

Public Administration Bulletin USAID - Vietnam



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COVER PICTURE: Independence Palace as seen
from Cong Ly and Thong Nhut Streets.

The Office of Public Administration of USAID Vietnam publishes the Public Administration Bulletin monthly (with occasional special issues and occasional lapses into two months intervals when more urgent business intervenes).

Your contributions and opinions are welcome.

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Art. 2 - The Prime Minister of the Government, Ministers of State, Ministers and Deputy Minister are charged, each as far as their duties are concerned, with the execution of the present decree.

Saigon, 25 May 1968

s/ Nguyen van Thieu

Republic of Vietnam
Presidency

No. 109-a-TT/SL

The President of the Republic of Vietnam

- In view of the Constitution of April 1, 1967
- In view...

DECREES:

Art. 1 - Now is hereby established a Special Commission for Administrative Reforms, headed by a Special Commissioner under the direct jurisdiction of the President.

Art. 2 - The Special Commission for Administrative Reforms has responsibilities for:

- Liaison with the competent organizations for the purpose of collecting and studying all administrative reforms projects to be submitted to the Administrative Reforms Council for examination.
- Drafting and diffusion all administrative reforms measures to the interested agencies for application, according to the decisions of the Administrative Reforms Council.
- Following-up, controlling the outcome, and making periodical reports on the progress of the application of the measures already enacted.
- Supporting the Administrative Reforms Council at the viewpoint of functioning.

Art. 3 - The Office of Central Management of the Prime Minister's office shall be merged into the Special Commission for Administrative Reforms.

Art. 4 - The organization and functioning of the Special Commission for Administrative Reforms shall be determined by arrete of the President.

Art. 5 - The Prime Minister of the Government, the Secretary General at the Presidency, are charged, as far as their duties are concerned, with the execution of the present decree.

The present decree shall be published in the Official Journal of the Republic of Vietnam.

Saigon, 1 April 1968

s/ Nguyen van Thieu

Republic of Vietnam
Presidency

No. 109-b-TT/SL

The President of the Republic of Vietnam

- In view of the Constitution of April 1, 1967
- In view...

DECREES:

Art. 1 - Now is hereby established, under the direct jurisdiction of the President, the Administrative Reforms Council, which responsibilities are as follows:

- To study and decide on all administrative reforms from Central to Local Government,
- To review the progress of the application of the current administrative reforms programs, and if necessary, to change the lines leading towards an effective and strong administrative system.

Art. 2 - The Administrative Reforms Council under the chairmanship of the President of the Republic of Vietnam, shall comprise:

- Five permanent members, appointed by the President,
- Secretary General: The Special Commissioner for Administrative Reforms.

The Council shall invite to attend its meetings, in capacity of advisors, the members of the Government, the notables having competency or experience in the administrative field.

Art. 3 - The organization and functioning of the Administrative Reforms Council shall be determined by arrete of the President.

Art. 4 - The Prime Minister of the Government, the Secretary General at Presidency, the Special Commissioner for Administrative Reforms are charged, each as to that which concerns him, of the execution of the present decree.

The present decree shall be published in the Official Journal of the Republic of Vietnam.

Saigon, April 1, 1968

s/ Nguyen van Thieu

Republic of Vietnam

Prime Minister's Office

No. 37-SL/NV

The Prime Minister,

Considering the Constitution of 1 April 1967,

.....

DECREES:

Art. 1 - Now are hereby abolished the positions of Deputy Prefect, Deputy Province Chiefs, and Deputy Mayors for Security at the Capital Prefecture, the Provinces and the autonomous Cities.

Art. 2 - Secretaries of State at the Prime Minister's Office, the Ministers of Interior, Defense, and the Capital Prefect, Province Chiefs and Mayors, are charged as to that which concerns him, of the execution of the present decree.

The present decree shall be published in the Official Journal of Vietnam.

Saigon, 9 April, 1968

s/ Lawyer Nguyen Van Loc

ADDRESS OF THE PRESIDENT OF THE REPUBLIC OF VIETNAM
TO THE NATION

March 21st, 1968

Dear Compatriots,

Today I would like, first of all, to speak to you about the progress in the relief work.

As of today, the number of refugees in the entire nation has been reduced to 405,000. In comparison with the figure of 700,000 last month, it has decreased by 300,000, because security has been gradually reestablished in the suburban areas and normal life gradually returns to the towns and Cities.

Up to now, the essential items distributed to the refugees include:

- 20.000 tons of rice
- 300.000 cans of condensed milk
- 280.000 cans of meat
- 140.000 cans of fish
- 37.000 tons of dried fish
- 80.000 blankets
- 19.000 mosquito nets.

In addition, there are other essential items distributed to the refugees such as sugar, fish sauce, and clothes.

The amount of money which the Government made available to the Provinces for relief is 274 million piasters.

In the Capital itself, the number of refugees which on March 1st was 160,000 in 78 centers has been now reduced to 78,000 in 54 centers. All the public schools utilized as refugee centers have now become free again. A limited

number of private schools which have not yet been returned to their former use, will be so before the end of this month, so that the students and pupils can resume their studies at the beginning of April.

As for the amount of relief supplies, I would like to recall that, for the time being, the Government maintains the preestablished criteria:

- In Hue, each family whose house has been damaged receives 10,000 piasters, 20 large iron sheets, and 10 bags of cement.
- In Saigon and in the town of Gia Dinh, each family whose house has damaged receives 10,000 piasters, 10 large iron sheets, and 10 bags of cement.
- In other areas in the nation each family whose house has been damaged receives 5,000 piasters, 10 large iron sheets and 10 bags of cement.

Those who still remain in the refugees' centers continue to receive their daily rice rations until they receive their allowances in money, iron sheets and cement to return to their former homes.

In some areas, the refugees receive additional food items such as milk, sugar, fish sauce etc..., aside from their rice rations which are indispensable in every case.

Those who have not yet received their allowances in money, iron sheets and cement, but who have already left the refugees' centers to live temporarily in the houses of their relatives, continue to receive their rice rations until further notice by the Government. After the results of the one month fund drive have been known, the Central Relief Committee will study the possibility of further help to the refugees.

I mention the various relief items to be distributed to the refugees in order for everybody to know what he is entitled to, and to avoid possible malpractices by members

of the organizations implementing this program. I shall severely punish all malversations relative to this relief program, because I consider them not only as inhuman acts but also as sabotage against a very important national undertaking, and as possible acts of connivance with the enemy.

Concerning the allowances of money, iron sheets and cement to the refugees, the Government will do its best to expedite their distributions, and I have already given instructions to local authorities to distribute these items immediately to the refugees as soon as they are received from the Central Government.

In Hue, the first distribution of relief supplies to 500 families has been done 3 days ago.

In Saigon, it has been done to 300 families in the 6th, 7th, and 8th Districts. In Cantho, distribution has been made to 200 families. From now on, the distribution will be made more rapidly, with the achievement of the census.

As for the authorization to rebuild the houses in the Provinces, I know that some provincial authorities are not expeditious. Therefore I reiterate the following precise instructions:

- First, those who want to rebuild or repair their houses by themselves, or who wish to leave the refugees centers to return to their former houses in order to rebuild them, whether or not they have received allowances in money, iron sheets and cement, should receive prompt authorization from the local authorities. The procedure for such authorizations should be achieved in one day or two, not in one week or 10 days, with undue difficulties as pretexts for requests of bribes.

- Second, in the Provinces, the problem of zoning and esthetic restauration should not be posed. To be realistic, authorization should be given to those who want to rebuild on the foundations of their former houses. In particular, the houses which remain intact should not be bulldozed away. In the areas inhabited by low income families, which lack elementary sanitary conditions, and

are exposed to dangers of accidental fires, some roads should be built or broadened just enough to ameliorate the health conditions and to assure protection against fire. The owners of the few houses which happen to be situated on the locations of these new roads should receive in compensation from the Government another piece of land, if possible near their former houses.

Finally, I would like to recall to the provincial authorities that, in the relief program, I pay special attention to the administration of the refugees' centers, and that severe punishments will be meted out in case of abuses. I have mentioned many times to the Province Chief that the administration of these centers should be well organized, and confided to trustworthy and honest senior officials with the help of local organizations. Next to it is the problem of honesty and integrity and also strict control of the honesty and integrity of the officials at the lower echelons. All those who commit abuses will be brought before the Courts, and they will receive an indulgence.

*

* *

- After the problem of relief and assistance, I would like to address to you today on the two major problems in the nation:

- The efforts in our military struggle
- The efforts for reforms in some other areas.

The efforts in our struggle against the Communist aggression.

As I have said many times before, the Communists and their instrument the so-called NLF have been determined to win this year some important military victory in order to obtain some political advantages at the conference table. If they fail in this attempt they will try to return to the rural areas to take over manpower and resources, to continue their sabotage for some more time, even though they cannot win decisively. The Communists

are not stronger than before, but they will take risks in putting all their remaining forces in their last attempts this year.

So far the Communists have suffered very heavy losses, 53,537 casualties since their Tet offensive while our forces and Allied forces suffered only 6,700 casualties. In spite of this, the Communists surely will risk once again in an even bolder fashion. Therefore, we must be determined to put an end to their dreams of aggression. We are determined to wreck their plans.

We will not let the Communists win this year, or any other year.

- Our Army has fought bravely, and today, on every battle-field, has counter-attacked and regained initiative.

- The population has refused any cooperation with the Communists. In the Armed Forces, among the civil servants and cadres, no one betrayed the nation and defected to the enemies, and that is a bitter failure for the Communists and that has caused the Hanoi regime and its tools in the South to review their whole policy.

Our Allies have helped us greatly, they have also made considerable sacrifices, and inflicted heavy losses on the enemy.

Our Allies and other free nations will give us more military and economic assistance. But for our part, I think that we must make greater efforts and accept more sacrifices because, as I have said many times, this is our country, the existence of our nation is at stake, and this is mainly a Vietnamese responsibility. We must demonstrate that we deserve their support, and gain the respect of other nations.

- Therefore, the Government decides first of all to reinforce our combat readiness in every way to efficiently meet the situation, so that on the one hand we will be able to protect the provinces and districts, and on the other, to attack and destroy the enemy, to protect and rebuild the rural areas.

- I have decided to increase the Armed Forces by 135,000 men in the first phase. This measure must be carried out urgently. This requires the mobilization of more age groups, first of all the 19 and 18 years olds, and the recall of veterans under 33 years of age with less than 5 years of military service. The Department of Defense is implementing these measures.

So far the results are very encouraging:

- 38,000 youths of nineteen years of age have received their draft cards since February 14, and 3,282 youths have been inducted in the first phase.

- 40,000 youths of eighteen years of age will be drafted during May and June 1968.

- 11,525 reservists of all ranks have joined the Armed Forces and 8,000 additional reservists will join in the next phase.

The number of draftees during the last two and a half months are 26,588 persons, and the volunteers during the same period are 21,962.

In short, the number of youths who have enthusiastically joined the Armed Forces is greater than at any other time.

- To bolster the program for increase of our defense potential, we have also started accelerating the training of all the civil servants, students, and school-boys in the country. Up to now, 16,000 civil servants and students have received military training.

- Along with this, the organization of self-defense groups among the civilian population has made great progress:

As of today, there are 495 self-defense units consisting of 69,543 members, and the number of weapons issued amounted to nearly 10,000.

- Meanwhile, the Revolutionary Development program planned

for the year of 1968 is still being implemented, and the Government decides to press it forward because the rural areas should be considered essential. The regular army, regional forces, and RD cadres are coming back for a counter-offensive in the rural areas, to destroy the enemy who took advantage of the Tet events when our army and cadres devoted their efforts to the defense of the cities, to try to regain control in a number of hamlets.

I am completely confident that, with our increased military efforts, with the enthusiasm displayed by our youths in joining the Armed Forces to destroy the enemy, with the active support and cooperation given to our Armed Forces by the civilian population, and the completion of our self-defense organizations, we shall defeat the Communists in spite of their efforts and their audacity.

- The efforts for improvement in some other areas.

- In the normalization of daily activities.

During the recent Tet events, a number of industrial plants were destroyed by the Communists, and during the fights which occurred during the Communist attacks and occupation of these plants, in order to restore all the activities to the normal situation, the Government has decided to establish a "Production Rehabilitation Fund" and a "War Risk Re Insurance Fund" in order to help the industrialists to reconstruct their plants.

- The Government is also making efforts to protect the waterways and roads all over our nation so that, the national commercial and economic activities do not suffer from the events.

I have severely forbidden the construction of sumptuous houses in order to reserve labor and resources to relief requirements and to the reconstruction of the houses of war victims.

I have given strict instructions to all local authorities

to close definitively the dancing-bars and the disguised night clubs which are harmful to our good moral traditions and deprave our youths. The outdoors markets for smuggled and stolen good are also to be closed.

On the problem of corruption, I have considered it to be a shame for the whole nation.

Corruption is the major obstacle that hinders every improvement of the society and the progress of the nation. I know that the eradication of corruption is a very difficult task that requires much courage, many efforts and great perseverance, but I am determined to push vigorously the anti-corruption program, and I am sure that all the citizens of good will in the nation will help me in what can be considered the problem of the nation.

- I will not pass up any infraction, and in order to start in the right direction, I shall not treat with indulgence any clearly established case of corruption, especially the abuses committed in the relief program, in the present and in the future.

The 40 cases of corruption, bribes, embezzlement, which the Prime Minister has presented to you on March 14th, include military officers as well as civil servants. The punishments vary from death and prison sentences by the Courts to disciplinary measures such as suspension of functions and removal from offices. These punishments will be strictly carried out. The remaining cases will also be dealt with severely, in an exemplary manner.

I trust that these measures against corruption will be pursued in a continued fashion, and will not have a demagogic, spectacular and temporary character, and in particular they will be just and impartial.

Finally, to improve the efficiency of the governmental machinery, I have decided:

- to invite a number of experienced and respected personalities, who have had records of struggle for the national cause and who have political and technical capabilities, to participate in national affairs as my Advisors.

- to establish, under my personal direction, a "National Planning Council" to study, prepare, and supervise the implementation of national plans in all areas, in the present war time as well as for the after war period.

- To establish under my personal direction a "Council for Administrative Reforms" to study, make decisions, and implement all reforms relating to the entire governmental machinery from the central government to local administration. This Council will review entirely the responsibilities, organizations, functionings, procedures as well as the numerical sizes, capabilities, and statutes of civil servants. The purpose is to build an efficient, healthy and especially a honest and dedicated administration, worthy of serving the people. I have already mentioned this plan to you in my election platform and in the government program. I am determined to carry out this task.

I have started with some recent reforms to improve some basic criteria and ameliorate the quality of the personnel, but much remains to be done, and energetic, clear cut measures will be necessary.

In the last 4 months and a half, there have been already 69 officials in the provinces who have been replaced to improve the efficiency of the administration and to better serve the population.

- The training courses and improvement courses for Province Chiefs and District Chiefs have been organized, and will continue to be organized, in order to increase the efficiency of the administration already mentioned.

- I have just decided to transform the Directorate General of Information into a Ministry to push forward more vigorously our information programs in the country as well as overseas, to carry out more energetically psychological warfare to meet more effectively the challenge of Communist propaganda and political warfare, to explain more clearly our positions and the righteousness of our cause in the struggle to defend Freedom and Peace for mankind.

In the area of promoting political activities among the population to strengthen the spirit and the cohesion of the people against the Communist menace, I have always encouraged the formation and vigorous expansion of nationalist political groups leading to the unification and establishment of valid and strong nationalist Fronts against Communism.

Compatriots,

To defeat the Communist aggressors, to obtain in the near future a just peace which we all desire, we have to go through many ordeals in all areas. We have also to make greater efforts and accept greater sacrifices for the country.

We have to defeat the enemy coming from the exterior, as well as the enemy within our country. Much remains to be done. We have to display much courage and a great perseverance. I shall do my best, the Government will do its best. We count on the active cooperation of the entire population.

-----O-----

Republic of Vietnam
The Ministry of Interior

No. 818/BNV/PVDS/HT

Instruction on Civil-Defense Organization

I. Function

Civil Defense will contribute greatly to authorities and armed-forces in:

1. Maintaining public order and security:
 - Security guard
 - Patrol
 - Defense
2. Protecting the people's lives and property:
 - Passive defense
 - Fire preventing
 - Fire fighting
3. Relief:
 - Wounded aid
 - Wounded movement
 - Social relief

II. Composition of Civil Defense

1. Obligated elements:

All male citizens aged from 17 to 45 and female aged from 18 to 25 and now not in the Armed Forces line.
(Decree No. 011/65 dated August 31, 1965)

2. Voluntary elements:

All citizens who are out of the above mentioned age and volunteer to join the organization.

III. The Organizational System

In Central:

The Central Civil Defense Committee is under the chairmanship of the Interior Minister.

In Fields:

The prefect, province and city Civil Defense Committees are under the Chairmanship of the Prefecture, province chief and City Mayor.

Civil defense boards in districts, villages, hamlets, quarters, streets, public agencies and enterprises are under the Chairmanship of district chiefs, chairmen of village councils, hamlet chiefs, quarter chiefs, street chiefs, commanders of public agencies and heads of enterprises.

Each civil defense board consists of:

- 1 Chairman
- 1 Vice Chairman
- 1 Secretary General
- 4 Members (Security, Defense, Relief and Training and Psychological member)

All of them are appointed by the chairman.

IV. The Organizational Principle and Direction

1. Civil Defense is a long-lasting organization that operates during happening cases as well as peace time.
2. Civil Defense forces are formed and kept by the people themselves. The authorities only direct and support them.
3. Civil Defense Organization is armed with the idea of

"exterminating tyranny for the people" and the spirit of "constructing the hamlet and quarter".

4. The formation and development of civil defense organization is based on the principle:

a. Close cooperation between civil, military and government agencies.

b. To be practical and reasonable, to meet the local inhabitants' requirements, not to waste the people's vital force and try to avoid affecting the people's living activity.

c. To be fair: Civil Defense is an obligation that everybody in the fixed ages has to fulfill, so we must try to avoid abuse, partiality and unfairness.

V. Organization

Each civil defense unit is to be organized according to the population and the situation as well as the terrain of the locality.

There may be three main kinds of civil defense unit:

1. Administrative Civil Defense unit.

It consists of public servants of one or more neighboring public agencies.

2. Economic civil defense unit.

It consists of workers of one or more neighboring enterprises.

3. Mass civil defense unit.

It consists of population in a hamlet, quarter, or street including public servants and soldiers in case they are at home, for example in curfew time or out of working time.

Citizens are to be put into teams, groups and united groups according to their personal ability.

Each united group consists of three groups and commanded by a chief and a deputy chief of united group.

Each group consists of three teams and commanded by a chief and a deputy chief of group.

Each team consists of three persons and commanded by a team chief.

According to the requirements and its means the civil defense unit will form one or more united groups and groups to undertake the following works:

- Order and security
- Defense
- Relief

VI. Organizational Periods of a Civil Defense Units

A. Preparation:

1. Careful investigation and study of the situation in places where civil defense units will be organized.
2. Cadres and means preparation.
3. The people's idea and psychological preparation (to launch a positively join movement).
4. To find out the number and the composition of people joining the movement.

B. Organization:

- To put civil defense elements into teams, groups and united groups.
- Specialistic training of members and chiefs of united groups, groups and teams (wounded aid, fire fighting, fight and defense).
- Weapon equipment.

- Defense organizing.
- Separate practices of Security, Defense and Relief and united groups.
- Allied practice of the whole civil defense unit so that it can be in action in case of emergency.

C. Strengthening and keep the Unit:

- To review the performance and to note good points and drawbacks.
- Correction of drawbacks and development of good points.
- Strengthening of the organization.
- To develop the organization largely and to keep it stronger.

The above mentioned periods are general and worked out as a direction. It can be shortened in case people join in positively, and means and cadres are ready.

VII. Allowance, Award and Punishment

Beside valuable allowance and award measures of the locality and the unit such as priority of buying supplies, public land... Members of civil defense unit having good performance (to capture the enemy or weapon...) can also be awarded by fixed regulations, citizens of bad performance will be punished by Decree No. 137/SL/CT dated May 6, 1964.

Members and their families can also enjoy allowances in case of wounded or killed in accordance with the present regulations.

The above is the principle organization policy that the Ministry of Interior worked out for unifying direction of the organization of civil defense forces throughout the country.

Prefect, provinces and cities will lively form civil defense organizations according to the local situation and means to meet the requirements of the present situation so that civil defense forces can soonly assist the government and armed forces in maintaining public order and security as well as protecting and relieving the people.

Note: Article 3 of Decree 137/SL/CT dated May 6, 1964 is that:

Citizens who do not fulfill or prevent others from fulfilling the obligation of civil defense will be fined from 500\$ to 10,000\$ and kept prisoners from 15 days to 6 months or one of the two punishments.

Saigon, February 8, 1968

s/ Lt. Gen. Linh quang Vien
Minister of Interior

Republic of Viet Nam
Ministry of Interior
Central Committee
People's Self-Defense

No. 1403/BNV/NDTV/HT

STANDARD OPERATING PROCEDURES CONCERNING
ORGANIZATION OF PEOPLE'S SELF-DEFENSE IN
COMMUNITIES

1. OBJECTIVE

People's Self-Defense is aimed at joining together people of every social class, in a spirit of mutual affection and assistance, for the purpose of maintaining order and security and developing a happy and progressive life.

People's Self Defense also has the following goals:

- to strengthen the rear
- to support the front
- to preserve the national potential and build up society

2. MISSION

The mission of the People's Self Defense is to assist the government in:

- maintaining order and security
- protecting the lives and property of the people, aiding victims
- improving the people's standard of living

3. ORGANIZATION

1. The organization of People's Self-Defense will be

effected by the people themselves, with guidance and support from the government.

2. It will be permanent and continual.
3. The self-defense spirit will be regarded as primary, and armament secondary.

4. COMPOSITION OF PEOPLE'S SELF DEFENSE

The organization will consist of all citizens, male and female, without discrimination with regard to age, social position, religious or political affiliations, who have realized the role and essential mission of people's self-defense.

All citizens who must fulfill the defense obligations (males from 17 to 45, and unmarried females from 18 to 25, not in the Armed Forces) established by decree-law (number indistinct - ed.) dated 8/31/65 will be automatically considered as key elements of People's Self-Defense.

5. SYSTEM OF ORGANIZATION

A. People's Self-Defense Committees

1. Central level: The People's Self-Defense Control Committee, with the Minister of Interior as Chairman, will have the mission of providing guidance, supervision, and support to the People's Self-Defense organizations in cities all over the country.

The People's Self-Defense Directorate, which operates under the direct control of the Ministry of Interior, will be a permanent organ responsible for research and the issuance of directives, plans, and procedures necessary to provide guidance, supervision, and support to the People's Self-Defense (PSD) organization in compliance with the policy guidance of the PSD Central Committee.

2. Regional level: PSD committees in the capital, cities, towns, provinces, districts, and city wards (phuong) will be chaired respectively by the Mayor of Saigon, mayors, province chiefs, district chiefs, and city ward chiefs. These committees will have the responsibility to provide guidance, supervision, and support to PSD organizations in their regions.

Since the task of organizing PSD in cities, towns, and provinces is somewhat delicate, complex, and confusing, it is necessary to establish a steering committee to be permanently responsible for the activities initiated by the city, town, and province PSD committees. The steering committee will consist of:

Sub-Committee # 1, responsible for affairs pertaining to administration, management, supervision, discipline, etc...

Sub-Committee # 2, responsible for affairs pertaining to security, defense, intelligence, information, etc...

Sub-Committee # 3, responsible for affairs pertaining to organization and activity, etc...

Sub-Committee #4, responsible for affairs pertaining to support, logistics, facilities, etc...

Sub-Committee # 5, responsible for affairs pertaining to psychological warfare, initiation and fostering of the movement, indoctrination and training of members.

The number of sub-committees and their missions may be increased, decreased, or modified, depending on the requirements of the local situation.

3. Infra-structure of the cities: People's Self-Defense Committee (PSDC) will be established in each city borough or interhamlet or each heavily populated hamlet.

The Chairman of the above PSDCs will be selected by the city, province, and town PSDCs after consultation with the PSDCs of the districts and city wards concerned.

The city borough (interhamlets) or the large hamlet will be the basic PSD unit of the city infra-structure.

B. Composition of a People's Self-Defense Committee

Each PSDC will consist of:

- a Chairman
- two Vice-Chairmen
- a Secretary General
- 5 Commissioners (Commissioner for Propaganda and Training, Commissioner for Security, Commissioner for Protection, Commissioner for Aid and Health, and a Commissioner for Social Service and Economy).

Depending on the requirements and the personnel situation in the locality, the number of Vice-Chairman and Commissioners can be increased or decreased.

In establishing PSDCs, attention should be given to encouraging those public elected officials (members of City and Provincial Councils), notables, and civic groups cadre personnel who demonstrate an anti-Communist spirit and enjoy much prestige in the locality to assume key functions in the Committees. Only thus will the PSD organization be really popular.

Particularly in city boroughs, to facilitate coordination and mobilization of armed civic elements, the Chairman of city, town, and provincial PSDCs will appoint the personnel of the National Police to the positions of Commissioners for Security in the city borough PSDCs.

- The Chairman will have the mission to prepare, provide guidance, and general supervision to the organization of People's Self Defense.

- The Vice-Chairman will replace the Chairman in case of absence, and will assist him in the accomplishment of the above mission.
- The Secretary General will be responsible for coordinating all the activities of the Commissioners and conducting the operations of the Committee.
- The Commissioner for Security will be responsible for preparing and implementing security measures, including guard, defense, signal communication, liaison, alert, maintenance of order, population census, weeding out undesirable members, organization of mob intelligence, prevention against the fifth column, etc...
- The Commissioner for Protection will be responsible for preparing and implementing procedures to protect the lives and properties of the people, including passive defense, fire prevention, fire extinction, etc...
- The Commissioner for Aid and Health will be responsible for preparing and implementing measures pertaining to emergency assistance, first aid, relief, prevention of diseases, sanitation, medical service, etc...
- The Commissioner for Propaganda and Training will be responsible for preparing and implementing measures pertaining to morale motivation, training, and education of the masses to promote active participation in PSD activities.
- The Commissioner for Economy and Social Service will be responsible for preparing and implementing measures pertaining to organization of the supply of commodities, community development, improvement of the people's standard of living.

C. Advisory Board

Beside each PSDC there will be an advisory board consisting of personalities having prestige and experience in the locality, summoned by the PSDC to advise the Committee on matters pertaining to organization of People's Self-Defense,

or to encourage and motivate people of various walks of life to actively and enthusiastically join PSD units.

D. Types of PSD units

PSD units can be classified in three types:

1. Popular PSD units consisting of the population of the city borough or interhamlet.
2. Administrative PSD units consisting of the public servants of either an agency, a major autonomous establishment, or several agencies, several small autonomous establishments combined.
3. Economic PSD units consisting of the personnel and workers of major firms or several small firms combined.

To insure unity of command and to facilitate mobilization, the population will be organized as follows:

- 3 members into a cell (headed by a cell leader);
- 3 cells into a team consisting of 12 members (including 1 team leader, 1 assistant team leader, 1 liaison agent) *
- 3 interteams into a group consisting of 125 members (including 1 group leader, 1 assistant group leader, and 3 liaison agents)
- 3 groups into an intergroup consisting of 380 members (including 1 intergroup leader, 1 assistant intergroup leader, and 3 liaison agents).

The number of members established for each team, interteam, group, intergroup, etc..., is only used here for guidance purposes. Each team will not necessarily consist of 12 members, nor each interteam 40 members.

Each PSD unit may be organized into several interteams, groups or intergroups, according to the size of the unit.

* 3 teams into an interteam consisting of 40 members (including 1 interteam leader, 1 assistant interteam leader, and 3 liaison agents)

6. PHASES UNDER WHICH A UNIT OF PEOPLE'S SELF-DEFENSE IS ORGANIZED

A. Preparation

1. Careful examination of the situation of the organization or of the locality before proceeding to the organization of PSD groups.
2. Preparation of cadres and methods.
3. Preparation of the population psychologically (launch a self-defense movement in such a manner that the people are eager to participate in it).
4. Conduct a census and classify the composition and numbers of the people participating.

B. Organization

- Organize the participants into cells, teams, groups, etc... according to their capability, mission and residence.
- Provide military and technical training to members and leaders of cells, teams, groups, etc... (particularly first aid training, fire fighting, combat tactics and defense).
- Equip self-defense units with weapons and other necessary equipment.
- Organize sentry and defense groups in each unit.
- Provide practical training and private activities for security, defense, and relief teams, etc...
- Provide coordinated practical training for all PSD units in anticipation of real combat.
- Conduct the following general activities for PSD groups: seminars, welfare activities, community development, etc...

C. Consolidation of the Development of the People's Self Defense Movement

- Review accomplishments to detect shortcomings.
- Remedy shortcomings and develop strong points.
- Review military and technical knowledge regularly.
- Keep the groups active on a regular basis; assign them tasks which are beneficial to the general welfare of the community.
- Consolidate and develop the groups so that they become stronger and larger.

The above-mentioned phases are only an outline and guidance. In units where the people have a positive attitude and show eagerness toward participating in the movement, and where means and facilities and cadres are abundant, stages can be eliminated to save time.

Attention must be paid, when organizing groups, to studying urgent needs of the local people so that all activities may be concentrated on immediately organizing ways to meet these needs. For example, if a city borough is threatened by fire, it is necessary to immediately organize fire-fighting groups and build fire-watching towers and water tanks. In a city borough subjected to enemy mortar attacks, groups whose task consists of giving first aid to the wounded or evacuating them must be organized. If the city borough meets with difficulty in food supplies, supplying must be organized so that it becomes efficient. In this manner the people will see that they can get practical and real advantages from participating in the self-defense program and will actively do so.

7. SUPPORT

A. Armament

The equipping of People's Self Defense units with weapons is based on the following principles:

- Religious or political groups will not be provided with arms. Weapons will only be provided to people who have effectively organized themselves into self-defense groups to defend their city boroughs or offices.
- The people must arm themselves with rudimentary weapons such as spears, sticks, etc... The authorities will only provide a certain number of weapons to enable the people to fight against scattered VC elements, hooligans, or robbers.
- Weapons will be distributed to groups as a unit, not to individuals, and must be used in the area fixed for each city borough in order to help public security forces maintain security in the borough or establishment.

Self-defense groups who wish to receive arms from the government must meet the following requirements:

1. The organization of the group must have been completed, with a clear assignment of responsibilities for each member.
2. The group must have organized definite guard and sentry groups.
3. The members chosen to receive weapons must be actively anti-communist, and must have had military training.
4. The group must have a safe place for the storing of weapons.
5. The group must already have established close coordination with public security forces in its area.

B. Logistics System

1. The organization will provide for and distribute arms and ammunition to self-defense units. The Ministry of Interior, together with the Defense Ministry and the Joint General Staff, will examine the arms and ammunition

needs of each unit and draw up lists of arms and ammunition to be distributed by local logistic commands to local units.

2. Each self-defense organization administers the use of arms and ammunition it receives.

- In Saigon the mayor, who concurrently assumes the function of chairman of the People's Self Defense Committee of Saigon, represents the Interior Ministry (Central Committee of People's Self Defense) in receiving and administering arms and ammunition for self-defense units in the capital city.

- In provinces and municipalities, the province chiefs and mayors, who are also concurrently chairmen of the People's Self-Defense Committees, represent the Interior Ministry in receiving and administering arms and ammunition for self-defense units in municipalities, provinces and districts.

Accounting procedures to be applied are procedures now in effect in the armed forces of the Republic of Vietnam.

C. Aid and Assistance Provided to Members of Self-Defense Units Wounded or Killed

Civil servants and government cadre members of self-defense units who are wounded or killed while carrying out their self-defense unit obligations will receive aid and assistance in conformance with the procedures governing cases of civil servants and government cadres who are wounded or killed in the exercise of their civil or governmental duty.

The aid and assistance to be provided to the other kinds of members of self-defense units wounded or killed while carrying out self-defense unit obligations will be determined later.

8. DISCIPLINE IN SELF-DEFENSE UNITS

The discipline applied in self-defense units is a self-conscious discipline. Emphasis must be heavy on education and encouragement, and light on punishment.

1. Praise and Rewards

From the standpoint of the spirit, it is necessary to encourage, praise or reward those members who have served with distinction by giving them commendations, decorations, etc...

From the material standpoint, it is necessary to provide help and treat well those members who have served with distinction by giving them priority in food supply, donations, monetary rewards and employment in public service. Practical aid and assistance must be provided rapidly to wounded members of self-defense units and families of those killed.

2. Punishment

Disciplinary measures are composed of the following sanctions:

- Blame
- Criticism and warning before the group
- Withdrawal of priority rights enjoyed by all members of self-defense units.
- Administrative sanctions may be applied to civil servants or government cadres who are members of Administrative PSD units.

Furthermore, those members of People's Self-Defense organizations who are within the age limit requiring their participating in civil defense units but who refuse to join the latter or hinder the accomplishment of this duty, will be fined from VN\$ 500 to 10,000 and will be imprisoned

for from fifteen days to six months or will receive one of these two punishments. In case of repetition of the offense, the imprisonment punishment will be applied (Reference: Decree Law # 137-SL/CT of May 6, 1964).

9. ACTIVITIES TO FOSTER PEOPLE'S SELF DEFENSE GROUPS

The forms of activity of people's self defense groups include:

1. Seminar - Seminars aim at achieving the moral armament of all members of each People's Self Defense units by forging and fostering the ideal of annihilating violence and displaying an indomitable spirit in the face of the Communists' cruelty.

Seminars also help the members understand thoroughly the reasons for fighting Communism and improving society, and help members to understand thoroughly the conception, policy guidance, and manner of organizing People's Self Defense. Seminars will enable members to detect defects and good points in the fulfillment of their task, and will develop the members' confidence in the strength of the community based on mutual love and assistance.

2. Military and Technical Training

Organize emergency military and technical training courses.

3. Organize practice drills during which members of self-defense organizations can undergo practical training so that they will be able to react in time and effectively when faced with real emergency situations, such as fires, mortar and rocket attacks, enemy infiltration, etc...

4. Organize work sessions during which members of self-defense organizations can carry out some projects of general public value, such as building defensive installations, control stations, fire watch towers, or conducting public health projects.

5. To accomplish public health and social welfare projects such as fighting disease, inoculation, drug distribution, and organizing the supply of food.

6. To promote mutual affection, to encourage the people to help each other in law suits, weddings or when in mourning.

7. Cultural, artistic and athletic activities.

People's Self-Defense organizations also conduct cultural, artistic and athletic activities as healthy entertainment and to build up members' strength. In the field of cultural and artistic activity, attention should be paid to music and songs, plays, folk songs, choruses, campfires, etc...

In the athletic field, popular games should receive much attention, Judo, self-defense combat tactics, fencing, etc..., must be encouraged and supported.

In short, activity in People's Self-Defense organization must be organized so that it is entertaining and is useful. It is also necessary to call to the attention of organizers that this activity must be carried on in such a manner that it does not hinder the people's livelihood.

10. UNIFORM, FLAG, SONG, ARM BADGE, INSIGNIA OF PEOPLE'S SELF DEFENSE ORGANIZATIONS

1. Uniform

In order not to create financial difficulty to the people, a uniform is not compulsory for members of People's Self Defense organizations. However, their attire must be neat and suitable to the particular activity of their own group.

However, in those places where the people can afford it, members of People's Self Defense organizations are encouraged to wear uniforms, especially those who are armed (short-sleeved shirts, long trousers, made of long-wearing cloth, in khaki, for example.)

2. Chorus

It is advisable to have a number of songs with a martial air sung by People's Self Defense organizations during the period of collective activity within the groups.

3. Flag, song, insignia and arm-badge -- will be determined later.

The above-mentioned basic procedures and policy guidance for the organization of People's Self-Defense groups are presented by the Central Committee to local committees as a guide to permit the achievement of unity of action throughout the nation.

The task of organization can be carried out in accordance to the situation and means of each locality, but it must be done so that good results are obtained from the organization. The terms which have been established in this Instruction must be strictly applied and cannot be freely changed.

Upon receiving this Instruction, local People's Self-Defense Committees have to speed-up the movement in conformity with reasonable plans and programs, clear division of duties, and separation of functions. It is necessary to take the fullest advantages of the people's great enthusiasm in their anti-Communist drive at present, and to take precautions against the enemy's infiltration into our ranks, especially into the key positions of our organizations.

Further, it is necessary to establish close coordination between the military and civil administrations and religious, political or youth organizations in provinces and municipalities in order to secure a large participation of people in the movement and encourage them to join it.

All mayors and province chiefs, chairmen of People's Self Defense Committees are requested to report their own

organization plans and the development of their achievements together with ideas or proposals regarding the organization of People's Self-Defense groups in their respective locality, to the Interior Ministry (People's Self-Defense Service).

This Instruction annule Instruction # 818/BNV/PVDS/NT of February 8, 1968.

Saigon, March 17, 1968

The Minister of Interior
Lt. General Linh quang Vien

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Republic of Viet Nam

Office of the President

No. 001-a/PTT/VP

CIRCULAR NOTE

FROM

THE PRESIDENT OF THE REPUBLIC OF VIET NAM

TO

- The Prime Minister
- Members of the Cabinet
- Government Delegates
- Prefects
- Province Chiefs and Mayors

After the Revolution of 1963, because of political instability, and sometimes because of temporary necessities, the enforcement of the basic regulations and decrees establishing the competences and responsibilities, as well as the relationships between the administrative authorities in the localities and the Central Government has been too changing and too lax. As a consequence, there have been frequent conflicts of authority between various organs, damaging the effectiveness of the national administrative machinery.

On the other hand, the present organization of national institutions differs in many regards from the organization under the First Republic.

For these reasons, this Circular Note redefines the guiding principles destined to the amelioration of our

administrative system, and their modalities of application to be in force from March 1st, 1968.

I. Relationship between the Province Chiefs and the Central Government

The basic texts regulating the responsibilities and competences of the local administrative authorities are the Decree 57-a and the Circular of Application No. 115-a/TTP/VP, dated October 10, 1956, which are still in force.

The principal principles in these texts should be strictly applied.

Accordingly, the Province Chiefs are the Representatives in the Provinces of the Central Government, and not of any single Ministry.

Aside from their responsibilities on security, public order and the enforcement of law, Province Chiefs have also responsibilities on the general administration of all the Services in the Provinces, and their coordination for maximum efficiency.

In the application of these principles under our present system of Government, in their relations with the Central Government Province Chiefs are responsible to the President of the Republic, the Prime Minister, and the various Ministers in the Government.

- With regard to the President, Province Chiefs are responsible in their general capacity, especially concerning the enforcement of law and the upholding of national prestige in the Province.

- With regard to the Prime Minister, the Province Chiefs are directly responsible for the execution of national policy and the programs of the Government.

- With regard to the Ministry of Interior, the Province Chiefs are responsible for the general administration of the Provinces.

The administrative personnel of the Provinces and the Districts are under the jurisdiction of the Ministry of Interior.

- Preliminary drafts of the provincial budgets are submitted to the Ministry of Interior at the same time that they are submitted to the Directorate General of Budget and Foreign Aid. The Ministry of Interior, after examination, will communicate its views on the provincial budgets to the Directorate General of Budget and Foreign Aid.

In the examination of and deliberations on the provincial budgets, the Directorate General of Budget and Foreign Aid will give due consideration to the views of the Ministry of Interior.

- The drafts of the Provincial budgets, established after reviews, are sent directly to the Directorate General of Budget and Foreign Aid, with copies sent to the Ministry of Interior so that the Ministry of Interior can follow up this matter.

- The various plans and programs of action in the Provinces, including those which relate to the support and coordination of other Ministries, should also be submitted to the Ministry of the Interior for following up and general supervision.

In their relations with other Ministries, the Province Chiefs are responsible for the administration of the Services under the jurisdictions of these Ministries, and the coordination of these Services in the implementation of the national policy and of the various programs of the Government in the Provinces.

- The relationship between the Ministry of the Interior and other Ministries, concerning the administration of the Provinces, is as follows:

The Ministry of the Interior is responsible for taking actions with other Ministries to help the Provinces in finding solutions for their difficulties.

The other Ministries, when sending important directives to the Provinces on matters under their jurisdictions, should send copies of these directives to the Ministry of the Interior so that the Ministry of Interior can help them in following up and activating the implementation of these directives.

Province Chiefs submit periodical reports (every month) and special reports (on special occasions and in cases of urgency) to the President, the Prime Minister, the Minister of the Interior and other Ministers, in accordance with their respective jurisdictions. Except when the President gives specific instructions to the contrary, copies of the reports to the President are sent to the Prime Minister. Copies of all the reports of Province Chiefs to the Prime Minister and the Minister of Interior should be sent to the Office of the President. Copies of the reports to the other Ministers, if they relate to important matters, should be sent to the Office of the President and the Office of the Prime Minister.

- Each time that they leave their posts to go to the Capital, the Province Chiefs should have the prior permission of the President or of the Prime Minister, and should report to the Prime Minister and the Minister of the Interior to receive instructions.

Province Chiefs report to and receive instructions directly from the President if they are summoned by the President, or in cases of urgency.

The Ministries can give directives to Province Chiefs, but these directives should be signed by the Ministers, and copies should be sent to the Office of the President and the Office of the Prime Minister.

II. Relationship between the Province Chiefs and the Specialized Services in the provinces

Also on the basis of the Texts mentioned above, the Province Chiefs have the responsibility of the general direction of the Specialized Services in the Provinces, and of their Coordination in order to implement

efficiently the national policy and the various programs of the Government in the Provinces.

However, their responsibility for general direction and coordination does not entitle them to intervene directly in the matters which are of purely technical character.

The Ministries maintain their entire administrative jurisdictions and their lines of command over the Specialized Services in the Provinces.

The authority of the Province Chiefs to coordinate and to control the Specialized Services is only the strict application of the principle according to which the Province Chiefs are the Representatives of the Central Government, that is the Representatives of all the Ministries, and not of a single Ministry.

As to the Ministry of the Interior, with its administrative jurisdiction over the local authorities, it is entitled to be informed about the activities of the Specialized Services in the Provinces through the reports of the Province Chiefs, but it can not directly intervene in the specialized activities which are within the jurisdictions of other Ministries.

To avoid uncertainties, here are some detailed applications of this principle of repartition of competences:

- The Specialized Services should report fully to the Province Chiefs on their activities and the situation in their areas of responsibility.
- All the programs, plans, and budgets of the Specialized Services should be submitted to the Province Chiefs, during their stage of preparation. The Province Chiefs examine these drafts and proposals, give their opinions on them, before transmitting them to the Ministries.
- All the general directives from the Directorates in

the Ministries to their Services in the Provinces should be sent through the Province Chiefs. The Specialized Services, in sending their communications to the Ministries, should do so through the Province Chiefs.

- The Province Chiefs have authority to convene every month a conference of the heads of Specialized Services to coordinate the activities and activate the implementation of various programs. In addition to these periodic conferences, special conferences can be convened by the Province Chiefs when necessary.

- When especially important or urgent circumstances require, such as the holdings of elections, or measures against natural disasters or epidemics, the Province Chiefs have authority to requisition the personnel of the Specialized Services, including the personnel of autonomous Services, but they should try to avoid serious interruptions of these Services.

- The Province Chiefs have the responsibility of controlling the conduct of the personnel of all the public Services in the Provinces, including the personnel of the Specialized Services, especially with regard to their political activities and corruption practices, and should propose the appropriate punitive measures to the respective Ministries.

- Before the decisions on the transfers of the heads of Specialized Services, the Ministries should request the opinion of the Province Chiefs, to avoid disruptions of public services, except in cases of routine transfers after the heads of the Specialized Services have been in the Provinces beyond their ordinary term of duty.

Concerning the appointments of the heads of Specialized Services to the Provinces, the Ministries need only to send their personal dossiers to the Province Chiefs after the appointments have been made, so that the Province Chiefs are fully informed on the backgrounds of the appointed functionaries. If the Province Chiefs have data to prove that the appointed functionary is unworthy, they will request the Ministries to review their decisions.

The personal evaluation notes relating to the heads of Specialized Services should be sent to the Province Chiefs, who will put down their views and submit them to the Ministries.

The Ministries should inform the Province Chiefs each time they summon the heads of the Specialized Services to the Ministries, or when they grant them leaves of absence.

As to the other personnel of the Specialized Services (different from the heads of these Services), they are completely at the disposition of the Ministries with regard to appointments, transfers, and personal evaluations for promotions.

III. The Government Delegates

The role of the Government Delegates was clearly determined in Decree No. 57-a, and explained in Circular No. 115-a/TTP/VP dated October 24, 1956 according to which the Government Delegate's functions were restricted to:

- Inspection
- Administrative assistance
- Special investigations.

The Government Delegate is not responsible for the direction of local administration.

However, because the national institutions at the present time have changed, and in order to increase the administrative machinery's efficiency, tighten the expenditures of public funds, reduce Government personnel, achieve a healthy organization from the central level to local echelons, the problem of the Government Delegates is now being re-examined in view of a complete reform of the duties, competences, the organization and functioning of the Government Delegations. The reform is especially geared to the aspect of inspection and follow-up action, the improvement in the use of personnel and procedures at local administrative agencies.

The problem of territorial jurisdictions should also be reviewed and re-determined, especially in the II and IV Corps Areas:

The Ministry of Interior will present the results of studies of the above-mentioned reforms to the Council of Ministers to be held at the end of March 1968. Upon approval, all reform measures will be carried out from 1 to 15 April, and actually implemented effective April 15, 1968.

IV. Appointments of Province Chiefs, District Chiefs

Province Chiefs

- The Province Chiefs are to be appointed by Presidential Decrees, either directly by the President or on recommendation of the Prime Minister, depending on the circumstances.

- In the second alternative, the Prime Minister consults the Minister of Interior, the Minister of Defense, the Chief of the Joint General Staff. After consultation, he submits a proposed list to the President for selection.

When an urgent and immediate replacement of the Province Chief is required by fully justified considerations, and when a delay can be detrimental to the local and general situation - the Chief of the JGS reports in emergency to the Prime Minister and the President and concurrently proposes, for immediate approval, a military officer in charge of current affairs.

This officer may be a deputy commander of the Sub-Sector if he is deemed to be competent, or an officer from the Division or Corps Area dispatched to the province on a temporary basis.

- Then the official appointment of a new Province Chief will be decided upon by the President, and his decision must be carried out within 48 hours.

- In other cases, such as resignation, permutation or designation to a new post by higher authority, or deficiencies of military and administrative capabilities, or lack of leadership of the Province Chief whose replacement is not needed urgently within a few days, the Prime Minister submits a complete report along with a list of the proposed candidates to be selected and appointed by the President.

- In case the Province Chief is suspected of corruption, discreet and impartial investigation should be conducted. As soon as the results are known, the Prime Minister submits a complete report so that the President can take necessary measures which range from the dismissal to the punishment and trial before the tribunals.

- In the case of important and flagrant corruption which requires severe measures against the Province Chief and his immediate replacement to safeguard the prestige of the Government, so that an expeditious and efficient investigation can be proceeded. Then the Prime Minister will urgently report to the President who decides on the replacement of the corrupt Province Chief within 48 hours.

Deputy Province Chief for Administration

The Deputy Province Chief for Administration is to be appointed by Decree of the Prime Minister on recommendation of the Minister of the Interior.

District Chief and Deputy District Chief

The District Chief is to be appointed by Decree of the Minister of Interior, on recommendation of the Province Chief, after the approval of the Prime Minister.

The Deputy District Chief is to be appointed by Decree of the Minister of Interior on recommendation of the Province Chief.

V. Implementation

This Circular is also applied to the municipalities, in accordance with the competences of the Mayors defined in the Decree No. 229/NV dated December 18, 1965.

With regard to the Capital of Saigon, only Parts I and II are in effect, since the Capital is placed directly under the central Government.

To implement this Circular, the Ministries must review their organization at the provincial level on a rational basis. In the provinces where the technical services are not important, they should suppress their Specialized services and pass to the Province Chief the responsibility on that matter. The Province Chief will be the local representative of the Ministries, and it is only necessary then for the Ministry to assign a specialist to the Province Chief.

This Circular is distributed for application at all levels, from the central government to local administrations. It is also to be used as instruction material in the training courses for civilian and military cadres.

An Administrative Seminar will be held in the beginning of April 1968 to study the application of this Circular. If necessary, this Circular will be amended so that, effective April 15, 1968, it will be implemented uniformly and correctly, concurrently with the reorganized system of Government's Delegations mentioned in Chapter III.

Saigon, March 1st, 1968

Circular
No. 115-a/TTP/VP

Saigon, 24 October 1956

The President of the Republic of Vietnam

TO: Secretaries of State
Government Delegates
Prefect of Saigon
Province Chiefs

Ordinance No. 17 of 26 December 1955 has already cancelled the legal entity and the autonomous budgets of the Regions. By this text, the administrative reform of Vietnam is at the beginning.

Now, by the present Circular, I have the honor to let you know that, by Ordinance No. 57-a of 24 October 1956, I have achieved this reform, with the following aims:

1. increase in power and responsibilities for Province Chiefs
2. establishment of new responsibilities for the Government Delegates.

By these means, the Government has achieved the reform previously announced for more effective administration.

The Province Chief is representative of the Central Government, and of no special Ministry. This official shall have to assume more responsibilities than in the past, but at the same time, he has more means to perform his activities.

The Province Chief

The Province Chief is appointed by the President of the Republic and is under his direct jurisdiction; the Province Chief is the Central Government Representative in his constituency.

Besides the implementation of laws and regulations, the Province Chief has responsibility for the general functioning of all public services operating within his province.

He reports to the President or the Secretaries of State on all activities of public services dependent of his own headquarters and of the Ministries.

The Province Chief manages all public services for their effective activities and reports to the President on their developments and their weaknesses, if any.

The Province Chief must help Ministry representatives in the province.

The Province Chief is asked for opinions and expresses them on the establishment or the execution of Government projects dealing with the province.

On the other hand, the Province Chief has responsibilities on matters of security and public order. In this field, he will coordinate his activities with those of police and security local forces. (Civil guard, Security Guard, Gendarms on detach service to the civilian officials...)

In case of emergency, the Province Chief is allowed to call for regular Armed Forces, but he must report immediately to the President.

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* * *

Since now until the reform of financial organizations

at the provincial level, the responsibilities of the Province Chiefs on budget and taxation shall be governed by the current regulations, if they are not contrary to the provisions of the above ordinance.

Other powers and responsibilities of the Province Chiefs as provided in the current regulations shall remain in force, if they are not contrary to this ordinance.

The Province Chief controls directly the village organizations. He has responsibility to choose and appoint the members of the Village committee, to orient them, to control their work, to assure the execution of the village budget so that the resources involved may be used properly.

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The Province Chief exchanges direct correspondence with the Presidency and the Ministries. A copy of that correspondence must be sent to the Government Delegate.

When he deems necessary, the Province Chief may have relationships with the Directors General, the Directors and the Service Chiefs of each Ministry. But as regards to important matters, he must have previously received instructions from the Presidency.

The Province Chief may also receive the Ministries' instructions must be signed by the interested Secretary of State. In this case, a copy of the correspondence must be sent to the Presidency and to the Government Delegate.

The instructions and recommendations having a general character and issued by a Ministry Directorate or Service must be sent to the Ministry representative at the provincial level, via the Province Chief. A copy of these correspondence shall be sent direct to the Ministry representative. The Ministry representative when he mails a letter to the Ministry, must go through the Province Chief.

The Province Chief makes periodical reports to the Presidency or to the Ministry on the activities of public services within his province, and may recommend the transfer of the personnel who have failed in the performance of the duty.

A copy of these reports must be mailed to the Government Delegates.

Copies of the performance rating of the specialized personnel must also be sent to the Government Delegate and to the Province Chief.

The Government Delegate and the Province Chief must express immediately their opinions to the President.

The Province Chief may meet the Service Chiefs in his constituency for all matters pertaining to the province.

Having responsibility in the functioning of public services, the Province Chief must make reports after preliminary investigations of all administrative personnel falling under the cases of the penal law.

In regard to the judiciary and military organization activities, if the Province Chief cannot intervene directly, he may report to the Presidency the matters having an illegal or inappropriate character.

In relation with the Treasury, the Province Chief may only intervene directly in cases of robbery, embezzlement or misuse of power and may apply security processes, but he must report immediately to the Presidency and to the Ministry of Finance.

If a Minister has no representative in the province, the works of this ministry are performed by the Province Chief himself.

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In general, ordinance No. 57-a of 24 October 1956 and the above instructions shall be implemented in the cities, if there is no contrary provisions to the specific statutes of these cities.

THE VILLAGES

The villages are under the direct supervision of the Province Chief. At the village level, the Province Chief performs his functions with the assistance of the Chiefs and Deputy Chiefs of cantons, and the District Chiefs.

The District Chief performs his duty on behalf of the Province Chief.

The District does not have legal entity. The district limits remain as in the past until further modifications.

The Canton Chief assumes the liaison between the villages with district and provincial administrative organizations.

The Canton Chief helps the District Chief in the implementation of measures determined at higher level. When possible, the Canton Chief shall conciliate the suits, to take care of the rights of the villages or the benefits of the private citizens.

Canton Chiefs and Deputy canton Chiefs are appointed by the Province Chief, on the recommendation of the Village representatives.

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GOVERNMENT DELEGATES

The Government Delegate is no more administrative regional supervisor as in the past. The Government Delegate has the 3 following responsibilities:

1. With the role of an Inspector, he has the task of

following-up and coordinating the activities of all public services located in the province, and may intervene at the Ministry in the matters relative to the Ministry activities in the province.

The Government Delegate must attend the monthly meetings with the executive organizations at the Presidency, and the meetings of the Administrative and Financial Inspection Team.

The Government Delegate follows-up the situation in the provinces, in regard to the reports the Province Chiefs send to him. He examines these reports and forwards them to the President with his own opinions and recommendations.

2) With the role of an Administrative Assistant, the Government Delegate follows-up the implementation of laws and regulations, of directives and programs of the Government. For this reason, the Government Delegate may receive delegation of power from the President to give directives to the Province Chiefs.

3) The Government Delegate may be empowered by the President to conduct investigations or to perform other operations besides his routine activities.

The Government Delegate corresponds with the President, the Secretaries of State and the Province Chiefs. Copies of the correspondence having an important character between the Delegate and the Secretaries of State and the Province Chiefs shall be mailed to the Presidency.

At least twice a month, the Government Delegate must report the provinces situation to the President. A copy of this report must be mailed to the executive organizations of the Presidency, and if necessary, to the interested Ministries.

In the performance of his inspection duties, the Government Delegate may consult any materials and files at the provincial headquarters or at the Ministry representative organizations located in the provinces.

s/Ngo dinh Diem

Ordinance No. 57-A
October 24, 1956

Regarding the Administrative organization of Vietnam.

The President of the Republic of Vietnam

ENACTS:

Art. 1 - Vietnam is composed of provinces, cities and villages.

I. PROVINCES

Art. 2 - Provinces are legal entities having a budget and public properties. Each province shall be governed by a Province Chief assisted by one or more Deputy Chiefs (Decree No. 237-NV, Dec. 8, 1961, provided for a Provincial Council Phu Bon).

Art. 3 - Province Chiefs and Deputy Chiefs shall be appointed by the President.

Art. 4 - Province Chiefs shall be under the direct jurisdiction of the President and shall represent the central authority in the provinces.

Art. 5 - A Province Chief is charged with the enforcement of laws.

a. He is responsible for the general administration of all provincial services and in this capacity, he shall make reports to the Presidency and other Departments on the activities of the Services under his jurisdiction and of those of other Departments.

He may propose transfers of technical officials assigned to his locality.

b. He is responsible for order and public safety.

In this capacity, he shall coordinate all local security and police forces. In emergency cases, he may requisition the armed forces and (if he does so) must make an immediate report to the Presidency.

Art. 6 - In the capacity of representative of the government, he presides over all public ceremonies in his locality.

Art. 7 - He controls and authorizes the provincial budget.

Art. 8 - He supervises village administration, the organization of the provincial administration and finance shall be established by decrees.

II. CITIES

Art. 9 - Cities are legal entities having a budget and public properties.

Each city shall be governed by an appointed Prefect and a City council (a prefect for Saigon, a Mayor for each of the other autonomous cities).

Art. 10 - The administrative and financial organization of the city shall be established by decrees.

III. VILLAGES

Art. 11 - A province includes many villages which are legal entities having a budget and public properties.

Art. 12 - The administrative and financial organization of the villages shall be established by decrees.

IV. CANTONS AND DISTRICTS

Art. 13 - Several villages form a canton which is governed by a Canton Chief assisted by one or several deputy chiefs. The appointment procedure and the duties of Canton Chiefs and Deputy Chiefs shall be established by arretes. (Comment)

Art. 14 - Several cantons form a district which is governed by a District Chief.

Art. 15 - District chiefs shall be appointed by the President on the proposal of the Province Chief.

V. REGIONAL GOVERNMENT REPRESENTATIVES (DELEGUES)

Art. 16 - Regional Government Representatives shall be appointed by Presidential Decrees and in charge of a number of provinces.

Art. 17 - As inspectors, Regional Government Representatives shall survey the activities of services in the provinces placed under their jurisdiction. They may also intercede with the various Departments to promote the efficiency and progress of services dependent on such departments.

Art. 18 - Regional Government Representatives represent the central executive administration. They shall make periodic reports on the general situation in their provinces and make useful recommendations to the Presidency.

They may make recommendations as to the coordination of provincial services and propose promotions for Province Chiefs.

Art. 19 - The President may assign to regional government representatives special missions in one or several provinces and have them transmit Presidential orders to Province Chiefs.

Art. 20 - In emergency cases such as: calamities, special events, etc. government representatives may order Province Chiefs to mobilize all public services, and in such cases shall submit reports to the Presidency immediately.

Art. 21 - Government representatives are charged with the survey of all problems concerning the provinces under their jurisdiction, and with the prior authorization of the President, they may organize meetings with Province Chiefs to exchange ideas.

Art. 22 - Government representatives may, with Presidential authorization, organize meetings with the Police and Security and other administrative authorities in their own regions to study security problems. In emergency cases, they need not obtain prior authorization from the President but in such cases shall submit reports to the President immediately on the purpose of such meetings.

Art. 23 - Government representatives represent the government in all ceremonies in Provinces under their jurisdiction. They also represent the government in receiving diplomatic delegations or personages visiting their concerned regions.

For the latter duty, they shall receive prior instructions from the government in each instance.

VI. GENERAL PROVISIONS

Art. 24 - All former provisions contradictory to this ordinance are hereby repeated.

Art. 25 - All secretaries of State and the Secretary General at the Presidency are charged, each as to that which concerns him, with the execution of this ordinance.

SUMMARY OF THE TAXATION ON REAL PROPERTY

IN VIET-NAM

NGUYEN CAN

Expert on property tax

DIRECTORATE OF DIRECT TAXES

When Vietnam still had three regional governments - one in the North, one in the Center and one in the South - the tax was a regional government levy, with an additional percentage of the regional tax being added for revenue needs of the cities, provinces and villages.

After January 1, 1956, when the regional governments ceased to exist, the land tax became a central government levy, with the cities, provinces and village being given additional percentages of the central government tax for their revenue needs.

As of January 1, 1968, it has become imperative for the central government to give local revenue a strong financial structure so that local administrations can function effectively, thus the Decree-Law No. 041/67 of 18 October 1967 has come into existence, reserving the receipts for rice land and mixed cultivation land tax for village budget and receipts for urban land for prefecture, province or city budget.

Following are outlines of the Vietnamese property tax system:

I. TAX ON RICE LAND

Rice land is taxes on the basis of area, under a classified structure reflecting productive capacity:

- Super grade: over 2,000 kilos of paddy.
- First class: less than 2,000 and over 1,200 kilos of paddy
- Second class: less than 1,200 and over 700 kilos of paddy
- Third class: less than 700 and over 500 kilos of paddy
- Fourth class: less than 500 and over 300 kilos of paddy
- Fifth class: less than 300 kilos of paddy

On the basis of this classification, rice land is taxed according to the following schedule:

- Super grade: 85\$ per hectare
- First class: 65\$ per hectare
- Second class: 50\$ per hectare
- Third class: 35\$ per hectare
- Fourth class: 20\$ per hectare
- Fifth class: 10\$ per hectare

As of January 1, 1968, the tax rate schedule is established by the Prefect, Province Chiefs or Mayors, in accordance with the economic situation and needs of the local budget, but it will not exceed the following minimum or maximum limits:

- | | | | | |
|-----------------|----------------|-------|------------------|-------|
| - Super grade: | minimum limit: | 110\$ | , maximum limit: | 350\$ |
| - First class: | " | 85\$ | " | 240\$ |
| - Second class: | " | 65\$ | " | 210\$ |
| - Third class: | " | 45\$ | " | 150\$ |
| - Fourth class: | " | 25\$ | " | 70\$ |
| - Fifth class: | " | 13\$ | " | 40\$ |

The decision fixing the tax rate schedule will be put into application only after it is approved by the Ministry of Finance.

The classification of land into various tax categories is to be undertaken by a committee appointed by the Province Chiefs.

Rice land taxes are collected for the benefit of the village budget.

The decision fixing the tax rate schedule will be put into application only after it is approved by the Ministry of Finance.

Each agricultural product is then assigned to a particular category; for example, all lands used for rubber production may be classified under the special category, while all lands used for tea production may be classified under the first category. These designations are determined by arrete of the Ministry of Finance.

Taxes on land used for mixed cultivation are collected for the benefit of the village budget.

III. TAX ON URBAN LAND AND IMPROVEMENTS

A. Tax on area:

Urban land is taxed at a specific amount per square meter (or hectare), with variable tax rates, depending on the value of the land.

Before January 1, 1968, there were two schedules for classifying urban land, one for occupied land and the other for unoccupied land.

Is taxed as occupied land the land surrounding the building to the extend of six times (for one-storied buildings) or nine times (for buildings of more than one storied) of the area of the building.

Any land exceeding the above-mentioned definition is taxed as unoccupied land.

The schedule for classifying occupied land has five categories:

- Super class: 0\$85 per square meter
- First class: 0\$40 per square meter
- Second class: 0\$25 per square meter
- Third class: 0\$15 per square meter
- Fourth class: 0\$05 per square meter

The schedule for unoccupied land varies from urban centers to provinces. In Saigon, the rates range from 10,000\$

to 20¢ per hectare; the maximum rates are much lower in other urban centers.

As of January 1, 1968, all pieces of land located in the Prefecture, province, city and district chief town, whether the land is occupied or unoccupied, are taxed at the same rate.

The tax rate schedule is established by the Prefect, Province Chiefs or Mayors, but it will not exceed the following minimum or maximum limits (per square meter):

| | | | | |
|-----------------|----------------|--------|----------------|-------|
| - Super class: | minimum limit: | 2\$50, | maximum limit: | 7\$00 |
| - First class: | " | 1\$20 | " | 3\$50 |
| - Second class: | " | 0\$75 | " | 2\$50 |
| - Fourth class: | " | 0\$45 | " | 1\$50 |
| - Fifth class: | " | 0\$15 | " | 0\$50 |

The classification of urban land into various tax classes is to be undertaken by a committee defined in the Arrete No. 1523-BTC/TV dated 27.12.1968.

Existing land classifications are subject to review and reclassification every three years or from time to time.

B. Tax on rental value

Improvements are taxed on the basis of annual rental value, which is legally the actual market rent or estimated market rent.

In the absence of actual market rents, estimated market rents may be obtained on the basis of comparison with other properties for which rental values are known or, for want of these above-mentioned bases, on the basis of direct appreciation, that is by computing the legal rate of interest (8%) on the capital invested in real estate.

As from January 1, 1967, a standard rental value schedule is used as a base for taxing instead of rental values reported by landlords.

Rental value used as a base for assessment is revised every three years or from time to time.

Before January 1, 1968, the tax on rental values is uniform throughout Vietnam. It is 6 per cent of rent, and net rent is 75 per cent of gross rent.

As of January 1, 1968, the tax rate is established by the Prefect, Province Chiefs or Mayors, in accordance with the economic situation and needs of the local budget, but it will not exceed the minimum limit 6 per cent and the maximum limit 13 per cent.

The decision fixing the tax rate will be put into application only after it is approved by the Ministry of Finance.

Rental value used as a basis for levying tax is gross rent. No deduction of 25 per cent for expenses as provided in the old law is allowed.

C. Tax on local property and village other than urban

- a. Land bordering a national, provincial or interprovincial highway 50\$ per hectare
- b. Land bordering a secondary road, path or in the center of village 30\$ per hectare
- c. Improvements are taxed on the basis of rental value

(According to Ordonnance No. 7 of April 13, 1953)

Taxes on urban land and improvements are collected for the benefit of the budget of the capital, city or province concerned.

D. Exemptions

Exemptions from urban real property tax are classified into permanent and temporary ones as follows:

a. Permanent exemptions

- 1. Real estates meeting the triple condition: being a public property, devoted to serving the public interest and nonprofit, especially:

- Streets, high roads, squares, markets, rivers.
- Buildings affected to quarters of ministers, public administrators, and their offices.
- Buildings occupied by Justice Courts and tribunals.
- Public schools, librairies, and museums.
- Town and village halls.
- Jails
- Military establishments.

2. Real estates belonging to religious and relief organizations:

- Buildings used for religious worship, including quarters for priests and their assistants.
- Buildings used for educational purpose, including quarters for personnel.
- Buildings used for free health services, including quarters for personnel.

3. Real estates belonging to institutions which are non-profit and are devoted to serving the public interest, especially:

- Buildings used for recognized religious worship.
- Buildings used for educational purposes, health services and agricultural activities.

4. Real estates belonging to scientific establishments.

5. Straw covered hut and other quick wear light material constructions reposing directly on the ground.

6. Foreign embassies.

b. Temporary exemption

The three years temporary exemption is extended to buildings constructed to replace war damage, provided that the reconstructed building must have the same usable surface as the old one.

This exemption is not allowed if:

1. The reconstructed building or portion of building is to be used for a different purpose than previously stated.
2. The owner has received an allowance for war damage.

3. All construction of new buildings situated at a locality other than the one where damaged buildings got war compensations.

IV. PER CENTAGE ADDITIONS

When land tax was still a regional government levy (before January 1, 1956) or a central government levy (from January 1, 1956 to January 1, 1968), prefecture, province, city and village authorities received additional percentages of regional or central government land tax for their revenue needs and these percentage increases vary throughout Vietnam.

The maximum limits of annual percentage increases established for each region and urban centers are prescribed by an arrete of the Ministry of Finance.

In addition, the basic rates for rice land and land used for mixed cultivation are still subject to the other supplemental rate of one thousandth (10/00) for the specific use of the National Chamber of Agriculture.

But, from the time land tax became a local levy (from January 1, 1968) the percentage addition system has ceased to exist.

V. GARBAGE REMOVAL TAX AND SEWAGE TAX

In Saigon, there are two special charges based on net rent for urban services.

a. Garbage tax:

- For real estate used for residence
- For real estate used for residence and commercial, industrial or professional activities at the same time.) 6% of rental value, less 25%
- For real estate used for other activities different from the above-mentioned activities.) 5% of rental value, less 25%

There is no garbage tax levied on unoccupied land.

b. Sewage tax:

- For sewer with cover: 3% of rental value, less 25%
- For open sewer: 2% of rental value, less 25%

Moreover, a sewage tax is levied on unoccupied land:

- For sewer with cover: 20% of the basic rate for unoccupied land
- For open sewer: 15% of the basic rate for unoccupied land

These specific charges for urban services are not uniform throughout Vietnam and some cities do not have them.

VI. TAX ON "EXCESS" RENT

In addition to property tax, owner of rental properties are subject to a special tax of 40 per cent on the "excess" rents.

Considered as "excess" rent the difference between the total gross rent and the normal rent estimated 4 times the regular property tax.

Owner occupied properties are not subject to the special tax on "excess" rents.

Taxes on "excess" rent are collected for the benefit of the national budget.

NGUYEN CAN

MARCH, 1968

CIRCULAR No. 4095-BCTNT dated March 25, 1964
Regarding Exchange of Lands Located in the
Cai-San Land Development Center.

** **

Ministry of Rural Affairs

Saigon, March 25, 1964

I. EXCHANGE OF LAND LOCATED IN CAI-SAN LAND DEVELOPMENT CENTER AND REQUISITIONED FROM SMALL OWNER OPERATORS.

The National Council for Land Reform decides:

1. To approve the exchange of state-owned land against small landowners' lands located in Cai-San Land Development Center.
2. The maximum area to be exchanged to each small landowner is ten hectares under the following conditions:
 - a) If the land is abandoned uncultivated, the recipient landowner can use it immediately after the exchange.
 - b) If the land has been leased by the local authorities, the recipient landowner must respect the contract according to the regulations governing landlord tenant relationships.
3. If the land has been squatted, the recipient landowner of the exchange must draw up a lease contract with the farmer who is cultivating the land. He will be allowed to take back the land at the expiration of the contract and after execution of all formalities provided by the regulations governing landlord tenant relationships in this matter.
4. For those landlords who refuse the exchange of their lands under the above mentioned conditions the Government will negotiate with them in order to purchase these lands at the price of 800 piasters per hectare, but allowing the landowner to collect the harvest revenue of the year in which the definitive sale contract is made up.

5. The National Council for Land Reform entrusts the Province Chief of Kien Giang with the responsibility of carrying out this decision.
6. In case the land owner refuses the exchange and/or sale by common consent to the Government, expropriation procedures will be applied under the common good.

.....

S/s NGUYEN CONG HAU

CIRCULAR No. 13157-BCTNT/HCTC3
dated September 7, 1964 Regarding
Regularization of the Squatter
Situation

** **

Ministry of Rural Affairs

Saigon, November 7, 1964

.....

II. REGULARIZING SQUATTER SITUATION.

At its XXXIV meeting on March 2, 1964, the National Council for Land Reform decided on the authorization to regularize the status of squatters on the state owned land by granting these squatters a temporary right of cultivation.

But the matter has been carefully studied again by the Ministry of Rural Reconstruction. The ministerial authorities recognize that they must grant squatters a permanent right instead of a temporary one for land development, because the squatter occupied land has been developed and cultivated.

After discussion the Council decided:

1. The authorization to regularize the status of squatters on state owned land by granting them permanent rights on the area they have truly developed and cultivated themselves.
2. Areas of ten hectares and less will be granted free by a decision from the Province Chief and ratified by the Ministry of Rural Affairs.
3. Areas over ten hectares will be distributed with payment based on common consent or by bidding.

Regularizing the status of squatters is only applied to those cases (of squatted land) prior to the issue of the present Official Circular.

From now on private individuals desiring to develop state owned land must have an application and fulfill all current regulations and formalities at the responsible authorities office.

.....

S/s NGUYEN CONG HAU

REPUBLIC OF VIETNAM

MINISTRY OF RURAL AFFAIRS

ARRETEE No. 705-BCTNT/ND/HCTC.
3 November 24, 1964 Authorizing
Province Chiefs the Right to
Approve Decisions on Granting of
Definitive Ownership Rights
Without Compensation to Squatters
on State-Owned Lands.

THE MINISTER OF RURAL AFFAIRS

Referring to the Provisory Charter of October 10, 1964;

Referring to the Arrete No. 006-QT/SL of November 4, 1964,
fixing the composition of the Government;

Referring to the Ordinance No. 17 of December 24, 1955,
supplemented by Ordinance No. 57-a of October 24, 1956,
reorganizing the administration;

Referring to the Official Letter No. 814-TTP/TTK. 1 of
August 12, 1957, of the former Presidential Secretariat,
concerning the authorizing the Ministry of Lands and Land
Reform with the implementation and supervision of the
domainal concession;

Referring to the currently in force concession regulations;

Referring to the Official Circular No. 16-601b-BCTNT.HCTC.
3 of November 24, 1964, concerning regulation of the
squatter situation by granting of definitive ownership
rights,

D E C R E E S :

ARTICLE 1. It is hereby authorized that Province Chiefs have
the right to sign decisions concerning the granting of
definitive ownership rights without compensation on the
State-owned lands of 10 hectares or less.

ARTICLE 2. Drafts of the decisions and documents related to the granting of definitive ownership rights without compensation must be submitted to the Ministry of Rural Affairs (now Ministry of Agriculture) for concurrence prior to the Province Chiefs' approval, (Modified by Arrete No. 405-BCN/ND/HCTC. 3 of July 28, 1965).

ARTICLE 3. The Director of Cabinet, the Secretary General of the Ministry of Rural Affairs (now Ministry of Agriculture) and all the Province Chiefs are charged with execution of this Arrete.

This Arrete shall be published in the Official Gazette of the Republic of Vietnam.

Saigon, November 24, 1964

S/NGO NGOC DOI

REPUBLIC OF VIETNAM

MINISTRY OF RURAL AFFAIRS

Saigon, November 24, 1964

No. 16601b-/BCTNT/HCTC.3

OFFICIAL CIRCULAR

THE MINISTER OF RURAL AFFAIRS
To
ALL PROVINCE CHIEFS

Subject: Regulating the Squatter Situation on State-Owned
Privately Used Lands.

Reference: Our Official Circular No. 13157/BCTNT/HCTC. 3
dated September 7, 1964.

Dear Sirs:

Referring to the above-mentioned Official Circular, you are requested to put into effect the following procedures concerning regulation of the squatter situation on State-Owned privately used lands:

1. The Provincial Administrative Office shall:

- Inform the people regarding regulation of the squatter situation on State-owned privately used lands by granting of ownership rights within the limit of its existing means.
- Explain to the people about the Government policy to help the people become private owners.
- Have the village authorities distribute application forms for regulating the squatter situation and have the people mark the boundaries on their plot of squatted land.
- Fix the schedule and notify the village to gather squatters in the village so they may directly contact with the Survey Council.
- The composition of the Survey Council is as follows:

Chief of the survey team Chairman
A member of the Village Administrative Committee ... Member
A representative of the squatters Member
A member of the survey team Secretary
(having no right to vote)

- The Survey Council shall collect applications at the village, and then perform the identification on the ground with the collaboration of the squatters according to the boundaries marked.

- The report on the survey must include the description of the actual area where crops are cultivated and buildings are erected; whether the land is either cleared and developed by the squatter or the squatter bought the right of clearing and developing the land, and other related detailed data and information. The Survey Council shall sign the report and submit it to the provincial authorities with the attached map and application for regulating the squatted land.

- The report shall be posted at the village office for a period of two months to allow any protest which may be presented. All protests shall be recorded in a book. Minutes should be drawn up showing the beginning and closing of the notification. Notices concerning this report are posted at the neighboring villages, and at the local district and province levels.

- The Provincial Domain Concession Council shall hold a meeting to examine and give its suggestion on each document and draw up a report to be forwarded to the provincial authorities for approval.

- The provincial authorities shall be entrusted to make formal decisions concerning the granting of definitive ownership rights without compensation on the squatted land of 10 hectares or less. The provincial authorities shall forward the decision to the Ministry of Rural Affairs (now Ministry of Agriculture) for concurrence prior to approval.

2. The Provincial Land Affairs Service

The Provincial Land Affairs Service is responsible for the survey and mapping of the squatted lands. The Survey Team Leader shall be the Chairman of the Survey Council.

The procedures for surveying and mapping shall follow those applied for the Land Development Centers (Official Circulars No. 78/DD/DE/TT dated November 1, 1963, and No. 10675/DD/CC/DE/CT. 1 dated September 11, 1963 of the Directorate General of Land Affairs).

3. The Ministry of Rural Affairs

Regarding the squatted lands of more than 10 hectares, the provincial authorities shall forward the documents with its opinion and proposal to the Ministry of Rural Affairs (now Ministry of Agriculture), after performing the procedures as stated in paragraphs 1 and 2 above. These lands shall be granted ownership rights with compensation determined by common agreement or bidding.

Your attention is invited to the following:

1. In case the land squatted is designated as reserved for forestry, the local Forestry Service must report to the Forestry Directorate for the implementation of necessary procedures for the modification of the land status. The regulating of such a squatter situation can only be realized with higher level authorization provided.
2. The regulating of squatted land aims at helping the people to become private owners. It must, therefore, be founded on the squatters' honor declarations. In the case of a squatter who already owns 5 hectares of concession land, he will be granted only 5 additional hectares as permanent concession land without payment. The area over 10 hectares shall be granted permanent concession rights with payment determined by common consent or bidding.
3. Preventive measures must be taken against those people who profit by expanding the area squatted. You are requested to issue notices prohibiting all efforts for expanding the squatted area as well as refusing to consider any squatter case which may take place after the issuance of this notice.

4. The regulating of squatter situation in accordance with this Circular is only applied to those rural lands pertaining to the State-owned privately used lands where crops have been cultivated and buildings erected. This does not apply to the squatting of land devoted to State-owned public use, Village private use, Provincial, City, Capital, and provisory concession or definitive concession.
5. This Circular supersedes our Circular No. 4461/BCTNT/DD/CC/IN. 1 dated April 11, 1963, concerning the regulating of illegal squatting of land by renting procedures, and Circular No. 4095-BCTNT/HC/TC/3/TT dated March 25, 1964, especially the paragraph relating to the granting of provisory concession to the illegal squatters.

Respectfully,

S/s NGO NGOC DOI

REPUBLIC OF VIETNAM

MINISTRY OF AGRICULTURE

ARRETE No. 405-BCN/ND/HCTC. 3 of
July 28, 1965, Modifying Article 2
of Arrete No. 705-BCTNT/HCTC. 3 of
November 24, 1964.

THE MINISTER OF AGRICULTURE

- Referring to the Decree No. 1a-CT/LDQG/SL of June 19, 1965, fixing the composition of the Central Executive Committee;
- Referring to the Arrete No. 985-CN of July 2, 1965, organizing the Ministry of Agriculture;
- Referring to the Ordinance No. 17 of December 24, 1955, supplemented by Ordinance No. 57a of October 24, 1956, reorganizing the administration;
- Referring to the Official Letter No. 814-TTP/TTK. 1 of August 12, 1957, of the former Presidential Secretariat, concerning the authorizing of the Ministry of Lands and Land Reform with the implementation and supervision of the domainal concession;
- Referring to the Arrete No. 705-BCTNT/ND/HCTC. 3 of November 24, 1964, authorizing the Province Chiefs the right to approve decisions on granting of definitive ownership rights without compensation to squatters on State-owned land.

D E C R E E S :

Article 1. The Article 2 of Arrete No. 705-BCTNT/ND/HCTC. 3 dated November 24, 1964, referred above is hereby modified as follows:

Instead of:

Article 2. Drafts of the decisions and documents relating to the granting of definitive ownership rights without compensation must be submitted to the Ministry of Rural Affairs (now Ministry of Agriculture) for concurrence prior to the Province Chiefs' approval.

It is now modified as:

Article 2. Drafts of the decisions and lists of squatters' names after being approved by the Province for the granting of definitive ownership rights without compensation, shall be forwarded to the Ministry of Agriculture together with related documents for approval.

Article 2. The Director of Cabinet, the Secretary General of the Ministry of Agriculture, and all Province Chiefs shall carry out this Arrete as far as their respective duties are concerned.

This Arrete shall be published in the Official Gazette of the Republic of Vietnam.

REPUBLIC OF VIETNAM

Ministry of Agriculture

No. 9275-BCN/HCTC.3

Saigon, August 23, 1965

OFFICIAL CIRCULAR

THE MINISTER OF AGRICULTURE

to

ALL PROVINCE CHIEFS

Subj: Implementation of Decisions made by the National Council for Land Reform at its Meeting on July 28, 1965, relating to the Allocation of Communal Land for Cultivation.

Dear Sirs:

This Ministry respectfully informs you of the decision made by the National Council for Land Reform in its meeting held on July 28, 1965, concerning the allocation procedures for rent of communal land for cultivation instead of following bidding practices.

I. BASIC PRINCIPLES

The communal land in every village is not to be leased by any means of bidding, but it will be allocated directly to farmers for cultivation according to the principal conditions contained in the Tenure Regulations which are outlined as follows:

1. Beneficiary Tenant:

The tenant of communal land must be an inhabitant of the

However, the Committee for Distribution of Communal Land should not, due to the density of population, divide up the area of communal land into too many small plots which may not favor the productivity.

3. Duration of the Rental Period

The duration of the rental period is fixed at five years and renewable on expiration provided it is proposed by the Committee for Distribution of Communal Land, and that no alternate applicant is available. However, the local authority can recover the land for common public use at any time provided that a six month notification is given to the farmer. If the land should be recovered due to emergency requirements, the agency which takes possession of it must compensate the farmer for the losses in income according to the currently enforced regulations.

4. Rental rate

The rental rate ranges from 15 to 25 percent of the average yield of the land to be estimated by the Committee for Distribution of Communal Land.

II. METHOD OF APPLICATION

The allocation of communal land will be entrusted to the Village Committee for Distribution of Communal Land with the cooperation of the Village Administrative Committee and under the control of the District Chief according to the following:

1. Village Committee for Distribution of Communal Land

A Committee for Distribution of Communal Land shall be established in each village and be composed of:

- Chairman of the Village People's Council
(or Chairman of the Village Administrative Council, if the former is unavailable.....Chairman
- Hamlet Chief or Chief of "Thon".....Vice Chairman
- A Dignitary in the village.....Commissioner
- Two representatives of farmers (one represents Farmers' Union or Farmers' Association).....Commissioner

This Committee shall have the responsibility to:

- Determine the area to be rented to each family, based on the situation of the population density and the availability of communal land in the village.
- Examine applications for tenure of land and establish a list of proposed farmers for the renting according to the afore-mentioned conditions and priorities.
- Examine the family situation of the farmers whose farm contracts term expires, and draw up proposals for renewal.
- Estimate the yield and rental rates for the land to be rented.

2. The Village Administrative Committee shall have the responsibility to:

- Collect farmers' applications for renting of communal land to forward to the Committee for Distribution of Communal Land.
- Establish farm contracts with farmers when the list of recipient farmers is established by the Committee for Distribution of Communal Land, and approved by the Province Chief.
- Supervise the cultivation of the farmers, and collect rent.

3. The District Chief

- Controls and submits to the Province Chief for approval the list of farmers proposed for the renting of land, or renewal of farm contracts submitted by the Committee for Distribution of Communal Land.

III. TERM FOR APPLICATION

The afore-mentioned procedures shall be applied progressively to those communal lands as the bidden renting term expires.

This Ministry respectfully requests Messrs. the Province Chiefs to implement the afore-mentioned decisions of the National Council for Land Reform.

Respectfully,

s/ Lam van Tri

REPUBLIC OF VIETNAM

NATIONAL LEADERSHIP COMMITTEE

Office of the Chairman

**

ARRETEE No. 021/65 of
October 8, 1965 Granting
of permanent Ownership Rights,
without compensation, on the
State Owned Land at the Land
Development and Resettlement
Centers.

THE CHAIRMAN OF THE NATIONAL LEADERSHIP COMMITTEE

- Referring to

.

D E C R E E S:

ARTICLE 1. The Vietnamese citizens located at Land Development Centers and Resettlement Centers are granted with free, definitive ownership rights to the State owned land which they have actually exploited themselves.

ARTICLE 2. The developers who now become owners are exempted from paying any fees for land roll recording, registration of distributed land documents, and land taxes for the three years which ensue following the promulgation of the distribution decree if the land is devoted to the cultivation of secondary crops; and until the year they start collecting their first income if the land is devoted to the cultivation of perennial industrial trees.

ARTICLE 3. The Commissioner for Agriculture is authorized to sign Decrees which determine the definitive ownership rights stated in Article 1 above.

ARTICLE 4. The Chairman of the Central Executive Committee, General Commissioners and Commissioners, are charged with the execution of this Arrete.

This Arrete shall be published in the Official Gazette
of the Republic of Vietnam.

Saigon, October 8, 1965

S/ Lt. General NGUYEN VAN THIEU

OFFICIAL CIRCULAR No. 5619-BCN/HCTC, 3 of May 27, 1966 from Minister Tri to Chiefs of Provinces, concerning the procedures to be followed in allocating and renting cultivatable Communal Lands under applicable rental regulations instead of following bidding practices, in accordance with the new policy contained in Official Circular No. 9275-BCN/HCTC. 3 of August 23, 1965, issued by the Ministry of Agriculture.

We have informed you by the Official Circular No. 9275-BCN/BCTC of August 23, 1965, of the decision made by the National Council for Land Reform, at its meeting on July 28, 1965, and related to the allocation procedures for rental of Communal Land for cultivation.

The present circular gives instructions on details of implementation so that uniform rental procedures may be applied throughout the country.

I. BASIC PRINCIPLES:

By the Official Circular No. 9275-BCN/HCTC.3 mentioned above, you are all informed that:

"The Communal Land in every village is not to be leased by any means of bidding, but it will be allocated directly to farmers for cultivation according to the principal conditions contained in the Tenure Regulations" (Ordinance No. 20, June 4, 1953, and Ordinance No. 2, January 8, 1955).

However, direct allocation is applied only to those Communal Lands still remaining under bidding system, but those lands already justly (quan cap) 1/distributed to farmers will remain temporarily under former procedures. The direct allocation will be progressively applied as the terms of bidding contracts expire.

1/ Quan Cap: In the Central Lowland Provinces of Vietnam, there has been the tradition of utilizing 75% of the Communal Land in the Village to be equally divided among each person in the Village over the age of 18, thus assuring a sense of equal benefits to all. The remaining 25% of Communal Land has been leased through bidding procedures.

Besides, in several places the Communal Land is leased on a mutual agreement from both parties, from 1 to 3 years, with a rent which is higher than the legal limitation. In order to get uniform rental procedures everywhere, you are requested to enforce the Official Circular No. 9257-BCN/HCTC. 3 mentioned above.

1. Beneficiary tenant:

- "The tenant of communal land must be an inhabitant of the village living from his agricultural resources and farming the land himself. The method of distribution will be applied by following the categories below:

Those inhabitants living there for a long time and having their houses in the village, or those people resettled in the village and so recognized by the local authorities.

- "Disabled and wounded soldiers and dead soldiers' families (wife, minor children, or father or mother if the dead soldier is single)".

However, only disabled soldiers who receive an allowance for disability are granted this number one privilege. Those who are not given this allowance will be given second rank privileges.

- "Families of war victims".

War victims are known as victims of VC assassination or those killed accidentally by either side, or those whose fortune is heavily plundered by the VC, or nearly destroyed by the war.

- "Combat Youths".

- "Veterans".

Veterans are known as those who have served in the regular army, local forces or popular forces.

However, if the Veteran is the son of a well-off family or is receiving material support for living, he will not be favorably considered.

- "Tenants residing right in the place where they lease the land through a bidding process or from the winning bidder".

Residing tenants here means farmers who have participated in the last bidding procedures or leased land from the winning bidder at this bidding.

- "Those people having no land for farming".
- "Area Allocated"
- "Duration of the Rent"
- "Rent"

II. DETAILS REGARDING THE APPLICATION

1. Publicizing of the Government's Policy on allocation of Communal Land

a. Chiefs of Provinces are requested to have notices posted at the Provincial Administration Buildings, other Services, Chief of District Offices, Village and Hamlet Administration Offices, and make broadcast by means of loud speaking facilities.

b. You will convene meetings with district authority representatives Provincial Council members, officers of Services interested, Farmers' Associations and Farmers Unions (at the provincial level), if they are available, in order to discuss the new process of land distribution.

- For the same purpose, the Chiefs of Districts will also meet with Chiefs of Cantons, Village Administrative authorities, Village or Canton Agricultural Affairs Committees, Farmers' Associations and Farmers' Unions.

- At the village level, the village authorities will also convene a meeting with hamlet representatives, and representatives of all classes of people, to publicize and explain the Government policy.

2. Investigation of Communal Land

In any hamlet and village where the bidding contract terms are expired, area, type and locality of Communal Land plots will have to be declared and recorded, in order to facilitate the investigation.

3. Establishing Committee for Distribution of Communal Land

The Village Administrative Council will propose and submit a list of members of the Communal Land Distribution Committee to the Chief of District for ratification and the latter hands it over to the Chief of Province for approval.

4. Notice to the public on the reception of applications for leasing Communal Land

In the village, the public must be given notice of the following two subjects by the Village Administrative Committee and ratified by the local Chief of District:

- Area, type and grade and locality of the Communal Land to be leased.
- When the reception of applications is to begin and when it is to be closed (the period may be one month).

5. To examine applications for leasing Communal Land, and determine the area leasable for each applicant and the lot-drawing process.

The Village Committee for Distribution of Communal Land will make an orderly examination of applications given to it by the Village Administrative Committee according to the conditions and order of priority previously set.

Based on the area of Communal Land already investigated and the number of farmers whose applications are accepted, the Village Committee for Distribution of Communal Land

determines the area per capita to be leased and then organizes a lot-drawing in each "Thon" (larger than hamlet) and each hamlet in the presence of farmers and finally recording the results:

In the determination of the area of Communal Land per person referred to in the Official Circular No. 9275-BCH/HCTC.3 mentioned above, notice must be taken of the fact that Communal Land should not be cut into too small plots due to the high density of population, because to do that will be harmful to the production of the land. This is the reason why, in the case when the village has a small area of Communal Land, and the applicants for it are comparatively numerous, the determination of area per capita must be done beforehand so that when the Village Committee for Distribution of Communal Land determines a list of beneficiary farmers it can eliminate those farmers mentioned in the last categories.

The records and the list of beneficiary farmers will then be given to the Village Administrative Committee for notification to the public.

6. The posting of the names of those farmers, tentatively proposed to lease Communal Land

The Village Administrative Committee posts the above mentioned list in its office and at public places in the village, "Thon" and hamlet, for a period of perhaps 15 days. During this period it records all protests if any.

When the notice period is over, the Village Administrative Committee will give the list of beneficiary farmers proposed for leasing Communal Land and protests, if any, to the Chief of District for examination and instructions. All these matters will be later addressed to the Chief of Province for approval.

7. The posting of the names of the farmers who are officially accepted to farm Communal Land

When approved by the Chief of Province, the farmers tentatively proposed are now officially recognized to lease Communal Land.

Their names are once again posted in the office of the Village Administrative Committee and at public places of the "Thon" and hamlet. A duplicate list of their names will be given at the same time to the Committee for Distribution of Communal Land.

8. To determine the yield and rental limit of the plot of Communal Land leased to the farmer.

The Committee for Distribution of Communal Land should be cautious in its determination of theyield and rental limit in order to prevent any harm to the village budget as well as all protests from the farmers. It should record this information and send one copy to the Village Administrative Committee for action.

9. Farm contracts

Based on the final list of farmers accepted to farm Communal Land and the records on the determination of the yield and rental limit, the Village Administrative Committee makes a Type A farm contract, giving the original copy to the beneficiary farmer and filling the second copy at the Village Administrative Office.

The farm contracts on Communal Land must be recorded in a special register to facilitate the control and collection of rent.

10. Renewal of farm contracts

In paragraph 3 of item 1 of the Official Circular No. 9257-BCN/HCTC.3 it is provided that the "tenure of communal land lasts for 5 years. It can be extended when it expires if the extension is proposed by the Committee for Distribution of Communal Land and if no one else requests its use...". In order to enforce this stipulation, the Village Administrative Committee needs to notify interested farmers 6 months before the 5-year period expires.

The notification should inform the former farmer of the fact that if he wants to release the land he should apply for it, so, the Committee for Distribution of Communal Land will be able to examine the case and that the farm contract will be renewed only if it is approved by the provincial authorities.

In the interim period, as far as the Communal Land already leased on mutual agreement for periods of 1 to 3 years is concerned, the Village Administrative Committee should notify the farmer of the reversion of the land over 6 months before the contract expires. The farmer must make an application to release the land which will be re-distributed to him only if he fulfills all conditions provided in the Official Circular No. 9275-BCN/HCTC.3.

You are requested to publicize this Circular to all concerned administrative services for action.

Sincerely yours,

s/ Lam van Tri