

**MINISTRY OF
HOME AFFAIRS**

**SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

No.: **4197** /QD-BNV

Hanoi, November 23, 2016

DECISION
Approving the Charter (amended and supplemented)
of the Vietnam Cashew Association

THE MINISTER OF HOME AFFAIRS

Pursuant to Decree No. 102/SL-L004 dated May 20, 1957, promulgating the Law on the right to establish associations;

Pursuant to Decree No. 58/2014/ND-CP dated June 16, 2014, of the Government defining the functions, tasks, powers, and organizational structure of the Ministry of Home Affairs;

Pursuant to Decree No. 45/2010/ND-CP dated April 21, 2010, of the Government on the organization, operation, and management of associations; Decree No. 33/2012/ND-CP dated April 13, 2012, of the Government amending and supplementing some articles of Decree No. 45/2010/ND-CP;

At the request of the President of the Vietnam Cashew Association and the Director of the Department of Non-Governmental Organizations Affairs,

DECIDES:

Article 1. To approve the Charter (amended and supplemented) of the Vietnam Cashew Association adopted by the IX National Delegate Congress (2016 - 2020) of the Association on July 1, 2016.

Article 2. This Decision takes effect from the date of signing.

Article 3. The President of the Vietnam Cashew Association, the Director of the Department of Non-Governmental Organizations Affairs, and the Chief of the Office of the Ministry of Home Affairs are responsible for implementing this Decision./.

Addressees:

- As Article 3;
- The Minister (to report);
- Deputy Minister Tran Anh Tuan;
- Ministry of Agriculture & Rural Development;
- Ministry of Public Security, C64;
- File w/ Archives, Dept. for NGO Affairs, M.

**FOR THE MINISTER
DEPUTY MINISTER**

(Signed and sealed)

Tran Anh Tuan

**CHARTER (AMENDED AND SUPPLEMENTED)
THE VIETNAM CASHEW ASSOCIATION**

*(Approved in conjunction with Decision No.: 4197/QĐ-BNV dated November 23, 2016,
of the Minister of Home Affairs)*

**Chapter I
GENERAL PROVISIONS**

Article 1. Name and Logo

1. Vietnamese name: Hiệp hội Điều Việt Nam
2. English name: Vietnam Cashew Association.
3. English abbreviation: VINACAS.
4. Logo: The Vietnam Cashew Association has its own logo, which is registered for copyright in accordance with the law.

Article 2. Principles and Purposes

The Vietnam Cashew Association (hereinafter referred to as the Association) is a socio-professional organization of organizations from all economic sectors and individuals involved in growing, processing, consuming, and trading cashews and products or services related to the cashew tree, established voluntarily for the purpose of gathering and uniting members, protecting the legal rights and interests of members, and supporting each other's effective operations, contributing to the socio-economic development of the country.

Article 3. Legal Status and Headquarters

1. The Association has the status of a legal entity, its own seal, and its own bank account; it operates in accordance with Vietnamese law and the Charter of the Association approved by the Minister of Home Affairs.
2. The headquarters of the Association is located in Ho Chi Minh City, Vietnam.

Article 4. Scope and Field of Activity

1. The Association operates nationwide in the field of cultivation, processing, consumption, and trading of cashew nuts and products and services related to cashew trees.

2. The Association is under the state management of the Ministry of Home Affairs, the Ministry of Agriculture and Rural Development, and other Ministries and branches related to the Association's field of activity in accordance with the law.

Article 5. Principles of Organization and Operation

1. Voluntary, self-governing.
2. Democratic, equal, public, and transparent.
3. Self-financing for operational expenses.
4. Not for profit.
5. Complying with the Constitution, the law, and the Association's Charter.

Chapter II POWERS AND TASKS

Article 6. Powers

1. To promote the purposes and objectives of the Association's activities.
2. To represent members in internal and external relations related to the functions and tasks of the Association.
3. To protect the lawful and legitimate rights and interests of members in accordance with the Association's purposes and objectives and the provisions of law.
4. To participate in programs, projects, research topics, consultancy, scientific review/ criticism, and social evaluation at the request of state agencies; to provide public services on issues within the Association's field of activity, organize vocational training and skills transfer in accordance with the law.
5. To comment on legal documents related to the content of the Association's activities in accordance with the law. To make recommendations to competent state agencies on issues related to the development of the Association and the field in which the Association operates. To organize training and retraining, other service activities as prescribed by law, and be granted practice certificates when fully qualified as prescribed by law.

6. To coordinate with relevant agencies and organizations to perform the Association's tasks.

7. To establish legal entities under the Association in accordance with the law.

8. To raise funds for the Association on the basis of membership fees and revenues from business and service activities in accordance with the law to self-cover operational costs.

9. To receive legal sponsorships from domestic and foreign organizations and individuals in accordance with the law. To receive State financial support for activities associated with tasks assigned by the State.

10. To join corresponding international organizations and sign and implement international agreements in accordance with the law and report to the Ministry of Home Affairs, Ministry of Foreign Affairs, and Ministry of Agriculture and Rural Development.

11. To exercise other powers as prescribed by law.

Article 7. Tasks

1. To comply with legal regulations related to the organization and operation of the Association. To organize and operate according to the Charter approved by the Ministry of Home Affairs. Not to abuse the Association's activities to harm national security, social order, ethics, fine customs, traditions, or legal rights and interests of individuals and organizations.

2. To gather and unite members; organize and coordinate activities between members for the common interest of the Association; strictly follow the Association's principles and purposes to participate in developing fields related to the Association's activities, contributing to building and developing the country.

3. To disseminate and foster knowledge for members, guide members to comply with laws, regimes, and policies of the State and the Charter, regulations, and rules of the Association.

4. To represent members in participating and recommending to competent agencies about guidelines and policies related to the Association's field of activity as prescribed by law.

5. To mediate/ conciliate disputes and settle complaints and reports within the Association in accordance with the law.

6. To build and issue rules of professional ethics in the Association's activities.

7. To manage and use the Association's funding sources in accordance with the law.

8. To perform other tasks when requested by competent authorities.

Chapter III MEMBERS

Article 8. Members and Member Standards

1. Members of the Association include official members, associate members, and honorary members:

a) Official members: Vietnamese citizens and organizations operating in the field of cultivation, processing, consumption, trading of cashew nuts and related products and services, meeting the standards in Clause 2 of this Article, endorsing the Charter, and voluntarily joining.

b) Associate members: Joint ventures or 100% foreign-owned enterprises operating in Vietnam that endorse the Charter and voluntarily apply for membership, to be considered by the Executive Board.

c) Honorary members: Vietnamese organizations and individuals with significant contributions to the Association who endorse the Charter and agree to be considered by the Executive Board.

2. Standards for official members:

a) Endorse the Association's Charter;

b) Voluntarily apply to join the Association;

c) Have a sense of building the Association's development and participate enthusiastically;

d) Pay annual membership fees fully and on time.

3. The Association encourages local cashew associations/ clubs in provinces/ cities of Vietnam established legally to participate. Upon joining, they have the same rights and obligations as official members.

Article 9. Rights of Members

1. To be protected by the Association for lawful rights and interests.

2. To be provided with information related to the Association's field and participate in its activities.

3. To discuss and decide on Association policies; to make recommendations (policy advocacy) to competent authorities.

4. To attend Congresses, run for office, nominate, and vote for leadership positions and the Inspection Committee.

5. To introduce new members.

6. To be rewarded according to Association regulations.

7. To be issued a membership card.

8. To leave the Association when deemed unable to continue.

9. Associate and honorary members enjoy the same rights/obligations as official members, except for the right to vote on Association matters or run/nominate/vote for leadership/Inspection Committee.

Article 10. Obligations of Members

1. Strictly comply with the Party guidelines, State laws, and Association Charter/regulations.

2. Participate in activities; unite and cooperate with other members to build a strong Association.

3. Protect the Association's reputation; do not act on behalf of the Association in transactions unless assigned in writing by leadership.

4. Implement information and reporting regimes as regulated.

5. Pay annual membership fees fully and on time.

Article 11. Procedures for Admission and Withdrawal

1. Admission:

a) Organizations/individuals stipulated at Point A, Clause 1, Article 8 of this Charter must submit an application (Association form) to the Executive Board;

b) The Executive Board has the authority to admit new members.

2. **Withdrawal:** Members must submit an application to the Executive Board to be removed from the list.

The Executive Board considers expelling members who act against the Charter/resolutions or do not participate for 2 (two) consecutive years. The Executive Committee of the Association shall specify the content, order, and procedures for expelling members from the Association.

3. **Termination of Status:**

a) Membership is terminated if:

- Serious violation of the Charter/resolutions/regulations (by Executive Board decision).

- Operation suspended by court or competent authority.

- Dissolution or bankruptcy.

- Failure to pay fees for 1 (one) year without reason.

- Failure to attend 2 (two) consecutive annual conferences without reason.

b) Terminated members can appeal to the Congress; its decision is final.

Chapter IV ORGANIZATION AND OPERATION

Article 12. Organizational Structure

1. Congress.

2. Executive Board.

3. Standing Committee.

4. Inspection Committee.

5. Office and specialized departments.

6. Affiliated organizations established by law.

Article 13. Congress

1. The highest leading body is the termly Congress (every 5 (five) years) or extraordinary Congress. An extraordinary Congress is called if at least 2/3 (two thirds) of the Executive Board or at least 1/2 (one half) of official members request it.

2. The Congress may be held as a Plenary or Delegate Congress. Valid if over 1/2 (one half) of official members/delegates are present.

3. Tasks:

a) Approve term review reports and future directions;

b) Approve Charter changes; renaming, splitting, separating, merging, consolidating, or dissolving the association (if any)

c) Discuss and review financial reports and operation report of the Executive Board;

d) Elect the Executive Board and Inspection Committee.

đ) Other contents (if any)

e) Approve the Congress resolution.

4. Voting principles at the Congress:

a) The Congress can vote by show of hands or secret ballot. The regulation on the form of voting is decided by the Congress;

b) The voting to approve the decisions of the Congress must be agreed upon by more than 1/2 (one half) of the official delegates present at the Congress.

Article 14. Association's Executive Board

1. The Association's Executive Board is elected by the Congress from among the official members of the Association. The quantity, structure, and standards of Executive Board members are decided by the Congress. The term of the Executive Board coincides with the Congress term.

2. Tasks and powers of the Executive Board:

a) Organize the implementation of Congress resolutions, the Association Charter, and lead all activities of the Association between two Congresses;

b) Prepare and decide to convene the Congress;

c) Decide on the Association's annual work programs and plans;

d) Decide on the organizational structure of the Association. Issue the Operating Regulations of the Executive Board and the Standing Committee; Regulations on the management and use of finances and assets of the Association; Regulations on the management and use of the Association's seal; Regulations on rewards and discipline; internal Association regulations in accordance with the provisions of the Association Charter and legal regulations;

d) Elect and dismiss the President, Vice Presidents, members of the Standing Committee, and elect additional members to the Executive Board and Inspection Committee. The number of additional Executive Board members elected must not exceed 1/3 (one third) of the number of Executive Board members decided by the Congress.

3. Operating principles of the Executive Board:

a) The Executive Board operates according to the Regulations of the Executive Board, complying with the provisions of law and the Association Charter;

b) The Executive Board meets 04 (four) times each year, and can meet extraordinarily when required by the Standing Committee, or required by more than 1/2 (one half) of the total number of Executive Board members;

c) Meetings of the Executive Board are valid when more than 1/2 (one half) of the Executive Board members participate. The Executive Board can vote by show of hands or secret ballot. The regulation of the form of voting is decided by the Executive Board;

d) Resolutions and decisions of the Executive Board are approved when more than 1/2 (one half) of the total number of Executive Board members present at the meeting vote in favor.

Article 15. Association Standing Committee

The Association's Standing Committee is elected by the Executive Board from among the Executive Board members; the Association's Standing Committee includes: the President, Vice Presidents, and members. The quantity, structure, and standards of Standing Committee members are decided by the Executive Board. The term of the Standing Committee coincides with the Congress term.

2. Tasks and powers of the Standing Committee:

a) Assist the Executive Board to implement Congress resolutions and the Association Charter; organize the implementation of resolutions and decisions of the Executive Board; lead Association activities between two Executive Board meetings;

b) Prepare content and decide to convene Executive Board meetings;

c) Decide to establish organizations and units under the Association according to the Executive Board's resolutions; specify functions, tasks, powers, and organizational structure; decide to appoint and dismiss leaders of organizations and units under the Association.

3. Operating principles of the Standing Committee:

a) The Standing Committee operates according to the Regulations issued by the Executive Board, complying with the provisions of law and the Association Charter;

b) The Standing Committee meets 01 (one) time each month, and can meet extraordinarily when required by the Association President, or required by more than 1/2 (one half) of the total number of Standing Committee members;

c) Meetings of the Standing Committee are valid when more than 1/2 (one half) of the Standing Committee members participate. The Standing Committee can vote by show of hands or secret ballot; the regulation of the form of voting is decided by the Standing Committee;

d) Resolutions and decisions of the Standing Committee are approved when more than 1/2 (one half) of the total number of Standing Committee members present at the meeting vote in favor.

Article 16. Association's Inspection Committee

1. The Association Inspection Committee includes a Head, a Deputy Head, and some members elected by the Congress. The quantity, structure, and standards of Inspection Committee members are decided by the Congress. The term of the Inspection Committee coincides with the Congress term.

2. Tasks and powers of the Inspection Committee:

a) Inspect and supervise the implementation of the Association's Charter, Congress resolutions; resolutions and decisions of the Executive Board, the Standing Committee, and Association regulations in the activities of organizations, units directly under the Association, and members;

b) Consider and resolve applications, letters of recommendation, complaints, and reports of organizations, members, and citizens sent to the Association.

3. Operating principles of the Inspection Committee: The Inspection Committee operates according to the regulations of the Inspection Committee, complying with the provisions of law and the Association Charter.

Article 17. Association President, Vice President

1. The Association's President is the legal representative of the Association before the law, responsible before the law for all activities of the Association. The Association President is elected by the Executive Board from among the members of the Association's Standing Committee. Standards for the Association's President are regulated by the Association Executive Board.

2. Tasks and powers of the Association President:

a) Perform tasks and powers according to the Operating Regulations of the Association Executive Board and Standing Committee;

b) Be fully responsible before the competent authority that allowed the establishment of the Association, the state management agency for the main field of activity of the Association, and before the Association's Executive Board and Standing Committee for all activities of the Association. Direct and manage all Association activities according to the provisions of the Association Charter; Congress resolutions; resolutions and decisions of the Association Executive Board and Standing Committee;

c) Preside over Executive Board sessions; direct the preparation, convene, and preside over Standing Committee meetings;

d) On behalf of the Executive Board and Standing Committee, sign Association documents;

đ) When the Association President is absent, the direction and management of Association work is delegated to an Association's Vice President.

3. The Association Vice President is elected by the Executive Board from among the Association Standing Committee members. Standards for the Association Vice President are regulated by the Association Executive Board.

The Vice President assists the Association President in directing and managing Association work according to the assignment of the Association President; is responsible to the Association President and before the law for the field of work assigned or delegated by the Association President. The Association Vice President performs tasks and powers according to the Operating Regulations of the Executive Board and Standing Committee in accordance with the Association Charter and legal regulations.

Article 18. Secretary General

1. The Association Secretary General is responsible to the President, Standing Committee, and Association Executive Board for managing the Association's daily activities. The Secretary General is elected by the Association Executive Board from among the members of the Association Executive Board.

2. Develop operating and management regulations for the Office and the Member Affairs Board according to the provisions of the Association Charter.

3. Manage the finances, assets, and records of the Association according to regulations.

4. Periodically report to the Executive Board and Standing Committee on the Association's activities.

5. Prepare annual reports and term reports of the Executive Board and Association Standing Committee.

Chapter V

DIVISION, SEPARATION; MERGER; CONSOLIDATION; NAME CHANGE AND DISSOLUTION

Article 19. Division, separation; merger; consolidation, name change and dissolution of the Association

The division, separation; merger; consolidation; name change and dissolution of the Association are carried out according to the provisions of the Civil Code, legal regulations on associations, Congress resolutions, and relevant legal regulations.

Chapter VI

FINANCES AND ASSETS

Article 20. Finances, assets of the Association

1. Association finances:

a) Revenue sources of the Association:

- Admission fee to join the Association, annual membership fees of members;
- Revenue from Association activities according to the provisions of law;
- Sponsorship funds, support from domestic and foreign organizations and individuals according to the provisions of law;
- State support associated with assigned tasks (if any);
- Other legal revenue sources;

b) Association expenditures:

- Expenditure for activities to perform the Association's tasks;
- Expenditure for office rental, purchasing work facilities;
- Expenditure for implementing regimes and policies for people working at the Association according to the regulations of the Association's Executive Board in accordance with legal regulations;
- Expenditure for rewards and other expenditures according to the regulations of the Executive Board.

2. Association assets: Association assets include headquarters, equipment, and means of transport for the Association's activities. The Association's assets are formed from the Association's funding sources; contributed, donated, or gifted by organizations and individuals at home and abroad according to the provisions of law; supported by the State (if any).

Article 21. Management and use of the Association's finances and assets

1. Association finances and assets are only used for the Association's activities.
2. Association finances and assets upon division, separation; merger; consolidation and dissolution are resolved according to legal regulations.
3. The Association Executive Board issues Regulations for the management and use of the Association's finances and assets, ensuring the principles of transparency, accountability, and efficiency in accordance with legal regulations and the Association's principles and operational purposes.

Chapter VII REWARDS, DISCIPLINE

Article 22. Rewards

1. Organizations and units under the Association and members with outstanding achievements are rewarded by the Association or proposed by the Association to competent agencies, organizations for rewards according to legal regulations.
2. The Association Executive Board specifies the specific forms, authority, and procedures for rewards within the Association according to legal regulations and the Association Charter.

Article 23. Discipline

1. Organizations and units under the Association and members who violate the law or violate the Charter, regulations, and operating rules of the Association shall be considered and disciplined in the form of:

- a) Written reprimand;
- b) Written warning;
- c) Expulsion from the Association.

2. The Association Executive Board specifies the authority, sequence, and procedures for considering discipline within the Association according to legal regulations and the Association Charter.

Chapter VIII PROVISIONS FOR IMPLEMENTATION

Article 24. Amendment, supplementation of the Association Charter

Only the Congress of the Vietnam Cashew Association has the right to amend and supplement this Charter. The amendment and supplementation of the Association Charter must be approved by more than 1/2 (one half) of the official delegates present at the Congress.

Article 25. Effectiveness for implementation

1. The Charter (amended, supplemented) of the Vietnam Cashew Association, consists of 8 (eight) Chapters and 25 (twenty-five) Articles, was adopted by the Plenary Congress of the Vietnam Cashew Association for the term IX (2016 - 2020) on July 1, 2016, in Ho Chi Minh City and takes effect for implementation according to the Approval Decision of the Minister of Home Affairs.

2. Based on legal regulations on associations and the Association Charter, the Executive Board of the Vietnam Cashew Association is responsible for guiding and organizing the implementation of this Charter./.

**FOR THE MINISTER
VICE MINISTER
(Signed and sealed)
Tran Anh Tuan**