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 budgets 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 shall represent the Central Authority in Town.

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 Presidency and other Departments on the activities of services under his jurisdiction or that of other departments.
He may propose transfers of technical officials assigned to his locality.

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 representation 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 decrees.

II. CITIES

Art. 9 - Cities are legal entities possessing autonomous budget 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 (many) 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 decrees.

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 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 case shall) 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 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 latter 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, and 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.

Saigon, October 24, 1956

Signed: NGÔ ĐÌNH ĐIÊM
APPENDIX C

REPUBLIC OF VIET NAM
THE PRESIDENCY

No. 115-a/TTP/VP

October 24, 1956 - Saigon

From: The President of the Republic of Viet Nam

To: The Secretaries of State
The Delegates of the Government
The Saigon Mayor
The Province Chiefs

The Ordinance No. 17 dated 24 December, 1955 abolished the legal status, and the regime of financial autonomy of the Regions ("Phan"). Consequently, the administrative structure of Viet Nam has been reorganized.

Today, I have the honor to inform you that with Ordinance 57-a dated 24 October 1956, I have just completed these reforms with the following purposes:

1. To increase the power and responsibilities of Province Chiefs;
2. To define new missions of delegates.

Thus, the reforms are completed as the Government has planned in order that the administrative machine be made more efficient.

A Province Chief is a representative of the central government and not a special representative of a department. He will assume more important responsibilities than before, but at the same time will have more facilities than before.

PROVINCE CHIEFS

A province chief is assigned by the President and put under the direct command of the President. He is the representative of the central government in the province.

Besides the mission of carrying out orders, he has the responsibility of the functioning of different services in his province.

He submits reports to the President or to the Secretaries of State about the activities of bureaus and services under the command of the Province Chief or under the command of different Departments.
The Province Chief coordinates different bureaus and services so that the activities become more effective and reports to the President about progress or discrepancies.

The Province Chief must help representatives of different departments working in his province.

The Province Chief must be consulted and have the right to present his opinions on the planning and carrying out of governmental projects concerning his province.

In addition, the Province Chief is responsible for security and public order. In this matter, he coordinates the activities of police and security forces in his province (civil guard, military police on temporary duty for the civilian authorities, etc.)

In an emergency case, he can mobilize the military force, but he must report it immediately to the President.

From now to the day when the financial structure of the province is reformed, the authority of the Province Chief on finance and taxation is defined by currently valid documents not in contradiction with the above-mentioned ordinance.

The power and responsibilities of the Province Chief as defined in current regulations will not be changed if those regulations are not in contradiction with this ordinance.

The Province Chief directly controls village administration. He has the responsibility of selecting and assigning members of village councils, guiding them, controlling their work, checking the village budgets so that resources be used rationally.

The Province Chief exchanges mail directly with the Presidency and different Departments. One copy of each mail must be sent to the Delegate.

The Province Chief can have direct contact with different general directorates and chiefs of services of every Department, when necessary. As for important affairs, he must receive directives first from the Presidency.

The Province Chief can receive directives from different Departments, but these directives must be signed by the Secretary of State himself. In this case, a copy of the directive is sent to the Presidency and to the Delegate's office.
Directives and advises having general character sent by different bureaus and services to provincial representatives must be sent through the Province Chief. One copy must be sent to the organization under the command of the concerned Department. These organizations, when sending mail to their Departments, must send them through the Province Chief.

The Province Chief sends periodical reports to the Presidency or the Department on the activities of the provincial public offices and may recommend the transfer of civil servants working in the province who fail to fulfill their duties.

A copy of the report should be sent to the Government Regional Delegation.

Copies of the reports prepared by technical personnel should also be sent to the Regional Delegate and the Province Chief.

The Regional Delegate and the Province Chief should immediately present their opinions to the President.

The Province Chief may discuss with the chiefs of services located within the area under his jurisdiction on matters concerning the province.

Responsible for the operation of the public offices in the province, the Province Chief must report on illegal acts of the administrative personnel after the preliminary investigation.

With regards to the activities of judiciary or military agencies, the Province Chief may not bring his direct intervention but may report to the Presidency on matters which are not legal or which are untimely.

Concerning the Treasury, the Province Chief has the right to directly intervene only when there exists a case of stealing, embezzlement or misappropriation, and to take necessary measures, but should report to the Presidency and the Finance Secretary without delay.

If a certain Department does not have representatives in the province, its work is to be undertaken by the Province Chief.

Generally speaking, Ordinance 57-a of October 24, 1956 and the aforementioned instructions shall be applied to the municipalities if there is nothing contrary to the special statute of the municipalities.

THE VILLAGES

The village is directly administered by the Province Chief. At the villages, the Province Chief carries out his duties with
the assistance of the Canton Chief, the Deputy Chief of Canton and the District Chief. The District Chief carries out his duties in the name of the Province Chief.

The Districts do not have a legal personality. The present district boundaries are maintained until new modifications are made.

The Canton Chief performs the liaison between the villages and the district and provincial administrative agencies. The Canton Chief assists the District Chief in the implementation of measures decided upon by the superiors. The Canton Chief shall, whenever possible, settle the disputes to reconcile the interests of the villages or the interests of private persons.

The Canton Chief and the Deputy Chief of Canton are appointed by the Province Chief in light of recommendations made by the Village Chiefs (village representatives - Dai dien Xa).

GOVERNMENT DELEGATES

The Government Regional Delegate no longer retains the position of local administrative leader as before. The Government Delegate has the following three types of duties:

1. As an inspector, the Government Delegate has the duty of following up and ensuring the smooth operations of all public offices in the province and may intervene with the the Departments in matters relating to the activities of the Departments in the province.

The Regional Delegate should attend the monthly meetings with the executive agency of the Presidency and meetings with the administrative and financial inspectors.

The Regional Delegate keeps himself informed of the situation in the provinces through reports submitted by the Province Chiefs. The Delegate examines these reports and presents his opinions or recommendations to the President.

2. In the capacity of executive assistant, the Regional Delegate follows up the implementation of regulations, instructions, and programs of the Government. The Regional Delegate may therefore be delegated by the President to give instructions to the Province Chief.

3. The Regional Delegate may be assigned by the President to conduct investigation or to carry out assignments apart from his regular duties.

The Regional Delegate sends correspondence to the President, to the Secretaries of State, and the Province Chiefs. Copies
of important correspondence exchanged between the Delegate and the Province Chiefs and Secretaries of State shall be sent to the Presidency.

The Delegate must, at least twice a month, report to the President on the situation of the Provinces. Copies of these reports should be sent to the executive agency of the Presidency, and, if necessary to the Departments concerned.

In order to carry out his inspection mission, the Government Delegate may examine the documents and files of the Provincial Office or of the agencies dependent upon the Departments in the Province.

Signed: NGO DINH DIEM