

LAWS AND OTHER LEGAL DIRECTIVES
GOVERNING THE
AUTHORITY AND RESPONSIBILITIES
OF THE
PROVINCES, AUTONOMOUS CITIES, DISTRICTS
AND
VILLAGE/HAMLETS
IN
VIETNAM

(SHORT TITLE: THE BLUE BOOK)

FOREWORD

This publication, referred to as the "Blue Book", is intended as a handy reference to the basic local government laws and directives most frequently encountered by U.S. field advisors in the course of their duties. It is not designed as an all inclusive resource document, but anyone familiar with the materials contained herein will have a reasonable understanding of province and local government operations.

When the Blue Book was first issued in August of 1968, there were very few GVN local government laws and directives readily available in English. For that reason, both the first and second editions of the Blue Book contained numerous documents that were primarily intended to serve as background material or supporting information for then current laws and decrees. However, in the ensuing years, the USAID & CORDS have produced and distributed a number of publications which, in the aggregate, provide the field advisor with adequate background and current information regarding local government organizations and functions (See CORDS publication, The Vietnamese Village 1970). The periodic USAID/ADPA bulletins also reproduce important GVN laws and decrees as they are issued (See PAD Bulletin No. 49, June 1969, for a complete index of all such documents contained in the Bulletins since the initial publication in 1962). For these reasons, material in this edition has been restricted essentially to basic laws and directives, with historical information deleted. Materials on local government finance have also been deleted from this issue since this topic is now fully covered in other USAID/ADPA publications (See Chapter VII for details).

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CHAPTER I
CONSTITUTIONAL AUTHORITY

TAB I



CONSTITUTIONAL BODIES

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THE CONSTITUTION OF THE GOVERNMENT OF VIETNAM

P R E A M B L E

Confident that the patriotism, indomitable will, and unyielding traditions of the people will assure a radiant future for our country;

Conscious that after many years of foreign domination, followed by the division of our territory, dictatorship and war, the people of Viet Nam must take responsibility before history to perpetuate those hardy traditions and at the same time to welcome progressive ideas in order to establish a republican form of government of the people, by the people and for the people whose purpose is to unite the nation, unite the territory and assure independence, freedom, and democracy with justice and altruism for the present and future generations;

We, 117 Deputies of the National Constituent Assembly representing the people of Vietnam, after debate, approve this Constitution.

CHAPTER I

BASIC PROVISIONS

Art. 1 - (1) Viet-Nam is a territorially indivisible, unified and independent Republic.

(2) Sovereignty resides in the whole people.

Art. 2 - (1) The State recognizes and guarantees the basic rights of all citizens.

(2) The State advocates equality of all citizens without discrimination as to sex, religion, race or political party. Minority compatriots will receive special support so that they can achieve the same rate of progress as the population as a whole.

(3) It is the duty of every citizen to serve the interest of the nation and the people.

Art. 3 - The functions and powers of the legislative, executive and judicial branches of government must be clearly delineated. Activities of these three branches must be coordinated and harmonized in order to realize public order and prosperity on the basis of freedom, democracy and social justice.

Art. 4 - (1) The Republic of Viet-Nam opposes Communism in any form.

(2) Every activity designed to publicize or carry out Communism is prohibited.

Art. 5 - (1) The Republic of Viet Nam will comply with those provisions of international law which are not contrary to its national sovereignty and the principle of equality between nations.

(2) The Republic of Viet-Nam is determined to oppose all forms of aggression and strives to contribute to the building of international peace and security.

CHAPTER II

RIGHTS AND DUTIES OF CITIZENS

Art. 6 - (1) The State respects human dignity.

(2) The law protects the freedom, lives, property and honor of every citizen.

Art. 7 - (1) The State respects and protects the security of each individual and the right of every citizen to plead his case before a Court of Law.

(2) No one can be arrested or detained without a legal order issued by an agency with judicial powers conferred upon it by law, except in case of flagrant violation of the law.

(3) The accused and his next of kin must be informed of the accusation against him within the time limit prescribed by law. Detentions must be controlled by an agency of the Judiciary.

(4) No citizen can be tortured, threatened or forced to confess. A confession obtained by torture, threat or coercion will not be considered as valid evidence.

(5) A defendant is entitled to a speedy and public trial.

(6) A defendant has the right to a defense lawyer for counsel in every phase of the interrogation, including the preliminary investigation.

(7) Any person accused of a minor offense who does not have a record of more than three months imprisonment for an intentional crime may be released pending trial, provided that he or she is employed and has a fixed residence. Women pregnant more than three months accused of minor offenses who are employed and have fixed residence can be released pending trial.

(8) Accused persons will be considered innocent until sentence recognizing their guilt is handed down.

In event of doubt, the court will rule in favor of the accused.

(9) If unjustly detained, a person has the right to demand compensation for damages from the State after he has been pronounced innocent, in accordance with the provisions of law.

(10) No one can be detained for indebtedness.

Art. 8 - (1) The private life, home and correspondence of every citizen must be respected.

(2) No one has the right to enter, search or confiscate the property of a person unless in possession of orders from a court or when necessary to the defense of security and public order according to the spirit of the law.

(3) Privacy of correspondence is protected by law. Any restriction imposed on this right must be determined by law.

Art. 9 - (1) The State respects and guarantees freedom of religious belief and freedom to preach and practice religion of every citizen as long as it does not violate the national interest and is not harmful to public safety and order or contrary to good morale.

(2) No religion is recognized as the State religion. The State is impartial in the development of various religions.

Art. 10 - (1) The State recognizes freedom of education.

(2) Basic education is compulsory and free of charge.

(3) University education is autonomous.

(4) Talented persons who do not have means will be given aid and support to continue their studies.

(5) The State encourages and supports research and creative work by citizens in the fields of science, letters and the arts.

Art. 11 - (1) Culture and education must be considered matters of national policy, on a national, scientific and humanistic basis.

(2) An appropriate budget must be reserved for the development of culture and education.

Art. 12 - (1) The State recognizes freedom of thought, speech, press and publishing as long as it does not harm personal honor, national security or good morals.

(2) Censorship is abolished except for motion pictures and plays.

(3) Press regulations will be prescribed by law.

Art. 13 - (1) Every citizen has the right to meet and form associations in accordance with conditions and procedures prescribed by law.

(2) Every citizen has the right to vote, run for office and participate in public affairs on an equal basis and in accordance with conditions and procedures prescribed by law.

(3) The State respects the political rights of all citizens, including the right to petition freely and engage in overt, non-violent and legal opposition.

Art. 14 - Every citizen enjoys freedom to choose his place of residence and freedom of movement including the right to go and return from abroad. These freedoms can be restricted by law only for reasons of public health, security or defense.

Art. 15 - (1) Every citizen has the right and the duty to work and will receive fair remuneration enabling him and his family to live in dignity.

(2) The State will endeavor to create employment for all citizens.

Art. 16 - Freedom to join labor unions and to strike is respected within the framework and regulations prescribed by law.

Art. 17 - (1) The State recognizes the family as the foundation of society. The State encourages and facilitates the formation of families, and assists expectant mothers and infants.

(2) Marriage must be based on mutual consent, equality and cooperation.

(3) The State encourages family cohesion.

Art. 18 - (1) The State endeavors to establish a system of social security.

(2) It is the duty of the State to establish a system of social welfare and public health.

(3) It is the duty of the State to support the nation's warriors both spiritually and materially, as well as to support and raise the nation's orphans.

Art. 19 - (1) The State recognizes and guarantees the right of private property.

(2) The State advocates a policy of making the people property owners.

(3) Expropriation or requisition by the State for the common good must be accompanied by speedy and just compensation at price levels existing at time of expropriation or requisition.

Art. 20 - (1) Freedom of trade and competition is recognized, but it cannot be exercised to secure monopoly or control of the market.

(2) The State encourages and assists economic cooperation which has the nature of mutual economic assistance.

(3) The State gives special support to those elements of society which have a low standard of living.

Art. 21 - The State advocates raising the standard of living of rural citizens, and especially helping farmers to have farmland.

Art. 22 - On the basis of equality between duties and rights, workers have the right to choose representatives to participate in the management of business enterprises, especially in matters concerning wages and conditions of work in accordance with the framework and procedures prescribed by law.

Art. 23 - (1) Military personnel elected to public office or serving in positions in the central government must be demobilized or take leave of absence without salary, according to their choice.

(2) Military personnel on active duty are not permitted to engage in political party activity.

Art. 24. (1) The State recognizes the presence of minorities in the Vietnamese community.

(2) The State respects the habits and customs of the minority compatriots. Customary courts will be established to pronounce judgements on some disputes involving habits and customs of minority compatriots.

(3) A law will prescribe special rights in order to assist minority compatriots.

Art. 25 - Every citizen has the duty to defend the country and the Republic.

Art. 26 - Every citizen has the duty to defend the constitution and respect the law.

Art. 27 - Every citizen has the duty to fulfill his military obligations as prescribed by law.

Art. 28 - Every citizen has the duty to pay taxes in accordance with the provisions of law.

Art. 29 - Any restriction upon the basic rights of the citizens must be prescribed by law and the time and place within which such a restriction is in force must be clearly specified. In any event the essence of all basic freedoms cannot be violated.

CHAPTER III

THE LEGISLATURE

Art. 30 - Legislative authority is vested by the people in the National Assembly. The National Assembly includes two houses, the Lower House and the Upper House.

The Lower House

Art. 31 - (1) The Lower House includes from 100 to 200 Representatives.

(2) Representatives are elected by universal suffrage, direct and secret ballot. Candidates run as individuals from separate constituencies no larger than provinces.

(3) Representatives serve for four years. They may be re-elected.

(4) The election for a new Lower House will be completed at least one month prior to the completion of the term of the old Lower House.

Art. 32 - Citizens meeting the following qualifications may run for the Lower House:

(1) Vietnamese citizenship at birth or having held Vietnamese citizenship for at least seven years, or having recovered Vietnamese citizenship for at least five years, counting from the day of elections;

(2) At least 25 years old on the day of elections;

(3) Enjoying full rights of citizenship;

(4) Having draft status in order;

(5) Meeting other conditions specified in the electoral law.

The Upper House

Art. 33 - The Upper House includes from 30 to 60 members.

(1) Senators are elected at large by universal suffrage, direct and secret ballot. Election is by list voting and on a basis of plurality. Each list includes from one-third to one-sixth of the total membership of the House.

(2) Senators serve for six years. One half of the Upper House is re-elected every three years. Senators may be re-elected.

(3) Members of the first Upper House will be divided into two groups by drawing lots. The first group will serve six years, the second group three years.

(4) The election of one half of the Upper House must take place at least two months before the term of that half of the Upper House ends.

Art. 34 - Candidates for the Upper House must be citizens thirty years of age by election day. They must meet all the conditions prescribed in the Upper House election law and those prescribed in Article 32.

Art. 35 - (1) If for any reason a vacancy occurs in the Lower House more than two years prior to the end of the term, an election will be held within three months to choose a replacement.

(2) If for any reason a vacancy occurs in the Upper House, the election of the replacement will be held concurrently with the next regular election of one-half of the Upper House.

Art. 36 - Procedures and conditions for the candidacies and election of Representatives and Senators, including ethnic minority Representatives, will be prescribed by law.

Guarantees for Representatives and Senators

Art. 37 - (1) Representatives or Senators cannot be prosecuted, pursued, arrested or judged for any statement or vote in the National Assembly.

(2) During their entire term of office, Representatives and Senators cannot be prosecuted, pursued, arrested or judged without the approval of three-fourths of the total number of Representatives or Senators, except in cases of flagrant violation of the law.

(3) In cases of flagrant violation of the law prosecution or detention of Representatives and Senators must cease if the house concerned so decides.

(4) Representatives and Senators have the right to keep secret the origin of documents presented to the National Assembly.

(5) Responsibilities of Representatives and Senators are not compatible with any other elected position.

(6) Representatives and Senators may serve as instructors at universities and advanced technical schools.

(7) Under no circumstances may a Representative or Senator or his spouse participate in a bid or sign a contract with a government agency.

Art. 38 - (1) In cases of treason or other serious crime, Representatives or Senators may be removed from Office by the house concerned.

(2) Removal from Office must be proposed by two-thirds of the total number of Representatives or Senators.

(3) The resolution to remove a member from office must be approved by three-quarters of the total number of Representatives or Senators.

(4) The Representative or Senator concerned has the right to defend himself in debate during all phases of the removal procedure.

Authority of the National Assembly

Art. 39 - The National Assembly has the authority to:

- (1) Vote legislation.
- (2) Ratify treaties and international agreements.
- (3) Determine declarations of war and holding of peace talks.
- (4) Determine declarations of a state of war.
- (5) Control the government in the carrying out of national policy.
- (6) Within the framework of each house, pass on the validation of the election of Representatives or Senators.

Art. 40 - (1) Each house, with the agreement of one-third of its membership, has the right to request the Prime Minister of government officials to appear before it to answer questions regarding the execution of national policy.

(2) Committee chairmen in each house have the right to request government officials to appear before sessions of their committee to report on problems relating to various ministries.

Art. 41 - The Upper House has the right to open investigations regarding the execution of national policy and to request public agencies to produce documents necessary in its investigations.

Art. 42 - (1) The National Assembly has the right to recommend the replacement of part or all of the government by a two-thirds majority vote of the total number of Representatives and Senators.

(2) The recommendation is binding unless the President has special reasons for rejecting it.

(3) In the event of rejection by the President, the National Assembly has the right to vote final approval of the recommendation by a three-quarters majority vote of the total number of Representatives and Senators. This recommendation by the National Assembly is binding from the day it is voted.

Legislative Procedures

Art. 43 - (1) Representatives and Senators have the right to introduce bills.

(2) The President may introduce bills.

(3) Bills must be submitted to the office of the Lower House.

(4) If the Lower House approves or rejects a bill, it must transmit the bill to the office of the Upper House within three consecutive days.

(5) If the Upper House agrees with the viewpoint of the Lower House, the bill will be transmitted to the President for promulgation or will be abolished.

(6) If the Upper House does not agree with the viewpoint of the Lower House, it must return the bill to the Lower House within three consecutive days along with an explanation for its action.

(7) In the latter case, the Lower House has the right to vote final approval of the bill with a two-thirds majority of its total membership.

(8) If the Lower House is unable to reach a two-thirds majority, the viewpoint of the Upper House will be considered as approved.

(9) The time limit for debating and voting on a bill in the Upper House may not exceed half the time required to debate and vote on the bill in the Lower House. The time limit for debating and voting on a bill in the Lower House may not exceed twice the time required to debate and vote on the bill in the Upper House.

Art. 44 - (1) Bills approved by the National Assembly will be transmitted to the President within three consecutive days.

(2) The President must promulgate the law within 15 days from the date of receipts.

(3) If the National Assembly appraises the matter as urgent, the bill must be promulgated within seven consecutive days.

(4) If the President does not promulgate the bill within the specified period of time, the bill will automatically become law and will be promulgated by the Chairman of the Upper House.

Art. 45 - Within the period allowed for promulgation the President has the right to send a message outlining his reasons and requesting the National Assembly to reconsider one or more articles of the bill.

(2) In this case, the National Assembly will meet in joint plenary session to vote final approval of the bill with an absolute majority of the total number of Representatives and Senators. If the National Assembly votes to reject the amendment proposed by the President, the bill will automatically become law and will be transmitted to the President for promulgation.

Art. 46 - (1) The draft budget must be submitted to the office of the Lower House prior to September 30.

(2) Representatives and Senators have the right to propose additional expenditures but must at the same time propose equivalent new receipts.

(3) The Lower House must vote on the budget prior to November 30 and transmit the approved version to the Upper House by December 1st at the latest.

(4) The Upper House must vote on the draft budget before December 31.

(5) During the above mentioned period, if the Upper House reconsiders one or more provisions of the draft budget, then the procedures outlined in Article 43 will be applied. In the event that the draft budget has not been finally voted by December 31, the President has the right to sign a decree authorizing expenditure of one-twelfth of the previous budget until the Lower House has voted final approval of the draft budget.

Regulations

Art. 47 - (1) Each house will meet in regular and extraordinary sessions.

(2) Every year each house will meet in two regular sessions: one session beginning on the first Monday of April; the other beginning on the first Monday of October. A session cannot last for more than ninety days. However, the Lower House can prolong its session in order to vote final approval of the draft budget.

(3) Either house may meet in extraordinary sessions when so requested by the President or one-third of the Representatives or Senators. When extraordinary sessions are convened by the President, the President will set the agenda.

Art. 48 - (1) Each house will meet in open session except when more than half the members present in the house request a closed session.

(2) In open sessions complete reports of the debate and documents presented will be printed in the official journal.

Art. 49 - (1) Each house will elect its Chairman and permanent officers.

(2) Each house may establish permanent committees.

(3) Each house is responsible for establishing its own internal rules.

(4) The offices of the two houses will meet together to determine procedures for maintaining liason between houses.

Art. 50 - (1) The Chairman of the Upper House will convene and preside over joint plenary sessions of both houses.

(2) If the Chairman of the Upper House is unable to perform this function, it will be carried out by the Chairman of the Lower House.

CHAPTER IV

THE EXECUTIVE

Art. 51 - Executive authority is vested by the people in the President.

Art. 52 - (1) The President and Vice-President run together on one list and are elected by the entire nation by direct and secret ballot.

(2) The term of office of the President and Vice-President is four years. The President and Vice-President can be re-elected once.

(3) The term of office of the President and Vice-President ends precisely at 12:00 noon on the last day of the forty eighth month from the day they took office, and the term of the New President and Vice-President begins at that time.

(4) The election of the new President and new Vice-President will be held on a Sunday, four weeks before the term of the incumbent President ends.

Art. 53 - Citizens who fulfill the following conditions may run for President or Vice-President:

(1) Must have Vietnamese citizenship from day of birth and continuous residence in Viet-Nam for at least ten years as of the date of the election. Time spent abroad on official assignment or in political exile is considered as residence in Viet-Nam;

(2) Must be 35 years of age as of election day;

(3) Must have legal draft status;

(4) Must enjoy full rights of citizenship;

(5) Must meet all other conditions set forth in the Presidential and Vice-Presidential election law.

Art. 54 - (1) The Supreme Court will establish a list of candidates, will control the fairness of the election, and will announce the result.

(2) Candidates will receive equal means in the electoral campaign.

(3) Procedures and conditions governing candidacies and election of the President and Vice-President will be prescribed by law.

Art. 55 - When assuming office, the President, witnessed by the Supreme Court and National Assembly, shall take the following oath before the nation: "I solemnly swear before the nation to protect the fatherland, respect the Constitution, serve the interests of the people, to the best of my ability fulfill my duties as President of the Republic of Viet-Nam"

Art. 56 - (1) The duties of the President and Vice-President may terminate prior to the end of their terms of office in the following circumstances:

(a) Death;
(b) Resignation;
(c) Impeachment;
(d) Serious and prolonged illness such that the incumbent can no longer carry out his duties. This disability must be recognized by three-fourths of the total membership of the two houses of the National Assembly after complete medical examination.

(2) In the event that the duties of the President are terminated more than one year prior to the end of his term of office, the Vice-President will temporarily assume the Presidency for a period not to exceed three months in order to organize the election of a new President and new Vice-President for a new term of office.

(3) In the event that the duties of the President are terminated within one year prior to the end of his term of office, the Vice-President shall assume the presidency for the remainder of the term, except in cases of impeachment of the President.

(4) If for any reason the Vice-President is unable to assume the Presidency, the Chairman of the Upper House will assume the office for a period to exceed three months in order to organize the election of a new President and new Vice-President for a new term of office.

Art. 57 - The President promulgates laws within the period determined in Article 44.

Art. 58 - (1) The President appoints the Prime Minister. Upon the proposal of the Prime Minister, the President appoints members of the government.

(2) The President has the right to reorganize all or part of the government on his own initiative, or upon the recommendation of the National Assembly.

Art. 59 - (1) The President appoints, with the approval of the Upper House, Chiefs of diplomatic missions and Rectors of Universities.

(2) The President represents the nation in international relations and receives the letters of accreditation of diplomatic envoys.

(3) The President signs and, after ratification by the National Assembly, promulgates treaties and international agreements.

Art. 60 - The President is the Supreme Commander of the Armed Forces of the Republic of Viet-Nam.

Art. 61 - (1) The President grants all types of decorations.

(2) The President has the right to grant amnesty and pardon for criminals.

Art. 62 - (1) The President determines national policy.

(2) The President presides over the Council of Ministers.

Art. 63 - (1) The President communicates with the National Assembly by message. In each regular session, and whenever the President considers it necessary, he will advise the National Assembly of the situation in the country and of the government's domestic and foreign policies.

(2) The Prime Minister and other government officials may participate in sessions of the National Assembly or its committees in order to present and explain matters relating to national policy and its execution.

Art. 64 - (1) In special situations, the President may sign decrees declaring states of emergency, curfew or alert over part or all of the territory of the country.

(2) The National Assembly must meet no later than twelve days after the date of promulgation of the decree in order to ratify, amend or reject it.

(3) If the National Assembly rejects or amends the President's decree, the special situations which were decreed will end or be modified accordingly.

Art. 65 - In a state of war, and when elections cannot be held, the President, with the approval of two-thirds of the National Assembly, has the right to prolong the terms of office of some of the elected bodies of the country and to appoint some province chiefs.

Art. 66 - (1) The Vice-President is Chairman of the Culture and Education Council, the Economic and Social Council and the Ethnic Minority Council.

(2) The Vice-President cannot hold any other position in the government.

Art. 67 - (1) The Prime Minister directs the government and the administrative agencies of the nation.

(2) The Prime Minister is responsible before the President for carrying out national policy.

Art. 68 - (1) The President, Vice-President, Prime Minister and members of the government cannot hold any position in the private sector whether it is remunerated or not.

(2) Spouses of persons holding the above positions may not participate in government bids or contracts.

Art. 69 - (1) It is the task of the National Security Council to: examine all matters relating to national defense; propose measures appropriate to the maintenance of national security; propose the declarations of states of emergency, curfew, alert or war; propose declarations of war or the holding of peace talks.

(2) The President is Chairman of the National Security Council.

(3) A law shall prescribe the organization and procedures of the National Security Council.

Local Administration

Art. 70 - (1) The Principle of local separation of power is recognized for local regional entities: Villages, Provinces, Cities and the Capital.

(2) The organization and regulation of local administration shall be prescribed by law.

Art. 71 - (1) Deliberative bodies and the heads of executive agencies of local administrative units will be popularly elected by direct and secret ballot.

(2) At the village level, Village Chiefs may be elected by Village Councils from among Village Council members.

Art. 72 - The heads of executive agencies of local administrative units are:

Villages - Village Chief;
Provinces - Province Chief;
Cities - Mayor;
Capital - Mayor.

Art. 73 - The deliberative bodies of local administrative units are:

Villages - Village Council;
Provinces - Province Council;
Cities - Municipal Council;
Capital - Municipal Council.

Art. 74 - The government will appoint two civil servants who have the responsibility to assist Mayors, Province Chiefs and Village Chiefs in administrative and security matters, as well as other administrative personnel.

Art. 75 - Member of deliberative bodies and heads of executive agencies of local administrative units may be dismissed by the President if they violate the Constitution, laws of the nation, or national policy.

CHAPTER V

THE JUDICIARY

Art. 76 - (1) Independent judicial power is vested in the Supreme Court and is exercised by judges.

(2) A law shall establish the organization and administration of the Judiciary.

Art. 77 - Every court must be established by law with an element that judges and an element that prosecutes, both of which are professionally qualified. Courts must respect rights of defense.

Art. 78 - (1) The responsibilities of Presiding Judges and Prosecuting Judges are clearly delineated, and the two are governed by separate regulations.

(2) Presiding Judges make decisions according to their consciences and the law, under the control of the Supreme Court.

(3) Prosecuting Judges monitor the application of the law in order to protect public order, under the control of the Ministry of Justice.

Art. 79 - Presiding Judges can be relieved of their functions only in cases of mental and physical incapacity, conviction, or violation of discipline.

The Supreme Court

Art. 80 - (1) The Supreme Court includes from nine to fifteen judges chosen by the National Assembly and appointed by the President from a list elected by the Association of Judges, Association of Prosecutors and Association of Lawyers.

(2) Judges of the Supreme Court must be judges or lawyers who have served at least ten years in the judiciary.

(3) The term of office of Judges of the Supreme Court is six years.

(4) The numbers of electors of the Association of Judges, Association of Prosecutors and Association of Lawyers must be equal.

(5) The organization and regulation of the Supreme Court will be prescribed by law.

Art. 81 - (1) The Supreme Court is empowered to interpret the Constitution, to decide on the constitutionality of all laws and decree-laws, and to decide on the constitutionality and legality of decrees and administrative decisions.

(2) The Supreme Court is empowered to decide on the dissolution of a political party whose policy and activities oppose the republican form of government.

(3) In these cases, the Supreme Court will meet in plenary session. Representatives of the legislative and executive branches may participate in order to present their viewpoints.

(4) Decisions declaring the unconstitutionality of a law or the dissolution of a political party require a three-fourths vote of the total number of supreme Court Judges.

Art. 82 - The Supreme Court is empowered to decide appeals from lower courts.

Art. 83 - The Supreme Court has a separate budget and is empowered to establish regulations governing the judiciary.

Art. 84 - (1) The Judicial Council has the following responsibilities:

To propose the appointment, promotion, transfer and disciplining of judges;

To advise the Supreme Court in matters relating to the Judiciary.

(2) The Judicial Council will be composed of judges elected by the Association of Judges.

(3) The organization and regulation of the Judicial Council will be prescribed by law.

CHAPTER VI

SPECIAL INSTITUTIONS

Special Court

Art. 85 - The Special Court is empowered to remove from office the President, Vice-President, Prime Minister, Ministers, Secretaries of State, Supreme Court Judges and members of the Inspectorate in cases of treason or other high crimes.

Art. 86 - (1) The Special Court is chaired by the Chairman of the Supreme Court and consists of five Representatives and five Senators.

(2) When the Chairman of the Supreme Court is a defendant the Special Court will be chaired by the Chairman of the Upper House.

Art. 87 - (1) A motion to bring charges and citing reasons therefore must be signed by more than one half of the total number of Representatives and Senators. The motion must be approved by a two-thirds majority vote of the total number of Representatives and Senators. In the particular case of the President and Vice-President, the motion must be signed by two-thirds of the total number of Representatives and Senators and it must be approved by a majority vote of three-fourths of the total number of Representatives and Senators.

(2) The function of the accused must be suspended from the date of approval of the motion by the National Assembly until the decision of the Special Court is rendered.

(3) The Special Court decides removal from office by a three-fourths vote of its membership. In the particular case of the President and Vice-President, the decision must be by a four-fifths vote of the total membership.

(4) The accused will enjoy the right of defense during the entire proceedings.

(5) After having been removed from office, the accused may be tried by an ordinary court.

(6) The organization, administration and procedures of the Special Court will be prescribed by law.

Inspectorate

Art. 88 - The Inspectorate is empowered to:

(1) Inspect, control and investigate personnel of all public and private agencies directly or indirectly engaged in corruption, speculation, influence-peddling or acts harmful to the national interests;

(2) Inspect accounts of public agencies and commercial enterprises;

(3) Audit the property of personnel of public agencies including the President, Vice-President, Prime Minister, National Assembly members, and the Chairman of the Supreme Court.

(4) In the cases of the Chairman and members of the Inspectorate, the audit of personal property will be conducted by the Supreme Court.

Art. 89 - (1) The Inspectorate is empowered to propose disciplinary measures against guilty persons or to request prosecution by competent courts.

(2) The Inspectorate has the right to announce publicly the results of its investigations.

Art. 90 - (1) The Inspectorate includes from nine to eighteen Inspectors, one-third designated by the National Assembly, one-third by the President, and one-third by the Supreme Court.

(2) Inspectors will enjoy those guarantees necessary for them to carry out their duties.

Art. 91 - The Inspectorate has an autonomous budget and is empowered to establish regulations governing its internal organization of the Inspectorate branch. The organization and regulation of the Inspectorate will be prescribed by law.

Armed Forces Council

Art. 92 - (1) The Armed Forces Council advises the President in matters relating to the Armed Forces, especially promotion, transfer and disciplining of soldiers of all ranks.

(2) The organization and regulation of the Armed Forces Council will be prescribed by law.

Culture and Education Council

Art. 93 - (1) The Culture and Education Council has the responsibility to advise the government in the drafting and execution of cultural and educational policy. A National Academy will be established.

(2) With the approval of the National Assembly, the Culture and Education Council may select representatives to brief the National Assembly on related matters.

(3) The Culture and Education Council may contribute ideas before the National Assembly debates laws relating to culture and education.

Art. 94 - (1) The membership of the Culture and Education Council includes:

One-third designated by the President;

Two-thirds elected by public and private cultural and educational organizations and by parent-teacher associations.

(2) The term of office of the Culture and Education Council is four years.

(3) The organization and regulations of the Culture and Education Council will be prescribed by law.

Economic and Social Council

Art. 95 - (1) The Economic and Social Council has the responsibility to advise the government in economic and social matters.

(2) With the approval of the National Assembly, the Economic and Social Council may select representatives to brief the National Assembly on related matters.

(3) The Economic and Social Council may contribute ideas before draft laws and economic and social program are debated.

Art. 96 - (1) The membership of the Economic and Social Council includes:

One-third designated by the President;

Two-thirds nominated by industrial and commercial organizations, and by labor unions and associations having an economic and social character.

(2) The term of office of the Economic and Social Council is four years.

(3) The organization and regulation of the Economic and Social Council will be prescribed by law.

Ethnic Council

Art. 97 - (1) The Ethnic Council, representing the ethnic minorities living on the territory of Viet-Nam, has the responsibility to advise the government in matters affecting ethnic minorities.

(2) With the approval of the National Assembly, the Ethnic Council may select representatives to brief the National Assembly on related matters.

(3) The Ethnic Council may contribute ideas before draft laws, programs and plans affecting ethnic minorities are debated.

Art. 98 - (1) The membership of the Ethnic Council includes:

One-third designated by the President;

Two-thirds elected by the Ethnic minorities.

(2) The term of office of the Ethnic Council is four years.

(3) The organization and regulations of the Ethnic Council will be prescribed by law.

CHAPTER VII

POLITICAL PARTIES AND OPPOSITION

Art. 99 - (1) The Nation recognizes that political parties have an essential role in a democratic system.

(2) Political parties may be organized and may operate freely, according to the procedures and conditions prescribed by law.

Art. 100 - The Nation encourages progress toward a two-party system.

Art. 101 - The Nation recognizes the formalization of political opposition.

Art. 102 - Regulations governing political parties and political opposition will be prescribed by law.

CHAPTER VIII

AMENDING THE CONSTITUTION

Art. 103 - (1) The President or an absolute majority of the total number of Representatives or an absolute majority of the total number of Senators has the right to propose amendments to the Constitution.

(2) The proposal must cite reasons, and must be submitted to the Office of the Upper House.

Art. 104 - A Joint Committee will be established to research the proposed amendment and report to joint plenary sessions of the Assembly.

Art. 105 - The resolution to amend the Constitution must be approved by two-thirds of the total number of Representatives and Senators.

Art. 106 - The President promulgates a law amending the Constitution according to the procedures prescribed in Article 4.

Art. 107 - Article 1 of the Constitution and this article may not be amended or deleted.

CHAPTER IX

TRANSITIONAL PROVISIONS

Art. 108 - The Constitution takes effect from the date it is promulgated, and the Provisional Charter of June 19, 1965 is automatically invalidated.

Art. 109 - During the transitional period, the National Assembly popularly elected on September 11, 1966, representing the people of the nation in the legislative sphere, will:

1. Draft and approve:

Election laws for the election of the President and Vice-President, Upper House and Lower House; laws organizing the Supreme Court and the Inspectorate; political party and press regulations.

2. Ratify treaties.

Art. 110 - From the time the first President and Vice-President take office, the Assembly popularly elected on September 11, 1966 assumes legislative powers until the first National Legislative Assembly is convened.

Art. 111 - During the transitional period, the National Leadership Committee and the Central Executive Committee will continue in power until the first President and Vice-President take office.

Art. 112 - During the transitional period, Courts presently in operation will continue to exercise judicial authority until the judicial organs prescribed in this Constitution are established.

Art. 113 - The Assembly elected on September 11, 1966 will establish a list of candidates, will control the propriety and will announce the result of the election of the first President and Vice-President.

Art. 114 - During the first Presidential term, the President may appoint province chiefs.

Art. 115 - The election of the President and Vice-President must be organized no later than six months from the date of promulgation of this Constitution.

Art. 116 - The election of the National Assembly and the organization of the Supreme Court and Inspectorate must be carried out no later than twelve months from the date the first President assumes office.

Art. 117 - The other structures prescribed by the Constitution must be established no later than two years from the date the first National Assembly is established.

(Unofficial translation by
American Embassy, Saigon)

N O T E

The Supreme Court Law was promulgated on September 3, 1968, providing for a court with 15 justices, nine to be elected in 1968 and the balance in 1971. Justices serve a term of 6 years and are eligible for re-election.

Candidates for Justices of the Supreme Court nominate themselves. Candidates must meet the qualifications set in Chapter II, Section I of the Supreme Court Law, which inter alia, require them to have 10 years of professional experience as a judge, lawyer or prosecutor and they must stand for election initially in their related professional association. The election process is accomplished in four steps:

The first step involves the choosing of a 150 man electorate, fifty each, by the Association of Judges, the Association of Lawyers and the Association of Prosecutors. This procedure assures equal voting strength by each of the categories whose membership may be disproportionate.

In the second step, each elector may vote for 30 candidates, not more than 10 in each category. The ten candidates in each association getting the highest number of votes are certified to the National Assembly.

In step three, the National Assembly chooses nine or six candidates, as the case may be, from among the list of 30.

Final appointment by the President completes the process.

The first nine Justices of the Supreme Court were elected by the National Assembly on October 17, 1968. After appointment by the President, they were sworn-in on October 22, 1968.

USAID/ADPA/LGB
12 November 1968

LAW 007/68 GOVERNING THE ORGANIZATION AND OPERATION
OF
THE SUPREME COURT

In accordance with the Constitution of the Republic of Vietnam promulgated on April 1, 1967:

After debate and decision by the National Assembly:

THE PRESIDENT OF THE REPUBLIC OF VIETNAM promulgates Law No. 007/68 governing the organization and operation of the Supreme Court, the text of which follows:

CHAPTER I

JURISDICTION, FUNCTION AND COMPOSITION

Article 1 - Independent judicial power is vested in the Supreme Court and exercised by the Justices.

Article 2.- The Supreme Court is empowered to:

- Interpret the Constitution.
- Decide on the constitutionality or unconstitutionality of laws and decree laws and on the constitutionality and legality of decree laws, arretes and administrative decisions.
- Decide on the dissolution of a political party whose policy and activities oppose the republican form of government.
- Decide on appeals against definitive judgements passed by all lower courts.
- Decide on appeals for retrial.
- Determine the jurisdiction among lower courts.

In addition, the Supreme Court has the following functions:

- Administer the judicial branch.
- Conduct an audit of the personal property of the Chairman of the Inspectorate and the Inspectors.
- Establish the list of Presidential and Vice-Presidential candidates, check the validity of the election and announce the results.

- Witness the swearing-in ceremony of the President.
- Designate one-third of the Inspectorate membership.

Article 3 - The Supreme Court has an autonomous budget and is empowered to establish regulations governing the judicial branch.

Article 4 - The Supreme Court consists of fifteen (15) Justices chosen by the National Assembly and appointed by the President, based on a list of thirty (30) candidates elected by the Association of Judges (Tham-phan-doan), the Association of Prosecutors (Cong-to-doan) and the Association of Lawyers (Luat-su-doan).

However, during the first phase of its establishment, the Supreme Court will only consist of nine Justices. In order to make up the total number of fifteen (15) Justices, in the middle of the third year of the first term of the Justices of the Supreme Court, an election will be held to select six (6) more Justices.

The term of office of Justices of the Supreme Court is six (6) years. An election will be held every three years to select nine (9) or six (6) Justices, as the case may be, to replace those Justices whose term expires.

CHAPTER II

CANDIDACY, ELECTION AND SELECTION OF SUPREME COURT JUSTICES

Section 1

Conditions for Candidacy

Article 5 - All judges, prosecutors and lawyers who fulfill the following conditions are eligible to be candidates for Justice of the Supreme Court.

1. Candidates must be Vietnamese citizens by birth or have re-acquired citizenship for at least ten (10) years as of December 31 of the election year.

2. Candidates must have at least ten (10) years of professional experience in the judicial branch.

As far as judges are concerned, the date of appointment will be regarded as the official beginning date of professional practice. The official date of professional practice for a lawyer begins from the day he becomes a regular attorney. Periods of leave without pay, probation, or service in another position cannot be credited as service in the candidate's profession.

3. Candidates cannot have been imprisoned for felonies or misdemeanors, except for those who have been fined or sentenced to imprisonment for three months or less for crimes of carelessness or negligence. However, those guilty of deserting the scene of a traffic accident will lose the right to be a candidate.

4. Candidates cannot have been punished for breach of discipline nor have been demoted or more seriously punished if they are judges, and cannot have been forbidden to practice if they are lawyers.

5. Candidates cannot have been involved in activity opposed to the republican form of government, nor pro-communist acts nor pro-communist neutralistic acts.

6. Candidates must have their draft status in order.

Article 6 - The dossier of the candidates consists of the following documents:

1. An application for candidacy bearing the signature of the candidate, certified by the mayor or province chief, clearly listing date and place of birth, profession, identify card number and date and place of issue, and the (candidate's) selected residence in the capital.

2. A birth certificate or a document replacing it.

3. A bulletin 2 of the record of convictions not older than three months as of the date the application for candidacy is filed.

4. A certification that the candidate has at least ten years of practice; a certificate that he has not been subject to the punishments set forth in Article 5, paragraph 4. These certificates must be issued by the Chief Justice of the Supreme Court if the candidate is a judge, by the Minister of Justice if he is a prosecutor and by the President (Thu-lanh) of Association of Lawyers if he is a lawyer.

5. A certificate that the candidate has recovered Vietnamese citizenship if it is deemed necessary.

6. A certificate that the candidate has complied with military draft regulations.

7. Two 4 x 6 photos of the candidate.

Article 7 - Candidates for Justice of the Supreme Court must file their applications with the Election Council specified in Article 8 not later than thirty (30) days before election day.

The Secretariat of the Election Council must issue a receipt to the candidate immediately after the application is filed.

A candidate's application must be ranked in accordance with his professional branch and in sequence according to the hour and date of filing.

Section 2

The Election Council

Article 8 - An Election Council will be established by the Chairman of the Upper House no later than sixty days (60) before the expiration of the term of the Supreme Court Justice to organize the election of the Justices of the Supreme Court and make final decisions on matters pertaining to the election.

The Council will be composed of the following:

- | | |
|---|-----------------|
| - Chairman of the Upper House | Chairman |
| - Chairman of the Lower House | Deputy Chairman |
| - A Senator | Member |
| - A Deputy | Member |
| - A Judge who is not a candidate, designated by the Supreme Court | Member |
| - A Prosecutor, who is not a candidate, designated by the Ministry of Justice | Member |
| - A Lawyer who is not a candidate, designated by the Association of Lawyers in the locality where the Election Council establishes its headquarters | Member |

The Administrative office of the Upper House will assume the secretarial work and provide material support necessary for the functioning of the Election Council.

Article 9 - The candidates will be entered on three separate lists corresponding to the three branches of judges, prosecutors and lawyers.

The above-mentioned lists must be posted for the first time by the Election Council at the Upper House, the Lower House, the Supreme Court, the Ministry of Justice, all courts and at all Lawyers' Associations throughout the country no later than five (5) days after the deadline for filing candidacy.

Article 10 - Voters in the electorate and candidates may complain to the Election Council regarding the qualification of the candidates within a period of five (5) days counting from the date of the first posting of the list of candidates. Complaints must be filed at the Secretariat of the Election Council.

The Council has the duty to study the candidate's dossiers within a period of six (6) days counting from the deadline for filing complaints. The Council will decide whether to approve or reject a candidate's dossier by an absolute majority of its total membership. In the case of a tie, the opinion of the Chairman prevails.

The decision of the Council is final.

Article 11 - The Election Council must inform a candidate of complaints against him no later than three (3) days before the meeting is held to study the dossiers of the candidates.

The interested candidate has the right to see his dossier and submit a plea to the Secretariat of the Council.

Article 12 - The list of candidates approved by the Election Council must be posted for the second time within twenty-four (24) hours after the deadline for consideration of complaints.

Article 13 - After the second posting of the list of candidates, the candidates have the right to publicize their biography, background, and research work or writings for the benefit of the electorate, using private means.

Section 3

The Electorate

Article 14 - The electorate for the election of Justices of the Supreme Court will consist of fifty (50) judges, fifty (50) prosecutors and fifty (50) lawyers in the Association of Lawyers.

Article 15 - Election of each of the elements of the electorate will be by list voting and by plurality. Each list is composed of ten (10) candidates and each voter has the right to choose a maximum of five (5) lists.

The five (5) lists in each group which receive the most votes will be elected.

Article 16 - All professional judges, regardless of the judicial agencies from which they come (ordinary or special law, civil or military judges in office, on detachment, or on leave without pay, or who are retired or are performing military service), are voters in the Association of Judges.

Article 17 - All professional judges belonging to the Prosecutor Branch in all judicial agencies (in office or on detachment, retired, on leave without pay, or who are performing military service) are voters in the Association of Prosecutors.

Article 18 - All lawyers with Vietnamese citizenship who are practising, on leave or who have had their names omitted from the list of practising lawyers are voters in the Association of Lawyers.

Article 19 - The association of Judges, the Association of Prosecutors and the Association of Lawyers must complete the election of fifty (50) electors no later than seventy-five (75) days before the expiration of the term of the Supreme Court.

Article 20 - Each branch (Judges, Prosecutors and Lawyers) must establish a committee which will be charged with the organization of the election of its own electorate and with resolving all questions pertaining to this election.

Article 21 - The committees set in Article 20 must submit the names of the electors for the Justices of the Supreme Court to the Election Council no later than twenty (20) days after the returns of the election for the electorate of each branch are announced.

Article 22 - The Election Council will establish separate lists of electors for the Association of Judges, the Association of Prosecutors and the Association of Lawyers and post them at those places specified in Article 9 not later than seven (7) days after the deadline for submitting the list of electors.

Article 23 - Complaints concerning the omission of names (from the lists of electors) or about other mistakes must be filed with the Election Council within a period of seven (7) days counting from the date the lists of candidates are posted.

The Election Council will study all complaints and, after making final decision, order the posting of the lists of electors for the second time not later than five (5) days after the deadline for filing complaints.

Article 24 - Professional identification cards with photos will be used as voter's cards in the election of Supreme Court Justices.

Section 4

The Election

Article 25 - The Supreme Court is elected by single name, direct and secret ballot.

Each elector has the right to select up to thirty (30) candidates (a maximum of ten (10) candidates for each group). The thirty (30) candidates who receive the most votes (10 candidates from each group) will be considered "elected candidates"(ung-tuyen-vien) for Justices of the Supreme Court.

Candidates who receive the same number of votes in the same group will be ranked according to seniority of practice. In the case that they have an equal length of practice, the candidates will be ranked according to age.

Article 26.- Ballots and envelopes must be of the same color and size, and bear the stamp of the Election Council.

The professional group of the candidates, his full name and photo must be clearly printed on the ballot.

The Election Council is empowered to determine the size and color of ballots and envelopes and is in charge of the printing of the ballots.

Article 27 - The location of the polls will be determined by the Election Council.

The voting begins at 0800 and ends at 1400 on the same day.

Article 28 - A committee in charge of the polling location convened by the chairman of the Election Council has the duty to supervise the voting and keep order at the polling place. The committee will consist of:

- | | |
|---|-----------------|
| - A Senator or Deputy on the Election Council | Chairman |
| - The Secretary-General of the Supreme Court | Deputy Chairman |
| - Two representatives of the Ministry of Justice | Members |
| - Two representatives of the Association of Lawyers in the locality where the Election Council establishes its headquarters | Member |
| - The senior process server in the locality where the Election Council establishes its headquarters | Member |

Article 29 - The operation of the polls and the control of the ballots must be public. Electors or candidates have the right to inspect these operations and protest against irregularities which may occur during the voting. The committee chairman must immediately report any valid complaints from the electors or any cheating in the voting or the counting of votes.

Article 30 - Voters must cast their ballots in person at the polling place.

When entering the voting booth, the voter must show his professional identification card and sign the voter roll on the line where his name is printed.

The voter receives one envelope and the ballots of all the candidates of a branch (judges, prosecutors or lawyers), enters the voting booth, selects up to ten (10) ballots, puts them in the envelope, leaves the polling booth, holds the envelope high and then drops it into the ballot box reserved for the ballots of candidates for the branch which the voter has just received. The voter will then receive another envelope and the ballots of the candidates belonging to the second branch. After having selected up to ten (10) ballots as described above, the voter puts the envelope in the ballot box reserved for this second branch.

The voter repeats these operations a third time to select up to ten (10) candidates belonging to the third branch.

Article 31 - Before the voting begins, the committee in charge of the polling place must open the ballot boxes to show that they are empty.

After that, the ballot boxes are locked with two different locks, the keys of which are kept one each by the committee chairman and the oldest member of the committee.

These operations must be recorded in a report signed by the committee chairman, the deputy chairman and by at least two voters present.

Article 32 - When the voting is over, the ballots will be counted in the following manner:

The Committee Chairman in charge of the polling place has the ballot boxes opened, the envelopes counted and the number of persons who have voted checked according to each of the voting rolls. If the number of envelopes exceeds or is less than the number of voters who have voted, this fact must be noted in the report.

The committee in charge of the polling place checks the total number of votes in each ballot box and notes the number on the three (3) separate tally sheets kept for each branch of candidates.

Article 33 - Ballots will be considered invalid in the following cases:

- If an envelope is different from that distributed to the voters.
- If the envelopes or ballots bear additional words or signs, or if the names of the candidates have been changed.
- If the ballots are not inside the envelope.
- If the ballots have the name of the candidates torn away.

The committee chairman and a member of the committee in charge of the polling place must sign the invalid envelopes or ballots which will then be attached to the committee report citing the cause of the irregularity.

If the invalid envelopes and ballots are not enclosed in the report, the election will be annulled only in the case that the invalid ballots could change the results of the election.

Article 34 - On election day, after the counting of the ballots is over, the committee in charge of the polling place must post copies of the reports of the ballot distributing committee and the ballot counting committee at the polling place and transmit the originals of these reports and the voting dossiers to the Election Council.

These records include two parts which are sealed separately:

Part A

- The reports of the committees which distribute the ballots and count the votes.
- The valid envelopes and ballots.
- The invalid envelopes and ballots.
- The envelopes and ballots which have been protested, if any.
- The list of the voters who voted.

Part B

- The envelopes and ballots not issued to voters.
- The electorate rolls.
- The lists of candidates.

Article 35 - The Election Council must announce the temporary results based on the reports which have been posted by the committee and transmitted to the Election Council no later than one (1) day following election day.

Article 36 - Candidates have the right to file complaints about irregular voting within a period of three (3) days after the temporary results have been announced by the Election Council.

Letters of complaint, citing the reasons therefor, must be filed with the Secretariat of the Election Council.

Complaints received after the above-mentioned date will not be examined.

When a complaint is received, the Secretariat of the Election Council must note the date the complaint is received and issue a receipt to the interested party.

Candidates have the right to see the records of the ballot count.

Article 37 - The Election Council examines complaints, invites the candidate who makes a complaint or the candidate subject to complaint to speak before the council, and announces the official results within a maximum period of seven (7) days counting from the date the temporary results are announced.

The Election Council may request the court which handled cases of violation of election laws to inform (the council) concerning the dossiers pertaining to these cases.

Article 38 - In the case that the Election Council determines that there have been irregularities which affect the honesty and results of the election of the candidate subject to complaint, the candidate will be eliminated.

In this case, the eliminated candidate will be replaced by the candidate of the same professional branch, not on the list, who received the highest number of votes.

The Election Council can decide with the approval of five-sevenths (5/7) of the total number of members to annul the entire election if the council finds that the irregularities have been serious enough to effect the honesty and results of the election. In this case, another election will be held no later than one (1) month after the election is declared void.

Section 5

Offenses, Penalties and Legal Procedures

Article 39 - Article 37, 39, 40, 41, 43, 44, 45, 46 and 47 of the Chapter regarding violations and lawsuits related to the election law of June 15, 1967 governing the Presidential and Vice-Presidential election (Number 001/67) will be applicable to the election of the Supreme Court Justices. (Note: See Enclosure #1).

Article 40 - Complaints about violations of this election law must be filed with the Court of Appeal in the place where the election is held within a period of three (3) full days after election day. The Court of Appeals reviews the case and reaches a verdict within three (3) days counting from the day it receives the complaint.

Appeals can be made during a period of two (2) full days counting from the day the verdict is issued. The Court of Appeals must transmit the file to the Supreme Court no later than the day after an appeal is submitted.

The Supreme Court will make a judgment within three (3) days after it receives the file.

Supreme Court Justices who run for re-election but who are subject to a complaint are not permitted to directly or indirectly participate in the judgment of their own cases.

All court records and records of sentences related to violations of this election law are exempted from stamp and registration fees.

Article 41 - A court ruling confirming violations in the election must be transmitted to the Election Council within a period of no later than two (2) days following the day the court's ruling is determined. This ruling is binding on the Election Council.

Section 6

Selection and Appointment

Article 42 - The Election Council must transmit the list and the dossiers of the thirty (30) successful candidates to the Secretariat of the Upper House within twenty-four (24) hours following the official announcement of the results of the election.

Article 43 - After receiving the above-mentioned list, the National Assembly will notify the Senators and Deputies and post copies of the list of the seats of the two Houses three (3) days before the opening of the joint plenary session of the two Houses.

The National Assembly will meet in a closed session to choose (tuyen-chon) the Justices of the Supreme Court. The nine (9) or six (6) candidates, depending on the circumstances, who in a secret ballot receive the highest number of votes will be elected Justices of the Supreme Court. If several candidates receive the same number of votes, the one who has the greatest length of professional practice will rank ahead of the others on the list.

Article 44 - The Chairman of the Upper House announces the results within a period of no later than fifteen (15) days following receipt of the dossiers transmitted by the Election Council. The Chairman of the Upper House will submit the list of Supreme Court Justices-elect to the President for appointment.

CHAPTER III

ORGANIZATION AND OPERATION OF THE SUPREME COURT

Article 45 - The Supreme Court is composed of:

- A General Assembly (Dai Hoi Dang)
- A Secretariat (Van Phong)
- A Constitutional Committee (Ban Bao Hien)
- An Appeals Committee (Ban Pho An)

In addition, a Block of Experts (Khoi Chuyen Vien) and a Secretariat General (Nha Tong Thu Ky) with its subordinated agencies will be attached to the Supreme Court.

Article 46 - The General Assembly of the Supreme Court, consisting of all the Justices of the Supreme Court, has the following functions:

- Administer the corps of judges, the courts and subordinate personnel.

- Interpret the Constitution; decide on the constitutionality or unconstitutionality of laws and decree laws, and on the constitutionality and legality of decree laws, arretes and administrative decisions.

- Decide on the dissolution of a political party whose policy and activities oppose the republican form of government.

- Draft the internal rules of the Supreme Court.

- Administer the Supreme Court.

- Elect the Secretariat and determine the duties of the Justices of the Supreme Court.

- Decide whether or not to remove a Justice of the Supreme Court for incompetence.

- Designate one-third (1/3) of the total number of Inspectors.

- Conduct an audit of the personal property of the Chairman of the Inspectorate and the Inspectors.

- Establish the list of Presidential and Vice-Presidential candidates, check the validity of the election and announce the results.

Article 47 - Except for the cases stipulated in Article 75 of this law, the General Assembly of the Supreme Court has a quorum when an absolute majority of the total number of Justices in office is present. The General Assembly takes decisions by a relative majority of the Justices present, except for those special cases stipulated in this law.

Article 48 - The organization and operation of the Supreme Court, aside from the provisions stipulated in this law, will be set forth in the internal rules of the Supreme Court.

Article 49 - The Constitutional Committee has the duty to report before the General Assembly on matters concerning:

- Interpretation of the Constitution.

- The constitutionality or unconstitutionality of laws and decree laws, and on the constitutionality and legality of decree laws, arretes and administrative decisions.

Article 50 - The Appeals Committee consists of at least three sections: The Civil Section (Phong Ho Vu), the Criminal Section (Phong Hinh Vu), and the Administrative Section (Phong Hanh Chanh).

The Civil Section hears appeals in civil areas and decides the jurisdiction in active or passive jurisdictional controversies between civil courts.

The Criminal Section hears appeals in criminal areas, rules on requests for re-examination of a case and decides the jurisdiction in active or passive jurisdictional controversies between criminal courts.

The Administrative Section hears appeals on administrative cases and decides the jurisdiction in active or passive jurisdictional controversies between civil and administrative courts.

Article 51 - An Office of the Prosecutor General (Vien Chuong Ly) subordinate to the Ministry of Justice, including many prosecutors with the ranks of Prosecutor at the Court of Appeals or above and placed under the guidance of a Prosecutor General (Chuong Ly) will exercise prosecuting authority at the Supreme Court.

Article 52 - During sessions of the Supreme Court, the Prosecutor and the lawyer (for the defendant) are placed on the same level.

CHAPTER IV

STATUTE FOR SUPREME COURT JUSTICES

Article 53 - Before taking office, Supreme Court Justices take the following oath in the presence of the Executive and the Legislature:

"I swear with all my heart to defend the Constitution, to respect the law, to loyally and impartially fulfill my duty and to maintain complete secrecy concerning all private discussions, considerations and decisions on a case.

In every case, I swear I will behave in a manner befitting a Justice and will always maintain a spirit of independence."

Article 54 - New Supreme Court Justices take office one (1) day before the expiration of the term of Justices in office.

Article 55 - Supreme Court Justices cannot cumulate or be delegated any public or elected function except that of Instructors at Universities and those functions authorized by the Constitution.

Lawyers who are chosen Justices of the Supreme Court must immediately cease to practice and have their names omitted from the Lawyers List by the Association of Lawyers. They have three (3) months to close their private offices (and must cease to practice) for their entire term in the Supreme Court.

All judges who are elected to the Supreme Court will be taken from the roll of judges.

Military personnel who are elected to the Supreme Court are considered as if they were discharged.

Service performed by Justices in the Supreme Court is credited as service performed in the interested party's branch.

Article 56 - Supreme Court Justices may stand for re-election at the expiration of their term of office.

Justices will automatically be restored to the polls of their original organization at the expiration of their term in the Supreme Court.

If (elected to the Supreme Court) from the Prosecutor branch, the interested party has the right to apply for transfer to the Judges Corps (at the end of his term).

Article 57 - The duties of a Supreme Court Justice may be terminated in the following circumstances:

1. End of term of office;
2. Death;
3. Resignation;
4. Moral or physical incompetence determined by two-thirds (2/3) of the total number of Supreme Court Justices in office based on the report of a Medical Survey Council composed of five (5) medical specialists appointed by the Association of Physicians.
5. Removal from office for treason or other high crime as stipulated in Article 60 of this law.

Article 58 - In the case of a vacancy of one or more Supreme Court Justices, the Chief Justice of the Supreme Court will notify the President, the Chairman of the Upper House and the Chairman of the Lower House. The National Assembly has thirty (30) days to choose a replacement in accordance with the procedures stipulated in Section 6, Chapter II of this law.

In the case of flagrant delicto, prosecution or detention of a Supreme Court Justice must cease upon the request of two-thirds (2/3) of the Supreme Court membership.

Article 60 - In case of treason or other high crimes, a Supreme Court Justice may be removed from office by the Special Court in accordance with procedures stipulated in Article 87 of the Constitution.

Article 61 - Supreme Court Justices and their spouses cannot participate in bids or sign contracts with government agencies.

If the spouse of a Supreme Court Justice is a practicing lawyer, the spouse is not allowed to plead before the Supreme Court.

Article 62 - No Supreme Court Justice is allowed to judge a case in which the defendant, the Prosecutor General, the counsel, assistant counsel or lawyer of either the defendant or plaintiff are immediately related to the Justice or his spouse or are related to either the Justice or his spouse up to the third degree. In such a case, the Supreme Court Justice will have to disqualify himself from hearing the case; otherwise, the judicial proceedings become invalid.

CHAPTER V

LEGAL PROCEDURES

Section 1

Procedures for Constitutional Review and Dissolution of Political Parties

Article 63 - Every natural person, corporate entity governed by common law or corporate entity governed by public law has the right to initiate a request that the Supreme Court decide on the constitutionality or unconstitutionality of laws and decree laws, or the constitutionality and legality of decrees, arretes and administrative decisions, if the implementation of such may be harmful to his interests.

Corporate entities governed by public law can be exempted from justifying personal interest in initiating such a legal action.

The petition for such a legal action must cite the reasons therefor and be filed with the Secretariat General of the Supreme Court.

Article 64 - At any stage of a lawsuit, including the period in which an appeal is being made, the plaintiff can, by means of an exceptional plea, request that the Supreme Court decide on the constitutionality or unconstitutionality of laws and decree laws, or the constitutionality and legality of decrees, arretes and administrative decisions.

The interested party or his lawyer must personally submit a petition for an exceptional plea citing clearly the reasons therefor, during an ordinary session of the court which is handling the case.

To be considered, the petition for an exceptional plea must enclose a receipt issued by the Office of the Court Clerk (Phong-Luc-Su) of the court which is handling the case acknowledging that a deposit for five thousand (5,000) piasters has been made.

After the conclusion by the prosecution is heard, the court must immediately decide during that session whether or not to submit the exceptional plea to the Supreme Court. This decision is an ordinary decision and is recorded in the court record.

Article 65 - If the petition for an exceptional plea is accepted, the court which is handling the case must transmit the file of the case together with a receipt for the deposit to the Secretariat General of the Supreme Court within seven (7) days after the decision is reached and suspend further hearings on the case until the Supreme Court issues its ruling.

Article 66 - The Court which is handling the case may decide not to submit the petition for an exceptional plea to the Supreme Court if it finds that the reasons cited are obviously unfounded.

The interested party or his lawyer must be immediately informed of a negative decision during that court session; notification to the latter has the effect of notification to the interested party himself.

The interested party has the right to protest that negative decision within a period of seven (7) days counting from the date the decision is reached.

The protest, citing the reasons therefor, must be registered at the Office of the Court Clerk for the Court which is handling the case. The Chief Clerk of this court must stamp the date and sign the protest and at the same time acknowledge receipt of the protest in a report.

The Court which is handling the case must transmit the file of the case together with a receipt from the deposit to the Supreme Court within a period of seven (7) days counting from the date of receipt of the protest and suspend further hearings on the case until the Supreme Court issues its ruling.

Article 67 - Together with the petition noted in Article 63, the plaintiff must file the receipt for the five thousand (5,000) piasters deposit at the Secretariat General of the Supreme Court.

The deposit will be confiscated if the petition for legal action or for an exceptional plea is rejected by the Supreme Court.

If the Supreme Court agrees with part or all of the petition for legal action or for an exceptional plea, the deposit will be refunded to the interested party.

In every case, a corporate entity governed by public law, a natural person or a corporate entity governed by common law to which legal assistance is provided can be exempted from making the deposit.

Article 68 - The files of petitions for court rulings and substantiating documents must be submitted to the Chief Justice of the Supreme Court.

The Chief Justice will give the files to the Constitutional Committee to prepare its reports and at the same time order notification of the petition or exceptional plea to the Office of the Prosecutor General and to the defendant.

Depending on each case, the Chief Justice will determine the deadline for submission of pleas and counterplans by the plaintiff and the defendant.

If the interested parties fail to submit pleas or counterplans by the deadline, they lose the right to plead their case.

Article 69 - The Office of the Prosecutor General has a maximum of two (2) months to submit its findings.

Both the plaintiff and defendant must be notified of all findings, pleas and counterplans.

Article 70 - When the above-mentioned legal procedures have been implemented correctly, the Chief Justice of the Supreme Court sets the date for a public trial, convenes the General Assembly and notifies the Office of the Prosecutor General, the plaintiff and defendant of the date of the trial.

Article 71 - Sessions of the General Assembly are public and presided over by the Chief Justice of the Supreme Court.

The Chief Justice, after checking the legality of the composition of the Court, calls upon the Rapporteur to open the judicial inquiry, and successively calls upon the plaintiff, the Prosecutor General, and the defendant to testify.

When the discussion is over, the General Assembly retires to consider its verdict.

The verdict of the Supreme Court, citing the reasons therefor, will be proclaimed in a public session of the Court.

It is not required to give the reasons for decisions pertaining to the confiscation or refund of the deposit.

Article 72 - Verdicts of the Supreme Court have the effect of final court rulings..

Article 73 - The President, the Chairman of the Upper House, the Chairman of the Lower House, one-third (1/3) of the total number of senators or one-third (1/3) of the total number of deputies have the right to request that the Supreme Court interpret the Constitution or rule on the dissolution of a political party whose policy and activities oppose the republican form of government.

The official letter requesting interpretation of the Constitution or the dissolution of a political party must be submitted to the Office of the Secretariat General of the Supreme Court and is exempt from deposit requirements.

In these cases, the General Assembly of the Supreme Court must rule within a maximum period of two (2) months counting from the day it receives the official request.

Article 74 - After receiving the official letter requesting the dissolution of a political party, the Chief Justice of the Supreme Court must order notification to the accused political party to permit the latter to ask to consult the dossier, to submit a plea and to designate a representative to present its case at a public session of the General Assembly of the Supreme Court.

Representatives of the Legislative and Executive branches have the right to attend the trial and present their opinions on the case.

Article 75 - A Supreme Court decision declaring the unconstitutionality of a law or decree law or calling for the dissolution of a political party requires agreement by three-fourths (3/4) of the total number of Justices of the Supreme Court in office.

In every case, those Justices in the minority may request that their position be noted in the verdict.

Article 76 - Rulings of the Supreme Court on the interpretation of the Constitution, the unconstitutionality of laws and decree laws, the unconstitutionality or illegality of decrees, arretes or administrative decisions and the dissolution of a political party are binding and must be published in the Journal of the Republic of Vietnam within a period of fifteen(15) days counting from the date the verdict is announced.

Decisions which reject petitions for legal action or exceptional pleas requesting court rulings on the constitutionality or legality of legislative enactments, administrative regulations or administrative decisions only have a relative effect.

Article 77 - A Supreme Court ruling has the effect of stopping implementation of unconstitutional or illegal legislative enactments, administrative regulations or administrative decisions from the date of its publication in the Journal of the Republic of Vietnam.

Article 78 - The decision to dissolve a political party has the effect of dissolving that political party from the date the verdict is announced.

Article 79 - The Supreme Court records -- records of legal procedures and sentences -- are exempt from stamp and registration fees.

Section 2

Procedures For Appeals

Article 80 - The Appeals Committee of the Supreme Court has jurisdiction:

1. To rule on all appeals for reversal of final rulings by lower courts.
2. To rule on all appeals for re-examination of cases settled by lower courts.
3. To determine the jurisdiction among courts.

Article 81 - Procedures for appeals presently in force in the Court of Cassation and in the State Council and which are not contrary to the provisions of this law can temporarily be applied before the Civil Section, the Criminal Section or the Administrative Section in accordance with the nature of the litigation.

Regarding appeals on civil or criminal affairs, if the appeal is accepted, the Supreme Court will order that the case be re-examined and tried again by another court which is classified in the same category as that of the court which first handled the case, and which ranks equal to the latter and has the same jurisdiction. The Supreme Court may also order that the case be tried again by the court which first handled the case but (with the court) composed of different members. If the court which has been ordered to conduct the second trial maintains the legal viewpoints of the court which first handled the case and if a new appeal is made, the Appeals Committee of the Supreme Court will, together with all the elements (of the Supreme Court), make another ruling. The second court to which the case is transferred must comply with the final view of the Supreme Court.

CHAPTER VI

TRANSITIONAL AND GENERAL PROVISIONS

Article 82 - Until the Justices of the Supreme Court assume their positions for the first time, the First President of the Court of Cassation will assume the executive function of Chief Justice of the Supreme Court provided for in this law.

Article 83 - No later than five (5) days after this law is promulgated, the Chairman of the Upper House will convoke the Council to organize the election for the Supreme Court.

The election of the first candidates-elect to the Supreme Court must be completed not later than forty-five (45) days after the promulgation of this law.

The position held by the Secretary General of the Supreme Court on the committee responsible for the polling place will be assumed by the Chief Clerk of the Court of Cassation.

During the transitional period, the Election Council has the power to set an election schedule shorter than that provided for in this law.

Article 84 - Regarding the lists of electors, during the period in which there is not a distinction between judges and prosecutors, all regular judges in office or on special detail belonging to ordinary courts, administrative courts, and military courts will be considered as either judges or prosecutors according to the function they are currently performing.

The method of selection of the electorate for each group will be determined by the group itself.

Article 85 - Immediately after the first Justices of the Supreme Court assume their positions, all courts belonging to the Judicial branch as well as their budgets, personnel and materials, except for the Prosecutor branch, will be put under the management and at the disposal of the Supreme Court.

Judicial personnel on special detail or on leave without pay will be placed under the administration of the Supreme Court or the Ministry of Justice according to the position they held prior to being placed on special detail or on leave without pay.

Article 86 - During the period before the internal rules of the Supreme Court determine the garb to be worn during public sessions, Justices of the Supreme Court will wear the same garb as that worn by the First President of the Court of Cassation.

Article 87 - After the Justices of the Supreme Court are sworn in for their first term, not later than October 31, 1968, the Court of Cassation will cease all operations. Cases pending appeal by this court will be transferred to the Supreme Court to be handled in accordance with the procedures specified in this law.

Headquarters, expenditures, personnel, files, archives, materials and equipment belonging to this court will be put at the disposal of the Supreme Court.

Judges attached to the above-mentioned court will be transferred to their original branches. Judges assigned to and currently serving on the Court of Cassation can be transferred to the Office of the Prosecutor General of the Supreme Court.

Article 88 - Expenses for the organization of the election of the first Justices to the Supreme Court, including the transportation expenses for the electors, will be provided by the National Budget.

Article 89 - All provisions contrary to this law are rescinded. This law will be promulgated in accordance with emergency procedures.

EXCERPT OF LAW NO. 001/67, DATED JUNE 15, 1967,
FIXING PROCEDURES GOVERNING
THE ELECTION OF THE PRESIDENT AND VICE-PRESIDENT

CHAPTER VI

VIOLATIONS AND PENALTIES

Article 37 - Any person who, directly or indirectly, bribes voters with money or other material things will be fined from 30,000 to 300,000 piasters and sentenced to imprisonment from six months to three years.

Article 39 - Any person who, directly or indirectly, bribes or attempts to bribe electors of a village or members of any other group by promising money, material things or any favor to that village or group, will be fined from 100,000 to 500,000 piasters and imprisoned from one to five years.

Article 40 - The carrying of weapons into polling booths is strictly forbidden except in unusual circumstances where it is necessary to maintain security, discipline and guarantee the electors' right to vote freely. Violation of this provision is subject to a fine ranging from 10,000 to 100,000 piasters and imprisonment from fifteen days to three months.

Article 41 - Whoever violates or conspires to violate by any means at any time or place the secrecy or honesty of the voting or disrupts the operation of polling booths will be fined 100,000 to 500,000 piasters and imprisoned for six months to three years.

Article 42 - Any person whose duty consists of receiving, counting or controlling ballots or examining files related to the election who manipulates or alters ballots or announces a name different from that appearing on the ballot with a view to committing fraud, shall be fined from 100,000 to 500,000 piasters and imprisoned from two to five years.

Article 43 - Any person who destroys ballot boxes or removes boxes containing uncounted ballots or who conspires to destroy ballots with a view to affecting the results of the election or causing it to be annulled, shall be imprisoned from two to five years.

Article 44 - Any person who threatens or harms personnel in charge of polling booths with a view to preventing them from carrying out their duties, will be fined from 10,000 to 100,000 piasters and imprisoned from two months to two years.

Article 45 - The penalties described in Articles 35 to 44 will be doubled if the accused is a salaried official.

Article 46 - Any person who engages in acts of sabotage designed to disrupt the elections will be imprisoned at hard labor from five to twenty years.

Article 47 - Any person who is convicted by a court under the provisions of Article 41, 42 and 43 above will be deprived of his rights as a citizen from two to five years.

Considering the Constitution of the Republic of Vietnam promulgated on April 1, 1967;

After debate and vote by the National Assembly,

THE PRESIDENT OF THE REPUBLIC OF V.N.

promulgates Law No. 009/68 dated October 23, 1968 governing the organization and operations of the General Inspectorate, the full text of which is as follows:

CHAPTER I

AUTHORITY - DUTIES

Article 1 - The General Inspectorate has the authority and duties:

1. To inspect, control and investigate personnel of public agencies and private individuals who are joint authors or accomplices in acts of corruption, hoarding, influence peddling or in acts pre-judicial to the interests of the Nation.

2. To audit the accounts of public agencies, National ownership and mixed ownership companies.

3. To conduct the census of properties of personnel of public agencies including the President, Vice-President, Prime Minister, Senators, Representatives and the Chairman of the Supreme Court.

The census must be completed within the first 6 months of the term of office of the General Inspectorate.

4. To recommend measures of disciplinary sanctions against public officials who commit offenses or to request to arraign them before the competent court.

* The original translation was "General Inspectorate". However the more common English term applied currently is "General Censorate".
(USAID/ADPA, Oct. 1970)

5. To recommend measures of improving methods of work in public agencies, national ownership and mixed ownership companies, with a view to curbing corruption, hoarding, influence peddling or acts prejudicial to the interests of the Nation.

CHAPTER II

ORGANIZATION OF GENERAL INSPECTORATE

Article 2 - The General Inspectorate has a separate budget and the authority to set up statutes with respect to internal organization and management of the inspection branch.

Article 3 - The General Inspectorate consists of 18 Inspectors, one-third (1/3) of whom is designated by the National Assembly, one-third designated by the President and one-third designated by the Supreme Court.

Citizens who meet the following qualifications may be designated inspectors:

1. Having Vietnamese nationality at birth or having recovered Vietnamese citizenship for at least 10 years as of 31st December of the year of designation.
2. At least 30 years old as of 31st December of the year of designation.
3. Those who have not been sentenced by a criminal court or a court of summary jurisdiction with the exception of cases resulting from negligence or carelessness.
4. Must have regularly resided in Vietnam for at least 5 years prior to the date of designation. Time spent abroad on official business or in political exile will be considered as time spent in Vietnam.
5. Must have complied with military draft regulations.

Inspectors designated by the President are appointed by decree of the latter. Inspectors designated by the National Assembly and the Supreme Court are confirmed by decree of the President within 15 days as of the date of receipt of the letter of designation.

Beyond this deadline, the letters of designation from the National Assembly or the Supreme Court become valid as a Presidential Decree.

Article 4 -

1. The Upper House, and the Lower House, designate respectively 3 Inspectors in a plenary meeting session held at each House.

2. The Supreme Court designates 6 Inspectors in its general meeting session.

Article 5 - The term of office of the General Inspectorate is 4 years. Inspectors may be re-appointed and they may resign.

Article 6 - The term of office of the Inspectors terminates under the following circumstances:

1. Death, missing
2. Resignation
3. Deprivation of civic rights because of treason and other crimes as prescribed in Article 87 of the Constitution.
4. Physical or moral incapacitation confirmed by the Board of Inspectors with the majority of three-fourths of the total Inspectors, basing on the report of the Medical Examining Board composed of 5 specialized physicians who are designated by the body of medical doctors.
5. Dismissal by one of three designating bodies concerned because of incompetence on the job, or direct or indirect involvement in corruption activities under any form whatsoever.

Article 7 - If for any reason a vacancy occurs in the General Inspectorate, the Chairman will notify it to the President, the National Assembly or the Supreme Court. According to the case, the President, National Assembly or the Supreme Court will designate a replacement who will serve until the completion of the term of his predecessor.

Article 8 - The General Inspectorate is composed of:

1. The Board of the General Inspectorate
2. Office of the General Inspectorate and dependent agencies
3. Specialized sections at the central level and inspection areas at the local level.

Article 9 - The Board of the General Inspectorate composed of all Inspectors, is empowered:

1. To administer the inspection branch.
2. To draft statute and internal organization of the Inspectorate
3. To work out plans and program of action.
4. To vote autonomous budget of the Inspectorate.
5. To decide on cases of physical or moral incapacitation of inspectors as defined in Article 6.
6. To examine and decide on the recommendation of measures of sanctions against officials who committed offenses or to request to arraign them before the competent court.
7. To decide on the announcement of result of investigation. However, the Inspectorate must publicize the result if there is a request from the investigated person.

Article 10 - The General Inspectorate holds a plenary meeting session at least once a month under the chairmanship and upon convocation of the Chairman of the Inspectorate.

When necessary or in case one-third of the total inspectors request, the Chairman of the Inspectorate will convene extraordinary meeting sessions.

Article 11 - The meeting sessions of Board of the Inspectorate become regular when there is the presence of more than half of the total number of inspectors.

The Board's decisions are taken by a majority of more than half of the total number of inspectors.

However, the Board's decisions become valid if a one-third quorum of inspectors is formed.

Article 12 - The Office of the General Inspectorate is elected through a secret ballot vote. It is composed of:

- A Chairman
- A Deputy Chairman
- Chiefs, Specialized Sections
- A Secretary General who has the rank of a Chief of a specialized section.

Article 13 - The Office of the General Inspectorate is empowered to:

- Implement all decisions taken by the Board.
- Administer the Inspectorate.
- Gather people's suggestions, organize offices of people's suggestions at the central and local levels.
- The Chairman of the Inspectorate is the Expenditures Authorizing Officer of the autonomous budget and is commissioned to exercise the authority of establishing the status of the Inspectorate.

Article 14 - The Central Specialized Sections of the Inspectorate include:

1. The Section of Investigation, census
2. The Section of Audit and Property Census

Article 15 - The Section of Investigation, Census is composed of a Chief Section and a number of commissioners designated by the Board of the Inspectorate according to requirements of service. This section is empowered:

- To conduct investigation on acts of corruption, hoarding, influence peddling or acts prejudicial to the interests of the Nation by public officials and private individuals who are joint authors or accomplices.
- To conduct investigations to find out the truth about the regular complaints sent in by the people.
- To recommend prosecution or application of disciplinary measures against public officials who committed offenses.
- To recommend measures of improving methods of work of public agencies and mixed ownership agencies.

Article 16 - The Section of Property Census and Audit briefly called Section of Audit is composed of a Chief Section and a number of commissioners who are designated by the Board of the Inspectorate according to requirements of service. This Section is empowered:

- To conduct census of property of public officials from the President down and popularly elected representatives.

- To regularly post audit dossiers concerning receipts and expenditures of public agencies, national ownership and mixed ownership enterprises.

- To pre-audit unexpectedly and on the scene all financial transactions and accounts of public agencies, national ownership and mixed ownership enterprises.

- To consider pleas relative to the implementation of budget.

- To control state general accounts and balance sheets of local communities in each fiscal year and to recommend the Board of the Inspectorate to regularize the budget or to debit the amount to responsible officials.

Article 17 - In the localities, the General Inspectorate may set up many inspection areas. Each area comprises a number of province and cities placed under the supervision of an Inspector named Special Commissioner for Inspection.

Special Commissioners for Inspection are designated by the Board.

Article 18 - The term of office of the Inspectorate Chairman, personnel of the Inspectorate Office, Special Commissioners for Inspection, is one year and may be renewed.

Article 19- An Inspection Team under the management of the Inspectorate will be established with the task of assisting Inspectors in the exercise of their duties.

The statute of the Inspection Team will be fixed by the Board of the Inspectorate.

CHAPTER III

OPERATIONS

Article 20 - The Inspectorate is empowered to conduct unexpectedly and voluntarily inspections, investigations or audits.

Article 21 - Any inspection and investigation or audit must be conducted by at least two Inspectors of different composition.

Article 22 - In the exercise of their duties, Inspectors are empowered:

- To inspect public agencies, national ownership and mixed ownership enterprises.

- To control appropriations, accounts.

- To request presentation of books and records, ordinary and classified materials relative to the object of inspection or investigation.

- To request experts, specialists, and personnel of police force to render assistance.

- To summon individuals involved, co-authors, accomplices and witnesses to obtain their statements.

Article 23 - The managers of the agencies being inspected, investigated or audited, have the duty of assisting the inspectors in their work if the latter so request.

The parties involved or witnesses who do not report themselves after receipt of the letter of convocation, may be conducted by order of the Prosecutor of the locality at the request of the Inspectors. In this case, the Prosecutor is required to issue an order to offenders to appear.

Article 24 - In the exercise of their duties, the Inspectors conducting the investigation may not have the right to suspend the operations of a public agency or a national ownership and mixed ownership enterprise.

However, if deemed necessary, the investigating inspectors may temporarily suspend public officials or personnel at any level in the national ownership and mixed ownership enterprise being investigated in order to easily search for the truth. The decision as to suspension of these officials must be made by the majority of more than half of the investigating inspectors.

In case of flagrant delicto or positive proofs, the investigating inspectors may ask the local prosecutor to detain the offenders temporarily pending their prosecution before the competent court. The decision as to temporary detainment of offenders must be approved by all investigating inspectors.

The order of temporary suspension by the Inspectors or the order of temporary detainment by the local prosecutor must be notified to the managers of the agency interested.

Article 25 - Within twenty-four hours after the issuance of the above-mentioned orders, the Investigating Inspectors must submit a pertinent report to the Office of the Inspectorate.

The Board of the Inspectorate passes judgment on the order of temporary suspension or the order of temporary detainment within the period of 7 days as of the date these orders are carried out.

Article 26 - After completing the investigation, inspection or audit, the Inspectors must present a recapitulatory pertinent report within 3 full days. Seven days at the latest after receipt of the above report, the Chairman of the Inspectorate must convene a meeting to hear a briefing on the outcome of the investigation, inspection or audit and to discuss and decide on the measures to be applied.

Article 27 - In carrying out the decision of the Board, the Chairman of the Inspectorate will either shelve the pertinent dossier as the case may be or transmit it to the competent agency along with recommendation to apply measures of summary punishment againsts guilty officials or suggestion to improve the behavioral attitude of personnel and methods of work of the agency investigated or inspected.

In case summary punishment is applied, the Agency concerned will not have to convene the Council of discipline.

Article 28 - The agency investigated, inspected or audited must keep the Inspectorate informed of the application of measures within the period of 15 days as of the date of receipt of recommendations from the Inspectorate.

If there is a disagreement on the degree of summary punishment, the Central level of the agency concerned may propose to the Inspectorate another measure of sanction. The Board of the Inspectorate will approve or turn down this proposal within the period of seven full days. The decisions as to approval or rejection of the Board of Inspectorate are enforceable.

Article 29 - In case the Board decides to apply penal sanctions against the culprits, its Chairman will transmit the dossier to the Office of the Prosecutor of the competent court requesting the latter to prosecute the party concerned. The Office of the Prosecutor is required to prosecute the culprits within the period of 15 full days as of the date of receipt of the request of the Inspectorate Chairman.

Article 30 - The person investigated is allowed to plead under whatever circumstances, even before the Board of the Inspectorate as specified in article 9.

Article 31 - In the course of inspection or mixed investigation, the Inspectorate may coordinate and decide on the works of various branches of inspection, administration, finance and technique of public agencies.

Article 32 - All decisions relative to the results of investigation or control of the Board of the Inspectorate must be communicated to the President, the Upper House, the Lower House and the Supreme Court.

CHAPTER IV

STATUTE OF THE GENERAL INSPECTORATE

Article 33 - When assuming their office, Inspectors must solemnly take the oath in a plenary session of both houses in the presence of the President and the Chairman of the Supreme Court. The oath taking formula is as follows:

"I shall pledge to the best of my efforts and energies to carry out the duties of an Inspector - in the respect for the Constitution, Law and National interests - with justness, clairvoyance, integrity and independent spirit."

After the oath-taking, Inspectors have the capacity as judicial police officers in the exercise of the authority of inspection.

Article 34 - Inspectors cannot be prosecuted, pursued, arrested or judged for any statement or vote in the Board of the Inspectorate without the approval of two-thirds of the total number of Representatives and Senators.

In cases of flagrant violation of the law, prosecution, detention or judgment of inspectors will cease if there is a request of more than half of the total number of Representatives and Senators.

Article 35 - In case of treason or other serious crimes, Inspectors may be removed from office by the Special Court of Justice as stipulated in Article 87 of the Constitution.

Article 36 - Inspectors have the right to keep secret the origin of documents presented to the Board of the Inspectorate. However, Inspectors have the duty to present evidence in writing before competent agencies with a view to clearing up the relevant problems.

Article 37 - Only the Board of the Inspectorate has the power of hierarchy over the Inspectors.

Article 38 - Inspectors are not compatible with any other public position or elected position, whether it is a remunerated one or not except that they may serve as instructors at universities and advanced technical schools.

Inspectors and their spouses may not participate in a bid or sign a contract with a government agency and mixed ownership agency.

Article 39 - After completion of their term, Inspectors who are ex-public servants will revert automatically to their former civil service grade if they so request; and the length of assignment at the General Inspectorate is computed as service seniority within grade.

CHAPTER V

TRANSITIONAL AND GENERAL PROVISIONS

Article 40 - The National Assembly, the President and the Supreme Court will designate the first inspectors before the 31st of October, 1968.

Article 41 - After the oath-taking ceremony of the Inspectors of term I, the General Office of Inspection established by decree No. 34-SL/HP/VP on March 8, 1966 is automatically dissolved.

The Head Office, expenditures, personnel, files, archives and materials from the current General Office of Inspection will be placed at the disposal of the General Inspectorate.

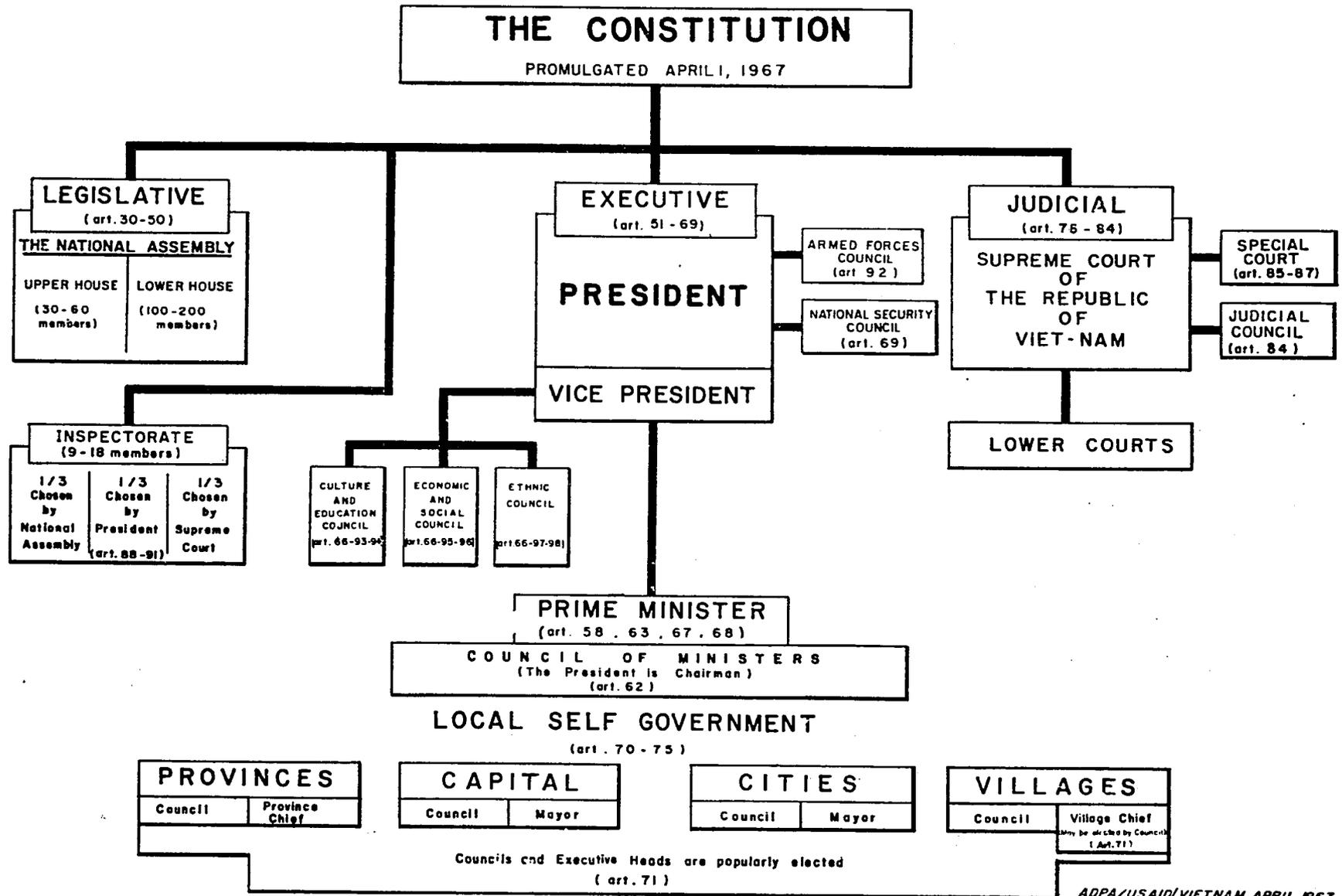
Article 42 - Any provisions contrary to this law are repealed.

This law is promulgated according to emergency procedure.

23 October 1968

S/NGUYEN VAN THIEU

CONSTITUTIONAL OFFICES



I-D-1

TAB II

CHAPTER II

SOURCE OF PROVINCIAL AUTHORITY

TAB II

TAB II TAB II TAB II TAB II TAB II TAB II TAB II TAB II TAB II

AUTHORITY OF PROVINCIAL GOVERNMENTS

Provinces possess only those powers that are specifically delegated to them by the central government. At the present time, the basic documents covering this delegation are Ordinance 57-A, dated 24 October 1956 and the implementing circular 115-a/TTP/VP of the same date. (See sections B and C of this Chapter).

Until very recently, Provinces basically have been extensions of the Central Government, not local governments. Even now, one should not make the mistake of equating a province in Vietnam with a State in the U.S. as the autonomy of the former is far more limited than the latter.

The constitution adopted in 1967 designates the province as a local government (See Articles 70 to 75). A Bill already has been introduced in the National Assembly to implement these constitutional provisions. Adoption of such legislation is anticipated in CY 1971. It will probably provide for elected Province Chiefs and a more important local policy role for the Provincial Councils.

USAID/ADPA/LGB
October 1970

Regarding the Administrative organization of Vietnam

The President of the Republic of Vietnam

ENACTS:

Article 1. Vietnam is composed of provinces, cities and villages.

I. PROVINCES

Article 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.

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

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

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.

Article 5. In the capacity of representative of the government, he presides over all public ceremonies in his locality.

Article 7. He controls and authorizes the provincial budget.

Article 8. He supervises village administration. The organization of the provincial administration and finance shall be established by decrees.

II. CITIES

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

Each city shall be governed by an appointed Mayor and a City Council.

Article 10. The administrative and financial organization of the City shall be established by decrees.

III. VILLAGES

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

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

IV. CANTONS AND DISTRICTS

Article 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.

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

Article 15. District Chiefs shall be appointed by the President on the proposal of the Province Chief.

V. REGIONAL GOVERNMENT REPRESENTATIVES (DELEGATE)

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

Article 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.

Article 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.

Article 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.

Article 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.

Article 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.

Article 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.

Article 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

Article 24. All former provisions contradictory to this ordinance are hereby repealed.

Article 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.

Unofficial Translation
USAID/ADPA

Circular
No. 115-a/PTT/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 to the Secretaries of State on all activities of public services dependent on his own headquarters and on 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, Gendarmes 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.

*
* *

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, but these 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 periodic 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 Delegate.

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 case 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.

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 village with district and provincial and 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.

*
* *

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 Chief.

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 Province 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 province.

Signed: NGO DINH DIEM

C I R C U L A R N O T E

From

THE PRESIDENT OF THE REPUBLIC OF VIETNAM

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/PTT/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 relation 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 Provinces.

- 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.

II. The relationships 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 to 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 the Interior can help them in following up and activating the implementation of these directives.

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 cannot 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 their 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 head 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 appointment of the heads of Specialized Services to the Provinces, the Ministries need only to send their personnel 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, transfer, 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. 115a/PTT/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, and 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 submit 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 proceed. 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 Part 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 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 administration. 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

Republic of Vietnam

Presidency Office

LAW #001/69 Dated 1/1/1969
Annuling the Function of Government
Delegate

Considering the Constitution of the Republic of Vietnam dated
April 1st, 1967;

The President of the Republic of Vietnam

promulgated Law #001/69 dated January 1st 1969 the original text
of which is read as follows:

"Unique Article - The function of the Government Delegate is
annuled as it is defined in Chapter V (from article 16 to article
23) of the Ordinance #57a dated 24 October 1956".

This Law will be published in the Official Journal of the Republic
of Vietnam.

Saigon, January 1st 1969

S/NGUYEN VAN THIEU

For certified copy:

The General Secretary of
Prime Minister Office

NGUYEN VAN HUC

TAB III

CHAPTER III

TAB III

PROVINCE ORGANIZATION

TAB III

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COMMENTS ON PROVINCIAL ORGANIZATION

Until recently the provinces have been basically a Central Government operation (See Chapter II, section A).

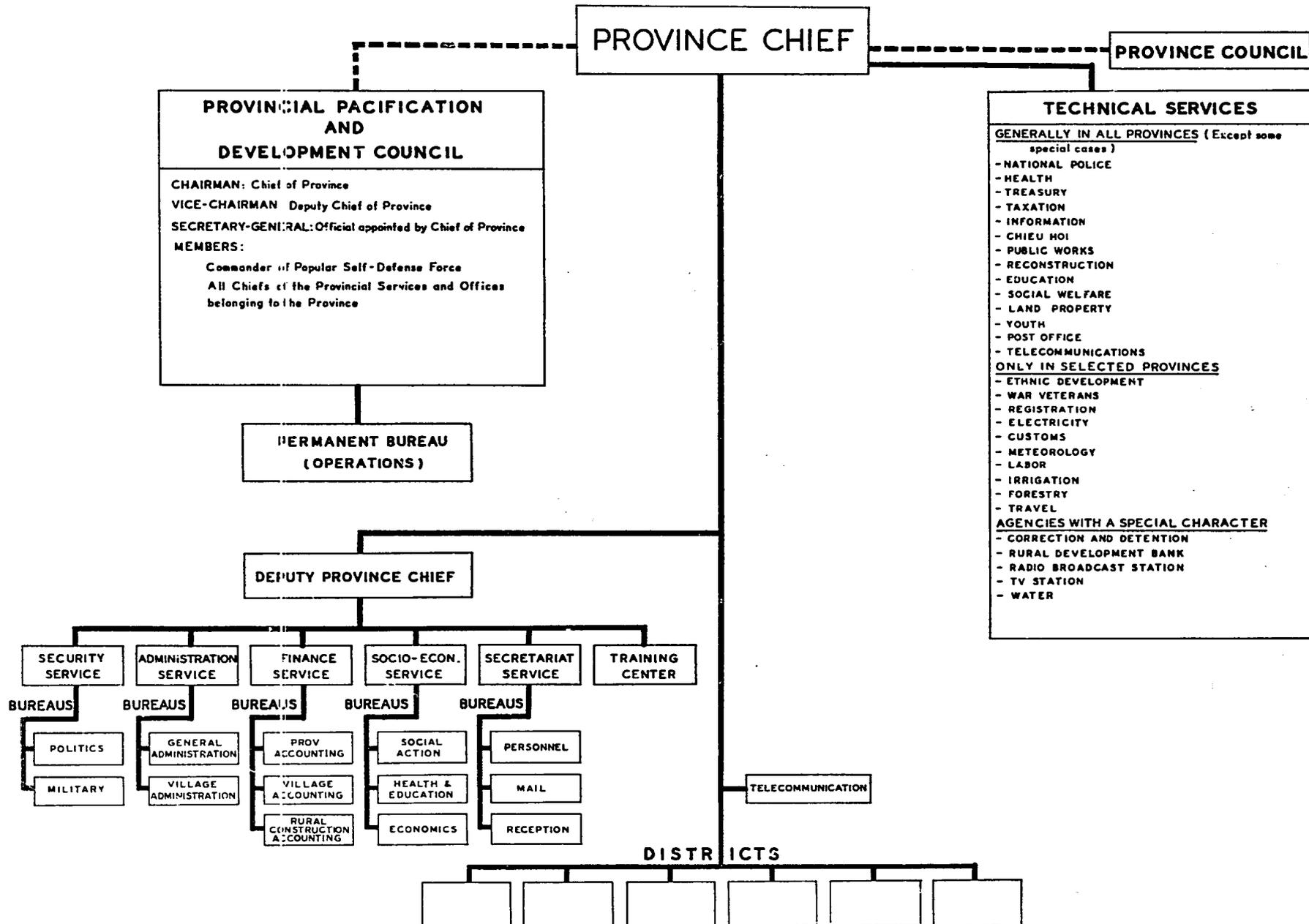
The GVN is now moving to implement constitutional provisions that will transform the province into a local administration with an elected Province Chief and an elected council. It should be recognized, however, that the Province Chief will continue to have Central Government functions to execute and on these matters he will not be responsible to the province council.

As explained in the Chapter II citation above, new legislation is expected in the near future that will re-define the authority of the Provinces and the powers and duties of the Province Council and Province Chief. It is also anticipated that a new decree will be issued covering the organization and operation of Province and District Headquarters. The draft document has been included as Section F of this chapter. Even though it is not an official document, it fairly describes the operations as they are now established by a variety of laws, decree, directives etc. For that reason, these numerous documents have been deleted from this issue of the Blue Book in anticipation of the official action on the consolidating decree. If U.S. Advisors find need for the existing official documents copies can be obtained from this office.

The letter of the Prime Minister, No. 32-PTT/VP, dated 12 May 1964 (see section C of this chapter) has been included as typical of the many GVN documents that assign the Province Chief operational control of all technical services located in the province.

USAID/ADPA/LGB
October 1970

PROVINCE ADMINISTRATIVE ORGANIZATION



- TECHNICAL SERVICES**
- GENERALLY IN ALL PROVINCES (Except some special cases)
- NATIONAL POLICE
 - HEALTH
 - TREASURY
 - TAXATION
 - INFORMATION
 - CHIEU HOI
 - PUBLIC WORKS
 - RECONSTRUCTION
 - EDUCATION
 - SOCIAL WELFARE
 - LAND PROPERTY
 - YOUTH
 - POST OFFICE
 - TELECOMMUNICATIONS
- ONLY IN SELECTED PROVINCES
- ETHNIC DEVELOPMENT
 - WAR VETERANS
 - REGISTRATION
 - ELECTRICITY
 - CUSTOMS
 - METEOROLOGY
 - LABOR
 - IRRIGATION
 - FORESTRY
 - TRAVEL
- AGENCIES WITH A SPECIAL CHARACTER
- CORRECTION AND DETENTION
 - RURAL DEVELOPMENT BANK
 - RADIO BROADCAST STATION
 - TV STATION
 - WATER

Republic of Vietnam

Office of the Prime Minister

No. 32-PTT/VP

May 12, 1964

From: The Prime Minister

To The Deputy Prime Ministers
The Minister "Sans Portefeuille" (without portfolio)
The Ministers
The Secretaries of State
The Commissioners General
The Commissioners

In accordance with the present system of Administration, the Chief of Province, in his capacity of representing the Central Government for enforcing the law and carrying out of the Government's programs, is fully responsible for the welfare of the population living in the Province. This welfare shall include not only the security and living conditions, but also the economic and social activities that the Provincial authorities have the responsibility to improve and adapt to the possibilities of the area.

Consequently, the Province Chief is required to generally coordinate the work of the administrative and technical Services (or Offices) in the Province so as to line up all activities with the Government Policy.

The Province Chief is therefore authorized by law to suggest all assignments of the technical personnel working in the area.

With a view to complement said authority, I would like to draw your attention to the fact that the Province Chief should be consulted any time a technical employee (especially the Division Chief) is to be assigned to a province.

In order to avoid all delay which may affect the functioning of the Division in the technical standpoint, the Minister of the Interior is required to issue instructions to the Province Chiefs to the effect that they must answer within one week after any such consultations shall have reached their Province.

III C-1

In case of emergency and having legitimate reason therefore, the Ministry concerned may require an answer within a shorter period.

In case no agreement can be reached between the Ministry and the Province Chief, the difference shall be solved by a mutual agreement between the Ministry concerned and the Interior.

You are kindly requested to strictly follow the above instructions and do your best to avoid all frictions between the administrative and technical services concerning the assignment of personnel, the consequences of which may jeopardize the coordination of public service.

Signed: NGUYEN KHANH

cc: The Commanders of Tactical areas
assuming the function of Government Delegates
- All Prefects, Mayors, Province Chiefs
"For information and execution"

Duplicate

Signed by: Le Minh Oanh
Deputy Director of Cabinet

Republic of Vietnam
Prime Minister's Office
No. 68/NV

THE PRIME MINISTER

Decrees:

Article 1. There is hereby created in each province a Provincial Council whose function is to cooperate with the Province Chief in the administration of the province.

Chapter I

Organization

Article 2. The Provincial Council is composed of six (6) to fifteen (15) members elected by universal suffrage, direct and secret.

The number of members of each province will be fixed by an arrete of the Minister of Interior according to the population, number of districts in the province, local budget and security situation.

Article 3. The election procedure of the Provincial Council will be defined by a separate decree.

Article 4. The term of the Provincial Council is set for three (3) years. One third (1/3) of the total members will be reelected every year. The number of members to be reelected is determined by drawing lots: at the end of the first year among the total members to replace 1/3 of them, at the end of the second year among the remaining 2/3 of members.

Members may be reelected.

Article 5. The function of a Provincial Council member cannot be held concurrently with other salaried functions but can be held concurrently with other popularly elected functions.

Members of the Provincial Council may not sign contracts with the Provincial Administrative Office.

Civil servants and servicemen elected must apply for leave without pay through the whole council term.

Father and son, mother and son, blood brothers and sisters, husband and wife, may not assume responsibilities in the same Provincial Council.

Article 6. During the exercise of their duties, Provincial Council members are not entitled to salaries but they are entitled to allowances according to the number of days of the Council meeting session.

Only the Chairman of the Council receives entertainment allowances and members of the Standing Committee as stipulated in article 23 receive special allowances.

The Chairman of the Council or any members who are assigned a special mission can receive a daily compensation. This compensation may not be received concurrently with the meeting attendance allowances stipulated in above paragraph 1.

The above allowances and compensations are borne by the Provincial budget and will be fixed by the Minister of Interior after concurrence with the Secretary of State at the Prime Minister's Office.

Article 7. In the exercise of their duties, Provincial Council members, in case of illness, may be treated in public hospitals under first class, hospitalization costs will be deducted from their allowances in accordance with regulations applicable to civil servants.

In case a member dies from an accident during the exercise of his duties, his heir defined by the law will receive a subsidy equal to twelve times of the allowances which the member receives per month (computed 30 days a month).

Article 8. Provincial Council members can be declared as resigned by arrete of the Minister of Interior upon the proposal by the chairman of the Provincial Council on account of the following reasons:

- a. Violating the prohibition against assuming other functions or no longer meeting the qualification for election prescribed by a separate decree, discovered or occurring after the election.
- b. Being absent from three (3) successive regular or extraordinary meetings without reasons recognized as legitimate by the Council.
- c. Refusing to perform duties assigned to them by the Council without legitimate reasons.

Members can resign by sending a request to the Minister of Interior through the Chairman of the Provincial Council. This resignation will be effective from the day they receive the approved decision from the Minister of Interior or a month after the date on which the request was sent if no Approval from the Minister of Interior is received.

Upon proposals by the Minister of Interior and the Province Chief, the Prime Minister may promulgate a decree to dissolve the Council. This decree should state the reasons of dissolution. In this case, there will be an election of a new Provincial Council with the maximum period of three (3) months.

Chapter II

Authority

Article 9. Within the framework of policy and courses of action of the Government, the Provincial Council is empowered to decide on matters relating to the Province's interests mentioned as follows:

1. Construction projects and public interest programs for the province.
2. Provincial Budget draft (original and supplementary)
3. Miscellaneous taxes, fees, additional surcharges and all other collections for the Provincial budget.
4. Regulations governing the collection of the Province incomes.
5. Loans, subsidies.
6. Management and protection of public properties in the province, receipt of donations and legacies.
7. Mortgaging, renting of real estate, purchase, sale, exchange, transfer of movables or real estate of the province.
8. Establishment of contracts for performing work or furnishing materials to the Province.
9. Concessions for public services.
10. Establishment and modification of Province improvement projects.

11. Construction, classification, change of classification, modification, lengthening, enlargement, naming of streets, removal of roads, parks, statia.
12. Establishment, removal, naming, change of name, modification of boundaries, moving of headquarters of districts, cantons, villages.
13. Organization and management of markets and fairs.
14. Legal proceedings to defend the Province's interests.

Article 10. The Provincial Council has the power of Controlling the hereunder mentioned matters concerning provincial administration:

1. Implementation of Government policy and program.
2. Administrative financial statement on the implementation of provincial budget.
3. Accounting books of the Provincial Administration and public agencies in the province.
4. Village accounting is subject to audit by the Province Chief.
5. Conduct of personnel and cadres of all ranks in the province, especially their manner of serving the people.

The council is empowered to propose to the Government to issue reprimands to administrative officers in the Province if clear evidence of carelessness is found in the exercise of their duties.

Besides, Provincial Council members must be invited to participate in all committees established by the Government in the province to promote cooperation between the people and the administration in the management of interests of the province.

Article 11. The Provincial Council must be consulted by the Province Chief on the following matters:

1. Projects for change of name or modification of boundaries of the province.
2. Approval of village budgets under VN\$500,000.
3. All matters relating to land property, buildings and practice of professions in the province.
4. All matters on which the Council should be consulted as prescribed by the law or the Government.

Article 12. Councillors may express to the Prime Minister, Ministers, Secretaries of State and Province Chief all their opinions, suggestions and requests in all matters which have common interest for the province.

Opinions, suggestions or requests shall be addressed to the Prime Minister according to the following procedure:

a. Letters will be sent directly to the Prime Minister's Office with copies to the Ministry concerned for preliminary study and submission of its viewpoint to the Prime Minister for consideration and decision.

b. In Case Council members need a personal interview with the Prime Minister, they should inform the Prime Minister's Office first about matters they intend to present in order that necessary documentation can be prepared.

Opinions, suggestions and requests of members will be considered by the government within the shortest period of time. Results of this consideration should be reported to the concerned parties through the Council Standing Committee.

Article 13. Council decisions are considered valid only if there is a majority of the members present in the meeting. In case there is a tie vote the vote of the chairman is decisive.

Article 14. Except matters stipulated in the hereunder article 15, decisions of the Provincial Council shall be carried out by the Province Chief at the latest fifteen (15) days after they have been transmitted to the Provincial Administrative Office.

In case those measures proposed by the Council cannot yet be applied, the Province Chief shall explain the reasons and request the Council to discuss them over again.

If after debate, a difference of opinions still persists, the chairman or a member designated by half of the total members of the council as well as the Province Chief have the right to report it directly to the Prime Minister, Minister or Secretary of State concerned and request them to settle it. In case the problem is submitted to the Prime Minister, copies of the opinions of both parties must be forwarded to the Ministry concerned for preliminary study.

Article 15. Before implementation, the following decisions must be ratified:

1. By the Prime Minister:

- All construction projects and public interest programs costing over one million piastres (VN\$1,000,000).

- Budget and administrative financial statement on the implementation of the provincial budget.

- Establishment, removal, naming, change of name, modification of boundaries and moving of headquarters of districts.

- Receipt of donations and legacies with additional charge and conditions.

- Establishment of contracts for performing work or furnishing materials to the province costing over one million piastres (VN\$1,000,000).

2. By the concerned Minister or Secretary of State:

- Establishment, removal, naming, change of name, modification of boundaries, moving of headquarters of cantons, villages.

- Miscellaneous taxes, fees, additional surcharges and all other collections for the Provincial budget.

- Rules and regulations governing the collection of incomes for the province.

- Leasing of real estate (whether the province is lessor or lessee) for a period of time over three (3) years and with an annual rent over one million (VN\$1,000,000) piastres.

- Receipt of donations and legacies with no additional charge and conditions.

- Purchase, sale, exchange, transfer of the Province's property costing over one million (VN\$1,000,000) piastres.

- Construction, classification, change of classification, modification, lengthening, enlargement, naming, abolition of streets, parks, studia.

- Concessions for public services involving over one million VN\$1,000,000) piastres.

- Establishment and modification of improvement projects of the province.

- Loans, subsidies.

Besides, decisions of the Council on matters prescribed by current regulations will be carried out only after ratification by the Minister or Secretary of State concerned.

Chapter III

Operations

Article 16. The Provincial Council meets once a month by convocation of the Chairman. Meetings will meet on Mondays of the 2nd week of the month, each meeting session will not exceed five (5) days.

Article 17. The council may convene extraordinary sessions upon request of the Province Chief or one half (1/2) of the total members of the Council. Each extraordinary session may not exceed two (2) days.

Article 18. The agenda of regular and extraordinary meeting sessions are fixed by the Provincial Council Chairman after notification to the Province Chief.

Except in case of emergency, the agenda must be established and reported to the Province Chief and agencies, concerned at the latest seven (7) days before the opening of each session.

Article 19. Topics not mentioned in the agenda will not be discussed unless there is approval from the Province Chief or his representative.

Article 20. The Provincial Council will meet only when there are two thirds (2/3) of the total number or members present.

Article 21. The Province Chief or his representative has the duty of participating in the meetings of the Council and will express ideas when necessary.

The Province Chief or his representative may have their assistants with them during all council meetings.

The Council may also ask the Province Chief to invite technicians to participate in the meetings and to furnish technical documents on matters the Council is considering.

Meetings of the Council are public. Especially with regard to problems concerning national security, the Council is forced to have closed meetings.

Reports of the Council meetings will be sent to the Province Chief at the latest seven (7) days after the meeting.

Article 22. During the meetings, in case of emergency, the Council Chairman may privately ask each member for advice.

Article 23. In the first meeting of each year, the Provincial Council elects a chairman, a Vice-Chairman, and a secretary to form the standing Committee of the Council.

The Chairman convenes the meetings, presides over them, directs discussions and maintains order of the meetings with administrative support provided by the Province Chief.

The Vice-Chairman assists the chairman and replaces him when he is absent or busy.

The Secretary keeps minutes of the meetings and take charge of office work of the Council. If requested, the Provincial Administrative Office must detach its administrative personnel to assist the Secretary.

Between meeting sessions, the standing Committee is in charge of permanent secretarial work of the Council.

Article 24. Detailed procedure governing the operation of the Council will be described in the Council statute drafted by the Council and submitted to the Minister of Interior for ratification through the Province Chief.

Article 25. Operating costs of the Provincial Council are borne by the budget of the province concerned.

Article 26. Existing regulations contrary to this decree, especially decree No. 203-b/NV of May 31, 1964 are repealed.

Article 27. Deputy Prime Minister, Minister without portfolio, Ministers, Secretaries of State and the Province Chief are charged, each as to that which concerns him, with the execution of this decree.

This decree will be published in the Official Journal of Republic of Vietnam.

Saigon, April 9, 1965

S/PHAN HUY QUAT

Certified true copy
The Chief, Research and
Legislation Service
Ly Kim Huynh

Visaed:
The Minister of Interior
S/Nguyen Hoa Hiep

THE PRIME MINISTER OF THE GOVERNMENT

In view of the Constitution of the Republic of Vietnam dated 1 April 1967;

Considering Decree No. 394-TT/SL dated 1 September 1969 fixing the composition of the Government;

Considering Ordinance No. 57-a dated 24 October 1956 and subsequent documents determining the organization of the National Administration;

Considering Decrees No. 67-NV, 68-NV and 69-NV all dated 9 April 1965 and subsequent documents establishing Prefectural, Provincial, and Municipal Councils;

Upon the recommendation of the Minister of Interior;

After deliberations of the Cabinet Council,

DECREES the following:

ARTICLE 1. Articles 6, 9, 10, 11, 12, 14 and 15 of Decrees No. 67-NV, 68-NV and 69-NV all dated 9 April 1965 referenced above are rescinded and superseded by the following provisions:

"New article 6" Councillors of Prefectural, Provincial and Municipal Councils are not entitled to salaries but a monthly lump sum as allowance.

Members in the Standing Committee additionally receive special allowances in accordance with the function.

Only the Chairman of the Council is entitled to entertainment allowances.

The rate of monthly allowances, special allowances, and entertainment allowances will be specified by an arrete of the Prime Minister.

In the performance of their duties, councillors of the Prefecture, Province, and City enjoy the same status as accorded to a Class A official in case of sickness, fatal injury, physical disability or injury in line of duty.

"New article 9" Within the framework of the National policy and lines of action of the Government, the Councils will determine the local policy and activities.

The following subjects must be discussed, voted and approved by the Council before implementation:

1. Administrative statement of accounts concerning the implementation of local budget;
2. Transfer of funds of local budget from one chapter to another;
3. Determination of additional charges (or surtax) for the benefit of local budget according to the rate already established by the central government and determination of collection procedure for those charges.
4. Use of resources and local development activities.
5. Construction plans and local development programs costing under TEN MILLION PIASTERS (10,000,000VN\$) for Prefecture, and under THREE MILLION PIASTERS (3,000,000VN\$) for Province and City;
6. Subsidy valued at no more than TWO HUNDRED THOUSAND PIASTERS (2000,000VN\$) for Prefecture, and ONE HUNDRED THOUSAND PIASTERS (100,000VN\$) for Province and City;
7. Management and protection of local public properties;
8. Receipt of donations and legacies without additional charge or condition;
9. Lease of real estate for a term not exceeding three (3) years;
10. Purchase of valuable personal estates or real estate;
11. Transfer of local properties costing less than TEN MILLION PIASTERS (10,000,000VN\$) for Prefecture, and THREE MILLION PIASTERS (3,000,000VN\$) for Province and City;
12. Concessions of public services costing less than TEN MILLION PIASTERS (10,000,000VN\$) for Prefecture, and THREE MILLION PIASTERS for Province and City;
13. Contracts for performing work or for supply of materials not exceeding TEN MILLION PIASTERS (10,000,000VN\$) for Prefecture, and THREE MILLION PIASTERS (3,000,000VN\$) for Province and City;

14. Construction, classification, reclassification, modification, lengthening, enlargement, naming or abolishing of streets, parks, stadia...;
15. Organization and management of markets and fairs;
16. Legal proceedings to protect the local interests.

"New article 10" The Council has the right to inspect, recommend and transmit reports to the interested officials regarding the hereunder matters:

1. Implementation of governmental policy and programs in the locality;
2. Performance of construction plans and local development programs;
3. Behavior and way of serving the people of civil servants and workers of all ranks in the locality.

The Prefect, Province Chiefs and Mayors are in duty bound to instruct heads of dependent technical services to show to official representatives of the Council any files needed by the Council for inspection purpose.

"New article 11" The Prefect, Province Chief or Mayor must consult the Council on such matters as prescribed by current laws and regulations, especially the establishment or abolishment, change of name or modification of streets and boundaries, classification or reclassification of the Prefecture, Provinces and Cities.

Councillors must give their opinions within a period of thirty (30) days effective the date they receive a note of consultation except as otherwise provided by law.

"New article 12" The Council has the power to make comments on Government capital projects in the locality, with the exception of national defense projects.

Councillors may state their opinions, suggestions, and petitions, on all subjects which have been determined by the council as subjects of common interest for the locality, to the President, Prime Minister, Ministers, Secretaries of State and the Prefect, Province Chief or Mayor.

"New article 14" The Council's resolutions will be carried out by the Prefect, Province Chief or Mayor at least fifteen (15) days after they have been transmitted to the City Hall or the office of the province chief, except for those which require a prior approval by the Prime Minister.

In case of disagreement, the Prefect, Province Chief or Mayor may send these resolutions back to the Council within fifteen (15) days with explanation attached thereto.

After reconsideration, if the discordance of opinions remains, the Council Chairman, upon the opinions of the majority of councillors as well as the Prefect, Province Chief or Mayor, have the right to report the matter directly to the Prime Minister for final decision.

"New article 15" Before implementation, the following decisions must be ratified by the Prime Minister:

1. Construction plans and public interest programs costing over TEN MILLION PIASTERS (10,000,000VN\$) for the Prefecture, and over THREE MILLION PIASTERS (3,000,000VN\$) for Provinces and Cities;
2. Budget and rider on budget of the Prefecture, Province or City;
3. Establishment of miscellaneous taxes and fees;
4. Lease of real estate for a period of over three (3) years;
5. Receipt of donations and legacies with additional charge and conditions;
6. Transfer of local property costing over TEN MILLION PIASTERS (10,000,000VN\$) for the Prefecture, and over THREE MILLION PIASTERS (3,000,000VN\$) for Province and City;
7. Concessions of public services valued over TEN MILLION PIASTERS (10,000,000VN\$) for the Prefecture, and over THREE MILLION PIASTERS (3,000,000VN\$) for Province and City;
8. Establishment and modification of improvement projects of the Prefecture, Province and City;
9. Installation or removal of Province capital;
10. Loans;
11. Subsidy valued over TWO HUNDRED THOUSAND PIASTERS (200,000VN\$) for Prefecture, and over ONE HUNDRED THOUSAND PIASTERS (100,000VN\$) for Province and City;

12. Contracts for performing work or for supply of materials to the locality costing over TEN MILLION PIASTERS (10,000,000VN\$) for Prefecture, and over THREE MILLION PIASTERS (3,000,000VN\$) for Province and City;

13. Other matters as prescribed by current laws and regulations.

All resolutions regarding the aforementioned subjects must be submitted to the Prime Minister. After a period of sixty (60) days, effective from the date the Prime Minister's Office receives them, if these resolutions are not rejected or recommended for modification, they will be automatically considered as approved.

In case the Government needs more time to study them, the locality will be informed on time.

ARTICLE 2. The Prime Minister may entrust the interested Ministers, or Secretaries of State with consideration and approval of all resolutions regarding matters provided in article 15 above.

ARTICLE 3. All previous provisions contrary to this decree are rescinded.

ARTICLE 4. Deputy Prime Minister, Ministers of State, Ministers, Secretaries of State, Deputy Ministers, Prefect, Province Chiefs, and Mayors are charged, each as to that which concerns him, with the execution of this Decree.

This decree will be published in the Official Journal of the Republic of Vietnam.

Saigon, 14 October 1970

TRAN THIEN KHIEM

Certified true copy

Director of Cabinet

TRUONG THOI LAI

REPUBLIC OF VIETNAM
PRIME MINISTER'S OFFICE

18 March 1970

DECREE 32-SL/NV

FROM : General Tran Thien Khiem, Prime Minister.
TO : See Distribution.
SUBJECT : Number of Saigon Prefecture, Province and City Council Members, and Distribution of Constituencies.

Considering the Constitution of the Republic of Vietnam of 1 April 1967; Decree 394-TT/SL, 1 September 1969, fixing the composition of the Government; Edict 57-a, 24 October 1956, fixing the organization of the National Administration; Decrees 67-NV, 68-NV, and 69-NV, 9 April 1965 and subsequent documents for the establishment of Saigon Prefecture, Province and City Councils; Law 2/70, 5 March 1970, stipulating the election of Saigon Prefecture, Province and City Councils, especially Article 3 of this Law; and on the recommendations of the Minister of Interior; the Prime Minister decrees:

Article 1. The number of Saigon Prefecture, Province and City Council members, and composition of constituencies are fixed in lists attached to this Decree.

Article 2. The Deputy Prime Minister, Minister of State, Ministers, Secretaries of State, Deputy Ministers, Mayor of Saigon, Province Chiefs and City Mayors are responsible for the execution of this Decree.

This Decree will be promulgated through emergency procedures and published in the Official Gazette of the Republic of Vietnam.

Tran Thien Khiem
Prime Minister
S/s

REPUBLIC OF VIETNAM
PRIME MINISTER'S OFFICE

NUMBER OF SAIGON PREFECTURE, PROVINCE/CITY COUNCIL
MEMBERS, AND DISTRIBUTION OF CONSTITUENCIES.

Saigon Prefecture Provinces and Cities (1)	Total Number of Council members (2)	Constituencies concerned		
		Order number of local cons- tituencies (3)	Locale (4)	Number of Council members by constitu- ency (5)
Saigon Prefecture	36 members	Constituency 1	Precinct 1	2
		" 2	" 2	3
		" 3	" 3	5
		" 4	" 4	4
		" 5	" 5	5
		" 6	" 6	4
		" 7	" 7	1
		" 8	" 8	4
		" 9	" 9	1
		" 10	" 10	4
		" 11	" 11	3
Vung Tau City	6 members	One Constituency	Whole City	6
Dalat City	7 "	One Constituency	"	7
Cam Ranh City	7 "	One Constituency	"	7
Hue City	8 "	Constituency 1	Precinct 1	4
		" 2	" 2	3
		" 3	" 3	1
Danang City	12 "	" 1	" 1	5
		" 2	" 2	4
		" 3	" 3	3
Quang Nam Province	15 members	Constituency 1	Hoa Vang District	3
		" 2	Dien Ba District	3
		" 3	Hieu Nhon	2
		" 4	Thuong Duc	1

(1)	(2)	(3)	(4)	(5)
Quang Ngai Province	17 members	Constituency 5	Hieu Duc District	1
		" 6	Dai Loc "	1
		" 7	Duy Xuyen "	1
		" 8	Que Son "	2
		" 9	Duc Duc "	1
		" 1	Binh Son "	3
		" 2	Son Tinh "	2
		" 3	Tu Nghia "	4
		" 4	Nghia Hanh "	1
		" 5	Mo Duc "	1
		" 6	Duc Pho "	1
Quang Tin Province	11 members	" 7	Tra Bong "	1
		" 8	Son Ha "	1
		" 9	Minh Long "	1
		" 10	Ba To "	1
		" 11	Ly Son Administrative Subdivision.	1
Quang Tri Province	11 members	" 1	Thang Binh Dist.	3
		" 2	Tien Phuoc "	1
		" 3	Ly Tin "	2
		" 4	Tam Ky "	4
Thua Thien Province	14 members	" 5	Hau Duc "	1
		" 1	Mai Linh "	2
		" 2	Hai Lang "	2
		" 3	Trieu Phong "	3
		" 4	Huong Hoa "	1
		" 5	Dong Ha "	1
		" 6	Gio Linh "	1
Binh Dinh Province	20 members	" 7	Cam Lo "	1
		" 1	Phong Dien "	1
		" 2	Quang Dien "	1
		" 3	Huong Dien "	1
		" 4	Huong Tra "	2
		" 5	Huong Thuy "	3
		" 6	Nam Hoa "	1
		" 7	Phu Vang "	2
		" 8	Phu Loc "	1
" 9	Vinh Loc "	1		
Binh Dinh Province	20 members	" 10	Phu Thu "	1
		" 1	Tuy Phuoc "	7
		" 2	Phu Cat "	2
		" 3	Hoai An "	1
		" 4	Phu My "	2
		" 5	An Tuc "	1
		" 6	Binh Khe "	1
		" 7	An Nhon "	3
		" 8	Hoai Nhon "	2
" 9	Tam Quan "	1		

(1)	(2)	(3)	(4)	(5)	
Binh Thuan Province	10 members	Constituency	1	Ham Thuan District	3
		"	2	Phu Quy Administrative Subdivision	1
		"	3	Thien Giao Dist.	1
		"	4	Hai Long "	1
		"	5	Hoa Da "	1
		"	6	Tuy Phong "	1
		"	7	Phan Ly Cham	1
		"	8	Hai Ninh "	1
Darlac Province	9 members	"	1	Ban Me Thuot	6
		"	2	Lac Thien "	1
		"	3	Buon Ho "	1
Khanh Hoa Province	12 members	"	4	Phuoc An "	1
		"	1	Van Ninh "	1
		"	2	Ninh Hoa "	2
		"	3	Khanh Duong "	1
		"	4	Vinh Xuong "	6
		"	5	Dien Khanh "	1
Kontum Province	7 members	"	6	Cam Lam "	1
		"	1	Dakto District	1
		"	2	Dak-Sut "	1
		"	3	Kontum "	3
		"	4	Toumorong Administrative Subdivision	1
Lam Dong Province	6 members	"	5	Chuong Nghia Administrative Subdivision.	1
		"	1	Bao Loc District	4
Ninh Thuan Province	8 members	"	2	Di Linh "	2
		"	1	Thanh Hai "	4
		"	2	Buu Son "	2
		"	3	An Phuoc "	1
Quang Duc Province	6 members	"	4	Du Long "	1
		"	1	Khiem Duc "	2
		"	2	Kien Duc "	2
		"	3	Duc Lap "	1
Phu Bon Province	6 members	"	4	Duc Xuyen Administrative Subdivision	1
		"	1	Phu Thien District	3
		"	2	Phu Tuc "	2
Phu Yen Province	11 members	"	3	Thuan Man "	1
		"	1	Song Cau "	1
		"	2	Dong Xuan "	1
		"	3	Tuy An "	1
		"	4	Tuy Hoa "	4
		"	5	Hieu Xuong "	3
"	6	Son Hoa "	1		

(1)	(2)	(3)	(4)	(5)
Pleiku Province	9 members	Constituency 1	Le Trung District	7
		" 2	Thanh An "	1
		" 3	Phu Nhon "	1
Tuyen Duc Province	7 members	" 1	Duc Trong "	3
		" 2	Lac Duong "	1
		" 3	Don Duong "	2
		" 4	Dam Rong Administrative Subdivision	1
Gia Dinh Province	27 members	" 1	Go Vap District	8
		" 2	Tan Binh "	8
		" 3	Hoc Mon "	4
		" 4	Thu Duc "	3
		" 5	Nha Be "	1
		" 6	Binh Chanh "	1
		" 7	Quang Xuyen "	1
		" 8	Can Gio "	1
Bien Hoa Province	13 members	" 1	Duc Tu "	7
		" 2	Long Thanh "	1
		" 3	Nhon Trach "	2
		" 4	Di An "	1
		" 5	Cong Thanh "	1
		" 6	Tan Uyen "	1
Binh Duong Province	9 members	" 1	Chau Thanh "	3
		" 2	Lai Thieu "	2
		" 3	Phu Hoa "	1
		" 4	Ben Cat "	1
		" 5	Tri Tam "	1
		" 6	Phu Giao "	1
Binh Long Province	6 members	" 1	An Loc "	3
		" 2	Loc Ninh "	2
		" 3	Chon Thanh "	1
Binh Tuy Province	6 members	" 1	Ham Tan "	3
		" 2	Tanh Linh "	1
		" 3	Hoai Duc "	2
Hau Nghia Province	8 members	" 1	Trang Bang "	2
		" 2	Cu Chi "	2
		" 3	Duc Hue "	1
		" 4	Duc Hoa "	3
Long An Province	12 members	" 1	Binh Phuoc "	3
		" 2	Tan Tru "	1
		" 3	Thu Thua "	2
		" 4	Ben Luc "	2
		" 5	Can Duc "	1
		" 6	Can Giuoc "	2
		" 7	Rach Kien "	1

(1)	(2)	(3)	(4)	(5)
Long Khanh Province	8 members	Constituency 1	Xuan Loc District	4
		" 2	Dinh Quan "	1
		" 3	Kiem Tan "	3
Phuoc Long Province	6 members	" 1	Bo Duc "	1
		" 2	Phuoc Binh "	3
		" 3	Duc Phong "	1
		" 4	Don Luan "	1
Phuoc Tuy Province	7 members	" 1	Long Le "	2
		" 2	Duc Thanh "	1
		" 3	Long Dien "	2
		" 4	Dat Do "	1
		" 5	Xuyen Moc "	1
Tay Ninh Province	11 members	" 1	Phu Khuong "	6
		" 2	Phuoc Ninh "	1
		" 3	Hieu Thien "	3
		" 4	Khiem Hanh "	1
An Giang Province	15 members	" 1	Chau Thanh "	6
		" 2	Cho Moi "	5
		" 3	Thot Not "	3
		" 4	Hue Duc "	1
An Xuyen Province	8 members	" 1	Quan Long "	3
		" 2	Thoi Binh "	1
		" 3	Hai Yen "	1
		" 4	Song Ong Doc "	1
		" 5	Dam Doi "	1
		" 6	Nam Can "	1
Ba Xuyen Province	12 members	" 1	Long Phu "	2
		" 2	My Xuyen "	3
		" 3	Ke Sach "	2
		" 4	Thanh Tri "	1
		" 5	Thuan Hoa "	1
		" 6	Nga Nam "	1
		" 7	Lich Hoi Thuong "	1
		" 8	Hoa Tu "	1
Bac Lieu Province	10 members	" 1	Gia Rai "	3
		" 2	Phuoc Long "	1
		" 3	Vinh Chau "	2
		" 4	Vinh Loi "	4

(1)	(2)	(3)	(4)	(5)
Chau Doc Province	14 members	Constituency 1	Chau Phu District	6
		" 2	Tan Chau "	3
		" 3	Tinh Bien "	1
		" 4	Tri Ton "	2
		" 5	An Phu "	2
Chuong Thien Province	9 members	" 1	Duc Long "	4
		" 2	Long My "	2
		" 3	Kien Hung "	1
		" 4	Kien Long "	1
		" 5	Kien Thien "	1
Dinh Tuong Province	15 members	" 1	Sam Giang "	1
		" 2	Chau Thanh "	5
		" 3	Ben Tranh "	2
		" 4	Cho Gao "	1
		" 5	Cai Be "	2
		" 6	Cai Lay "	3
		" 7	Giao Duc "	1
Go Cong Province	8 members	" 1	Hoa Tan "	2
		" 2	Hoa Lac "	3
		" 3	Hoa Dong "	2
		" 4	Hoa Binh "	1
Kien Giang Province	13 members	" 1	Kien Thanh "	5
		" 2	Kien Tan "	2
		" 3	Kien Binh "	1
		" 4	Kien An "	2
		" 5	Kien Luong "	1
		" 6	Ha Tien "	1
		" 7	Phu Quoc "	1
Kien Hoa Province	15 members	" 1	Truc Giang "	4
		" 2	Ham Long "	1
		" 3	Giong Trom "	1
		" 4	Ba Tri "	2
		" 5	Binh Dai "	1
		" 6	Mo Cay "	2
		" 7	Don Nhon "	1
		" 8	Huong My "	2
		" 9	Thanh Phu "	1

(1)	(2)	(3)	(4)	(5)
Kien Phong Province	11 members	Constituency 1	Cao Lanh District	3
		" 2	Hong Ngu "	3
		" 3	Kien Van "	1
		" 4	Dong Tien "	1
		" 5	Thanh Binh "	2
		" 6	My An "	1
Kien Tuong Province	6 members	" 1	Moc Hoa "	2
		" 2	Kien Binh "	2
		" 3	Tuyen Binh "	1
		" 4	Tuyen Nhon "	1
Phong Dinh Province	13 members	" 1	Chau Thanh "	5
		" 2	Phong Phu "	2
		" 3	Phung Hiep "	2
		" 4	Thuan Trung "	1
		" 5	Thuan Nhon "	1
		" 6	Phong Dien "	1
		" 7	Phong Thuan "	1
Sadec Province	10 members	" 1	Duc Thinh "	5
		" 2	Duc Ton "	1
		" 3	Duc Thanh "	2
		" 4	Lap Vo "	2
Vinh Binh Province	13 members	" 1	Chau Thanh "	4
		" 2	Cang Long "	2
		" 3	Cau Ngang "	2
		" 4	Cau Ke "	1
		" 5	Tieu Can "	1
		" 6	Tra Cu "	2
		" 7	Long Toan "	1
Vinh Long Province	14 members	" 1	Chau Thanh "	3
		" 2	Vung Liem "	2
		" 3	Tra On "	2
		" 4	Minh Duc "	1
		" 5	Tam Binh "	1
		" 6	Binh Minh "	3
		" 7	Cho Lach "	2
TOTAL:	554 members	267 Electoral Units		554 Council members

In total there are, throughout the country, a Saigon Prefecture Council, five City Councils, and 44 Province Councils with 554 Council members elected by 267 constituencies.

Visaed: For attachment to Decree 032-SL/NV, 18 March 1970
 General Tran Thien Khiem
 Prime Minister
 S/S

THE PRIME MINISTER OF THE GOVERNMENT

Considering the Constitution of the Republic of Vietnam, dated April 1, 1967;

Considering Decree 394-TT/SL dated 1 September 1969 fixing the composition of the Government;

Considering No. 19-SL/NV dated 22 November 1969 specifying the function of the Minister of Interior;

Considering Ordinance No. 57-a dated 24 October 1956 and Circulars No. 115-a/TTP/VP dated 24 October 1956 and No. 001-a-TTP/VP dated 1 March 1968 reorganizing the national administration;

Considering Decree No. 175-NV dated 23 May 1955 and subsequent documents fixing salaries, functions, allowances in-kind and in cash for civil servants and government employees handling managerial positions;

Considering Arrete No. 217-BNV/NC/8 dated 25 March 1961 and subsequent documents organizing Province Headquarters and District Offices;

Considering Arrete No. 560-YT dated 28 April 1954 and subsequent documents establishing the Province Sanitation Services;

Upon the recommendation of the Ministry of the Interior,

DECREES THE FOLLOWING:

Article 1. Now are hereby reorganized in the present decree:

- 1) The provincial administrative headquarters
- 2) The district headquarters.

CHAPTER I. PROVINCIAL ADMINISTRATIVE HEADQUARTERS

Article 2. The provincial administrative headquarters are organized according to two models:

- One model for provinces of category A
- One model for provinces of category C

The provinces of category B may be organized according to one of the two above models, as appropriate.

The standards for sorting the provinces shall be determined by arrete of the Prime Minister of the Government.

Article 3. Provincial administrative headquarters of category A shall comprise:

- Cabinet (or Secretariat)
- Personnel Bureau
- Technical Cooperation Bureau
- Administrative Service
- Financial Service
- Economy Service
- Internal Security Service
- Pre-Service and In-Service Training Center
- Public Sanitation Service or Bureau.

An Organization Chart of Provincial Administrative Headquarters, category A is shown on Appendix 1.

Article 4. The Cabinet, headed by a Chief of Cabinet, carries out the following duties:

1. Specially reserved and classified correspondences.
2. Organization of meetings, ceremonies at the provincial headquarters and of visits within the province.
3. Monthly reports.
4. Changes over.
5. Day and night duty schedules (outside working hours) at the provincial administrative headquarters.
6. Receptions, internal services at the Headquarters, follow-up on the use of public vehicles and fuel-oil distribution.
7. Minutes of meetings convened upon the Cabinet recommendations.
8. Liaison communications:
 - by Code
 - by Telephone switchboard.
9. Issue of Mission Orders to officials sent on duty by the Provincial Headquarters and the Technical Service Chiefs.

10. Approval of Mission Orders nominating employees of Technical Services sent on duty.
11. Daily record and distribution of incoming official correspondence, official telegrams (classified and non-classified).
12. Daily record and file of outgoing official correspondence, official telegrams (classified and non-classified).
13. Messengers.
14. Gather and submit to the Province Chief for signature all official correspondences and telegrams, decisions and other miscellaneous papers of the dependent and technical services within the province.
15. Archives and library:
 - File the Official Journal of the Republic of Vietnam.
 - Manage the archives and library.

Article 5. The Personnel Bureau, under the supervision of a Bureau Chief, is charged of the following responsibilities:

1. Management of personnel under the direct jurisdiction of the provincial administrative headquarters and the district headquarters:
 - Recruitment and replacement
 - Admission into cadre
 - Appointment
 - Transfer
 - Promotion
 - Pension
 - Subsidies
 - Awards
 - Disciplinary actions
 - Yearly performance ratings
 - Detail
 - File and keeping of individual records
 - Annual leave
 - Maternity leave
 - Suspension and separation
 - Personnel laws and regulations
 - Issue of certificates
 - Making decisions on death subsidy and severance pay.

2. Management of Personnel of Technical Services:

- Files of supervisors
- Maternity leave
- Recommendations for promotion and punishment
- Recommendations for transfer
- Recommendations for appointment or agreement
- Yearly performance ratings
- Admission into cadre

3. Monthly reports on personnel activities

4. Monthly reports of military on detail

5. Reports on civil servants within the draft age

6. Reports on drafted men

7. Medals, commendations, rewards

8. Take care of the field work of the National Institute of Administration students.

Article 6. The Technical Cooperation Bureau, headed by a Bureau Chief, is charged with matters pertaining to activities of:

- The provincial services within the province
- The provincial council

Article 7. The Administrative Service, under the supervision of a Service Chief, is composed of 3 bureaus:

- General Administration Bureau
- Local Administration Bureau
- Culture & Social Welfare Bureau

a. The General Administration Bureau, headed by a Bureau Chief, carries out the following duties:

1. Matters of general administration:

- Land: Public properties: National, Provincial
Requisition, confiscation
Concession or real cultivation
Property seizure, property protection
Temporary suspension of the execution of
expropriation judgments
Establishment of cemeteries
Illegal cultivation.

- Reimbursement for illegal occupation of dwellings, lands etc. for the benefit of the Army or the Government,

Levelling, defoliation

- Urbanization, & Planning:
 - Authorization for house buildings and repairs
 - Dossiers for houses falling into ruins
 - Community dwellings, loans from the Dwellings Construction or Construction Development Office and other matters dealing with the General Housing Office.
- Unlawful buildings:
 - + Province Representative at the Court
 - + Demolition of unlawful buildings
 - + Dossiers for regulation
 - Dossiers for arrangement. Parcelling out
 - Planning programs
 - Matters on houses and stores and table of value of the land.

2. Population matters:

- Population census and statistics
- Statistics on civil status
- Issue of registers and civil status printed forms
- Notice on the loss, destruction of civil status registers.
- Establishment and follow-up of Identity Cards program.
- Transfer and change of residence.
- Family declaration.

3. Aliens control:

- Transfer and residence
- Acquisition of citizenship, recovery of citizenship.
- Miscellaneous matters involving aliens.

4. Popular mortgage stores:
 - Dossier to apply for a popular mortgage store license
 - Control of activity of popular mortgage stores
 - Participation to the sale by auction of the goods mortgaged beyond term.
5. Fairs, lotteries, gifts, exhibitions, insurance, banking.
6. Issue of authorizations for: advertisements, orchestra exhibits, magic shows, sports, camping.
 - Hunting
 - Opening of restaurants, steam-baths, hotels, refreshment rooms and bars.
 - Opening of theaters
 - Opening of fighting courses
 - Licenses for waiters and waitresses
7. Certification of signature, true copy
8. Legislation and claims matters:
 - Recovery of civil rights
 - Legal problems
 - Administrative claims procedures
9. Matters pertaining to:
 - The rule of the road
 - The naming of town streets, squares
 - Public transportation exploitation
 - + Periodic control of public transportation vehicles.
 - + Driving licenses for transportation and hired vehicles.
 - + Change of itinerary of tri-motorcycles and hired automobiles.

- + Determination of itinerary for all kinds of public transportation vehicles.
- + Control and registration of pedicabs.
- + Opening of exam for driving licenses of vehicles, boats and junks.
- + Driving license cancellation
- + Bridges, roads and drains
- + Canal navigation.

b) The Local Government Bureau, headed by a Bureau Chief is in charge of the following duties:

1. Organization of administrative units and administrative sub-units within the province:
 - Establishment
 - Cancellation
 - Change of boundaries
 - Literature on local government geography
2. Elections of:
 - Village councils and Hamlet chiefs
 - Province Councils
 - Province Chiefs
 - National Assembly (Upper House and Lower House)
 - President and Vice President
3. Matters on Village/Hamlet administration:
 - Sponsorship by the Village/Hamlet administration
 - Disciplinary measures for Village/Hamlet elected officials.
 - Management of Village, Hamlet and Canton officials appointed by the Province Chief:
 - + Personnel records
 - + Recruitment, dismissal
 - + Appointment
 - + Promotion
 - + Punishment
 - Management of Technical Cadre
 - Training of Village, Hamlet officials in coordination with the Training Center.
 - Interfamily mutual aid.

c) The Culture and Social Welfare Bureau, under the supervision of a Bureau Chief, carries out the following duties:

1. Matters pertaining to:

- Electricity
- Water
- Post-office, annexes, mailing centers
- Meteorology

2. Matters pertaining to:

- Opening of pharmacy or pharmacy warehouse
- Opening of medicine practice, maternity
- Dentistry
- Oriental medicine and oriental pharmacy

3. Matters pertaining to education and culture:

- Public secondary schools
- Semi-public secondary schools
- Private secondary schools
- Scholarship grants
- Pupils Fathers and Brothers Association
- Organizations which deal with education and culture
- Election of Culture & Education Council
- Report on education situation

4. Matters pertaining to Social Welfare and Labor:

- Support of social organizations activities:
 - Social cafeterias
 - Orphanages, day nurseries, pupils dormitories
 - Convalescent homes, temporary shelters
 - Problems for improving the people's life
 - Fight against vagrancy and other social corrupt practices
 - Refugees and relief
 - Manpower problems

Article 8. The Economy Service, headed by a Service Chief, is composed of 2 Bureaus:

- Economic Control Bureau
- Economic Development Bureau

- a. The Economic Control Bureau, under the supervision of a Bureau Chief, is charged with the following duties:
1. Economic Control (follow-up the market, economic violations, fraud repression,...)
 2. Matters pertaining to the price of goods:
 - Price Committee
 - Price approval
 - Price system violation
 - Market prices table
 3. Licenses for transportation of goods having a military interest.
 4. Distribution of essential products (rice, sugar, milk, wheat flour, iron, cement, etc.)
 5. Supplies for civil servants
 6. Control of measurement units.
- b. The Economic Development Bureau, under the supervision of a Bureau Chief, is charged with the following duties:
1. General economic activities:
 - Industry and small industry (follow-up the establishment and activities of the industry and small industry plants, etc.)
 - Establishment of industrial zones.
 - Small handicraft
 - Trade:
 - Small trade credit
 - Purchase and sale of gold at gold stores
 - Jewellery craftsmanship
 - Establishment of supermarkets and mini-supermarkets.
 2. Economic statistics
 3. Economic development:
 - Plans of economic development
 - Exploitation of mines, forestry products, fisheries

4. Quarries
5. Use of chemical products

Article 9. The Finance Service, headed by a Service Chief, is composed of 4 Bureaus:

- Budget Bureau
 - Finance Collection Bureau
 - Accounting Bureau
 - Logistics Bureau for Local Development
- a. The Budget Bureau, under the supervision of a Bureau Chief, carries out the following duties:
1. Provincial Budget and Rural Development Budget:
 - Establishment of main budgets and annexes
 - Obligations
 - Transfer of credits
 - Establishment of requisitions, disbursement bills
 - Development of comparison table of receipts and expenditures
 - Establishment of administrative statements
 - Establishment of imprest funds.
 2. Village Budget:
 - Guidance for budget establishment
 - Approval of budget
 - Establishment of periodical statements on village budget
 - Control of deposits and redemptions of village funds at the Treasury
 - Supplementary funds
 - Auditing of village book-keeping.
 3. Sub-allotments of credits from the National Budget:
 - Establishment of recommendations for sub-allotments of credits tables
 - Establishment of periodic tables on the use of sub-allotments of credits
 - Establishment of decisions for village subsidies.
 - Establishment of requisition disbursement bills.

4. Autonomous agencies budgets:

- Guidance for budget establishment
- Approval of the budget
- Establishment of disbursement bills
- Auditing of autonomous agencies book-keeping.

b. The Finance Collection Bureau, under the supervision of a Bureau Chief, is charged with:

1. Controlling, submitting for approval of tax rolls on:

- Patents
- Land: (- Ricefields
(- Gardens
(- Urban building lands

2. Establishing receipt roles, changes of rates table, claims pertaining to all kinds of taxes, miscellaneous taxes, fees collected for provincial and village budgets.

3. Following-up the collection of taxes for provincial and village budgets.

4. Mobile tax collection tables.

5. Examining the files for tax reduction or exemption.

6. Establishing Order for collection of all budgets.

7. Issuing local tax stamps for use in legalization of signature or true copy.

8. Auctions for lease of province/village properties, bidding rental taxes or incomes.

- Biding market rental taxes
- Slaughter-houses
- Ferries and irrigation
- Bus stations
- Garbage transportation
- Ponds and pools
- Public ricefields, public lands
- Parkings for motorcycles, tri-wheeled-motorcycles, automobiles
- Dwellings and other province/village properties.

9. Transfer of proportionate additional collections on patents and land taxes to the interested budgets.

10. Collection of aliens residence tax.
 11. Legacies and deeds of gift.
 12. Control Committees on patents and other taxes.
 13. Fines for misdemeanors collected for province village budgets.
 14. Submission for approval of Order of payment of fees for collecting land taxes.
 15. Solution of questions and claims of the people about tax collection.
 16. Control of markets, slaughter-houses exploitation, etc., in cooperation with the interested services.
 17. Report on the collection status and planning an urging of the collection.
 18. Loans of the province.
- c. The Accounting Bureau, headed by a Bureau Chief, is charged with the following duties:
1. Payroll:
 - Liquidation of compensation for employees and cadre dependent on the province budget and the Rural Development Budget.
 - Control of the files for compensation of employees and cadre dependent on the National Budget and other autonomous budgets within the province.
 - Liquidation of lump-sum allowances, position allowances, representation allowances for province counsellors.
 - Liquidation of canton chiefs and deputy chiefs allowances.
 - Liquidation of (
 - (- Travel allowances, transfer and change of residence allowances,
 - (instructors hour fees, examination
 - (correction fees.
 - Liquidation of hospital and maternity fees.

- Liquidation of allotments and reliefs for:
 - Death
 - Disparition
 - Other miscellaneous allotments and reliefs
- Deduction and contribution for pension.
- Control and submission for approval of pension booklet of employees of various cadres.
- Establishment of control registers for Compensation.
- Recommendation and control of paymasters.
- Visa and issuance of travel vouchers.
- Time-keeping for the permanent and non-permanent laborers at the provincial headquarters.

2. Material Accounting:

- Verbal agreement:
 - Control, submission for approval of purchase orders on national budget allocated funds and other autonomous budgets allocated funds.
 - Establishment of purchase order on Province budget and Rural Development budgets funds.
- Price investigation, auctions, call for bids:
 - Establishment of specifications books
 - Price investigations, auctions calls for bids, examinations of prices, establishment of contracts.
- Control, submission for approval of technical files on bridges and buildings construction.
- Lease of services for the provinces.

- Liquidation of budget material expenses:
 - Purchase, repair and maintenance of public vehicles
 - Delivery of fuel and combustible
 - Food for: (-Training classes (with foods and drinks)
(-Rehabilitation centers
(-Hospitals and informaries
(-Highlander pupils dormitories
 - Office supplies
 - Printed books and forms
 - Election expenses
 - New building expenses, houses and bridges repairs, other expenses related to agriculture, fishery, open arms, forestry, social welfare, labor, land, health, education, etc.
 - Electricity and water expenses
 - Miscellaneous affairs and materials.

- Establishment of inventory for:
 - The provincial headquarters and annexes
 - The provincial training center
 - The Province Chiefs' dwelling
 - The Deputy Province Chief's dwelling
 - The guest house
 - Public vehicles.

- Control, submit for approval and concurrence technical services book-keeping.

- Management of province properties:
 - Public houses and facilities:
 - Province Chief's dwelling
 - Deputy Province Chief's dwelling
 - Training Center
 - Guest House
 - Other public houses and facilities of the province properties.

- Certification of imprest funds under management accounting of the Province Chief or Deputy Province Chief.

- Follow-up the accounts without interest, at the Treasury and bearing the province chief's name.

3. Pay Authorization:

- Pay authorization of all personnel and materials expenditures of any kind of budget.

- Keeping the following accounting books for all kinds of budgets.
 - Journal of expenditures
 - Journal of liquidation

- Journal of expenditure authorization
- Journal of allocation of funds situation
- Establishment of periodical reports on liquidation and pay authorization situation for all budgets.
- In coordination with the Collection Bureau, the Budget Bureau, the Provincial Treasury Service, the Central Peace and Development Coordination Center, establish the followings:
 - Comparative statement of receipts and expenditures
 - Actual situation of the allocation of funds
 - Draft of Province, Rural Development and Autonomous budgets.
 - Delivery of Certificate of cash payment and checks to the recipients.

d) The Logistics Bureau for Local Development, under the supervision of a Bureau Chief, carries out the following responsibilities:

- Management of warehouses of products and supplies
- Management of Public Motorpool center
- Management of Public vehicles Community Group
- Other jobs pertaining to the logistics for local development

Article 10. The Internal Security Service, headed by a Service Chief, is composed of 4 bureaus:

- Political Bureau
- Administrative Security Bureau
- Military Affairs Bureau
- People Self-Defense Bureau

a) The Political Bureau, under the supervision of a Bureau Chief, is charged with:

- 1) Management of the Rehabilitation Center:
 - Matters involving the accused
 - Matters involving the Rehabilitation Center functioning
 - Visits and feedings
- 2) Political problems, in general.
- 3) Provincial Security Committee:
 - Accused Communists
 - Activities of the Provincial Security Committee
 - Keeping the interrogation files
 - Activities of the Intelligence Coordination Committee
 - Arrest, concentration camp, giving freedom, release on bail.

- 4) Phoenix program:
 - Follow-up and inactivate Communists and revolutionary activities.
- 5) Unions and Associations:
 - Establishment
 - Control of activities
 - Keeping the list of board of administrators and founders.
 - Issuance of licences for reunions and meetings
- 6) Follow-up the activities of communities, religious groups, political parties and associations.
- 7) Issuance of licences for reunions (weddings, mourning, ceremonies)
- 8) Matters pertaining to open arms operations
- 9) Matters pertaining to ethnic minorities
- 10) Matters pertaining to information and press
- 11) Political Mobilization Committee - Political training
- 12) Examination of complaints and claims coming from the accused or prisoners.
- 13) Research notice - Forbidden sojourn
- 14) Territorial security:
 - Report of security situation in the day
 - Follow-up the activities of our foes and ourselves
 - Situation evaluation
 - Daily updating of security map
 - Security of public ceremonies
 - Security of itineraries for visiting or inspecting delegations within the province.
 - Security of working sites
 - Security of money for Local Treasury Service
 - Security for operation teams
 - Security of navigation and road axes
 - Limited itineraries
 - Activities of Control Posts
 - Investigations on damages caused by defoliation, on war accidents, etc.
- 15) Election security programs
- 16) Others matters pertaining to public security

b) The Administrative Security Bureau, headed by a Bureau Chief, carries out the following duties:

- 1) Implementation of the principles for insuring security of employees, materials and public properties.
- 2) Implementation of administrative security operations at the administrative province headquarters.
- 3) Diffusion of administrative security literature
- 4) Security clearances of employees of the Province Administrative Headquarters, District headquarters, and village/hamlets officials.
- 5) Organization, support and regulation of structure of administrative security for dependent units.
- 6) Follow-up, control, urging, activate and coordinate administrative security operations at the attached Technical Services.
- 7) Report on administrative security situation.
- 8) Give opinions on appointment of administrative security employees of the district.

c) The Military Affairs Bureau, headed by a Bureau Chief, is charged with:

- 1) Mobilization, drafting, manpower and resources control.
 - Matters relative to the drafting:
 - Census:
 - Personal summary of draft status
 - Listing of eligibles for the interested agencies
 - Declaration of diplomas and addresses:
 - Establishment of declaration;
 - Listing of eligibles for the Mobilization Directorate
 - Entry in service for military duty:
 - Follow-up, serve notice of enrollment
 - Return the receipts of mobilization register to the Mobilization Directorate.
 - Enlistment:

In liaison with the Services of National Police, Rural Development Provincial Team, Provincial Military Sector, Bureau of Enlistment, recall the youth already drafted (or volunteered), estimate the current resources, and serve notice to districts and villages.

- Deferment:
 - For educational reasons:
 - Reception and control of files
 - Establishment of lists
 - Convocation of Deferment Committee
 - Temporary letters to be sent urgently to the deferred.
 - Notice to the youths who are rejected
 - Transmission of Certificates of the Directorate or Service of Mobilization
 - Signature, extension of the time-limit upon Orders of the Defense Ministry or Mobilization Directorate.
 - For family reasons:
 - Reception and control of files
 - Establishment of lists
 - Convocation of Deferment Committee
 - Notice to those who are rejected
 - Issuance of temporary certificates
 - Transmission of Certificates of Deferment for family reasons of the Directorate or Service of Mobilization.
 - For religious reasons:
 - Receipt of files submitted by the Central Religious Authority and their transmission with opinions and recommendations to the Mobilization Directorate.
 - Investigation, check of the period of religious training.
- Miscellaneous matters pertaining to deferment or exemption from military duty
- Files of re-application for deferment
- Notice on delay to the draft.
- Periodical Reports
 - On the 15th day of each month:
 - Recapitulation of the youths who have made their summary of draft status.
 - Recapitulation of the Youths who have declared their diplomas and addresses.
 - Monthly: Recapitulation of activities of the Manpower and Resources Control.
 - Every 3 months:
 - Census of the youths who are not yet drafted and who belong to ethnic minorities or religious group.
 - List showing strength of cadres of various branches in service at village/hamlet level.

- 2) Enlistment Encouragement Committee
- 3) Search of deserters and disobeying youths
- 4) Deferment of:
 - Village/hamlet officials
 - Provincial counsellors
 - Other officials eligible by laws and regulations.
- 5) Administration of reserved military at home
- 6) Reserve forces
- 7) Transmission of Pension Booklets and submission to the Treasury of Application forms A and B for the following kinds of pensions:
 - Widows and orphans
 - Ascendants
 - Wards of the Nation
 - Disabled soldiers
 - Transferred pensions
 - War Veterans pensions
 - Mixed pensions
 - Dismissal and reimbursement of deduction (6%)
- 8) Control of public and private weapons under the Interior Ministry licenses:
 - Control, register of the Interior Ministry licensus
 - Yearly control of weapons
 - Establishment of Orders for collection of weapons fees.
 - Establishment of list to be sent to the Interior Ministry.
- 9) Delivery of pistols or revolvers to village/hamlet officials:
 - Examine of files
 - Control and follow-up the use of weapons
 - Periodical reports
- 10) Matters relative to:
 - War Veterans
 - Disabled servicemen
 - Widows and orphans

d) The People's Self-Defence Bureau, headed by a Bureau Chief, carries out the responsibility of supporting the people's self-defense groups.

Article 11. The Pre-Service and In-Service Training Center, under the supervision of a Manager, is charged with the following duties:

- 1) Research, draft and implement the pre-service and in-service training program in the province to:
 - Civil Servants
 - Cadre
 - Village/hamlet officials.
- 2) Choice of lecturers
- 3) In coordination with the Central o. Provincial Technical Service, draft training materials.
- 4) Printing training materials
- 5) Implement and recommend:
 - Method of training
 - Training aids
- 6) Follow-up, urge and coordinate with the interested agencies for a regular functioning of the training program.
- 7) Inspection for training on the spot of village/hamlet officials.
- 8) Management of:
 - Pre-service and In-service Training Centers
 - Dormitories
 - Training libraries
 - Training aids
- 9) Evaluation of training courses
- 10) Follow-up training courses achievements towards the civil servants, --cadre, --village/hamlet officials.
- 11) Organization of pre-service and in-service training courses:
 - Opening, closing ceremonies
 - Arrange cafeterias and dormitories for trainees
 - Superintend and control the courses.
 - Establish tests slips, interviews.
 - Field work orientation
 - Evaluation
 - Deliver certificates.

Article 12. The Public Hygiene Service, headed by a Service Chief, is charged with:

- 1) General administration, statistics and reports
- 2) Estimation of expenditures and Planning.
- 3) Management of cemeteries
- 4) Waste disposal (Litters, toilets, drains, etc.)
- 5) Insect and Rodent eradication
- 6) Organization of Sanitation Drive, Urban Beautification.
- 7) Deliver burial licenses, transfers of mortal remains, exhumation licenses.
- 8) Training of employees and mass hygiene education.
- 9) Hygiene investigation on convenience and inconvenience:
 - Buildings
 - Industrial Plants
 - Markets and Butcheries
 - Schools
 - Public facilities
 - Hotels, Restaurants, etc.
- 10) Control of:
 - Water
 - Food
 - Hygiene of houses, stores, restaurants

 - The plagues for environment sanitation:
 - Polluted waters
 - Garbage
 - Noise
 - Polluted air
 - Smoke and dirt
 - Radioactive emanations, etc...

 - In coordination with the Provincial Finance Service, control market and slaughter house exploitation.

At the provincial chief-towns with a population of less than 50,000 persons, is only established a Public Hygiene Bureau (instead of a Public Hygiene Service).

Article 13. The organization of Provincial Headquarters of Category C is comprised of:

- Secretariate (Cabinet)
- Personnel Bureau
- Technical Cooperation Bureau
- Administrative Service with 2 Bureaus:
 - General Administration Bureau
 - Local Administration Bureau
- Economy & Finance Service with 4 Bureaus:
 - Budget & Accounting Bureau
 - Finance Collection Bureau
 - Economy Bureau
 - Logistics Bureau for Local Development
- Internal Security Service with 4 Bureaus:
 - Political Bureau
 - Administrative Security Bureau
 - Military Affairs Bureau
 - People's Self-Defense Bureau
- Pre-Service and In-Service Training Center
- Public Hygiene Bureau

Responsibilities of Services and Bureaus in Provincial Headquarters organizations of Category C are like those of Category A, except with the following changes:

- a) The jobs of the Central and Social Bureau, in the provinces of category A are carried out by the General Administration Bureau.
- b) The jobs of the Economy Service in the provinces of category A, are carried out by the Economy Bureau of the Economy & Finance Service.
- c) The jobs of the 2 bureaus of Budget and Accounting in the provinces of category A are carried out by the Budget & Accounting Bureau.

An organization chart of the Provincial Administrative Headquarters, category C is shown in Appendix 2.

CHAPTER II

DISTRICT OFFICE

Article 14. The organization of District Offices of categories A, B, C, consists of:

- a. Administrative Section
- b. Finance and Economy Section
- c. Internal Security and Juridiciary Section
- d. Administrative Security Section

The organizational chart of District Office is shown in Annex 3.

Article 15. Administration Section is responsible for the following:

1. Keep daily log and a log-book for:
 - Ordinary and classified incoming and outgoing correspondence
 - Special and secret affairs.
- 2) Organize
 - Ceremonies, festivals
 - Meetings, receptions, inspection tours within the District
- 3) Follow up the progress of affairs in coordination with other technical branches.
- 4) Prepare periodic administrative reports
- 5) Change of command
- 6) Assigning tours of duty to the personnel of District Office for day and night (outside working hours)
- 7) Draw up minutes of meetings
- 8) Issue mission travel orders
- 9) Problems relative to personnel
- 10) Recommend decorations, awards, commendations
- 11) Handle signals and liaison

- 12) Keep official journals and archives
- 13) Problems relating to:
 - Lands
 - Compensation
 - Rural improvement and urban planning
 - Housing legislation, land prices
 - Naming and renaming of roads, squares, villages, hamlets
 - Removal of illegal construction.
- 14) Problems relating to:
 - Population
 - Control of aliens
- 15) Organize administrative units within the District
 - Establishment
 - Abolishment
 - Modification
 - Local profile (people, topography, weather etc.)
- 16) Be in charge of elections as instructed by Central and Provincial authorities
- 17) Monitoring of village administration by proxy of the Province Chief.
- 18) Problems relative to electricity and water supply, postal service, social welfare, labor, public health, educational and cultural affairs, refugees and relief.
- 19) Check Identity Cards, family census registers, transfers, changes of residence.
- 20) Attest signatures and certify copies of documents.
- 21) Issue cohabitation certificates, certificates of good conduct and behaviour, residence permits.

Article 16. The Finance and Economy Section is responsible for the following tasks:

- 1) Draw up minutes of meetings
- 2) Control all deposits and withdrawals of village funds from the Treasury.
- 3) Control and inspect village account books

- 4) Forward cash vouchers
- 5) Control payroll documents:
 - District administrative personnel
 - Village/hamlet officials
 - Cadre of all branches
- 6) Disbursing Officer
- 7) Certify and issue travel warrants
- 8) Establish inventories of properties for:
 - District Office
 - Subordinate offices of District
- 9) Manage the warehouses and materials and equipment contained therein.
- and
- 10) Guide, supervise, /control the establishment of village budgets.
- 11) Follow up the collection of various taxes in the Village.
- 12) Manage relief funds
- 13) Control of village resources:
 - Village ricefields, and publicly owned land
 - Concessions, market revenues and other incomes
 - Control all tax rolls.
- 14) Report the status of tax collections in village budgets and establish coordinated plans for encouraging tax collections.
- 15) Control the execution of contracts by contractors for the collection of market revenues and for other works in the villages, especially sanitation of markets and slaughterhouses, and/or garbage removal.
- 16) Economic control
- 17) Distribute food and various commodities
- 18) Control weights and measures
- 19) Control the activities of light and heavy industries
- 20) Handicrafts

- 21) Economic statistics
- 22) Develop economy, agriculture, fisheries, animal husbandry, forestry and mineral exploitations.
- 23) Follow up and encourage the implementation of programs:
 - Land Reform
 - Cooperatives
 - Farmers' Associations
 - Small trade credit
- 24) Supplies and logistics
- 25) Issue licenses for transit of goods within Districts of the Province.
- 26) Issue permits for various activities relating to:
 - Opening of restaurants
 - Organization of traditional ceremonies such as weddings, funerals, rites etc.
 - Advertisements
 - Camping
 - Entertainment shows

) Within
the
District

Article 17. The Internal Security and Judiciary Section is responsible for the following tasks:

- 1) Draw up minutes of meetings
- 2) Problems relative to the District Coordination Committee and Operations Center in the neutralization of Communist insurgents and infra-structures.
- 3) Follow up the activities of:
 - Religious groups
 - Political groups and parties
 - Labor unions and associations
 - Ethnic minorities
 - Information and the press
- 4) Publicize the search for criminals and their banishment.
- 5) Political indoctrination

- 6) Military affairs:
 - Mobilization
 - Draft
 - Enlistment
 - Draft deferment and draft exemption
 - Search for military deserters and defaulting draftees
 - Draft deferment for village/hamlet officials and cadre of various categories.
 - Military reservists not yet called up and members of the special reserve forces.
 - Transmit pension books to the Ministry of War Veterans
 - Transmit retirement pension books and all types of checks
- 7) Issue weapons to village/hamlet officials
- 8) Support the PSDF Groups
- 9) Transmit Court sentences to persons concerned.
- 10) Carry out the orders of judicial agency:
 - Conduct preliminary investigations and settle criminal and civil cases.
 - Problems relating to judiciary and legal proceedings:
 - + Affidavits of birth
 - + Affidavits of death
 - + Affidavits of marriage
- 11) Accept for judgement all claims and accusations from local inhabitants.

Article 18. The Administrative Security Section is responsible for the following:

- 1) Carry out operations of administrative security at the District Office.
- 2) Disseminate all documents pertaining to administrative security.
- 3) Control operations of administrative security at villages/hamlets.
- 4) Perform the procedures for obtaining personal data for village/hamlet officials.
- 5) Report activities regarding the administrative security,

Article 19. The officials in managerial positions of the Province Administrative Headquarters and District Administrative Offices are entitled to responsibility allowances as follows:

- a) Chief of Secretariat, Chief of Service, and Training Center Manager, are entitled to a responsibility allowance equal to that of a Chief of Provincial Technical Service.
- b) Chief of Bureau is entitled to responsibility allowance equal to that of a Chief of Bureau at Provincial level.
- c) Chief of Section at the District Administrative Office is entitled to a responsibility allowance equal to that of a Chief of Technical Section at the District level.

Article 20. The listing of the aforementioned services or tasks is not limiting. Particularly at the Provinces, Province Chiefs may improve or reassign the works within the internal affairs of services in order to obtain maximum output.

Article 21. All previous provisions contrary to this Decree are rescinded.

Article 22. The Minister of Interior, Secretary of State at the Prime Minister's Office, all Province Chiefs, District Chiefs, are charged with the execution of this Decree.

This Decree will be published in the Official Journal of the Republic of Vietnam.

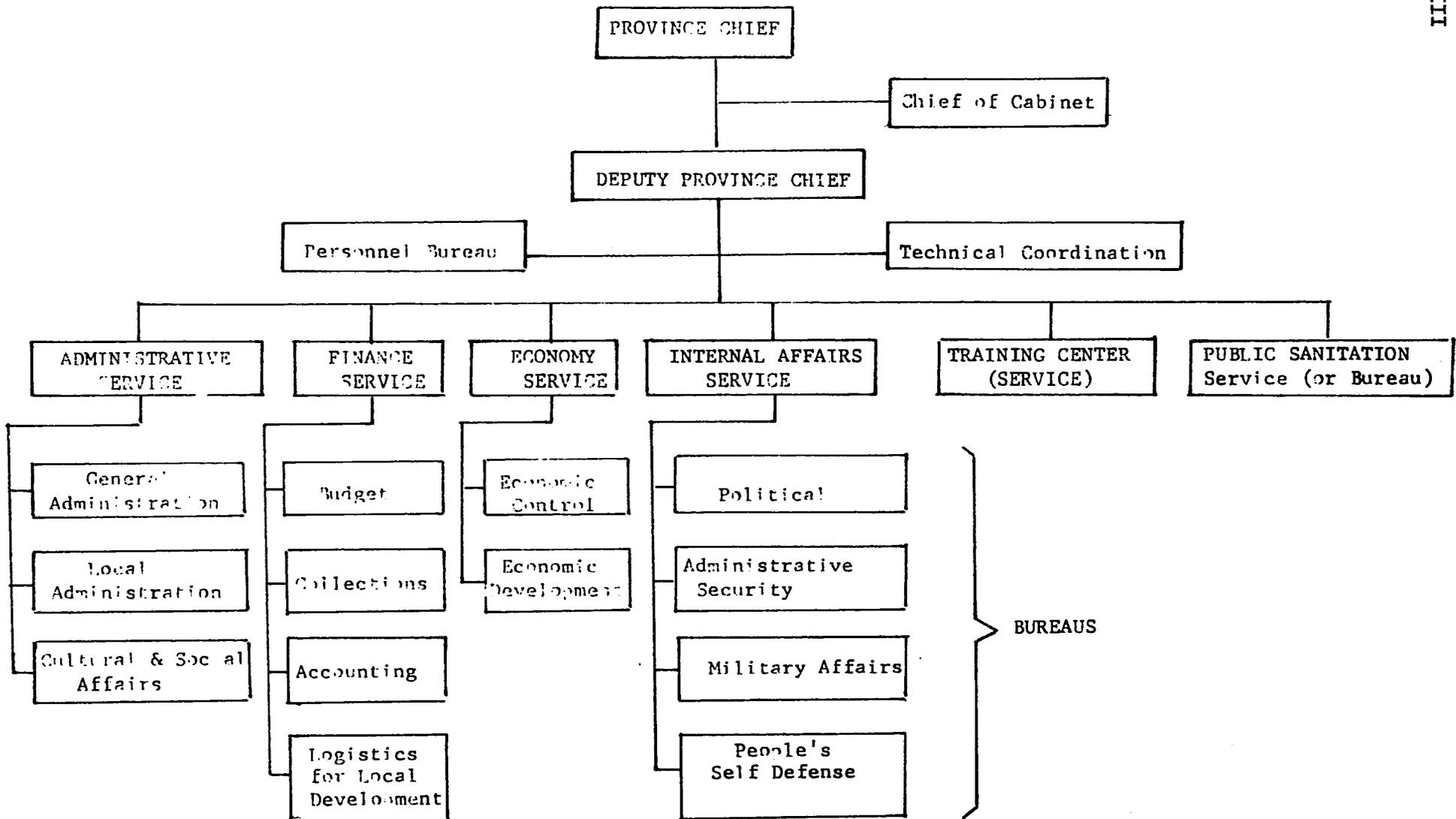
Saigon, 19 October 1970

TRAN THIEN KHIEM

ORGANIZATION CHART
 PROVINCIAL ADMINISTRATIVE HEADQUARTERS, CATEGORY A

Annex

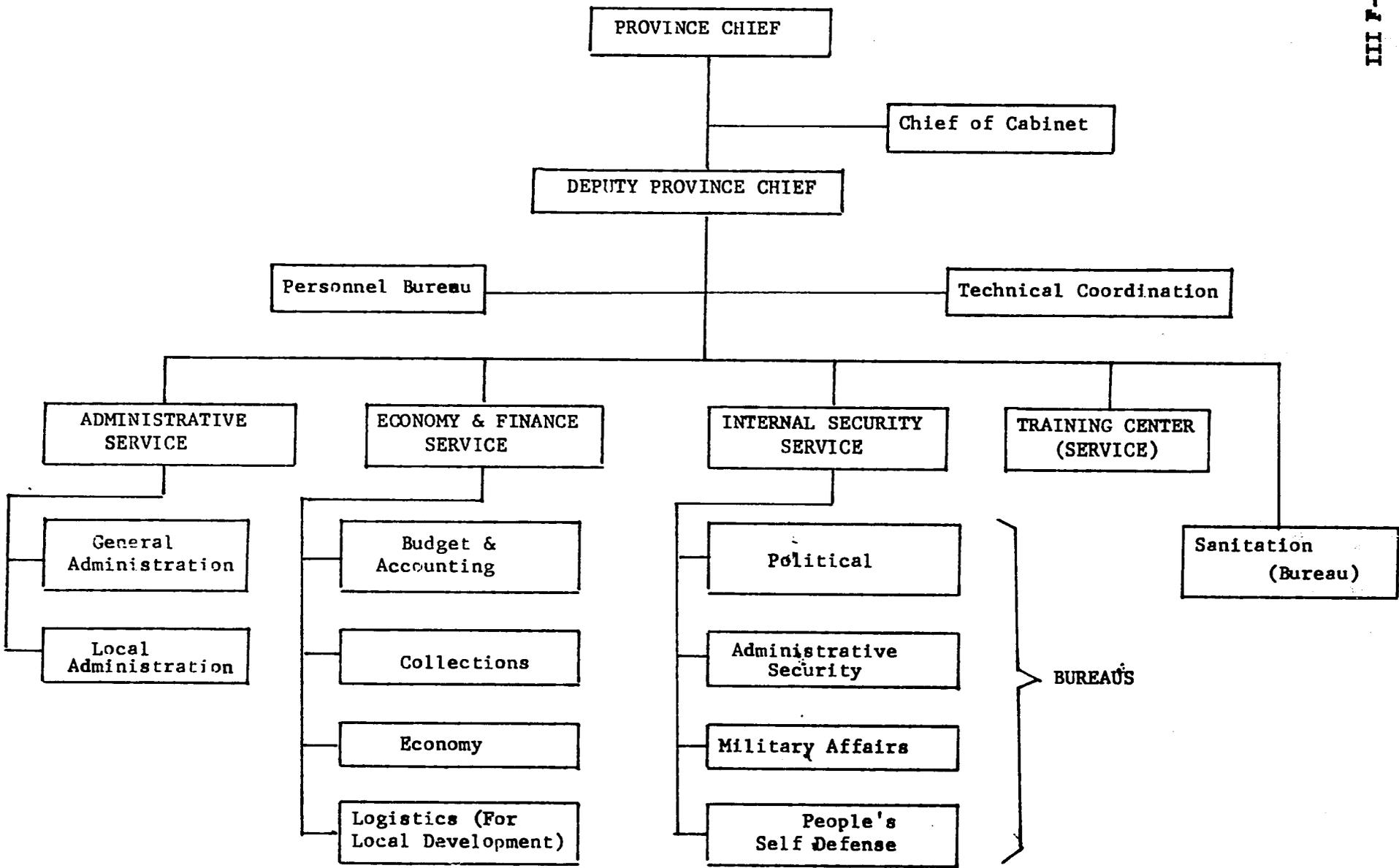
III F-29



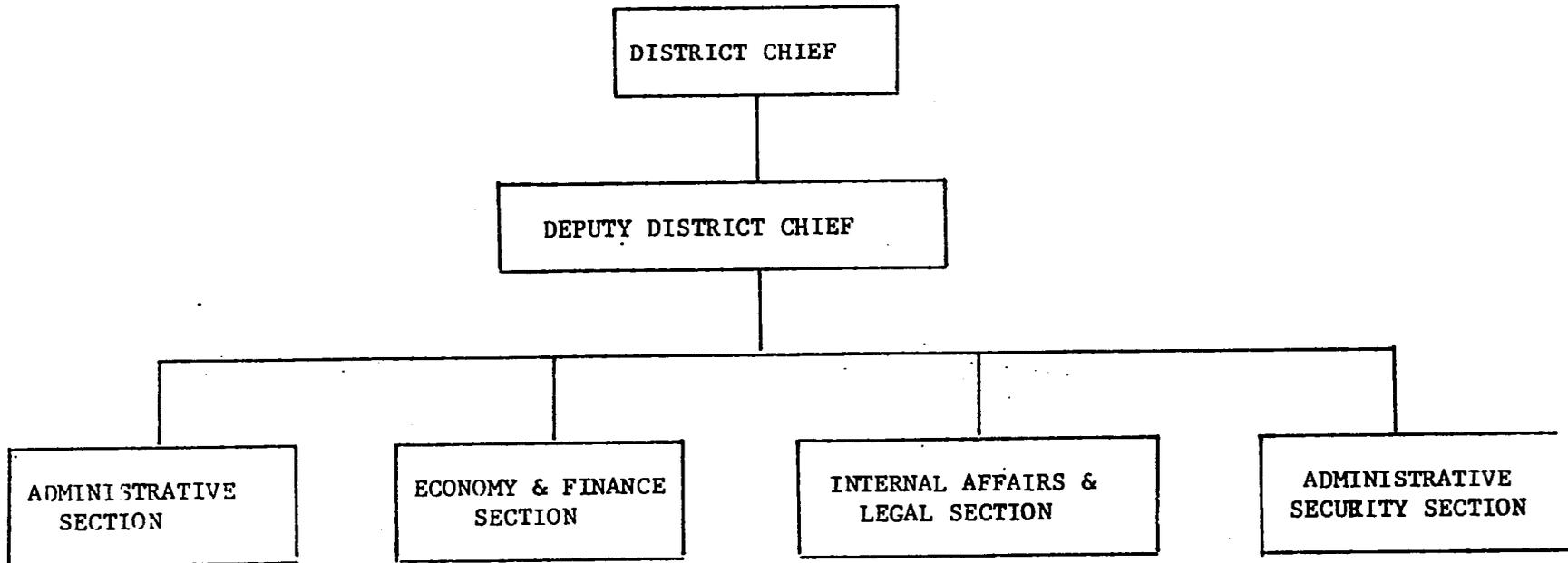
ORGANIZATION CHART
PROVINCIAL ADMINISTRATIVE HEADQUARTERS, CATEGORY C

Annex 2

III F-31



ORGANIZATION CHART
DISTRICT OFFICE, CATEGORY A, B, C.



THE PRIME MINISTER

- Considering the Constitution of the Republic of Vietnam of 4/1/1967;
- Considering Decree No. 394-TT/SL dated 9/1/1969 fixing the composition of the government;
- Considering Ordinance No. 57-a dated 24 Oct. 1956 and Circulars No. 115-a/TTP/VP dated 24 Oct. 1956 and No. 001-a/PTT/VP dated 1 March 1968 dealing with reform of national administration;
- Considering Decree No. 74/TTP dated 23 March 1959 and subsequent decrees dealing with organization of Saigon city management and decree No. 229-NV dated 18 Dec. 1965 dealing with management of other cities;
- Upon the recommendation of the Minister of Interior;

DECREES:

Article 1. Within the scope of their authority as specified by law and under their supervision and responsibility, the Mayor of Saigon, other mayors and province chiefs may depute their direct assistants (Secretary General and assistant mayor in Saigon, deputy mayors in other cities and deputy province chiefs in provinces) by written decision to handle and approve a number of problems of local interest.

Article 2. The following problems may be entrusted to those assistants:

A. Problems which require a decision

1) Personnel:

- Recruitment, change of employees' status, admission into career of non-career employees from class B2 downward.
- Assignment of employees to TDY (except district chiefs and chiefs of technical services).
- Transfer of employees within each province, conduct of in-service training courses, commendation, punishment, leave (except employees from class B1 upward).

2) Finance:

- Sign papers dealing with payment of salary to employees;
- Sign papers dealing with procurement of supplies not exceeding VN\$ 200,000.
- Sign orders of payment
- Inspect account books, and city, province or village funds.
- Inspect and supervise tax collection.

3) Economic affairs:

- Coordinate supply and distribution of commodities;
- Control warehouses and stocks, plan the amount of supplies.
- Control distribution of commodities.
- Handle problems related to price.
- Issue written authorization to carry out a trade, except for trades which must be restricted for security reason or for maintenance of good morals;
- Control exercise of profession as doctor and pharmacist, and other public and private health activities;
- Issue permit for transportation of goods.

4) Administrative and security affairs:

- Census of young men and establish their draft status.
- Census of reservists.
- Issuance of permit for assemblies, except assembly on political activities.
- Issuance of permit for theatrical and show performance.
- Transmittal of files requesting establishment of associations and trade unions to higher authorities, except political groups.

- Issuance of permit to put advertisement boards in streets, to post placards, except placards for political purposes.
- Chairman of the Housing Committee and determination of the rate of rental; chairman of the town planning and construction committee and issuance of permit of construction.

5) Social and cultural affairs:

- Certifying statement on the income of each student's family so that he may apply for stipend.
- Inspect instruction system in schools.

B. Problems which require no decision

- Certifying true copies and signatures.
- Signing papers to remind subordinate agencies within the local area to implement an order from higher authorities or to request them to explain status of the implementation of orders, tasks or programs.
- Signing papers to ask other agencies for opinions; taking necessary procedural steps to establish such files as used in inquiry for appropriation of properties, inspection of land to be cleared, concessions, administrative inquiry in a neighborhood before giving permit to start a noisy and obnoxious trade.
- Transmittal of files to higher authorities with no comment is required.
- Issuance of travelling orders and transportation slip to subordinates.
- Signing other administrative papers to be used as documents in support, such as statement on a government official's background, certificate of date of employment, or of departure of a post, statement on budget receipts and expenditures, list of allocated funds.
- Certifying minutes of meeting, reports of facts, maps.

Items listed in A and B above are not restrictive.

Article 3. The mayor of Saigon, mayors and province chiefs may not entrust the following matters to their assistants:

- Administrative regulations
- Political and territorial security problems;
- Public order problems within the police power of the mayor or the province chief;
- Decisions which give rise to expenditures exceeding VN\$200,000.
- Decisions on disciplinary action against elected bodies under the administrative surveillance of the office of the mayor or of the province chief or against members of these bodies.
- Disciplinary action against non-career employees from class B1 upward.

Article 4. Decisions on delegation of authority must be published in RVN official gazette.

Article 5. Deputy Prime Minister, Ministers of State, Ministers, Secretaries of State, Deputy Ministers, Mayors and province chiefs are charged each as to that which concerns him with the execution of this decree.

This decree will be published in RVN official gazette.

Saigon 19 October 1970

TRAN THIEN KHIEM

Copy
Signed by the Director of Cabinet
TRUONG THOI LAI

TAB IV

CHAPTER IV

TAB IV

AUTONOMOUS CITIES

TAB IV

ORGANIZATION OF CITIES

At the present time, there are only six legally established cities in Vietnam. These are the five (5) Autonomous Cities (Hue, Da Nang, Dalat, Cam Ranh, Vung Tau) and the Prefecture of Saigon. The other de-facto cities such as Nha Trang, My Tho, Bien Hoa are simply groupings of contiguous villages without an overall municipal organization responsible for the entire urban area.*

The title of "Autonomous City" is a misnomer. These cities have no more autonomy than the provinces. In fact, a more descriptive title of the cities would be "Small Provinces". Generally all laws affecting provinces also apply to the autonomous cities. About the only difference is that there are no villages within a city and the Chief Executive is called Mayor in place of Province Chief. (Basically this is true of Saigon, but as the Capital, the prefecture is a special case and should be treated as such.)

It is anticipated that new legislation will be adopted that will permit the creation of municipal governments in the major urban centers. These organizations would have autonomous budgets and be administratively responsible for the entire urban area.

However, unlike Autonomous Cities, they would not be independent of the province in which they are located (For details on the anticipated legislation, see Chapter II, section A).

USAID/ADPA/LGB
October 1970

*P.M. issued decree in October 1970 establishing additional Autonomous Cities of Qui Nhon, Can Tho and My Tho. Similar decrees are anticipated covering Nha Trang and Rach Gia.

Decree No. 229-NV dated 18 December 1965 placing the city under
the administration of a Mayor

DECREE:

Article 1. There is hereby established the city under the
administration of a mayor.

The mayor performs his functions with the cooperation of a city
council established by Decree No. 69-NV dated 9 April 1965.

First Chapter

The Mayor

Article 2. The mayor is the mandatary of the national authority
over the city area.

In this capacity, the mayor has the duties to:

1. Oversee the implementation of laws and decisions of the
central government.
2. Represent the national authority in the city: to sign
contracts and agreements to preside over ceremonies and
to represent ministries, etc...
3. Oversee and coordinate general operation of government
offices operating within the city and placed under the
direction of a minister or Commissioner General or
Commissioner (Minister).
4. Control city administration.

Article 4. The mayor is responsible for security and public order
within the city.

Under this responsibility, the mayor coordinates activities of
police and security services in the city. In case of emergency
the mayor is empowered to call in the armed forces; such action
if taken must immediately be reported to the Prime Minister.

The mayor also enjoys the capacity of a judiciary police officer.

Article 5. The mayor directs the city administration.

In this capacity, the mayor makes preparation for problems to be brought before the city council for discussion and implements decisions of the latter, particularly those dealing with budget, taxation, public property and programs of public interest.

The mayor represents the city before the court, administers city public properties and assumes responsibility for carrying out services and contracts.

The mayor is the officer who authorizes expenditures to be charged to the city budget.

Article 6. The mayor is assisted by one or several deputy mayors. The deputy mayor is appointed by the Prime Minister.

The deputy mayor performs his function under the supervision of the mayor and is directed by the mayor.

Within the limit of his responsibility, each deputy mayor may be permanently delegated the authority to handle a definite number of problems within the city under the responsibility of the mayor.

The deputy mayor is entitled to the same function allowance and other allowances in kind and in cash as granted to a deputy province chief.

Second Chapter

District - District Chief

Article 7. The city area may be partitioned into several districts as the population density and the official business so require. The number of districts in the city and boundaries of these districts will be fixed by the Prime Minister.

Districts in the city are not allowed administrative and financial autonomy.

Each district is divided into several Khu-pho. The number, boundaries and organization of these khu-pho are fixed by the Commissioner for Interior (Minister of Interior).

In case the population of a city is below 100,000 it may be divided into khu-pho which are directly placed under the administration of the mayor without the intermediary of the district level.

Article 8. Each district in the city is administered by a district chief and under the control of the mayor.

The district Chief is appointed by the Prime Minister.

Article 9. The District Chief represents the mayor and performs his duties under the control of the mayor.

Within his competence, the district chief has the duties to implement laws and regulations, maintain public order and perform such functions as entrusted by the mayor.

The district chief is empowered to use national police forces within his district.

Article 10. The district may certify private deeds, including documents dealing with genealogy and transfer of personal or real estates, certify true copies and issue certificates of good character, of residence, ID cards and other papers as defined by separate laws and regulations.

The district chief issues permits for assembly of private persons during celebrations (feasts, wedding ceremonies, funeral ceremonies, anniversaries, etc...)

Article 11. The District Chief has the capacity of a judiciary police officer.

Under the control of the public prosecutor, the district chief serves as civil status officer in his district.

In case of his absence or in case he cannot assume his function as civil status officer for whatever reason it may be, a career official working in his office may be designated to replace him in this function.

This official must be designated by name by the Commissioner for Interior, upon recommendation of the mayor.

Article 12. The district chief may be assisted by one or several deputy district chiefs.

District Chiefs are appointed by the Commissioner for Interior.

District Chiefs and deputy district chiefs are entitled to the same pay grade and allowances in kind and in cash as granted to their counterpart in provinces. Salaries and allowances of district chiefs and deputy district chiefs are paid out of the national budget.

Third Chapter

General Provision

Article 13. In case the city is also a province chief town, the mayorship may be assumed concurrently by the province chief of the said province.

However, component divisions of the office of the mayor are in principle separately established.

Article 14. Any provisions of existing decrees which are contrary to this decree are rescinded, particularly the following documents governing Hue, Da Nang, Dalat and Vung Tau cities:

- Decree No. 35-QT/TD dated 31 December 1952, No. 4-QT/TD dated 13 April 1953, No. 307-NV dated 13 October 1955 and subsequent documents governing the status of Dalat city.
- Decree No. 107-NV dated 27 December 1952 governing administration of Hue city.
- Ordinance No. 12 dated 30 May 1954 governing administration of Hue and Da Nang city.
- Decree No. 55-MV dated 30 March 1965 governing administration of Vung Tau city.

Article 15. Commissioners General, Commissioners and mayors are charged, each as to that which concerns him with the execution of this decree.

This decree will be published in the RVN Official Journal.

18 December 1965
Air Vice Marshall HOANG CAO KY

ARRÊTÉ:

Article 1. There is hereby established the administrative organization for khu-pho.*

Article 2. Each khu-pho is placed under the administration of a khu-pho administrative committee which is composed of:

- A chairman (concurrently member for civil status in case no district is established in the city).
- A vice chairman concurrently member for economy
- From one to three members as may be permitted by the budget and in charge of the following functions:
 - Propaganda
 - Security
 - Social welfare

In addition, a post of senior clerk can be established as may be required by official business and permitted by the budget.

Article 3. The chairman, the vice chairman, other members of the administrative committee and the senior clerk are appointed by the mayor upon recommendation of the district chief concerned if any and in compliance with the conditions set forth by SCA (Now MOI).

Article 4. The chairman of the khu-pho administrative committee is responsible for:

- Carrying out laws and regulations and policies of the government in the khu-pho in accordance with the instructions and under the supervision of the district chief concerned or of the mayor in case the district level is not created in the city.
- Keeping the mayor or the district chief (if any) advised of any happenings in the khu-pho.

* Experience has shown it is best to use the Vietnamese terms for this administrative subdivision. This term (khu-pho) is often translated as precinct, quarter or even district.

- Reporting to the mayor or the district chief (if any) special matters as may be required.
- Conducting and coordinating the official business in the khu-pho.

In case the city is divided into khu-pho and no district level is available, he will assume the additional functions as follows:

- Maintains civil status registers; keeps records of certificates of birth; of death and of marriage; presides over wedding ceremonies held in his office.
- Certifies private contracts including documents concerning genealogy and transfer of personal and real estate.
- Certifies other administrative papers, issues true copies, certificates of good character and certificates of residence and other papers as provided by law and regulations.
- Issues authorizations to individuals concerning assembly for ceremony, and celebration.

Article 5. The vice chairman concurrently member for economy supervises the clerical staff of the khu-pho and is responsible for:

- Coordinating the activities of all the members of the committee in accordance with the instruction of the chairman.
- Handling general administrative problems.
- Handling matters concerning military draft.
- Keeping, seals, records and registers of the khu-pho.
- Handling economic and supply problems in the khu-pho.

In case the post of senior clerk is created, the vice chairman will assume the following functions:

- Assists the chairman and carries out any duty as may be designated by the chairman.
- Coordinates the activities of all the members of the committee in accordance with the instruction of the chairman.
- Handles economic and supply problems in the khu-pho.

During the absence of the chairman, the vice chairman will replace him.

Article 6. The member for propaganda is in charge of problems concerning youth, information, popular groups, culture and education.

Article 7. The member for security is in charge of security of the khu-pho and directs organizational security forces in the khu-pho.

Article 8. The member for social welfare handles problems concerning construction, public sanitation and social assistance and social welfare.

Article 9. The senior clerk handles general administrative problems and other problems concerning military draft and keeps seals, registers and records of the khu-pho.

Article 10. In case a member commits a serious fault or cannot continue his job for reason of health, he may be discharged by a decision of the mayor upon recommendation of the district chief concerned, if any.

Article 11. The chairman, the vice chairman, members of the khu-pho administrative committee and the senior clerk are entitled to a monthly remunerative lump-sum which will be fixed in a separate arrete.

Article 12. During the exercise of their functions and in case of illness, the chairman, the vice chairman, other members and the Senior clerk in the khu-pho administrative committee as well as their wives and legitimate children are allowed for treatment in a government hospital and are classified as 2nd class patients. Deduction for hospitalization fees is made in accordance with current regulations.

In case of being killed or missing in line of duty, the legitimate beneficiary of the ill fated official is entitled to a compensation paid out of the city budget and amounting to 12 times of his last month's remunerative lump sum.

Article 13. A khu-pho may be divided into several khom*; each is administered by a khom chief, and one or two assistants.

Organization of khom administration will be fixed by a decision of the mayor.

* Vietnamese Term

Article 14. Operational expenditures needed by khu-pho and khom administration will be provided by the city budget.

Article 15. Mayors are charged with the execution of this arrete.

Saigon, 15 June, 1967

S/ NGUYEN VAN TUONG

TAB V

CHAPTER V

TAB V

DISTRICT

TAB V

EXCERPT FROM A 1969 PUBLICATION
OF THE
NATIONAL INSTITUTION OF ADMINISTRATION

C. Districts and Cantons

District and canton are two administrative sectors between the province and the village.

The province and the village have legal personality*, but District and Canton have not.

The District is an administrative sector which has existed a long time. Under the monarchy, the position was called Phu Huyen, or Chau (Circonscription Chief). Beginning with the Bao-Dai regime, the term "District" was applied to the whole nation.

District

Appointing Procedure and District Chief Responsibility and Duty

According to the Circular #001-a/PTT/VP dated 3-1-1968, the District Chief is appointed by Interior Ministry on the recommendation of the Province Chief.

At the present time, the District Chief plays an important role as Province Chief representative and performing his duty under the Province Chief's control, except in the judicial field. The District Chief is charged with many duties: political, security and military, administrative, financial and judicial.

1. Duty in Political Sphere:

The District Chief has the duty of studying the political situation to help the Province Chief find measures to cope with problems. He must also carry out all government policy and make reports of results to the Province Chief.

2. Duty in Security and Military Fields:

The District Chief has the responsibility to study and propose to Province Chief security organization plans and necessary pacification measures and at the same time to coordinate all District intelligence agencies so that the enemy situation may be exploited, and reports made to the Province Chief.

* Autonomous Budget, Taxing Power, Right to Own Property etc. (Underscore Added)

The majority of current District Chiefs are Vietnamese military officers, therefore, they are concurrently the Sub-Sector Commander.

The District Chief in his role as Sub-Sector Commander, organizes and commands all military operations within the District, and has the power to use all District military forces such as local force, popular force, combatant youth, etc... but he has to report his actions to the Sector Commander.

The District Chief directly implements revolutionary development plans in the District, and at the same time he administers the implementation of military service, draft control and the apprehension of draft dodgers.

3. Duty in Administrative Field:

The District Chief is responsible for the execution of regulations and instruction of higher authorities and maintenance of public order. In this duty, the District Chief applies the police and essential security measures or strictly follows the Province Chief's orders. He may act on his personal initiative but he has to report his actions to higher authority.

The District Chief controls, supervises all Canton Chiefs and Deputy Canton Chiefs, all village and hamlet officials.

The District Chief has the duty to handle all schools, professional agencies in District, but in administrative domain only.

The District Chief cannot intervene in professional operations of the above-mentioned agencies.

4. Duty in Finance Field:

The District Chief monitors the village budget process and assures that it is submitted to Province Chief for approval if under 1,000,000VN\$, and forwarded to Saigon if above.*

The District Chief controls village budgets and book-keeping registers. In each case he has to make minutes bearing the signatures of Village Administrative Committee Chief and Deputy Administrative Committee Chief concurrently finance-economy commissioner.

* All Village Budgets are now approved by Province Chief.

With regard to taxation, District Chief controls the tax collections and their deposit in the Treasury once or several times each month. At the end of the fiscal year the tax collection amount for one year has to be totally deposited to the Treasury.

5. Duty in Judicial Field:

The District has two duties:

- As Judicial police, prosecutor assistant, he has the right to establish judicial reports.
- In the present time he holds concurrently the functions of conciliation judge.

TAB VI

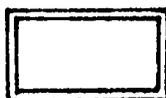
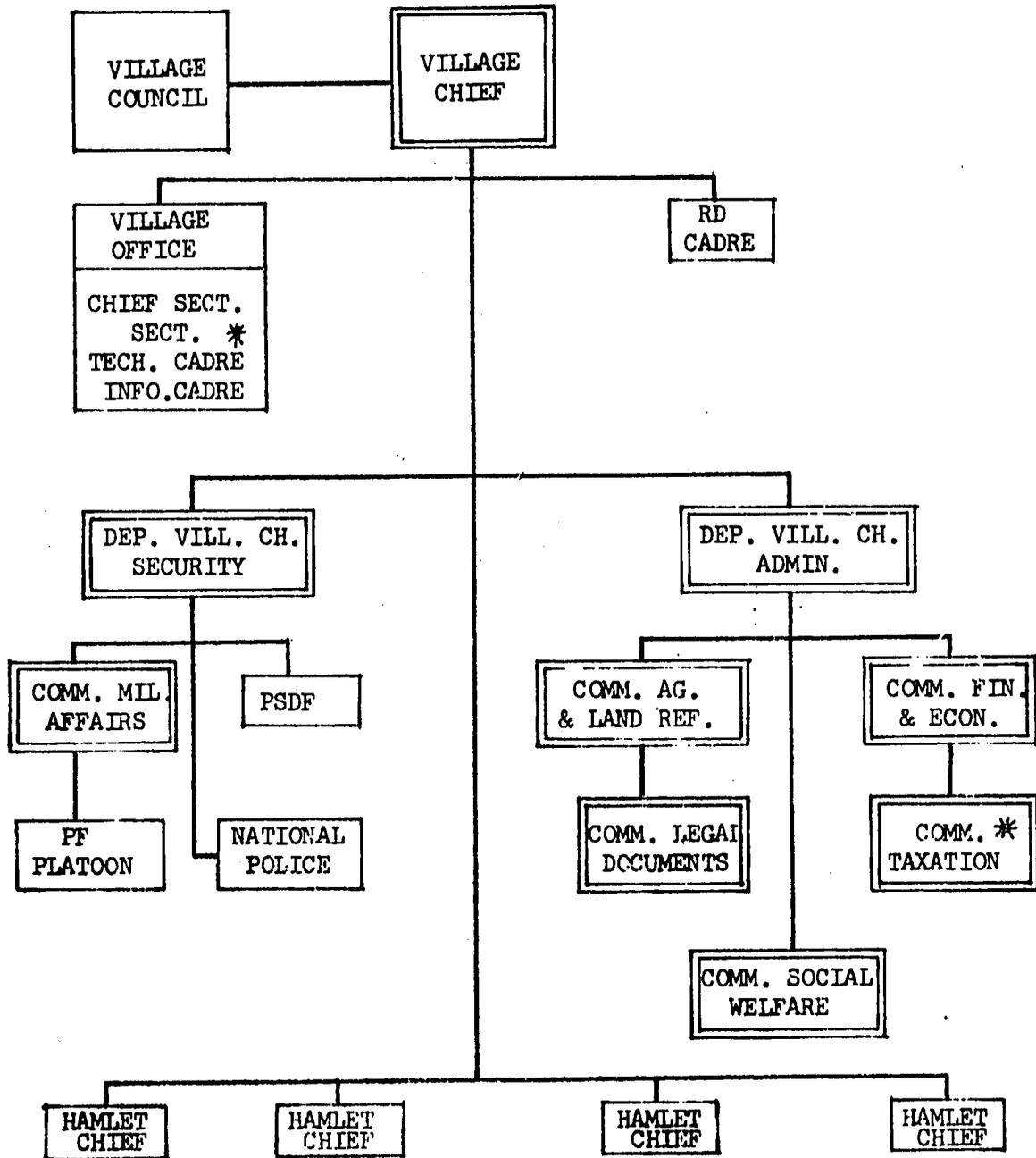
CHAPTER VI

TAB VI

VILLAGE/HAMLET

TAB VI

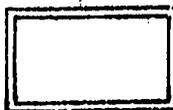
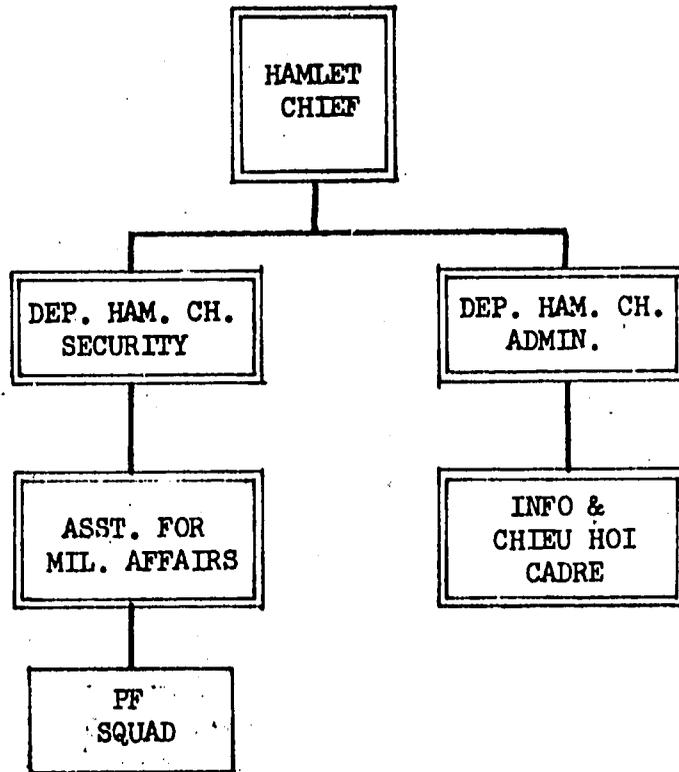
VILLAGE GOVERNMENT



Indicates Members of Village Administrative Committee

* Positions Exist only in Class A Villages (i.e. over 5,000 population)

HAMLET ADMINISTRATION



Indicates Members of Hamlet Management Board

Republic of Vietnam
Office of the Chairman
Central Executive Committee

Decree No. 198-SL/DUHC of 24 December 1966

GOVERNING THE REORGANIZATION OF VILLAGE, HAMLET ADMINISTRATION

-----o-----

The Chairman of the Central Executive Committee

DECREES:

Article 1- This hereby places the village under the responsibility of two bodies:

- Village People's Council, and
- Village Administrative Committee

The organization, authority, duties, and functioning of these two bodies are defined as follows:

CHAPTER I

Village People's Council

Section 1: Organization

Article 2- The Village People's Council is composed of from six (6) to twelve (12) members elected by the village people through universal suffrage, direct and secret ballot. The election procedure shall be determined by a separate decree.

The member who wins the largest number of votes shall be the Chairman of the Village People's Council. The member who wins the next largest number of votes shall be the Deputy Chairman of the Village People's Council.

In case the Chairman of the Village People's Council is elected Chairman of the Village Administrative Committee as defined in Article 24, the members who obtained the next highest number of votes in the election of the Village Council shall hold respectively the positions of Chairman and Deputy Chairman of the Village People's Council.

In case the deputy chairman of the Village People's Council is elected Chairman of the Village Administrative Committee, the elected member who obtained the next largest number of votes shall hold the position of deputy Chairman of Village People's Council.

In case of a tie, the eldest member is declared elected.

Article 3- The term of office of the Village People's Council is three years. Members may be re-elected.

Article 4- Members of the Village People's Council are not authorized to hold any salaried public positions but they may hold another elected position. Any member of the Village People's Council may be appointed Chairman of the Village Administrative Committee but during such tenure has no vote in the Council.

Members are not authorized to bid for contracts with the village.

Parents and children, blood brothers and sisters, wives and husbands may not hold various responsibilities in the same Village Council.

Article 5- Village Council members may send individual requests for resignation to the Province Chief through the Village Council Chairman. The resignation shall be effective the date of receipt of the decision of the Province Chief, or, if no decision is received from the Province Chief, the resignation shall be effective one month after the request for resignation is submitted.

Article 6- Any member of the Village Council shall be declared automatically resigned by decision of the Province Chief for the following reasons:

a. Violation of the regulation excluding a person from holding more than one salaried public office or failure to fulfill all the conditions for eligibility laid down by the Decree fixing the Council electoral procedures, whether discovered during or after his election;

b. Three consecutive absences during the regular or special sessions, without any just reason recognized as well-founded by the Council.

Subject to a two-thirds majority of the Council, the Province Chief may remove from office any village Council member who without justification, fails to fulfill the duties assigned to him by the Council.

Article 7- In case the Village People's Council proves to be inoperative or there is evidence that activities of more than half of the Village Council members are pro-Communist or neutralist in favor of Communism, the Special Commissioner for Administration may sign a decision to dissolve the Village Council upon the recommendation of a committee composed of:

Province Chief or his representative.....Chairman

A local Presiding Judge, Court of 1st Instance,
Court with Extended Powers or Justice of Peace..... Member

One member of the Provincial Council..... Member

The Chairman or a member representative of the Village People's Council concerned has the right to plead before the Committee.

Article 8 - In case of dissolution of the Village Council, the election of a new Council will be held within a maximum period of three months. Moreover, a by-election will be held, also within the maximum period of three months, to replace any members who have resigned, died, or terminated their responsibilities for whatever reason, provided that:

- The number of missing members is at least 1/3 of the total membership;
- The members so elected have at least one year to serve prior to the expiration of the term.

Section 2: Authority

Article 9- Within the limits of current laws, the Village Council is empowered to discuss and decide on the following matters:

1. Plans of construction and programs of public interest in the Village;
2. Village budget;
3. Miscellaneous taxes, fees, additional percentages, rentals and all receipts for Village budget;
4. Regulations governing the collection of the income of the Village;
5. Purchase, transfer, exchange, leasing or renting of Village properties and general administration and maintenance work on these properties;
6. Bids for procurement, supply or transportation for the Village;
7. Receipt of donations and legacies for the Village;
8. Concessions for public services;
9. Creation and modification of Village construction plans;
10. Projects for construction of roads, bridges, dams, etc.;
11. Creation, abolition, naming, renaming, modification of boundaries, and removal of Village Hamlet offices;
12. Loans, subventions;
13. Organization, administration of markets and fairs;

14. Legal proceedings in order to defend Village interests, amicable settlements subject to approval of the Province Chief;
15. All questions that must be submitted to the Village Council for discussion and decision in accordance with regulations in force.

Article 10- The Village Council is empowered to control the following matters:

1. Implementation of policies and programs of the Government and all decisions of the Village Council;
2. Annual report of expenditures in relation to the village budget;
3. Account books of village;
4. Behavior of personnel and cadres at all levels in village, particularly their attitudes toward serving the people.

The Council is empowered to warn the Chairman, Deputy Chairman and members of the Village Administrative Committee as well as the Chief Secretary and assistants if it finds errors in the exercise of their duties.

The Council is empowered, subject to a three-fourths majority of its total membership, to propose the removal from office of the Village Administrative Committee Chairman, Deputy Chairman or other members, if it finds grave faults in the exercise of their duties.

Article 11- The Village Council must be consulted by the Village Administrative Committee in regard to the following matters:

- Land affairs in the Village;
- Problems relative to professional practice by Villagers;
- Recruitment of personnel, and
- All questions that must be submitted to the Council for decision in accordance with regulations.

Article 12- On any problem of general interest to the village, the Village Council may express opinions, proposals or aspirations to the local District Chief, Province Chief, Provincial Council, or special Commissioner for Administration.

All such ideas, recommendations and suggestions received from the Council must be considered and resolved within the shortest period of time. Results of the consideration must be made known to the Council.

Article 13. Except for the matters prescribed in Articles 14 and 15, all decisions made by the Village Council must be carried out by the Village Chief within 15 days after transmittal to the Village Administrative Committee.

In case the decisions of the Council can not be carried out, the Village Chief shall give explanations to the Council for reconsideration if necessary.

After reconsideration by the Council, if disagreement still exists, the Village Council as well as the Village Administrative Committee may submit the matter directly to the local District Chief or the Province Chief for solution.

Article 14- The following decisions must be ratified by the Ministry involved before implementation:

1. Construction projects, equipment, and programs affecting the public interest, expenses for which exceed \$1,000,000;
2. Village budget, the total of which exceeds \$1,000,000;
3. Miscellaneous taxes, fees, receipts for Village budget;
4. Leasing or rental of real estate or properties for a period of over three years with the rental cost over \$500,000 per year;
5. Receipt of donations and legacies with additional charges and conditions;
6. Transfer, purchase and exchange of village properties, the expenses of which exceed \$500,000;
7. Creation, and maintenance of Village public properties, the expenses of which exceed \$500,000;
8. Creation and modification of Village construction plans;
9. Establishment, naming, abolition, modification of official boundaries or moving of Village offices.
10. Loans, special subventions;
11. Concessions for public services extending as long as three years, the estimate for which exceeds \$500,000;
12. Establishment of contracts costing over \$500,000 which involve financial responsibility for villages.

Article 15- The following decisions must be ratified by the Province Chief before implementation:

1. Establishment of Village budget, the total of which amounts to \$1,000,000 or less;
2. Establishment of the percentage rate on any kind of taxes that the village has been authorized to collect;
3. Leasing or rental of real estate or other properties for a period of three years or less with the rental cost ranging from \$50,000 to \$500,000 per year;
4. Receipt of donations and legacies with no additional charges and conditions;
5. Purchase, transfer and exchange of Village properties, the expenses for which range from \$50,000 to \$500,000;
6. Creation or maintenance of Village properties, the expenses for which range from \$50,000 to \$500,000;
7. Projects for construction of roads and plazas, alignment of roads and construction of village roads;
8. Projects for modifying hamlet boundaries;
9. Concession for public services for a period of 3 years or less, the cost of which does not exceed \$500,000.
10. Establishment of contracts costing \$500,000 or less that require financial responsibility of Villages.

Section 3: Functioning

Article 16. Five days at the latest after the result of the election is ratified, the Village Council will convene its first session under the chairmanship of the Chairman of the Village Council to elect the Chairman of the Village Administrative Committee and to establish the Standing Committee of the Council and the internal regulations.

Article 17- The Standing Committee of the Village People's Council is composed of the Chairman, the Deputy Chairman and a Secretary General. The Secretary General is elected through a single secret ballot and with simple majority. In case of a tie the eldest is declared elected.

The result of election and internal regulations of the Council must be submitted within seven days to the Province Chief through the local District Chief for approval.

Article 18- The Village Council convened by its Chairman shall meet in regular session at least once a month; its monthly meeting shall not last more than four days.

In addition, the Council may convene in special session at the request of the Chairman of the Village Council, the Chairman of the Village Administrative Committee or one-third of the Council members. Special sessions shall not last more than two days in a month.

The agenda of regular and special sessions shall be fixed by the Village Council Chairman after the latter discusses it with the Village Administrative Committee Chairman and the Standing Committee of the Council.

Every Council member has the right to suggest one or several questions to be listed on the agenda. In case such suggestion is not approved, it must be recorded in the minutes of the meeting and accompanied by an explanatory statement by the Secretary General of the Council.

Article 19- The Council session and vote shall be valid if more than half of the total Council members are present. In case a meeting is duly convened but the above mentioned quorum cannot be formed, the Council can reconvene twenty-four hours later and its vote will be valid irrespective of the number of Council members present.

All decisions made by the Council are considered valid if they are approved by more than half of the members present unless otherwise prescribed by this decree.

In case of a tie, the vote of the Chairman shall be decisive.

Any decisions, ideas, recommendations expressed outside the regular sessions, against current laws, or outside the authority of the Council as prescribed in this Decree are automatically void.

Article 20- Meetings of the Village People's Council shall be public unless otherwise requested by the Chairman of the Village Council, the Chairman of the Village Administrative Committee, or more than half of the total Council members.

The Chairman, deputy chairman and members of the Village Administrative Committee have the duty to attend sessions of the Village Council and, whenever deemed necessary, have the right to present their opinions.

On urgent matters arising when the Council is not in session the Village Council Chairman may consult individual members of the Council.

Article 21- Proceedings of meetings of the Village Council must be recorded by the Council Secretary General in a separate register which is kept in the Office of the Village Administrative Committee and copy must be submitted to the chairman of the Village Administrative Committee for action within five days after each meeting.

CHAPTER II

The Village Administrative Committee

Section 1: Composition

Article 22- The Village Administrative Committee is composed of:

One Chairman of the Village Administrative Committee;

One Deputy Chairman of the Village Administrative Committee
Concurrently Commissioner for Economy-Finance;

and from 1 to 4 Commissioners to assure the following functions:

- Security
- Propaganda and Civic Action
- Social Welfare
- Agricultural Affairs

Article 23- The term of office of the Village Administrative Committee terminates at the same time as that of the Village Council. In case the Village Council is dissolved before completing its term of office, the Province Chief, upon recommendation of the District Chief, can designate a temporary Administrative Committee according to the procedure provided by Article 44. He may designate the Chairman, the Deputy Chairman and any other members of the temporary Administrative Committee from members of the former Village Administrative Committee.

Article 24- The Chairman of the Village Administrative Committee is elected by the Village Council from among its members at the first meeting of the Council as specified in article 16 above. The election must be held in a public meeting session and through secret ballot, using an absolute majority. If no member receives the number of votes required on the first ballot, simple majority is required on the second ballot.

The Chairman of the Village Administrative Committee is not authorized to assume concurrently the functions of Chairman, Deputy Chairman, or Secretary General of the Village Council.

The Chairman of the Village Administrative Committee can be declared automatically resigned in accordance with procedures specified in Article 6. The Chairman of the Village Administrative Committee can be declared resigned by decision of the Province Chief upon recommendation of the Village Council in accordance with procedures specified in Article 10, or he may be removed upon recommendation of the District Chief, with the agreement of the Village Council, for failure in duty or serious fault.

In case he is prosecuted before the Court and put in jail, his functioning will be suspended by decision of the Province Chief.

In case the Chairman of the Village Administrative Committee terminates his duty as a result of death, resignation, dismissal, being declared to have resigned or for any other reason, the Village Council will elect another Chairman.

Article 25- The Deputy Chairman and Commissioners of the Village Administrative Committee are appointed and removed from office by decision of the Chairman of the Village Administrative Committee with the concurrence of the Village Council.

Such appointment must be made in accordance with procedure set forth by the Province Chief. A copy of the decision governing such appointment must be submitted by the Chairman to the District Chief or Province Chief concerned for ratification.

The Province Chief, or District Chief upon authorization of the Province Chief, has the right to disapprove appointment of a member if the member does not meet the prescribed conditions. In this case, the appointment decision will be returned to the Chairman of the Village Administrative Committee with explanatory statement attached.

If no action is taken by the Province Chief or District Chief within twenty (20) days after receipt of the copy of the appointment decision, the appointment is considered valid.

Section 2: Duty and Authority

Article 26- The Chairman of the Village Administrative Committee represents the Village administration and is vested with the following responsibilities;

- Publishes and enforces laws and regulations and implements policies of the Government at the Village level;

- Sees to maintenance of security and public order in the Village; in this respect he has the right to mobilize the organic forces in the village and, if required, to request the popular forces of the locality to provide support for security measures;

- Reports to the Province Chief and District Chief any occurrences in his Village, submitting to them reports on special questions as may be required;

- Certifies documents pertaining to movable and fixed property and issues administrative certificates (certificate of good character, certificate of residence, etc.)

- Prepares a list of questions to be brought before the Village Council for discussion and executes decisions adopted by the Village Council

- Provides supervision of the Village Administrative Committee and assumes responsibility of the whole Committee to the Village Council;
- Serves as representative of the Village before the law: signs contracts, takes legal proceedings, etc.
- Oversees the functioning of other governmental agencies at the village level;
- Provides direction for and operates Village Administrative affairs;
- Signs receipts and authorizations within the limit of appropriations covered by the Village budget;
- Serves as conciliator for minor disputes in the Village.

The Chairman of the Village Administrative Committee has the authority to reward or punish subordinate personnel and make recommendations for rewards, punishment of employees and cadres of various echelons working in the Village.

In his capacity as member for Civil Status Affairs, the Chairman is responsible for maintaining civil status registers and for recording and issuing birth, marriage and death certificates to the people in his Village. He also presides over wedding ceremonies held in his office.

Article 27- The Deputy Chairman of the Village Administrative Committee coordinates the activities of members of Village Administrative Committee in accordance with instructions of the Chairman and replaces the latter when he is absent or occupied with other duties.

In addition, the Deputy Chairman may be permanently delegated by the Chairman to sign certain categories of papers dealing with matters provided for in Article 26 above, except civil status matters and expenditure authorizations.

In the capacity of Commissioner for Economy and Finance, the Deputy Chairman administers finance and village properties and handles problems concerning village budgets, taxation, economy and supply.

Article 28- The Commissioner for Security handles problems concerning administrative and judicial police, public order, military draft and military affairs.

He also serves as judicial police agent.

Article 29- The Commissioner for Propaganda and Civic Action is in charge of problems pertaining to popular groups, information, open-arms, civil proselyting, youth and village postal services.

Article 30- The Commissioner for Social Welfare handles problems concerning culture, education, social welfare, construction, labor, public sanitation, and public health.

Article 31- The Commissioner for Agricultural Affairs handles problems concerning land administration and agriculture. He cooperates with the Deputy Chairman, concurrently Commissioner for Economy and Finance, in the administration of village public land and rice fields.

Section 3: Functioning

Article 32- The Deputy Chairman and Commissioners of the Village Administrative Committee, are subordinate to the Chairman of the Village Administrative Committee.

Article 33- The Village Administrative Committee shall meet at least twice a month under the chairmanship of the Chairman of the Village Administrative Committee to review the work completed and, at the same time, to work out plans of act on for the months to come and to coordinate with other agencies in the Village.

In addition, the Village Administrative Committee shall meet at least once a month with the Village Council, upon convocation of the Village Council Chairman, under the joint chairmanship of the Village Council Chairman and the Chairman of the Village Administrative Committee.

Article 34- There is a secretariat placed at the disposal of the Village Administrative Committee. This secretariat is headed by a Chief Secretary who is assisted by one or two assistants.

The Chief Secretary and Assistants are selected and removed from office by decision of the Province Chief upon recommendation of the local District Chief.

Article 35- The Chief Secretary of the Village Administrative Committee has the following responsibilities:

- to supervise the village secretariat;
- to handle general administrative problems;
- to keep seals, registers and village records;
- to act as the Village Cashier.

The Assistant to the Chief Secretary is in charge of the Civil Status Section, assists the latter in the performance of the above-cited duties and replaces him during his absence or when busy with other duties.

CHAPTER III

Hamlet Management Committee

Article 36- The Hamlet is placed under the management of a Hamlet Management Committee which is composed of:

- One Hamlet Chief
- One Assistant for Security
- One Assistant for Propaganda and Civic Action

In hamlets where the population exceeds three thousand (3,000) the hamlet Chief may be assisted by a Deputy Hamlet Chief.

Article 37- The Hamlet Chief and his Deputy are elected by the people in the Hamlet through universal and direct suffrage with secret ballot. The election procedure will be provided for in a separate Decree.

The term of office of the Hamlet Chief and his Deputy is three years. They may be re-elected.

The Hamlet Chief and his Deputy are not entitled to enter into contracts with their Village.

Parents and children, brothers and sisters, husbands and wives may not hold various memberships in the same Hamlet Management Committee.

Article 38- The Hamlet Chief and his Deputy may tender their resignation, be declared resigned or removed from office in accordance with the similar procedure provided for the bodies at village level, but the term of the Hamlet Chief and Deputy Hamlet Chief has no connection with the term of these bodies.

In case the hamlet Chief terminates his duties before completing his term for any reason, the Deputy Hamlet Chief will perform the duties of Hamlet Chief and an election will be held within a maximum period of 3 months to elect another Deputy Hamlet Chief.

In case there is no Deputy Hamlet Chief or the Hamlet Chief and Deputy Hamlet Chief both terminate their duties, an election will be held within a maximum period of 3 months to fill these positions.

Article 39- The Hamlet Chief represents the Village Chief in his hamlet and is vested with the following functions:

- To carry out the laws, policies and regulations of the government and the directives of local administrative authorities;
- To maintain order and security in his hamlet
- To supervise the Hamlet Management Committee;
- To report to the Village Administrative Committee on the general situation and activities of his hamlet;
- To represent the hamlet before the Village Administrative Committee;

- To certify routine administrative papers before submitting them to the Village Administrative Committee;
- To maintain hamlet registers;
- To assist the Village Administrative Committee in the collection of taxes.

Article 40- The Assistant for Security and the Assistant for Propaganda and Civic Action are appointed by the Chairman of the Village Administrative Committee in accordance with the conditions prescribed by the Province Chief, upon the recommendation of the Hamlet Chief and with the concurrence of the Village Council. The District Chief may disapprove such appointment in accordance with the procedure set forth in Article 25 above.

The Assistant for Security assists the Hamlet Chief in the maintenance of order, security and defense of the Hamlet.

The Assistant for Propaganda and Civic Action assists the Hamlet Chief in problems concerning popular groups, information, open-arms, social welfare, youth and public sanitation.

CHAPTER IV

General Provisions

Article 41- In the exercise of their functions, the Members of the Village Council are not entitled to any salary but are granted an allowance computed on the basis of the number of days of attendance at Council meetings. Members of the Standing Committee of the Village Council receive a special allowance to be determined later. The special allowance of the Chairman of the Village Council must be equal to the monthly compensation received by the Chairman of the Village Administrative Committee.

The Chairman and his Deputy and other members of the Village Administrative Committee, the Chief Secretary and his Assistant, the Hamlet Chief, the Deputy Hamlet Chief and Assistants are granted monthly compensation.

The allowance and compensation mentioned above are supported by village budget in accordance with a rate to be fixed by an arrete of the Special Commissioner for Administration with the concurrence of the Central Budget Agency.

Article 42- During their period of service, all village and hamlet officials mentioned in this Decree, together with their spouses and legitimate children, are entitled to receive second class treatment in government hospitals. Hospitalization fees will be paid in accordance with procedure applicable to government officials.

In case a village or hamlet official is fatally wounded or missing in the course of exercising his duty, his legal beneficiary is entitled to compensation equal to twelve times his last month's salary. This

compensation is supported by the village budget. In the case of a member of the Village Council, the death benefit will be the equivalent of twelve times his monthly allowance on the basis of 30 days a month.

Article 43- Temporarily during the pacification period, and in areas where elections cannot be held, local authorities will establish by Arrete and upon consultation with representatives of all strata of people in the village:

- A provisional Village Administrative Committee (at village level);
- A provisional Hamlet Management Committee (at hamlet level).

Article 44- The Provisional Village Administrative Committee is established by an Arrete of the Province Chief. Its composition is limited to the following members:

- One Chairman concurrently Commissioner for Civil Status;
- One Deputy Chairman concurrently Commissioner for Economy, Finance and Agricultural Affairs;
- One Commissioner for Security;
- One Commissioner for Propaganda and Civic Action, concurrently Commissioner for Social Welfare.

The Provisional Village Administrative Committee assumes the combined functions and holds the authority of both the Village Council and Village Administrative Committee.

The provisional Village Administrative Committee has a small secretariat appointed by the Province Chief.

Article 45- The Provisional Hamlet Management Committee is created by Service Order of the District Chief concerned. Its composition can be limited to one Hamlet Chief and one Assistant.

Article 46- Village and hamlet operating expenditures are ordinarily covered by the village budget.

In the pacification period, all organizing and operating expenditures incurred by the Provisional Village Administrative Committee and the Provisional Hamlet Management Committee are supported by the National Budget.

Article 47- This Decree cancels and supersedes Decree No. 203-d/NV dated 31 May 1964.

Article 48- Deputy Chairman of the Central Executive Committee, Commissioners General, Commissioners, Deputy Commissioners, Special Commissioners and Province Chiefs are charged, each as to that which concerns him, with the execution of this Decree.

This Decree will be published in the RBN Gazette.

Saigon 24 December 1966
S/ Nguyen Cao Ky

Composition and authority of village administrative committees and hamlet management boards.

Reference: Constitution of the Republic of Vietnam 1 April 67
Decree 234-TT/SL dated 25 May 68 and subsequent documents
determining composition of the Government.
Ordinance 57-a dated 24 Octo. 56, subj: Organization of
national administration.
Decree 198-SL/DUHC dated 24 Dec. 66, subj: Reorganization
of village and hamlet administration.

DECREE:

Chapter 1 - Designation

Article 1: Designations in village and hamlet administrative organization as determined by Decree 198-SL/DUHC dated 24 Dec. 66 are changed as follows:

The deliberative agency at village level is called the village council, instead of the village people's council.

The executive agency at village level is called the village administrative committee, headed by the village chief.

Chapter 2 - Composition

Article 2: The composition of the village administrative committee determined by article 22 of Decree 198-SL/DUHC is changed as follows:

Village Chief
Deputy Village Chief for Administration
Deputy Village Chief for Security
Commissioner for military affairs
Commissioner for agriculture and land reform
Commissioner for finance
Commissioner for legal documents
Commissioner for taxation
Commissioner for social welfare and culture

This composition should be regarded as the maximum composition, used for villages with populations over 5,000 people (class A villages).

In villages with populations under 5,000 people (class B villages) the deputy village chief for administration serves concurrently as commissioner for finance.

Article 3: Placed under the authority of village administrative committee is an office managed by a chief secretary and consisting of:

1 chief secretary
1 secretary

1. information/Chieu Hoi cadre
2. technical cadre

This number should be regarded as maximum, used for class A villages.

Offices for class B villages do not have secretary and have only one technical cadre.

In addition, villages can recruit one general purpose personnel to help with the work, if necessary.

Article 4: Composition of the hamlet management board determined by article 36 of Decree 198-SL/DUHC is changed as follows:

Hamlet Chief
Deputy Hamlet Chief for Administration
Deputy Hamlet Chief for Security
Special Assistant for Military Affairs
Information/Chieu Hoi cadre

Chapter 3 - Duties

Article 5: Duties of officials on the village administrative committee specified by articles 26 to 31 of Decree 198-SL/DUHC are changed as follows:

1. The village chief is relieved of his responsibility for legal documents.

With regard to security, the village chief has the additional responsibility of directing forces under village authority, including Popular Forces, and executing measures within the framework of this authority.

With regard to other aspects of village activities, the village chief has authority to direct all cadre within the framework of these activities in the village.

In addition to the duties specified above, the village chief carries out the duties determined by Decree 198-SL/DUHC, which original remain unchanged.

2. The deputy village chief for administration has responsibility for coordinating of the activities of the commissioners on the village administrative committee (with the exception of the commissioner for military affairs) in accordance with instructions from the village chief, and substitutes for the village chief when he is absent or busy with other work.

If necessary, the village chief can delegate authority to the deputy village chief to decide a number of matters or to review a number of documents for which the village is responsible, with the exception of permission to make budget expenditures.

3. The deputy village chief for security has the following duties in addition to those specified in article 28 of Decree 198-SL/DUHC:

He follows closely political activities, intelligence organizations, PSDF, youth, and sports.

He substitutes for the village chief on political and military matters when the latter is absent or busy with other work.

4. The commissioner for military affairs directly commands the Popular Forces units assigned to village and has responsibility for defense, patrols, ambushes, searches, and operations to destroy the enemy in accordance with the village chief's plan.

5. The commissioner for agriculture and land reform is responsible for matters concerning lands and agriculture as follows:

Development of agriculture, fisheries, animal husbandry, and most important implementation of the land reform program.

Maintenance and updating of village maps and registers on village lands.

Assistance to personnel from the land office in surveying lands and drawing of maps.

Supply of documents to the village chief for attestation of certificates of real property.

Coordination with commissioners for finance and taxation on management of village lands and fields and establishment of land tax rolls.

Execution of all work connected with land reform and ceding of village lands.

Classification of village lands and establishment of statistical records on them.

Collection, safekeeping, and forwarding of monies generated by sale of ex-appropriated lands, land purchased by the Government but not yet resold to private farmers, and agricultural credit monies.

6. The commissioner for finance has responsibility for managing village finances, property, budget, economy, and supplies. He conducts research on methods of increasing village resources. He is the village treasurer.

7. The commissioner for legal documents has responsibility for maintaining a register of legal documents, notarizes, and makes copies of birth, marriage, and death certificates for people in the village.

8. The commissioner for taxation has responsibility for establishing tax rolls and collecting taxes.

9. The commissioner for social welfare and culture has responsibility for social welfare and cultural matters, education, adult literacy training, reconstruction, labor affairs, public health, and public sanitation.

Article 6: Village Office:

1. The Chief Secretary is relieved of his duties as village treasurer. His other duties specified by article 35 Decree 198-SL/DUHC are not changed. In Class B villages the chief secretary runs the village post office.

2. The secretary helps the chief secretary manage the village office and substitutes for him when he is absent or busy with other work. He also runs the village post office.

3. The information/Chieu Hoi cadre is responsible for information, propaganda, Chieu Hoi, and mobilization of the people in the village.

4. Technical cadre have multifarious duties; they take care of special matters assigned by the village chief. Regulations on them will be determined by MOI at a later date.

Article 7: Duties of the hamlet management board are determined as follows:

1. The hamlet chief is responsible for those duties specified in article 39 of Decree 198-SL/DUHC. In addition he is responsible for directing forces under his authority, including Popular Forces, in accordance with orders from the village chief.

2. The deputy hamlet chief for administration assists the hamlet chief and substitutes for him on administrative matters when the latter is absent or busy with other work.

3. The deputy hamlet chief for security assists the hamlet chief on matters of security, intelligence, politics, youth, and sports, and substitutes for him on military and political matters when the latter is absent or busy with other work.

4. The hamlet special assistant for military affairs directly commands Popular Forces assigned to hamlet, and has responsibility for defense, patrols, ambushes, searches, and operations to destroy the enemy according to the village chief's plan.

5. The information/Chieu Hoi cadre has responsibility for information propaganda, Chieu Hoi, and mobilization of the people in the hamlet.

Chapter 4 - Procedures for Installation in Office

Article 8: The village chief is elected by the village council according to procedures specified by article 24 of Decree 198-SL/DUHC, and has special responsibility for establishing the village administrative committee of which he is chairman.

Article 9: The commissioners on the village administrative committee are appointed by the village chief and relieved from office by his decision with the concurrence of the village council, in accordance with procedures specified in article 25 of Decree 198-SL/DUHC. The commissioner for military affairs is selected from the Popular Forces.

The deputy village chiefs for administration and security are appointed by the province chief as representative of the Ministry of Interior on recommendation of the village chief after consultation with the village council.

Article 10: The Chief secretary, secretary, and technical cadre are appointed by the province chief.

Article 11: The information/Chieu Ho: cadre at village and hamlet are recruited, trained, appointed, and administered by the Ministry of information.

Article 12: The hamlet chief is elected by the people in accordance with procedures specified in article 37 of Decree 198-SL/DUHC.

The deputy hamlet chiefs for administration and security and the hamlet special assistant for military affairs are appointed by the village chief on recommendation of the hamlet chief with concurrence of the district chief.

Article 13: Limit of the authority of the village council to make fiscal decisions as specified by article 15 of Decree 198-SL/DUHC, paragraphs 3, 5, and 6, is raised from 50,000\$VN to 100,000\$VN before these decisions must be approved by the province chief prior to their implementation. Temporary village administrative committees do not receive this increase in fiscal authority.

Article 14: Authority of the village council to make fiscal decisions specified by article 14, paragraph 2, and article 15, paragraph 1 of Decree 198-SL/DUHC are changed as follows:

Decisions of the village council related to the village budget are to be approved by the province chief before they are implemented, regardless of the sum of money involved.

Article 15: Any previous stipulations at variance with this decree are abolished.

Article 16: The Deputy Prime Minister, minister of states, minister, under secretaries and province chiefs have responsibility for carrying out this decree.

This decree will be printed in the Office Gazette of the Republic of Vietnam.

Saigon, 1 April 1969

Signed: TRAN VAN HUONG

From: The Prime Minister

To The Deputy Prime Minister
The Minister without Portfolio
Ministers
Vice-Ministers
Province Chiefs

Subject: Village and Hamlet
Reorganization

Reference: Decree #045-SL/NV
dated 1 April 1969

I have just promulgated Decree #045-SL/NV dated 1 April 1969 as an amendment to Decree #198-SL/DUHC dated 24 December 1966 aimed at augmenting the composition and authority of village administrative committees and hamlet management boards.

I hereby transmit to all government agencies, including municipalities and provinces, general guidance on the interpretation and implementation of Decree #045.

I. REASONS FOR REORGANIZATION

Under Decree #198, low levels of government enjoyed a liberal grant of authority. However, local experience demonstrated that the administrative machinery of villages and hamlets should be made more effective through reorganization, as follows:

- Provincial supervision of village accounts is rather strict, causing the Village Administrative Committees (VAC's) to be rather impotent.
- Review of the village budgets must pass the provinces or the central government, is very complicated and time-consuming.
- There are too few (village) executive personnel, so their activities are ineffective, especially they lack technical cadre to help in development matters.
- Because the authority of the VAC Chairman is weak, it is difficult (for him) to maintain prestige.
- Basic articles 72, 73 and 74 of the Constitution have not yet been implemented.
- There have not yet been measures to increase village resources and to use the village budget as intended.
- Treatment of personnel is not yet equitable.

II. OBJECTIVES OF REORGANIZATION

Pending the promulgation of a law regulating the organization and operation of local administration (as required by Article 70 of the Constitution), Decree #045-SL/NV dated 1 April 1969 satisfies a number of the requirements imposed by the present situation, as follows:

1. Conformity to the Constitution

- The Village People's Council is renamed the Village Council (Article 73 of the Constitution).
- The Village Administrative Committee Chairman is retitled the Village Chief (Article 72 of the Constitution).
- The positions of Deputy Village Chief for Administration and Deputy Village Chief for Security are included in the VAC (Article 74).
- The principle of decentralization of authority (Article 70) is respected.
- Village chiefs are elected by the village councils from among their membership (Article 71).

2. Strengthening the Composition of Village/Hamlet Government

- The VAC, formerly 6 members, is now increased to 9 members in a Class A village and 8 in a Class B village.
- The Hamlet Management Board, formerly 3 or 4 members (depending on whether hamlet had more or less than 3000 inhabitants), is now increased to five members.
- The Village Office, formerly 3 people, is now increased to five personnel in a Class A village.
- A new kind of cadre, technical cadre, is created to assist the VAC.
- Two new positions, Legal Documents Commissioner and Tax Commissioner are created.

3. Increasing Authority

- (The village is) the agency of resolution in financial matters.
- (The village is) the agency of execution in all matters.

4. Placing Important Functions in the Right Locations

- The Information Commissioner and the Information Assistants are replaced by Information/Chieu Hoi cadre in the Village Office and Hamlet Management Board. They are recruited, trained and appointed by the Ministry of Information and Chieu Hoi, creating a strong Information/Chieu Hoi system from the central to the local level.

-- The duties of Village Treasurer are transferred from the Chief Secretary to the Finance Commissioner, to demonstrate village/hamlet autonomy.

-- The Village Chief is freed of the duties of civil registry to allow him more time to direct and carry out village affairs, especially the pacification/development plan.

-- Two Deputy Village Chiefs are created to assist the Village Chief in administration and security to execute the duties delegated by the people.

-- A Military Commissioner and a Military Assistant are present in the VAC and Hamlet Management Board to stress village authority over its own security.

-- The (duties of) Finance Commissioner are separated from (those of) the Deputy Chairman of the VAC so that (he may) have sufficient time to carry out delegated duties.

III. ORGANIZATIONAL STRUCTURE

As determined in Decree #198-SL/DUHC dated 24 December 1966, responsibility for Village administration continues to be established in two agencies:

-- The Village Council is the agency of resolution.

-- The VAC is the agency of execution.

A. The Village Council

1. Composition and Election: No change.

2. Powers: In addition to those powers determined in Decree #198, the following special points (innovations) are noted:

a. Those resolutions not requiring the approval of the Province Chief before execution relating to making and receiving loans, acquisition, transfer, exchange, creation and maintenance of property are raised from a limit of 50,000\$ to 100,000\$. This does not apply to temporary (appointed) VAC's.

b. Resolutions relating to the village budget, no matter that the amount, are reviewed by the province chief prior to execution.

These measures assist the Village Council to have the means for a wider sphere of activities than before and speed the approval of the village budget.

B. The Village Administrative Committee

1. Composition: It is the intent of Decree #045 to broaden the composition of the village executive body. Its composition is determined as follows:

- Village Chief
- Deputy Village Chief for Administration
- Deputy Village Chief for Security
- Military Commissioner
- Agricultural and Land Reform Commissioner
- Finance/Economy Commissioner
- Legal Documents Commissioner
- Taxation Commissioner
- Social Welfare and Culture Commissioner

This is the maximum composition, established in villages of more than 5000 inhabitants (Class A villages). In villages of less than 5000, the function of Finance Commissioner is discharged by the Deputy Village Chief.

In those villages where (full staffing is) not yet necessary, the composition of the VAC may be abridged by having a number of commissioners cumulate other functions.

The Village Chief, the Deputies for Security and Administration and the Military Commissioner may not hold another position in the VAC concurrently (except that the Deputy for Administration is allowed by Decree #045 in a Class B village). Remaining village commissioners may cumulate one or a most two additional functions.

Examination of the requirements of every village to determine if cumulation of functions is permissible will be accomplished by a committee convened by the Province Chief, including:

- Province Chief..... Chairman
- Province Council Chairman..... Member
- District Chief..... Member
- Village Chief..... Member
- Village Council Chairman..... Member

2. Appointment Procedure

The Village Chief continues to be elected by the Village Council and the Commissioners in the VAC continue to be appointed by the Village Chief according to procedures determined in Decree #198.

However, it should be noted that the military commissioner must be chosen from the ranks of the Popular Forces to have sufficient qualifications to execute his function.

The procedure of appointing Deputy Village Chiefs is partly new, as decided in Article 74 of the Constitution: "The government appoints at the side of... Village Chiefs two officials with the responsibility of assisting him in administration and security, as well as other administrative personnel." Thus the Province Chief is delegated authority by the Minister of Interior to appoint two Deputy Village Chiefs according to the recommendation of the Village Chief after (the latter) has discussed the matter with the Village Council.

3. The Temporary Situation: In principal, temporary village administrative committees will no longer exist at the end of 1969, nonetheless I mention them so that the local authorities may resolve in time (the problems which may arise) if the situation requires. (Temporary VAC's) are established in conformity with the procedures outlined in Decree #198; however, the province authorities must study carefully all factors, based on population, to determine the composition (of the Temporary VAC), and in no event may they go past the limit intended in Article 2 of Decree #045. It is possible that one official may hold many positions and thus satisfy the aspirations of the people and simultaneously save public funds.

C. The Village Office

A Village Office is at the disposal of the VAC. It includes:

- Chief Secretary
- Secretary
- Information/Chieu Hoi Cadre
- Two Technical Cadre

This is the maximum composition, implemented only in Class A villages. In a Class B village there is no Secretary and only one Technical Cadre.

Further, according to the demands of work and the capabilities of the affected village, the VAC may recruit a number of subordinate personnel.

The Chief Secretary, the Secretary and the Technical Cadre are appointed by the Province Chief. The Information/Chieu Hoi Cadre are recruited, trained, assigned and managed by the Ministry of Information.

The Technical Cadre are a new kind of cadre just established in the village administration. These cadre are under the management of the Ministry of Interior and are used by the villages under the control of the province chief. A regulation will be published soon.

In the new organization, the Chief Secretary is no longer responsible for the (village) treasury, but rather is responsible purely for general administration and keeping the seals, forms, documents and registers of the village.

In a Class A village, the Secretary is the postmaster. In contrast, the Chief Secretary handles this in a Class B village.

D. The Hamlet Management Board

Without regard to the type of hamlet, (the Hamlet Management Board) includes:

- Hamlet Chief
- Deputy Hamlet Chief for Administration
- Deputy Hamlet Chief for Security
- Military assistant
- Information/Chieu Hoi Cadre

Like the village, the authority of the hamlet authorities has been increased. The Hamlet Chief acts for the Village Chief in the hamlet, carrying out his responsibilities according to the plan and under the control of the Village Chief.

The Hamlet Chief is elected by the people. The Deputy Hamlet Chiefs and the Military Assistant are appointed by the Village Chief on the recommendation of the Hamlet Chief with the agreement of the District Chief. The Military Assistant is chosen from among the Popular Forces.

When disapproving an appointment, the District Chief must explain his reasons. In case of disagreement between District and Village Chiefs, the Province Chief has the power of decision.

In accord with the relevant provision of Decree #045, the Deputy Hamlet Chief is not elected as under Decree #198. It should be noted that although Decree #50-SL/NV of 8 April 1969 refers to the Deputy Hamlet Chief when deciding that village/hamlet elections need not necessarily be held on Sunday as before, the procedure of appointing Deputy Hamlet Chiefs must be implemented as in Decree #045.

Temporary Hamlet Management Boards are dealt with in the same fashion as Temporary VAC's.

IV. RELATIONS BETWEEN THE VILLAGE CHIEF AND VILLAGE FORCES AND CADRE

A. Power and Responsibilities of the Village Chief:

The responsibilities established by Decree #198 remain unchanged, with

-- The Village Chief is released from the function of Legal Documents Commissioner.

-- The Village Chief has the additional responsibility of controlling the Popular Forces and all kinds of cadre within the village sphere of activity

-- The Village Chief is the only official with authority to sign off on the expenditure of funds under 100,000\$ which have been authorized by the Village Council.

-- The powers of the Village Chief have been greatly increased with the object of helping the elected authorities of the village have sufficient means and prestige to protect and manage effectively the interests of the community.

B. Popular Forces, the Military Commissioner and the Military Assistants

1. Appointment: The Military Commissioner is appointed and removed by the Village Chief with the agreement of the Village Council, as determined in Article 25 of Decree #198-SL/DUHC of 24 December 1966.

The Hamlet Military Assistant is appointed by the Village Chief on the recommendation of the Hamlet Chief with the agreement of the District Chief.

2. Employment of Popular Forces: The Village Military Commissioner and the Hamlet Military Assistant directly command the Popular Forces through the operational control and according to the plan of the Village Chief. In case of an operational plan of an inter-village character, the Village Chief must place the Popular Forces under the general operational control of the Subsector Commander.

In a situation of military emergency, the Subsector Commander may move a Popular Forces unit from this village to another but must simultaneously inform the Village Chief.

3. Selection: The Village Military Commissioner is chosen from the ranks of the Popular Forces and must be a most senior platoon leader to have enough prestige to command and control the other Popular Forces platoons in the village.

The Hamlet Military Commissioners who are chosen must be most senior squad leaders.

4. Rewards and Punishments of Popular Forces: The Village and Hamlet Chiefs have the right to recommend rewards for good work by Popular Forces and may also recommend punishment in case of fault.

The District Chief/Subsector Commander must respect the recommendations of the Village and Hamlet Chiefs.

5. Rights

a. Military Commissioner

When assigned as Village Military Commissioner, a Popular Forces platoon leader retains his old position of platoon leader.

In addition to the pay determined according to the Popular Forces regulations (Decree #96-SL/QR of 12 May 1967), he receives an additional position allowance of 1/4 of the allowance of a Commissioner paid by the village budget.

The salary of a Popular Forces platoon leader concurrently Military Commissioner is paid by the Ministry of Defense.

A Village Military Commissioner enjoys all of the rights accorded by the Popular Forces regulations regarding salary increases.

b. Hamlet Military Assistant

The Hamlet Military Assistant also cumulates like the Village Military Commissioner and is also paid his salary by the Ministry of Defense.

In recently pacified hamlets which have not yet a Popular Forces unit, the office of Hamlet Military Assistant shall be held by a PF who is temporarily assigned by the District Chief/Subsector Commander and appointed by the Village Chief according to the procedure established in Article 12 of Decree #045.

The Hamlet Military Assistant also enjoys one-quarter of an assistant's position allowance and all of the rights accorded by the PF regulations with regard to salary increases.

C. National Police

With the purpose of executing and defending the law and at the same time assisting in the maintenance of order and security in the village, National Police must be deployed to the lowest unit of government. National Police subdistricts are placed under the operational control of the Village Chief.

1. With respect to the Village Chief: The subdistrict Police Chief is his assistant in the enforcement of the law.

2. With respect to the Deputy Village Chief for Security: The subdistrict Police Chief is:

a. Assistant for security and public order;

b. Agent for action on all violations of law and collection of evidence;

c. Organizer and manager of intelligence nets, including people's intelligence;

d. Organizer and manager of the village National Police structure for which a subdistrict Police Chief is responsible by Decree #176-SL/NV of 26 December 1968 regarding organization and operation of National Police branches.

D. RD Cadre

The leader of the RD Group operating in the village is the Village Chief's Assistant for Pacification and Development. The RD Group is under the employment [op con] of the village chief.

E. Information/Chieu Hoi Cadre

In the area of operations, the I/CH Cadre is placed under the operational control of the village chief and hamlet chief in the sphere of information, chieu hoi and popular proselytizing in the locality.

This cadre is recruited, trained, appointed and managed directly by the Ministry of Information through the intermediary of the province and district information services.

In the area of technique, the I/CH cadre executes the directives of the Ministry of Information regarding the policy and style of technical work, through the Province Psyops Coordinating Committee and the province and district VIS.

F. Relationships at Village and Hamlet

In summary, aimed at respecting the principle of unity of command at low levels, the Province and District Chiefs must carry out exactly their authority of supervision, and they must not for any reason invade the internal affairs of the village/hamlet administration contrary to current regulations. This is a specially important matter which the local authorities must take note of and execute properly, to raise up the prestige of the elected village/hamlet authorities.

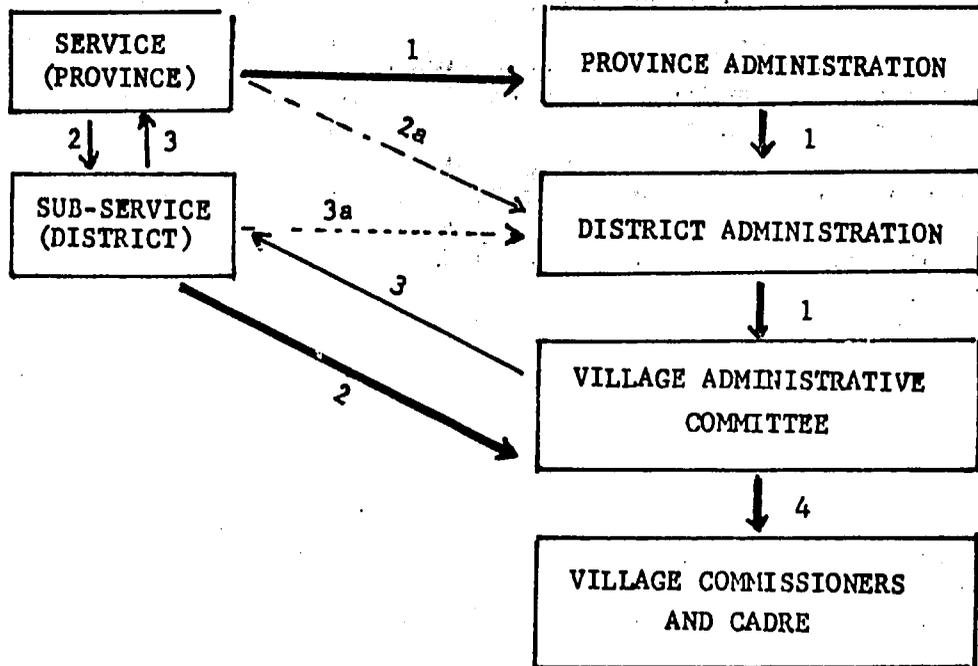
Besides, although the Central Government insist stress the importance of a number of necessary missions in the local areas, the principle of the Village Chief's unity of command must be strictly respected.

1. Matters within the province of programs, style of work and policy of the government as well as concentration and coordination must be directed or "ordered" by the Province and District Chiefs.

2. Detailed instruction and purely technical matters must be sent directly to the Village Chief by the services, and then, according to their nature, are referred by him to the appropriate commissioners or cadre.

Direct contact between technical agencies at province and district and the VAC must be encouraged and helped to develop to create understanding, additional experience and more effective service to the people.

These relationships may be illustrated as follows:



Explanation (numbers on chart refer to paragraphs below):

1. Directives in the area of overall policies and programs must be reported to the province chief by the province technical services. The province chief transmits the directive to the district administrations for distribution to the villages (Route 1).
2. Detailed, purely technical instructions will be sent by the province services to their respective district sub-services (Route 2), with an information copy to the district chief (Route 2a). Sub-services will distribute such instructions to the Village Administrative Committees.
3. When a task is completed or difficulties are encountered in execution, the village chief reports this to the sub-service (Route 3). Sub-Service consolidates this information and reports to its respective service, with an information copy to the district chief (Route 3a).
4. To respect the principle of unity of command, every directive or instruction, no matter what its content, must be sent to the village chief for him in turn to distribute to the appropriate village commissioner or cadre for action (Route 4).

V. ASSIGNMENT OF OFFICIALS IN THE VAC AND HMB

In addition to the positions of Military Commissioner and Military Assistant, held by PF, all other positions in the VAC and HMB must be reserved for local civilians. Although the central government knows that the localities now are facing much difficulty in personnel matters, nevertheless, this is a great test to reveal the effort of the various levels of local administration in the building up of an rendering more effective the lowest units.

Particularly regarding the positions of Deputy Village Chief and Deputy Hamlet Chief, the conditions relating to their appointment are similar to those relating to Commissioners in the VAC outlined in Circular #96-DUHC/NC/6 dated 9 January 1967.

Further, in the recent hamlet elections, a number of deputy hamlet chiefs were elected. In this case, the local authorities must skillfully invite them to remain part of the HMB's because, although elected or appointed, the ultimate objective is to serve the interests of the community.

On receipt of this circular, all levels are requested to press forward immediately the reorganization according to the task of each agency, so that the lowest units can soon have a strong and stable position, both in spirit and in substance.

VI. REPORTS

From the end of May, 1969, all provinces must report to MOI their progress in the village/hamlet administrative reorganization as of the end of the month, using forms HC 3/KQ and HC 4/KQ attached to Circular #96-DUHC/NC/6 of 9 January 1967.

The reports must discuss all unusual difficulties and make appropriate recommendations. They must be sent before the 5th day of every month.

The village/hamlet reorganization is a key task in the P/D program. The government places complete trust in all levels, from center to localities. For this reason, the success or failure of the work of building democracy and consolidating the village and hamlet authority, depends on our common effort.

Thus, I urge all levels, especially the provinces, to execute strictly all of the instructions above, zealously contributing the maximum to this important mission.

TRAN VAN HUONG
Prime Minister

Republic of Vietnam
Office of the Chairman
Central Executive Committee

Decree No. 199-SL/DUHC
Signed 24 December, 1966

GOVERNING ELECTION OF VILLAGE COUNCIL MEMBERS, HAMLET CHIEFS
AND DEPUTY HAMLET CHIEFS.

Decree:

Article 1. This decree provides for the election procedures of village council members, hamlet chiefs and deputy hamlet chiefs.

Chapter I
GENERAL PROVISION

Article 2. Village council members are elected through universal suffrage by direct and secret ballot with a simple majority.

Each village is a unique constituency. The number of village council members to be elected will be fixed by the province chief concerned based on the population of each village in accordance with the following:

- Up to 2,000 Inhabitants, 6 members
- From 2,001 to 5,000 Inhabitants, 8 members
- From 5,001 to 10,000 Inhabitants, 10 members
- Above 10,000 Inhabitants, 12 members.

Hamlet chiefs are also elected through universal suffrage by direct and secret ballot and with a simple majority.

In hamlets having a population of more than 3,000 a deputy hamlet chief will be elected at the same time as the hamlet chief.

Each hamlet is a constituency for purposes of electing a hamlet chief and deputy chief (if any).

Article 3. Upon recommendation of the district chief concerned the province chief will establish and announce:

- a. The date of election and number of village council members.
- b. The date of election of hamlet chiefs and deputy chief and the hamlets for which deputy hamlet chiefs will be elected.

Article 4. Elections for village council members, hamlet chief and deputy hamlet chiefs must be held on a Sunday at least two weeks before the expiration of the term of office of outgoing village councils or of hamlet chiefs and deputy hamlet chiefs.

Elections for village councils are to be managed by the district chief concerned and under the control of the province chief. Elections of hamlet chiefs and deputy hamlet chiefs are to be conducted by the village administrative committee concerned and under the control of the district chief.

Article 5. In each province, a Board will be established to consider the list of voters and the slate of candidates, to determine the form of the ballots and to review the election returns in each village.

The composition of this Board is as follows:

- Province chief or his representative..... Chairman
- Senior judge in the province or his representative..... Member
- District chief concerned or his representative..... Member
- Two provincial councillors designated by that council.. or two notables chosen by lot to represent the people. Member
- A representative of the office of the province chief... (This official has no right to vote)..... Recorder

Article 6. In each district a Board will be established to consider the list of voters and slate of candidates, to determine the form of the ballots and to review the election returns in each hamlet.

The composition of this Board is fixed as follows:

- The Chairman of the Village Administrative Committee
- District chief or deputy district chief: Chairman
- A member of the village council or a notable chosen by lot to represent the voters: Member
- Chief clerk of the village administrative committee: Recorder (This official has no right to vote).

Article 7. Prior to assuming this duty all officials in charge of the election must take a written oath as follows:

"I affirm that I have read and understand the provisions concerning the election and I pledge myself to perform my duties in organizing the election in compliance with the procedures prescribed according to law."

Chapter II
VOTERS

Article 8. Voters to elect village council, hamlet chiefs and deputy hamlet chiefs are all persons, whether male or female, who hold Vietnamese citizenship, who are at least 18 years of age by 31 December of the year preceeding that in which the election is held, who reside in the village concerned and have their names registered on the list of voters; excepted from the above are individuals who have been deprived of civil rights by a court.

Each citizen is allowed to have his name on only one voters' registration list. If need be, he will be provided with a voter's card.

Procedure governing preparation and issuance of voter's cards will be fixed by the Special Commissioner for Administration through an Arrete.

Article 9. The list of voters will be set up by the chief clerk of the village administrative committee and approved by the district chief concerned and will be posted for the first time forty (40) days prior to the date of election at the office of the village administrative committee and of the hamlet chief.

Article 10. Any eligible voter who finds his name omitted or erroneous may lodge a complaint.

The complaint must be filed with the office of village administrative committee or hamlet chief within ten days from the date the list of voters is posted for the first time. Upon submission of the complaint, the person concerned will be provided with an acknowledgement.

The district chief will, within three days after expiration of the time limit mentioned above, gather the list of voters for village council elections and the complaints, if any, and will transmit them for consideration by the Board provided for in Article 5.

Likewise within three days after expiration of the time for lodging complaints, the village administrative committee will take the list of voters for hamlet chief and deputy hamlet chief elections, together with any complaints, for consideration by the Board provided for in Article 6.

Article 11. The list of voters must be considered by the board and returned to the district chief of the village administrative committee within seven days.

The district chief or the village administrative committee will have these lists of voters posted for the second time in places provided for in Article 9 above at least eighteen days prior to the date of election.

Chapter III
CANDIDATES

Article 12. Any citizen, male or female, who fulfills the following conditions is eligible to run for membership on the village council or for hamlet chief or deputy hamlet chief:

1. Must have been a Vietnamese national without interruption since birth or have been a naturalized Vietnamese for at least five (5) years, or have been reinstated as a Vietnamese citizen at least three (3) years prior to the submission of his application for candidacy.
2. A village council candidate must be at least twenty five (25) year of age as of the date of the village council election; a candidate for hamlet chief or deputy must be at least twenty one (21) years of age as of the election date for hamlet chief and deputy.
3. Must not have been deprived of civic rights.
4. Must have actually and regularly resided in the village concerned for at least one (1) year prior to the date of applying for candidacy.
5. May not be in one of the categories presented in article 13 below.

Article 13. The following are not eligible for candidacy:

1. Those who have been sentenced by a criminal court for commitment of a felony.
2. Those who have been sentenced by a criminal court for commitment of a misdemeanor such as burglary, falsification, outrage of good morals, bribery, misuse of one's influence or embezzlement of public funds.
3. Those who have been sentenced to imprisonment for at least three months for other misdemeanors with the exception of cases resulting from negligence and carelessness. However, deserters from a traffic accident are not eligible for candidacy.
4. Those who are deprived of civic rights or disqualification by the court in accordance with current regulations and laws.
5. Those are under guardianship or who suffer a mental defect.
6. Those bankrupt merchants who are not yet rehabilitated.

7. Those whose military draft status is not regular and those who are not responsive to a draft call.

8. Those government officials, cadres, servicemen and other government personnel in any branch who, as a result of disciplinary action, have been removed, dismissed or declared to have resigned.

9. Those who directly or indirectly work for the communists or pro-communist neutralists or for the benefit of communists.

Paragraphs 1, 2, 3, 4, and 8 above do not apply to those who have been granted a rehabilitation of civic rights in accordance with Decree-Law No. 4/63 dated 24 December 1963 or who have been given amnesty in accordance with Decree Law No. 083/SL/CT dated 29 January 1964 and subsequent documents.

Article 14. Application for candidacy for the village council must be submitted to the office of district chief and application for candidacy for hamlet chief and deputy hamlet chief must be submitted to the office of village administrative committee at least thirty (30) days prior to the election date, the following papers must be attached thereto:

1. Birth certificate or a copy of the ID Card.
2. Court Record form No. 2 not exceeding three months from the issuing date.
3. Certificate of residence issued by village administrative committee.

Article 15. The list of candidates will be set up in alphabetical order and posted immediately after the expiration date for submission of candidacy applications. (At places designated in Article 9)

Within six (6) days from the day the slate is posted, voters and candidates in the village or hamlet concerned who have complaints about candidates may submit them to the office of the district chief or the village administrative committee. Within two (2) days after the expiration of this period the list of voters plus any complaints, will be transmitted for consideration by the Board provided for in Article 5 or 6 above.

The list of candidates must be considered by the Board and returned to the district chief or to the village administrative committee within five days. This list will be posted for the second time at least fourteen days prior to election day.

Article 16. Information on each posting of the list of voters and of the slate of candidates as well as on the expiration of time for lodging complaints, must be recorded by village and hamlet officials.

Chapter IV
ELECTION CAMPAIGN

Article 17. The election campaign will be organized on the basis of complete equality for all candidates.

Article 18. In each village or hamlet, there will be a campaign committee composed of candidates or their representatives; each candidate may appoint one representative.

The campaign committee will elect a chairman to direct its work and to serve as liaison officer with village/hamlet authorities during the campaign.

The campaign committee will be convened by the village or hamlet administration promptly after the list of candidates is posted for the second time.

Article 19. The campaign committee establishes the procedures for the election campaign within the financial capability and physical facilities of the area. No one can use any other means of campaigning beyond those provided for by the campaign committee.

Article 20. The campaign begins at the earliest eight (8) days before election day and ends at noon the day before the election.

Chapter V
VOTING PROCEDURE AND VOTE COUNTING

Article 21. The printing of ballots for candidates for the village council will be managed by the district chief, and the printing of ballots for candidates for hamlet chief and deputy hamlet chief will be handled by the village administrative committee under control of the district chief.

Each ballot will have but a single name and will be made of white paper in accordance with a sample form determined by the Board described in Article 5 or 6. On each ballot will be printed the name of only one candidate together with his unique emblem in a square at the upper right corner to help the voters distinguish the various ballots.

Ballots must be bound in booklets of 100 sheets. Each booklet must bear a serial number on its cover.

Article 22. Voting places will be determined by the district chief or village administrative committee and made public at least three days before the election day.

Each polling booth will be managed by a committee composed of a head and an even number of members. The committee head, designated by the district chief or village administrative committee, must be selected from among respected persons who know the election law. The committee members will be chosen by the chairman from among the voters present at the start of the voting, in particular those persons who hold an elective position in the locality.

Each candidate has the right to send one observer to the polling booth to witness the operations. Observers must have certificate issued by their respective candidates and authenticated by administrative authorities. They may ask the committee head preparing the committee's report to include notes of any complaints.

Article 23. The vote casting starts at eight o'clock (08:00 hrs) and ends at 4 o'clock (16:00 hrs) the same day. Operation of the polling booth is an official public function.

Article 24. When voting starts, the committee head and members must sign the pledge in Article 7 of this decree.

Then the committee head opens the ballot box to show the public that it is empty and has only a small slot for admitting the envelopes containing the ballots.

Thereafter, the ballot box must be locked by two different locks, the custody of which will be entrusted to the committee head and the eldest member, one key to each.

At the closing of the polls if both keys cannot be found the committee must try by all means to open the box and must mention the incident in its report.

Article 25. Each voter must cast his vote personally and may not have someone else do it for him.

When entering the voting place, the voter must show his identify card and voter's card, as mentioned in Article 8, to a member of the voting place committee. Then he is given an envelope and ballots of the candidates, one for each candidate.

The voter enters the voting booth alone. For the election of the village council he selects the ballots of the candidates he chooses and put them in the envelope. For the election of hamlet officials the voter will select the ballot of the one candidate he chooses as hamlet chief except that if a deputy hamlet chief is also to be elected, the voter will select the ballots of two candidates and put them in the envelope. He must tear up all the remaining ballots and put them in a basket placed there. Upon leaving the booth the voter holds the

envelope high and then drops it in the ballot box. Any disabled voter who cannot cast the ballot himself may ask the committee head for authorization to select a voter to help him. The committee head has full power of decision in such a case.

In cases where voting cards are used, after the voter has cast his ballot a committee member stamps a seal on his voting card and cuts off one corner. All these corners must be retained as a means of counting the number of voters. In cases where voting cards are not used, the voter must sign his name or stamp his fingerprint on the voters' list.

Article 26. At the conclusion of voting, the committee head must count the detached corners of the voting cards or the number of signatures and fingerprints and must check the number of ballots issued to determine number of voters. The result will be made known to the public and mentioned in the tally sheet.

The committee head will choose some of the voters present who can read and write to count the votes. These persons will be seated four per desk. Each candidate is allowed to designate his own vote-counter. The individuals will be assigned in equal numbers to each desk.

The committee head opens the ballot box and has the enclosed envelopes counted. If the number of envelopes is more or less than the number of voters who have voted, this must be stated in the report.

The committee head divides the envelopes among the desks. At each desk, the first vote-counter opens the envelopes and if he finds the ballots do not show any of the irregularities prescribed in Article 27, hands them to the second counter who reads the candidate's name aloud, the ballots will then be passed on to two other persons who will record the result on two separate tabulation sheets.

Article 27. The following cases can be considered invalid:

- a. Envelopes which contain nothing.
- b. Envelopes which contain papers other than the ballot issued.
- c. Ballots which are not in an envelope.
- d. Ballots with the candidate's name torn away.
- e. Envelopes containing more ballots than number of the village council members or hamlet chief and deputy hamlet chief to be elected. However if these excess ballots all bear the name of the same candidate, this is to be accepted as one vote.
- f. Envelopes or ballots which show an erasure or additional words or signs.

The head and one member of the committee must sign their names on invalid envelopes or ballots which will be enclosed with a report explaining why they were declared invalid. If they are not so enclosed the voting is nullified in those cases where the invalid votes, if counted, would change the result.

Article 28. As soon as the votes have been counted, the committee in charge of the voting place affirms the result and signs all four (4) copies of the report.

The committee head posts one (1) copy at the voting place, keeps one and immediately sends the two other copies with complete documentation to the central voting station for the final result to be consolidated.

Each village or hamlet has, depending on the election, one central voting station.

With respect to the election of the village council, the main voting station of each village is at the administrative committee office. For the election of hamlet chief and deputy hamlet chief the main voting station is the hamlet office.

The committee in charge of the main voting station is comprised of a head and an even number of members. The head and members are designated in accordance with the procedure stipulated in article 22.

The committee in charge of the main voting station has the task of totaling the vote count, preparing report in three copies, and posting the temporary result in the village or hamlet.

Article 29. Within the limits of the number of members to be elected for the village council, the candidates who win the largest number of votes are declared elected. In case of a tie, the eldest candidate is declared elected.

For the position of hamlet chief the candidate who wins the largest number of votes is declared elected. In those hamlets that require it, the candidate who wins the next most votes is declared elected as deputy hamlet chief. In case of a tie, the eldest candidate is declared elected.

Article 30. The election reports prescribed in Article 28 must be submitted to the Board described in Article 5 or 6 at least three days after the election day.

This Board reviews the voting file and announces the final result.

Article 31. The result of the election of the village council shall be ratified by a decision of the province chief. The decision of the province chief must be made known to the newly elected village council members at least three days prior to the expiration of the term of the current council members.

The result of election of hamlet chiefs and deputy hamlet chiefs shall be ratified by the district chief. The election result must be sent to the newly elected hamlet chiefs and deputy hamlet chiefs at least three days prior to the expiration of current term of office.

Chapter VI COMPLAINTS AND LAWSUITS

Article 32. Any voter or candidate in each village or hamlet has the right to file complaints about the election in his village or hamlet. Letters of complaint must state the sound reasons and will be sent in triplicate to the office of the Board chairman stipulated in Article 5 or 6 within three days following election day. Upon receiving a letter of complaint the Board will issue a receipt. The Board must immediately notify, through administrative channels, the candidate whose success raises an objection in any letters of complaint and must advise him that he has a period of 10 days in which to file a rejoinder at the office of the Board chairman.

Article 33. After the above period, all letters of complaint, rejoinders and reports of the election, together with the invalid ballots and envelopes, must be transmitted to the Administrative Court through the Special Commission for Administration.

The committee may refuse to transmit the letters of complaint if it finds the complaint not well-founded.

The Administrative Court will sit in judgement within one month from the date of receipt of the file.

The judgement of the Administrative Court will be transmitted to the Special Commissioner for Administration, the local Province Chief and the concerned parties within a period of 10 days.

Article 34. Concerned parties may file an appeal against the judgement of the Administrative Court before the Council of State. Appeals at law should explain the reasons and will be sent in triplicate to the Office of the Secretary General of the Administrative Court or Council of State within 10 days from the date of notification of the judgement.

Appeals at law may be sent by registered mail; the date on the seal of the post office will serve as proof for the Council of State as to whether the appeal at law is made within the prescribed time limit.

The party making the appeal when sending his letter of complaint as stipulated above, must also submit two copies of his letter to the local provincial administrative office. The province chief must immediately notify the defendant by sending him one.

Considering the Constitution of the Republic of Vietnam dated April 1st 1967;

.....
Considering the National requirements; and after Cabinet Council discussion,

D E C R E E S:

Article 1. From 01-01-1969, a number of time limits relating to the village people council and hamlet chief and deputy hamlet chief defined by Decree #199-SL/DUHC dated 12-24-1966 are modified as follows:

1. Concerning Electors

- Electors name lists will be posted the first time twenty-two (22) days before the election day.
- The time limit for making objections to names on electors lists is now five (5) days from the day following the posting of the electors list.
- Two days (2) after the above time limit, the electors list will be consolidated and transmitted to the Commission for consideration.
- The commission must consider and send back this electors list within three (3) days.
- The electors list will be posted the second time at least ten (10) days before the election day.

2. Concerning Candidacy and Election Campaign

- The petition for candidacy has to be presented at least twenty-two (22) days before the election day and the list of candidates will be posted for the first time the day following the one on which candidate petition deposit are no longer accepted.
- The time limit for objections about the candidacy is five (5) days following the first posting of the candidate list.
- The day following the last day of the above mentioned objections can be made, the candidate list and the objections, if any, will be transmitted with opinion to the Election Commission.

- The Commission must consider and return them within three (3) days.
- The candidate list will be posted the second time at least ten (10) days before the election day, and the election campaign committee will be convened at the same time.
- The time for election campaign begins five days before the election day and ends at noon the day before the election.

3. Complaints and Lawsuits

- Protests as to the elections must be presented within four days after the election.

Article 2. All Minister of State, Ministers, Under-Secretaries of State, Provinces are, according to their respective responsibilities, charged with the execution of the present Decree.

This Decree will be published in the Official Journal of the Republic of Vietnam.

Saigon, January 4, 1969

S/S: TRAN VAN HUONG

REPUBLIC OF VIETNAM
OFFICE OF THE PRIME MINISTER

No. 004-SL/NV

THE PRIME MINISTER

Considering the Constitution of the Republic of VN of April 1, 1967

Considering decree #394TT/SL dated 1 Sept. 1969, fixing the composition of the Government;

Considering Ordinance #57-a, dated 24 Oct. 1956 prescribing the organization of national administrative machinery;

Considering decree #198-SL/DUHC dated 24 Dec. 1966 and the subsequent documents reorganizing the village/hamlet administrations;

Considering decree #199-SL/DUHC dated 24 Dec. 1966 and the subsequent documents especially decree #003-SL/NV dated 4 Jan. 1969 prescribing the procedures for the elections of village council members and hamlet chiefs; and

Considering the proposal of the Minister of Interior

D E C R E E S

Article 1. Number of time-limits for the elections of village council members and hamlet chiefs previously prescribed by Article 1, decree #003-SL/NV dated 4 Jan. 1969 (which amended decree #199-SL/DUHC dated 24 Dec. 1966) are redetermined as follows:

1. Electorate

The list of electors will be posted the first time 26 days before the election day (E;-26).

The list of electors will be posted the 2nd time 12 days at the latest before the election day (E: -12).

2. Candidacy and election campaign

The applications of candidates should be submitted 30 days at the latest before the election day (E:-30) and the list of candidates will be posted the first time right after the deadline for submission of applications of candidates expires.

The time-limit for objections against candidates in 5 days immediately after the list of candidates is posted the first time (that is E:-28 up to E:-24).

The list of candidates and objections (if any) with comments will be transmitted to the Commission 16 days at the latest before the election day (E:-16).

The list of candidates will be posted the 2d time, 11 days at the latest before the election day (E:-11). The Election Campaign Board will be convened at the same time.

The time for election campaign will start 5 days at the earliest (E:-5) before the election day and close exactly at 12 noon, the day preceding the election day.

No change as the rest

Article 2. Vice Premier Ministers without portfolio, Minister, Deputy Ministers are charged with the execution of this decree concerning their areas of responsibilities.

This decree shall be publicized in the official gazette of the Republic of VN.

SAIGON 9 January 1970

TRAN THIEN KHIEM

S/S

ELECTION TIMETABLE
FOR
VILLAGE/HAMLET ELECTIONS
1970

1. Deadline for filing petitions for candidacy..... Election Day - 30
2. Deadline for posting of candidates list E-Day - 29
3. Deadline for posting of voters list..... E-Day - 26
4. Deadline for objections to names on candidates list.... E-Day - 24
5. Deadline for objections to names on voters list..... E-Day - 21
6. Deadline for second posting of voters list..... E-Day - 12
7. Deadline for second posting of candidates list..... E-Day - 11
8. Beginning of campaigning..... E-Day - 5
9. End of campaigning..... E-Day - 1/2 (noon)
10. Balloting..... Election Day

USAID/ADPA
February 1970

TAB VII

CHAPTER VII

TAB VII

FINANCE

TAB VII

FINANCE

All materials on fiscal affairs have been deleted from this publication of The Blue Book, since two other USAID/ADPA publications have been issued on that subject.

One publication (The Finance and Accounting System of the Republic of Vietnam) contains the basic finance and accounting law plus DGBFA regulations covering preparation, adoption and implementation of National and local budgets. The other (Short title: The Yellow Book) contains additional information on Province and Village Budgets plus a rather complete compilation of the laws governing taxes and other revenues that are available to the local government.

Copies of both of these publications have been given wide distribution within the American Community, extending to the World District Advisory Teams. However, additional copies for those desiring same are available at USAID/ADPA, CORDS/CDD and at the office of the Senior Public Administration Advisor in each of the CORDS Regional Headquarters.

USAID/ADPA/LGR
October 1970

TAB VIII

CHAPTER VIII

TAB VIII

CIVIL SERVICE

TAB VIII

TAB VIII TAB VIII TAB VIII TAB VIII TAB VIII TAB VIII TAB VIII TAB VIII

Re-print of a paper prepared by:
Mr. Elliott, USAID/ECON and Mr. McCarthy, USAID/PA
dated 6 August 1968

Pay and Allowances of the CIVIL SERVICE of the Government of the
Republic of Vietnam (GVN)

There is a general lack of understanding of GVN Civil Service compensation, and yet this is a key project in GVN administrative reform. The confusion results from the complex method of salary computation and a succession of uncodified laws on Civil Service pay and allowances, neither of which has ever been dealt with in an integrated manner by the government. The computation is a series of inter-dependent calculations which has evolved from patchwork legislation designed to alleviate certain immediate problems. A further complication arises because one of the laws governing wages has not been enforced. In addition, the large number of decrees, decisions, and arretes, which deal with Civil Service pay and allowances are not available in one published source; long involved search is required if these documents are to be found. Some of the basic documents issued by the French do not appear to be available anywhere in Vietnam. Appendices B and D contain the most up to date collection of these basic documents which deal with civil service compensation, as of this writing (July 1968). However, except for a detailed listing, this compilation is lacking in documentation on the topic entitled "Other Allowances and Monetized Benefits". This is an area for further investigation in which fundamental contributions can be made to public management in Vietnam.

INTRODUCTION: To attain the goals necessary to "economic and social development:, to set up on-going, stable agencies within a government to support and foster growth in the private sector, nations have historically required -- and especially newly developing nations -- a responsive government staffed by an increasingly competent civil service. It is not hard then to understand why the GVN Civil Service has become of vital concern in Vietnam. One of the greatest obstacles to an honest, uncorrupt and motivated civil service is the lack of adequate compensation; yet discussions of this problem are hampered by the general paucity of fundamental data on GVN civil service compensation, the lack of knowledge about comparability between GVN civil service wages and the wages of the Vietnamese employed by the private sector and the U.S. sector in Vietnam. In the past there was a similar lack of comparability between the compensation of the civil servant and the members of the Republic of Vietnam Armed Forces (RVNAF); however, this lack of knowledge has been reduced considerably through recent studies

conducted by the Directorate General of Finance and Audit (DGFA), Ministry of National Defense (MOND), and the Vietnam Advisory Division, Office of the Comptroller, U.S. Military Assistance Command, Vietnam (MACV).

The general purpose of this paper is to describe the basic method of wage computation, to discuss this matter in the framework of a model, and to provide an intra-sectoral analysis (private and public sectors). Based on this analysis, certain recommendations will be proffered.

GVN METHOD OF COMPUTATION: The method by which the GVN computes salaries for career civil servants is given here with the components defined below. The methods used for non-career employees employ variations on the same theme, discussed in later sections:
(Minimum Living Wage) x (120%) = Statutory Minimum Income per month.
Statutory Minimum Income - a multiplier factor for each index point

100
(Multiplier Factor) x (Civil servant's index number) = Basic Salary
(Basic Salary) + (10% Increase in Pay, November 1, 1964) = Present Salary
(Present Salary) less (Pension Deduction of 6%) = Take-home Salary
PLUS: Family Allowance (related to size of employee's family)
PLUS: Higher cost of Living Allowance (related to size of employee's family)
SUB-TOTAL
(Sub-Total) + (Increase in Pay, June 1, 1966, 20% or 25% or 30%)
PLUS: Rice Allowance (related to size of employee's family)
PLUS: Other Allowances and Monetized Benefits.

GROSS REAL INCOME: Examples of computation of a sample population of civil servants' salaries and allowances can be found in the tables of Appendix A.

MINIMUM LIVING WAGE: The minimum living wage of VN\$1020 per month established by decree was considered to be a monthly subsistence income in 1954. It was supposedly the average compiled by the governments of the various regions of Vietnam. The Ordinance establishing the Vietnamese Civil Service July 14, 1950 states that the income of the lowest level civil servant shall be equal to no less than 120% of the minimum living wage, and that the minimum living wage will be re-evaluated every 6 months. The minimum living wage per month established in 1954 has not been changed in the following 14 years. So until recently the lowest position was paid monthly at 120% of VN\$1020, or \$1224 per month. The multiplier VN\$12.24 was derived as follows: the lowest position in the Civil Service was once assigned a comparative index number of 100 points. So each index point was worth VN\$12.24. Each point of the civil servants' index number was multiplied by this amount to determine basic monthly salary¹.

CIVIL SERVANT INDEX NUMBER: Each civil servant is assigned an index number between 100 and 1200 in multiples of 10, based on several factors such as the kind of occupation in which he works, his educational background, and length of government service.²

PENSION DEDUCTION: There is a pension deduction of 6% of the basic wage for career civil servants. This money is deposited in a retirement fund to which the GVN contributes an amount equal to 14% of the basic wage. These amounts are accounted for in this paper under the heading, "Other Allowances & Monetized Benefits".³

PAY INCREASE, NOVEMBER 1, 1964: The Pay increase of November 1964 was 10% of the basic salary; from this is held the 6% retirement deduction for career civil servants.⁴ This increase changed the Index multiplier from VN\$ 12.24 to VN\$ 12.656.

COST OF LIVING ALLOWANCE: The cost of living allowance is the sum of the amount granted to the Civil Servant (VN\$ 1200 per month), and where applicable, the amount granted for his wife (VN\$350 per month) and an amount equal to the number of children multiplied by the allowance per child (\$350 per month).⁵

FAMILY ALLOWANCE: The family allowance is the sum of the amount established for the wife (VN\$350 per month) plus an amount equal to the number of children multiplied by the allowance per child (VN\$250 per month). This allowance and the cost of living allowance are the only ones established in the 1950 Civil Service Act,⁶ although others may be added.

PAY INCREASE OF JUNE 1, 1966: If the sum of the various pay and allowance factors above is less than VN\$ 5000, the increase is 30% of that sum. If the sum is between VN\$5,000 and 10,000, the increase is 25% of that sum. If the sum is greater than VN\$10,000, the increase is 20% of that sum.⁷

RICE ALLOWANCE (June 1, 1967): This is an allowance of VN\$200 per month per family member, including the civil servant.⁸

OTHER ALLOWANCES AND MONETIZED BENEFITS: There are at least 28 different kinds of allowances in this category. A detailed listing of these allowances and their revised rates is provided in Appendix B.

MODEL: Today a civil servant's monthly income can be computed by finding the sum of the following amounts:

Column A		Column B		Column C
Monthly	+	Family cost/living &	+	Functional
Job Pay	+	Family Allowances	+	Allowances
1)		(\$12.656) x (index No.)		
2)		PLUS \$1200		
3)		PLUS \$700 (wife only)		
4)		PLUS \$600 (each child)		
5)		PLUS 20% or 25% or 30% of the sum of Columns A plus B		
6)		PLUS \$200		
7)		PLUS \$200 (wife and each child)		
8)		PLUS car		
9)		housing		
10)		Water gas		
11)		supervisory		
12)		etc.		

RANKING AND PAY

CAREER EMPLOYEES: Rank in the civil service is vested in the civil servant and not in the job. The individual's ranking is located on a ladder or related positions within an occupational grouping called a "cadre". Personnel in categories A, B, & C are assigned to cadres permanently after a probationary period and are assigned a level within that cadre with which a specific index number is associated.⁹ For example, a person may be appointed to the Cadre of Clerks and be classed as Probationary Clerk 5 with the index number of 220.¹⁰ Career personnel have the most rigorous of the entrance requirements.¹¹ They are divided into categories A, B, & C, in descending order, depending on their educational level and/or work experience. Most commonly, the civil servant's category is based on his education, which for category A is interpreted to mean at least a bachelor's degree from a university. Category B personnel are those with a secondary education level, i.e., Baccalaureate II (High school diploma) or Bac I (completion of Grade 11) or sometimes only a First Cycle certificate (Junior High, Grade 9). Category C is reserved for those who have a primary education and perhaps some Junior High School courses.¹²

NON-CAREER EMPLOYEES: The ranking method is somewhat different for non-career personnel. They are ranked in levels like career personnel and are assigned specific tasks. Thus they may do the same work as a Probationary Clerk 5 but they do not have an index number (except in the case of certain assimilated contractuels who are found only in categories A and B), and they are paid a flat rate, depending upon their status and category, as discussed below.

There are three types of appointment in the non-career area (contractual; daily worker; and floater); and there are 8 categories (A; B-1; B-2; B-3; C-1; C-2; D-1; D-2).

CONTRACTUALS: are employed only in Categories A and B-1; and are the only non-career personnel who can legally perform supervisory duties. Thus they are almost indistinguishable from career personnel. For the term of their contract (usually one year and re-negotiable), they enjoy all the benefits of career personnel except pension rights. A contractual may be paid either a negotiated flat sum or have an assimilated index number. (This paper deals only with those contractuels whose method of salary computation is assimilated to that of career personnel, because the flat-sum personnel have a wide range of individually negotiated salary levels which would require a study in itself). Assimilated contractuels' pay is computed exactly like that of career personnel except there is no pension deduction today. A deduction used to be made until (8/9/67) on the basis that a contractual employee should get no more than a career civil servant at the same level.¹³ It should be noted that the entrance requirements for contractuels are less rigorous than those of career personnel, although Bac II or University degree is usually required. In this kind of appointment, however, technical competency is more likely to be accepted as a means of determining category and pay, than career appointments.

DAILY WORKERS: are employed in the B-1; B-2; C-1; C-2; and D-1 categories. The term "daily worker" is misleading because these personnel are no longer hired on a day to day basis as they originally were. They now are hired on a more or less permanent basis under Arrete No. 1501-TTP/CV of 11 August 1958 until another order terminates their employment. The entrance requirements for daily workers are lower than those of both career and contractual status. Because they do not have career appointments, although they may perform identical work, their base policy is set at 60% of the career pay, and their cost of living and their family allowances are cut to 75% of the career employee's rates.

It should be mentioned that there is a group of floater personnel, recruited under the loose D-2 procedures, which is similar to the daily worker status. These people, although technically D-2's, are assigned jobs, and are paid at daily worker base rates even though recruited as floaters; however they receive no cost of living allowance and a reduced family allowance. The major difference is that daily workers are almost permanent whereas the floaters are temporary. In this paper they are dealt with as daily workers.

FLOATERS: were originally temporary laborers and the major portion still is just that. There are no controls over the various Ministries and Agencies in hiring people under the D-2 Floater

status (i.e., neither the Budget nor Civil Service has to approve), except for the setting aside of the necessary funds. Thus many specific short-term jobs have been filled by people who come in under these simplified procedures.¹⁵

There have emerged three distinct groups of floaters: the assimilated daily workers discussed above; D-2 Floaters, who are paid daily wages for the completion of various tasks; and Flat-sum Floaters who are the various agents hired and paid monthly salaries by the Ministries and Agencies.¹⁶

Among the various non-career status groups the educational levels are distributed in the following manner:¹⁷

A	Contractuals;	University diploma.
B1	Contractuals and Daily Workers;	Baccalaureate II, or equivalent diploma.
B2	Daily Workers and Floaters;	High school first cycle certificate, or equivalent (e.g. vocational certificate)
B3	" " " "	Primary certificate; plus technical certificate; or 4 years studies in high school (first cycle), but not granted a certificate.
C1	" " " "	Primary Certificate
C2	" " " "	Primary Certificate not required.
D1		None specified.
D2	Floaters	None specified.

DISTRIBUTION OF CATEGORIES BY STATUS AND EDUCATIONAL LEVEL 18

<u>Level of Educ.</u>	<u>Career</u>	<u>Contractual</u>	<u>Daily Worker</u>	<u>Floater</u>
Univ. degree	A	A	xxx	xxx
Bac. II	B (Higher)	B-1	B-1	B-1*
High school of 1st Cycle	B (Lower)	xxx	B-2	B-2*
Primary certificate plus Tech. Cert.	B (Lowest)	xxx	B-3	B-3*
Primary			C-1	C-1*
Unspecified			C-2	C-2*
			D-1	D-1*
			D-2	D-2*

* indicates this is effective for pay and work categories, although all floaters are officially D-2.

MAJOR BASIS OF INITIAL SALARY INDEX NUMBER: The assignment of indices for each category of career and contractual status personnel is generally based on education. The rule is that twenty points are allowed per year of formal education with an additional allotment of 40 points for holders of First Cycle (Jr. High School) certificate of completion; 80 points for a Bac II; and 120 points for a License or University Diploma.¹⁹

CORRELATION OF INDICES WITH LEVEL OF FORMAL EDUCATION²⁰

<u>Educ. Level</u>	<u>No. Years</u>	<u>Certificate/ Diploma</u>	<u>Computation</u>	<u>Index</u>	<u>Category</u>
Primary School	5	xxx	5 x 20	100 (a)	C
First Cycle	9	Certificate	(9x20) + 40	220 (a)	B
Bac II	12	Bac II	(12x20)+ 80	320 (a)	B
University	15	Diploma/ License	(15x20)+120	420	A

This formula does not hold in all cases, but it is generally true. It is the only systematic explanation which related the primary components of education, rank, and salary index one to another.

(a) Categories C & B were increased by 30 index points to 130, 250, and 350 in December 1966; note that category A was not increased.

The Chairman/Central Executive Committee

Considering the Constitution of Republic V.N. of 1 April 1967
 Considering Circular 138/TTP/CV/PC/VP of 21/9/1957 fixing per
 diem and stay allowances for government employees (floating and
 lump sum salary) and laborers.

E N A C T S :

Article 1. As from the date of signature of this arrete, rates of
 per diem and stay allowances for government employees as provided
 for in Arrete #3029-TTP/CV and Circular #138-TTP/CV/VP referenced
 above, are modified as follows (applicable to married and single
 employees):

Categories of Public Servants	One meal	Sleeping outside tran- sient house	Full day per diem
a) Civil servants and contract personnel of salary index from 430 up...	100\$	100\$	300\$
b) Civil servants, contract pers. of salary index under 430 and daily wages per- sonnel.	80\$	60\$	220\$
c) Personnel (casual or lump sum salary):			
- ranked with category B civil servants	50\$	40\$	140\$
- ranked with category C civil servants			
- permanent laborers	30\$	20\$	80\$

Article 2. Per diem and stay allowances are calculated indefinitely as follows for all categories of personnel:

1st month : full per diem rates

2nd month : half per diem rates

At the completion of two months, the employing agencies will either terminate the temporary change of post or arrange a definite transfer of the employees interested with a view to regularize their administrative status.

Article 3. The total per diem and stay allowances paid to personnel in the same agency will not exceed the total appropriations provided for in the budget for the liquidation of these allowances.

Article 4. Previous regulations in contradiction to this arrete are hereby repealed.

Article 5. Commissioners General, Commissioners, Special Commissioners and Assistants at the Office of the Central Executive Committee, are changed, each as to that which concerns him, with the carrying out of this arrete.

Saigon 19 May 1967

S/: General NGUYEN CAO KY

Chairman/Central Executive Committee

Considering the Constitution of VN Republic of 1 April 1967;

 Considering decree #41-TC of 28 Sept. 1949 fixing per diem allowances for government officials;

DECREES:

Article 1. Hereby abolish decree #41-TC of 28 Sept. 1949 cited above.

Article 2. Per diem and stay allowances for cabinet members are fixed again as follows:

Positions	Residence not available	Residence available
- Deputy Prime Minister		
- Ministers, Secretary of State or Under-Secretary of State	500\$ per day	\$400 per day
- Special Commissioner		

Article 3. Per diem and stay allowances are computed from the departure date to the return date, the return date is paid full per diem if arrival time is 19^H00 sharp or after 19^H00, or is paid half per diem if arrival time occurs before 19^H00.

Article 4. Personnel holding political positions in the government offices, ministries are entitled to per diem and stay allowances in accordance with their functional salary index and formalities set forth in arrete #1097-ND/HDCV dated 19 May 1967.

Article 5. This decree shall be effective from the date of its signature.

Article 6. Deputy Chairman/Central Executive Committee, Commissioner, General, Commissioners, Special commissioners and assistants at the office of the committee chairman are charged, each as to that which concerns him, with the carrying out of this decree.

Saigon 3 October 1967

S/: General NGUYEN CAO KY

TAB IX

CHAPTER IX

TAB IX

EXPROPRIATION OF LAND

TAB IX

SUMMARY OF THE PROCEDURES IN THE DECREE OF
JUNE 15, 1930
FIXING THE REGULATIONS ON EXPROPRIATION OF LAND

(Disposition of Land to Realize Public Interest Operations)

I. Administrative Procedure to be Applied in Implementation of the Expropriation.

1. The government agency which calls for the expropriation is requested to submit the following documents to the office of the President:
 - a. A draft decree authorizing implementation of the projects.
 - b. A plan of the piece of land 24 x 32 with enough space available for the President to appose his approval.
2. If need be, the office of the Secretary General at the Presidency will transmit the file to the Ministry of Interior for concurrence.
3. If the latter has some questions it will write to the agency which has called for the expropriation to ask for explanation. A copy of the letter will be forwarded to the office of the Secretary General at the Presidency.
4. If there is no question, the Ministry of Interior will concur with the project and return the file to the office of the Secretary General.

After the decree is issued (1 copy to the Ministry of Interior), the Ministry of Interior will:

5. Issue an arrete dealing with the conduct of an administrative investigation for the first time within 20 days.
6. Send to the office of the Secretary General 3 copies of this arrete which will be published in the RVN Official Gazette.
7. Send one copy to the agency which has called for the expropriation for "information".

8. Send to the province where the piece of land to be expropriated is located:
 - a. 1 or several copies of the arrete.
 - b. 5 or several notices on the investigation.
 - c. 5 plans
 - d. 1 record to record all the complaints and suggestions of the people.

These papers will be posted at the office of the province chief and village chief.

9. When the investigation period expires, the office of the province chief will draw up a report on the complaints and objections of the people if any.
10. The office of the province chief will send this report and the complaint record to the Ministry of Interior.
11. The latter will transmit these papers to the agency which has called for the expropriation in order that the latter prepare a draft decree declaring the public purpose and emergency of the project.
12. This agency will forward this draft decree to the office of the Secretary General.
13. The office of the Secretary General will transmit the draft decree to the Ministry of Interior for approbation.
14. If there is no question, the Ministry of Interior will return the draft decree to the Office of the Secretary General. (Including related papers).
15. After the decree declaring the project for public purpose is signed by the president, (a copy is sent to the Ministry of Interior), the Ministry of Interior will issue an arrete to conduct a second administrative investigation for a period of 30 days.
16. The Ministry of Interior also sends to the Office of the Secretary General 3 copies of this arrete which will be published in the RVN Official Gazette.
17. The Ministry also sends to the Office of the province chief:
 - a. 1 or several copies of this arrete.
 - b. 1 or several copies of the decree declaring the project for public purpose.

- c. 5 or several notices on the 2nd administrative investigation.
 - d. 5 or several copies of the plan of the land.
 - e. A record to record all the complaints of the people.
18. The office of the province chief will post notices, prepare which has called for the expropriation in order that the latter may prepare a draft arrete dealing with the transfer of the land which will be issued by the Ministry of Interior.
20. The Ministry of Interior issues the arrete governing the transfer.
21. The Ministry of Interior sends to the Office of the Secretary General:
- a. 3 copies of the arrete governing transfer of land.
 - b. 3 copies of the list of pieces of land to be expropriated. This list will be published in the RVN official gazette.
22. The Ministry also sends to the agency which has called for the expropriation one or several copies of the arrete governing the transfer and related paper (arrete, list, notice, report, record of complaints and suggestions, etc...) in implementation of Article 9 of the decree dated 15 June 1930.
23. The Ministry also sends to the Office of the province chief where the land to be expropriated is located 1 copy of the arrete dealing with the transfer (in which pieces of land to be transferred are shown) in order that the province chief may notify the proprietors of the transfer.
24. The agency which has called for the expropriation asks the Ministry of Interior to sign a memorandum and send to the office of the province chief concerned asking the latter to implement article 9 of the decree dated 15 June 1930 that is the make arrangement with the land proprietors in the purchase of the land expropriated.
25. The office of the province chief will send to the agency which has called for the expropriation the written agreement of the proprietor on the transfer of his land. This agreement also includes the amount of compensation asked by the proprietor and submitted for consideration by the agency.

26. If the proprietor does not agree to sell his land, the office of the province chief will prepare a report to the Ministry of Interior which will transmit it to the court in order to render decision on the expropriation.
27. The Ministry of Interior transmits the dossier to the Prosecutor General at the Saigon Court of Appeal who will ask the Court to decide on the expropriation.

II. Judicial Procedure

3 days after the receipt of the dossier, the Court will render a decision on the expropriation.

28. The Ministry will send to the agency which has called for the expropriation the court's decision received from the Ministry of Justice.

PAYMENT OF COMPENSATION

In principle, the agency which has called for the expropriation is responsible for payment of the compensation in two stages:

- a. 1st stage: Compensation for removal of houses and cultivations.
- b. 2nd stage: Payment for the land purchased.

The procedure will be processed as follows:

Upon implementation of points 1 to 18, and at the request of the agency which has called for the expropriation, the office of the province chief will establish a Committee in charge of assessment of the damage and of the compensation for each type of damage. Upon completion of the assessment, this Committee sends a report to the agency which has called for the expropriation in order that the latter may determine the damage and proceed with immediate compensation for removal.

In the meantime, this agency in coordination with the Ministry of Interior implement points 19 to 24, i.e. purchase of the land and payment for the purchase.

In this stage, the duty of the office of the province chief is to make arrangement with the proprietor to draw up a written agreement on the sale of his land and send it to the expropriating agency to prepare the bill of sale (point 25).

If the proprietor does not agree to sell his land, the office of the province chief will prepare a report and send it to the Ministry of Interior which will then transmit it to the Court.

TAB X

CHAPTER X

TAB X

LEGAL SYSTEM

TAB X

THE VIETNAMESE LEGAL SYSTEM

Reprint of a speech
Delivered at the Saigon
Lions Club, 22 Sept. 1969
by Mr. Frank G. O'Neill
USAID/ADPA/LEGAL.

I am honored to be invited to be with you tonight. In the past 25 years that I have been abroad in a variety of countries in the East and the West and both hemispheres, one common denominator has been the Lions Clubs quietly and effectively working to improve international relations and camaraderie abroad. I know of the fine work you are doing here and it is an inspiration to all of us to extend ourselves even more to assist our valiant friends, many of whom know no life other than war and its hardships. I first came to Saigon in 1948 for several weeks in connection with war crime activities. As many of you well know, life here in those days was very precarious, even in Saigon. Except for the Tet offensive and the occasional rockets, security in Saigon is far better today than it was 21 years ago. Of course, it is a little more crowded. I only recall two hotels then, the Continental and the Majestic, and lots more trees.

And so I arrived back 3 years ago to work with the Vietnamese judicial authorities in developing a mutual USAID/Vietnam project designed to assist in improving the organization and administration of Justice. The new Constitution of 1967 effected radical changes in judicial organization, by establishing the judiciary as a separate branch of government. Since the U.S. was a pioneer in this type of judicial organization, our experience became relevant. A contract was executed between AID/Washington and the Louisiana State University Law School (LSU) to render such technical services as needed. LSU is particularly well-suited for the work since Louisiana, the home of LSU, is a civil law state, the only one in the U.S. The local staff of LSU consists of several attorneys. In addition, consultants are brought in as needed and research as required is accomplished in the U.S. The Asia Foundation is providing technical assistance in matters pertaining to the law schools, the law center, and law libraries. One permanent legal advisor is in residence.

It would be difficult to discuss the Vietnam legal system comparatively without some notion of the origin of the two great legal systems in the world today - the common law as found in the U.S. and England and the civil law of countries such as Vietnam and France. Far more countries follow the civil law rather than the common law. Indeed, our common law is not exportable except in extremely limited situations. Most countries in Asia follow the civil law system.

The origin of the civil law system is usually attributed to Justinian in the sixth Century when he codified the laws and customs of ancient Rome and thus preceded the common law by four or five centuries. The common law originated in England after the Norman invasion of 1066. The foundation of modern civil law is often attributed to France where the civil law found expression in the heroic codification and nationalization of the law by Napoleon after the French revolution.

The civil law system developed by Justinian was, of course, known to scholars during the dark ages and so it is strange that two adjacent countries, France and England sharing somewhat of a common culture and heritage should have developed widely divergent law systems. But before considering the reason for this, let us pause to define each system so we will know what we are talking about.

The civil law is the easiest to understand so we'll take that first. The tendency of the civil law is to create unified legal systems by working out with maximum exactness the conclusions to be drawn from basic principles. The civil law judge is not permitted to develop new doctrines to meet unforeseen problems (the contrary is the essence of the common law) but in all cases must base his decision squarely on the terms of the code whether it works justice or injustice. At the present time, the civil law is composed of 5 major statements (codes of the law - the Civil Code; the Criminal Code; the Commercial Code (sometimes incorporated into the Civil Code); the Code of Civil Procedure; and the Code of Criminal Procedure.) In other words, the civil law creates substantive rights including the possibility of enforcement by the courts.

In the common law remedies preceded the rights. This requires some explanation. As we have already stated the common law originated in England five or six centuries before France adopted the civil law. The courts which administered justice for the early Kings of England based their authority to take a case on a writ (an order) issued by the chancellor (the chaplain) by authority of the King. The writs which the chancellor was authorized to issue were carefully controlled by the King and limited to such matters as the payment of debts, trespass, etc. The great body of common law was developed and expanded by the judges in determining the causes and the conditions which might be redressed under particular writs. When the common law was too harsh, (generally it only gave money judgments) litigants appealed directly to the chancery (the chaplain's office) for relief and by the 15th Century the chancery's

courts of equity were rivaling the common law courts. The common law has never been officially codified and enacted by a legislature, but of course the ascendancy of the Parliament after the common law was firmly established, has resulted in the enactment of numerous laws frequently repealing or modifying the common law. But common law judges even today are still making law.

The reason France and England, neighbors and rivals developed different law systems is historical. In pre-revolutionary France, the local governments were very strong and the royal courts, except for enforcement of royal decrees, followed the law or custom of the province where the court was located. Thus, after the revolution, a strong movement generated to codify and nationalize the law. This Napoleon accomplished.

In England, the foreign kings, after the Normandy invasion, were quite powerful and unified the country. Local chieftains, contrary to France, were made subordinate to the monarchy. Justice being traditionally the function of the sovereign, the invention of the writ concept enabled the judges to develop and expand the common law (so called because it was common to all England and superseded the customary local law.)

Volumes have been written on each of these systems that we have covered in a few minutes, but this coverage will suffice for our purpose tonight.

II

Vietnam received its civil law legal system from France just as we received our common law system from England. Most other countries in Asia and other parts of the world have received their law systems from some other country, Japan and Korea from Germany and the Philippines from Spain and so on. The common law is only found in countries with an English heritage or a long colonial exposure.

Vietnam, in fact received three law systems. Tonkin, Annam, and Cochin China each had their own law system, imposed of course by France, but differing in many respects. Even to this day the law of the Delta differs from the law in the central highlands.

But this will soon be changed as the Vietnam government is now putting the finishing touches on a massive effort to recodify and Vietnamize the law codes which effort was commenced five years ago.

Let us now discuss and compare some of the other features of the Vietnam legal system and related institutions apart from its civil law system which we have already touched upon.

The Constitution of April 1, 1967 effected radical changes in the organization and administration of justice. Prior to that date, the judiciary lacked independent status and functioned under the administrative control of the Executive branch of government through the Ministry of Justice. The new Constitution provides that the judiciary shall be organized as a separate branch of government with an autonomous budget. In this respect, it follows the U.S. concept in contrast to France where the constitution merely guarantees the independence of the judiciary but leaves its administration to the Executive.

Supreme Court justices in Vietnam are nominated by their associates, the Prosecutors and the Lawyers, elected by the National Assembly and appointed by the President; whereas in the U.S. the President nominates both the associate justices and the Chief Justice and appoints them after confirmation by the Senate. The associate justices of the Supreme Court of Vietnam elect the Chief Justice who serves one year and may be re-elected. Thus the role of the Vietnam Executive in composing the Supreme Court is very nominal compared to the U.S.

Lower court judges in Vietnam and France are appointed shortly after leaving law school after completion of an examination and a period of probation in contrast to England and the U.S. where judgeship in any court is often the climax of a lawyer's career. Both the French and Vietnam jurists are members of a career judicial service in which promotion may be expected through merit as opposed to the U.S. system where the judge generally has life tenure but no assurance of promotion to a higher post through merit.

The powers of the VN Supreme Court are very extensive and rank it as one of the most powerful courts of last resort in the World. Its jurisdiction extends to interpretation of the constitution, constitutional review and review over administrative decrees and decisions. In addition, the Court appoints one-third of the members of the Censurate, presides over the dissolution of political parties considered inimical to the constitution, and the Chief Justice presides over the impeachment court.

Lower Courts

The lower courts of Vietnam are comprised of two intermediate appellate courts, one at Saigon and one at Hue, each of which administers the inferior courts in its judicial district consisting of the formal three judge courts of First Instance and single judge courts of peace with extended jurisdiction in the lesser populated provinces. At the lowest level are courts of peace of which there are three in Vietnam. At the district level the district chief functions as a justice of the peace. There is no formal judicial function at the village level.

Administrative Law

Both the U.S. courts and the Vietnam Supreme Court exercise jurisdiction over administrative decisions in contrast to France where the Conseil d'Etat has exclusive jurisdiction over administrative cases. The structure for administrative review has not yet been worked out under Vietnam's new constitution.

Prosecutors

Under the separation of powers theory of their constitution, Vietnam follows the U.S. system of placing prosecutors under the Executive. The law requires a prosecutor to be posted in each Court and this is being accomplished as quickly as possible. Prosecutors in Vietnam have the responsibility for inspecting detention facilities in their areas of jurisdiction. Prisons are under control of the Ministry of Interior contrary to the U.S. where the Department of Justice has responsibility.

Trial System

Both France and Vietnam have the inquisitorial system of trials in contrast to the adversary system in the U.S. and England. Thus in both civil and criminal trials, the Vietnamese judge does the questioning of witnesses and the role of the lawyer is mostly confined to arguing the case before judgment, although the lawyer may request permission to question witnesses. In the U.S. and England, the judge plays a very passive role, leaving to the attorneys or the prosecutors the obligation to call witnesses and to develop evidence through direct and cross examination. The rules of evidence of the common law are not as well developed in civil law countries, possibly due to lack of the jury system. Jurors might be unduly impressed by irrelevant evidence. Provision is made for several jurors (assessors) to sit with the intermediate appellate courts in serious criminal trials in Vietnam.

Lawyers

In Vietnam, there are two regional bar associations organized around the intermediate appellate courts at Saigon and Hue. There is no provincial bar and no nationally integrated bar. Admission to the bar is from law school after testing and a three year apprenticeship in the office of an attorney. There are now about 200 apprentices. There are approximately 200 lawyers in Vietnam of which about 160 are in Saigon, a ratio of 1 to 30,000 compared to the U.S. where the ratio is 1 to 500. The adversary system is a partial explanation of the different ratios, but it must be noted that thousands of U.S. attorneys only practice part time or not at all.

In Vietnam and the U.S., there is only one class of lawyer, in contrast to the solicitors and barristers found in England and their counterparts in France. Notaries in Vietnam and France render many services of a legal nature such as the drafting of contracts and the passing of papers for the exchange of realty, etc.

Legal aid societies abound in the U.S., but aid to the indigent in Vietnam is handled on an individual basis by lawyers.

There are 3 law schools in the country. In contrast to the U.S., admission is direct from secondary school. The term is 4 years. The law schools are very crowded and could not possibly accommodate the entire student body if they all happened to come at the same time. Attendance, therefore, is not compulsory, but all students are subject to rigid testing.

Our subject is so broad we could go on ad finitum, but I think that by this time you have gotten some idea about the local system and its relation to other civil law countries and the common law.

A new and growing concept in helping countries to emerge from colonial status or economic stagnation is that in addition to economic and technical assistance, some effort should be made to improve their legal systems. Vietnam inherited a weak, fragmentary legal and judicial system which was primarily designed to accomplish the political objectives of the colonial power. The system was an obstacle to national progress. The eradication of that system and the substitution of a more democratic process will eliminate one more propaganda weapon from the U.S. arsenal.

May I leave this final thought with you? The finest legal system in the world is powerless unless it is energized by the citizenry, the prosecutors and the attorneys and its decrees enforced by the Executive. Whether a legal system becomes a means of accomplishing justice depends upon interaction of these forces.