The problem of territorial jurisdictions should also be reviewed and re-determined, especially in the II and IV Corps Areas.

The Ministry of Interior will present the results of studies of the above-mentioned reforms to the Council of Ministers to be held at the end of March 1968. Upon approval, all reform measures will be carried out from 1 to 15 April, and actually implemented effective April 15, 1968.

IV. Appointments of Province Chiefs, District Chiefs

Province Chiefs

- The Province Chiefs are to be appointed by Presidential Decrees, either directly by the President or on recommendation of the Prime Minister, depending on the circumstances.

- In the second alternative, the Prime Minister consults the Minister of Interior, the Minister of Defense, the Chief of the Joint General Staff. After consultation, he submits a proposed list to the President for selection.

When an urgent and immediate replacement of the Province Chief is required by fully justified considerations, and when a delay can be detrimental to the local and general situation - the Chief of the JGS reports in emergency to the Prime Minister and the President and concurrently proposes, for immediate approval, a military officer in charge of current affairs.

This officer may be a deputy commander of the Sub-Sector if he is deemed to be competent, or an officer from the Division or Corps Area dispatched to the province on a temporary basis.

- Then the official appointment of a new Province Chief will be decided upon by the President, and his decision must be carried out within 48 hours.
- In other cases, such as resignation, permutation or designation to a new post by higher authority, or deficiencies of military and administrative capabilities, or lack of leadership of the Province Chief whose replacement is not needed urgently within a few days, the Prime Minister submits a complete report along with a list of the proposed candidates to be selected and appointed by the President.

- In case the Province Chief is suspected of corruption, discreet and impartial investigation should be conducted. As soon as the results are known, the Prime Minister submits a complete report so that the President can take necessary measures which range from the dismissal to the punishment and trial before the tribunals.

- In the case of important and flagrant corruption which requires severe measures against the Province Chief and his immediate replacement to safeguard the prestige of the Government, so that an expeditious and efficient investigation can be proceeded. Then the Prime Minister will urgently report to the President who decides on the replacement of the corrupt Province Chief within 48 hours.

**Deputy Province Chief for Administration**

The Deputy Province Chief for Administration is to be appointed by Decree of the Prime Minister on recommendation of the Minister of the Interior.

**District Chief and Deputy District Chief**

The District Chief is to be appointed by Decree of the Minister of Interior, on recommendation of the Province Chief, after the approval of the Prime Minister.

The Deputy District Chief is to be appointed by Decree of the Minister of Interior on recommendation of the Province Chief.
V. Implementation

This Circular is also applied to the municipalities, in accordance with the competences of the Mayors defined in the Decree No. 229/NV dated December 18, 1965.

With regard to the Capital of Saigon, only Parts I and II are in effect, since the Capital is placed directly under the central Government.

To implement this Circular, the Ministries must review their organization at the provincial level on a rational basis. In the provinces where the technical services are not important, they should suppress their Specialized services and pass to the Province Chief the responsibility on that matter. The Province Chief will be the local representative of the Ministries, and it is only necessary then for the Ministry to assign a specialist to the Province Chief.

This Circular is distributed for application at all levels, from the central government to local administrations. It is also to be used as instruction material in the training courses for civilian and military cadres.

An Administrative Seminar will be held in the beginning of April 1968 to study the application of this Circular. If necessary, this Circular will be amended so that, effective April 15, 1968, it will be implemented uniformly and correctly, concurrently with the reorganized system of Government's Delegations mentioned in Chapter III.

Saigon, March 1st, 1968
Circular
No. 115-a/TTF/VP

Saigon, 24 October 1956

The President of the Republic of Vietnam

TO: Secretaries of State
   Government Delegates
   Prefect of Saigon
   Province Chiefs

Ordinance No. 17 of 26 December 1955 has already cancelled the legal entity and the autonomous budgets of the Regions. By this text, the administrative reform of Vietnam is at the beginning.

Now, by the present Circular, I have the honor to let you know that, by Ordinance No. 57-a of 24 October 1956, I have achieved this reform, with the following aims:

1. increase in power and responsibilities for Province Chiefs

2. establishment of new responsibilities for the Government Delegates.

By these means, the Government has achieved the reform previously announced for more effective administration.

The Province Chief is representative of the Central Government, and of no special Ministry. This official shall have to assume more responsibilities than in the past, but at the same time, he has more means to perform his activities.
The Province Chief

The Province Chief is appointed by the President of the Republic and is under his direct jurisdiction; the Province Chief is the Central Government Representative in his constituency.

Besides the implementation of laws and regulations, the Province Chief has responsibility for the general functioning of all public services operating within his province.

He reports to the President or the Secretaries of State on all activities of public services dependent of his own headquarters and of the Ministries.

The Province Chief manages all public services for their effective activities and reports to the President on their developments and their weaknesses, if any.

The Province Chief must help Ministry representatives in the province.

The Province Chief is asked for opinions and expresses them on the establishment or the execution of Government projects dealing with the province.

On the other hand, the Province Chief has responsibilities on matters of security and public order. In this field, he will coordinate his activities with those of police and security local forces. (Civil guard, Security Guard, Gendarmes on detach service to the civilian officials...)

In case of emergency, the Province Chief is allowed to call for regular Armed Forces, but he must report immediately to the President.

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Since now until the reform of financial organizations
at the provincial level, the responsibilities of the Province Chiefs on budget and taxation shall be governed by the current regulations, if they are not contrary to the provisions of the above ordinance.

Other powers and responsibilities of the Province Chiefs as provided in the current regulations shall remain in force, if they are not contrary to this ordinance.

The Province Chief controls directly the village organizations. He has responsibility to choose and appoint the members of the Village committee, to orient them, to control their work, to assure the execution of the village budget so that the resources involved may be used properly.

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The Province Chief exchanges direct correspondence with the Presidency and the Ministries. A copy of that correspondence must be sent to the Government Delegate.

When he deems necessary, the Province Chief may have relationships with the Directors General, the Directors and the Service Chiefs of each Ministry. But as regards to important matters, he must have previously received instructions from the Presidency.

The Province Chief may also receive the Ministries' instructions must be signed by the interested Secretary of State. In this case, a copy of the correspondence must be sent to the Presidency and to the Government Delegate.

The instructions and recommendations having a general character and issued by a Ministry Directorate or Service must be sent to the Ministry representative at the provincial level, via the Province Chief. A copy of these correspondence shall be sent direct to the Ministry representative. The Ministry representative when he mails a letter to the Ministry, must go through the Province Chief.
The Province Chief makes periodical reports to the Presidency or to the Ministry on the activities of public services within his province, and may recommend the transfer of the personnel who have failed in the performance of the duty.

A copy of these reports must be mailed to the Government Delegates.

Copies of the performance rating of the specialized personnel must also be sent to the Government Delegate and to the Province Chief.

The Government Delegate and the Province Chief must express immediately their opinions to the President.

The Province Chief may meet the Service Chiefs in his constituency for all matters pertaining to the province.

Having responsibility in the functioning of public services, the Province Chief must make reports after preliminary investigations of all administrative personnel falling under the cases of the penal law.

In regard to the judiciary and military organization activities, if the Province Chief cannot intervene directly, he may report to the Presidency the matters having an illegal or inappropriate character.

In relation with the Treasury, the Province Chief may only intervene directly in cases of robbery, embezzlement or misuse of power and may apply security processes, but he must report immediately to the Presidency and to the Ministry of Finance.

If a Minister has no representative in the province, the works of this ministry are performed by the Province Chief himself.

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*   *
In general, ordinance No. 57-a of 24 October 1956 and the above instructions shall be implemented in the cities, if there is no contrary provisions to the specific statutes of these cities.

THE VILLAGES

The villages are under the direct supervision of the Province Chief. At the village level, the Province Chief performs his functions with the assistance of the Chiefs and Deputy Chiefs of cantons, and the District Chiefs.

The District Chief performs his duty on behalf of the Province Chief.

The District does not have legal entity. The district limits remain as in the past until further modifications.

The Canton Chief assumes the liaison between the villages with district and provincial administrative organizations.

The Canton Chief helps the District Chief in the implementation of measures determined at higher level. When possible, the Canton Chief shall conciliate the suits, to take care of the rights of the villages or the benefits of the private citizens.

Canton Chiefs and Deputy canton Chiefs are appointed by the Province Chief, on the recommendation of the Village representatives.

* * *

GOVERNMENT DELEGATES

The Government Delegate is no more administrative regional supervisor as in the past. The Government Delegate has the 3 following responsibilities:

1. With the role of an Inspector, he has the task of
following-up and coordinating the activities of all public services located in the province, and may intervene at the Ministry in the matters relative to the Ministry activities in the province.

The Government Delegate must attend the monthly meetings with the executive organizations at the Presidency, and the meetings of the Administrative and Financial Inspection Team.

The Government Delegate follows-up the situation in the provinces, in regard to the reports the Province Chiefs send to him. He examines these reports and forwards them to the President with his own opinions and recommendations.

2) With the role of an Administrative Assistant, the Government Delegate follows-up the implementation of laws and regulations, of directives and programs of the Government. For this reason, the Government Delegate may receive delegation of power from the President to give directives to the Province Chiefs.

3) The Government Delegate may be empowered by the President to conduct investigations or to perform other operations besides his routine activities.

The Government Delegate corresponds with the President, the Secretaries of State and the Province Chiefs. Copies of the correspondence having an important character between the Delegate and the Secretaries of State and the Province Chiefs shall be mailed to the Presidency.

At least twice a month, the Government Delegate must report the provinces situation to the President. A copy of this report must be mailed to the executive organizations of the Presidency, and if necessary, to the interested Ministries.

In the performance of his inspection duties, the Government Delegate may consult any materials and files at the provincial headquarters or at the Ministry representative organizations located in the provinces.

s/Ngo dinh Diem
Regarding the Administrative organization of Vietnam.

The President of the Republic of Vietnam

ENACTS:

Art. 1 - Vietnam is composed of provinces, cities and villages.

I. PROVINCES

Art. 2 - Provinces are legal entities having a budget and public properties. Each province shall be governed by a Province Chief assisted by one or more Deputy Chiefs (Decree No. 237-NV, Dec. 8, 1961, provided for a Provincial Council Phu Bon).

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 the provinces.

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

a. He is responsible for the general administration of all provincial services and in this capacity, he shall make reports to the Presidency and other Departments on the activities of the Services under his jurisdiction and of those of other Departments.

He may propose transfers of technical officials assigned to his locality.
b. He is responsible for order and public safety.

In this capacity, he shall coordinate all local security and police forces. In emergency cases, he may requisition the armed forces and (if he does so) must make an immediate report to the Presidency.

Art. 6 - In the capacity 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 decrees.

II. CITIES

Art. 9 - Cities are legal entities having a budget and public properties.

Each city shall be governed by an appointed Prefect and a City council (a prefect for Saigon, a Mayor for each of the other autonomous cities).

Art. 10 - The administrative and financial organization of the city shall be established by decrees.

III. VILLAGES

Art. 11 - A province includes many villages which are legal entities having a budget and public properties.

Art. 12 - The administrative and financial organization of the villages shall be established by decrees.
IV. CANTONS AND DISTRICTS

Art. 13 - Several villages 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 arretes. (Comment)

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. REGIONAL GOVERNMENT REPRESENTATIVES (DELEGUES)

Art. 16 - Regional Government Representatives shall be appointed by Presidential Decrees and in charge of a number of provinces.

Art. 17 - As inspectors, Regional Government Representatives shall survey the activities of services in the provinces placed under their jurisdiction. They may also intercede with the various Departments to promote the efficiency and progress of services dependent on such departments.

Art. 18 - Regional Government Representatives 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 regional government representatives 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 representatives may order Province Chiefs to mobilize all public services, and in such cases shall submit reports to the Presidency immediately.

Art. 21 - Government representatives are charged with the survey of all problems concerning the provinces under their jurisdiction, and with the prior authorization of the President, they may organize meetings with Province Chiefs to exchange ideas.

Art. 22 - Government representatives may, 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 authorization from the President but in such cases shall submit reports to the President immediately on the purpose of such meetings.

Art. 23 - Government representatives represent the government in all 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 instance.

VI. GENERAL PROVISIONS

Art. 24 - All former provisions contradictory to this ordinance are hereby repeated.

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.
SUMMARY OF THE TAXATION ON REAL PROPERTY

IN VIET-NAM

NGUYEN CAN
Expert on property tax
DIRECTORATE OF DIRECT TAXES

When Vietnam still had three regional governments - one in the North, one in the Center and one in the South - the tax was a regional government levy, with an additional percentage of the regional tax being added for revenue needs of the cities, provinces and villages.

After January 1, 1956, when the regional governments ceased to exist, the land tax became a central government levy, with the cities, provinces and village being given additional percentages of the central government tax for their revenue needs.

As of January 1, 1968, it has become imperative for the central government to give local revenue a strong financial structure so that local administrations can function effectively, thus the Decree-Law No. 041/67 of 18 October 1967 has come into existence, reserving the receipts for rice land and mixed cultivation land tax for village budget and receipts for urban land for prefecture, province or city budget.

Following are outlines of the Vietnamese property tax system:

I. TAX ON RICE LAND

Rice land is taxes on the basis of area, under a classified structure reflecting productive capacity:
- Super grade: over 2,000 kilos of paddy
- First class: less than 2,000 and over 1,200 kilos of paddy
- Second class: less than 1,200 and over 700 kilos of paddy
- Third class: less than 700 and over 500 kilos of paddy
- Fourth class: less than 500 and over 300 kilos of paddy
- Fifth class: less than 300 kilos of paddy

On the basis of this classification, rice land is taxed according to the following schedule:

- Super grade: 85$ per hectare
- First class: 65$ per hectare
- Second class: 50$ per hectare
- Third class: 35$ per hectare
- Fourth class: 20$ per hectare
- Fifth class: 10$ per hectare

As of January 1, 1968, the tax rate schedule is established by the Prefect, Province Chiefs or Mayors, in accordance with the economic situation and needs of the local budget, but it will not exceed the following minimum or maximum limits:

- Super grade: minimum limit: 110$, maximum limit: 350$
- First class: " 85", " 240$
- Second class: " 65", " 210$
- Third class: " 45", " 150$
- Fourth class: " 25", " 70$
- Fifth class: " 13", " 40$

The decision fixing the tax rate schedule will be put into application only after it is approved by the Ministry of Finance.

The classification of land into various tax categories is to be undertaken by a committee appointed by the Province Chiefs.

Rice land taxes are collected for the benefit of the village budget.
II. TAX ON MIXED CULTIVATION LAND

Land used for other agricultural purpose than the cultivation of rice is taxed at a specific amount per hectare according to type of crop.

The classification of mixed cultivation land is more complex and follows two procedural steps:

First, the Fiscal Code provides seven categories of land with respective tax rates:

- Special category: \( 300 \) per hectare
- Super grade category: \( 250 \) per hectare
- First category: \( 190 \) per hectare
- Second category: \( 110 \) per hectare
- Third category: \( 55 \) per hectare
- Fourth category: \( 20 \) per hectare
- Fifth category: \( 15 \) per hectare

As of January 1, 1968, the tax schedule is established by the Province Chiefs, in accordance with the economic situation and needs of local budget, but it will not exceed the following minimum and maximum limits:

- Special category: minimum limit: \( 450 \), maximum limit: \( 1200 \)
- Super grade category: minimum limit: \( 350 \), maximum limit: \( 970 \)
- First category: minimum limit: \( 280 \), maximum limit: \( 720 \)
- Second category: minimum limit: \( 160 \), maximum limit: \( 430 \)
- Third category: minimum limit: \( 80 \), maximum limit: \( 210 \)
- Fourth category: minimum limit: \( 30 \), maximum limit: \( 70 \)
- Fifth category: minimum limit: \( 20 \), maximum limit: \( 50 \)
The decision fixing the tax rate schedule will be put into application only after it is approved by the Ministry of Finance.

Each agricultural product is then assigned to a particular category; for example, all lands used for rubber production may be classified under the special category, while all lands used for tea production may be classified under the first category. These designations are determined by arrête of the Ministry of Finance.

Taxes on land used for mixed cultivation are collected for the benefit of the village budget.

III. TAX ON URBAN LAND AND IMPROVEMENTS

A. Tax on area:

Urban land is taxed at a specific amount per square meter (or hectare), with variable tax rates, depending on the value of the land.

Before January 1, 1968, there were two schedules for classifying urban land, one for occupied land and the other for unoccupied land.

Is taxed as occupied land the land surrounding the building to the extent of six times (for one-storied buildings) or nine times (for buildings of more than one storied) of the area of the building.

Any land exceeding the above-mentioned definition is taxed as unoccupied land.

The schedule for classifying occupied land has five categories:

- Super class: 0$85 per square meter
- First class: 0$40 per square meter
- Second class: 0$25 per square meter
- Third class: 0$15 per square meter
- Fourth class: 0$05 per square meter

The schedule for unoccupied land varies from urban centers to provinces. In Saigon, the rates range from 10,000$
to 20$ per hectare; the maximum rates are much lower in other urban centers.

As of January 1, 1968, all pieces of land located in the Prefecture, province, city and district chief town, whether the land is occupied or unoccupied, are taxed at the same rate.

The tax rate schedule is established by the Prefect, Province Chiefs or Mayors, but it will not exceed the following minimum or maximum limits (per square meter):

- Super class: minimum limit: 2$50, maximum limit: 7$00
- First class: " 1$20 " 3$50
- Second class: " 0$75 " 2$50
- Fourth class: " 0$45 " 1$50
- Fifth class: " 0$15 " 0$50

The classification of urban land into various tax classes is to be undertaken by a committee defined in the Arrete No. 1523-BTC/TV dated 27.12.1968.

Existing land classifications are subject to review and reclassification every three years or from time to time.

B. Tax on rental value

Improvements are taxed on the basis of annual rental value, which is legally the actual market rent or estimated market rent.

In the absence of actual market rents, estimated market rents may be obtained on the basis of comparison with other properties for which rental values are known or, for want of these above-mentioned bases, on the basis of direct appreciation, that is by computing the legal rate of interest (8%) on the capital invested in real estate.

As from January 1, 1967, a standard rental value schedule is used as a base for taxing instead of rental values reported by landlords.

Rental value used as a base for assessment is revised every three years or from time to time.
Before January 1, 1968, the tax on rental values is uniform throughout Vietnam. It is 6 per cent of rent, and net rent is 75 per cent of gross rent.

As of January 1, 1968, the tax rate is established by the Prefect, Province Chiefs or Mayors, in accordance with the economic situation and needs of the local budget, but it will not exceed the minimum limit 6 per cent and the maximum limit 13 per cent.

The decision fixing the tax rate will be put into application only after it is approved by the Ministry of Finance.

Rental value used as a basis for levying tax is gross rent. No deduction of 25 per cent for expenses as provided in the old law is allowed.

C. Tax on local property and village other than urban

a. Land bordering a national, provincial or interprovincial highway .......... 50₢ per hectare

b. Land bordering a secondary road, path or in the center of village .......... 30₢ per hectare

c. Improvements are taxed on the basis of rental value

(According to Ordonnance No. 7 of April 13, 1953)

Taxes on urban land and improvements are collected for the benefit of the budget of the capital, city or province concerned.

D. Exemptions

Exemptions from urban real property tax are classified into permanent and temporary ones as follows:

a. Permanent exemptions

1. Real estates meeting the triple condition: being a public property, devoted to serving the public interest and nonprofit, especially:
Streets, high roads, squares, markets, rivers.
Buildings affected to quarters of ministers, public administrators, and their offices.
Buildings occupied by Justice Courts and tribunals.
Public schools, libraries, and museums.
Town and village halls.
Jails
Military establishments.

2. Real estates belonging to religious and relief organizations:
Buildings used for religious worship, including quarters for priests and their assistants.
Buildings used for educational purpose, including quarters for personnel.
Buildings used for free health services, including quarters for personnel.

3. Real estates belonging to institutions which are non-profit and are devoted to serving the public interest, especially:
Buildings used for recognized religious worship.
Buildings used for educational purposes, health services and agricultural activities.

4. Real estates belonging to scientific establishments.

5. Straw covered hut and other quick wear light material constructions reposing directly on the ground.

6. Foreign embassies.

b. Temporary exemption

The three years temporary exemption is extended to buildings constructed to replace war damage, provided that the reconstructed building must have the same usable surface as the old one.

This exemption is not allowed if:

1. The reconstructed building or portion of building is to be used for a different purpose than previously stated.

2. The owner has received an allowance for war damage.
3. All construction of new buildings situated at a locality other than the one where damaged buildings got war compensations.

IV. PER CENTAGE ADDITIONS

When land tax was still a regional government levy (before January 1, 1956) or a central government levy (from January 1, 1956 to January 1, 1968), prefecture, province, city and village authorities received additional percentages of regional or central government land tax for their revenue needs and these percentage increases vary throughout Vietnam.

The maximum limits of annual percentage increases established for each region and urban centers are prescribed by an arrete of the Ministry of Finance.

In addition, the basic rates for rice land and land used for mixed cultivation are still subject to the other supplemental rate of one thousandth (10/00) for the specific use of the National Chamber of Agriculture.

But, from the time land tax became a local levy (from January 1, 1968) the percentage addition system has ceased to exist.

V. GARBAGE REMOVAL TAX AND SEWAGE TAX

In Saigon, there are two special charges based on net rent for urban services.

a. Garbage tax:

- For real estate used for residence
- For real estate used for residence and
  commercial, industrial or profes-
  sional activities at the same time. ) 6% of rental
  value, less
- For real estate used for other
  activities different from the
  above-mentioned activities. ) 5% of rental
  value, less

There is no garbage tax levied on unoccupied land.
b. **Sewage tax:**

- For sewer with cover: 3% of rental value, less 25%
- For open sewer: 2% of rental value, less 25%

Moreover, a sewage tax is levied on unoccupied land:

- For sewer with cover: 20% of the basic rate for unoccupied land
- For open sewer: 15% of the basic rate for unoccupied land

These specific charges for urban services are not uniform throughout Vietnam and some cities do not have them.

VI. **TAX ON "EXCESS" RENT**

In addition to property tax, owner of rental properties are subject to a special tax of 40 per cent on the "excess" rents.

Considered as "excess" rent the difference between the total gross rent and the normal rent estimated 4 times the regular property tax.

Owner occupied properties are not subject to the special tax on "excess" rents.

Taxes on "excess" rent are collected for the benefit of the national budget.

NGUYEN CAN

MARCH, 1968
CIRCULAR No. 4095-BCTNT dated March 25, 1964
Regarding Exchange of Lands Located in the Cai-San Land Development Center.

Ministry of Rural Affairs Saigon, March 25, 1964

I. EXCHANGE OF LAND LOCATED IN CAI-SAN LAND DEVELOPMENT CENTER AND REQUISITIONED FROM SMALL OWNER OPERATORS.

The National Council for Land Reform decides:

1. To approve the exchange of state-owned land against small landowners' lands located in Cai-San Land Development Center.

2. The maximum area to be exchanged to each small landowner is ten hectares under the following conditions:

   a) If the land is abandoned uncultivated, the recipient landowner can use it immediately after the exchange.

   b) If the land has been leased by the local authorities, the recipient landowner must respect the contract according to the regulations governing landlord-tenant relationships.

3. If the land has been squatted, the recipient landowner of the exchange must draw up a lease contract with the farmer who is cultivating the land. He will be allowed to take back the land at the expiration of the contract and after execution of all formalities provided by the regulations governing landlord-tenant relationships in this matter.

4. For those landlords who refuse the exchange of their lands under the above mentioned conditions the Government will negotiate with them in order to purchase these lands at the price of 800 piasters per hectare, but allowing the landowner to collect the harvest revenue of the year in which the definitive sale contract is made up.
5. The National Council for Land Reform entrusts the Province Chief of Kien Giang with the responsibility of carrying out this decision.

6. In case the land owner refuses the exchange and/or sale by common consent to the Government, expropriation procedures will be applied under the common good.

S/s NGUYEN CONG HAU
CIRCULAR No. 13157-BCTNT/HCTC3
dated September 7, 1964 Regarding
Regularization of the Squatter
Situation

Ministry of Rural Affairs
Saigon, November 7, 1964

II. REGULARIZING SQUATTER SITUATION.

At its XXXIV meeting on March 2, 1964, the National Council
for Land Reform decided on the authorization to regularize
the status of squatters on the state owned land by granting
these squatters a temporary right of cultivation.

But the matter has been carefully studied again by the
Ministry of Rural Reconstruction. The ministerial authori-
ties recognize that they must grant squatters a permanent
right instead of a temporary one for land development, because
the squatter occupied land has been developed and cultivated.

After discussion the Council decided:

1. The authorization to regularize the status of squatters
on state owned land by granting them permanent rights on
the area they have truly developed and cultivated themselves.

2. Areas of ten hectares and less will be granted free by a
decision from the Province Chief and ratified by the Ministry
of Rural Affairs.

3. Areas over ten hectares will be distributed with payment based
on common consent or by bidding.

Regularizing the status of squatters is only applied to those cases
(of squatted land) prior to the issue of the present Official Circular.

From now on private individuals desiring to develop state owned land
must have an application and fulfill all current regulations and
formalities at the responsible authorities office.

S/s NGUYEN CONG HAU
ARRETEE No. 705-BCTNT/ND/HCTC.

THE MINISTER OF RURAL AFFAIRS

Referring to the Provisory Charter of October 10, 1964;

Referring to the Arretee No. 006-QT/SL of November 4, 1964, fixing the composition of the Government;

Referring to the Ordinance No. 17 of December 24, 1955, supplemented by Ordinance No. 57-a of October 24, 1956, reorganizing the administration;

Referring to the Official Letter No. 814-TTP/TTK. 1 of August 12, 1957, of the former Presidential Secretariat, concerning the authorizing the Ministry of Lands and Land Reform with the implementation and supervision of the domanial concession;

Referring to the currently in force concession regulations;

Referring to the Official Circular No. 16-601b-BCTNT.HCTC. 3 of November 24, 1964, concerning regulation of the squatter situation by granting of definitive ownership rights,

DECRES:

ARTICLE 1. It is hereby authorized that Province Chiefs have the right to sign decisions concerning the granting of definitive ownership rights without compensation on the State-owned lands of 10 hectares or less.
ARTICLE 2. Drafts of the decisions and documents related to the granting of definitive ownership rights without compensation must be submitted to the Ministry of Rural Affairs (now Ministry of Agriculture) for concurrence prior to the Province Chiefs' approval, (Modified by Arrete No. 405-BCN/ND/HCTC, 3 of July 28, 1965).

ARTICLE 3. The Director of Cabinet, the Secretary General of the Ministry of Rural Affairs (now Ministry of Agriculture) and all the Province Chiefs are charged with execution of this Arrete.

This Arrete shall be published in the Official Gazette of the Republic of Vietnam.

Saigon, November 24, 1964

S/NGOC NGOC DOI
OFFICIAL CIRCULAR

THE MINISTER OF RURAL AFFAIRS

To

ALL PROVINCE CHIEFS

Subject: Regulating the Squatter Situation on State-Owned Privately Used Lands.


Dear Sirs:

Referring to the above-mentioned Official Circular, you are requested to put into effect the following procedures concerning regulation of the squatter situation on State-Owned privately used lands:

1. The Provincial Administrative Office shall:

   - Inform the people regarding regulation of the squatter situation on State-owned privately used lands by granting of ownership rights within the limit of its existing means.

   - Explain to the people about the Government policy to help the people become private owners.

   - Have the village authorities distribute application forms for regulating the squatter situation and have the people mark the boundaries on their plot of squatted land.

   - Fix the schedule and notify the village to gather squatters in the village so they may directly contact with the Survey Council.

   - The composition of the Survey Council is as follows:
Chief of the survey team .......................... Chairman
A member of the Village Administrative Committee ... Member
A representative of the squatters ..................... Member
A member of the survey team ........................ Secretary
(having no right to vote)

- The Survey Council shall collect applications at the village, and then perform the identification on the ground with the collaboration of the squatters according to the boundaries marked.

- The report on the survey must include the description of the actual area where crops are cultivated and buildings are erected; whether the land is either cleared and developed by the squatter or the squatter bought the right of clearing and developing the land, and other related detailed data and information. The Survey Council shall sign the report and submit it to the provincial authorities with the attached map and application for regulating the squatted land.

- The report shall be posted at the village office for a period of two months to allow any protest which may be presented. All protests shall be recorded in a book. Minutes should be drawn up showing the beginning and closing of the notification. Notices concerning this report are posted at the neighboring villages, and at the local district and province levels.

- The Provincial Domain Concession Council shall hold a meeting to examine and give its suggestion on each document and draw up a report to be forwarded to the provincial authorities for approval.

- The provincial authorities shall be entrusted to make formal decisions concerning the granting of definitive ownership rights without compensation on the squatted land of 10 hectares or less. The provincial authorities shall forward the decision to the Ministry of Rural Affairs (now Ministry of Agriculture) for concurrence prior to approval.
2. The Provincial Land Affairs Service

The Provincial Land Affairs Service is responsible for the survey and mapping of the squatted lands. The Survey Team Leader shall be the Chairman of the Survey Council.


3. The Ministry of Rural Affairs

Regarding the squatted lands of more than 10 hectares, the provincial authorities shall forward the documents with its opinion and proposal to the Ministry of Rural Affairs (now Ministry of Agriculture), after performing the procedures as stated in paragraphs 1 and 2 above. These lands shall be granted ownership rights with compensation determined by common agreement or bidding.

Your attention is invited to the following:

1. In case the land squatted is designated as reserved for forestry, the local Forestry Service must report to the Forestry Directorate for the implementation of necessary procedures for the modification of the land status. The regulating of such a squatter situation can only be realized with higher level authorization provided.

2. The regulating of squatted land aims at helping the people to become private owners. It must, therefore, be founded on the squatters' honor declarations. In the case of a squatter who already owns 5 hectares of concession land, he will be granted only 5 additional hectares as permanent concession land without payment. The area over 10 hectares shall be granted permanent concession rights with payment determined by common consent or bidding.

3. Preventive measures must be taken against those people who profit by expanding the area squatted. You are requested to issue notices prohibiting all efforts for expanding the squatted area as well as refusing to consider any squatter case which may take place after the issuance of this notice.
4. The regulating of squatter situation in accordance with this Circular is only applied to those rural lands pertaining to the State-owned privately used lands where crops have been cultivated and buildings erected. This does not apply to the squatting of land devoted to State-owned public use, Village private use, Provincial, City, Capital, and provisory concession or definitive concession.

5. This Circular supersedes our Circular No. 4461/BCTNT/DD/CC/IN.1 dated April 11, 1963, concerning the regulating of illegal squatting of land by renting procedures, and Circular No. 4095-BCTNT/HC/TC/3/TT dated March 25, 1964, especially the paragraph relating to the granting of provisory concession to the illegal squatters.

Respectfully,

S/s NGO NGOC DOI

THE MINISTER OF AGRICULTURE

- Referring to the Decree No. 1a-CT/LDG/SL of June 19, 1965, fixing the composition of the Central Executive Committee;

- Referring to the Arrete No. 985-CN of July 2, 1965, organizing the Ministry of Agriculture;

- Referring to the Ordinance No. 17 of December 24, 1955, supplemented by Ordinance No. 57a of October 24, 1956, reorganizing the administration;

- Referring to the Official Letter No. 814-TTP/TTK. 1 of August 12, 1957, of the former Presidential Secretariat, concerning the authorizing of the Ministry of Lands and Land Reform with the implementation and supervision of the domainal concession;

- Referring to the Arrete No. 705-BCTNT/ND/HCTC. 3 of November 24, 1964, authorizing the Province Chiefs the right to approve decisions on granting of definitive ownership rights without compensation to squatters on State-owned land.

DECREASES:

Article 1. The Article 2 of Arrete No. 705-BCTNT/ND/HCTC. 3 dated November 24, 1964, referred above is hereby modified as follows:
Instead of:

**Article 2.** Drafts of the decisions and documents relating to the granting of definitive ownership rights without compensation must be submitted to the Ministry of Rural Affairs (now Ministry of Agriculture) for concurrence prior to the Province Chiefs' approval.

It is now modified as:

**Article 2.** Drafts of the decisions and lists of squatters' names after being approved by the Province for the granting of definitive ownership rights without compensation, shall be forwarded to the Ministry of Agriculture together with related documents for approval.

**Article 2.** The Director of Cabinet, the Secretary General of the Ministry of Agriculture, and all Province Chiefs shall carry out this Arrete as far as their respective duties are concerned.

This Arrete shall be published in the Official Gazette of the Republic of Vietnam.
OFFICIAL CIRCULAR

THE MINISTER OF AGRICULTURE

to

ALL PROVINCE CHIEFS


Dear Sirs:

This Ministry respectfully informs you of the decision made by the National Council for Land Reform in its meeting held on July 28, 1965, concerning the allocation procedures for rent of communal land for cultivation instead of following bidding practices.

I. BASIC PRINCIPLES

The communal land in every village is not to be leased by any means of bidding, but it will be allocated directly to farmers for cultivation according to the principal conditions contained in the Tenure Regulations which are outlined as follows:

1. Beneficiary Tenant:

The tenant of communal land must be an inhabitant of the
village living from his agricultural resources and farming the land himself.

The allocation will be based on the following orders of priority:

- Disabled and wounded soldiers, and dead soldiers' families (wife, minor children, father or mother if the dead soldier is single).
- Families of war victims.
- Combat Youths.
- Veterans.
- Tenant-farmers residing right in the place where they lease the land through a bidding process or from the winning bidder.
- Landless people.

However, those who shall be entitled to the priority of this allocation must be landless or own insufficient land for their cultivation.

2. Area Allocated

Areas rentable to an individual will be determined by the local Committee for Distribution of Communal Land in accordance with the condition of the land, and the density of the population in each area.

The maximum area allowed for each person is:

- Central Vietnam 3 hectares
- South Vietnam 5 hectares

The area allotted on abandoned uncultivated land may be doubled.
However, the Committee for Distribution of Communal Land should not, due to the density of population, divide up the area of communal land into too many small plots which may not favor the productivity.

3. Duration of the Rental Period

The duration of the rental period is fixed at five years and renewable on expiration provided it is proposed by the Committee for Distribution of Communal Land, and that no alternate applicant is available. However, the local authority can recover the land for common public use at any time provided that a six month notification is given to the farmer. If the land should be recovered due to emergency requirements, the agency which takes possession of it must compensate the farmer for the losses in income according to the currently enforced regulations.

4. Rental rate

The rental rate ranges from 15 to 25 percent of the average yield of the land to be estimated by the Committee for Distribution of Communal Land.

II. METHOD OF APPLICATION

The allocation of communal land will be entrusted to the Village Committee for Distribution of Communal Land with the cooperation of the Village Administrative Committee and under the control of the District Chief according to the following:

1. Village Committee for Distribution of Communal Land

A Committee for Distribution of Communal Land shall be established in each village and be composed of:

- Chairman of the Village People's Council (or Chairman of the Village Administrative Council, if the former is unavailable)..........Chairman
- Hamlet Chief or Chief of "Thon"..............Vice Chairman
- A Dignitary in the village.......................Commissioner
- Two representatives of farmers (one represents Farmers' Union or Farmers' Association)............................Commissioner
This Committee shall have the responsibility to:

- Determine the area to be rented to each family, based on the situation of the population density and the availability of communal land in the village.

- Examine applications for tenure of land and establish a list of proposed farmers for the renting according to the afore-mentioned conditions and priorities.

- Examine the family situation of the farmers whose farm contracts term expires, and draw up proposals for renewal.

- Estimate the yield and rental rates for the land to be rented.

2. The Village Administrative Committee shall have the responsibility to:

- Collect farmers’ applications for renting of communal land to forward to the Committee for Distribution of Communal Land.

- Establish farm contracts with farmers when the list of recipient farmers is established by the Committee for Distribution of Communal Land, and approved by the Province Chief.

- Supervise the cultivation of the farmers, and collect rent.

3. The District Chief

- Controls and submits to the Province Chief for approval the list of farmers proposed for the renting of land, or renewal of farm contracts submitted by the Committee for Distribution of Communal Land.

III. TERM FOR APPLICATION

The afore-mentioned procedures shall be applied progressively to those communal lands as the bidded renting term expires.
This Ministry respectfully requests Messrs. the Province Chiefs to implement the afore-mentioned decisions of the National Council for Land Reform.

Respectfully,

s/ Lam van Tri
ARTICLE 1. The Vietnamese citizens located at Land Development Centers and Resettlement Centers are granted with free, definitive ownership rights to the State owned land which they have actually exploited themselves.

ARTICLE 2. The developers who now become owners are exempted from paying any fees for land roll recording, registration of distributed land documents, and land taxes for the three years which ensue following the promulgation of the distribution decree if the land is devoted to the cultivation of secondary crops; and until the year they start collecting their first income if the land is devoted to the cultivation of perennial industrial trees.

ARTICLE 3. The Commissioner for Agriculture is authorized to sign Decrees which determine the definitive ownership rights stated in Article 1 above.

ARTICLE 4. The Chairman of the Central Executive Committee, General Commissioners and Commissioners, are charged with the execution of this Arretee.
This Arrete shall be published in the Official Gazette of the Republic of Vietnam.

Saigon, October 8, 1965

S/ Lt. General NGUYEN VAN THIEU
OFFICIAL CIRCULAR No. 5619-BCN/HCTC, 3 of May 27, 1966 from Minister Tri to Chiefs of Provinces, concerning the procedures to be followed in allocating and renting cultivatable Communal Lands under applicable rental regulations instead of following bidding practices, in accordance with the new policy contained in Official Circular No. 9275-BCN/HCTC. 3 of August 23, 1965, issued by the Ministry of Agriculture.

We have informed you by the Official Circular No. 9275-BCN/HCTC of August 23, 1965, of the decision made by the National Council for Land Reform, at its meeting on July 28, 1965, and related to the allocation procedures for rental of Communal Land for cultivation.

The present circular gives instructions on details of implementation so that uniform rental procedures may be applied throughout the country.

I. BASIC PRINCIPLES:

By the Official Circular No. 9275-BCN/HCTC.3 mentioned above, you are all informed that:

"The Communal Land in every village is not to be leased by any means of bidding, but it will be allocated directly to farmers for cultivation according to the principal conditions contained in the Tenure Regulations" (Ordinance No. 20, June 4, 1953, and Ordinance No. 2, January 8, 1955).

However, direct allocation is applied only to those Communal Lands still remaining under bidding system, but those lands already justly (quán cap) 1/distributed to farmers will remain temporarily under former procedures. The direct allocation will be progressively applied as the terms of bidding contracts expire.

1/ Quán Cap: In the Central Lowland Provinces of Vietnam, there has been the tradition of utilizing 75% of the Communal Land in the Village to be equally divided among each person in the Village over the age of 18, thus assuring a sense of equal benefits to all. The remaining 25% of Communal Land has been leased through bidding procedures.
Besides, in several places the Communal Land is leased on a mutual agreement from both parties, from 1 to 3 years, with a rent which is higher than the legal limitation. In order to get uniform rental procedures everywhere, you are requested to enforce the Official Circular No. 9257-BCN/HCTC, 3 mentioned above.

1. Beneficiary tenant:

- "The tenant of communal land must be an inhabitant of the village living from his agricultural resources and farming the land himself. The method of distribution will be applied by following the categories below:

Those inhabitants living there for a long time and having their houses in the village, or those people resettled in the village and so recognized by the local authorities.

- "Disabled and wounded soldiers and dead soldiers' families (wife, minor children, or father or mother if the dead soldier is single)".

However, only disabled soldiers who receive an allowance for disability are granted this number one privilege. Those who are not given this allowance will be given second rank privileges.

- "Families of war victims".

War victims are known as victims of VC assassination or those killed accidentally by either side, or those whose fortune is heavily plundered by the VC, or nearly destroyed by the war.

- "Combat Youths".

- "Veterans".

Veterans are known as those who have served in the regular army, local forces or popular forces.

However, if the Veteran is the son of a well-off family or is receiving material support for living, he will not be favorably considered.
"Tenants residing right in the place where they lease the land through a bidding process or from the winning bidder".

Residing tenants here means farmers who have participated in the last bidding procedures or leased land from the winning bidder at this bidding.

"Those people having no land for farming".

"Area Allocated"

"Duration of the Rent"

"Rent"

II. DETAILS REGARDING THE APPLICATION

1. Publicizing of the Government's Policy on allocation of Communal Land

a. Chiefs of Provinces are requested to have notices posted at the Provincial Administration Buildings, other Services, Chief of District Offices, Village and Hamlet Administration Offices, and make broadcast by means of loud speaking facilities.

b. You will convene meetings with district authority representatives Provincial Council members, officers of Services interested, Farmers' Associations and Farmers Unions (at the provincial level), if they are available, in order to discuss the new process of land distribution.

- For the same purpose, the Chiefs of Districts will also meet with Chiefs of Cantons, Village Administrative authorities, Village or Canton Agricultural Affairs Committees, Farmers' Associations and Farmers' Unions.

- At the village level, the village authorities will also convene a meeting with hamlet representatives, and representatives of all classes of people, to publicize and explain the Government policy.
2. Investigation of Communal Land

In any hamlet and village where the bidding contract terms are expired, area, type and locality of Communal Land plots will have to be declared and recorded, in order to facilitate the investigation.

3. Establishing Committee for Distribution of Communal Land

The Village Administrative Council will propose and submit a list of members of the Communal Land Distribution Committee to the Chief of District for ratification and the latter hands it over to the Chief of Province for approval.

4. Notice to the public on the reception of applications for leasing Communal Land

In the village, the public must be given notice of the following two subjects by the Village Administrative Committee and ratified by the local Chief of District:

- Area, type and grade and locality of the Communal Land to be leased.

- When the reception of applications is to begin and when it is to be closed (the period may be one month).

5. To examine applications for leasing Communal Land, and determine the area leasable for each applicant and the lot-drawing process.

The Village Committee for Distribution of Communal Land will make an orderly examination of applications given to it by the Village Administrative Committee according to the conditions and order of priority previously set.

Based on the area of Communal Land already investigated and the number of farmers whose applications are accepted, the Village Committee for Distribution of Communal Land
determines the area per capita to be leased and then organizes a lot-drawing in each "Thon" (larger than hamlet) and each hamlet in the presence of farmers and finally recording the results:

In the determination of the area of Communal Land per person referred to in the Official Circular No. 9275-BCH/HCTC.3 mentioned above, notice must be taken of the fact that Communal Land should not be cut into too small plots due to the high density of population, because to do that will be harmful to the production of the land. This is the reason why, in the case when the village has a small area of Communal Land, and the applicants for it are comparatively numerous, the determination of area per capita must be done beforehand so that when the Village Committee for Distribution of Communal Land determines a list of beneficiary farmers it can eliminate those farmers mentioned in the last categories.

The records and the list of beneficiary farmers will then be given to the Village Administrative Committee for notification to the public.

6. The posting of the names of those farmers, tentatively proposed to lease Communal Land

The Village Administrative Committee posts the above mentioned list in its office and at public places in the village, "Thon" and hamlet, for a period of perhaps 15 days. During this period it records all protests if any.

When the notice period is over, the Village Administrative Committee will give the list of beneficiary farmers proposed for leasing Communal Land and protests, if any, to the Chief of District for examination and instructions. All these matters will be later addressed to the Chief of Province for approval.
7. The posting of the names of the farmers who are officially accepted to farm Communal Land

When approved by the Chief of Province, the farmers tentatively proposed are now officially recognized to lease Communal Land.

Their names are once again posted in the office of the Village Administrative Committee and at public places of the "Thon" and hamlet. A duplicate list of their names will be given at the same time to the Committee for Distribution of Communal Land.

8. To determine the yield and rental limit of the plot of Communal Land leased to the farmer.

The Committee for Distribution of Communal Land should be cautious in its determination of the yield and rental limit in order to prevent any harm to the village budget as well as all protests from the farmers. It should record this information and send one copy to the Village Administrative Committee for action.

9. Farm contracts

Based on the final list of farmers accepted to farm Communal Land and the records on the determination of the yield and rental limit, the Village Administrative Committee makes a Type A farm contract, giving the original copy to the beneficiary farmer and filling the second copy at the Village Administrative Office.

The farm contracts on Communal Land must be recorded in a special register to facilitate the control and collection of rent.

10. Renewal of farm contracts

In paragraph 3 of item 1 of the Official Circular No. 9257-BCN/HCTC.3 it is provided that the "tenure of communal land lasts for 5 years. It can be extended when it expires if the extension is proposed by the Committee for Distribution of Communal Land and if no one else requests its use...". In order to enforce this stipulation, the Village Administrative Committee needs to notify interested farmers 6 months before the 5-year period expires.
The notification should inform the former farmer of the fact that if he wants to release the land he should apply for it, so, the Committee for Distribution of Communal Land will be able to examine the case and that the farm contract will be renewed only if it is approved by the provincial authorities.

In the interim period, as far as the Communal Land already leased on mutual agreement for periods of 1 to 3 years is concerned, the Village Administrative Committee should notify the farmer of the reversion of the land over 6 months before the contract expires. The farmer must make an application to release the land which will be re-distributed to him only if he fulfills all conditions provided in the Official Circular No. 9275-BCN/HCTC.3.

You are requested to publicize this Circular to all concerned administrative services for action.

Sincerely yours,

s/ Lam van Tri