

# ORDINANCES OF THE FEDERAL GOVERNMENT

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## FEDERAL ORDINANCE OF 27 MAY 1946 CREATING A FEDERAL GOVERNMENT COMMISSARIAT FOR THE MONTAGNARD POPULATIONS OF SOUTH INDOCHINA

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**THE HIGH COMMISSIONER OF FRANCE FOR INDOCHINA,**  
Chancellor of the Order of Liberation,  
Grand Officer of the Legion of Honor,

**Pursuant** to the decree of August 17, 1945, creating the office of the High Commissioner of France for Indochina and defining the powers thereof;

**Pursuant** to the decree of August 17, 1945, on the nomination of the High Commissioner of France for Indochina;

**Pursuant** to the decree of October 20, 1911, defining the powers of the Governor-General of Indochina;

**Pursuant** to the Federal ordinance of November 1, 1945, determining the provisional conditions for the exercise of legislative and regulatory power in the Indochinese Federation.

The Council of the Federal Government being in agreement,

### ORDERS:

**Article 1.** The provinces of Darlac, Haut-Donnai, Lang-Bian, Pleiku and Kontum form a special administrative division which will bear the title "Commissariat of the Federal Government for the Montagnard Populations of South Indochina", and cease to be under the jurisdiction of the Commissariat of the Republic for South Annam.

**Article 2.** Nevertheless, and on a provisional basis, due to the necessity for liaison between the civil and military commands, the provinces of Haut-Donnai and Lang-Bian will continue to be the responsibility of the Commissariat of the Republic for South Annam until such date as is determined by a decree of the High Commissioner.

**Article 3.** The Commissioner of the Federal Government for the Montagnard Populations of South Indochina is directly dependent of the High Commissioner of France for Indochina and is appointed by him. His powers are, within the scope of the provinces specified in Article 1, identical to those of Commissioners of the Republic in their respective jurisdictions.

**Article 4.** The seat of the Commissariat of the Federal Government for the Montagnard Populations of South Indochina is established at Banmêthuôt.

**Article 5.** This ordinance shall be published in the official Journal of the Indochinese Federation.

Done at Saigon, on May 27, 1946.

Signed: **G. d'ARGENLIEU**

**WE, HIS MAJESTY BAO-DAI**  
**CHIEF OF STATE**

**Pursuant to Decree No. 1** of July 1, 1949 establishing the organization and functioning of the public institutions;

**Pursuant to Decree No. 2** of July 1, 1949 organizing the statute of the public administrations;

**Pursuant to Decree No. 6** of April 15, 1950 the attachment to our person the provinces and territories inhabited by the non-Vietnamese populations traditionally dependent upon the Crown;

**Pursuant to Decree No. 33/QT** of April 15, 1950 regarding personnel serving in the provinces and territories directly attached to our person;

**Pursuant to Decree No. 3/QT/TD** of July 25, 1950 creating a special administrative division name Delegation of His Majesty for the Royal Domains P. M. S. "the Montagnard country of the South".

**Pursuant to** the agreements of March 8, 1949 and in conformity with the rights of man as defined in the charter of the United Nations;

**Pursuant to** the oaths of allegiance sworn to our person on May 31, 1946 in Banmêthuôt by the representatives of the populations of the Montagnard country of the South;

**Pursuant to** the wishes expressed by the representatives of the Montagnard populations on May 26, 1950 in Kontum, on June 5, 1950 in Pleiku, on June 10, 1950 in Darlac, on June 26, 1950 in Haut-Donnai:

**O R D E R : -**

**Article 1:** The non-Vietnamese populations living on the territories called "Montagnard country of the South" (P.M.S.) receive, by this present ordinance, a special statute to be destined to guarantee at the same time the eminent rights of Vietnam and the free evolution of these populations in the respect of their traditions and of their customs.

This statute is defined by the following arrangements:

**Article 2:** The territories of the P.M.S. the Montagnard country of the South, which have always been dependent traditionally on the Crown of Annam, are and will remain attached directly to our person.

**Article 3:** The political, administrative and judicial evolution of the P.M.S. "the Montagnard country of the South" will be conducted in such a manner as to lead, as far as possible, towards a greater participation by the Montagnards in the management of the affairs of the Montagnard Country of the South "P.M.S."

**Article 4:** The natural chiefs, hereditary or selected by the native populations --- councilor of district, of province, representatives of the various assemblies and customary tribunals, chiefs of sectors; of canton, of townships --- are retained with their titles and prerogatives as well as in the exercise of their powers.

**Article 5:** An economic council composed of the most qualified representatives of the agricultural, industrial and commercial interests of the P.M.S. "the Montagnard country of the South" will be instituted to provide its opinions regarding matters of concern to those interests.

**Article 6:** The administration of justice will continue to be assured, in matters **of litigation where** only Montagnards are involved, by the existing customary tribunals or those to be created. These tribunals will continue to apply the customs particular to each ethnic group concerned.

Besides, an adaptation of the Vietnamese legislation, of the French legislation and of particular customs will be sought in view of their application in litigations where Montagnards are involved, either with Vietnamese or with Frenchmen, or with other nationals of the French Union or with foreigners.

For this purpose, there will be created a Mixed Study commission charged with:

1/ - establishing a judicial organization project for the High Plateaux;

2/ - pursuing the definition and codification of customs, taking into account their-evolution, jurisprudence, and the necessities of the present.

This Commission may have recourse to the experts and must be within six months of delay to submit the results of their works to our scrutiny.

A judicial ordinance will thereafter be promulgated which will determine competent jurisdictions and the legislation applicable in those cases foreseen in the second paragraph of this present article.

Until such time as this ordinance is promulgated, the status quo, in these matters, will be maintained.

**Article 7:** The rights acquired by the natives over landed property are guaranteed them in entirety. In order that these rights to be respected, sales, rentals, acquisitions and in general all acts involving land rights will receive the approval of the administrative authority, after notification to the native leaders and all consultations in conformity with tradition.

**Article 8:** In order to improve the physical and intellectual conditions of the populations of the P.M.S. “the Montagnard country of the South”, medical aid and education will be the objects of development plans as extensive as financial possibilities permit.

The medical assistance plan will be established in harmony with **that which the world health organization could have foreseen** for the P.M.S. “the Montagnard country of the South”.

The teaching of dialects will be maintained to the full measure to which it is deemed necessary, and will continue to constitute the basis of primary education for the natives.

The teaching of the Vietnamese language and of the French language will be conducted according to the conditions 'specified under the regulations particular to the P.M.S. “the Montagnard country of the South” concerning the transfer of responsibilities in the matter of education.

The training of native cadres, especially for military, administrative, medical and scholastic needs, will be the object of a special effort.

**Article 9:** Obligatory military duties will not be any heavier for the P.M.S. “the Montagnard country of the South” than they are for other parts of the State of Vietnam.

Save for those cases foreseen in existing conventions, the Montagnards will not be called upon to serve in military units stationed outside the P.M.S. “the Montagnard country of the south”, and will be assigned with priority to the defense of their own territory.

**Article 10:** The Director of the Cabinet of His Majesty and the Delegate of His Majesty for the P.M.S. “the Montagnard country of the South” are charged with the execution of this ordinance, each according to that which concerns him.

DALAT, May 21, 1951

His Majesty has signed