

Art. 2 - Office of the Minister consists of:

- 1 Director of Cabinet
- 1 Chief of Cabinet
- 4 Charge de Missions (one in charge of Press)
- 2 Generalists
- 1 Secretary

Art. 3 - The Secretariat General directed by the Secretary General consists of:

- Directorate of Personnel, Resources Control, Mobilization and Research (2 services)
- Directorate of Administration, Budget and Accounting (2 services)
- Service of Legislation and Claims

Art. 4 - The Inspectorate General of Public Works is directed by the Public Works Inspector General, equivalent to Director General. It consists of:

- Inspectorate comprises Principal Inspector and Inspection Team. The former is equivalent to the Director of a Directorate of various services. The Inspection Team consists of 6 Inspectors equivalent to the Director of a Directorate of a small number of services
- Directorate of Planning and Research (2 services)
- Mekong River National Committee
- National Utilities Committee

Art. 5 - The Minister for Public Works is assisted by an Assistant for Technical and specialized matters.

The latter is appointed by the Prime Minister's decree and is equivalent to a Director General.

Art. 6 - The particulars of organization and duties of the above agencies shall be defined by the Minister's arrete.

Art. 7 - All previous texts which are contrary to the present decree shall be rescinded.

Art. 8 - The Minister for Public Works and Secretary of State at the Prime Ministry are charged, each as to that which concerns him, with the execution of this decree.

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

Saigon, October 20, 1969

s/ Tran thien Khiem

Republic of Vietnam
Prime Ministry
No. 143-SL/GD

THE PRIME MINISTER,

Considering...

DECREES:

Art. 1 - The Ministry of Education is placed under the jurisdiction of the Vice-Prime Minister concurrently Minister for Education, who is assisted by two Vice-Ministers for education.

The Ministry of Education consists of:

- Central agencies
- Technical agencies
- Local agencies

Central Agencies

Art. 2 - Central agencies consists of:

A. Agencies directed by the Director of Cabinet

1., Office of the Minister:

The Office of the Minister is directed by the Director of Cabinet who is assisted by a Chief of Cabinet, 5 Charge de Missions, 3 Generalists and a Secretary

2. Special Inspection Team consists of 5 inspectors equivalent to the Director of the Directorate with a very few services.
 3. Directorate of Planning and Educational Legislation: the Directorate of Planning and Educational Legislation is directed by a Director who is assisted by a Deputy Director. It consists of 2 services:
 - Service of Planning
 - Service of Educational Legislation
 4. Directorate of Scholarships and Overseas Study
 5. Mail Service consists of:
 - Bureau of Operations
 - Mail Bureau
 - Bureau of Records and Library
 6. Service of Information and Ceremonies consists of:
 - Information and Press Bureau
 - Ceremony Bureau
- B. Agencies directed by the Secretary General:
- Following agencies are placed under the supervision of the Secretary General who is assisted by a Deputy Secretary General equivalent to the Deputy Director:

1. Directorate of Finance:

The Directorate of Finance is directed by a Director who is assisted by a Deputy Director. It consists of 3 services:

- Service of Accounting
- Service of Foreign Aid
- Service of Construction and Materials

2. Directorate of Personnel: the Directorate of Personnel is directed by a Director who is assisted by a Deputy Director. It consists of 2 services:

- Service of Personnel
- Service of Manpower and Mobilization

Technical Agencies:

Art. 3 - Technical agencies comprises:

- National Universities
- Office of Atomic Energy
- Nha Trang Oceanographic Institute
- National Technical Center
- National Agricultural Center
- Directorate General of Technique and Vocation
- Directorate General of Secondary, Elementary and Popular Education
- Directorate of Schooled Youth
- Directorate of Schooled Health and Social Welfare
- Educational Media Center
- International Operation Directorate

Local Agencies:

Art. 4 - Local agencies consist of:

- Provincial Secondary Education Service (at provinces where numerous high schools are located)
- Provincial Elementary Education Service (at provinces and Municipalities)
- Elementary Education Service (Saigon Prefecture)
- Education Centers

Art. 5 - The organizational particulars of Central, Technical (except Office of Atomic Energy) and Local agencies shall be defined by the Arrête of the Vice-Prime Minister concurrently Minister for Education.

Art. 6 - All previous texts which are contrary to the spirit of the present decree are rescinded.

Art. 7 - Vice-Prime Minister concurrently Minister for Finance and Secretary of State at the Prime Ministry, each as to that which concerns him, are charged with the execution of the present decree.

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

Saigon, Oct. 20, 1969

s/ Tran thien Khiem

Republic of Viet Nam
Prime Ministry
No. 144-SL/XH

THE PRIME MINISTER

Considering...

DECREES:

Art. 1 - The Ministry of Social Welfare consists of:

A. Central Agencies:

- Office of the Director of Cabinet
- Office of the Secretary General
- Inspection Team
- Relief Group
- Social Welfare Group

B. Local Agencies:

- Prefecture Social Welfare Service and Branch Social Welfare Offices located in the precincts of Saigon prefecture
- 6 offices of Inspectors representing the Ministry of Social Welfare in the inter-provinces
- Provincial Social Welfare Services in the provinces and municipalities
- District Social Welfare offices in districts in certain provinces

I. Central Agencies

Art. 2 - Office of the Director of Cabinet is placed under the supervision of a Director of Cabinet who is assisted by a Chief of Cabinet, 3 Charge de Missions, 2 Generalists and a private Secretary.

It consists of:

- Main Secretariat
- Mail Bureau
- Mapping and Briefing Bureau
- Press Bureau

Art. 3 - Its dependent agencies are:

a. Directorate of Planning, Legislation and Training:

- Service of Planning, Legislation and Research
- Service of Foreign Aid
- Service of Training

b. School of Social Welfare Operations is directed by a Director equivalent to the Director of a Directorate with numerous Services

The status governing the organization of the said school shall be determined by special Arrete.

Art. 4 - Office of the Secretary General is directed by a Secretary General. It consists of:

a. Directorate of Administration and Finance:

- Service of Administration and Personnel
- Service of Budget and Accounting

b. Directorate of Logistics:

- Service of Supply
- Service of Maintenance and Transportation

Art. 5 - The Inspection Team is placed under the direct supervision of the Minister. It comprises:

- 1 Senior Inspector
- 10 Inspectors, representatives of the Ministry of Social Welfare in the Inter-Provinces
- 12 Comptrollers

Senior Inspector is equivalent to the Director of a Directorate with numerous agencies.

Inspectors representing the Ministry of Social Welfare in the Inter-Provinces and Central Inspectors are equivalent to the Director of a Directorate with a very few services.

Comptroller is equivalent to a Chief of Service.

Art. 6 - Relief Group is directed by the Assistant Minister for Relief. It consists of:

a. Directorate of Anti-Communist Refugees:

- Service of Temporary Housing
- Service of Settlement
- Service of Activity Development and Vocational Training

b. Directorate of War Victims Relief:

- Service of Subsidies
- Service of Operations

Art. 7 - Social Welfare Group is directed by the Assistant Minister for Social Welfare. It consists of:

- a. Directorate of Social Welfare Services
 - Service of Mother and Child Patronage
 - Service of Relief
- b. Directorate of Social Development
 - Service of Social Welfare activities
 - Service of Community Development and Social Installations
 - Thu Duc Juvenile Delinquent Rehabilitation Center is directed by a supervisor equivalent to a Chief of Service

Art. 8 - Assistant Minister for Social Welfare and Assistant Minister for Relief are equivalent to Director General.

II. Local Agencies

Art. 9 - Local Agencies of the Ministry of Social Welfare consists of:

- In each Inter-Province there is an Inspector who represents the Ministry. Strength of Inter-Provincial Inspectors is included in the number of Inspectors prescribed in Art. 5
- In Saigon Prefecture, there are Prefecture Social Welfare Service and 11 Branch Social Welfare offices located in 11 Precincts

- In each Province or Municipality, there is a Provincial Social Welfare Service
- In the Districts where a large number of refugees settles, there is a District Social Welfare office

Art. 10 - An arrete promulgated by the Minister for Social Welfare shall determine the particulars of organization and duties of Central and Local Agencies.

Art. 11 - All previous texts which are contrary to the spirit of the present decree shall be rescinded.

Art. 12 - Minister for Social Welfare and Secretary of State at the Prime Ministry are charged, each as to that which concerns him, with the execution of the present decree.

Saigon, October 20, 1969

s/ Nguyen van Thieu

Prime Ministry
No.091-SL/Th.T/PC2

THE PRIME MINISTER OF THE GOVERNMENT,

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

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After debate by the Cabinet Council,

DECREES THE FOLLOWING:

Art. 1 - It is hereby provided to civil servants (career employees), non-career employees (contractuals, daily workers, floaters assimilated to career-employees, floaters assimilated to daily workers, permanent floaters, flat sum employees, retired career-employees or non-career employees re-hired by the Government), cadres of various branches and servicemen belonging to various forces (Regular forces, Regional forces, and Popular forces) now in service in the country, in addition to their actual salary and allowances, a special monthly allowance of One thousand piasters (1,000\$VN).

Art. 2 - Non permanent floaters paid on the basis of days of work, shall earn a special allowance of \$40 (forty piasters) for each working day; but the total of these allowances may not exceed the limit of VN\$1,000 (one thousand piasters) per month.

Art. 3 - The present decree is effective from July 1, 1969.

Prime Ministry
No. 093-SL/Th.T/PC2

THE PRIME MINISTER OF THE GOVERNMENT,

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

Considering Decree No. 234-TT/SL of May 25, 1968 and subsequent texts determining the composition of the Government,

Considering Ordinance No. 29 of April 30, 1956 and subsequent texts fixing the Military Pensions Regime,

Considering Decree Law No. 13-CT/LDQG/SL of October 20, 1964, fixing the Statute of the Military actually in service,

After debates of the Council of Ministers,

DECREES THE FOLLOWING:

Art. 1 - It is hereby provided to each Veteran entitled to military pension (seniority, proportional or mixed) or his survivor a special allowance of one thousand piasters per month.

Art. 2 - This special allowance is not provided to veterans entitled to military pension or their survivors, in service at public agencies.

Art. 3 - The present Decree is effective from July 1, 1969.

Art. 4 - The Minister of Finance, the Secretary of State of War Veterans are charged, each as to that which concerns him, of the execution of the present decree.

Saigon, August 23, 1969

s/ Tran van Huong

Particularly with regard to ethnic applicants, only a High School First Cycle Diploma is required. However, the said diploma is exempted for ethnic applicants completing the 4th year of High-School following the 1967-1968 academic year on condition that they followed successively 4 years of high-school and that their school records got the average of 10/20 marks up. In such case, applicants must submit copy of school-record or 4 year education certificate issued by public, semi-public or private schools in conformity with current regulations.

- Not have been discharged for disciplinary reasons if applicants were veterans or employees of public services.
- Agree to serve anywhere in the Republic of Vietnam for a minimum period of two years.

Art. 6 - Based on their background, after being graduated from the basic training course, technical cadres will be classified in accordance with the pay scale in the following article 9:

- Classified as step I, applicants possessing Baccalaureate Part II.

In order to help and encourage ethnic applicants, education requirements are lowered as follows:

- Classified as step I, applicants possessing High School 1st cycle diploma, or finishing a 4 year study at a high school in the 1967-1968 academic year and afterwards.
- Classified as step II, applicants possessing Baccalaureate II or higher degrees.

Art. 7 - Recruited technical cadres must receive a basic training course.

Art. 8 - During the training, they will enjoy a VN\$2,000 scholarship per month. They will be unconditionally discharged if they become disqualified or are incompetent, according to the recommendation of the Training Director.

In case of voluntary resignation during the training period or the 2 year service following graduation from the basic training course, the party concerned must reimburse the government the amount of scholarship received during the training period.

CHAPTER III: Salary and allowances

Art. 9 - Pay of Technical Cadres comprises:

- Basic salary, and
- Technical allowance

a. Basic pay scale is fixed as follows:

Step 1:	VN\$ 6,000	per month
Step 2:	VN\$ 6,500	per month
Step 3:	VN\$ 7,000	per month
Step 4:	VN\$ 7,500	per month
Step 5:	VN\$ 8,000	per month
Step 6:	VN\$ 8,500	per month

b. Technical allowance is fixed as VN\$ 4,000 per month, and it is only paid to technical cadres who perform in villages located outside the provincial capitals or district-towns.

CHAPTER IV: Promotions - Separation

Art. 10 - Length of service required for a promotion is one year at minimum and 3 years at maximum.

Art. 11 - The annual promotion should follow the procedure:

- Village Chief, District Chief, Province Chief keep scores
- The Promotion Council selects
- The Ministry of Interior determines.

Art. 12 - Composition of the Promotion Council is fixed by the Minister for Interior.

Art. 13 - Age limit for retirement of technical cadres is 55 years old.

Art. 14 - Distinguished technical cadres may receive from the Ministry of Interior:

- Congratulation Certificate
- Reward degree
- Citation degree
- Honorary degree
- Decoration.

In case of services or achievements considered by the MOI as outstanding, or in case of being seriously wounded in performance of duty, technical cadre may be promoted one step with seniority unchanged.

CHAPTER V: Punishment

Art. 15 - The following disciplinary measures may be applied to technical cadres:

- Warning
- Reprimand recorded in personal file
- Transferred as a result of disciplinary reason
- Promotion delayed one or two years
- Downgraded 1 or 2 steps
- Leave without pay from 1 to 3 months by force
- Dismissed without discharge allowance, and disqualified for employment by public services, irrespective of qualifications.

Art. 16 - Village Chief may give warning. Province Chief may:

- Reprimand the interested party and record it in his personal file
- Transfer the party concerned within the province as a result of disciplinary reason.

Other punishments are under the jurisdiction of the Minister of Interior, according to the Disciplinary Council whose composition will be fixed by the former.

Art. 17 - Prior to appearing before the Disciplinary Council, the technical cadre must be notified of the charges so that he can prepare his justification.

Art. 18 - During the detainment or bail, detained cadres will be paid in accordance with pay system applied to day employees (non-career).

CHAPTER VI: Interests

Art. 19 - In order to assist the Village/Hamlet administrative reform to achieve maximum good results, during their period of service, technical

cadres are exceptionally exempted from military obligations in accordance with procedures applied to the Village Council, Village Administrative Committee and Hamlet Management Board.

Art. 20 - Technical cadres and their families (lawful wife and minor children), when sick, will receive medical examination and treatment free in the public hospitals in accordance with current regulations applied to village/hamlet officials.

If they are attended by private hospital, the government will only reimburse them an amount equal to the subsistence charge in a public hospital.

Lawful wives of cadres, when delivering, will be attended by public maternities in accordance with procedure applied to village/hamlet officials.

If they are attended by private maternities, the government will only reimburse them the amount equal to the subsistence charge in a public maternity within the limitation of 10 days.

Art. 21 - a. After hospital treatment due to ordinary sickness, technical cadres will be allowed a convalescent leave up to 7 days with pay, according to the recommendation of the public physician.

b. If their sickness results from their duty performance, according to the recommendation of a public physician, they will be allowed a convalescent leave up to one month with pay.

c. If they are wounded during their duty performance as confirmed by the Medical Examining Council, technical cadres will be allowed a one-year convalescent leave with pay.

Art. 22 - At the expiration of leave mentioned in Article 21, paragraph C, technical cadres must report to the office. The latter then establishes procedure to send them to the Medical Examining Council which will decide their continuation or separation for reason of health. Their pay will be continued following the date of their presence at the office. In case of separation decided by the Council, they will be allowed a severance pay as stipulated in the article 24 of this Arrete.

Art. 23 - Sick leave is not to be deducted from annual leave fixed in the common status for cadres of various branches.

Art. 24 - In case of termination, except for disciplinary reasons, technical cadres will be allowed a 15 day severance pay for one year of service (over 6 months is considered 1 year, following the first year).

No severance pay is allowed to cadres who request resignation.

Art. 25 - Death, invalid benefits and on the job accident indemnity paid to technical cadres or their relatives are applied in accordance with procedure stipulated in Decree No. 125-SL/HDCV, August 21, 1967 supplemented by Decree No. 049-SL/Th.T/CV, April 4, 1969.

Art. 26 - The Deputy Prime Minister, Minister of State, Ministers, Secretaries of State, Mayors and Province Chiefs are in charge, each as to that which concerns him, with the execution of this Arrete.

Saigon, July 30, 1969

s/ Tran van Huong

Prime Ministry
No. 971-ND/ThT/QTCS

THE PRIME MINISTER OF THE GOVERNMENT

In view of the Constitution of April 1, 1967,

In view of Decree No. 394-TT/SL of Sept. 1, 1969
determining the composition of the Government,

Considering Arrete No. 761-TTP/VP of July 17, 1962
fixing the organizing and functioning of the Viet-
nam Press Agency, amended by Arrete No. 95-TTP/NV
of Jan. 16, 1964, and subsequent texts changing the
composition of the Board of Directors of the Viet-
nam Press Agency,

ENACTS THE FOLLOWING ARRETE:

Art. 1 - The Vietnam Press Agency is hereby
placed under the direct jurisdiction of the Prime
Ministry.

Art. 2 - The Board of Directors of the Vietnam
Press Agency comprises:

- The Secretary of State for Executive
Affairs at the Prime Ministry Chairman
- The Information Ministry Representative Member
- The Interior Ministry Representative Member
- The Defense Ministry Representative Member

- The Directorate of Budget and Foreign Aid Representative Member
- Three elected Representatives of Newspaper publishers Advisory member
- Elected Representative of the Vietnam Press Agency Personnel Advisory member
- The Director General, Vietnam Press Agency Reporting member

Art. 3 - All previous provisions contrary to the present arrete shall be rescinded.

Art. 4 - Ministers, Secretaries of State and Directors General involved are charged, each as to that which concerns him, with the execution of the present Arrete.

Saigon, Sept. 5, 1969

s/ Tran thien Khiem

Republic of Vietnam

CENSORATE

Decree No. 08-GSV/SL, September 2, 1969 fixes the function of Director General and the organization of General Office of Control of Public Finances and personal properties of Civil Servants.

CHAIRMAN OF THE GENERAL CENSORATE

Considering...

DECREES:

Art. 1 - The function of the Director General and the organization of General office of Control of Public Finances and personal properties of Civil Servants is hereby fixed as follows:

CHAPTER I

FUNCTIONS

Art. 2 - The General Office of Control of Public Finances and Personal Properties of Civil Servants, which belongs to the Censorate is placed under the administration of a Director General.

The head of this office is a select college graduated civil servant class "A" with good reputation, who has ten year experience of accounting and financial practice.

Art. 3 - He is appointed by the decree of the Chairman of the High Censorate with the approval of the High Censorate Council, in pursuance of the Chairman's recommendation of the Committee of Public Finances Audit and Civil Servants' Property Control (Censorate). The said official is placed under the supervision of this Committee.

Art. 4 - The discharge, if any, of the above mentioned official should strictly follow the appointment procedure prescribed in the Article 3.

Art. 5 - The Director General assists the Censorate Council in the following duties:

- To study the organization, audit procedure and sanction measures applied to responsible employee
- To launch extraordinary audit of all financial and accounting transactions of public agencies, public autonomous agencies, state control enterprises and mixed ownership companies
- To consider any suing pertaining to the performance of budget and suggest inquiry opening
- To regularly post-audit the expenditure and receipt files of the above agencies, enterprises and companies
- To check the account of executive budgets and the State General Accounts and suggest budget liquidation or debit responsible employees
- To control personal properties of government employees and all civil servants.

Art. 6 - Before assuming his position, the Director General should take his oath which is as follows:

"In witness whereof, I have sworn to do my utmost to perform my duty as Director General of Control with the observation of financial regulations, national interests and Censorate Status, and with my honest, just and clairvoyant quality and independent spirit."

Art. 7 - The Director General is assisted by a Deputy Director General who replaces him during his absence.

The Deputy Director General is a select honest civil servant class A having at least 10 year-experience in Accounting and Financial practice.

Art. 8 - The Deputy Director General is appointed by the Decree of the Chairman of Censorate, considering the recommendation of the Chairman of the Committee of Audit and Personal Property Control, which has been approved by the office of the Censorate.

The Deputy Director General enjoys the salary and interests equal to those of a Director General at a Ministry.

Art. 9 - Besides the assistance rendered to the Director General in the duties mentioned in the article 5, the Deputy Director General is further in charge of the following matters handled by the Audit and Personal Property Control group:

- disputed claims
- principles and organization
- to study regulations and procedures governing Audit and Personal Property Control
- to prepare directives and circulars for the Directorates, Services and Bureaus
- personnel and training
- to contact with Judicial, Executive and Legislative bodies.

Art. 10 - Before coming into office, the Deputy Director General should take his oath as does the Director General.

CHAPTER II

ORGANIZATION

Art. 11 - The General Office of Control of Public Finances and Personal Properties of Civil Servants consists of 3 divisions:

- General Administration Division
- Control Division
- Personal Property Control Division

Art. 12 - The General Administration Division consists of 2 bureaus placed under the supervision of the Director General:

1. Administrative Bureau directed by a Chief of Bureau is in charge of:
 - Distributing incoming mails and accounting files to the Directorates, Services and Bureaus
 - Receiving and gathering outgoing mails
 - Preparing mails of the Director General and Deputy Director General
 - Distributing documents, circulars and directives of the General Office to the Directorates, Services and Bureaus
 - Typing mails and documents belonging to the Audit and Personal Property Control Group.
2. Research and Training Bureau is directed by a Chief of Bureau. Its duty is to:

- Study and plan the Personnel and Accounting Training
- Contact with external agencies
- Gather the reports of Inspectors (belonging to the Audit and Personal Property Control), Directors, Auditors, and Comptrollers for submitting to the Director General

Art. 13 - Control Division consists of 2 Directorates:

- Directorate of Control of National Budget
- Directorate of Control of other Budgets

Art. 14 - The Directorate of Control of National Budget is directed by a Director who is assisted by a number of Auditors. Its duty is to:

- Launch eventual and on the spot audits
- Regularly post-audit expenditure and receipt files
- Check the accounts of the State
- Audit materials and property of the State
- Consider complaints and, if necessary, suggest on the spot investigation
- Suggest an improvement of accounting procedures
- Analyze and condense reports on inspection, investigation, audit and control.

The said Directorate consists of 2 Services:

1. Service of Civil Expenditure Control is directed by a Chief of Service who is assisted by a number of Comptrollers. It consists of 2 Bureaus:

a. Administrative Bureau is directed by a Chief of Bureau whose duty is to:

- send mail
- receive mail and accounting justificative papers and transmit them to the Justificative File Bureau

- prepare Memoranda and reports
- require the accounting files of the government agencies
- be in charge of legislation and principles
- be responsible of Personnel and Materials.

b. Justificative File Bureau is directed by a Chief of Bureau whose duty is to:

- receive accounting file (receipts, expenses, general accounts, etc...)
- distribute the above files to Auditors and Comptrollers
- follow up and speed up the liquidation of the said files
- temporarily keep accounting files until they are resolved
- send back resolved files to the Central Office of Accounting or other agencies
- record investigation and inspection files

2. Service of Military Expenditure Control is directed by a Chief of Service with the assistance of a number of Comptrollers. It consists of 2 bureaus:

- a. Administrative Bureau
- b. Justificative File Bureau

The duties of these 2 bureaus are similar to those of the Administrative and Justificative File Bureau of the Service of Civil Expenditure Control.

Art. 15 - The Directorate of Control of other Budgets is directed by a Director assisted by a number of Auditors. Its duty is to control:

- Budgets of Prefecture, Municipalities, Provinces and Villages
- Budgets of Revolutionary Development, Autonomous Agencies, State Control Enterprises and Mixed Ownership Enterprises

and to:

- launch on the spot and eventual control
- regularly post-audit expenditure and receipt files
- check the general accounts
- audit materials
- consider complaints and, if necessary, suggest an investigation on the spot
- suggest an improvement of accounting procedure
- analyze and condense reports on inspection and investigation

This Directorate consists of 2 Services:

1. Service of Control of Budgets of Prefecture, Municipalities, Provinces and Villages is administered by a Chief of Service with the assistance of a number of Comptrollers. It consists of 2 bureaux:
 - a. Administrative Bureau is administered by a Chief of Bureau
 - b. Justificative File Bureau is directed by a Chief of Bureau
2. Service of Audit of Budgets, of Revolutionary Development, Autonomous Agencies, State Control and mixed ownership enterprises is administered by a Chief of Service with the assistance of a number of auditors. It consists of 2 bureaux:
 - Administrative Bureau directed by a Chief of Bureau

- Justificative File Bureau administered by a Chief of Bureau

The duties of these 2 bureaus are similar to those of 2 bureaus prescribed in the Art. 14, paragraph a and b.

Art. 16 - Personal Property Control Division consists of a Service of Property Control with the assistance of a number of Comptrollers. Its duty is to:

- Follow up and timely speed up the sending of annual personal property declaration form of government employees, representatives as well as civil servants
- Analyze these declaration forms and submit to the Director General doubtful questions on the origin of properties so that necessary measures such as temporary confiscation etc... can be applied.

It consists of 2 bureaus:

1. Documentation Bureau is in charge of:
 - receiving and transmitting property declaration forms to the information and Data Processing Bureau
 - timely speed up the sending of these forms to the General Office
 - study the planning of personal property and sanction measures
 - file declaration forms of each agency.

2. Bureau of Control has duty to:

- study, follow up and analyze declaration documents
- suggest measure to be applied to fraudulent declaration.

CHAPTER III

Miscellaneous Provisions

Art. 17 - The Directors of the 2 directorates located in the Central Office of Accounting and Personal Property Control are select Civil Servants Class A having 10-year experience in the Accounting and Finance, or are select employees class B1 of highest steps, having 15 year experience in the financial accounting and have assumed at least 2 years of position of Chief of Service.

The Deputy Director is appointed by the Arrete of the Chairman of Censorate, considering the recommendation of the Director General.

Art. 18 - Chiefs of Services belonging to the General Office of Control are select Civil Servants class A, or Chief Administrative Clerks First Class assuming at least 2 years of position of Chief of Bureau in an agency responsible for finance and accounting.

They are appointed by the Arrete of the Chairman of Censorate, considering the recommendation of the Director General.

Art. 19 - The selection of Auditors and Comptrollers is based on the criteria defined in Article 2 and Article 3, Arrete No. 28-GSV/ND July 11, 1969.

They are appointed by the Arrete of the Chairman of Censorate, considering the recommendation of the Director General as determined in Article 4 of the above mentioned Arrete.

Art. 20 - The procedure governing audit since the phase of receiving receipt and expenditure file until the disapproval due to breach of regulation or approval of the Censorate Council shall be defined by another Arrete.

Art. 21 - The Deputy Chairman, Secretary General, Chairman of Audit and Personal Property Control Committee are charged, each as to that which concerns him, with the execution of the present decree.

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

Saigon, September 2, 1969

Chairman of General Censorate

s/ Ngo xuan Tich

The Vietnamese Legal System

(Following are excerpts from an address delivered to the Lions Club of Saigon, September 22, 1969, by Mr. Frank G. O'Neill, Public Administration Advisor (Legal), USAID/Vietnam.)

The 1967 Constitution of the Republic of Vietnam 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 customs 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.)

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 Cochinchina 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 Censorate, 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 power 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 80,000 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.

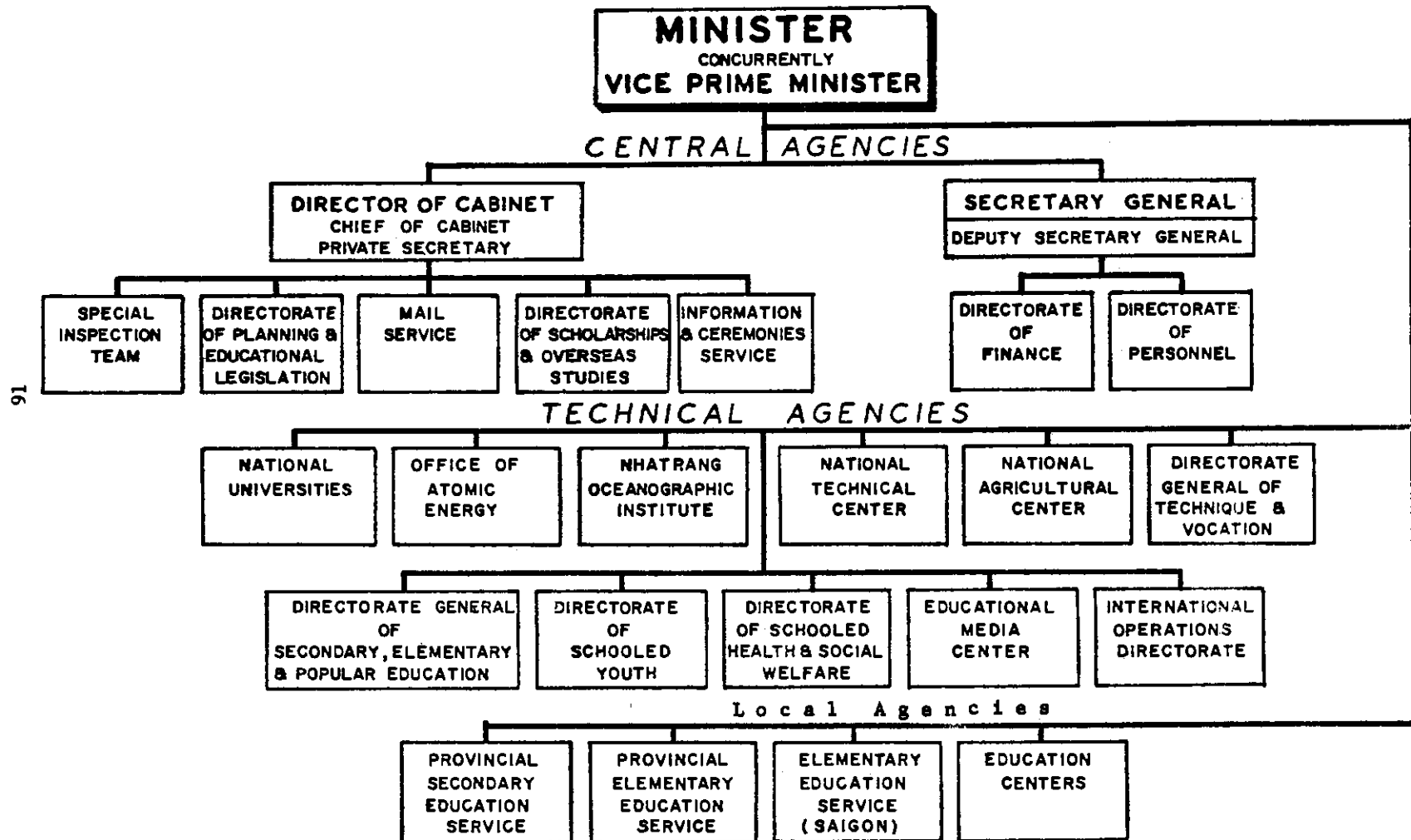
A new and growing concept in helping countries to

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 VC arsenal.

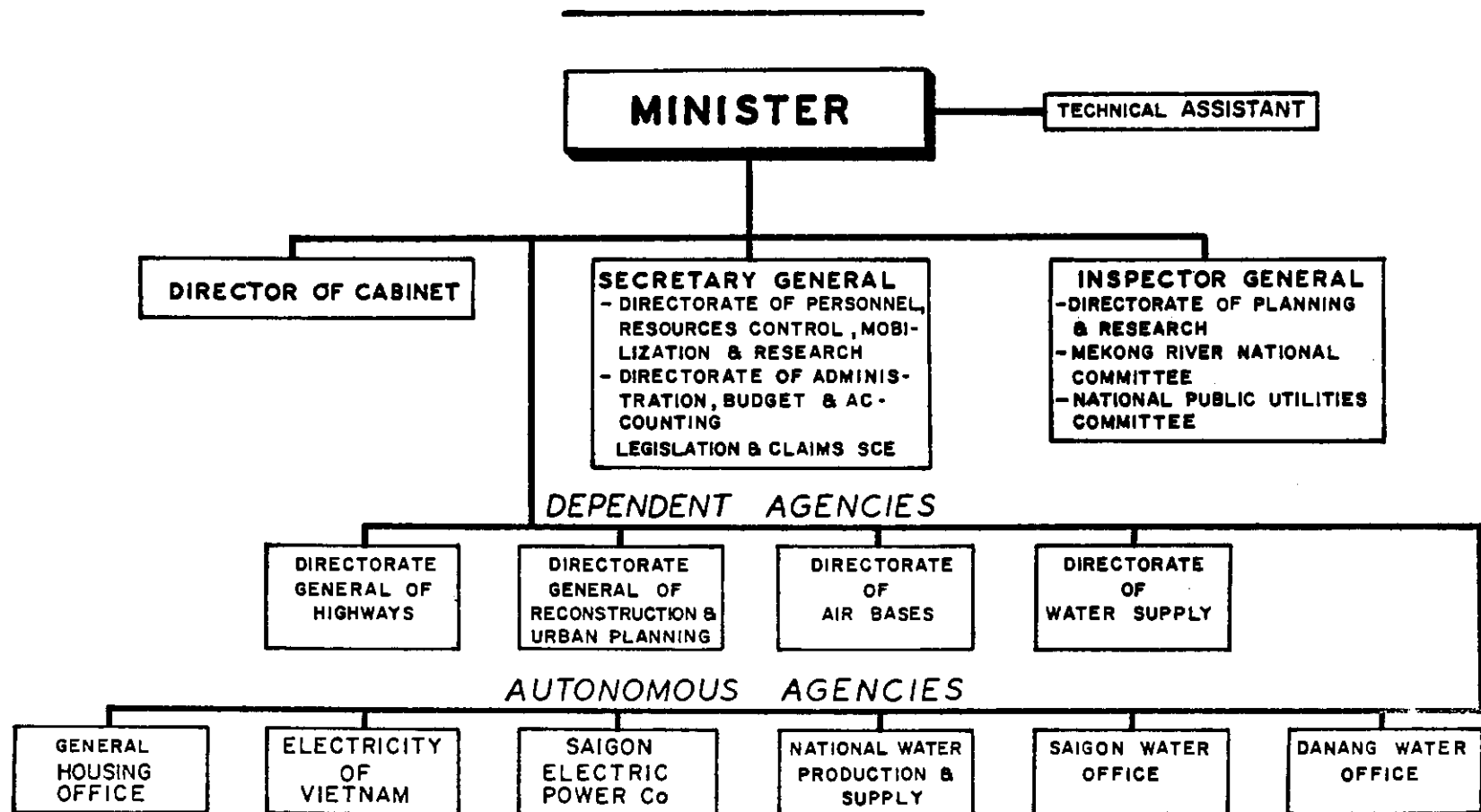
May I leave this final thought with you? The finest legal system in the world is powerless unless it is energized by the citizenry, the prosecutors and the attorneys and its decrees enforced by the Executive. Whether a legal system becomes a means of accomplishing justice depends upon interaction of these forces.

MINISTRY OF EDUCATION

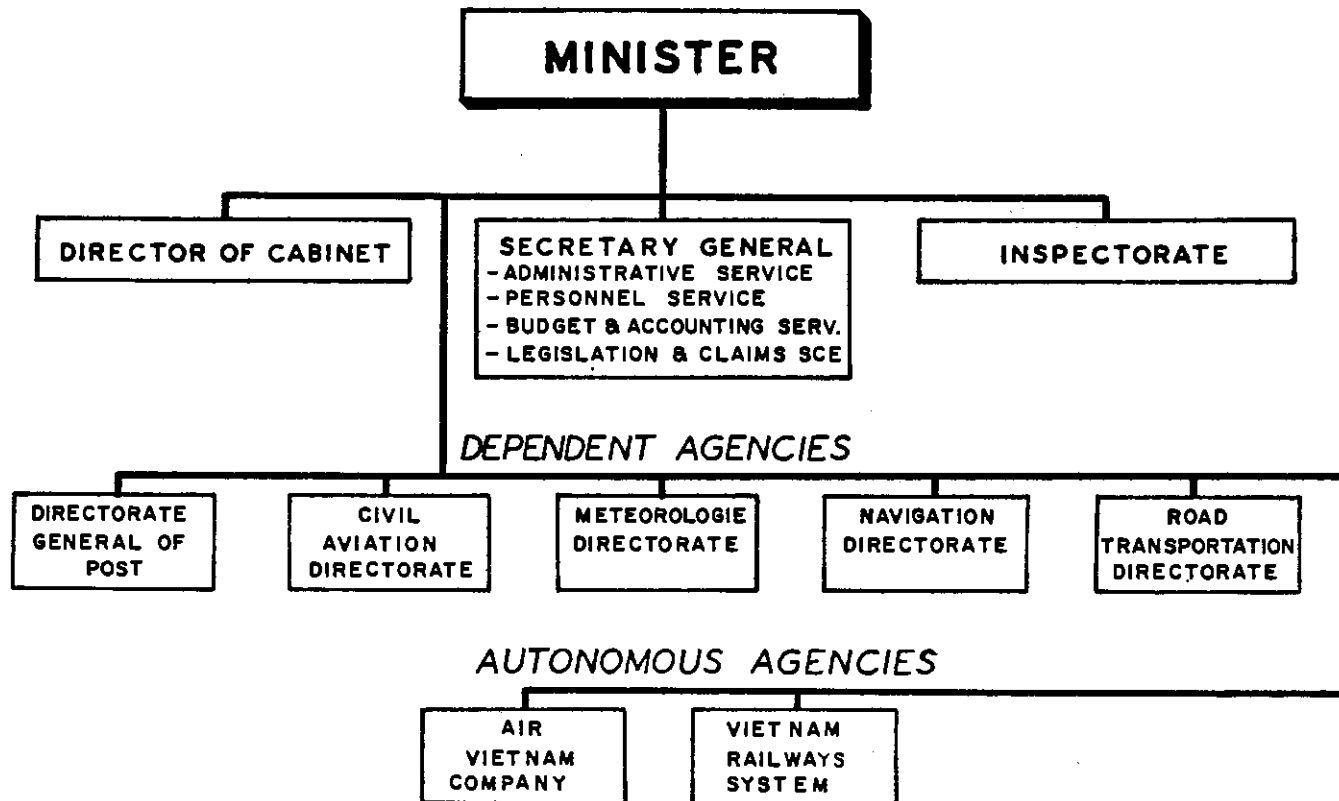
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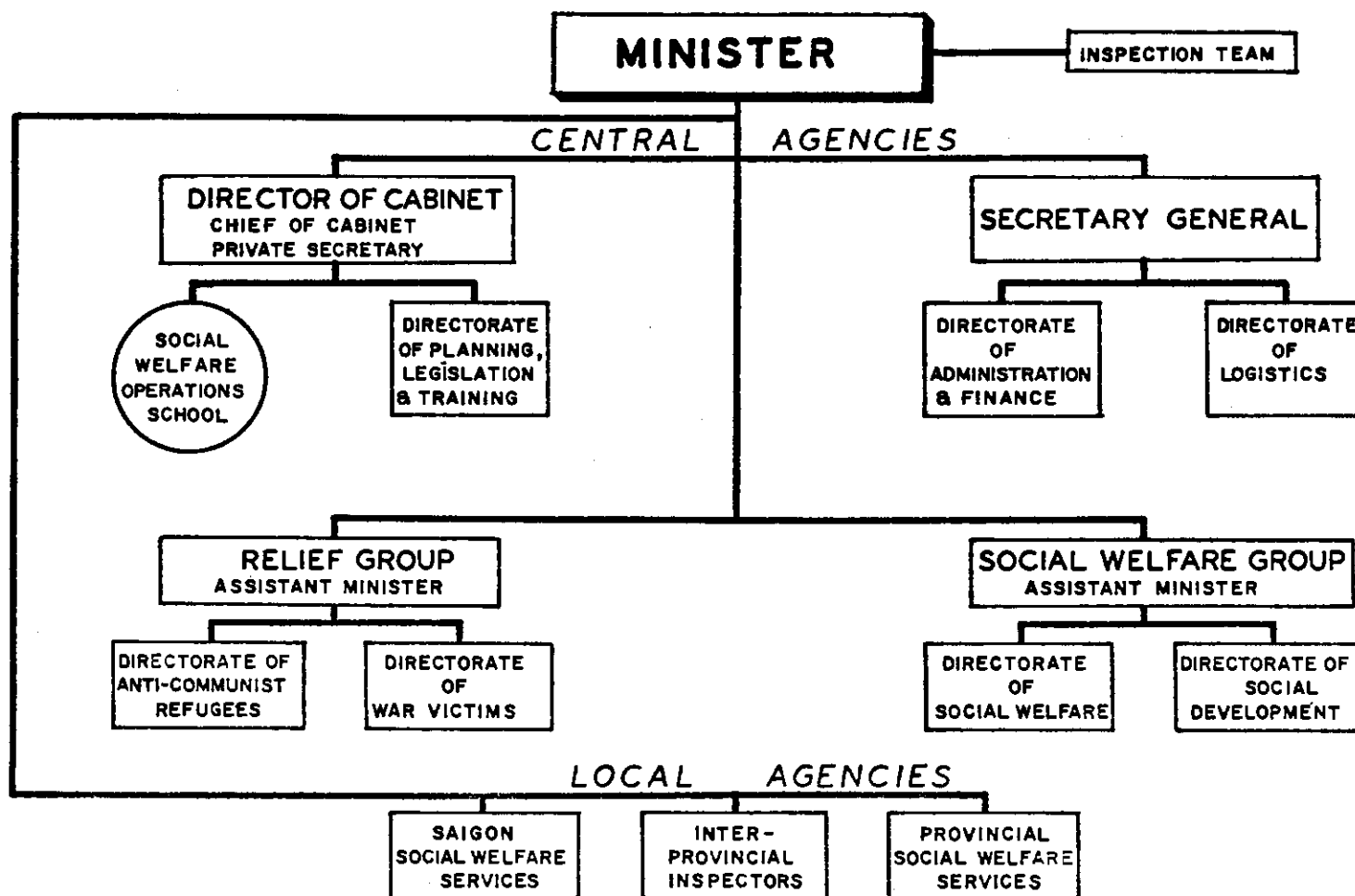


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(Decree No 133-SL/KT of Oct.16,1969)

