

MICHIGAN STATE UNIVERSITY
Vietnam Technical Assistance Project

OFFICE MEMORANDUM
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To : Date: 31 October 1956
From : Walter W. Mode, Chief, Field Administration Division
Subject: Reorganization of the Vietnamese Government

Following are the latest changes in the organization of the Vietnamese Government, relating to field administration.

As soon as it can be translated, we will also send you a copy of the new Agrarian Reform law which was issued on 22 October.

REPUBLIC OF VIETNAM

PRESIDENCY OF THE REPUBLIC

No. 144-a/TTP

The President of the Republic

Considering the Provisional Constitutional Act No. 1 dated October 1955

Considering the Arrêté No. 4-TTP dated October 29, 1955 and the following documents fixing the constitution of the Government.

ORDAINS ARRÊTÉ:

Article I.- From now on, Nam-Việt (South Vietnam), Trung-Việt (Centre Vietnam) and Bac-Việt (North Vietnam) are called Nam-Phân (South Region), Trung-Phân (Centre Region) and Bac-Phân (North Region).

Article II.- As far as they are concerned, the Secretaries of State and Government Delegations are in charge of this arrêté which will be effective as of its signature day.

Saigon 23 October 1956

Signed: NGO-DINH-DIEM

Recipients:

- Departments
- Government Delegations
- Secretary General Direction at the Presidency

COPY:

For the Chief of Cabinet at the Presidency
Deputy Chief of Cabinet
Signed: Đoàn-Thêm

REPUBLIC OF VIETNAM

PRESIDENCY OF THE REPUBLIC

No. 147-a/NV

The President of the Republic

Considering the Provisional Constitutional Act No. 1 dated October 26, 1955;

Considering the Arrêté No. 4-TTP dated October 29, 1955 and the following documents fixing the constitution of the Government;

Considering the Arrêté No. 143-NV dated October 22, 1956, integrating a part of Binh-Thuan Province to the territories of South Vietnam;

ORDAINS ARRETE:

Article I.- The Central Part of Vietnam now includes two regions: the Highlands and the Lower Region.

The territories of the Central Part Highlands belong to the former P.M.S.

The territories of the Central Part Lower Region belong to former Central Vietnam.

Article II.- In the Central Part there will be a Government Delegate and a Government Delegate Assistant.

The Headquarter of the Government Delegation will be set up at Banmethuot.

The Headquarter of the Assistant Government Delegation will be set up at Hué.

Article III.- For the completion of his functions, the Government Delegate at Banmethuot can delegate his power to his Assistant in Hué about the affairs concerning the Lower Region.

Article IV.- As far as they are concerned, the Secretaries of State and Government Delegates are in charge of this Arrêté which will be effective as of its signature day.

Saigon 28 October, 1956
Signed: NGO-DINE-DIEM

Recipients:

- Departments
- Government Delegations
- Secretary General Direction at the Presidency

COPY:

For the Chief of Cabinet at the Presidency
Deputy Chief of Cabinet
Signed: Doan-Thien

R.O.V. ADMINISTRATIVE ORGANIZATION.-

Saigon (VP) Oct. 27.-

The President of the Republic signed on October 24, 1956 Ordinance 57-a regulating the reorganization of the Administration of the Republic as follows:

Vietnam will include provinces, prefectures and villages.

I. PROVINCES

The provinces enjoy judicial personality and have their own budget and public properties.

They are administered by province chiefs, who are assisted by one or many assistants.

The province chief and his assistant are appointed by the President of the Republic.

The province chief is placed under the direct competence of the President of the Republic and represents the central authority in the province.

His mission is to execute the law and regulations.

a) He coordinates the public services of the province and, in this respect, informs the President of the Republic and Ministerial Departments of the general activities of the services placed under the Province Chief's authority or under the authority of the different ministerial departments.

He is entitled to propose the transfers of specialist civil servants in service in his province.

b) He assumes the responsibility of maintaining public order and security.

For this purpose, he coordinates the security and police organizations in the territory of his province.

In emergency case, he can call for the army on condition that he informs immediately the Presidency of the Republic.

As a representative of the Government, he presides over the official ceremonies taking place in his province.

He is the manager of the provincial budget.

He supervises the village administration.

The administrative and financial organization of the province is fixed by decree.

II.- PREFECTURES

The prefecture enjoys juridical personality and has its budget and public properties.

It is administered by an appointed Prefect and a municipal council.

The administrative and financial organization of the Prefecture is fixed by decree.

III.- VILLAGES

The province includes villages, which have their juridical personality, budget and public properties.

The administrative and financial organization of the village is fixed by decree.

IV.- CANTONS AND DISTRICTS

Several villages united together constitute a canton, placed under the authority of a canton chief, who is assisted by one or several deputy canton chiefs.

The appointing procedure and attributions of the canton chief and deputy canton chief are fixed by decree.

Many cantons united together, constitute a district, placed under the authority of an administrative delegate.

The administrative delegate is appointed by the President of the Republic on the proposal of the province chief.

V.- GOVERNMENTAL DELEGATES

The delegates of the Government are appointed by decree of the President of the Republic. Each of them is in charge of a group of provinces.

Acting as inspector, the Delegate of the Government follows the activities of all the public services in the provinces of his competence.

As an inspector, he can intervene with the ministerial departments in order to realize a better output of the activities of the aforesaid services and a better running of the work.

The government Delegate assists the central authority.

He has the duty to inform the Presidency of the Republic of the general situation of the provinces of his competence by periodical reports as well as to present necessary proposals.

He gives his opinion on the coordination of the public services in provinces when he proposes promotion of the Province Chiefs.

The President of the Republic can entrust the Delegates of the Government with special missions in one or several provinces and with instruction to be conveyed to the province chiefs.

In urgent case, in case of disaster, or in view of coping with a special situation, the delegate of the Government can give orders to the province chiefs and mobilize the public services in the provinces on condition that he informs immediately the Presidency of the Republic.

The delegate of the Government has the duty to study all questions interesting the provinces of his competence and, in case there is a previous authorization of the President of the Republic, he can organize conferences of province chiefs in order to proceed to an exchange of views. If he is authorized by the President of the Republic, he can organize conferences with the competent police and security authorities and the other administrative authorities of his competence with a view to studying the security problems. In case of emergency, he can be exempted from the previous authorization of the President of the Republic, provided however, that he immediately informs the President of the Republic of the aim of this conference.

The delegate of the Government represents the latter in the official ceremonies taking place in the provinces of his competence.

He also represents the Government in the relations with foreign Missions or officials visiting the region. For the achievement of these missions, he will preliminarily receive the instructions of the Government for each affair. All anterior provisions contrary to the present Ordinance are abrogated.

Republic of VietNam

Presidency

No 115-a/TTP/VP

Saigon, 24 October, 1956

The President of the Republic
to
The Secretaries of State
The Government Delegates
The Prefect
The Province Chiefs

Decree No 17 of 24 December 1955 had abrogated the juridical personality and the autonomous budget of the regions. That was the beginning of the reform of the Vietnamese Administration.

Now I have the honor to inform you that by decree No 57a of 24 October 1956, I strengthen this reform with the following purposes:

1. to increase the power and responsibility of province chiefs.
2. To fix the new functions of Government Delegates.

Thus we complete the reform which was planned by the Government in order to make the administration more effective.

Province Chiefs are representatives of the Central Government, but not of a particular Department. This official will have to assume more important responsibilities than before, but on the other hand he will have more facilities for his activities.

Province Chiefs

The Province Chief is appointed by the President and is directly responsible to the latter.

The Province Chief is the representative of the Central Government in his province.

Apart from the application of laws and regulations, the Province Chief is responsible for the general coordination of all public services in the province.

The Province Chief submits reports to the President or Secretaries of State, about the activities of the services dependent on the province headquarters as well as to the services dependent on the ministerial Departments.

The Province Chief must see to it that public services operate effectively and report to the President on their progress or deficiencies.

The Province Chief must help the representatives of ministerial departments in the province.

The Province Chief can be consulted and can give his opinion about the establishment or application of all government programs related to the province.

In addition, the Province Chief is responsible for the public security and order. For this, he coordinates the police and security forces in his province. (Civil Guard, Police, Military Police assigned to work with the administrative authorities, etc.)

In case of emergency, the Province Chief has the power to use the military forces, but he must report immediately to the President.

Until the reform of the financial structure of the provinces, the Province Chief's power over budget and taxation is still fixed by the present regulations provided these are not in contradiction with the articles of the foresaid decree.

The Province Chief's authorities and functions fixed by present regulations are unchanged, provided they are not in contradiction with this decree.

The Province Chief directly controls the village agencies. He has the duties of selecting and assigning the members of the Village Council, guiding them, controlling their work, looking after the application of the village budget in order to use the resources properly.

The Province Chief exchanges letters directly with the Presidency and the ministerial Departments. A copy of these letters should be sent to the Government Delegation.

The Province Chief can contact the Director General, Director, Chiefs of Service of each department, when necessary. But for important matters, the Province Chief has to have instructions from the Presidency.

The Province Chief can receive the instructions from the Departments but these instructions have to be signed by the Secretary of State. In such a case, a copy has to be sent to the Presidency and the Government delegation.

These instructions and advice having a general character sent by various bureaus of the Departments to various representative agencies at provincial level have to be sent through the Province Chief; a copy will be sent directly to the agency of the related Department.

If these agencies send letters to the Departments they have to be sent through the Province Chief.

The Province Chief send periodical reports to the Presidency or the Departments on the activities of various services in the Province, and can propose the transfer of any public servant in the province who does not fulfill his duties.

A copy of that report has to be sent to the Government Delegation.

Copies of the technicians reports have to be also sent to the Government Delegation as well as to the Province Chief.

The Government Delegate and Province Chiefs have to submit their opinions immediately to the Presidency.

The Province Chief can confer with the Chiefs of Service in his territory on various problems concerning his area.

As for the responsibility of running the various bureaus the Province Chief has to report right after a preliminary investigation on various infringements from administrative civil servants.

As for the activities of the judicial and military agencies, the Province Chief cannot intervene directly but he has the power to report to the Presidency on any matters having an illegal or "out of date" character.

As for the budget, the Province Chief has only the power to intervene directly in case of robbery, embezzlement or abuse and apply all protective measures, but he has to report immediately to the Presidency and to the Secretary of State for Finance.

If a Department does not have a representative in the province, all the work of that department will be handled by the province chief.

General speaking, ordinance No 57a of 24 October 1956 and all above instructions will be carried out by the Prefecture, if there is nothing against the regulations of that Prefecture.

Villages

Villages under the Province Chief. In various villages the Province Chief carries out his duty with the assistance of Canton Chief, Deputy Chief of Canton and the District Chief. The District Chief representing the Province Chief will carry out the duty.

Districts do not have juridicial personality. The limits of the districts will stay the same until new change.

The Canton Chief will be the intermediary between villages and various administrative agencies of the District and Province.

The Canton Chief assists the District Chief in carrying out all measures issued by the upper level. If possible the Canton Chief will settle every dispute in order to even the interests of the villages or of the individuals.

The Canton Chief and his deputy are appointed by the Province Chief upon the proposal of the Village representatives

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Government Delegates

The delegate does not direct the local Administration as before. He has the 3 following functions :

1/ As an inspector the delegate has the duty to follow up and coordinate the activities of all the public services in the provinces and can intervene with the Departments in matters connected with the activities of those departments in the provinces.

The Delegate must attend the monthly meeting with the executive agencies of the Presidency and the meetings of administrative and financial inspectors.

The Delegate is kept informed of the general situation of the provinces through reports submitted by Province Chiefs. He examines those reports and presents his opinion and suggestion to the President.

2/ As the executive assistant the Delegate sees to it that the Government regulations, instructions and program are carried out.

For this reason the government Delegate can be empowered by the President to issue instructions to the Province Chiefs.

3/ The government Delegate can be empowered by the President to investigate or to carry out the operation other than his usual functions.

The Delegate sends letters to the President, the Secretaries of State and Province Chiefs. Copies of important letters exchanged between the Delegate and the Secretaries of State and Province Chiefs are sent to the Presidency.

At least twice a month the Delegate must report to the President on the situation of the provinces. Copies of these reports must be sent to the Executive Agency of the Presidency and if necessary to the concerned departments.

In order to carry out his inspection duties the Government Delegate can consult documents and files of the Province Chief Headquarters or of the technical services in the province.

Signed: NGO-DINH-DIEM

Copy:
Deputy Chief of Cabinet
at the Presidency

Copy sent to:
Direction and services at
the Presidency

Signed: Trần-văn-Phúc

Seal.

New Boundaries and Names of Provinces in South Việt-Nam (Region)

According to Decree 143-NV, dated 22 October 1956, issued by the President of the Republic, the territory of South Việt-Nam now includes part of the province of Bình-Thuận and is divided as follows:

- a. The capital, Saigon
- b. 22 provinces.

The boundaries of the capital and of the provinces will be modified as well as their names, conforming to the table below:

New Names of the Administrative Units of South Việt-nam

	Former Names	New Names	Capital
I. Capital :	Saigon-Cholon	Saigon	
II. Provinces:			
1	Bà-ri-a-Vũng-Tàu	Phước-Tuy	Phước-Lỗ
	Hoàng-Sa (Spratley)		
2	Biên-Hòa: (Biên-Hòa	Biên-Hòa	Biên-Hòa
3	divided into (Xuân-Lộc	Long-Khánh	Xuân-Lộc
4	four provinces (Bà-Rá	Phước-Long	Phước-Bình
5	(Hơn-Quan	Bình-Long	An-Lộc
6	Tây-Ninh	Tây-Ninh	Tây-Ninh
7	Cholon-Tân-an	Long-An	Tân-An
8	Mộc-Hóa	Kiên-Tương	Mộc-Hóa
9	Phong-Thanh	Kiên-Phong	Cao-Lãnh
10	Mỹ-Tho-Gò-Công	Định-Tương	Mỹ-Tho
11	Bến-Tre	Kiên-Hòa	Trúc-Giang
12	Vĩnh-Long-Sadéc	Vĩnh-Long	Vĩnh-Long
13	Trà-Vinh	Vĩnh-Bình	Phủ-Vinh
14	Long-Xuyên-Châu-Độc	An-Giang	Long-Xuyên
15	Cần-Thơ	Phong-Dinh	Cần-Thơ
16	Bạc-Liêu-Sóc-Trang	Ba-Xuyên	Khánh-Hưng
17	Rạch-Giá-Hà-Tiên	Kiên-Giang	Rạch-Giá
18	Gia-Định	Gia-Định	Gia-Định
19	Cà-Mau	An-Xuyên	Quan-Long
20	Thu-Đầu-Một	Bình-Dương	Phủ-Cương
21	1 section of Đồng-Nai- Thượng and 1 section of Bình-Thuận (Hàm-Tân- Tánh-Linh)	Bình-Tuy	Hàm-Tân
22	Côn-Đào	Côn-Sơn	Côn-Sơn

The program to implement the above will be set up by the Secretary of State for Interior before 1 January 1957.

ORDINANCE NO. 57 OF OCTOBER 22, 1956
SETTING FORTH THE REGULATIONS FOR THE
AGRARIAN REFORM

TITLE I

General Dispositions

ARTICLE I.- The Agrarian Reform established by this Ordinance has for its object:

- the equitable distribution of the land.
- the provision to tenant farmers of means to become small owners.
- the development of agricultural production.
- and the orientation of large landowners towards industrial activities.

TITLE II

Means of application of the Agrarian Reform

CHAPTER I

Applicability of the Expropriation and Limitation of Rural Property

ARTICLE 2.- These agrarian reform regulations affect privately -owned abandoned land suitable for rice cultivation and land under cultivation in excess of the maximum area that landowners are lawfully allowed to retain.

ARTICLE 3.- The maximum area that landowners may retain is fixed at 100 hectares. The landowners have the right to select this land, but within the retention limit allowed.

The retained portion of land may form a single lot if partition would be detrimental to cultivation. The maximum area which the land-owners have the right to exploit directly for themselves is fixed at 30 hectares.

ARTICLE 4.- The above-mentioned Articles 2 and 3 are not applied to the following types of land:

- a. Rice land suitable for the cultivation of crops other than rice, particularly for the cultivation of industrial crops, even if the area exceeds the retention limit set by Article 3, on

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the condition that the landowners shift the form of cultivation of this land within a period not to exceed one year from the date of the promulgation of this Ordinance.

b. Land under established cultivation, whether on leased or owned by private persons, devoted to the culture of industrial crops such as coffee, rubber, sugar cane, tobacco, fruit trees, etc., for domestic use or export, even if the area exceeds 100 ha.

c. Concession-lands on which are located residential buildings or factories, as well as model farms.

d. Land devoted to pasture for animals of any livestock farm, on condition that these farms function in a permanent manner.

e. Protected forests.

ARTICLE 5.- The provisions of the present Ordinance are not applicable to entailed land, (hậu điền) nor to land and buildings bequeathed by ancestors of the present owners and intended for private ancestor worship (tử đường).

A special committee will fix the area of the parcels mentioned above according to the locality and the quality of the land, but that area cannot exceed 15 hectares. The owners may directly farm the land themselves.

ARTICLE 6.- This Ordinance is to be implemented without exemption either for private persons or legal persons, or for natives or aliens.

ARTICLE 7.- Parcels recorded in the real estate register in the name of the same owner are considered as a single personal property.

ARTICLE 8.- When any landowner comes under the terms of the agrarian reform law he may continue to collect his rent until the end of the agricultural season of the year during which expropriation has taken place.

ARTICLE 9.- Any certificate of ownership rights, real estate securities, and mortgages which are not dated prior to the date of promulgation of the present Ordinance are considered as null and void.

ARTICLE 10.- In the case of a transfer of ownership rights arising from death after the promulgation of the present Ordinance, the estate shall be considered as a single property subject to the provisions of the present Ordinance.

CHAPTER II

Beneficiaries of the Agrarian Reform law

ARTICLE 11.- Eligible for land are all Vietnamese of both sexes who are at least 21 years of age and single, or married and over 18 years of age, save those cultivators who, profiting by recent events, have illegally occupied land and have not signed farm lease contracts or paid either rent or land tax during the past year, and who refuse to pay them by March 31, 1957.

ARTICLE 12.- The land to be divided shall be allotted according to the following priority:

1. Cultivators who are now residing in the area; tenants and agricultural workers who have worked there for over two years.
2. Spouses or direct relatives of those who died or were incapacitated in the liberation or the pacification of the country.
3. Refugees or those reclaiming their homes.
4. Unemployed.
5. Married small landowners with over 5 children, having less than 3 hectares of land; but no such family be allotted land in excess of 5 hectares.
6. Those owning no land.

ARTICLE 13.- The portion of the land intended to be allotted will be transferred to the recipient at the end of the agricultural season in the year in which this Ordinance becomes effective.

Where this portion of land is encumbered by mortgage or used as a guarantee, the expropriation is naturally efficient for an arrangement to clear the status of such land, and the creditor will be compensated by the same process as the landowner, but the compensation to be paid to the landowner will be reduced by the amount paid to the creditor.

ARTICLE 14.- In the interval before the formal transfer of registered title, the land to be redistributed is to be provisionally registered in the name of the recipient, who must pay for it by yearly installments over a maximum of 6 years. The first installment must be paid after the harvest of the year following the year in which he took possession of the land. In the course of the 6 year payment period, title to the land remains with the state.

The sale price of this land will be calculated according to the compensation the state pays to the owner, excluding the interest of 3 per cent provided in paragraph B, Article 21.

ARTICLE 15.- Within one year from the date of taking possession of the rice land, the new owner must put under cultivation the whole area he agreed to purchase. In addition, he must participate in the program of agricultural development, cooperative extension, and various activities in the common interest. In case he fails to fulfill these engagements, the state may repossess the rice-field in accordance with the sanctions provided in Title IV.

ARTICLE 16.- After being allocated, land cannot be rented, mortgaged, resold, or devoted to non-agricultural purposes for a ten year period.

ARTICLE 17.- Properties comprising residences or farm buildings occupied by the beneficiaries of the agrarian reform continue to belong to the owners affected by this program. These buildings will be expropriated by the state and sold to the occupants for compensation to be paid over a 10 year period.

ARTICLE 18.- The sale price of the buildings mentioned in Article 17 will be fixed at their current value, a deduction being made for depreciation up to the time they are evaluated.

ARTICLE 19.- The buildings mentioned in Article 17 may not be moved and their recipients may not resell them until their value has been entirely repaid.

CHAPTER III

Compensation to Landlords

ARTICLE 20.- Every landlord whose lands are expropriated by the state by virtue of the provisions of the present Ordinance shall be entitled to compensation from the state according to the current value of his land which will be determined by a special committee to be established by a decree.

If the land and the usufructuary right belong to two different persons, the proportion of the compensation paid to each of them will be fixed by the committee mentioned above.

ARTICLE 21.- The compensation shall be paid as follows:

a. Ten percent of the value of the expropriated land will be paid in cash.

b. The remainder will be paid by registered non-transferable government bonds guaranteed by the state bearing an annual interest of 3 percent and amortized in 12 years.

ARTICLE 22.- The aforesaid bonds may be pledged and are legal tender for mortgage debts contracted with the Agricultural Credit Agency, for paying land and inheritance taxes owed on the expropriated lands, and for subscription to securities of any enterprises created by the state in the framework of a program of national economic development.

TITLE III

Agrarian Reform Agencies

ARTICLE 23.- The Department of Agrarian Reform will be responsible for the implementation of the agrarian reform program.

ARTICLE 24.- A council on Agrarian Reform will be established to supervise all operations carried out during the implementation of the present Ordinance and to settle any questions raised by the organisms, committees, or parties concerned in the implementation of the present Ordinance.

ARTICLE 25.- A decree will establish committees and local sub-committees in charge of studying and proposing solutions related to the following items:

a. Elaboration of regulations to implement the agrarian reform program.

b. Drawing up of a schedule of lands subject to the agrarian reform program.

c. Determination of the maximum area of the land reserved to ancestor worship as provided in Article 5.

d. Supervision of the administration, expropriation operations, establishment of retention areas, and allocation of lands.

e. Notification of persons involved by the implementation of the present Ordinance.

f. Settlement of damage claims in accordance with the provisions of the present Ordinance

g. Issuance of title to new land owners.

h. Signature of contracts with expropriated landlords.

i. Submission of the report on operations to the National Council on Agrarian Reform every three months.

ARTICLE 26.- Agrarian tribunals will be instituted in each province or group of provinces to hear actions arising out of violation of the law or to hear law suits occurring during the implementation of the present Ordinance. A decree will fix the composition, powers, and procedures of these tribunals.

TITLE IV

Penalties

ARTICLE 27.- Any person acting to obstruct or impede the implementation of the present Ordinance shall be liable to imprisonment of 6 months to 2 years or to a fine of 15,000 to 120,000 piasters.

ARTICLE 28.- Any landowners who oppose the implementation of the present Ordinance by violent or other illegal means will be expropriated to the limit of their property without prejudice to the confiscation of the price of the expropriated land.

ARTICLE 29.- Any landowners who attempt to reduce the value of the expropriated lands, reduce soil fertility, destroy buildings, or impede normal cultivation will be liable to a fine of 10,000 to 50,000 piasters or to imprisonment of 3 to 6 months.

ARTICLE 30.- In case of negligence shown in the cultivation of the allocated lands which have not been wholly paid for or of insolvency on the part of the new owner, the Government shall have the right to take back these lands without reimbursing the installments paid and to apply the penalties provided for in Article 27.

TITLE V.

Final Provisions

ARTICLE 31.- The provisions of this Ordinance are of public nature.

ARTICLE 32.- In order to cover the expenditures occasioned by the administration and the execution of the Agrarian Reform program, there shall be instituted an autonomous fund the establishment and the auditing system of which shall be determined by a decree.

ARTICLE 33.- The modalities of carrying out of this ordinance shall be determined by a decree.

ARTICLE 34.- All ordinances, orders, decisions, regulations more particularly ordinance No. 21 of June 4, 1953, whose provisions are in conflict with those of this ordinance are rescinded.

ARTICLE 35.- The present ordinance shall take effect as of the date of its promulgation and shall be published in the Official Journal of the Republic of Vietnam.

Done at Saigon the 22 October 1956