. However, a bill of the government can hardly be denied at its second reading at the House of Commons.

- The parliament votes to present its opinions on the bill. Accordingly, one of the following decisions can be made:

+ Decision on issues of principles of the bill and passing the bill to parliamentary committees for a full and comprehensive appraisal.

+ Decision on denying the bill (as the content of the bill is not under the mandate of the parliament or it is contrary to current legal principles, etc.).

+ Decision on a temporary suspension of the bill for a certain period of time.

In some instances, the second reading may not follow the above-mentioned process and there is no debate either. For example in Britain, regarding bill proposed by individual National Assembly Deputies, as the debate on an important bill may take nearly all the short working Friday (from 9.30 am to 2.30 pm), there will not be enough time for the debate of all bills in the agenda. Those National Assembly Deputies from number 8 in the priority list following a voting will choose a Friday for the consideration of his or her bill. However, on the chosen Friday, their bills are not put forth for debate before other issues. In that case, the bill can be debated during the amount of time left, otherwise it can be put forth for the second reading without debate at 2.30 pm (for bills submitted according to the ten minute rule, normal procedures or bills proposed by the House of Lords). At this point, if there are no National Assembly Deputies objecting to the bill, it will be passed to committees for consideration. In case of objection from an MP, the second reading will be suspended in spite of the support from other National Assembly Deputies. In that case, the sponsor MP may propose to introduce the bill on another Friday. At the same time, he or she needs to seek support from those who objected to the bill (normally it is the head of the caucus of government National Assembly Deputies. If no other Friday is available, the bill cannot be introduced.

Besides, in Britain, some bills prepared by the Government did not entail any debate (the law on royal gardens (commercial) 1999-2000 for instance) or bills that enjoy the support of the Law Committee. The Law Committee does not have the right to allow for the second reading but it can recommend that the bill go to the second reading. Such bills will have the second reading without debate.

1.4. Examining the bill by parliamentary committees

Examining the bill by parliamentary committees is to specifically examine each article one by one in an order to propose for amendments. In this process, in-depth policy knowledge is used to examine the bill and the most complicated technical issues are addressed. It also provides for place and time necessary for the analysis and discussion of the bill in a more efficient manner than in plenary sitting so that it can help the parliament avoid wasting time on specialized issues. For this reason, examining bills at parliamentary committees often takes most of the time for the examination of such bill at the parliament²⁶.

As usual, examining bills at parliamentary committees often takes place after the second reading. However, in some countries like Denmark, right after the first reading, one of the 25 standing committee will do the appraisal of the bill. The outcome of this process is a report which includes recommendations for amendments of the bill. After this process, at the second reading the bill will be discussed in details. Recommended amendments will be put forth for voting. Then the bill may be appraised again by committees. The outcome of the appraisal of this time is a supplementary report. In case of no appraisal again, the parliament may instantly allow for the third reading²⁷. In Canada, although bills are often passed to committees after the second reading, there have been changes in this process recently so that bills can be passed on to committees before the second reading. In Britain, after the second reading and before passing bills to committees, the issue of decisions relating to money and how to realize such decision (mandatory taxation or collection of other fees) will be addressed. This issue can be debated in no more than 45 minutes or no debate will take place if the bills are passed on to committee's right after the second reading.

²⁶ Nguyen Duc Lam, *Legislative steps in Viet Nam and other countries*.

²⁷ Reference document of legislative process of some countries provided by the UNDP Vietnam Office, translated by the Commission of Legislative Affairs of the National Assembly Standing Committee, p 5.

Provisions relating to money and how to realize money decisions are printed in italic of the first draft. A standing committee may not consider those decisions if they are not agreed upon²⁸. In countries of the presidential republic model like the United States, bills after being introduced may be passed on immediately to committees for consideration. Committees will study and examine the bill in a very focused and meticulous manner. Therefore the committee examination can be considered the most important stage of the legislative process.

- Deciding on bills to be examined by parliamentary committees

In some countries of the presidential republic model like the United States, committees has full discretion to decide which bills are to be examined. In some other countries, it is required by law that parliamentary committees are obliged to examine bills submitted by the executive.

- Deciding on which committee has the mandate to examine a bill

The fact that which parliamentary committees have the mandate to examine a bill is often based on parliamentary law or parliamentary standing order or precedent decisions of the parliament. In the United States for example, parliamentary rules provides for more than 200 types of legislative motion that committees need to examine. Normally, the examination of bills is done by standing committees of the parliament. Each bill will be examined by the respective committee regarding the area of responsibility. For example, the Committee on the Judiciary of the US House of Representatives has the mandate on motions of judicial procedures in general and 17 type of sub-areas such as constitutional amendment, migration and citizenship, bankruptcy, invention, copy right and brand name, and origin of goods. In case a bill includes contents which need to be examined by many different committees or it is hard to decide on which committee is responsible for examining the bill, a provisional committee may be set up for the examining purpose or the bill can be sent to different committees for examination of issues under the responsibility of each committee. In Thailand for instance, if a bill relates to many different areas, a provisional committee will be set up with 35 members, of whom 5 members are appointed by the

²⁸ Reference document of legislative process of some countries provided by the UNDP Vietnam Office, translated by the Commission of Legislative Affairs of the National Assembly Standing Committee, p.43-44.

government, the rest 30 members are appointed by parties according to their proportional representation in the parliament²⁹. In Britain, bills are often examined by standing committees of the parliament³⁰. They can be examined by the Committee of the Whole House³¹, a special standing committee³² or a select committee³³. In the United States, if a bill needs to be examined by many different committees, the House of Representatives Speaker often needs to appoint a primary committee which is mainly responsible for the bill, other committees often called additional committees can examine the bill right after its introduction or after reporting to the primary committee. A time limit for the examination of draft laws by committees can only be put forth if the primary committee has submitted its report of appraisal of such bill.

- Scope of examination

In countries with a strong committee system like the United States, Brazil or the Philippines, the scope of issues to be examined by committees is often very broad, including from general policy issues to detailed issues such as language or technical issues of each section or article. In some other countries like Australia, the examination of bills by committees is only an optional process to provide opinions of reference for the parliament. In this country, parliamentary committees can listen to opinions, collect documents relating to bills and recommend for actions for the parliament but they cannot amend the bills. At the British Parliament, for bills prepared by the government, committees have to examine each article and the addendum of the bill. Committees need to state whether they agree or disagree with the bill and can consider amendments to the bill. However the committee chairman may decide not to consider amendments if they are not suitable with the issues put

²⁹ According to the Report on the visit of the Vietnamese National Assembly Delegation headed by Vice President Nguyen Van Yeu to Thailand and Japan (March 2004).

³⁰ A standing committee of the British Parliament often consists of 18 members in proportion with the party structure in the House of Representatives, including at least one minister in charge of the bill. For major and complicated bills the number of members can be larger but does not exceed 50 people. A standing committee are set up for a particular bill, its membership therefore will end when the committee submit its report to the House. Each committee decides its own mode of sitting. A standing committee may finish examining a bill in a sitting or in several weeks in case of long bills.

³¹ The Committee of the Whole House often examine bills of special importance such as the Senate Act 1998-1999.

³² A special standing committee spend a certain amount of time considering related issues before examining the bill.

³³ Bills on armed forces must always be sent to the select committee. Special bills (the Hybrid bill) are also sent to this committee. Other bills if sent to the select committee will be an exception.

forth in the bill, for example amendments relating to a type of cost which increase the total budget anticipated in the bill. In some special circumstance when a private member's bill is examined by the Committee of the Whole House, amendments to the bill can be made without debate³⁴.

- How committees examine bills

The examination of a bill by parliamentary committees may undergo various stages in different ways. In Britain, to ensure the progress of the committee stage, the House of Representatives Speaker will appoint a sub-committee of the standing committee. This sub-committee consists of a chairman and 7 members of the standing committee. The sub-committee will divide the bill into different parts and set a time limit for the consideration of each part.

Normally the committee stage consists of the following basic steps:

- Step 1: Committee works to study and collect information relating to the bill.

At this step, committees of the US House of Representatives often seek information first from relevant departments and at the same time send the bill to the Parliamentary Audit Office for an official report on the necessity and requirements for the enactment of the bill. In Canada, based on the contents of the bill, committees can hold hearing sessions to gather evidence and testimony. Ministers of ministries and ministerial level government agencies, experts and representatives of the public are present as those to give testimony before the committee. Hearings are also organized by committees or sub-committees of the US House of Representatives relating to important draft bills so that supporters or opponents can give their opinions. After hearing sessions, sub-committees often hold markup sessions to examine and appraise the bill. At a markup session, opinions of both sides are studied in details and after the debate, the sub-committee will vote to decide on whether to fully support or support with conditions amendments of the bill; disagree with the bill; give no comments on

³⁴ In some cases, a private member's draft bill can undergo all stages in one day, which means that after the second reading, the sponsor MP proposes to pass the bill to the Committee of the Whole House for consideration. If no National Assembly Deputies object to the draft, the committee stage will take place very quickly, amendments can be made without debate. Then the stage of reporting and the third reading often takes place without any difficulties.

the bill or recommend that the committee suspend the consideration of the bill (or to “table the bill”)

Normally during the committee process, committee members listen to opinions of the public on the bill so that they can propose necessary amendments. Other stakeholders, citizens can influence the committee stage by means of the media or a request of interview with members of the committee examining the bill... By that way, the people can give their comments, arguments, support or objection to the bill. Moreover in the United States, the stage of committee examination may also be a forum for the public to present their ideas/opinions on the content of the bill.

- Step 2: committees consider and discuss specific issues of bills

In the United States, sub-committees can present their reports on bills at plenary sittings of committees. Bills are read part by part so that the committee can discuss things that need to be amended. Committee members can propose other suitable amendments.

In Sweden, the examination of a bill must be done in committee sittings. At their sittings, committees often invite experts and representatives of different organizations to give their opinions and information. These sittings are open to the public and the parliamentary media. However there are sittings in camera. At these sittings, National Assembly Deputies discuss the bill’s issues of their interest.

In Canada, committee members study each article of the bill one by one and amend the articles by themselves. Members’ opinions are then collected to make a committee report.

- Step 3: Committees vote to approve their reports on bills or vote to decide on contents of the report that the committee will submit to the House.

As usual, in countries of the parliamentary model like Canada or a mixed model like France, committees do not have the right to reject bills prepared by the government but give their opinions on the bills for the House to know and decide. In the United States however, committees have very large mandate. Committees can vote on whether to present the draft bill to the parliament or not. In case a committee vote in favor of a bill, it can present the bill to the House without any amendments or

present a report on the original bill and an amended version as a replacement of the original text, which includes all the amendments approved by the committee; or present a new text also called a “clean bill”³⁵ which include all amendments made by the committee. In this case, documents prepared during the drafting are also presented to the House so that the House can fully understand the relationship between the original text and the new one. A committee of the US House of Representatives can also suspend a draft bill permanently or take no action on the bill, thus preventing the House from taking any other action regarding that bill. However, the US legislation also provides for the “release” of the bill from the committee. At the House of Representatives, a motion to release a bill from a committee needs to have signatures of 218 members; at the Senate, this motion needs the support of the majority of members. In reality such motions rarely receive enough support³⁶. Besides, there are ways to present a bill to the House right when committee examination of the bill has not finished or when the rules relating to the committee examination have not been approved. For example, a motion to reject the examination of a committee or motion to waver the application of the House’s rules so that a bill or resolution can be

The report of the committee is often the basis for the parliament to debate and approve a bill. For example in Sweden, committee reports emphasize issues that need debating. In the United States, committee reports are considered the most valuable document for the consideration and approval of a bill. These reports are referred to by courts, government agencies and the public as a source of information on the purpose and significance of the law. Differently, in countries like Cameroon, Cuba, Denmark

³⁵ A report approved by a committee of the US House of Representatives needs to include the following issues:

- Findings and recommendations of the Committee;
- Mandatory reported issues as provided for by the 1974 Budget Act, if it is a draft bill that create a new beneficiary of the budget or increase or decrease tax revenue;
- Cost estimation and necessary comparison prepared by the Head of the Parliamentary Budget Office if the draft bill was sent to the Office before the Committee present its report;
- Reports on the main objectives and tasks, including related external influences

In addition, the report should clearly point out provisions applicable to the legislature (for bill relating to labor issues, public services or housing); the committee’s decision on whether to support or object to the bill; amendments with the name of those who voted for or against the draft bill; the committee’s assessment on arising costs for the enforcement of the bill in the current fiscal year and in the 5 coming consecutive years... Reports on draft bills approved by committees are presented to the Parliaments and sent to all the House members.

³⁶ Overview on American Administration, Chapter 4: legislation, power of the parliament (the document is available at http://vietnamese.vietnam.usembassy.gov/doc_usgovernment_iii.html)

and India, the original text is the main basis for debate while committee reports are only recommendations for amendments.

1.5. Reports on the bill at a plenary sitting

At this stage, National Assembly Deputies who are not members of the committee examining the draft bill can study the examination process of a committee and give their opinions on proposal of amendments. Normally, the parliament only considers proposals of National Assembly Deputies who are not members of the committee which examined the draft bill, National Assembly Deputies who have not taken part in the committee examination process or National Assembly Deputies whose opinions are minority in the report of the committee on the draft bill. In Britain, the House of Commons does not consider provisions and addenda which have been debated. It has the right to agree or continue amending provisions which had been amended by a standing committee. In many countries, it is provided by law that if a bill has been sent to all parliamentary committee for examination or sent to the Committee of the Whole House , the report is just to inform about the examination process. The reason for that is most of the members have already participated in the debate of the bill. In Britain, if the bill has been examined by the Committee of the Whole House and not amendments have been made, it can go to the third reading without being considered in a plenary sitting of the parliament. In Sweden, if all the members agree to pass the bill, no debate is needed during a parliamentary sitting.

In the United States, after the committee report, the Congress will consider including the draft bill in its working agenda. To speed up the examination of draft bills, the House of Representatives Standing Order provides for a mechanism called Committee of the Whole House on the State of the Union, allowing the House of Representatives to work with only 100 National Assembly Deputies present (less than the quorum of 218 members). All draft bills in the joint agenda – draft bills relating to taxation, budget allocation, expenditures outside the approved budget, and ownership first and foremost need to be examined by the joint committee.

During the debate on a bill, time is equally allocated to both sides and the presiding officer will terminate the debate right when time is up. When the examination of a bill ends, the joint committee rises and reports about the bill to the

House, including amendments approved by the committee. Then the House of Representatives resumes its work as usual and the Speaker of the House replace the chair of the Committee to preside over the sitting. The House will then examine the bill with amendments approved by the joint committee. For bills that do not need the examination by the joint committee, the House will examine it in a limited time debate (the one hour rule). This rule limits the time amount that a member can use to speak on an issue under debate to 60 minutes. This time amount can be shortened if the Speaker of the House decides that a motion is too slow.

1.6. The third reading and passage of a bill

In the third reading, the parliament has a final comprehensive review of the draft bill before passing it into law. Normally this reading takes much less time than the second reading because the main principles of the bill has already been decided by the parliament. Debate during this reading is often short and limited to only issues included in the provisions of the bill. For example in Britain, right when the conclusion after the examination in a plenary sitting is given, the bill will go to its third reading. At this reading, debate is often very brief and no amendments can be made at this time. However, in some countries, it is required that in case of any issues which needs further research, the bill will be sent back to a committee for more in-depth examination.

After consideration finishes, the parliament votes to pass the bill. The mode of voting is different in countries. In some countries like Italy, Spain, the Philippines, etc. each article of bills must be voted on. In other countries, the voting can be on one or a number of chapters. In Denmark, after a brief reading of the bill, the parliament votes on amendments and then votes on the whole text to pass it. The voting in the legislative process in many countries is just a procedure as all opinions in the parliament has already been considered and included in the bill. In countries with many different political parties in the parliament, the issue of party disciplines is always observed and manifested the most clearly during the voting to pass bills. For example in the Canadian House of Representatives, the ruling party requires all of its

members to vote to pass bills in its agenda. Opposition parties often give their organized objection to bills proposed by the government³⁷.

After being passed by the parliament, the text will be sent to the head of state or the king for assent and promulgation. In countries with a bicameral parliament, a bill will be passed on to the other chamber after it has been passed in one chamber, with a similar process. In these countries, the law also provides for resolution in case of conflicts between the two Houses. For example in Florida (United States) after a draft bill is passed by the lower house and sent to the upper house, if the upper house makes amendments to the draft, such amendments must be considered and decided by the lower house. If the lower house agrees with the amendments made by the upper house, the draft bill will be sent to the state governor for approval. In case the lower house disagrees with the amendments made by the upper house, a joint committee will be set up. Reports of a joint committee can only be approved if the majority of members of each house agree to it. If the joint committee agrees to the draft bill, both houses have to completely accept and pass the draft bill.

In Australia, when a bill is approved by the House of Representatives, it will be examined and passed by the Senate then sent back to the House in case of both amendments or no amendments made. For issues that the Senate has no right to amend under the Constitution, the Senate may ask the House to do so. The House will discuss and agree or disagree with the amendments proposed by the Senate. In case of disagreement, the two House can exchange communications to reach a consensus. In case of continued disagreement, the bill will be put aside (which means it will no longer be examined). In Canada, although the Senate has the right to reject bills of the House of Representatives, this right has rarely been used. In the United States, conflicts between the two Houses can be resolved in a joint session. In Thailand, when the senate disagrees with the House, the bill will be sent back to the House for consideration in 180 days. If the House reserves its opinions, the bill will still be approved and submitted to the king for promulgation³⁸.

2. Public hearings

³⁷ The upper house has a more flexible agenda and less rigid party disciplines than those of the lower house.

³⁸ According to the Report on the visit of the Vietnamese National Assembly Delegation headed by Vice President Nguyen Van Yeu to Thailand and Japan (March 2004).

Public hearings are sitting sessions of a committee or a sub-committee with the participation is “open”. It is often for committee members to listen to people from ministries, interest groups, local governments, and experts, etc. talking about their opinions on issues under the examination of the committee and answering questions raised by committee members.

In many countries, public hearing is a popular and useful “tool” for committees to perform their tasks. This is not a tool reserved only for legislation or oversight activities, but a tool for the work of the committee in general when its members need in-depth knowledge or opinions from stakeholders so that they can make a decision. Public hearings help National Assembly Deputies to collect information as a basis for the assessment of a bill, issues to be debated at plenary sittings and look for evidences for the examination of a bill or for issues of scrutiny. In Indonesia for example, committees can hold public hearings in service of their work. In Japan, a committee can hold a public hearing to consider issues sent to it or to conduct preliminary research. In the United States, public hearings can be organized for important draft bills so that supporters or opponents can present their opinions. They can be organized to collect information in service of investigation of the parliament when wrongdoings of organizations or individuals, including state officers are seen and need to be governed by a new bill.

2.1. Who holds public hearings

Public hearings on in-depth issues in legislation or oversight are often held by sub-committees or groups of committee members. Public hearings can be organized by standing committees, provisional committees, or special committees (such as the Research Committee of the Japanese House of Councilors³⁹).

A committee or sub-committee will decide to conduct a public hearing or not. In the United States for example, a subpoena can be decided on by a committee or sub-committee at its sitting by a supportive vote of the majority of present members or by a decision of the chair of the committee. All evidences in written form and other document of certification or confirmation need to be presented to the committee.

³⁹ The main task of this committee is to conduct research.

2.2. Contents of public hearings

In many countries, committees can hold public hearings on any issues that they deem necessary. The contents of public hearings are decided by the committees themselves. In the House of Representatives of the Philippines for example, a committee or a sub-committee can hold a public hearing on any issue provided that the issue has been made known to the public for at least three days before the hearing takes place; and that a majority of the members agree to it⁴⁰. In other countries, it is required that the issues for public hearings must be important, relating to the common interest, concerned by the public or needs opinions from experts. In this case, the hearing needs to comply with certain conditions. For example in Japan, a public hearing can only be held with the consent of the Speaker or the President of the House⁴¹. In South Korea, public hearings can only be held on issues which are important or that needs the opinions from experts. A committee needs to pass a resolution to conduct a hearing or with the proposals of at least one third of its members⁴².

Hearings are mandatory in some instances in some countries. For example when estimated annual budget and other bills that may increase revenue are considered (Japan), when investigation is needed for a legislative activity (the Philippines), when a which affects the rights and interest of citizen and relating to which the House of Representatives receives petitions from the people before the bill is sent to a committee for consideration (Malaysia).

2.3. Subjects of public hearings

The main subjects of a public hearing include civil servants, other stakeholders, and expert with in-depth knowledge about the issues under hearing. In some cases, the subjects can be special such as candidates for the posts that the Committee is considering to help the Parliament with the appointment of those people.

Those who participate in a hearing can be different in countries. In the United States for example, Cabinet members, high-ranking officers of the government and

⁴⁰. Article 25, Standing orders of the House of Representatives of the Philippines.

⁴¹. Section 78, Standing order of the Japanese House of Representatives, Section 62, Standing order of the Japanese House of Councilors.

⁴². Article 63, Law on the National Assembly of Korea.

interested individuals can take part in a hearing, giving their opinions voluntarily or as requested by a committee. In other countries, people who can speak must be those who sent motions or recommendations to the committee (Japan, Malaysia). In other countries, the committee will decide and invite who will speak at the hearing (in the Philippines for example, a House committee decides and invites people with related interest, people interested in the issues, experts, and scholars to speak at its hearing).

To deal with the fact that those invited to a hearing do not cooperate, the parliament may use the right to summon and ask for the mandatory participation of those who have information relating to the hearing and require these people to provide information and documents necessary for the work of a parliamentary committee.

2.4. Procedures for a public hearing

In general, the procedures for public hearing is simple compared to those for committee sittings as the purpose of a hearing is to listen to and obtain information from those invited to speak at the hearing, not to make a decision. In the House of Councilors of Japan for example, it is stipulated by law that the committee does not debate or vote in a hearing. In the Senate of the Philippines, the quorum for a sitting of a committee to take place is one third of its members. For a hearing however, the committee can decide a smaller number of members. In some cases, only two to three committee members are enough for a hearing. In some other countries, a hearing is considered a sitting of the committee, so the procedures are not much different (South Korea for instance).

For a hearing, the procedures are designed so as to create maximal opportunities for committee members to listen to opinions of stakeholders. In the United States, each committee members can ask each witness in five minutes. Besides, a committee can make its own rule or pass a proposal allowing its members to ask a witness in a certain amount of time of no more than one hour. Specialized staff of the committee can also ask a witness in a maximal time amount of no more than one hour. In Japan, it is stipulated by law that in a hearing, the chair needs to ensure that supportive and opponent opinions must be given one after the other. In this country, only committee members can ask those who are invited to the hearing. Invitees to a hearing cannot raise questions to National Assembly Deputies. If a speaker go beyond the issues

under hearing or has unsuitable language or behaviors, the chair person can stop the speaker and ask him or her to leave the sitting room. In some countries, the parliament requires that invitees to a hearing to speak have to be sworn-in (the Philippines).

Normally, a hearing is *ex officio* considered open to the public unless otherwise decided by the committee. Information on the contents, time, and venue of a hearing is often made widely available so that the hearing can mobilize a broad participation of stakeholders. Being open is an outstanding characteristic of a hearing to ensure the objective of listening to the public on issues of the national importance, helping the public to get access to the process of appraisal and oversight of policies at parliamentary committees, thus creating consensus for a bill or an oversight activity. In the United States for example, the chair persons of committees (except for the Committee on Rules) have to publicly announce the time, venue and main contents of hearings at least one week before the start of the hearings, except for cases when the chair person and the head of the minority of the committee agree or when the committee vote for a hearing to start earlier. The announcements are available in the latest proceedings of the parliament, in the news column and often covered by the media. In South Korea, a hearing must be announced to the public 5 days before it starts. Hearings are open unless the Committee decides to have part or all of the hearing *in camera*. In the Pilipino House of Representatives, a committee hearing must be made known to the public at least 3 days before it starts. The public can attend the hearing as observers if they have registered. The hearing can be broadcast on radio or television channels. Some parliaments moreover allow for hearings to be held outside the premise of the parliament house to make it close to the public. The venue of the hearing must be announced to the public (the Senate of the United States for instance).

Only in particular cases are hearings held *in camera*. In the United States for example, part of the hearing or all of the remainder of the hearing to be held the next day will be held *in camera* if most of the committee or sub-committee members vote to have it *in camera* because the presentation of evidences, witnesses or other issues may threaten national security; affect the enforcement of some sensitive legal provisions; violate the law or the parliament's own rules. The Committee on Budget Allocation,

Committee on Armed Forces, Committee on Intelligence and their sub-committees can vote to decide holding sittings in camera as long as 5 consecutive days.

What happens in a hearing is often written in minutes. In the Pilipino Senate for example, minutes must be made in all open or in camera hearings. The minutes must include fully and exactly all speaking and developments of the hearing. Participants in a hearing can access the minutes with the help of the secretary of the committee. In Japan, minutes of both Houses' hearings are available on the website of the respective House. In the United States, minutes of hearings are kept at the Committee Office for later investigation or examination. They are also printed and disseminated widely.

Outcomes of hearings are often used in the official reports of the committee presented to the parliament on issues assigned to the committee, for example the examination of a bill or consideration of a certain issue.

3. The Investigation Committee's process and procedures for investigation

In some countries of the presidential republic, under the law, the parliament can set up investigation committees to collect information and report to the parliament. In these countries, the investigation committee represents the powerful right of oversight of the legislative over the executive⁴³. Based on the investigation of the committee, the parliament can hold a debate and make oversight conclusions if necessary.

The procedures for setting up an investigation committee is often very simple. Based on proposals from National Assembly Deputies, the parliament votes to set up an investigation committee, appoint its members, elect the committee chair person (normally member of the party that enjoys the majority in the parliament), and decide on the budget for the committee. In the United States, investigations can be conducted by standing committees within their mandates. Besides, an investigation committee can be set up following special procedures. Each House can set up its own investigation committee or both houses together set up an investigation committee with membership including not only National Assembly Deputies but also prestigious experts.

⁴³ In countries of parliamentary model, investigation committees are rarely set up because the government is formed from the party that enjoys the majority in the parliament. Therefore, the parliament understand well operation of the government without the need to conduct investigation activities.

The issues of investigation are often identified right at the beginning of the committee establishment. Normally, investigations are conducted to collect information on the necessity of future legal documents, appraise the effectiveness of the laws already in place, and understand the integrity and actions of officers of other branches. In a few cases, the investigation becomes a basis for an indictment process.

In experience of some parliaments, in order for an investigation to be effective, investigation committees are given broad mandate including access to documents of state agencies, organization of hearings to ask witnesses, collection of opinions of experts, specialists and officers of executive agencies, among which hearings are of great importance. Normally committees rely on outside experts during its investigative hearings and conduct specific research on each issue. In the United States, during an investigation, a committee can compel a witness to give confirmation, can bring witnesses who rejected to give testimony or who gave untrue evidences to a court for their defiance of the parliament. After investigation, the committee send a report to the parliament so that the parliament can make a decision. In addition, in the United States, committees can make known their investigations and results of these investigations. Therefore in this country parliamentary investigations are an important tool available to legislators to disseminate information to the public and draw public interest in national issues.

4. Process and procedures for the vote of confidence or no confidence of the government and its members

The process for the vote of confidence or no confidence of the government and its members mostly exists in countries where the government is formed by the parliament for the government is accountable for its operation before the parliament.

- Vote of confidence

A vote of confidence of the government happens when the government proposes the issue before the parliament to know the level of confidence of the parliament on it or to place pressure on the parliament to consider and pass a policy or a bill. A negative outcome of the vote in the parliament may result in a collective resignation of the government. For example in 1990, the Swedish Prime Minister put

forth a “package proposal” before the parliament and stated that if the parliament did not pass it, the government would resign without waiting for a vote of no confidence. The parliament did not pass the proposal and the government then resigned⁴⁴.

In many countries, the right to propose a vote of confidence is often given to the head of the government. In Slovenia for example, the Prime Minister can send a written request to the Speaker of the parliament, asking for a vote of confidence. The vote will take place no sooner than 48 hours and no later than 7 working days after the request is sent. The Prime Minister can attach a vote of confidence with the passage of a bill. It means the opinion of the parliament on the bill (agree or disagree) means its opinion on the government (confidence or no confidence). In this case, the Prime Minister will put forth the issue of confidence vote before when the parliament votes on the bill. There will not be a separate vote of confidence, but the outcome of the vote on the bill is the very outcome of the vote of confidence. If the parliament votes in favor of the bill, the vote of confidence will be considered done. Conversely if the parliament votes against the bill, it means the vote of confidence is unsuccessful. In this case, the state president, groups of parties or at least 10 National Assembly Deputies can propose a candidate for the post of Prime Minister within 7 days. In Russia, the Federal Prime Minister can proactively put forth the issue of confidence vote before the National Dumas when he or she deems reasonable. The Prime Minister’s request for a vote of confidence must be disseminated to members of the National Dumas. In case the Prime Minister proposes a vote of confidence when National Dumas members are considering conducting a vote of no confidence, the members’ proposal of a vote of no confidence will take priority. If the National Dumas passes a vote of no confidence, but the President rejects Dumas’s decision, the Prime Minister’s proposal will be considered 3 months after it is submitted.

A vote of confidence is a fairly effective way to place pressure on the parliament, especially when the collective resignation of the government entails the dissolution of the parliament and a new election to the parliament will be needed. However this is also a big risk to the government, because without the confidence of

⁴⁴ Minh Thy, *Two forms of casting vote of no-confidence*, available at <http://daibieunhandan.vn/default.aspx?tabid=77&NewsId=95969>

the parliament, the government will have many difficulties or even will not be able to implement the policies that it is pursuing. Moreover, if the parliament is dissolved and a new parliament is elected, it does not ensure that the government can enjoy the majority in the new parliament. Therefore governments only use this tool when they are sure of their chance of success at the time of the vote.

- Vote of no confidence

A vote of no confidence on the government or its member represents the disagreement of the parliament with a policy or concrete actions of the government or its members. If a vote of no confidence is successful, it can result in the resignation of the government and its members or the dissolution of the parliament. In countries with a bicameral parliament, the right to conduct a vote of no confidence is often vested in the lower house, because the lower house is elected by the people, it directly represents the people. The government in the parliamentary system furthermore is often formed by the party that enjoy the majority in the lower house, not the upper house.

A proposal for a vote of no confidence is often put forth after an oversight activity is finished and the parliament sees that the government is not confident enough to perform its tasks. However to ensure the stability of the government, it is stipulated by law that a vote of no confidence must be proposed by a number of National Assembly Deputies and it must follow solid procedures. In Russia for example, Dumas can conduct a vote of no confidence on the government when at least one fifth of its members propose to do so. Such proposal when sent to the National Dumas must be accompanied by a draft resolution, the list and signatures of the National Assembly Deputies who put forth the proposal. Dumas has to take care of the proposal within one week since when the proposal is put forth. In Japan, a proposal for a vote of no confidence on the government, including the reasons to do so, must be submitted in written form with signatures of at least 50 supportive National Assembly Deputies. In the Slovenian Parliament, after the question time relating to the operation of the government or actions of a minister ends, at least 10 National Assembly Deputies can request of no confidence on the government or the minister. The request for a vote of no confidence after the question time is always given priority to be voted

on before the assessment of the answers given by the government during the question time.

Besides, to avoid government crises due to the fact that it may take a long time for the parliament to form a new government, the law in some countries requires a “constructive vote of no confidence”. It means the parliament not only conduct a vote of no confidence but also needs to identify the head of the new government. Only with that can the result of a vote of no confidence can be recognized. In Germany for instance, Bundestag (the lower house) can only show its non-confidence in the Federal Prime Minister by electing a successor and requests the State President to dismiss the incumbent Prime Minister. The President must do so and appoint a new Prime Minister⁴⁵. In Slovenia, when conducting a vote of no confidence on the government, National Assembly Deputies who propose such a vote need to propose a candidate for the post of Prime Minister of the new government. Only with that can a vote of no confidence be conducted⁴⁶.

In some cases, the parliament do not need to put forth the issue of no confidence vote, but it can show its non-confidence by not passing a special proposal of the government. According to article 50 of the French Constitution “when the National Assembly accept a proposal of reprimand or when it does not accept the general policy of the government, the Prime Minister has to send a request of resignation to the President”.

In terms of procedure, when a proposal for a vote of no confidence is put before the parliament, the vote will not take place immediately but the Prime Minister and ministers in the government still have opportunity to report, argue or criticize. Such discussion can take several days. A proposal for a vote of no confidence may not be realized if there is a change in the number of supportive members during the discussion. In Russia for example, the Prime Minister or one of the Deputy Prime Ministers can speak before Dumas on the proposal for a vote of no confidence. During the debate, the Prime Minister and other government members can speak to provide

⁴⁵ Article 67 of the German Basic Law.

⁴⁶ Hoai Thu, *Casting vote of no-confidence in Slovenia parliament: questioning is the basis to recommend casting vote of no-confidence*, available at <http://daibieunhandan.vn/default.aspx?tabid=132&ItemId=95967&GroupId=1013>

more information, but in no more than 3 minutes. Members of the National Dumas raise questions to the Prime Minister and other government members, showing their support or objection to the proposal. At the sitting on this issue, if the National Assembly Deputies who proposed the vote decide to withdraw from the list of proposers and thus the number of MP proposers becomes less than one fifth of the total number of the National Dumas members, the issue of a vote of no confidence will be taken out of the working agenda of the National Dumas without a vote on it. The debate ends when a proposal to end it is voted for by a majority of members.

Normally, a resolution of no confidence is passed when a majority (absolute or relative majority) of members vote for it. Besides, due to the importance of the no confidence vote issue, in some countries, it is required that the result of the vote of no confidence must be recognized by a certain number of National Assembly Deputies to become effective. In Sweden for example, the parliament can declare that a minister does not receive confidence of the parliament when more than half the number of members agrees to that. The result of this vote must be recognized by at least one tenth of the members who agree to it so that the vote can be recognized. At that time, the minister will be dismissed. If the declaration of no confidence is about the Prime Minister, the whole government will be dismissed⁴⁷. In Russia, a resolution of no confidence will be passed by a majority of Dumas members. In case the State President does not agree with Dumas's decision, and within 3 months, Dumas once again show its non-confidence in the government, the President must either dismiss the government or dissolve Dumas⁴⁸. In Slovenia, when the government does not receive the confidence of the parliament, the State President may request a vote of confidence again but only once. If the first vote of confidence is attached with a bill, the second vote cannot be attached with the bill. In case of a vote of no confidence or an unsuccessful vote of confidence, the Prime Minister must communicate in written form his or her resignation or that of a minister.

5. Process and procedures for formulating a working agenda

⁴⁷ Le Anh, *Oversight tools of Swedish National Assembly Deputies*, available at the website of the Training Center for Elected Representatives

<http://ttbd.gov.vn/Home/Default.aspx?portalid=52&tabid=108&catid=434&distid=2683>

⁴⁸ Le Anh, *Process on the vote of no-confidence in Duma*, available at the website of the Training Center for Elected Representatives <http://ttbd.gov.vn/Home/Default.aspx?portalid=52&tabid=108&catid=434&distid=2052>

The agenda of parliaments in the world is often not for a long time but for one day or one week, because the National Assembly Deputies work full time and the communication is very easy. Such agenda formulation can also create flexibility for the operation of the parliament. Moreover the concept of agenda is not rigid and it may include different type of parliamentary agenda. In Britain for example, in addition to a general agenda, the parliament has specific schedules for each stage of a bill consideration. These schedules are formulated by a committee called Agenda Committee (including a chair person and maximum 8 members appointed by the Speakers of the House of Commons) by dividing the bill into different parts and allocating a suitable amount of time for the consideration of each part. The work of the Agenda Committee is limited to two hours. The parliament can discuss the decision of the Agenda Committee in 45 minutes. If the parliament agrees to it, the decision of the Agenda Committee will become effective and it is inserted to the working agenda of the House of Commons⁴⁹. In the United States the House of Representatives has 5 different types of agenda (schedules), which are:

- Union Calendar: this is the schedule for the work of the House in the form of sittings of the Committee of the Whole House to consider public draft bills⁵⁰, public resolutions relating to the increase in the state budget, taxation or other contribution of the people, budget allocation, the use of public assets, the use of budget outside the allocated budget, waiver of legal financial obligations, the assets of the United States or referrals to the Court of Claims.

- House Calendar: is the schedule for consideration of all public draft bills and draft resolutions which does not belong to the Union Calendar⁵¹. For example bills which are not related to government expenditures, resolutions on special standing orders.

⁴⁹ Reference document of legislative process of some countries provided by the UNDP Vietnam Office, translated by the Board of Legislative Affairs of the National Assembly Standing Committee, p. 46-47.

⁵⁰ A public draft bill is one that have general effects on the society.

⁵¹ Draft bills in this Calendar are mostly draft bills on administrative issues or procedural issues without a direct financial effects.

- Private Calendar: is the schedule for the consideration of all private draft bills and draft resolution⁵². All draft bills reported by committees to the House are arranged in this Calendar. The consideration of private issues often takes place on the first and the third Tuesdays of the month.

- Correction Calendar: is the schedule for a quick consideration of draft bills with a narrow scope without many controversial issues and often agreed upon by the two parties to amend specific legal documents of the country or government regulations or court decisions. On Mondays, Tuesdays and Wednesdays of the month, the Speaker of the House of Representatives request the Clerk General to submit draft bills in the Correction Calendar for the consideration of the House.

- Calendar of Motion to Discharge Committees: These calendars are collected in a publication printed everyday during the sittings of the House of Representatives.

In Japan, the speaker of the house has full right to decide on the agenda. In South Korea, the President of the National Assembly decides on the agenda in consultation with the Presidium of the National Assembly. In case of disagreement between the President and the Presidium, the President's decisions will be final. In France, the agenda is decided in the sitting of chairpersons (the President, chairpersons of standing committees, rapporteurs of the Committee on Finance, Planning and Economics, Head of the Delegation to the European Parliament and president of the party groups in the parliament).

As usual, the agenda is decided at the end of a sitting or of a week (Friday or Saturday). An agenda can be made for the following sitting or the following weeks. In a plenary sitting, if a National Assembly Deputies put forth a proposal for amending the agenda, this proposal will be immediately voted on without any further debate.

In some countries, it is required that projects of the government are given priority when an agenda is formulated. In France for example, the agenda is decided on by the parliament but government proposals are given priority.

⁵² Private draft bills are those that affect a specific individual or a separate legal person, for example draft bills on migration, citizenship, etc.

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