animals. None of the candidates has been permitted to run under party labels; all are forbidden to criticize government policies.

"Since many of the council members who will be elected during the two-week balloting will be both inexperienced and illiterate (in a country 82% illiterate), Ayub has ordered that council chairmen receive two months of training in financial and administrative affairs. This spring, Ayub will appoint a commission to draft a constitution to go into effect by 1961. It will feature a strong executive, an absence of political parties ("otherwise we will have no peace"), and the indirect election of a national legislature and President by the new councils, serving as electoral colleges. The idea resembles the democracy-from-the-ground-up that Nasser tells U.S. visitors he dreams of for Egypt. It still leaves a strongman running the show, and depends on his good intentions. Once his plans are complete, Ayub promises, the army will give up the administration of the country because 'it has many other things to do.'"
II. THE EXISTING SYSTEM OF LOCAL ADMINISTRATION
IN VIET NAM

A reasonable, complete description of the existing system of local administration was the first objective of this series of three reports. This description was to extend far beyond a recitation of legal characteristics into the more complex and unknown area of current administration. The hope was to piece together most of the dominating patterns so that an overall view of the essence of local administration at present could be obtained.

It is unfortunate that this has not been achieved for it would have met a vital need in the planning of future developments, not only for local administration, but also for many other public policies of Viet Nam, including military programs and economic development. (The writer, upon returning to the United States, plans to set forth a series of propositions as to what he thinks are the essentials of the present system; but these will not suffice for current policy and programming needs of GVN).

Falling far short of any satisfactory description of the present system, this report at least suggests what references are available for further study, reproduced some of the more pertinent legal documents, and illustrates certain aspects of reform and evaluation of reform in local administration during recent years.

A. Suggested References

Although this is not necessarily a complete listing of the major studies currently, or soon to be, available, it does include all that the writer has become familiar with during his stay in Viet Nam.
1. General background of local administration: the most convenient sources for a review of historical developments are: a short survey prepared by Miss Nguyen Xuan Dao, "Village Government in Vietnam - A Survey of Historical Development" published as an Annex in the study by Lloyd W. Woodruff, The Study of A Vietnamese Rural Community - Administrative Activity, Vol. II, MSUG, 1960; and Mr. Lam Le Trinh's, former secretary of the Department of the Interior, "Village Councils; Yesterday and Today" Viet-MY (the journal of the Vietnamese-American Association, Saigon), Parts I and II, Vol. 3, 1958. Miss Dao's study also included a bibliography of various other references, largely French, of the period from about 1900 to 1940.

2. Studies of current administrative characteristics: in the absence of any major overall study of local administration, one must look for more limited studies which include several soon to be published by MSUG.

a. Lloyd W. Woodruff, The Study of a Vietnamese Rural Community - Administrative Activity, 2 Vols. MSUG, 1960. A study of the village of Khanh Hau, population about 3,000, in Long An province; based on field data collected over a period of one year and centered largely on the activities of the village council; background data include the organization of the province and district and administrative organization of the Council of Notables when serving also as the village administrative council. The final chapter offers some judgments on both the strengths and weaknesses of this particular council, which can serve as
points for further research in other villages.

b. "The Vinh Long Studies" to be published in 1962, by MSUG and the National Institute of Administration. At least three separate studies are being planned based on field data collected during one to two weeks in the spring and summer of 1961, by an eight-man team of MSUG and NIA faculty members paired off to concentrate on the three levels of administration - the province, district, and village.

The group included an anthropologist, sociologist, as well as political scientists and public administration specialists. The attempt was to describe and analyze the work of the key executives of these three levels during one week. In addition, some socio-economic data were collected as well as other pertinent administrative and political materials. Additional volumes dealing with special problems observed during the week are also being considered: (1) the problem of agroville administration; and (2) the administration of village training programs. The volumes should offer a fair appreciation of the role of the province chief vis a vis central administrative agencies as well.

c. "The Quang Nam Studies", to be published in 1961, by MSUG and the NIA. Encouraged by the results of the Vinh Long research project, another large joint team, in February, 1962, conducted field research in the Central Lowland province of Quang Nam, partly to obtain comparative data and partly to begin the development of intensive studies of the Central Lowlands area.
For the village study, a fishing village of 6,000 population was chosen. Separate reports are planned for the three levels of administration.

d. The forthcoming doctoral dissertation by Nicholaas Luykx, Cornell University, Ithaca, New York. This has the potential of being one of the most informative studies of both central-provincial and provincial-local phases of administration in Viet Nam. The research design called for particular emphasis on the problem of delegation of authority and the lack of same. Mr. Luykx spent three months in field research in Thua Thien province in the Central Lowlands. From the viewpoint of value to Viet Nam, one shortcoming may be a need to have reduced the amount of detail since his scope also included similar studies in two other neighboring nations, the Philippines and Thailand.

e. Provincial and local finance received considerable attention during the period 1956-1957, by Professor David Cole, Vanderbilt University, when serving on the staff of MSUG. In addition, his doctoral study prepared at the University of Michigan was centered on taxation problems in Viet Nam. For this study of local administration, his most pertinent publications (all mimeographed) are:


(2) Summary of Village Finances in the South Region of Viet Nam, MSUG, October, 1957, 49 pp.

(3) Provincial and Local Revenues in Viet Nam, Vol. II, 1957(?)
f. **Village financial studies**, in addition to those of Professor Cole, include Report No. 2 of this current series by the author, which analyzes the budgets of 25 villages in the two southern regions, largely the delta and part of the foothills areas, and the extended excerpts from the article, prepared by Mr. Ro of the Department of the Interior, presented later in this section.

g. **Social and economic studies of Vietnamese communities**, in addition to those to be published in the "Vinh Long" and "Quang Nam" series mentioned above, include:


   Both studies were based on field research collected over a period of one year from the village of Khanh Hau, in which the author made his administrative study. Emphasis was on developing basic data in the economic and social aspects of village life. Soon to be published in the United States, is a more elaborate and combined volume of these two studies, which presumably will include also some additional information about administrative aspects.

h. Other select references. (In addition to readings found elsewhere in this immediate study.)

(1) John D. Montgomery, Cases in Vietnamese Administration, National Institute of Administration, 1959, 481 pp. (Combined British and Vietnamese edition). While the objective of this was a textbook, various cases fairly accurately depict true situations in local administration. It is the first case book to be prepared about Vietnamese administration.

(2) Preliminary Research Report on the PMS, MSUG, June, 1957, 60 pp. (est.). This is cited for lack of any other available studies on the tribal region, which represents a major gap in studies of local administration in Viet Nam. This report was aimed at providing some recommendations to be used in strengthening field administrative aspects of the Central Government.

(3) Questionnaires prepared for the Eastern Regional Organization for Public Administration (EROPA) for use at its 1960 conference in Manila, on local government. The three questionnaires dealt with central services for local government, rural development, and the problem of strengthening local self-government. Copies might be obtained from the EROPA Research Center, National Institute of Administration, Saigon.

d. Suggestions Concerning the Department of the Interior, The Regions, and the Provinces, MSUG, January, 1956, 70 pp. (est.) (mimeo), Centered on a list of proposals for reorganizing the system of
central-local (provincial and village) relationships, the study slights descriptive and analytical phases; however, as an appendix a valuable description of financial administrative procedures was included. Its greatest value, however, rests in its series of proposed reforms.

B. Selected Legal Documents

Some of the basic legal documents about provincial and lower level administrative units are worth reproducing for the descriptions they offer of the essentials of a formal framework. Some of these are not in effect at present, yet they probably will serve as key guides to future changes in the legal structure; unless developmental, rather than historico-traditional, ideas dominate the propositions for improving local administration.

1. Cantonal Administration, Arrête of 1941, for Cochinchina.

In contrast to the elective procedure in the Central Lowlands, in Cochinchina the canton chiefs, under the French, were appointed by the Governor. While the parallel document for the Central Lowlands has not been examined, it is likely it otherwise follows fairly closely the following for Cochinchina.

* * *

The Governor General of Indochina

Commander of the Legion of Honour

Considering the decrees of October 20, 1911, fixing the powers of the governor general and the financial and administrative organization of Indochina:

Considering the decree of August 29, 1940;

Considering the arrête of February 10, 1936, fixing the recruiting procedure for Canton Chiefs in Cochinchina, completed by the arrête of April 21, 1937:
On the proposition of the Governor of Cochinchina

Decides that:

Art. 1. Canton Chiefs are to be appointed by the governor of Cochinchina, on the proposition made by the Administrators (a position title in the Colonial government system), and the Province Chiefs, after taking advice from three highest notables of every village located in the province.

Art. 2. Candidates to the office of Canton Chief must be residents of the canton and prove that they are able to read and write the Vietnamese language. They have to forward to the Administrators and Province Chiefs an application including a transcript of their judicial record, a brief statement of their wealth situation, and other documents attesting the qualifications necessary for an appointment.

Art. 3. (as modified by arrete (decision) of February 17, 1943). Below are the people qualified for a candidacy:

1. former members or members in office of councils of notables, living in the concerned canton and having been senior notables for at least six years, including two years as village chief.

2. former members or members in office of Provincial Councils, acting Canton Chiefs (Ban Bien, Sung Bien, Pho Tong*) having been in charge of these duties and living actually in the canton where they run for the appointment.

3. native former civil servants of the higher categories in the public services of Indochina, and having at least a ten year seniority and been living actually in the canton where they run for the appointment. Candidates must be 35 years old at least, and 50 years old at most, and have never been sentenced for minor offenses or crimes, or discharged from a government employment.

Art. 4. The Provincial Councillor office cannot pluralize that of Canton Chief. Provincial Councillors elected by the people to fulfill the duties
of Canton Chiefs will be obliged to renounce formally to their membership in the Provincial Council.

Art. 5. Canton Chiefs may be retained in their office until the age of 65.

Art. 6. They may be discharged, at any time, for physical or intellectual incapacity, for misconduct or serious misdeed.

They may be liable for the following disciplinary measures:

(1) reprimand pronounced by the Administrator, Chief of Province.

(2) blame pronounced by the Governor, on the proposition made by the Administrator.

Art. 7. (As modified by arrete (decision) of February 17, 1943), In cases of absence of long continuance, unavailableness, death of a Canton Chief, the Governor may appoint, on a temporary basis, an acting chief, who will operate until the appointment of a titular chief, and must be a notable from one of the villages located in the canton, and recommended by the Administrator, Province Chief.

Art. 8. The office of Canton Chief is not remunerative. However, Canton Chiefs may receive allowances for clerical work and official entertainment. They may also be reimbursed for travel expenses. These allowances will be fixed by the Governor of Cochinchina and provided by the concerned communal budgets.

Art. 9. As a transitory measure, the Canton Chiefs and Deputy Chiefs in office at the date of this arrete taking effect, continue to have the benefit of their statute, especially that of their salaries, promotion, right to a retiring pension; their statute will be suppressed by extinction.

Art. 10. The acting Canton Chiefs (Ban Bien*) having at least a five year
seniority may be appointed Canton Chiefs, directly. (i.e., without consultation from notables as specified in Art. 1.)

Art. 10. All provisions contrary to this present arrête (decision) are abrogated, especially:

(1) the arrête of December 14, 1905, and the subsequent texts relating to Canton Chiefs and Deputy Chiefs.

(2) the arrête of September 8, 1918.

(3) the arrête of February 10, 1936, mentioned above.

Art. 11. The Governor of Cochinchina is responsible for the execution of this arrête.

Hanoi, July 20, 1941

DECOUX (signed)

* Note of the translator. - "Ben Bien" and "Sung Bien" were actually "acting Canton Chiefs", assigned with the permanent function of Canton Chiefs in smaller cantons for which no Canton Chiefs were appointed.
2. Village Administration, Decree of 1953

The contents of the 1953 decree, which established an elective village council for the first time, other than during the Viet Minh period, are similar in subject matter to other village organizational decrees dating as far back as 1904.

Although these do not cover all aspects of village administration, they do provide the basic reference. Matters such as budgetary procedure, taxation, vital statistics, and the specifics of village duties in various functions such as education, agriculture, health, etc., are found in documents originating with the major department within whose jurisdiction the function is found.

At present, the inclination of GVN is to return to the idea of an elective council, possible following many of the provisions found in this 1953 decree.

* * *

Decree No. 34-NV of March 19, 1953

Fixing the statute of the Vietnamese village administration and the attributions of the Village Council

His Majesty Bao Dai, Chief of State,

Considering Ordinance No. 1 of July 1, 1949, fixing the organization and operation of public institutions;

Considering Ordinance No. 2 of July 1, 1949, on the statute of public administrative agencies;

Considering Decree No. 49-CP of June 6, 1952, completed and modified by subsequent decrees, fixing the composition of the government;

Considering all the texts relating to the organization and operation of the village administration in Viet Nam;

Considering the Decree No. 790-CAB-MI of December 16, 1952, on the procedures applied in the election of Village Councils;

On the proposition of the Prime Minister, Minister of Interior;

In agreement with the Cabinet Council:
Decides that:

Part I

Art. 1. The Vietnamese village administration is managed by a Village Council elected through universal suffrage.

The Village Council (Hội Đồng Huống Chính) comprises, as a matter of principle:
- one chairman (chủ tịch)
- one vice-chairman (Phó chủ tịch)
- one general secretary (tổng thư ký)
- and many councillors - the maximum number of the latter is nine - among them are to be distributed the following attributions:
  - Education, sports, youth (giáo dục)
  - Public health, social work (y tế)
  - Civil status, vital statistics (hộ tịch)
  - Administrative and judiciary police (canh sát)
  - Tax-collection (thuế.relative)
  - Public works (công chinh)
  - Economics: commerce, industry, handicraft (kinh tế)
  - Agriculture (canh nông).

Art. 2. When one-third of the councillors' offices happen to be vacant, on account of death, resignation, or any other motivation, there will be partial elections for replacing the councillors, within a maximum of two months from the date of the last vacancy.

If the number of vacancies is higher than one-half of the total number of councillors, there will be, within the same time-limit, a total election of the council.

While waiting for new elections, the vacant positions must be taken in charge by the councillors in office and chosen by the council.

Art. 3. The following categories of councillors will be considered as resigned ex-officio by decision of the Province Chief:
- Councillor guilty of persistent negligence or serious misdeeds duly observed by a deliberation of the village council with a two-thirds majority of members in office;

- Councillor who falls in one of the uneligibility or exclusion cases specified in arrêté No. 790-Cab-MI of December 16, 1952, by an incident occurring after the election;

- All councillors subject to a judicial action will have their office temporarily suspended by decision of the Province Chief.

Art. 4. In case of serious misdeed by the totality or the majority of the Councillors or of systematic filibuster hindering the village administration, the Village Council may be dissolved as specified by Article 19 of arrêté No. 790-Cab-MI, of December 16, 1952. The Province Chief must report the event immediately to the Regional Governor. In such cases, the dispatch of the village affairs will be committed to an administrative commission composed of from three to six members appointed by the Province Chief, and there will be new elections within a maximum of two months from the date of the dissolution.

Art. 5. The sessions are open to all. However, upon request of the chairman, the Village Council may decide differently.

Art. 6. Upon request of the Council, the Province Chief may authorize the chiefs and technicians of provincial services to attend the sessions and offer their consulting services.

Part II

Art. 7. The election of Village Councils takes place in the conditions fixed by the Prime Minister.

Art. 8. The body of electors will be convened by arrêté of the Minister of Interior and, in case of partial elections, by arrêté of the Regional
The arreté fixing the date of the elections, must be issued at least thirty days before the voting day.

The decisions made by the Province Chief as required by this arreté will fix the seat of the vote offices, and the number of councillors to be elected for each village.

Art. 9. Within a time limit of fifteen days after the announcement of definitive results, the Village Council holds its first meeting and elects, under the chairmanship of the eldest Councillor, the chairman, the vice-chairman, and the general secretary, and distributes the assignments among the other councillors.

The Village Council will be free to determine under its responsibility all guarantees of solvency to be required from the village treasurer and the member in charge of tax collection.

Part III

Attributions and disciplinary powers of the Council of Notables and its members

Art. 10. The Village Council is responsible for the administration of the Village and the management of the village affairs.

They deliberate within scope of the laws and regulations in force on:

(1) the village budget and the receipts and expenditures, regular or special, the supplementary credits and loans.

(2) the procedures for collection of village revenues.
(3) the acquisition, alienation and exchange of village properties, and, in general all which pertain to the maintenance, and improvement of these properties;

(4) the conditions for leasing, renting contracts signed on behalf of the village;

(5) the planning and opening of streets and public places, the projects for alignment and building of communal roads and paths;

(6) the acceptance of gifts and legacies benefited by the village and other public institutions located in the village area;

(7) the judicial, legal actions and the transactions;

(8) the budgetary records submitted every year to the council by the chairman;

(9) and all other questions which require, according to local regulations, a deliberation of the Village Councils.

Art. 11. The deliberations on such matters as follows are effective only after approbation by the Regional Governor:

(1) rent or hire of real estates and properties for a term longer than three years and for an annual cost exceeding VN$50,000;

(2) acceptance of gifts and legacy with compensatory charge;

(3) sale or exchange of village properties;

(4) purchase of real estates, new construction or reparation involving expenses which exceed VN$50,000;

(5) establishment of village budget amounting to more than VN$50,000;

(6) creation of new taxes or percent surcharges to be profited by the village, and contraction of loans.

Art. 12. The deliberation on such matters as follows are effective only after approbation by the Province Chief:

(1) rent or hire of real estates and properties for a term shorter than three years;
Art. 13. The chairman presides over the council, and represents as such the village and defends the interests of the village vis-a-vis the authorities of all levels. He has the leadership and coordinative role of all communal agencies, convenes the council, presides and conducts the debates. He signs the orders for receipts and disbursements within the limit of the collections made.

The vice-chairman, or in absence of the latter, the general secretary, replaces the chairman in his absence or in case of impediment, in presiding over the Village Council and fulfilling the duties of the chairman.

The chairman, the vice-chairman, or the general secretary settles by amicable compromise and private action all minor disputes arising between villagers.

The vice-chairman is the guardian of the village cashbox.

The secretary general is responsible for keeping the record of deliberations and archives, and in charge of the study of problems relating to general administration; he submits the correspondence to the chairman for signature.
The education councillor is in charge of educational work, youth and sporting activities.

The health councillor is in charge of public health, social work and charity work.

The civil status councillor may be assisted by an auxiliary personnel. He keeps a civil status record, numbered and initialed by the president of the court, on which are to be recorded all declarations of birth, marriage and death made by the villagers. He is replaced by another councillor chosen by the council, in case of absence or impedement.

The police councillor, as chief of the administrative and judiciary police in the village, principal auxiliary to the public prosecutor, is in charge of maintaining order and security with the help of auxiliaries and village guards. He is moreover empowered to forward summons, writs, and notifications of the court.

The financial councillor and the tax collection councillor, assisted, if necessary, by auxiliaries appointed by the council, are in charge of the management of village finance and properties and of the tax collection.

The public work councillor, the economic councillor, and the agriculture councillor are respectively in charge of questions relating to public works, commerce, industry, handicraft, breeding, protection of domestic animals, and agriculture.

Art. 14. The deliberations of the council relating to the distribution of village functions between various councillors, as specified in Art. 9, must be recorded on minutes established in four copies, one of these is to
be filed in the village archive, the three others forwarded to the Canton Chief, the administrative delegate, and the Province Chief.

Art. 15. The decisions made by the Village Council will be executed by one or many councillors involved on account of their special attributions, and in cases of especially important affairs, requiring the cooperation of many persons (organization of police, tax collection, etc...) the decisions are to be executed by all the members chosen by the council.

Art. 16. All reports forwarded to higher authorities and to provincial administrative agencies must be signed by the councillor involved in the matter and countersigned by:

- the chairman of the council, or in case of his absence by the vice-chairman,
- and the general secretary, holder of the village seal.

The police councillor is the only one to sign the investigation reports intended for the court. The general secretary has to put his seal on these reports.

The general secretary is the only one to sign the investigation reports intended for the court. The general secretary has to put his seal on these reports.

Art. 17. Councillors can be summoned to the chief-lieu (province seat) in case of absolute necessity only by written notice from the province chief to whom the concerned administrative and public agencies should apply to get the notice.

The intervention of the Province Chief is not required when it is the case of summons from the court.

The government officials, excluding the Province Chief, the administrative delegate, and the Canton Chief, who need the assistance of the
councillors in the fulfillment of their duties, must also apply to provincial or cantonal authorities in all cases, there is no requisition right provided in their favor by the laws or regulations. A written order must be handed to the concerned councillors in the case of a requisition.

Art. 18. The Village Council may meet as frequently as necessary, and, in any case, at least twice a month.

In the interval of the sittings, important matters of a pressing character will be settled by consultation at the councillors' home.

Art. 19. The police councillor may retain an accused person in the communal house for a time necessary to an unofficial and preliminary investigation, until the forward of the record to the court. (The legal term for a detention at the Village Hall is 24 hours.)

Art. 20. The councillors may confine villagers caught for being drunk and disorderly, but the detention must never last more than 24 hours.

Art. 21. The Prime Minister, Minister of Interior, and the regional governors are in charge of the execution of this decree.

Made in Bannmethout, March 19, 1953
Bao Dai (signed)

For the Chief of State
The Prime Minister
Minister of Interior

Nguyen Van Tam
3. Provincial Administration - Provincial Councils,
1994 Decree

It is the writer's understanding that this decree is still in effect, although not followed in practice. It was followed for only a short time, probably in a limited number of provinces. Insofar as the writer knows, no study of the experiences under this elective council exists. The article by Rector Thong, reproduced in part in this section, concerns provincial councils prior to World War II.

Currently, GVN presumably is in the process of planning the reestablishment of provincial councils. It is considering at least two choices for the organization: an elective arrangement similar to that found in this decree; or a representative plan allowing for various organizations and associations to choose their spokesmen.

Various observers have spoken strongly in favor of a provincial advisory council, not only as a political measure in the struggle against subversion, but also as a positive tool for integrating provincial administration more closely with the villagers.

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Decree No. 58-NV of June 22, 1953
As Modified by Decree No. 35-NV of June 2, 1954
Creating A Provincial Council in Each Province of Viet Nam

HIS MAJESTY BAO DAI, CHIEF OF STATE,

Considering Ord. No. 1, of July 1, 1949, determining the organization and functioning of the institutions of government,

Considering Ord. No. 2 of July 1, 1949, providing for the organization of the statutes of the various public administrative units,

The Council of Ministers concurring,

Decrees:
Art. 1. There is (hereby) created in each Province of Viet Nam a Provincial Council.

Title I
As to the Election of Provincial Councils

Art. 2. The Provincial Council shall be composed of members elected by the Communal Councillors currently in office. The register of (such) voters shall be established by the Chief of Province.

The communal councillors entered in the register shall elect one or more councillors per delegation or district, in such a manner that the number of members of the (provincial) council shall fall between 10 and 20.

The election shall take place in the capital city of the delegation of district.

Provincial capitals elevated to the status of communes, shall constitute district electoral units, and their Municipal Commissions shall also elect one or more provincial councillors.

An arrêté of the Minister of Interior shall establish, on the proposal of the regional governors, the date for convening the electoral college, the number of councillors to be selected per province, and their distribution among the various electoral districts, prorated on the basis of the 'importance' of the population.

Art. 3. The following shall be eligible to serve as provincial councillors— all voters 25 years of age as of the date of the election, inscribed upon the voting registers established on the occasion of the most recent renewal of Community Councils, excluding:
- Notables or public officials recalled or discharged for disciplinary reasons, and for whom the decisions pronouncing discharge or recall have not been revoked; who shall be ineligible indefinitely;

- Individuals holding a contract or lease of farm property with one of the communities in the province or with the province itself, who shall be ineligible for the duration of such contract or lease;

- Governors, chiefs of province, deputy chiefs of province, chiefs of districts, circumscriptions or delegations, directors and chiefs of cabinet to the regional governors, directors or chiefs of services, chiefs of cantons, magistrates of all jurisdictions and military officers with territorial commands, who shall be ineligible during their occupation of such positions and for six months thereafter.

Any provincial councillor who, during his term of office, enters into a contract of property lease with one of the communities in the circumscription, or accepts one of the positions mentioned in the preceding paragraph, shall be declared relieved of office (as a provincial councillor) by arrêté of the regional governor.

On the other hand, career civil servants or nonstatus employees of the government, other than those listed in the paragraph above, serving in the province, and career or assimilated (reservists on active duty?) military personnel, who are elected provincial councillors shall be allowed a period of ten days to make known their choice. After the lapse of that period, they shall be assumed to have chosen to retain their employment (i.e., to have rejected the elective office).

Art. 4. Every candidate must, at the latest on the 15th day before that of the vote, bring or send to the office of the chief of province who shall issue a receipt therefore, a declaration of his candidacy signed by himself, duly certified by the community councillors of the village of which he is currently an official, and accompanied by an extract of his police record.
In each electoral district, the list of candidates who have submitted a regular declaration of candidacy shall be publicly posted throughout the seven days preceding the vote, at the doors of the town halls ("Maisons communes") of all villages concerned.

Art. 5. The voting period shall open at 8 a.m. and close the same day at 11 a.m.

An Electoral Bureau of five members shall be established for each voting district; its president, designated by a decision of the Chief of Province, shall be assisted by four members chosen by him among the voters present at the moment of the opening of the polls.

The vote shall be secret and by envelope. The envelopes shall be opaque, ungummed, marked with the seal of the (regional?) administrative delegate or the Chief of District, and of uniform type.

The counting of the vote shall take place then and there and the provisional result of the vote shall be proclaimed immediately and posted at the door of the polling place.

When a second vote is necessary, it must be conducted the same day, from 2 p.m. to 5 p.m.

Art. 6. None shall be elected member of a Provincial Council on the first vote unless he has obtained:

- One more than half the number of votes cast;
- A number of votes equal to one quarter of the number of voters on the register.

On the second vote, election shall be by relative majority, whatever may be the number of voters (registered, or actually voting?)
If several candidates receive the same number of votes, the eldest shall be proclaimed elected.

In counting the votes, no account shall be taken of ballots bearing the names of persons whose candidacy has not been officially declared or recognized.

Art. 7. A Commission composed of:

- The Chief of Province or his delegate. President
- A magistrate serving in the provincial capitol or, lacking such an individual, a career civil servant who is chief of a (provincial) service. Member
- A career civil servant of an administrative cadre (New style, Doc-Su or Tham-Su; old style, Doc-Phu-Su, Phu, Huyen in SVN or mandarin in CVN). Member

shall proceed, within the eight days following to recount the votes, the proclamation of final results and the transmission to the regional governor of the report of its work.

Art. 8. Election results may be protested by the voters of the district. Requests for annulment must be deposited, within five days following the election, at provincial government headquarters.

The Regional Governor and the Minister of Interior may also, within a period of one month from the receipt of the report of the election, request annulment of the electoral operations before the Administrative Tribunal created by Ordinance No. 2 of January 5, 1950.

Art. 9. The term of office of the Provincial Councils shall be three years. The date of renewal shall be established by arrêté of the Minister of Interior.
Notwithstanding (the preceding provision), any councillor may be declared removed from office, by arrêté of the regional governor, who is guilty of grave faults or persistent negligence duly certified by a finding of the council supported by a majority of two-thirds of the members currently in office.

Any councillor who becomes the object of a lawsuit shall be provisionally suspended from his office, by arrêté of the regional governor.

The council may, furthermore, be dissolved by arrêté of the Minister of Interior upon a proposal by the governor containing justification.

Art. 10. When, because of death, resignations or any other reason, one-third of the seats have become vacant, a partial election shall be held within a maximum delay of two months from the date of (occurrence of) the last vacancy, to replace the missing members.

If the number of vacant seats is greater than half, or if dissolution (of the council) has been pronounced, a total election of Council shall be held within the same grace-period.

***
Title II
As to the Organization and Functioning of Provincial Councils

Art. 11. Each year, at the beginning of the session during which the budget for the next budget period is to be considered, the council shall elect its bureau by secret ballot and an absolute majority of the votes cast.

The bureau shall be composed of a president, a vice-president, a secretary, and an assistant secretary.

Art. 12. Provincial councils shall meet in ordinary session twice a year. Each session shall last a maximum of eight days. The dates of sessions shall be set by arrêté of the Minister of Interior.

Art. 13. The councils may be called into extraordinary session, and the duration of their ordinary sessions may be extended, by arrêté of the President of the Government.

Art. 14. The council may not (legally) deliberate unless one more than half its members are present. If this quorum is not attained on the day fixed by the arrêté of convocation, the session is carried over to the next day and deliberations shall then be valid whatever may be the number of councillors present.

The chief of province (as) commissioner of the government, shall participate in all meetings of the council and shall be permitted to speak whenever he requests opportunity to do so.

Art. 15. Meetings of the council shall be public. Nevertheless, on the request of two members, of the council president, or of the chief of pro-
The president directs the debate and the maintenance of order during the meeting.

Art. 16. The minutes of the meetings, prepared by the secretary, shall contain the names of the members who have taken part in the discussion and an analysis of their opinions. They shall be adopted at the beginning of each session for the preceding sessions, and signed by the president and the secretary.

A copy of the minutes of the meeting shall be forwarded to the Chief of Province and submitted for examination by the regional governor, the Minister of Interior and the President of the Government.

Title III

As to the Powers of the Provincial Councils

Art. 17. The provincial council shall issue an opinion upon all questions submitted to it by the Chief of Province.

The advice of the council must be requested regarding:

- The proposed provincial budget, and accounts relative to the implementation of the budget;
- Proposed changes in the boundaries of the villages, cantons, delegations of the province itself.
- Changes in the classification of provincial and community roads;
- The floating of loans;
- Legal proceedings to be instituted or defended by the Chief of Province.

Art. 18. The council shall have its way upon the following questions:
Questions regarding the proportions and method of assessment of provincial imports and taxes;
Provincial plans and programs of economic and social interest;
Acceptance of gifts and legacies made to the province.

Art. 19. The Council may express its opinions (pass resolutions?) on all economic and administrative questions, but political opinions are forbidden.

Title IV
Miscellaneous Provisions

Art. 20. The service of provincial councillors shall be unsalaried. However, they may receive travel allowances with per diem in accordance with rates and standards which shall be established by the Minister of Interior.

Art. 21. The election of the provincial councils instituted by the present decree shall terminate the existence of existing provincial assemblies, specifically, the Provincial Councils of Notables of Tonkin, created by arrêté of 19 March, 1913, the Provincial Councils of Notables of Annam created by royal ordinance of 29 March, 1913, the Provincial Councils of Cochinchina created by decree of 5 March, 1889, the Provincial Mixed Commissions instituted by arrêté of 27 December, 1940, and the Advisory Provincial Councils created on 9 March, 1945.

Art. 22. The President of the Government, Minister of Interior, is charged with the execution of the present Decree.

Done at Dalat, 22 June 1953
His Majesty has signed

NGUYEN VAN TAN
Apart from a general reshuffling and renaming of provinces, partly to dramatize the establishment of an independent nation, the first major step in overhauling local administration was the elimination of the regions, a change strongly favored by MSUG advisors, who at the same time proposed reducing the number of provinces to 14 "areas", and eliminating provincial budgets, which in effect would strengthen central departmental roles in field administration vis-a-vis provincial or the to-be-established "area" chiefs.

Since the following 'instructions' rate as one of the first attempts to alter the administrative structure under the Republic, they are worth reproducing in their entirety.

* * *

Republic of Viet Nam

Presidency

No. 34-TTP/VP

Instructions for
Implementation of Ordinance No. 17
of Dec. 24, 1955, on the reorganization
of Regions administrative structure

Saigon, December 28, 1955

The President of the Republic of Viet Nam
to Messrs. the Secretaries of State
(and for information, to Messrs. the Government Delegates in
the Regions and to Mr. the Treasurer General of Viet Nam)

I beg to bring to your knowledge that the Ordinance No. 17 of December 24, 1955, on the reorganization of Regional administrative structure, will
will be in effect on January 1, 1956.
The present instruction is aimed at determining the implementing procedures for this reform.

I. Budgets

1. Regional budgets will be eliminated from January 1, 1956, onwards.
   From the 1956 fiscal year onwards:
   a. all the planned receipts and expenses inscribed up to now in these budgets will be transferred to the national budget;
   b. the delinquent (delayed) receipts pertaining to these budgets will be collected and profitied to the national budget and the expenses pertaining to the budgets of completed fiscal years will be financed by the latter.

2. As a transitory measure, the execution of regional budgets for the 1955 fiscal year will continue to be undertaken until the end of the complementary period (May 31, 1956) by the General Prefects, in compliance with legislative and statutory provisions presently in effect.
   At the expiration of this period the administrative accounts pertaining to these budgets will be established and presented under the same forms and conditions than the previous ones.

3. After the definitive winding up of the regional budgets for fiscal year 1955, the credit of the reserve and precaution fund of these budgets will be transferred to the reserve and precaution fund of the national budget.
   The stock and shares belonging to the regional budgets will be transferred at the same time to the National Budget.
II. Properties

4. From January 1, 1956, ownership of movable and immovable properties belonging to the former or present regional property accounts will be transferred to the national property account. Movable properties include stock, shares, debts and rights, products and revenues belonging to or profited by the (local or) regional property accounts.

5. The Secretaries of State concerned are in charge of all the formalities required for the transfer of these properties to the national property account; this transfer is to be made before February 1, 1956. No charge or fee will be paid and received for this transfer.

6. For this transfer inventories of movable properties and equipment, statements of stock, shares, debts, rights, real estates will be made up in detail and transmitted urgently by the general prefects to the relevant Secretaries of State, as shown in Table A here attached.

7. Each transfer will be eventually accompanied by a delivery of property certificates or similar documents, and an official statement will be made for this operation.

8. One copy of the official statement of transfer will be forwarded to the Secretary of State for Finance. In addition, for immovable properties, one copy will be forwarded to the Secretary of State for Public Works and another to the Directorate of Registration, Public Property and Fiscal Stamps.

8. The immovable properties of the regional agencies transferred to the various departments as specified in Part II, will be under the administration of the Secretaries of State supervising these different
agencies.

9. The Secretary of State for Finance, manager of the national property account, will be qualified to decide on the deeds and contracts involving the transferred immovable properties, in concurrence with the relevant Secretaries of State, under the forms and conditions (procedures) required by the laws and regulations in effect.

10. The Secretaries of State may delegate the whole or one part of their power in the administration of properties and concessions to the general prefects in the areas where the properties are located.

III. Agencies

11. Regional agencies having their estimates of expenditures transferred to the national budget in compliance with the present instruction, will be transferred to the different departments as specified in Table B here attached.

12. The taking in charge of these agencies by the departments will be made effective by the Secretaries of State specified in this table, in concurrence with the general prefects. It must be finished before February 1, 1956.

Official records must be established and copies of these will be transmitted to the Presidency (General Directorate of Public Function).

13. These agencies may, if necessary, be reorganized by decisions of the Secretaries of State, after consultation with the relevant General Prefects.

14. The Secretaries of State will keep the general prefects informed of the directives and of the impetus they give to regional agencies transferred
and to national agencies established at the regional level.

The general prefects will express their opinions on the matter, if need be, to the relevant departments.

They may formulate suggestions or propositions if they think them useful, regarding the operation of these services.

15. Until the application of new administrative measures or regulations, all texts in effect not contrary to the provisions of Ordinance No. 17 of December 24, 1955, and of the present Instruction, will remain applicable to transferred regional agencies.

IV. Personnel

16. From January 1, 1956, the power previously vested in governors or government delegates in the management of personnel of the regional administrative and technical statutes and of contractual and "daily" statutes serving in the agencies transferred to the departments, will be transferred to different Secretaries of State, as specified in Table C given in annex.

17. From now on, the chiefs of transferred regional agencies will be appointed by the chiefs of the relevant departments, after concurrence with general prefects.

18. The general prefects will give every year an appreciation on political behavior of every civil servant working in transferred regional agencies or in national agencies established at the regional level.

19. As long as there is not any reform or modification, the above mentioned civil servants continue to be under their existing particular statutes which will be temporarily retained in effect.
I am very obliged if you take care to make these instructions strictly observed, and the above mentioned incorporations carried out before the time limit given.

Addressees:

Messrs. the Secretaries of State
the Delegates of Government
Mr. the Secretary General at the Presidency (for insertion in the official Gazette of V.N.)

For Information:

All agencies of the Presidency and all agencies attached to the Presidency.

Signed: NGO DINH DIEM
Certified copy:
The Assistant Director
DOÀN THEM
TABLE A

Showing the properties of the local or regional property accounts to be incorporated to the national property account from January 1, 1956.

<table>
<thead>
<tr>
<th>Specification of properties</th>
<th>Authorities in charge of their administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Furniture and equipment</td>
<td>Relevant Secretaries of State (supervising the Agency owners of these properties).</td>
</tr>
<tr>
<td>2. Immovable properties assigned to transferred regional agencies</td>
<td>Relevant Secretaries of State (supervising the transferred agencies).</td>
</tr>
<tr>
<td>3. Woods and forests</td>
<td>Secretary for State for Agriculture.</td>
</tr>
<tr>
<td>4. Roads, canals, buildings</td>
<td>Secretary of State for Public Works and Communications.</td>
</tr>
<tr>
<td>5. Immovable properties not assigned to any special agencies</td>
<td>Secretary of State for Finance</td>
</tr>
<tr>
<td>- Waste lands and lands of no ownership</td>
<td></td>
</tr>
<tr>
<td>- New land formed by the displacement of the foreshore and foreshores, islands, islets and lands left dry by a stream</td>
<td></td>
</tr>
<tr>
<td>- Stock, shares, and debts, products and revenues from transferred properties</td>
<td></td>
</tr>
</tbody>
</table>
TABLE B

Showing the regional agencies to be transferred to various departments from January 1, 1956

<table>
<thead>
<tr>
<th>Existing Regional Agencies</th>
<th>Departments to which the Agencies will be transferred</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cabinet of Delegate of Government.</td>
<td>Presidency</td>
</tr>
<tr>
<td>2. Regional Directorate of Police and Security and Immigration Control</td>
<td>Interior</td>
</tr>
<tr>
<td>- Penitentiary Services.</td>
<td></td>
</tr>
<tr>
<td>3. Regional Financial Services</td>
<td>Finance</td>
</tr>
<tr>
<td>- Regional Administrations and Inspections of Foreign Aids</td>
<td></td>
</tr>
<tr>
<td>- Pension Fund of the Former Imperial Governor of Hue</td>
<td></td>
</tr>
<tr>
<td>4. Regional Economic Services</td>
<td>Economy</td>
</tr>
<tr>
<td>5. Regional Directorates of Information</td>
<td>Information</td>
</tr>
<tr>
<td>- Regional Directorates and Services of Youth and Sport</td>
<td></td>
</tr>
<tr>
<td>6. Regional Directorates of Education</td>
<td>National Education</td>
</tr>
<tr>
<td>- Cultural Service of Central V.N.</td>
<td></td>
</tr>
<tr>
<td>- Museum of Tourane</td>
<td></td>
</tr>
<tr>
<td>- Museum &quot;Blanchard de la Brosse&quot; in Saigon</td>
<td></td>
</tr>
<tr>
<td>- Library and Archives of South V.N.</td>
<td></td>
</tr>
<tr>
<td>7. Regional Directorates of Health</td>
<td>Health and Social Work</td>
</tr>
<tr>
<td>- Regional Services of Social Work</td>
<td></td>
</tr>
<tr>
<td>8. Regional Inspectorates of Labor</td>
<td>Labor</td>
</tr>
<tr>
<td>9. Regional Services of Cadastre and Topography</td>
<td>Land Properties and Agrarian Reforms</td>
</tr>
</tbody>
</table>
10. Regional Services of Agriculture
   - Regional Services of Forestries
   - Regional Services of Veterinary, Zootechnique and Epizooty
   - Zoological and Botanical Garden of Saigon

11. Autonomous Circonscriptions and Arrondissements of Public Works
   - Navigation Service of South V.N.
   - Regional Services of Maritime Fishery

* * *
### TABLE C

Showing the personnel of Regional administrative and technical agencies, contractual or on daily basis, to be transferred to various Departments from Jan. 1, 1956

<table>
<thead>
<tr>
<th>Similar titles and positions existing in Regions</th>
<th>Relevant Departments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Technical personnel and other personnel of various services</td>
<td>Departments to which the employing agencies will be transferred.</td>
</tr>
<tr>
<td>- Head clerks</td>
<td></td>
</tr>
<tr>
<td>- Clerks</td>
<td></td>
</tr>
<tr>
<td>- Clerks and Draftsmen of Provincial Agencies</td>
<td></td>
</tr>
<tr>
<td>- Typists</td>
<td></td>
</tr>
<tr>
<td>- Messengers</td>
<td></td>
</tr>
<tr>
<td>- Drivers</td>
<td></td>
</tr>
<tr>
<td>2. Special Personnel of Services of Police, Security, and Immigration Control</td>
<td>Interior</td>
</tr>
<tr>
<td>3. Clerks and Assistant clerks in Courts of Justice</td>
<td>Justice</td>
</tr>
<tr>
<td>- Personnel of Penitentiary Services</td>
<td></td>
</tr>
<tr>
<td>4. Teachers</td>
<td>National Education</td>
</tr>
<tr>
<td>- Assistant Teachers</td>
<td></td>
</tr>
<tr>
<td>- Teachers in Vocational Schools</td>
<td></td>
</tr>
<tr>
<td>5. Midwives</td>
<td>Health</td>
</tr>
<tr>
<td>- Nurses</td>
<td></td>
</tr>
<tr>
<td>- Superintendents of Psychiatric Hospital of Bien Hoa</td>
<td></td>
</tr>
<tr>
<td>6. Draftsmen of Cadastral Services</td>
<td>Land Property and Agrarian Reform</td>
</tr>
<tr>
<td>- Land Surveyors of Cadastral Services</td>
<td></td>
</tr>
<tr>
<td>- Assistant surveyors</td>
<td></td>
</tr>
<tr>
<td>7. Clerks in Forestry Services</td>
<td>Agriculture</td>
</tr>
<tr>
<td>- Superintendents of Forest districts</td>
<td></td>
</tr>
<tr>
<td>- Vaccinators and Assistant Vaccinators</td>
<td></td>
</tr>
<tr>
<td>- Personnel of Agricultural Extension Services</td>
<td></td>
</tr>
<tr>
<td>8. Launch masters</td>
<td>Public Works</td>
</tr>
<tr>
<td>- Chief-mechanics</td>
<td></td>
</tr>
<tr>
<td>- Stokers</td>
<td></td>
</tr>
<tr>
<td>- Sailors</td>
<td></td>
</tr>
</tbody>
</table>
5. The Current Legal Basis for Provincial and Village Administration, Ordinance 57-a, 1956

Among the students of public administration and administrative law in Viet Nam, this has become popularly known simply as "57-a". Following ten months after the elimination of the regions, this ordinance clarified the position of the province chiefs and suspended the 1953 village council decree (see no. 2 above), providing, instead, for village councillors to be appointed by the provincial chief, a move consonant with the general spirit of this ordinance to increase the power of the provincial chief over local affairs, presumably as a temporary measure motivated by concern over the subversive movement getting under way in rural areas.

Either at the time of this ordinance or close to that time, all municipalities other than Hue, Danang, Dalat, and the Prefecture of Saigon, were reduced in status to villages, placing them thereby under the direct control of the provincial chiefs. This ordinance simply states that later legal enactments will be issued regarding the remaining cities and for all villages. Since this ordinance also discusses the essence of the other units of field and local administration, the cantons and delegates, it must be viewed as the most comprehensive legal document regarding this aspect of governmental administration in Viet Nam.

***

Ordinance No. 57-a of 24 October, 1956 (J0156 P2708)

Regarding the Administrative Reorganization in Viet Nam
THE PRESIDENT OF THE REPUBLIC OF VIET NAM,

In view of the Provisional Constitutional Act No. 1 of October 26, 1955,

In view of Decree No. 4-TTP of October 29, 1955, establishing the composition of the Government,

In view of Ordinance No. 17 of December 24, 1955, reorganizing the administrative system in Viet Nam,

In view of existing laws concerning all administrative organizations,

ENACTS:

Art. 1. Viet Nam is composed of provinces, cities, and communes.

I. Provinces

Art. 2. Provinces are legal entities possessing autonomous budget and public property.

Each province shall be governed by a Province Chief assisted by one or several Deputy Chiefs.

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

Art. 4. Province Chiefs shall be under the direct jurisdiction of the President and local governmental representatives.

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

a. He is responsible for the general management of all provincial services, and for making reports to the President and other departments on the activities of services under his jurisdiction or that of other departments.

b. He is responsible for order and security. For such responsibility, he shall have to coordinate all local security and police forces. In emergency cases, he may requisition the armed forces and (if he does so) has to make an immediate report to the Presidency.
Art. 6. In the quality of representative of the Government, he presides over all public ceremonies in his locality.

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

Art. 8. He supervises village administration.

The organization of the provincial administration and finance shall be established by (subsequent) decree.

II. CITIES

Art. 9. Cities are legal entities possessing autonomous budgets and public property.

Each city shall be governed by an appointed prefect ("Do-truong" Am., "Mayor") and a City Council.

Art. 10. The city administrative and financial organization shall be established by (subsequent) decrees.

III. COMMUNES (or VILLAGES)

Art. 11. A Province includes many communes which are legal entities possessing autonomous budget and property.

Art. 12. The communal administrative and financial organization shall be established by (subsequent) decrees.

IV. CANTONS AND DISTRICTS

Art. 13. Several communes (may) form a Canton which is governed by a Canton Chief assisted by one or several deputy chiefs.

The appointment procedure and the duties of Canton Chiefs and Deputy Chiefs shall be established by (subsequent) arrêtés.
Art. 14. Several cantons form a district which is governed by a District Chief.

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

V. DELEGATES OF THE GOVERNMENT

Art. 16. Government delegates shall be appointed by Presidential decree, and be in charge of a number of provinces.

Art. 17. As administrative inspectors, government delegates survey the activities of services in the provinces placed under their jurisdictions. They may also intervene with the various departments to promote the efficiency and progress of services dependent on such departments.

Art. 18. Government delegates represent the central executive administration.

They shall make periodic reports on the general situation in (their) provinces and make useful recommendations to the Presidency.

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

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

Art. 20. In emergency cases such as: calamities, special events, etc., government delegates may order Province Chiefs to mobilize all public services, and (in such cases) make immediate reports to the Presidency.
Art. 21. Government delegates are charged with the survey of all problems concerning provinces under their jurisdictions, and with the prior consent of the President, they may organize meetings with Province Chiefs to exchange ideas.

Art. 22. Government delegates may also, with Presidential authorization, organize meetings with the Police and Security and other administrative authorities in their own regions to study security problems. In emergency cases, they need not obtain prior consent from the President, but (in such cases shall) make immediate reports to the Presidency on the purpose of those meetings.

Art. 23. Government delegates represent the Government in all official ceremonies in provinces under their jurisdiction. They also represent the Government in receiving diplomatic delegations or personages visiting their concerned regions. For the later duty, they shall receive prior instructions from the government in each case.

VI. GENERAL PROVISIONS

Art. 24. All former provisions contradictory to this ordinance shall be hereby cancelled.

Art. 25. All Secretaries of State, and the Secretary-General at the Presidency are charged, each as to that which concerns him, with the execution of this ordinance. It shall be published in the official journal and be effective from the date of its signature.

*1 "Dai Dien Chinh Quyen Trung Vong tai tinh", representative of central authority in town.
6. Reorganization of the Saigon Prefecture, 1959

In terms of operating policies between the prefecture and the central administration, the 1959 decree (fulfilling in part the commitment of the 1956 ordinance, 57-a) did not make any major alterations. The prefect continued as an agent of the President and the Prefectoral Council as a limited advisory body.

However, its internal structure underwent one major change - the elimination of the elected councillors as heads of the prefectural subdivisions, the "boroughs" as identified in the following translation. The councillors, some of whom publicly opposed this change, arguing that this provided a valuable link between the people and the prefectural council, were replaced by administrators appointed under the direction of the prefect. In essence, this marked another step toward more centralization in the governmental scheme in Viet Nam.

Although at present no major study of either the prefecture or of the other municipalities is available, there is underway a study by Professor Guy Fox, of MSU. There is a definite need for more knowledge about the affairs of these four major local units.

***

DEGREE No. 74-TTP of March 23, 1959
(Jo '59 -p.1009)

Establishing the Administrative Organization of the Prefecture of Saigon
THE PRESIDENT OF THE REPUBLIC OF VIET NAM,

In view of the Decree No. 4-TTP dated October 29, 1955, as modified and supplemented by subsequent decrees, establishing the composition of the Government;

In view of Ordinance No. 57-a dated October 24, 1956, governing reorganization of local government;

In view of Decree No. 143-VN dated October 22, 1956, changing the boundaries and names of Saigon-Cholon prefecture, as well as provinces and chief towns;

On the proposals of the Secretaries of State at the Presidency and for Interior,

DECREES:

Art. 1. The Prefecture of Saigon is an administrative unit possessing the status of a legal entity, an autonomous budget and capable of holding real property.

The Prefecture of Saigon is administered by a Prefect.

At the Prefect’s side, a Prefectoral Council is established to advise him on subjects stipulated in Article 17 of this decree.

CHAPTER ONE

I. The Prefect

Art. 2. The Prefect is appointed by decree of the President of the Republic.

He is directly responsible to the President.

Art. 3. The Prefect is the representative of the central government in the territory of the Prefecture.

He directs all prefectural services and is responsible for public security and order: in emergency circumstances, he may call out the armed forces, and (if he does so) must immediately report to the Departments of
The Prefect is authorized to make regulatory decisions on such subjects and within such limits as may be provided by law.

He is invested with the "Judicial" Police Authority ("autorité de la Police Judiciaire" - "tu cach Tu Phap 'canh lai").

The Prefect directs all affairs of prefectoral organization, prepares and implements the budget.

He administers the public and private property of the Prefecture, represents it in law, and assures the execution of its operations and contracts.

In the absence of legal provisions to the contrary, he appoints by arrêtés (incumbeents to) all positions in the prefectural administration.

II. Deputy Prefects, Chief of Cabinet

Art. 4. The Prefect is assisted by two Deputy Prefects.

The Deputy Prefects are appointed by decrees of the President of the Republic.

One of the two Deputy Prefects has the responsibilities of directing and supervising the activities of all boroughs (arrondissements) and the prefectural police services, taking care of the security situation and controlling all political and religious organizations as well as associations, syndicates, etc., in the prefecture.

The other Deputy Prefect is charged with coordinating activities of all other administrative and technical services under the jurisdiction of the Prefecture.

The Deputy Prefects are the representatives of the Prefect, under the orders and control of whom they exercise their responsibilities.
Within their respective assignments they may be granted permanent
dlegation of decision-making authority for specific types of prefectural
government activities.

In case of the absence or incapacity of the Prefect, a Deputy
Prefect may be charged, by arrêté of the President, with the expedition
of the current affairs of the prefecture.

Deputy-Prefects are entitled to allowances in kind and in money
equivalent to those of a "director of a departmental directorate having
many services".

Art. 5. The Chief of Cabinet, directly responsible to the Prefect, is
charged with:
- Administrative management
- Confidential matters
- Special missions assigned by the Prefect

He receives salaries and allowances in kind and in money equiv-
calent to those of a Chief of Cabinet in a department.

III. Director of Prefectural Police

Art. 6. The Directorate of Saigon Prefectural Police is under the di-
rect authority of the Prefect.

The Director of Prefectural Police is appointed by arrêté of the
President of the Republic.

He is immediately responsible to the Prefect, but may correspond
directly with the Directorate General of National Police and Security
Services in regard to purely technical matters.
CHAPTER TWO

The Prefectural Council

I. Organization of the Prefectural Council

Art. 7. The Prefectural Council is composed of a number of councillors elected by universal direct suffrage: Three councillors for each borough.

The duration of the councillor's term of office is fixed at three years, indefinitely renewable.

Election procedures of the Prefectural Council will be established by a subsequent decree.

The service of the prefectural councillors is unpaid.

The President of the Council, alone, shall receive a representation allowance which will be fixed by the Secretary of State at the Presidency, on the proposal of the Prefect.

The President of the Prefectural Council or any of the other councillors who are assigned a special mission may receive a compensation fixed by the same procedure.

Art. 8. The prefectural councillors may be removed from office by arrêtés of the President of the Republic upon recommendation of the Prefect:

- On grounds of ineligible determined, or incapacity occurring, after the election;
- For absence from three successive ordinary or special meetings of the Council without reasons recognized as legitimate by the Council;
- For refusal to perform duties assigned to them.

In addition, the councillors may resign voluntarily by sending a request under registered envelope to the Department of Interior. The resignation will be effective on the date of receipt of the approving decision.
of the Secretary of State for Interior. In case there is no said
decision, the resignation shall be effective a month after the date
on which the request had been sent.

The election of a new councillor shall be organized to replace
the resigned one, except in case there remains only five months before
the ordinary election of the Prefectural Council.

II. Organization and Functions of the
Prefectural Council

Art. 9. The Prefectural Council shall meet at least once every six
months in ordinary session, upon the summons of the President of the Coun-
cil. The agenda and dates of meeting must have the prior approval of the
Prefect.

It (the Council) may also meet in extra-ordinary session, if so
requested by the Prefect.

Art. 10. During the first meeting of each year, the Prefectural Council
shall elect (from among its members) a president, a vice-president, and
a secretary who shall compose the administrative committee.

Art. 11. The Prefectural Council may not legally meet in the absence of
the Prefect or his official representative.

Art. 12. The Prefect or his representative may oppose (and thereby prevent)
the discussion of all questions not listed in the agenda previously ap-
proved by the Prefect.

The Prefect or his representative must be granted the right to
speak upon his request.