

FOOTNOTES

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4. Hickey, p. 285.
5. Handbook, pp. 234-235.
6. P. Gourou, Les Paysans du Delta Tonkinois (The Peasants in the Tonkin Delta), (Paris: Les Editions d'Art et d'Histoire, 1936), pp.307-308.
7. Handbook, p. 246.
8. Paul Kresser, La Commune Annamite en Cochinchine (The Annamese Village in Cochin China), (Paris: F. Loviton, 1935), pp. 16-17.
9. Ibid, p. 17.
10. Virginia Thompson, French Indo-China (New York: Macmillan, 1937), p. 17.
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12. Thompson, pp. 236-237.
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27. L. Woodruff, The Study of a Vietnamese Rural Community - Administrative Activities, 2 vols. (Saigon: Michigan State University Vietnam Advisory Group, 1960), pp. 47-49.
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30. Truong - Ngoc - Giau and L. Woodruff, My - Thuan: Administrative and Financial Aspects of a Village in South Viet-Nam (Saigon: National Institute of Administration, in cooperation with Michigan State University Advisory Group, 1961), pp. 1-6.
31. Hickey. pp. 254-255.
32. Ibid, pp. 258-260.
33. Ibid, pp. 214-218.
34. Ibid, pp. 187-188.

35. Woodruff, pp. 73-75.
36. Truong and Woodruff, p. 105.
37. Woodruff, pp. 122-128.
38. Handbook, pp. 279-280.
39. Hickey, p. 197.
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41. Paul Mus, "The Role of the Village in Vietnamese Politics," Pacific Affairs, XX, (22 September 1949), p. 272.

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APPENDIX A

THE MONTAGNARD VILLAGE

COUNCIL

The village is the most important political unit among the Montagnards of South Vietnam, as they have no tribal organization.¹

The village political organization of the various ethnic groups of the Highlands are quite similar in structure, with authority resting in the hands of the males of the village. This political authority is not altered by the fact that the "Rhade, Jarai and Mning have matrilineal kinship systems, in which decent is in the female line," and the women own most of the property and hold title to land.²

Every village is led by a village headman or chief and a council of elders. The council of elders is usually composed of the older men who are the heads of households. The village headman is selected either by a consensus of the adult villagers or by the council itself. In some groups, such as the Rhade, the selected headman is "generally the wealthiest and most intelligent man in the village."³

The council of elders assist and advise the village headman in the performance of his duties. Traditionally, the headman is responsible for the administration of the village, protection of the inhabitants, organization of village rituals and in some groups he selects the new site if a village has to be moved. He also leads in war and administers justice

¹ Gerald C. Hickey, The Major Ethnic Groups of the South Vietnamese Highlands, Santa Monica, California: The Rand Corporation, 1964. p. 5.

² Ibid., pp. 5-6.

³ David A. Nuttle, Ede Montagnard in the High Plateau of South Vietnam, Saigon: U.S.I.A., 1962. p. 11.

in disputes between families as well as in cases which involve another village.⁴ During the French colonial period, the village headman frequently acted as a liaison between the villagers and the district authorities.

The manner of settling disputes varies among the different Montagnard groups. Nevertheless, it seems that in most instances the village headman with the council of elders tend to combine juridical with governing functions.⁵

Traditionally all disputes involving members of a particular village were dealt with and resolved by its village leaders.⁶ However the increasing contact with central authorities has resulted to some extent in the encroachment on the village headman's traditional functions.

For instance, the French colonial administrators organized tribunals for the larger ethnic groups appointing indigenous judges who used codified native customs to settle disputes. However, these judges were supposed to hear only cases which could not be resolved by the village headman and the council of elders.⁷ It is reported that the Vietnamese authorities have planned to abolish the tribunals and substitute Vietnamese laws for native juridical customs.⁸ However, it is reported that in 1962 the so-called

⁴ The above discussion on the village headman is primarily based on Hickey, op. cit., p. 7 and U.S. Army Special Warfare School, Montagnard Tribal Groups of the Republic of South Vietnam, Fort Bragg, North Carolina: Fort McPherson, Georgia, 1964. p. 8.

⁵ Foreign Areas Studies Division, U.S. Army Handbook for Vietnam, Washington, D.C.: Special Operations Research Office, 1962. p. 280.

⁶ The exception being family conflicts which were supposed to be settled by the head of the family.

⁷ Hickey, op. cit., p. 8.

⁸ Ibid.

tribal courts were still functioning in the provincial capitals of the Central Highlands.⁹

Since the establishment of the Republic of South Vietnam in 1954, the central government has attempted to incorporate the Montagnards into its political organization. To this effect, the government has instituted a system of Vietnamese district chiefs who attempt to act as liaison among the various villages and the central government.¹⁰ However, the Montagnards generally prefer their old ways and deeply resent the Vietnamese and their efforts to change traditional institutions.

To aggravate this delicate situation even further, many of the Vietnamese-Montagnard contacts today are made through military channels because of the Viet Cong insurgency. The fact that military necessities often require the disregard of traditional village authority and customs have only served to increase the Montagnards' traditional hatred of the lowland Vietnamese.

The Viet Cong are attempting to make headway among some of the Montagnard tribal groups. They are exploiting the traditional hatreds and emphasizing the autonomy and respectful treatment of ethnic minorities in North Vietnam. The village headman and the council of elders, who see their authority by-passed and their prestige diminishing more day by day, possibly could find the utopian promises of the Viet Cong quite attractive.

⁹ F.A.S.D., Handbook for Vietnam, op. cit., p. 280.

¹⁰ U.S. Special Warfare School, Montagnard Tribal Groups, op. cit., p. 58.

APPENDIX B

THE VILLAGE COUNCIL IN THE DEMOCRATIC REPUBLIC OF VIETNAM (NORTH VIETNAM)

The village, represented through its elected People's Council, is the lowest administrative unit of government in rural North Vietnam. Consequently, the village People's Council is also the basic organ of the government which comes into the closest direct contact with the majority of the Vietnamese people and thus operates at the grass-roots level of the society. Its primary function is not to govern, but the execution and popularization of laws and policies of the State and its communist party, the Dang Lao Dong Viet Nam.

Until the advent of the revolutionary Viet Minh regime to power in 1945, the village councils in North Vietnam followed a similar historical development as that of South Vietnam.² However, with the establishment of a communist government in North Vietnam the traditional village council underwent some fundamental changes.

From the very beginning of the insurgency the Viet Minh devoted a tremendous amount of time and attention to the problems of village government and

1 Floyd L. Singer. Control of the Population in China and Vietnam: The "Pao China" System, Past and Present, China Lake, California: U. S. Naval Ordnance Test Station, Weapons Planning Group, 1964, p. 51.

2 For excellent and concise background material see Paul Mus, "The Role of the Village in Vietnamese Politics," Pacific Affairs, (Sept. 1949), pp. 265-272.

administration. This is borne out by the numerous laws and statutes existing on the subject, ranging from the first Basic Law of 1945 to the new Constitution of 1960 (See Annex to Appendix B.). The reasons for this great emphasis on local government is generally explained by the Viet Minh's initial need "to bolster its bid for power; today it does so in order to maintain its authority and enable it to realize its programme of refashioning North Vietnamese society in accordance with 'socialist' blueprints."³

When Ho Chi Min's Provisional Government secured control over North and Central Vietnam, it was confronted with the traditional system of village administration with its councils of notables and elders as it had been preserved, with minor modifications, by the French colonial administrators.⁴ A good and concise analysis of the situation, with some valuable insights to the Viet Minh's actions, is provided by Professor Ginsburgs in the following paragraph.

Historically, the population of Vietnam, overwhelmingly peasant in its make-up, was for all practical purposes, governed through a comprehensive network of village councils

3 George Ginsburgs, "Local Government and Administration Under the Viet-Minh, 1945-1954," The China Quarterly, no. 10 (April-June 1962), p. 174.

4 Bernard B. Fall, "Local Administration Under the Viet-Minh," Pacific Affairs, 27 (March 1954), p. 50.

and was only vaguely aware of the existence of a remote central government. Even when it was affected by the latter's policies, the contact was nearly never direct, but usually...through... the rural authorities. Because of this traditional factor,... the Viet-Minh was, from the very start, almost inevitably forced to concentrate a great deal of effort on consolidating its hold over the one truly operative system of control over the large mass of the population - the local village unit.

It is ironic to note that the village councils, which were to become the foundation of highly centralized communist government, had survived in the past because of the high degree of decentralization. The Vietnamese village has been described historically to be "generally autonomous by tradition and self-sufficient by economic necessity." The theme of village autonomy is found in many old Vietnamese proverbs, for instance, "the power of the Emperor stops at the bamboo hedge,"

The Viet Minh's early years of administration has frequently been compared with the early post-revolutionary experience in the Soviet Union.

The first major piece of legislation which set forth the organs of local authority was the Decree No. 63 of November 22, 1945, and the Constitution of 1946. In accordance with the 1945 law, each village was to elect its own council, composed of 15 to 25 members and five to seven alternates.

5 Ginsburgs, op. cit., p. 174. Underline for emphasis added.

6 Fall, op. cit., p. 50.

7 Each village is usually encircled by a bamboo hedge.

8 Fall, op. cit., p. 51.

While many laws had been passed prior to the enactment of the 1960 Constitution, the most important one being, perhaps, the one "On Elections to People's Councils and Administrative Committees" (July 1957), they were all essentially in accordance with the initial 1945-1946 plans.⁹ A great deal of time since 1954 has been spent on centralizing the government structure and dealing with the problems of the ethnic minorities in the autonomous zones.

⁹ For a detailed treatment of the Viet Minh's administrative plans from 1945 to 1960 see Ginsburgs, op. cit., pp. 174-204, also his "Local Government and Administration in the Democratic Republic of Vietnam since 1954: (Part I), The China Quarterly, no. 12 (October-December 1962), pp. 211-230, and Part II in The China Quarterly, no. 14 (April-June 1963), pp. 195-211. See also Bernard B. Fall, The Viet-Minh Regime; Government and Administration in the Democratic Republic of Viet-Nam, New York: Institute of Pacific Relations, 1956.

ANNEX

THE VILLAGE PEOPLE'S COUNCIL UNDER THE 1960 CONSTITUTION

According to the Constitution of 1960, North Vietnam is administratively divided into provinces, autonomous zones, and municipalities directly under the central authority. The provinces are in turn divided into districts, cities, and towns with a further subdivision of the district into villages and townlets. The smaller units in each province conduct their local affairs subject to the authority of the next higher administrative unit of which each is a part.¹

Fundamentally, the administrative structure of the country consists of a set of People's Councils and Administrative Committees operating at each level of the government. The locally elected people's council is the legislative branch of government at that level while the administrative committee corresponds to the executive branch.

The People's Council at the village level is made up of 10 to 25 members, depending on the size of the village, who are elected for a two-year term. Among the voting regulations is a three months residence requirement prior to the election. Military and administrative personnel assigned to the village are exempted from this regulation. Candidates desiring to run for office must have resided in the village for at least six months.²

¹ Foreign Areas Studies Division, U.S. Army Area Handbook for Vietnam, Washington, D.C.: Special Operations Research Office, 1962, p. 242.

² Ibid., p. 244.

The duties and powers of the village people's council are outlined in articles 82-86 of the Constitution. As a legislative organ, the village people's council exercises very little power and "serves primarily as a conveyor belt for the transmission of information to the people"³ from the higher levels of government.

Among its powers, the people's council elects an administrative committee and has the power to recall these members. Furthermore, the village people's council has the authority to revise or annul inappropriate decisions issued by its administrative committee. It also has the power to elect and recall the president of the people's court at the corresponding level (Article 84).

The principle of "democratic centralism" as expressed in Article 86 and in the "Law on Organization of People's Council and Administrative Committees at All Echelons," (November 1962), states that the people's councils "at all levels have power to dissolve People's Council at the next lower level where the latter do serious harm to the people's interest." However, the village people's council cannot rightfully exercise this power since it is the lowest unit of government and therefore can only be subject to it.

Similarly, the administrative committees at all levels have the authority to revise or annul the decisions of administrative committees and people's councils at levels of government lower than their own (Article 90).

³ Singer, op. cit., p. 49.

However, to the village council the exercise of this provision is constitutionally impossible.⁴

The village administrative committee functioning as the executive branch of the people's council is elected by the latter from among its own members. It is composed of a president, one or several vice-presidents, a secretary, and several committee members. The latter varies in number according to the size of the village people's council. The term of office is two years. In case of dissolution of the village council, the administrative committee performs the functions of local government until a new village council is elected. (Articles 88-91).

In order to stand for membership in the administrative committee, the candidate must be acceptable to the Lao Dong Party in addition to satisfying certain requirements with regard to age, literacy and mental competence.⁵

Furthermore, the tendency toward nepotism is restricted by the stipulation that "a husband and wife may not serve together on an administrative committee nor may a parent and two children or three siblings."⁶

The organization of the village people's councils and administrative committees in the autonomous zones follow generally the same basic principles as previously described. One exception is the provision which

⁴ Although village administrative committees have the power to stop the execution of decrees made by cooperatives contrary to State laws, these cooperatives function below the basic administrative unit of local government and therefore cannot properly be covered by Article 90.

⁵ FASD, Vietnam Handbook, op. cit., p. 244.

⁶ Ibid.

entitles the various ethnic minorities living in the zone "appropriate representation on the People's Councils" (Article 93).

These organs, in the autonomous zones have the power to "work out plans for economic and cultural development...administer their local finances, and organize their local self-defense and public security force within the limits of autonomy prescribed by law (Article 94).

Statutes drawn up by the people's council governing the exercise of autonomy, have to be endorsed by the Standing Committee of the National Assembly, before they can be put into effect.⁷

In conclusion, the structural organization of the North Vietnamese government "provides for a system of dual responsibility, both horizontally and vertically," that has left little room for initiative by the village people's council which is virtually "stripped of all but a semblance of local autonomy."⁸

Since the advent of the Viet Minh regime in 1945, the duties required to be performed by the village council have increased considerably over the years and the village administrative machinery has become cumbersome. While the work load of the village administrator has increased, the prestige and prerogatives traditionally associated

⁷ Due to the limited scope of this paper it is not possible to give full treatment to the autonomous zones and the problem of ethnic minorities. For further study, see George Gissburgs, "Local Government and Administration in the Democratic Republic of Vietnam Since 1954" (Part I), The China Quarterly, no. 12 (October-December 1962), pp. 212-230, and Part II in The China Quarterly, no. 14 (April-June 1963), pp. 195-211.

⁸ Singer, op. cit., p. 50.

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with the village council have decreased. The necessity of village administrators to perform duties outside of their official capacity either on the hamlet or cooperative level has seriously affected morale and efficiency. The village administrators view such activities as a demotion and fear that the other village people will laugh at them and thus cause the "loss of face."

The degree of success in implementing the new public order system in North Vietnam since 1945, is still a subject under discussion. However, there exists a consensus that the long range effect of the new system will probably cause the "fundamental disruption of the historical fabric" of the North Vietnamese society and "the widespread eradication of the traditional patterns of authority among the peasant masses."⁹

⁹ Ginsburgs, "Local Government, 1945-1954," op. cit., p. 204.