
Name: Decree No. 18-CP Regulating Collective Labour Agreements.
Agency: Government.
Date: December 26, 1992.
Details:

A collective labour agreement is a written document executed between the representative of a group of workers and their employer. The agreement concerns the rights, obligations and responsibilities of the parties involved.

Enterprises with foreign capital investment must submit a collective labour agreement to the Ministry of Labour bureau at the provincial or city level. Such agreements must be written on an equal, overt and negotiated basis.

Note that the Decree also includes guidelines on the implementation of collective agreements, dispute resolution and breach of agreement provisions.

1.7 Land Use

Name: Law on Land.
Agency: National Assembly.
Date: July 14, 1993.
Details:

The 1993 Law on Land replaces its 1987 predecessor as the principle piece of legislation to regulate all types of land use in Vietnam. Unfortunately, foreign investors may have difficulty understanding the Law for two reasons. First, it is not written specifically for foreign investors, and does not address several issues important to investors. Second, the Government has not, as of December 1993, released final sets of detailed regulations to implement the Law. Without detailed regulations, it is difficult for foreigners to determine *exactly* their rights and obligations. This uncertainty is exacerbated by the well-meaning but confusing interpretations of the Law given by different experts.

The 1993 Law on Land is divided into seven chapters. Chapter 1 states that all land in Vietnam is owned by the people and administered exclusively by the State. Individuals cannot own land, but can acquire land use rights. Enterprises with foreign invested capital can lease land use rights.

Chapter 2 of the Law deals with the State's administration of land. In general, the People's Committees are responsible for all administration of land within the various localities. Administrative functions include zoning, allocation of land use rights, inspection to ensure compliance with rules, and the resolution of land disputes. As regards land disputes, it is important to note that the Law sends certain types of disputes to the Courts.

Chapter 3 identifies six categories of land - forests, agricultural, residential rural, urban, specialized and unused - and particular rules that apply to each type.

Chapters 4 and 5 are quite important to investors. Chapter 4 lists, in general terms, the rights and obligations of all land users, including foreign invested enterprises. Key rights include the right to transfer land use rights under certain circumstances, and the right to be indemnified for actual losses incurred in the event that the State repossesses the land. The right to mortgage land use rights is afforded to Vietnamese households and individuals, but is not extended to foreign investors. Obligations include the obligation to pay tax, to use the land in accordance with its intended purpose, to pay previous users for reallocated land, and to comply with environmental regulations.

Chapter 5 is devoted entirely to foreign investors. It tells investors that any land rented to foreign invested enterprises must be accounted for and approved in the enterprise's feasibility study, which is formulated under the