

LAND REFORM IN VIETNAM

Prepared for:

THE REPUBLIC OF VIETNAM AND THE
UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT

STANFORD RESEARCH INSTITUTE
MENLO PARK, CALIFORNIA, USA



1968

DEVELOPMENT
ECONOMICS
AND AGRO-
INDUSTRIES
PROGRAM

LAND REFORM IN VIETNAM

December 1968

SRI Project No. IU-6797

Project Director: William Bredo
Field Director: Robert O. Shreve
Principal Contributors:
Donn E. Seeley
Morris O. Edwards
William J. Tater
Michael J. Aylward
Paul S. Slawson
Frederick Goshe

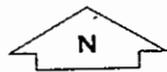
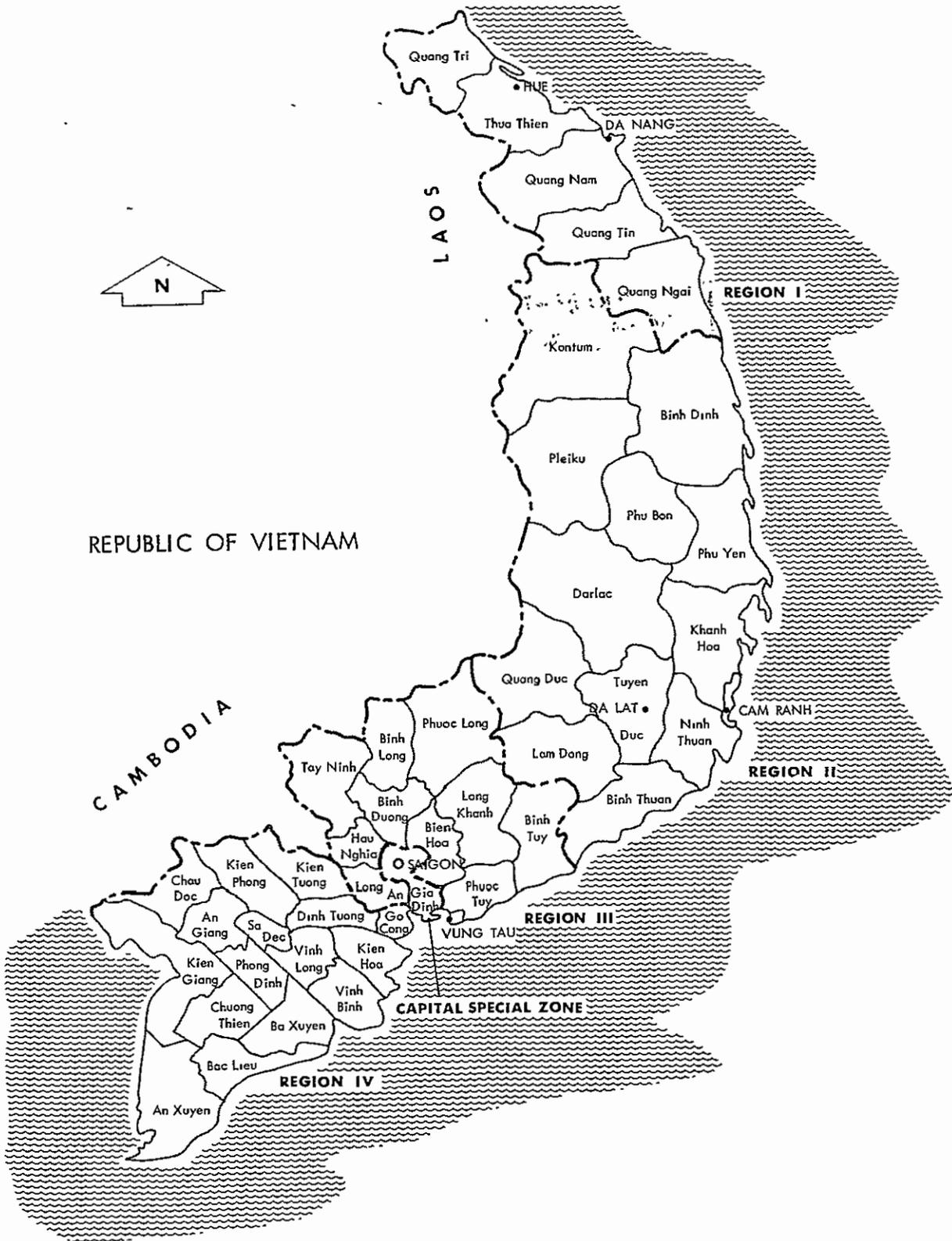
STANFORD
RESEARCH
INSTITUTE

Prepared for:

THE REPUBLIC OF VIETNAM AND THE
UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT

Contract No. AID/VN-8

MENLO PARK
CALIFORNIA
USA



REPUBLIC OF VIETNAM

CAMBODIA

LAOS

REGION I

REGION II

REGION III

REGION IV

CAPITAL SPECIAL ZONE

VUNG TAU

SAIGON

DA LAT

DA NANG

HUE

PREFACE

Background and Objectives of the Study

In July 1967, the U.S. Agency for International Development contracted with Stanford Research Institute to conduct a research program designed to provide the necessary factual base on which suitable land tenure policies in Vietnam could be formulated. The study, carried out under Contract AID/VN-8, was an extensive effort that employed many analysts, consultants, staff, and facilities of the Institute. It drew in addition on the resources and personnel of U.S. agencies in Vietnam and on agencies of the Government of Vietnam, especially within the Ministry of Land Reform and Agriculture.

According to the specifications of the contract, the research program was to overcome critical deficiencies in information on land tenure and land reform by:

1. Assembling the relevant, readily available land tenure information and assessing this information in terms of omissions, inconsistencies, and reliability. A data book was to be prepared bringing the data together in a form suitable for use as a reference document.
2. Generating new data essential for the execution of existing programs and the formulation of new land policies. New data were to be developed on:
 - a. The nature, importance, and impact of land tenure issues at the village level. A villager survey was to be conducted to explore such questions as the importance of tenure issues compared with other problems of village life, dissatisfactions with rental levels, experience with Viet Cong land policies, reaction to village and GVN (Government of Vietnam), roles in administration of land tenure programs, and attitudes toward landowners.
 - b. The status of existing land tenure reform programs, including the expropriation of private lands under Ordinance No. 57; progress in redistribution of private expropriated lands, former French lands, and squatter-occupied public lands, distribution of titles; and the concession lands program.

- c. The amount of land and number of titles remaining undistributed under Ordinance No. 57; the status of land control, tenurial arrangements, and special problems in "confused" areas; the status of compensation paid to expropriated landowners and payments made by new owners; and the status of communal lands.
- d. The size distribution of holdings by size of land ownership and residence of owners to assist in the estimation of the amount of land that would become available if the ownership retention limit were reduced.
- e. The assessment of the administrative capacity and effectiveness of village leaders to administer land tenure policies, to make recommendations to improve village administrative capabilities, and to consider adjustments in programs to the capacities of village administrations.

The research program was performed in two major phases. The first phase entailed the assembly of relevant and readily available information on land tenure conditions and an assessment of this information to determine its reliability and comprehensiveness. In the second phase of the research, the objective was to generate new information and insights into the issues arising from the assessment of land tenure conditions in Vietnam.

Scope and Method of Study

The study was focused on a factual analysis of land ownership, tenurial relationships, and governmental measures to change the land tenure structure. It was not the intent of the research program to cover the entire range of agrarian reform problems for which many other supporting governmental programs are usually necessary, particularly to improve the social and physical infrastructure for the farming community. Also, the study was not concerned with the evaluation or formation of land reform policy alternatives; however, the study was to provide the factual base required for land reform policy formation.

The project was conducted over the period of a year beginning in July 1967. The field work in the Republic of Vietnam was carried out during the period from late August 1967 to March 1968.

The first phase of the research was concluded in November 1967. It was submitted to the U.S. Agency for International Development as an Interim Report entitled "Land Tenure in Vietnam: A Data Compilation" and consisted of a narrative report supported by several volumes of basic documents and statistical materials.

The research results from the second phase of the research program were submitted to the U.S. Agency for International Development in June 1968 in five volumes in the form of a draft final report. Extensive reviews by agencies in Washington and Saigon followed, including the Government of Vietnam. In addition to the textual revisions it was agreed that the research results would be published in four volumes of Working Papers and that their content would be summarized in a single volume that would bring together all the findings in suitably condensed form. This volume--Land Reform in Vietnam--is thus the final overall report on the research program.

During the research program, information was developed from four principal types of sources: (1) published literature on land tenure and land reform relevant to comparative analysis of the problem in the Republic of Vietnam; (2) readily available information from files and records of U.S., GVN, and private agencies; (3) interviews with knowledgeable individuals in U.S., GVN, and private agencies; and (4) specially designed sample surveys conducted in the Southern Region of the Republic of Vietnam.

Relevant and available data on land tenure and land reform and related problems in the Republic of Vietnam were obtained from records and files of the Government of Vietnam. Most of these data originated in the various agencies within the Directorate General of Land Affairs of the Ministry of Land Reform and Agriculture; USAID/Vietnam, particularly the Office of the Land Reform Advisor; the U.S. Military Assistance Command in Vietnam (MACV); the Commander in Chief of the Pacific (CINCPAC); the Civil Office for Revolutionary Development Support (MACCORDS), the Joint U.S. Public Affairs Office (JUSPAO); the U.S. Embassy to the Republic of Vietnam; the RAND Corporation, Santa Monica; and other private institutions with research experience in the Republic of Vietnam.

Intensive interviews were conducted by project team members with knowledgeable U.S. and Vietnamese officials and staff associated with these agencies. These interviews included numerous field trips to all parts of Vietnam. The interviews were designed to assist in the interpretation of records and survey data and in understanding the issues and sequence of historical events relating to past and present programs of land reform in the Republic of Vietnam, including the impact of the war and Communist propaganda on rural society.

New data and information were obtained primarily through interviews, field trips, and surveys. Specially designed surveys based on systematic field interviews included the following:

1. A hamlet resident survey
2. A survey of village administrative chiefs
3. A survey of provincial land service chiefs
4. A survey of absentee landlords living in Saigon and Long Xuyen

All survey work was carried out by nongovernmental Vietnamese interviewers to avoid problems and biases that might arise with surveys carried out by U.S. or GVN personnel. For this effort, Stanford Research Institute was fortunate in obtaining the services of the Center for Vietnamese Studies for the provision of interview teams and essential administrative and technical support. The interviewers were trained and the surveys performed under Institute direction.

The greatest care was taken in planning, structuring, and conducting the sample surveys that were subsequently carried out in the Southern Region of the Republic of Vietnam. Valuable professional advice was obtained from those agencies that had had experience in conducting sample surveys in rural Vietnam. This advice related particularly to cultural and socioeconomic conditions that would affect the content of the interviews and to the problems of security that would have a determining influence on logistics of interviewing teams and on the validity of sampling approaches.

Accordingly, much time and care were devoted to developing the questionnaires used and in working out the means by which the sample surveys were to be executed. All questionnaires used in the sample surveys were developed by multidisciplinary Institute teams that included Vietnamese consultants among experienced professional American analysts. The questionnaire drafting teams also had the benefit of advice from the USAID Office of the Land Reform Advisor and the MACCORDS land reform representative. The questionnaires were field tested under the supervision of Institute staff. The sampling procedures were developed and monitored in the field work by Institute staff, including consultants. Logistical requirements for conducting the extensive field work were made feasible only with the cooperative support of MACCORDS.

The highly variable character of security in the Southern Region was a severe conditioning element in the conduct of the surveys. The Hamlet Resident Survey was designed as a self-weighting sample survey in which all types of rural residents were to be interviewed in proportion to the probability of their presence in the rural population. Thus, all social and occupational groups present in rural areas were represented in the sample. To account for the dropping out of hamlets due to security, the original random selection of 120 hamlets as the basis of the sample was purposely designed as an oversample. If a hamlet was found to be insecure for entry, a secure one was then selected by a random procedure. Eventually, the Hamlet Resident Survey was conducted in 54 hamlets (45 percent of the original sample) of the Southern Region considered to be comparatively secure; that is, sufficiently safe for the interviewing teams to enter. These hamlets were predominantly in the A, B, and C security categories of the MACCORDS Hamlet Evaluation Survey. The survey achieved the completion of 854 usable questionnaires, a number well beyond the minimum required for the reliability of sample results. In evaluating the results of the Hamlet Resident Survey, it is important to remember that they apply to conditions in the comparatively secure areas of the Southern Region.*

Unfortunately, the severe security restrictions and the time loss occasioned by the Tet offensive at the end of January 1968 reduced the amount of interviewing that could be accomplished both in the Southern Region and in the Central Lowlands. It was intended to conduct the special surveys of the rural communities in both of these regions, but the security constraints imposed by the Tet offensive made it necessary to cancel the surveys planned for the Central Lowlands, although a limited number of field trips were taken to the area.

Consequently, the emphasis of this report is on the Southern Region, which includes the very important rice-growing area of the Mekong Delta. Fortunately, it was possible to complete all of the planned survey work in the Southern Region before the Tet offensive, with limited exceptions. This report, therefore, includes effective research coverage of the major ricelands of the Republic of Vietnam. However, since land tenure conditions in the Central Lowlands and the Central Highlands differ substantially from those of the Southern Region, it should be clear that additional research is necessary before valid generalizations can be drawn for the whole of the Republic of Vietnam.

* The extent of this bias favoring secure hamlets is given in Working Papers, Volume III, Appendix A, p. 109.

The purpose of the Absentee Landlord Survey was to obtain information complementary to the Hamlet Resident Survey by exploring the attitudes and opinions of the large landowners of the Southern Region who had experienced land expropriation under Ordinance 57 in the land redistribution program promulgated in October 1956. The Absentee Landlord Survey was conducted immediately after the Tet offensive during February and March of 1968, and because of the worsened security situation, it was conducted only in Saigon and Long Xuyen, the capital of the comparatively secure province of An Giang. The survey included a sample of 187 questionnaires obtained from all the respondents that could be found in the available time--37 percent of the landlords affected for whom addresses existed in these two cities.

The Survey of Village Administrative Chiefs was intended to explore land affairs and related matters from the viewpoint of a village leader or notable who would be in a position to generalize on the situation for the community as a whole. For the survey, 35 villages were selected at random in comparatively secure areas. This survey provided information not only to supplement the findings of the Hamlet Resident Survey, but it also provided a picture of the problems of land affairs administration at the village level.

The Survey of Provincial Land Service Chiefs had a two-pronged purpose: (1) to add to the knowledge of land affairs administration at the local level and (2) to collect statistics on land ownership, rental contracts, government lands, land utilization, and the size distribution of land ownership. Again the provinces chosen for field work were randomly selected, but to give representation geographically to the different parts of the Southern Region. Good data were obtained from 13 of the 28 provinces of the Region.

Information concerning Viet Cong land reform activities is derived from a variety of sources. Supporting data were derived from the SRI Hamlet Resident, Village Administrative Chief, and Landlord Surveys; publications of the MACCORDS Hamlet Evaluation System; reports of Viet Cong initiated incidents from the data base maintained for the Commander in Chief Pacific; the extensive collection of interviews of Viet Cong defectors developed by the RAND Corporation under contract with the Advanced Research Projects Agency of the Department of Defense; captured Viet Cong documents from the files of Douglas Pike maintained by the Joint U.S. Public Affairs Office, Saigon and from the Captured Document Exploitation Center (CDEC), U.S. Military Assistance Command, Vietnam (MACV); and the extensive open and classified literature on the Viet Cong. While the sources used are comprehensive, data on the Viet Cong are characteristically fragmentary. Hence the analysis and documentation must be considered to have a strong qualitative element.

The statistical material included in this report is considered to comprise the best data available. However, there are inconsistencies in the data that cannot be reconciled. The present condition of some basic land and tax records is such that the accuracy and completeness are open to question. Despite these qualifications, the data are considered to provide an adequate basis for land reform policy considerations. During the period while the draft report was being completed, the opportunity was taken to update the land record data, with the result that the bulk of the statistics extend to September 1968.

Reporting on the Research

This report--Land Reform in Vietnam--is the Summary Volume of the SRI documentation on this study of the status of land tenure and land reform in Vietnam. It constitutes the distillation of more detailed information contained in a series of Working Papers with the following subtitles under the overall title Land Reform in Vietnam:

Volume I : Legal Framework and Program Status

Volume II : Administration of Land Affairs

Volume III: The Viet Cong

Volume IV : Surveys and Analyses Related to Land Tenure Issues

Volume I consists of two parts. Part 1 contains information for assessing the status of land tenure and progress of land reform in Vietnam. It is devoted to an exposition of the legal and administrative framework for land reform in Vietnam and to establishing the factual status of progress in implementing the basic legislation, decrees, ordinances, and administrative regulations pertaining to the various measures for land tenure improvement. In addition to the descriptive interpretation of the existing laws and programs and their genesis in Part 1, Part 2 provides a comprehensive statistical basis as background for policy planning purposes.

Volume II contains an analysis and evaluation of land affairs administration in Vietnam with a view toward providing a foundation for decisions on the administration of land reform policy. The volume also contains a review of the overall governmental administrative structure as it relates to land affairs and an assessment of local administrative capacity and effectiveness. The Village Administrative Chiefs and Provisional Land Service Chiefs Surveys are included as appendixes.

Volume III is concerned with the impact of Viet Cong activities on GVN land reform policies and on the rights of the landowners and tenants guaranteed them under the laws of the Republic of Vietnam. A detailed exposition of Viet Cong land reform policies and practice is presented to provide a basis for assessing the feasibility of land reform measures in an environment of insecurity and competition from the Viet Cong. Attention is also directed toward Viet Cong activities aimed at the isolation and destruction of the government administration.

Volume IV is presented in two parts. Part 1 presents the major findings and analysis regarding attitudes and opinions of rural people of all status groups with the emphasis on the farm people and the landowners, principally derived from the Hamlet Resident Survey and the Absentee Landlord Survey.

Factual data on the size distribution of land ownership and land use, when combined with the attitudes and opinions recorded, become the basis for a tentative analysis of what direction land distribution policy might have to take to make suitable impacts on the rural population when measured in terms of extending land ownership, reducing farm tenancy, and eliminating the ties between landlords and tenants. Part 2 contains the detailed supporting data generated in the course of the various Hamlet Resident and Absentee Landlord surveys.

The space limitations of this brief Summary Volume have made it necessary to omit many details and topics. These the reader will find in the four volumes of Working Papers to which this Summary Volume frequently refers.

The attention of the reader is also drawn to the fact that it is the intention of AID to translate the Summary Volume into Vietnamese and thus to make it available to a responsible and interested readership in the Republic of Vietnam.

Although the research could not have been performed without the valuable contributions of many organizations and individuals, the interpretation of the data and the presentation of the results remain the sole responsibilities of the Institute.

Acknowledgments

Many GVN, USAID, and CORDS staff members, too numerous to mention individually, made substantial contributions to the work of the project team in this study. Officials in both Saigon and the field contributed many hours to participating in the depth interviews and logistics of the

surveys. Particular mention must be made of the contributions of Mr. John L. Cooper, Special Assistant to the Director for Land Reform, USAID; for his guidance and unfailing support of the project; Mr. Keith W. Sherper, Assistant Land Reform Advisor, for his patient and dedicated assistance; and Mr. Leland E. Fallon, for his effective administrative support. Mr. Nguyen Xuan Khuong and Mr. Cao Thanh Chuong, Specialists of the USAID Land Reform Advisor's office, gave invaluable advice and information.

Special recognition is given for the assistance of Minister Donald MacDonald, Director of USAID/Vietnam, and of Mr. Robert Culbertson, Associate Director for Local Development, USAID, for their counsel on planning and content of the project. The assistance of Mr. MacDonald Salter, Director for Local Development, AID Bureau for Vietnam, is gratefully acknowledged, especially his guidance during the concluding phase of the project.

The cooperation and assistance of GVN officials and civil servants were most gratifying. Grateful acknowledgment must be accorded to Mr. Ton That Trinh, the former Minister of Land Reform and Agriculture; Mr. Lam Van Tri, formerly Minister of Agriculture; Mr. Nguyen Van Trinh, formerly Director General of Land Affairs; Mr. Vo Van Nhon, formerly Director of the Technical Directorate and now Director General of Land Affairs; Mr. Tran Van Hoa, Director of Land Reform and now Deputy Director General of Land Affairs; Mr. Nguyen Van Xuong, Director of Legislation and Land Registration; Mr. Thai Cong-Tung, Director of Agricultural Research; Mr. Nguyen Huy Loc, Director of Administration Service; Mr. Le Van Toan, Chief, Legislation and Planning Service and Commissioner General of Land Courts; Mr. Pham Van Ich, Director General of Taxation; Dr. Nguyen Van Bong, Rector of the National Institute of Administration and Chairman of the Central Committee on Administrative Improvements; Dr. Nghiem Dang, Vice Rector of the National Institute of Administration; and to many regional, provincial, district, and village officials who were most helpful in expediting the work.

Mention must be made also of the assistance rendered by MACCORDS (Civil Office for Revolutionary Development Support), and the U.S. Embassy in Saigon. Specifically, grateful appreciation is expressed for contributions of the Public Safety and Research and Analysis Divisions of MACCORDS; the Office of the Assistant Chief of Staff for Intelligence (J-2) of the Military Assistance Command, Vietnam; and the Joint U.S. Public Affairs Office (JUSPAO). Special thanks are due The RAND Corporation for use of the extensive collection of interviews of Viet Cong defectors and the documentation of Viet Cong insurgency developed in the course of many years of research in Vietnam; the Scientific Advisory

Group of CINPAC for data on Viet Cong incidents; and Dr. Wesley R. Fishel, Michigan State University, for the loan of his collection of historical and analytical materials, including publications of the Michigan State University Vietnamese Advisory Group and of several Vietnam government ministries and related agencies pertaining to land tenure, land administration, and related problems.

Special mention must be made of the indebtedness to Mr. Nguyen Khoa Phon Anh, Director, and Mrs. Nguyen Thi Huong, Associate Director of the Center for Vietnamese Studies, which was responsible for providing technical services and interviewers for the special surveys conducted as part of the project. Much appreciation is due to the Center for Vietnamese Studies for its cooperation, dedication to good research techniques, and the hard work that went into the planning and conduct of the surveys. Appreciation is also extended to the survey field leaders and interviewers for their dedication to high standards of work, even though they were often exposed to dangerous conditions. In addition to its own survey staff, the SRI team was fortunate to have the assistance of Mr. John Fasullo (MACCORDS), Mr. John Saunders (USAID), and Mr. Milton Spence (USAID), who managed the operations of the three survey teams in the field.

Research Participants in Project

Project Director: Dr. William Bredo, Development Economist

Project Field Director: Mr. Robert O. Shreve, Development Economist

Principal Contributors:

Mr. Michael J. Aylward, Public Administration Specialist

Dr. Morris O. Edwards, Political Scientist

Mr. Frederick Goshe, Technical Writer

Dr. Robert M. Reeser, Agricultural Economist

Mr. Donn E. Seeley, Operations Analyst

Mr. Paul S. Slawson, Development Economist

Mr. William J. Tater, Agricultural Economist

Consultants:

Dr. Raymond J. Jessen, Agricultural Statistician, University of California, Los Angeles

Mr. Gerald C. Sumner, Agricultural Statistician, University of California, Los Angeles

Mr. Leonard C. Moffitt, Land Use Planner and Sociologist, Independent Consultant

Dr. R. Michael Pearce, Political Scientist, Pacific Technical Analysts, Inc.

Dr. Paul S. Taylor, Economist and Rural Sociologist, University of California, Berkeley

Mr. Waldo M. Sands, Land Use Specialist, Independent Consultant

Prof. Roy L. Prosterman, Land Law Specialist, University of Washington, Seattle

Dr. Egil Krogh, Jr., Land Law Analyst, University of Washington, Seattle

Mr. Nguyen Van Thuan, Rural Advisor, Independent Consultant

Mr. Nguyen Van Toai, Administration Advisor, Independent Consultant

SRI Professional Staff:

Miss Gertrude D. Peterson, Research Sociologist

Mr. Constantine Glezakos, Statistician

Dr. John M. Hutzell, Political Scientist

Mr. Alexander T. Cole, Agricultural Economist

Mr. Ronald L. Rasch, Political Scientist

Miss Irene M. Longwell, Computer Programmer

SRI Research Assistants:

Miss Claudia Grill

Mrs. Nancy E. Lawry

Miss Francesca Mayer

Miss Ocea C. Goldupp

Mr. Randall L. Barrick

Miss Nguyen Le Chi

Mr. Gary D. Fitzpatrick

Seconded from U.S. Agencies (Vietnam):

Mr. John Fasullo, MACCORDS/Vietnam

Mr. John Saunders, USAID/Vietnam

Mr. Milton Spence, USAID/Vietnam

Technical Services:

Center for Vietnamese Studies

Mr. Nguyen Khoa Phon Anh, Director

Mrs. Nguyen Thi Huong, Associate Director

CONTENTS

PREFACE		iii
1	BACKGROUND AND STATUS OF LAND REFORM IN VIETNAM	1
	The Challenge of Land Reform	1
	Broad Objectives of Vietnam Land Reform	1
	Land Reform in the Republic of Vietnam	3
	Status of GVN Land Reform	5
	Status of the Land Redistribution Program	8
	Special Categories of Land Distribution and Tenure	18
	Landlord-Tenant Relationships	18
	Enforcement of Written Contracts	18
	Control of Rent Levels	20
	Sharing of Risk of Crop Failure by Landlords	22
	Security of Tenure	22
	Pre-Emption Rights	23
	Communist Land Reform in Vietnam	23
	Viet Minh Land Reform	24
	Land Reform in North Vietnam	26
	Viet Cong Land Reform	27
	Preliminary Redistribution	28
	Status of Viet Cong Land Reform	30
2	SOCIOECONOMIC CONDITIONS AFFECTING LAND REFORM IN THE REPUBLIC OF VIETNAM	33
	Basic Conditions	33
	Land Shortage and Population Pressure	37
	Inequality of Size of Land Holdings	38
	Size of Holdings: Southern Region	42
	Size of Holdings: Central Lowlands	42
	Nature of Population Shifts	44
	Geographical Shift from an Insecure Area	45
	Geographical Shift from a Rural to an Urban Area	46
	Statistical Changes in Population	47
	Rural Population Composition	49
	Sex and Age	49
	Occupations	49
	Literacy	50
	Religion	51
	Ethnic Groupings	51
	Size of Households	52
	Cultural Characteristics	53
	Human Resources for Implementing Land Reform Programs	54

CONTENTS

3	LEGAL FRAMEWORK AND STATUS OF LAND REFORM IN VIETNAM	57
	Landlord-Tenant Relationships--Cultivated Land	57
	Modifications of Original Ordinance	57
	Subjects of Contract Coverage--Type A Contract	58
	Renewal of Lease	59
	Rent Limitation	60
	Crop Failure	61
	Settlement of Disputes	61
	Metayage	63
	Usufruct	65
	Landlord-Tenant Relationships--Uncultivated Land	66
	Types B and C Contracts	66
	Contract Renewal and Transmutation	67
	Other Considerations	67
	Lands Expropriated Under Ordinance 57	68
	Lands Affected and Retention Limits	68
	Allotment of Land	68
	Eligibility and Priorities	72
	Conditions	72
	Implementation	74
	Compensation of Landlords	74
	Agencies Responsible for Land Reform	75
	Lands Other Than Expropriated Lands	77
	Former French Lands	77
	Concession Lands, Including Squatter Occupied Lands	79
	Communal Lands	80
	Present Status of Communal Lands	80
	Rental Policy	83
	The Refugee Problem	84
	Refugee Resettlement Centers	84
	Land Development Program	87
	Montagnard Lands	91
	Religious Lands	92
	Buddhist Land	92
	Hoa Hao Land	92
	Cao Dai Land	93
	Catholic Land	93
	Confused Lands in Newly Pacified Areas	93

CONTENTS

4	LAND AFFAIRS ADMINISTRATION	95
	Central Administration Organization	95
	Provincial Land Affairs Services	99
	Village Administration	101
	Changes in Village Government	101
	Role of Hamlets	104
	Land Registration and Record-Keeping	104
	Status of Records	105
	Land Taxation Records	108
	The Land Survey "Bottleneck"	108
	Local Land Reform Administration	111
	The Problem of Committees and the Delegation of Responsibility	111
	Lease Contract Register	112
	Collection of Absentee Landlord Rents	113
	Management of Land Affairs	113
	Planning and Budgeting	113
	Reporting	113
	Inspections	114
	Evaluation of Management and Supervisory Controls	115
	Personnel	117
	Staff Strength	118
	Incentives for Field Work	118
	Staff Productivity	119
	External Support--U.S. Organization and Programs	119
	1955-60	119
	1961-65	120
	1966 to Date	120
	Administrative Performance by Program	122
	National Land Reform Conference of 1968	122
	Landlord-Tenant Relationships	123
	Land Expropriation and Redistribution	124
	Purchase	125
	Redistribution	125
	Former French Lands	126
	Concession Lands Occupied by Squatters	127
	Communal Lands	128
	Confused Lands	129
	Opportunities for Extra-Legal Activities	130

CONTENTS

4	Continued	131
	Administrative Capacity and Effectiveness of Villages	131
	Effectiveness of Village Administration	131
	Village Administration Reconstruction	132
	Local Administration Finances	133
	Cadastral and Land Registration Procedures	133
	Lease Contract Administration	134
	Leasing of Communal Lands	134
	Measures to Improve Village Administrative Capabilities . .	134
5	THE VIET CONG	137
	Comparison of GVN and Viet Cong Land Reform Policies	137
	Land Distribution	137
	Landlord-Tenant Relationships	142
	Land Development Centers	144
	Confused Lands	146
	Administrative Control	147
	Problems of Viet Cong Land Reform Policy	148
	Lack of Landed Class Structure in the Rural Society	149
	Availability of Land for Redistribution	150
	Reconciliation with Non-Communist Elements	151
	The Problem of Refugees	152
	Insecurity and the Rural Society	153
	Organization of the Society	154
	The Peoples Revolutionary Party	154
	Front Organizations	155
	Proselytizing	156
	Viet Cong Population Controls	159
	Counterintelligence Requirements	159
	Terror	160
	Role of the Viet Cong Guerrilla	161
	Generation of Support	162
	Viet Cong Taxation	162
	Food Production and Transportation	165
	Isolation of Local Government Administration	166
6	ATTITUDES RELATED TO AN IMPROVED LAND REFORM PROGRAM	169
	Issues Basic to Land Reform	169
	Survey Data on Basic Issues	170
	Landlord-Tenant Relationships	175
	The Landlord's Role in Assistance to Tenants	176
	Source of Landlord's Landed Wealth	176
	Widening Gulf Between Landlords and Tenants	176

CONTENTS

6 Continued

Apparent Social Injustices	177
Indebtedness, Interest Rates, and Credit Needs	178
Farm Supplies and New Technology	185
Opinions and Attitudes Regarding Ordinance 57 and Future Land Reform	185
Attitudes Toward the 100-Hectare Retention Limit	185
Approval or Disapproval of Land Expropriation	186
Essential Measures for Acceptable Land Reform	187
Prospects for an Improved Land Reform Program	188
Number of Persons Needing Land	188
Amount of Land Available for Redistribution	191
Private Lands Available from Lowering of the Retention Limit	195
Land Distribution in the Central Lowlands	199
Cost Estimates for Expropriating Private Lands	200
Political Aspects of Land Redistribution	202
GLOSSARY	209
ABBREVIATIONS	215
INDEX	219

ILLUSTRATIONS

1	Land in Regions III and IV Expropriated Under Ordinance 57 Republic of Vietnam	6
2	Former French Lands in Regions III and IV Republic of Vietnam	7
3	Status of Distribution of Government Owned Land July 15, 1968	9
4	Lorenz Curves Showing the Size Distribution of Farm Holdings in the Southern Region Republic of Vietnam	12
5	Historical Data Relating to Expropriation and Distribution of Land Under Ordinance 57, 1956-67 Republic of Vietnam	16
6	Percentage of Government Owned Land Distributed as of July 15, 1968	17
7	Riceland Areas in Republic of Vietnam	35
8	Density of Agricultural Population to Arable Land in Selected Countries 1965	39
9	Lorenz Curves Showing the Size Distribution of Farm Holdings in the Republic of Vietnam (1960-61), Korea (1945 and 1955), and Taiwan (1960-61)	41
10	Lorenz Curves Showing the Size Distribution of Farm Owner- ship and Operating Units in the Southern Region, 1967 Repub- lic of Vietnam	43
11	Population Growth of Republic of Vietnam Compared with Urban Growth 1943-1985	48
12	Organization of Administration of Land Affairs	97
13	Organization of Provincial Land Affairs Service	100
14	Village Administration	102
15	Security Conditions of Lands in the Mekong Delta Republic of Vietnam February 1968	138

TABLES

1	Status of Expropriated and Former French Lands as of July 15, 1968	11
2	Accumulated Expropriated, Distributed, and Undistributed Land Areas in Vietnam Under Ordinance 57	15
3	Registered and Renewed Contracts Between Landlords and Tenants as of September 15, 1968	19
4	Estimated Land Use in the Republic of Vietnam - 1965	31
5	Population and Areas by Region, 1968 Republic of Vietnam . . .	36
6	Communal Lands and Ricefields in the Republic of Vietnam, 1960	81
7	Status of Communal Lands in Three Provinces	86
8	Total Number of Refugees, December 1967, Republic of Vietnam .	88
9	Amount of Land Cleared for Agricultural Purposes for Refugees Republic of Vietnam	86
10	Initial and Remaining Land Development Centers Republic of Vietnam November 1963	89
11	Land Records and Their Legal Locations	105
12	Project Assistance for Land Reform U.S. Dollars 1955-1968 . .	121
13	Viet Cong Land Redistribution Estimated in Village Administrative Chief Survey	140
14	Sources of Viet Cong Income for One Quarter of 1967	163
15	Reported GVN and Civilian Casualties of the Viet Cong 1967 . .	167
16	Responses of Farmers to Land Purchase and Ownership Questions, Hamlet Resident Survey, 1967, Republic of Vietnam	171
17	Open-Ended Views of Priorities by Rural Residents on What is Needed to Solve Local Problems and Improve Family Living Conditions in the Southern Region, Hamlet Resident Survey, 1967 Republic of Vietnam	174
18	Annual Rate of Interest Paid on Loans in the Hamlet Resident Survey Sample in the Southern Region, 1967 Republic of Vietnam	180

TABLES

19	Range of Interest Rates, Village of Khanh Hau 1958	181
20	Usual Source of Money Borrowed by Rural Residents in the Southern Region, 1967 Republic of Vietnam	182
21	Indebtedness Status by Area of the Southern Region, 1967 Republic of Vietnam	183
22	Number of Small Landowners Who are Potential Recipients of New Land and Amount of Land Needed, 1967 Southern Region, Republic of Vietnam	189
23	Land Ownership Demand in the Southern Region Republic of Vietnam	191
24	Potential Impact of Distributing Land Available Under Current Programs; Undistributed Ordinance 57 and Former French Lands 1968 Republic of Vietnam	192
25	Estimated Number of Family Farms that Could be Created by Subdividing the Undistributed Communal Ricelands Southern Region, Republic of Vietnam 1968	194
26	Distribution of Undistributed Ordinance 57, French and Communal Lands in Southern Region Republic of Vietnam 1968	196
27	Estimated Number of Farm Families that Could be Resettled on Their Own Farms by Redistributing Communal, Ordinance 57, and Former French Land Plus Lowering of Land Retention Limit, 1968 Southern Region, Republic of Vietnam	197
28	Estimated Number of Landlords Whose Land Would be Expropriated Compared with New Owners Created, Under Selected Hypothetical Ownership Retention Limits and Size of Ownership Units Distributed Southern Region, 1968, Republic of Vietnam	204

Chapter 1

BACKGROUND AND STATUS OF LAND REFORM IN VIETNAM

The Challenge of Land Reform

Land reform, in the perspective of the past 25 years, has been a paramount issue in Vietnam. Gross inequities in past patterns of rice-land ownership were a central issue in the anticolonial struggle. Land redistribution, accompanied by terror, disruption and confusion, has been a major feature of the Communist drive to political power. Non-Communist governments in South Vietnam have found it essential to undertake major efforts in land reform. The immediate challenge in the Republic of Vietnam is to remove land tenure initiatives as a major political and psychological weapon of the enemy.

The Republic of Vietnam has eliminated the worst features of Asian landlordism, which benefited the few large owners while the many received little more than subsistence. The land expropriation program of Ngo Dinh Diem, carried out over five years, broke the power of the large landlords over vast ricelands in the Delta. However, the benefits of widespread land ownership were frustrated during 1961-65 by war, political instability, and difficulties of administration.

The tasks ahead are to complete Diem's unfinished land distribution program and reformulate land reform policies designed to meet present-day needs. A program to extend land ownership broadly among the landless and land-poor farmers would finally give them social justice and would give the rural areas the definite promise of economic prosperity and political development.

Broad Objectives of Vietnam Land Reform

In recent years, land reform policies in Vietnam have been of two types: Viet Minh or Viet Cong (Communist) inspired policies, beginning in 1945 and reform policies by successive Vietnamese governments, beginning in 1951. The objectives of the two protagonists are very different. The policy of the present government of the Republic of Vietnam

(GVN)* is to enlarge the land ownership base within the existing socio-economic framework of a private land tenure system, whereas the Communists employ land reform as a means to political power and wish to eliminate not only landlordism but also all private property, with collectivized agriculture as the end result.

The GVN wants to use effectively all the incentives of private enterprise in agriculture and has the problem of improving landlord-tenant relationships as well as the problem of extending ownership to greater numbers of landless farmers. In contrast to the Communists, the GVN has a positive objective in the arrangement of land tenure relationships and the maintenance of a system in which both the landlord and the tenant are essential to achieving a highly productive and modernized agricultural sector. Any change in the present ownership and tenure pattern will necessarily affect the political interests of the landless and of the landowners; and it may well determine the support given to the GVN.

The present Constitution of the Republic of Vietnam advocates these objectives:

"making the people property owners" (Article 19)

"special support to those elements of society which have a low standard of living" (Article 20)

"raising the standard of living of rural citizens, and especially helping farmers to have farmland" (Article 21)

The Constitution also refers to the basic method used in conducting land reform--expropriation of private land:

"Expropriation or requisition by the State for the common good must be accompanied by speedy and just compensation at price levels existing at time of expropriation or requisition" (Article 19)

A shift from the pattern of centralization that was responsible for some inadequacies of implementation of past land reform measures is advocated by the present Constitution, which puts forth the principle of partial decentralization or "local separation of power" in Articles 70 to 73. These articles provide for the election of deliberative bodies (councils) and heads (chiefs) of executive agencies for local units of administration. Current emphasis in land reform administration seeks to implement this principle of decentralization by relying increasingly on the local administrative units in civil affairs.

* The Republic of Vietnam is popularly known as South Vietnam whereas North Vietnam's official name is the Democratic Republic of Vietnam.

A further difference between GVN and Communist objectives is indicated by the various GVN regulations, which require expropriation and redistribution to be carried out with due regard for land identification, records, and legal procedures. By contrast, the Communist procedure follows no clear set of rules; the basic method is simply to confiscate property without payment or without regard for proper identification, records, and transfers of ownership and to assign land for the purpose of increasing political control rather than giving formal recognition of ownership.

Land Reform in the Republic of Vietnam

The Vietnamese struggle for independence from France stressed the need for a wider and more equitable distribution of land ownership as well as an alleviation of injustices inherent in prevailing land renting practices. For example, in 1945 some 6,000 landowners held 1.2 million hectares of cultivated land in the Southern Region encompassing the Mekong Delta and 430 French citizens owned 250,000 hectares, whereas 80 percent of the land in the Delta was cultivated by tenants. Rental rates were at a high 50 percent, and interest rates and charges for loans of equipment and animals were also excessive. This situation was aggravated by periodic floods that wiped out even the meager returns anticipated by the tenant. Tenant farmers had no legal protection but were dependent on the good will of the landlord, and not enough of the landlords were concerned with the conditions of their tenants.

Since most of the land involved was riceland*---the major source of employment, food, and income of the farmers--it is natural that discontent would be focused on the inequities and the great inequalities associated with the ownership of ricelands.

In February 1951, Emperor Bao Dai proclaimed the need for land tenure reform in all of Vietnam,† but a land reform committee was not established until December 1952. In the following month (January 1953), Prime Minister Nguyen Van Tam announced that a land reform program would be carried out, and subsequently, on June 4, 1953, set forth decrees to establish such reform:

- Distribution of concession lands for cultivation. (Concession lands are government-owned lands--often in forested areas--

* Riceland as used in this context is land generally considered suitable for rice production. In recent years, for example, increasing amounts of nonrice crops are being grown on the ricelands of the Southern Region.

† The Emperor's proclamation was somewhat theoretical, because his four ordinances were never implemented.

suitable for farm cultivation and given to private individuals for development subject to certain conditions in a program rather similar to "homesteading.")

- Establishment of maximum rental rates of 15 percent of the total annual crop on rice fields or other annually cropped agricultural land.
- Limitation of large scale ownership of land by restricting land retention to 12 to 36 hectares in North Vietnam, 15 to 45 hectares in Central Vietnam, and 30 to 100 hectares in South Vietnam. The area of land retained would vary with the family size of the owners. Although this ordinance was introduced as a measure to distribute land more equitably, no attempt was made to expropriate land or to transfer excess land above the retention limit.
- Establishment of usufruct rights for farmers who squatted on private land that was left uncultivated. (Usufruct permits occupancy and use of land and receipt of income therefrom for periods of time under various conditions, but the legal title remains with the owner of the land.)

Although these were important reforms, no administrative apparatus was provided and although published they were never implemented. The land tenure and distribution problems remained until Ngo Dinh Diem attempted to resolve them after partition of Vietnam into North and South in 1954. Emperor Bao Dai in May 1954 asked Diem to become Prime Minister and form a government, the Government of the Republic of Vietnam (GVN).

Ngo Dinh Diem recognized agrarian reform as one of his most urgent tasks. He appeared to recognize this as a method of reducing the appeal of Communism to the rural masses. As a first step, his administration sought to alleviate four principal problems faced by tenants in landlord-tenant relations by:

1. Placing effective limits on rental charges
2. Providing the tenant with a greater degree of security of tenure
3. Placing limits on the obligation to pay rent in the event of substantial crop failure
4. Placing the tenant in a legal position to have right of first refusal should the landlord attempt to sell the land

His next step, after becoming President in 1956, was to undertake a policy of land redistribution with the twin objectives of eliminating the evils of big landlordism and of converting tenants into small owners of land on a mass scale.

In 1956, President Diem promulgated Ordinance 57, which limited ownership of riceland to 100 hectares and provided for expropriation of excess land holdings (see Figure 1). He organized a ministry specifically to carry out the program and established a National Council for Land Reform. Where families already had provided for additional farmland to be used to maintain ancestral worship areas, the head of an extended family was permitted up to 15 hectares in the Southern Region and 5 hectares in the Central Lowlands beyond the 100-hectare limit. Provision was made for the government to pay landlords for expropriated land with 10 percent cash and the balance of 90 percent by nontransferable bonds, which bore a 3 percent rate of interest and which were to be amortized over a period of 12 years.

Ordinance 57 also set forth a priority list of the categories of people that would be allowed first choice of redistributed expropriated lands, with the first opportunity to purchase given to those tilling the land in question (tenants' pre-emption rights).

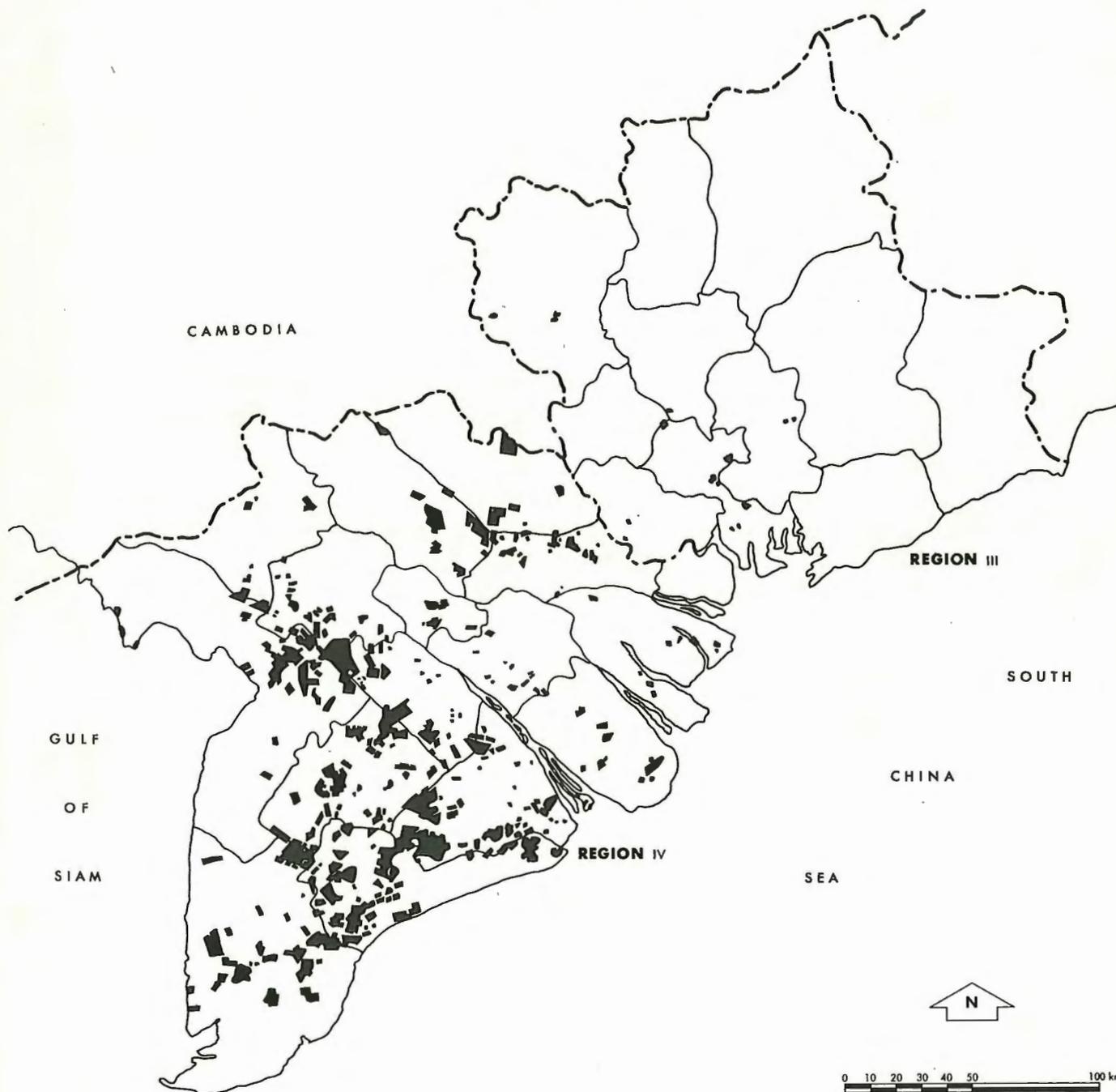
In a second step of this land reform program, the French government cooperated with this distribution of ricelands, and, in the Vietnamese-French Convention of September 10, 1958, undertook to finance the GVN purchase of ricelands owned by French citizens (Figure 2).

Status of GVN Land Reform

As previously indicated, GVN land reform policies fall into two categories: (1) widening of the ownership base by governmental acquisition and redistribution of large landholdings to small farmers and (2) improvement of landlord-tenant relationships. A general geographical limitation in effect was placed on the land redistribution program at the outset. Although the program was intended for all of South Vietnam, actually of the three regions--Central Highlands, Central Lowlands, and Southern--the Southern Region was the only area affected and the primary recipient of the program's benefits, for the following reasons:

- Central Highlands. This region has little agricultural land and population (only 5 percent of the total population of the Republic of Vietnam). Hence, the GVN acquired no land in the Central Highlands. The region is predominantly occupied by Montagnard tribes, who farm generally on a group rather than an individual basis.

Figure 2
FORMER FRENCH LANDS IN REGIONS III AND IV
Republic of Vietnam



- Central Lowlands. This region has little French land and only two individuals owning more than 100 hectares; hence, land acquisition and redistribution affected only a small number of land holdings, as shown in the following tabulation.*

Region II Provinces	<u>Hectares of Riceland Distributed in Central Lowlands</u>					
	<u>Ordinance 57 Land</u>			<u>Former French Land</u>		
	<u>Expro.</u>	<u>Distr.</u>	<u>Undistr.</u>	<u>Purchased</u>	<u>Distr.</u>	<u>Undistr.</u>
Binh Thuan	148	146	2	168	12	156
Khanh Hoa	--	--	--	63	--	63
Ninh Thuan	--	--	--	3,545	1,719	1,826
Phu Yen	--	--	--	629	--	629
Total	148	146	2	4,405	1,731	2,674

The small size of owned farms provided limited opportunity for land redistribution in the Central Lowlands. However, Ordinances 20 and 2 were carried out in the region with the aim of improving landlord-tenant relations. The effort was limited by Circular 22 of June 10, 1959, which specifically exempted metayage (share-cropping) from regulation, stating "about metayage we maintain the present structure." (The "present structure" was that established under the Royal Civil Code of Annam.)

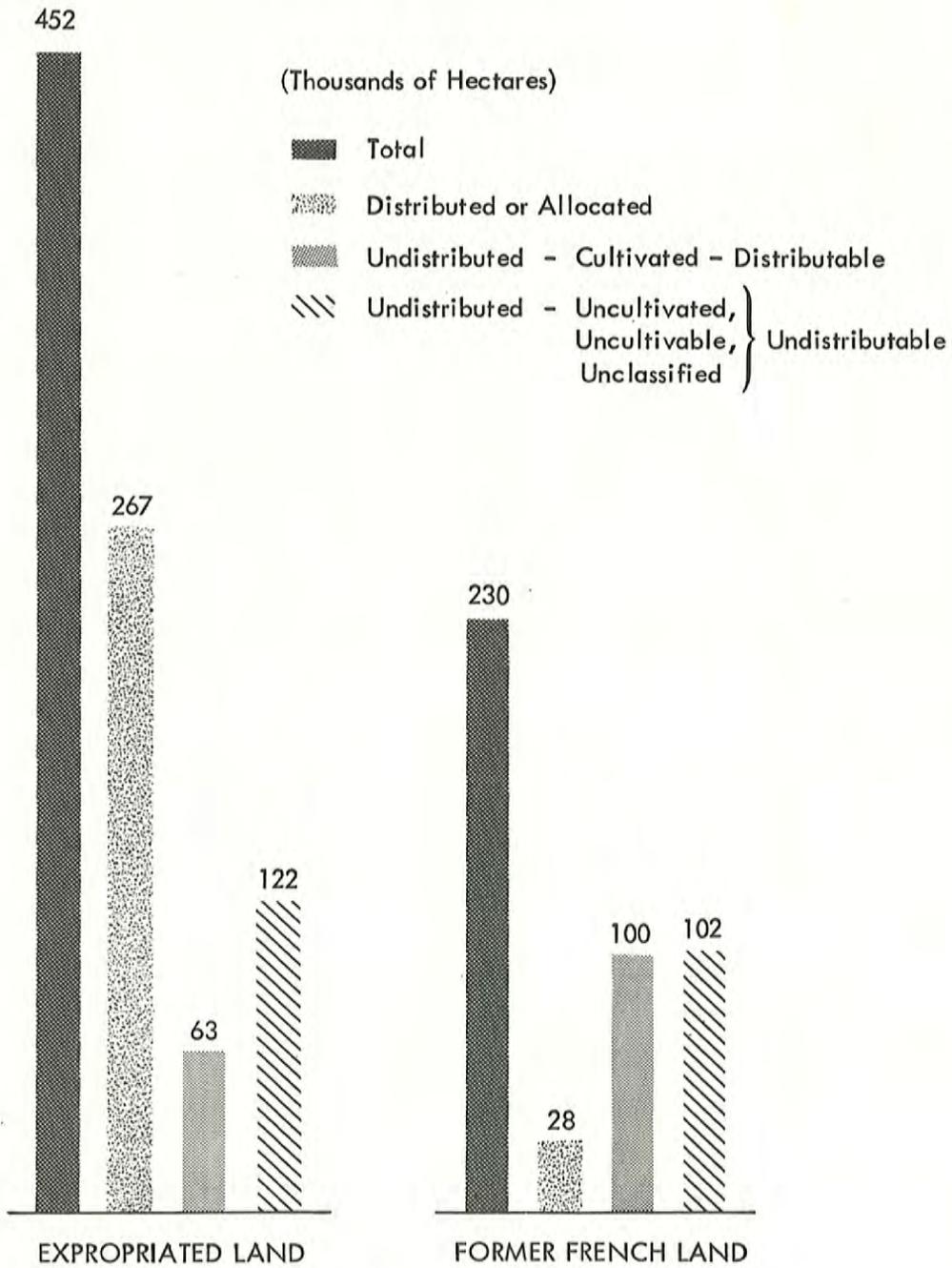
- Southern Region. This region contained practically all of the riceland in the Republic of Vietnam--2.3 million hectares. Of this total, about 1.2 million hectares were held by 2.5 percent of the owners, many of whom had thousands of hectares of land. Therefore, both the land redistribution and the tenure laws were focused on the Southern Region.

Status of the Land Redistribution Program

As of July 1968, the redistribution of the various categories of land had been completed to the extent shown in Figure 3. From the figure, it is seen that only distribution of the Ordinance 57 lands had moved a substantial way toward completion and that the distribution of former French land had just begun.

* Source: Directorate of Land Reform, July 15, 1968, Ministry of Land Reform and Agriculture.

Figure 3
 STATUS OF DISTRIBUTION
 OF
 GOVERNMENT OWNED LAND
 July 15, 1968



SOURCE: Office of Land Reform Advisor,
 USAID, Republic of Vietnam.

A breakdown of land distribution by number of farmers and hectares involved is shown in Table 1. The net effect as shown by Figure 3 is that 267,000 hectares of expropriated land (59 percent) have been re-distributed. With just 59 percent of the lands distributed that were expropriated in past years (81 percent of the cultivated land), this program could be considered, at best, only partially successful. Title distribution has been less successful, with less than 15 percent of those receiving lands having received permanent titles. Much of the undistributed expropriated land is apparently in areas that are under control of the Viet Cong.

The land remaining to be distributed is generally of two kinds: "cultivated" and "uncultivated, uncultivable, and unclassified." Today, land distribution emphasis is on the undistributed cultivated land, located partially in contested or insecure Viet Cong-held areas.

When security permits, solutions to the land shortage problem will focus on the second category of "uncultivated, uncultivable, and unclassified" land. This uncultivated but cultivable land is largely rice-land which is not cultivated because it is uneconomic or because of insecurity, abandonment by farmers, and other reasons aside from land quality. The cultivable land may be abandoned because it may be uneconomic to farm in view of the taxes and restrictions imposed by the Viet Cong, and the owners may have elected to become refugees. Some cultivable land may also not be farmed because of the high investment that may be required to put it into production.

When the security situation permits, these uncultivated but cultivable lands may become an important source of new land for development and distribution. There are about 122,000 hectares of Ordinance 57 land and 102,000 hectares of undistributed French land, of which an important part could be brought into production with additional investment, given sufficient security to attract pioneer farmers.

It is not known how much of the uncultivated abandoned land has reverted to a wild state. However, it is estimated that half of the uncultivated French land is arable, while the balance will require improvements such as major irrigation and drainage projects. Perhaps 10 percent of all ricelands acquired by the GVN is in roads, ditches, and canals.

The effectiveness of the GVN land reform program can be presented graphically by Lorenz curves--a convenient device that compares the inequality of farm ownership in different size distributions by matching given proportions of land owned with various proportions of farm owners. Figure 4 presents Lorenz curves comparing 1955 GVN data on land ownership in the Southern Region with two sets of more recent data (1966 and 1967).

Table 1

STATUS OF EXPROPRIATED AND FORMER FRENCH LANDS
AS OF JULY 15, 1968

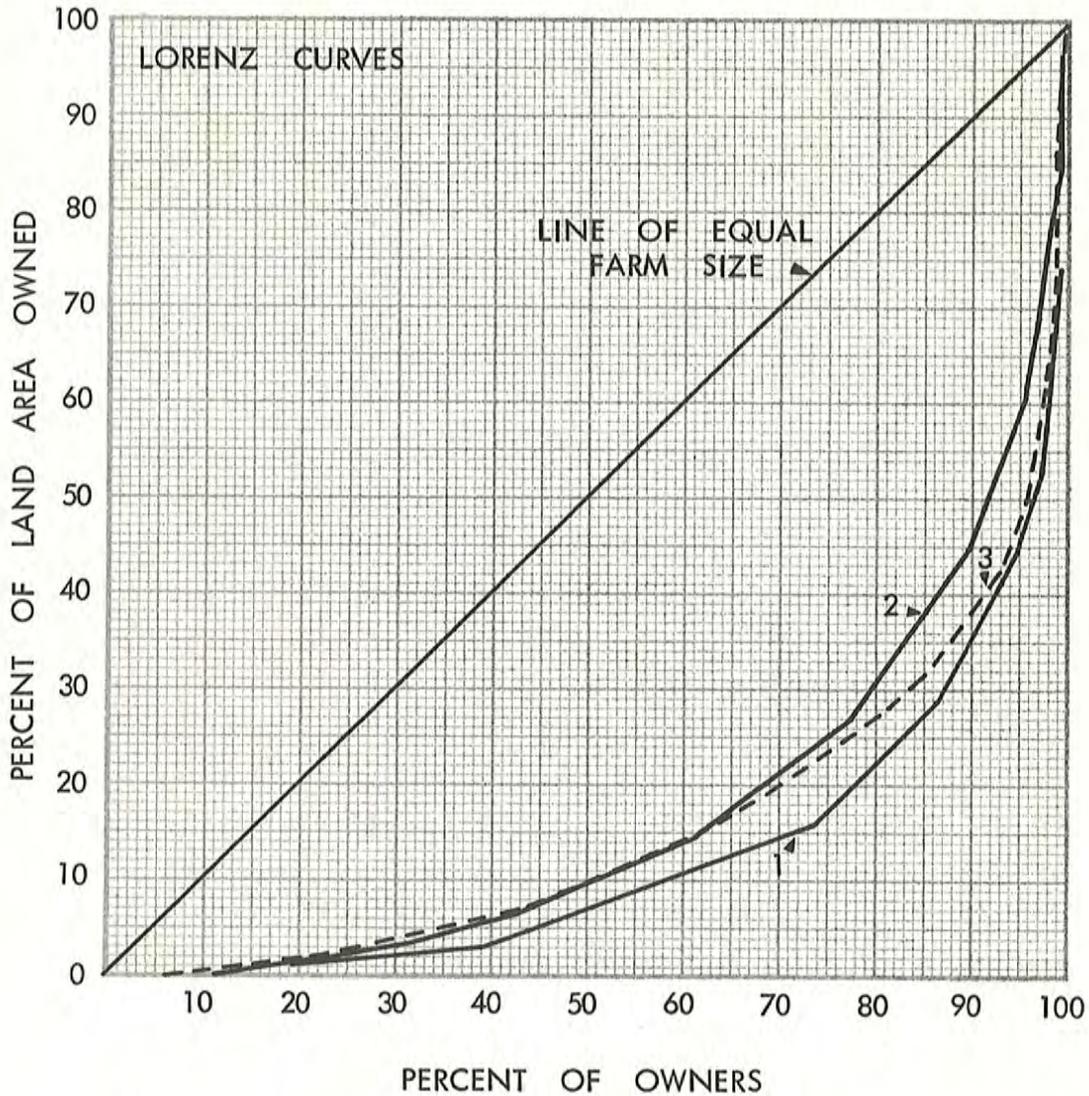
	Ordinance 57		Former French		Total		
	Farmers	Hectares	Farmers	Hectares	Farmers	Hectares	
Distributed or Allocated Lands*	General Recipients						
	116,741	250,563	7,562	21,860	124,303	272,423	
	Land Development Centers						
	Cai San I	2,870	8,608	1,905	5,715	4,775	14,323
	Cai San II	1,130	2,823	--	--	1,130	2,823
	Other	2,000	4,884	--	--	2,000	4,884
Sub-Total	6,000	16,315	1,905	5,715	7,905	22,030	
TOTAL DISTRIBUTED OR ALLOCATED							
	122,741	266,878	9,467	27,575	132,208	294,453	
Undistributed or Unallocated Lands*	Cultivated						
	21,000	63,227	--	100,425	--	163,652	
	Uncultivated†						
	--	121,896	--	51,300	--	173,196	
Status Unknown†							
--	--	--	50,240	--	50,240		
TOTAL UNDISTRIBUTED OR UNALLOCATED							
	21,000	185,123	--	201,965	--	387,088	
GRAND TOTALS - Land Acquired		452,001		229,540		681,541	

* Allocated means applications for purchase have been received, approved at Village level and being processed further.

† Both categories are estimates reflecting a condition of uncertainty but present a reasonably accurate picture.

Source: "Activities of Land Reform Directorate," July 16, 1968 (Monthly Activities Report) by Directorate General of Land Affairs and "Abstracts from the 1967 Annual Report, Directorate General of Land Affairs, GVN" by Land Reform Staff, USAID.

Figure 4
 LORENZ CURVES SHOWING THE SIZE DISTRIBUTION
 OF FARM HOLDINGS IN THE SOUTHERN REGION
 Republic of Vietnam



- 1 Directorate of Land Administration Data for 1955
- 2 Provincial Land Office Data for 1966
- 3 Hamlet Resident Survey and Absentee Landlord Survey, 1967

The comparison reveals that the Ordinance 57 program of 1956 was effective in redistributing land ownership but the results were not major. However, the principal impact of the land redistribution program came from the effects of expropriation of holdings of large landowners; a much lesser effect came from redistribution to the landless or small owners, the intended main objective of the program.

The most recent data are shown in the two less skewed curves in Figure 4. The 1966 curve (curve 2) is based on tax records obtained from the provincial land offices. The 1967 curve (curve 3) is derived from the SRI Hamlet Resident Survey (HRS). Whereas the tax record data and the HRS data agree at the lower end of the curves, the HRS data are more sharply skewed at the upper end. Thus, the results of the HRS suggest a slightly more unequal distribution of land ownership in the Southern Region of Vietnam than is indicated by the tax records. This inconsistency may be because the tax records are not up to date and because there may be bias in the 13-province sample selected to represent the Southern Region.

The SRI Absentee Landlord Survey tends to corroborate the results of the Hamlet Resident Survey.* Although land redistribution carried out under Ordinance 57 increased the portion of land owned by the smaller owners, it was not substantial. Comparing tax data results, the curves show that 10 percent of the large owners held 65 percent of the land in 1955 and that land reform reduced this ownership to 55 percent of the riceland. While the Ordinance 57 land reform program accomplished a basic objective of eliminating large land ownership by individuals in excess of 100 hectares, it did not, according to the survey results, significantly reduce concentration of land ownership by land redistribution. There is today a large pool of land held by the government that could be used to extend ownership to tenants, farm workers, and small owners, which would reduce concentration of ownership. In addition, there is a large pool of privately owned lands that could be made available for redistribution if the present retention limit were lowered still further.

A concerted attempt was made to implement the planned land reform program, but the problems encountered were many and complicated. There were not enough technically trained administrators, not enough security in the rural countryside, and not enough funds to carry out the plans.

* These surveys are discussed in Chapters 2 and 6.

The mechanics of distributing land appeared satisfactory during the first few years. However, later results indicate that the normal legal procedures were too slow because they required too many steps in a fixed sequence--i.e., identification of large land holdings; determination of owners; declaration of excess lands; identification of tenants and measurement of units to be purchased; execution of purchase transactions, surveys, and land valuation; transfers of lands; and provision of titles.*

Possibly most of this land could have been distributed during the early years of President Diem's government when security was better. Later, the war and the insecurity of many areas created problems in carrying out the existing land reform program. The Viet Cong, with the aid of the North Vietnamese intrusion, has caused confusion and rendered distribution of much of this land extremely difficult and some perhaps impossible.

In Table 2, the rapid early progress in the program of expropriation and redistribution may be compared with the period subsequent to 1961 when redistribution virtually halted despite a large accumulation of expropriated lands. The comparisons become more visible when given graphically, as shown in Figure 5.

Figure 6 shows that expropriation and distribution of Ordinance 57 lands were effective up to 1962 (54 percent), but that only 1 percent was redistributed from 1963 to 1967, with a somewhat higher figure (4 percent) in 1968. Adding to this slowdown is the scattered and uneven effect of distribution from the standpoint of some villages and provinces and hence the uneven impact of distribution on the rural population.

Purchase of land was slow (taking three years) because of use of existing administrative procedures, missing land registers, lack of up-to-date land registration records, and requirements for legal proof of ownership. By the end of 1961, nearly all the 229,259 hectares (567,000 acres) were acquired by the GVN, representing about 10 percent of the Republic of Vietnam's riceland area. French citizens were compensated in a lump sum cash payment of the French franc equivalent of US\$12 per hectare.† (However, added to this should be an unknown but considerable amount previously paid for war indemnities covering damaged lands.) The purchased French land plus the Ordinance 57 land makes a total of 30 percent of the nation's ricolands that were transferred from large landholders to the GVN, thus greatly reducing landlord influence.

* See Chapter 4, Land Affairs Administration.

† Land amounting to 10,648 hectares, less than 5 percent of the former French lands, was sold to the GVN under Ordinance 57 for the Vietnamese piaster equivalent of US\$127 per hectare (based on VN\$4,450 per hectare at the exchange value of VN\$35 per dollar).

Table 2

ACCUMULATED EXPROPRIATED, DISTRIBUTED, AND UNDISTRIBUTED
LAND AREAS IN VIETNAM UNDER ORDINANCE 57

Year	Accumulated Expropriated (ha)	Accumulated Distributed (ha)	Accumulated Undistributed (ha)
1958	101,011	21,635	79,376
1959	152,671	55,603	97,068
1960	411,632	150,503	261,129
1961	422,431	243,615	178,816
1962	428,445	245,877	182,568
1963	430,206	246,166	184,040
1964	435,541	246,940	188,601
1965	440,676	237,774	202,902
1966	447,241	248,902	198,339
1967	451,481	266,863*	184,618
1968	452,001	266,878*	185,123

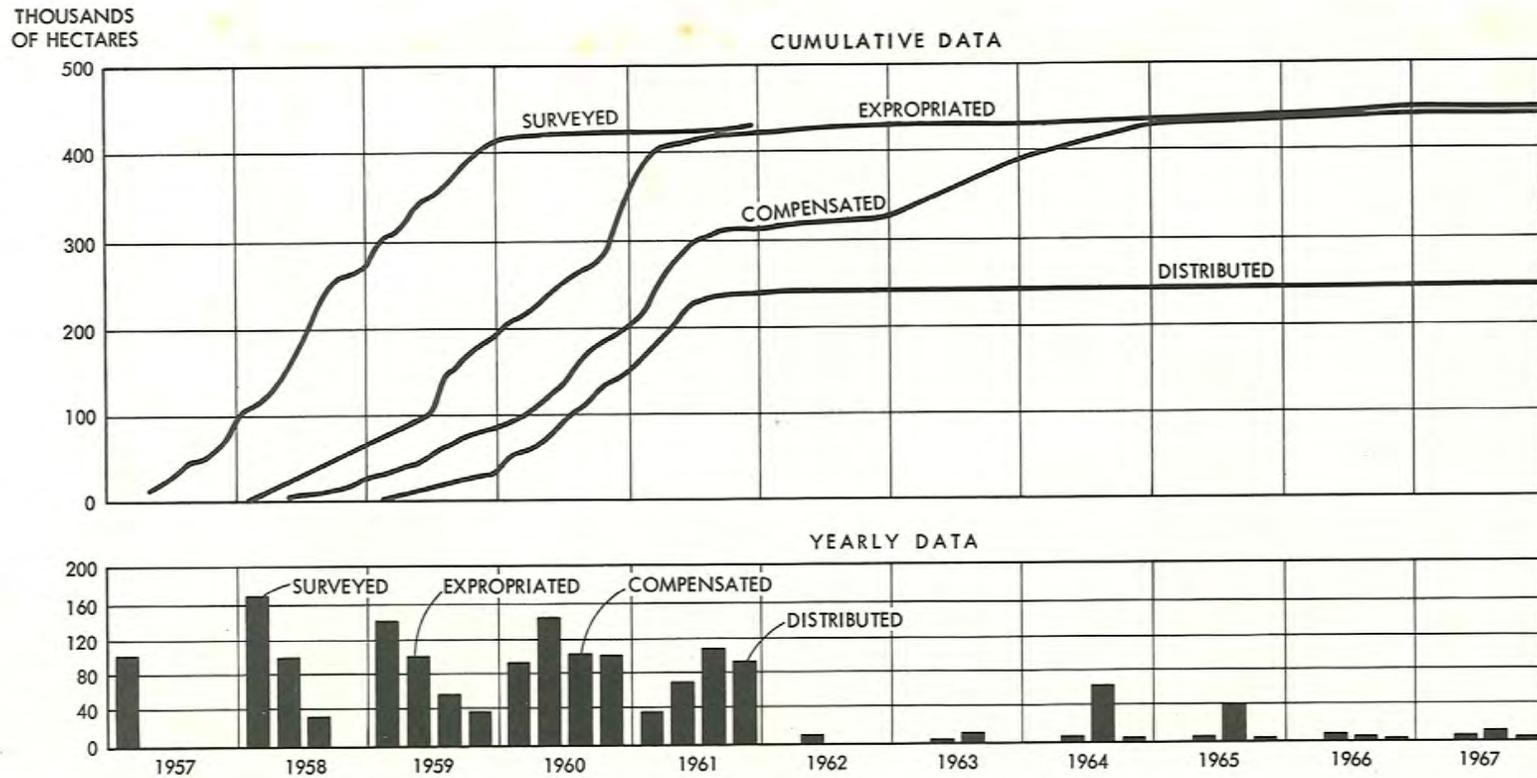
* Includes approximately 16,000 hectares of expropriated land located in land development and resettlement centers where ownership was granted rather than sale of land under Ordinance 57 procedures.

Source: Directorate of Land Reform, unpublished land statistics concerning land reform in the Republic of Vietnam, December 1967.

A large amount of the former French-owned lands was in big plantations and was developed with irrigation, drainage, and water control facilities. Recommendations for use of these lands were requested by the GVN from Province Chiefs in 1960. Suggestions included establishment of agrovilles, free allocation to families of soldiers, establishment of development centers, state-managed plantations, lease to farmers, and allocation to tenants under Ordinance 57 provisions.

Figure 5

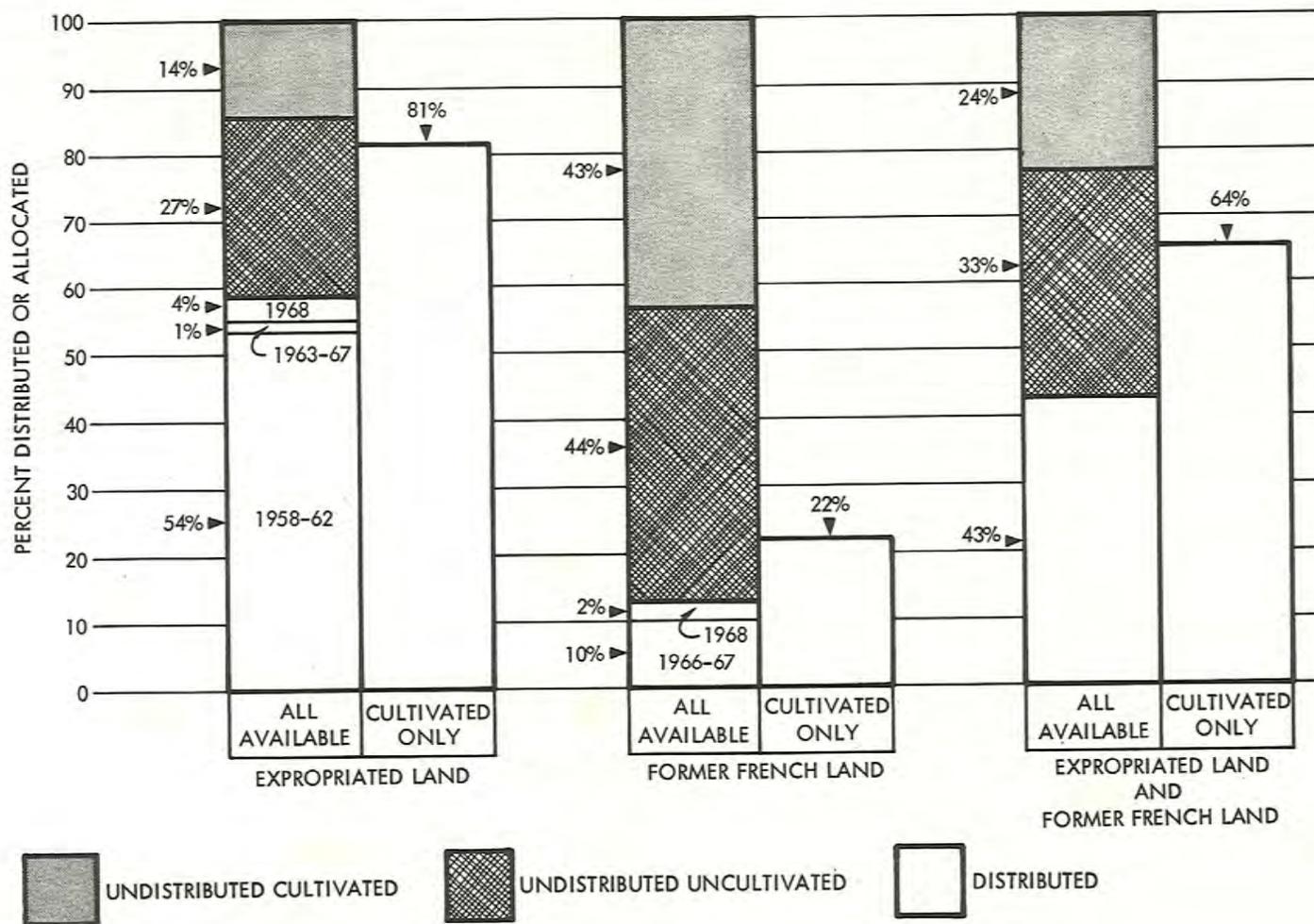
HISTORICAL DATA RELATING TO EXPROPRIATION
AND DISTRIBUTION OF LAND UNDER ORDINANCE 57, 1956-67
Republic of Vietnam



SOURCE: Directorate General of Land Reform, Ministry of Land Reform and Agriculture.
Prepared by USAID/ADDP, Saigon

Figure 6

PERCENTAGE OF GOVERNMENT OWNED LAND DISTRIBUTED
AS OF JULY 15, 1968



Source: Table 1 and Figure 3

In 1961, the GVN determined that rents would be collected from occupants of former French lands. At the same time, management of the lands, including the collection of rents, was turned over to provincial authorities, providing for 60 percent of the rent collections to be deposited in a national budget, with 40 percent being retained in the province.

In August 1965, the decision was made to distribute these lands in accordance with Ordinance 57 procedures regarding the sale of expropriated land. As already discussed, an important consideration regarding the current status of former French lands is that more than one-half of the 229,259 hectares may currently not be distributable because of insecurity or uncultivability. To further expedite distribution, the GVN instructed, in March 1968, that all future rental payments on former French land would apply toward the purchase price of the land in cases where the tenant has requested ownership. A total of about 28,000 hectares was distributed as of mid-1968, most of which was distributed in 1967 and 1968. (Figures 3 and 6)

Special Categories of Land Distribution and Tenure

The special categories of land distribution and tenure are: concession lands including squatter-occupied lands, communal lands, lands included in land development and refugee resettlement centers, Montagnard lands, religious lands, and "confused" lands. These categories are discussed in Chapter 3.

Landlord-Tenant Relationships

Through Ordinance 20 and 2, the GVN land reform program sought to improve landlord-tenant relationships through use of written contracts, control of rent levels, provisions for sharing of risks of crop failure, extension of security of tenure and provision of pre-emption rights to tenants.

Enforcement of Written Contracts. Government statistics tend to be optimistic about what has been accomplished in requiring written contracts, but sample surveys conducted by Stanford Research Institute indicated that the regulations are enforced to a much lesser degree than is shown by government statistics. Table 3, from records compiled by the Directorate of Land Reform, indicates that a total of 660,663 contracts of all types (A, B, and C) were in effect in September 1968; these covered 1,327,869 hectares. Of this number, 563,530 contracts are in the Southern Region

Table 3

REGISTERED AND RENEWED CONTRACTS BETWEEN LANDLORDS AND TENANTS AS OF SEPTEMBER 15, 1968
 (Number of Registered Tenure Contracts Between Landowners and Tenants as of September 15, 1968)
 (Areas in Hectares)

	Type of Contracts						Total A/B/C	Cultivated Area
	A		B		C			
	Cultivated Number	Cultivated Area	Cultivated Number	Cultivated Area	Cultivated Number	Cultivated Area		
Vietnam	492,573	869,747	77,593	219,578	90,497	238,544	660,663	1,327,869
Southern Region	402,911	839,462	72,862	216,934	87,757	237,453	563,530	1,293,849
Central Region	89,662	30,285	4,731	2,644	2,740	1,091	97,133	34,020

(Number of Renewed Tenure Contracts Between Landowners and Tenants as of September 15, 1968)

	Type of Contracts						Total A/B/C	Cultivated Area
	A		B		C			
	Cultivated Number	Cultivated Area	Cultivated Number	Cultivated Area	Cultivated Number	Cultivated Area		
Vietnam	54,968	91,336	1,634	4,320	3,701	8,987	60,303	104,642
Southern Region	32,445	83,439	1,570	4,279	3,695	8,983	37,710	96,701
Central Region	22,523	7,897	64	41	6	3	22,593	7,941

Note: Type A contracts are between tenants and landlords on established cultivated holdings.
 Type B contracts are between tenants and landlords for cultivating abandoned lands requiring some conditioning of the land.
 Type C contracts are between tenants and the Government for cultivating abandoned lands requiring considerable conditioning of the land.

Source: Directorate of Land Reform, Ministry of Land Reform and Agriculture.

covering 1,293,849 hectares. The validity of these statistics is questionable, for several reasons. First, the tabulations from the Hamlet Resident Survey indicate that only 37 percent of all tenants had written contracts, contrasted with 63 percent with verbal contracts. These results agreed closely with the response of landlords in the Absentee Landlord Survey. SRI survey results for the Southern Region estimate the existence of only about 78,000 written contracts covering about 184,000 hectares in contrast to government records indicating 563,530 written A, B, and C contracts covering 1,293,849 hectares. Second, in handling statistics for written contracts, there is apparently no administrative technique in force to eliminate inactive or duplicate contracts no longer in effect. Thus, it can be expected that these contract totals would have an upward bias. These figures are based on historical records so that totals for early recorded years may no longer reflect the present contract status.

In addition, according to the SRI Village Administrative Chief Survey, two-thirds of all villages in the sample studied either had no lease contract register or had one that is virtually useless. Finally, only about 60,000 contracts are indicated as being officially renewed. Since the law does not make it clear whether "tacit renewal" can take place more than once, there is doubt from a legal point of view whether the administrator or the parties to the original contracts would continue to regard them as binding in any instance where a new contract has not been signed at least within the past ten years. However, the surveys would indicate that there appears to be cultural acceptance of verbal agreements for both renewal and new contract arrangements.

Control of Rent Levels. The attempt to hold rents below a 25 percent maximum ceiling has substantially failed. Notwithstanding rental limits established by decree, the forces of supply and demand for land tend to operate. In areas where the proportion of tenancy is high, actual rentals are likely to press against or exceed the legal limit. Results of the Hamlet Resident Survey in the Southern Region indicate that rental rates exceed authorized limits with an average rate of 34 percent. About 61 percent of the tenants in the Southern Region paid rental amounts in excess of the 25 percent legal limit. In the Central Lowlands, the practice of paying excessive rents secretly was noted by the Commissioner General for Land Courts in 1962.*

* The Commissioner General's report is presented in Working Papers, Vol. I, Appendix D-20, and pertinent portions are extracted below.

The situation of "enough land for many farmers" emphasizes the law of supply and demand and although the contract has assigned the land rent, both sides have agreed secretly to a higher rent.

...It is known that there is "black-market rent"...

Very high rent is paid for seedling-producing rice land... The landlord can get this rent because the tenant must rent what land he can. Sometimes the tenant pays VN\$2000 per hectare to rent this seedling-producing land.

...the law of supply and demand still operates...the tenant must make an inside or secret agreement with the landlord.

Apparently the rental rates are directly related to the level of security. There is some indication both in the Southern Region and the Central Lowlands that the excess rental rates are moderate to nonexistent in insecure areas, with rents climbing to approximately 50 percent where the land is secure. Legal regulations may tend to dampen excess rentals paid above legal limits; however, it appears that the regulations that hold tenant and landlord equally guilty if excessive rents are paid drive the bargaining process underground. If the tenant were free from fear of punishment for paying excessive rent, he might be more likely to cooperate in exposing the demanding landlord. The research team found no indication of legal steps taken to punish landlords or tenants for charging or paying excess rents.

Although official rental rates are established at a maximum of 25 percent, no ceiling applies to metayage contracts, which predominate in the Central Lowlands and are exempted by law. Discussions in a village near Nha Trang suggested a typical rental payment of 50 percent for land only, with no other services offered in spite of reference to such verbal contracts as metayage. Additional evidence is given in Working Papers, Vol. 1, Appendix D-20, from which the following is extracted:

Quang Nam Province

Metayage (sharecropping) System: In most cases the proportions of 3/7 or 4/6 are not followed but are divided into two incomes fifty-fifty. The landlord supplies seed and pays for farm labor used. In many places each party harvests his own crop. The Provincial Chief (of Land Affairs) has clearly said that it is necessary to regularize this situation and strongly urges the signing of tenant contracts.

Thua Thien Province

Metayage (sharecropping) System: General practice is to divide income after expenses for using buffalos and seed-rice are deducted. This is done in 2 ways:

- Both sides do not make a formal contract but agree with each other, dividing the income as just stated.
- Both sides sign an A type tenant contract but secretly agree to a sharecropping arrangement.

Sharing of Risk of Crop Failure by Landlords. In the regulations, provision has been made for the landlord to bear part of the risk of crop failure with the tenant. However, from survey results, it is apparent that most of the risk of crop failure is now borne by the tenant without the assistance of the landlord. The administration of this law appears to be ineffective in providing protection for the tenant farmer.

According to Ordinance 2, Article 15, the agreed-on fixed rent, in case of one-third crop failure, should be reduced by at least two-thirds of the harvest, and rent should be foregone if crop failure was over two-thirds. However, the Hamlet Resident Survey results show that 25 percent of the tenants who had fixed rental agreements and suffered complete crop failures did not receive any rent reduction at all. Among the tenants who reported partial or total crop failure (amounting to about 79 percent of all tenants), only 63 percent declared they received some reduction or complete reduction of rents. While many landlords did reduce rents to compensate for crop failures, the survey results nevertheless indicate noncompliance with the law by a substantial proportion of landlords.

Security of Tenure. No procedure has apparently been developed to estimate illegal attempts by landlords to displace tenants. Discussions with Vietnamese Federation of Tenant Farmers officials leads one to believe that this is not a major problem. A contributing factor has apparently been the shortage of farmers because of the large numbers of young men who have been recruited for the armed forces. Indeed, farmers were observed to be typically in their middle fifties, according to the SRI results.*

* See Chapter 2.

However, there are disputes over attempted legal displacement of tenants. For example, 251 agrarian reform court cases were heard to settle disputes concerning the term of contract.* Since the courts were established, another 1,100 disputes resulted from attempts of the landlord to regain operation of his farm; that is, 1,351 disputes out of a total of 2,100 were concerned with tenure terms. These statistics do not include settlements between parties arranged by Village Agricultural Committees. In total, 17,560 litigations were handled with 15,643 settled successfully.* Normally, disputes are first discussed in the Village Agricultural Committee to give both parties a chance to resolve their differences before approaching the Land Court.

Pre-Emption Rights. Pre-emption rights refer to the rights of tenants to be given the first chance to buy the lands that they work, if the landlord decides to sell. This is also called the right of first refusal to purchase farmlands. Data from the surveys indicate a reluctance on the part of landlords to sell their land to tenants; they apparently prefer to hold it principally for members of their family. No data have been found that might indicate the number of tenants who have exercised pre-emption rights to purchase their farms from the landlord. However, 154 recorded cases, in which the right to purchase farmlands was the reason for the dispute, were heard in the Land Courts.

Communist Land Reform in Vietnam

The peculiarities of Asian agricultural economics do not lend themselves to the concept of the urban proletariat versus capitalist class struggle utilized so effectively in the Russian Communist revolution. The adaptation of the Communist revolutionary concept to the Asian scene by Mao Tse-Tung involved the rural peasant society, since it included the majority of the population. Only with the support of the peasants was revolution feasible, and it followed that the attention of the Communists was drawn to existing inequalities in the rural society as a source of revolutionary appeals. Within the rural society, the inequities of greatest significance and utility were those associated with land. The landless peasants and poor peasants were at one pole of the unequal structure in the distribution of land, and the landlords and the rich peasants were at the other. Thus, in the search for a basis of revolution, the Viet Minh and the Viet Cong, like their predecessors in China, came naturally to land and to the inequalities associated with the traditional pattern of land tenure.

* See Chapter 3.

Viet Minh Land Reform

To conceal their leadership role in the Resistance War against the French, the Communists in Vietnam worked within the Viet Minh, which combined several nationalist as well as Communist groups. In 1945, the role of land reform in Viet Minh strategy against the French was embodied in the slogan "Land to the Tillers." Inherent in the idea of "Land to the Tillers" is the existence of peasant discontent.

In the early stages of the Resistance War, French landholdings in Vietnam were the initial targets of confiscation and redistribution. The general Viet Minh practice for redistribution of French-owned riceland was merely to inform the peasants that they owned the land they had worked on before as tenants and that they no longer had to pay rent to the owner. Since most of the French owners did not live on their land and preferred to leave the management of their holdings in the hands of Vietnamese overseers, the redistribution process was fairly simple. Moreover, the armed strength of the Viet Minh guerrillas in the rural areas of Vietnam dissuaded most French owners from resisting the redistribution.

The actual redistribution of French-owned riceland in Vietnamese villages did not follow any set pattern. Rather, the amount given each peasant family usually depended on the amount of land available. In some areas of the Mekong Delta, the average amount redistributed was from one to three hectares per family. Elsewhere in Vietnam, the allotment per individual peasant family was as small as half a hectare or less. Although some individual rice plantations were as large as 5,000 hectares, the redistribution of French-owned land did not begin to satisfy the needs of the peasants. Excluding rubber, coffee, and tea plantations, French riceland holdings in Indochina (which included present-day Vietnam, Cambodia, and Laos) were only about 300,000 hectares, and 80 percent of this was concentrated in the Mekong Delta.

To provide more land for redistribution to the peasants, the Viet Minh confiscated land belonging to large Vietnamese landlords, whose total holdings in Vietnam were much more extensive than those of the French. Nationalism became a weapon of the Viet Minh against Vietnamese landlords who were identified with the French as enemies who had to be liquidated.

Viet Minh land reform was far more than the mere redistribution of Vietnamese-owned land. It was also a way to destroy the traditional social organization in the villages, by using the existing class distinctions between villagers--distinctions that were sharpened by the Viet Minh through the Communist method of the "class struggle."

The "class struggle" initiated by the Viet Minh followed the general pattern standardized earlier in China by Mao Tse-Tung. This entailed the classification of the village population into four main groups, according to the amount of land and property a villager owned: (1) "dia-chu" (landlords), who owned more than 50 hectares of land; (2) "phu-nong" (rich peasants), who owned less than 50 hectares; (3) "trung-nong" (middle peasants), who owned less than 5 hectares; and (4) "ban co nong" (poor peasants), who were landless or tenant farmers. The landlords were called reactionaries and exploiters of the poor, and the confiscation and redistribution of their land was said to be necessary to bring about social justice for the peasants.

To achieve its goal of gaining peasant support against the landlords, the Viet Minh employed terror against those who did not support the Viet Minh or whose land was to be confiscated and redistributed. The primary purpose of the Viet Minh terrorism was to eliminate one social group (the landlords) to gain the support of and eventual control over a large social group (the peasants). The landowning class, if not eliminated entirely, was reduced in socioeconomic position through the application of "binh san luong" (leveling of economic status), through which the Viet Minh sought to reduce the economic position of the landlords and thus "equalize" the economic status of the rural population and to meet the Viet Minh's own economic requirements for carrying on the struggle.

When faced with such obvious threats to themselves and their families, many landowners living in the villages took the only alternative open to them and fled. Their lands and property were immediately confiscated and redistributed. Since the amount of land available for redistribution in each village varied, a standard procedure for redistribution was to determine the number of members in a family and give the individual peasant enough land to provide for his family's subsistence and a small surplus. Supplemental redistribution of usually less than one hectare was often made to those peasants who owned small amounts of land. This measure was intended to bring their total holdings up to the minimum requirements for subsistence. Rarely more than two or three hectares were redistributed to an individual family, and usually the amount of land given was less than one hectare.

If a landowner was not forced by the Viet Minh to give up all or part of his land for redistribution, he was probably coerced to reduce by as much as 80 percent the rent he received from his tenants. Before the rent reduction, an average land rent was between 25 and 50 percent of the annual harvest, depending on the quality of the land and the crop. By either land redistribution or rent reduction in the areas it controlled, the Viet Minh was able to gain the support of a sufficient number of the peasants for the successful pursuit of revolutionary war against the French.

An important point is that throughout the Resistance War, the Viet Minh efforts at expropriation and redistribution were aimed almost entirely at the French and the larger Vietnamese landowners. The middle peasants, who also owned small parcels of land in the villages in which they lived and worked, were virtually unaffected by the Viet Minh land reform. This middle peasant group, according to Hoang Van Chi, formed the bulk of the landowning class in Vietnam, and yet were considered by the Communists as part of the population exploited by the landowners.*

Land Reform in North Vietnam

By 1953 the Viet Minh, under Communist leadership, had reduced French control to the cities and a few important lines of communication. The rural areas, especially those of North Vietnam, were under insurgent control. When power was within their grasp on the eve of the Geneva Convention of 1954, which led to the eventual evacuation of the French, the Communist leaders proceeded with a full scale land reform program in North Vietnam.

Following the Chinese example, Ho Chi Minh had proclaimed for North Vietnam at the time that a "Land to the Tillers" program was to be put into effect. This entailed a division of classes, wherein those landowners who had supported the Resistance and had previously been accepted were liquidated.

This was not the end, however; about a year later a "second wave of terror" was launched classifying the population again, this time increasing the number of landlords. The rich peasants and strong middle-level peasants became "landlords," while average middle-level peasants became "rich peasants" and so on. Thus, the total number of newly found "landlords" was about five times the number of landlords found by the previous classification.

The program encountered resistance, especially in 1956, in the form of peasant uprisings in North Vietnam that were put down with military force. Three years earlier, the North Vietnamese organ Nhan-Dan (People) had noted a reluctance of peasants to collectivize, a reluctance that previously had been met with in both Russia and China: "Haste was made in grouping the farmers into collectives without giving them the time to adjust their consciences so as to become volunteers. The farmers, feeling forced to join the collectives, have shown no enthusiasm in the service of production."†

* Hoang Van Chi, From Colonialism to Communism, 1961.

† Land Reform Failures in Communist North Vietnam, Review Horizon, Saigon, 1957, p. 13.

The North Vietnamese peasants' rebellion in 1956 is summarized by a U.S. source as follows:

On November 10, 1956, a rebellion broke out in Quynh Luu district, some 75 miles south of Hanoi in Nghe An Province. Farmers, some 20,000 in all, armed with swords and farm tools surprised Communist guards, took their weapons and seized several district government installations. Local military units joined the rebels. Hanoi ordered General Hoang San and his crack 304th Division into Quynh Luu. Some 3,000 insurgents were driven into the hills where they attempted, unsuccessfully, to set up a guerrilla resistance. Eventually, most of the insurgents were killed or captured although several hundred of them managed to escape to South Vietnam.*

At the same time that the North Vietnamese government was recovering from its almost disastrous rush to collectivization of peasants, the Viet Cong organization was developing in the South. Employing essentially the same tactics used during the Resistance War, the Viet Cong recognized the value of land reform as a means to power in its revolutionary strategy.

Viet Cong Land Reform

There is evidence that a substantial part of South Vietnam was under the control of the Viet Minh just before the Geneva Accords, but little is known of the amount or location of land that was redistributed by the Viet Minh. Of the absentee landlords interviewed in the SRI Landlord Survey, 65 percent indicated that at least some of their land was under Viet Minh control in 1954.† Over 80 percent had had some of their land redistributed by the Viet Minh. By 1956, there had been a slight improvement (15-20 percent) in the security status of their land, and it may be reasonably assumed that during this period and for the next few years these and smaller landlords took advantage of this improvement in security conditions to reclaim their land and to evict Viet Minh-appointed occupants. The number of landlords and area affected by such evictions cannot be estimated, but for Viet Cong land reform to have been effective

* The Quynh Luu North Vietnam Uprising, November 13, 1956, JUSPAO Field Memorandum No. 30, October 28, 1966.

† SRI Absentee Landlord Survey. See Working Papers, Vol. IV, Part 2, p. B-31. All of the land of a quarter of those surveyed was under the control of the Viet Minh at this time.

it must have been significant. The return of the landlords is still used as a basic propaganda theme by the Viet Cong and as a basis for expropriation and redistribution of land. Thus, the way was prepared for the second cycle of Communist land reform in Vietnam--this time under the Viet Cong.

When the Viet Cong insurgents resumed revolutionary war in the Republic of Vietnam after the Geneva Agreements in 1954, they initially followed the pattern begun nearly a decade earlier by the Viet Minh. On the matter of land reform as a method of gaining peasant support against the GVN, the Viet Cong effectively applied, and improved on, the lessons learned from the Viet Minh.

The strategic value of land reform in revolutionary war was stated in a Viet Cong document captured in the Republic of Vietnam: "The essence of the national problem is the farmer's problem. The basic problem of the farmers is land. This is a strategic problem we can never neglect."* In theory, the Viet Cong land reform embodied essentially the same slogan "Land to the Tillers" used by the Chinese Communists and the Viet Minh. The agrarian policy of the Viet Cong, according to an editorial in the North Vietnamese newspaper Nhan-Dan (People), "is to eliminate radically all oppression and exploitation in the countryside, liberate the peasant, and fulfill the slogan 'Land for the Tillers.'"[†]

With the exception of nationalistic propaganda, the Viet Cong employed essentially the same themes as those used by the Viet Minh. In place of French landowners, the Viet Cong substituted "Vietnamese traitors" as the "enemies" of the peasants, and they were to be eliminated and their land redistributed.

Preliminary Redistribution. During the early periods of activity (1954-60), the Viet Cong organization was clandestine. At that time, the initial Viet Cong land reform consisted of taking land previously redistributed by the Viet Minh and reacquired by GVN supported landlords and giving it back to the Viet Minh-appointed peasants that had been tilling it before. This form of redistribution required little administrative apparatus and placed no great burden on the Viet Cong organization. Although such a form of land redistribution was nothing more than a measure aimed at disrupting GVN control in an area, it did serve the Viet Cong well in allowing the insurgents to fulfill their promise of

* The South Vietnamese Communists and Rural Vietnam, JUSPAO Saigon, August 1966, p. 7.

† Quoted in Douglas Pike, Viet Cong, p. 278.

providing land to those who supported them. The areas of earliest Viet Cong land redistribution usually were those most remote from government centers of control or were areas where Communist influence had been continual since 1945.

The increase in insurgent activity and the growth of the Viet Cong organization after the formation of the NLF (National Liberation Front) in South Vietnam in 1960 led to further Viet Cong land redistribution.* Under the guise of the NLF, the insurgents expanded the land redistribution to include a wider range of landowners for expropriation. According to a former Viet Cong cadre, a "provisional land reform" was implemented that entailed the confiscation of "land belonging to landlords who didn't cultivate it themselves and the land of people who had already left. . ."[†] Many of those who left the villages were landowners whose land had been expropriated first by the Viet Minh and a second time by the Viet Cong. Other landowners did not even return to their land in the villages after 1954, and their holdings were summarily redistributed by the Viet Cong.

An early target for the Viet Cong was the GVN land reform program initiated in 1956. Under this program, the government had limited individual holdings to 100 hectares of riceland; any remainder was sold to the government and then resold to peasants on a 12-year installment basis. The Viet Cong placed great emphasis on dissuading peasants from participating in the GVN land reform program. The Viet Cong told the peasants that acceptance of such land would validate the claims of landowners whose property had been redistributed by the Viet Minh. Moreover, the Viet Cong made every possible effort to sabotage the land reform program and often resorted to violent tactics to prohibit participation.

Although the revolutionary goals of the Viet Cong have guided the direction in which tactics affecting land tenure have been employed, political expediency often has shaped their selection and timing. When a particular tactic held promise of gaining power among the peasants, it was employed. When there was danger that control would be jeopardized by using it, the tactic was withheld or postponed. A secondary consideration, influential especially under conditions of incomplete control

* To avoid further confusion in terminology, Viet Cong (literally Vietnamese Communist) will be used throughout to describe the insurgent organization in the Republic of Vietnam. The NLF is only one of several organizations operating within the Viet Cong.

† The RAND Corporation, AG-391:59.

of power, has been a desire to increase the production of rice, so necessary to support both peasantry and the guerrilla forces of revolution. This necessity to avoid excessive disturbance of production has been a generally moderating influence on tactics affecting land reform.

Status of Viet Cong Land Reform. Despite the continual efforts of the Viet Cong to gain peasant acceptance of land redistribution, there was considerable dissatisfaction among the peasants about the practice. Not only did the peasants complain that Viet Cong cadres in the villages redistributed the land unevenly, but that they also redistributed the "fertile land to the cadres and the dry land to ordinary villagers."* A more serious charge by the peasants was that the village classification, expropriation, and redistribution of land had caused disruption in the villages. A former cadre said that the Viet Cong "recognized that the land distribution was a bad policy because it had created turmoil inside each village and had generated discontentment."† Another former Viet Cong saw the problem with the redistribution more specifically: "The Front [NLF] took the land from the middle-class farmers . . . and this was a great failure for the Front."‡

In expropriating and redistributing land belonging to "middle peasants," the Viet Cong deviated seriously from the classic Chinese and Viet Minh policies of gaining peasant support for revolutionary war through land reform. Although the middle peasant§ is not basically a revolutionary, i.e., he has vested interests in his land and property, he does maintain a closer identification with the majority of landless peasants living in villages than with the large landowners. Mao Tse-Tung took into full account the fact that the middle peasant played an indispensable role in revolutionary war and that he was also the most productive, and many of them were initially selected to head the popular associations and local militia in Chinese villages.

Apparently, the problems created by land reform in the villages were greater than the Viet Cong had anticipated. In what would seem an indirect admission of failure of past practices, a document dated 1965 and captured in 1966 spelled out the plan for the coming year in which all

* The RAND Corporation, PIE-79:71.

† The RAND Corporation, DT-69:6.

‡ The RAND Corporation, AG-599:24.

§ Recall that, as stated previously, the middle peasant owned less than 5 hectares and in status stood between the rich peasants (5 to 50 hectares) and the poor peasants (landless or tenant farmers).

previous directives on land reform were suspended. The document directed that "the dissemination and implementation of the directive previously sent . . . will be temporarily suspended concerning land reform." More important, it was specifically directed that "the reliance on poor farmers . . . and the solidarity with middle farmers must be properly maintained since these classes form a solid foundation . . . in the rural areas."^{*}

It cannot be foretold at this point if the Viet Cong will be able to regain the necessary support of the "middle peasants" in alliance with other peasant groups as a basis for waging revolutionary war. However, it does appear that the increased importance placed on gaining middle peasant support is a major change in Viet Cong land reform policy and will ultimately have an effect on the overall strategy of the revolutionary war in the Republic of Vietnam today.

For the Viet Cong, the overriding consideration in the implementation of land reform has been its usefulness in seeking to gain the commitment of the rural population to the revolution. In contrast to GVN land reform policies which are highly centralized, the Viet Cong has adapted its land policy to local conditions, leaving it to the Viet Cong leadership to determine how, where, and when to apply land reform measures to achieve optimal results. Thus, the Viet Cong has taken advantage of opportunities to apply these measures as they arise and to implement or slow down land reform as Communist control of the population varies and as the intensity of the conflict changes. This characteristic flexibility has allowed the Viet Cong to create the essential local political support before having to impose demands on localities for the massive resources required to bring the revolution to a successful conclusion.

The ultimate goal of Viet Cong land policy is to create a Communist society based on a dictatorship of the proletariat. The terminal acts of Communist land reform are the collectivization of land and the final elimination of private ownership as a social incentive. It is notable that these final acts in the process, while they are features of the North Vietnamese, Chinese, and Soviet land reform programs, have not as yet been introduced by the Viet Cong in South Vietnam. The reason lies in the violence of the popular reaction to the elimination of traditional concepts of land tenure. As a result, these features cannot be introduced until the Viet Cong is in full control of the apparatus of government. Until then, the beneficiaries of Viet Cong land reform are deluded into thinking that some form of private ownership will be retained in the future Communist society.

^{*} The South Vietnamese Communists and Rural Vietnam, op. cit., p. 11
(emphasis added).

Chapter 2

SOCIOECONOMIC CONDITIONS AFFECTING LAND REFORM IN THE REPUBLIC OF VIETNAM

Basic Conditions

The land reform programs of the 1950s in Vietnam had two primary objectives: (1) improving tenurial relationships and (2) increasing the number of farm owners through acquisition and redistribution of land. A major condition that created the need for land reform in the 1950s was the shortage of cultivated land. Today, the conditions of land use are roughly as indicated in Table 4 for the Republic of Vietnam in 1965.

Table 4

ESTIMATED LAND USE IN THE REPUBLIC OF VIETNAM 1965

	<u>Hectares</u>	<u>Percent of Total</u>
Total area for RVN	17,326,000	100.0%
Total agricultural land	2,935,621	16.9
Riceland	(2,300,000)	(13.2)
Other crops	(635,621)	(3.7)
Total forest land	5,620,000	32.5
Transportation land (roads, railroads, etc.)	19,057	0.1
Undeveloped arable land	3,500,000	20.2
Other unclassified land (urban uses, unused land, military land, etc.)	5,251,322	30.3

Table 4 is based on admittedly meager data, but it does indicate that in 1965 the Republic of Vietnam was far short of realizing its agricultural potential. This potential is important because despite a strong trend toward urbanization in recent years, the Republic of Vietnam is estimated to be still mostly rural: on the average, 60 percent rural and 40 percent urban. In some provinces, the proportion of rural population is considerably over 50 percent:

Long An, Dinh Tuong, Go Cong, Kien Hoa, Phong Dinh, Vinh Long	}*	58 percent rural-42 percent urban
An Giang, Chau Doc, Sa Dec*		70 percent rural-30 percent urban

Moreover, it can be seen that most of the agricultural land is devoted to rice growing, so that the Republic of Vietnam's agriculture may be said to be monoculture. Rice has been the major cash crop of the farmer as well as the most important source of food for both rural and urban populations. Consequently, the control of land--particularly riceland--and the farmer's share of the rice crop that he produces have been the focus of national policy and the source of class conflicts in the recorded history of the Republic of Vietnam. The major riceland areas of the country are shown in Figure 7, which also indicates the 44 provinces of the country, the six autonomous cities, the four Administrative Regions and the three basic natural regions: Southern Region, Central Highlands, and Central Lowlands.

In Figure 7, it is seen that practically all of the riceland is in the Southern Region, and mainly in the Mekong Delta area. The Southern Region also contains the majority of the population of the country, as shown in Table 5, which gives population and land data as of 1968. With this concentration of population and riceland, it is not surprising that land reform programs to date have focused on the Southern Region.

The data in Table 5 provide a basis for understanding why land reform has been a necessity in the Republic of Vietnam and what some of the obstacles are to a successful land reform program. First, it may be noted that the Southern Region with 66,000 sq km, 39 percent of the total land area of the nation, contains nearly 11 million people, or 64 percent of the total population. By contrast, the Central Highlands with 48,000 sq km, 28 percent of the land, contains fewer than 900,000 people, or about 5 percent of the total population. Between these extremes are the Central

* Hamlet Resident Survey, Working Papers, Vol. IV, Part 1.

Figure 7
 RICELAND AREAS IN REPUBLIC OF VIETNAM

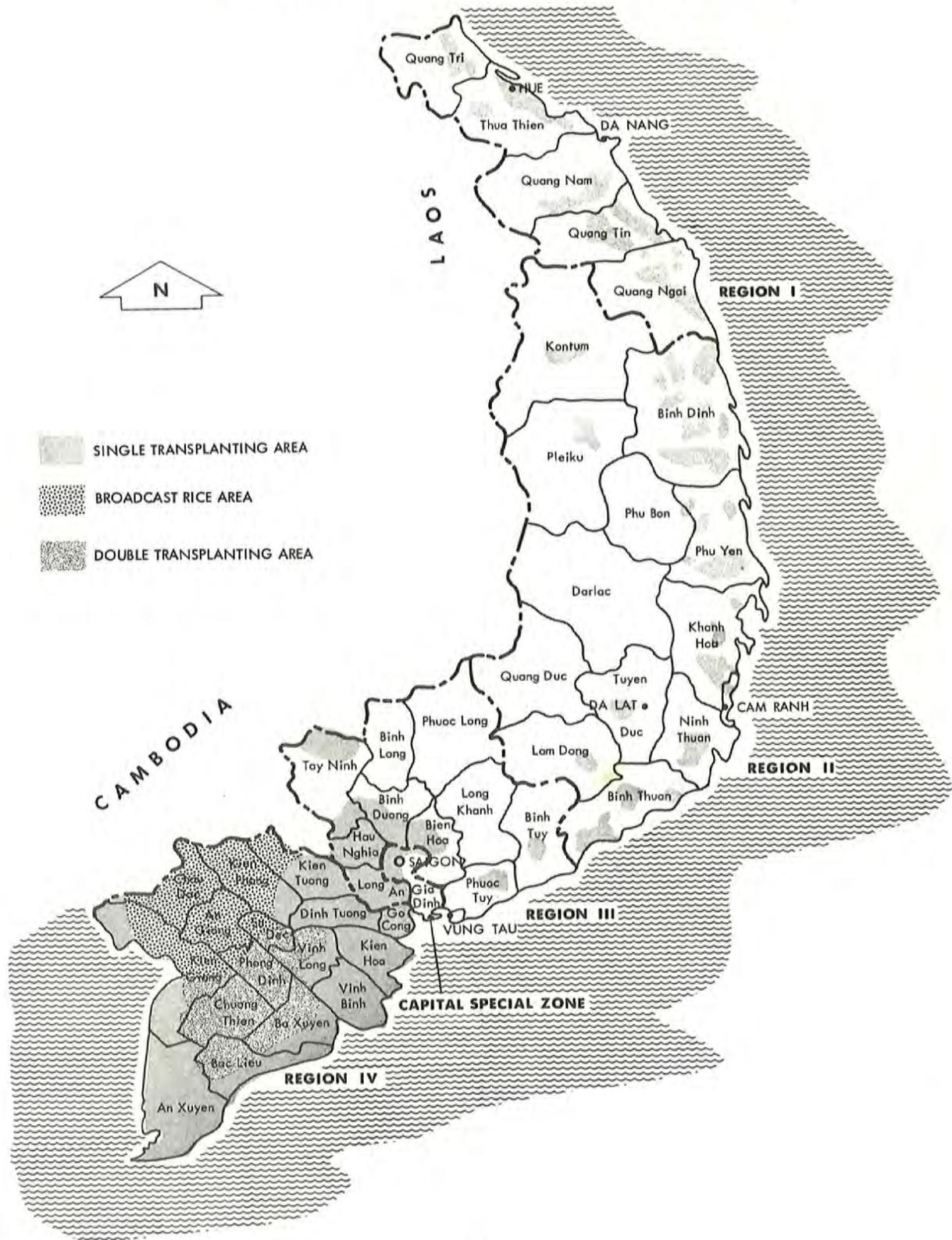


Table 5

POPULATIONS AND AREAS BY REGION, 1968
REPUBLIC OF VIETNAM

Region	Total Population (thousands)	Agricultural Population* (thousands)	Total Area (sq km)	Ricelands Area (sq km)	Population Density (persons per sq km)		
					Total Pop ÷ Total Area	Total Pop. ÷ Ricelands Area	Agri. Pop. ÷ Ricelands Area
Southern Region							
Vung Tau	68.3	--	74	--			
Saigon	2,204.9	--	58	--			
Remainder	<u>8,643.7</u>	<u>3,970</u>	<u>66,052</u>	<u>18,187</u>			
Subtotal	10,917.9	3,970	66,184	18,187	165	600	218
Central Highlands	815.8	377.6	48,318	556	17	1,467	679
Central Lowlands							
Da Nang	286.1	--	80	--			
Cam Ranh	47.4	--	--	--			
Remainder	<u>4,942.3</u>	<u>2,600.7</u>	<u>56,518</u>	<u>4,204</u>			
Subtotal	5,275.8	2,600.7	56,598	4,204	93	1,255	619
Total	17,009.5	6,948.5	171,100	22,947	99	741	303

* The rural population by regions is estimated by deducting the urban population of provincial and district capitals, the autonomous cities, and Saigon from the total population estimate of the CORDS Hamlet Evaluation Survey. The agricultural population is estimated as 64.87 percent of the rural population, based on the ratio established by the SRI Hamlet Resident Survey.

Lowlands, with about 31 percent of the total population on 33 percent of the land.

Second, the percentage of land cultivated in 1968, relative to total land, decreased to 13.4 percent from the 1965 figure of 16.9 percent. This reflects the intensified influence of the war and insecurity; populations have shifted geographically, and some lands have been abandoned by farmers seeking safety in the cities.

Third, the right side of Table 5 presents various population density figures. The first column is not very meaningful, since it shows only the ratio of total population to total area, and on this basis, the Republic of Vietnam, except for the Southern Region, can be considered to be sparsely populated--average 99 persons per sq km, compared with countries such as Taiwan, 350 persons per sq km, and Japan, 260 persons per sq km.

Land Shortage and Population Pressure

Total land area means little when most of the people tend to concentrate, as they do, in areas where a living can be made--in industrialized countries, the concentration is in cities, and in developing countries, as is the case with the Republic of Vietnam, the concentration is principally in the cultivated areas and the cities. For these reasons, the second column under Population Density in Table 5 is important, since it clearly indicates the degree of shortage of cultivated land in the Republic of Vietnam--two of the three regions have more than 1,000 persons per sq km of agricultural area, and the average for the nation is 741 persons per sq km. In terms of cultivated area, this means that the nation has an average of only 0.13 cultivated hectares per person--the yield of 0.13 of a hectare must supply one person with food, estimated on a national self-sufficiency basis.

The last column in Table 5 further specifies the subsistence problem because the ratio of total agricultural population/agricultural area indicates how much farmland is available to the people who must make their living from farming. In this case, the Southern Region is three times better off than the other two regions. Taking the figure of 6.66 persons per farm household, as shown at the bottom of Table 5, the farm population density translates into:

- Southern Region 218 persons per sq km or 3.0 hectares per family
- Central Highlands 679 persons per sq km or 0.97 hectare per family
- Central Lowlands 619 persons per sq km or 1.0 hectare per family

Although these figures have been derived from aggregates and averages, they conform, within a reasonable margin of error, to the figures determined from surveys. For example, the 3 hectares per family for the Southern Region agrees with the estimate arrived at in the SRI Hamlet Resident Survey, which determined that the average farmer operated 2.85 hectares of land. Similarly, in the Central Region in 1967, there were 4,731 lease contracts on record covering 2,740 hectares, or about 0.6 hectare per contract, giving an indication of the small size of the holdings that are being operated. Some of this land shortage can be explained by the abandonment of cultivated land because of war and insecurity, and hence such lands are uncultivated lands, excluded from the records or survey results.

The FAO ratio of total agricultural population to agricultural area based principally on 1960 census data is now compared with the average ratios of 24 other countries, as shown in Figure 8. In this case, North Vietnam has the highest agricultural population density in the world with 729 persons per sq km. South Korea and Taiwan are next, and the Republic of Vietnam is fourth with 460 per sq km.* Among the first nine high density countries, land redistribution programs have been carried out in each one except Indonesia (sixth). Although several of these programs have been successful in removing threats of insurgency and discontent, most of these countries have more agricultural area relative to agricultural population than the Republic of Vietnam. That is, even though many of these countries may not have as much total land as the Republic of Vietnam, they have less unused land or smaller population, and hence have less population pressure than the Republic of Vietnam. The exception is Taiwan, but this country has a strong industrialization program to absorb the excess population in the rural areas.

Inequality of Size of Land Holdings

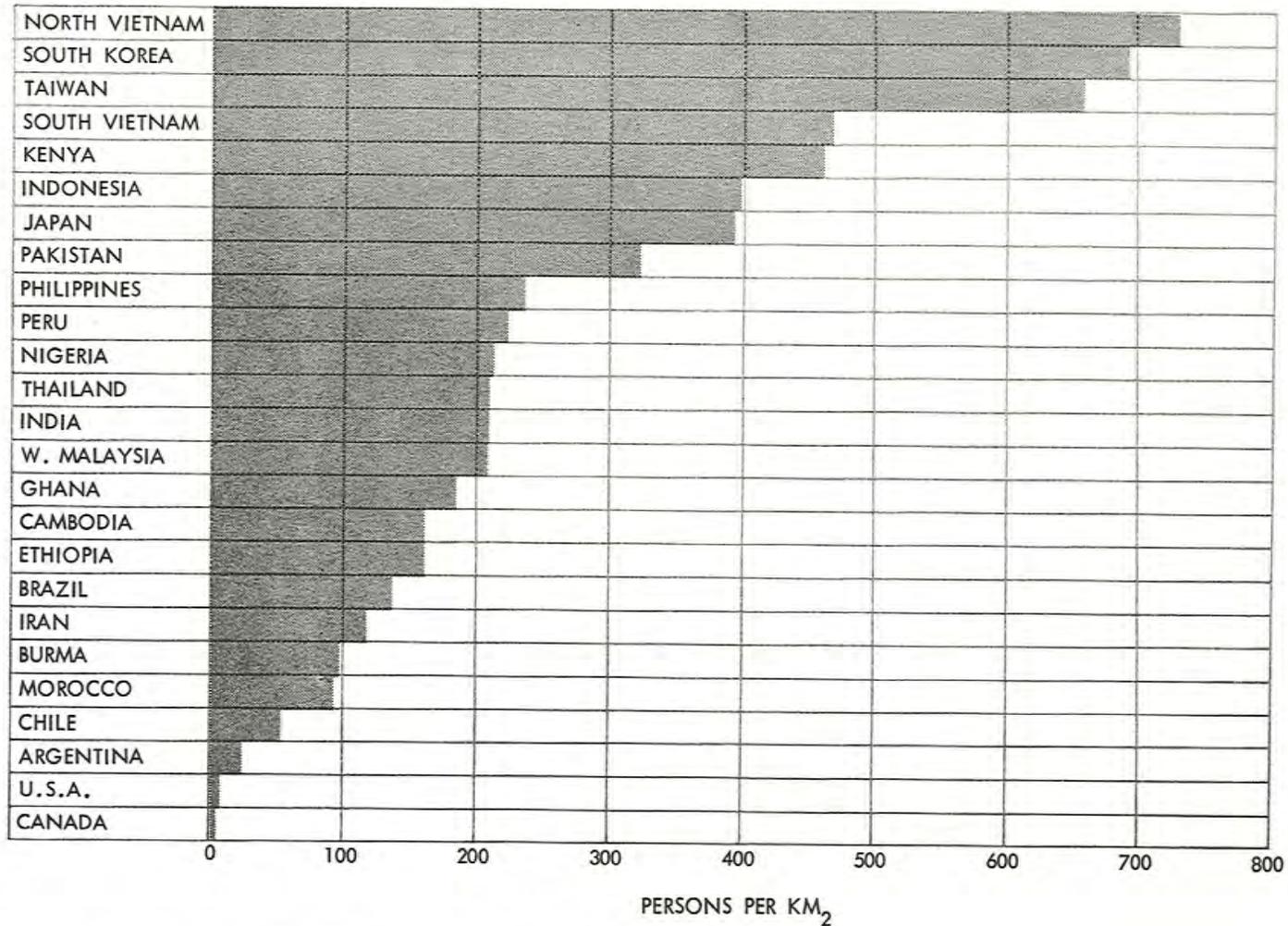
The foregoing has given some indication of the comparative size of farm operating units (owned or rented) in the Republic of Vietnam and other countries. Further indications are given as follows.

The operating farm size distribution of a country reflects many factors other than the tenurial conditions applicable to the individual parcels of an operating farm viewed as a management unit. The size of

* The differences in agricultural population density between the FAO data of Figure 8 and the SRI data in Table 5 are due to estimated growth of the agricultural population between 1960 and 1968 and changes over the period in the estimated cultivated agricultural land.

Figure 8

DENSITY OF AGRICULTURAL POPULATION TO ARABLE *
LAND IN SELECTED COUNTRIES
1965



SOURCES: FAO: Production Yearbook, 1966; Tables 1,4,5.

UN: Statistical Yearbook, 1966; Table 17.

*FAO defines arable land as land under cultivation or fallow including orchards and plantations.

operating units is dependent on the farmer's needs; his capability as a farmer; and the land, labor, and financial resources subject to his control. The availability of land will depend on whether such land as is cultivable can be rented or bought on terms he can afford. Thus, the size of the operating farm represents an adjustment between the resources that a farmer owns and those over which he can acquire control (determined by his needs and capabilities) and the infrastructure of credit and other services related to his farming activity.

Consequently, an intercountry comparison of farm distribution shows a comparison of farmers approaching an equilibrium adjustment among the forces operating on the farm and their interacting socioeconomic environment. Nevertheless, substantial intercountry differences are revealed by these data.

Figure 9 presents Lorenz curves for the holdings of farm operating units in the Republic of Vietnam, Taiwan, and South Korea. Two curves are shown for South Korea, comparing the dramatic change in situations before and after land reform, that is, 1945 with 1955.

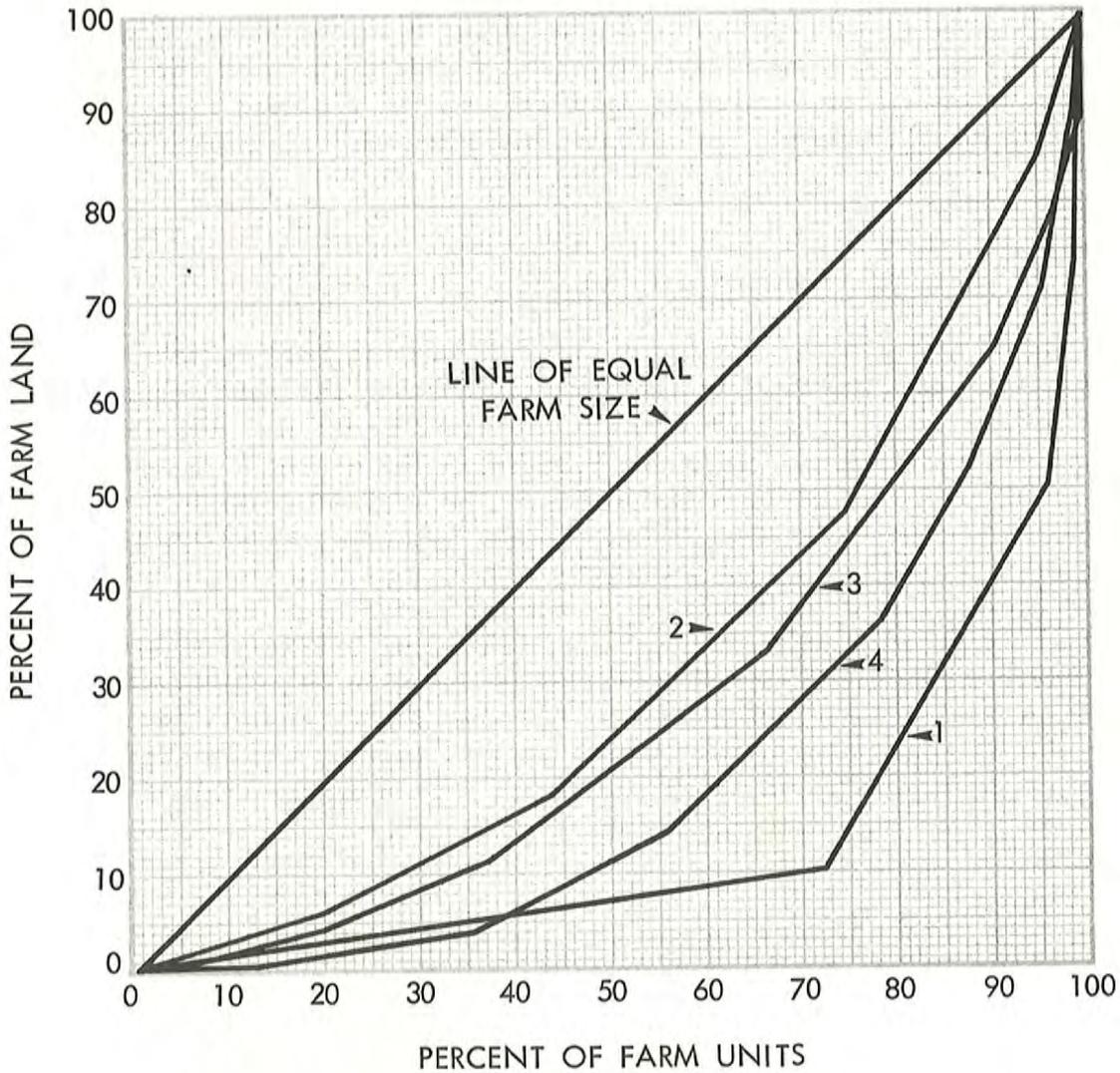
It is seen in the figure that the Republic of Vietnam's land holdings (curve 4) indicate a considerably greater inequality than those of Korea and Taiwan (curves 2 and 3). One may look at the middle portion of each curve, which is where the majority of land holdings lie, and note the following:

80% point - Curve 1: 80% of the farm units occupied 23% of the farmland--South Korea, 1945
Curve 2: 80% of the farm units occupied 56% of the farmland--South Korea, 1955
Curve 3: 80% of the farm units occupied 51% of the farmland--Taiwan, 1960-61
Curve 4: 80% of the farm units occupied 38% of the farmland--Republic of Vietnam, 1960-61

60% point - Curve 1: 60% of the farm units occupied 8% of the farmland--South Korea, 1945
Curve 2: 60% of the farm units occupied 33% of the farmland--South Korea, 1955
Curve 3: 60% of the farm units occupied 28% of the farmland--Taiwan, 1960-61
Curve 4: 60% of the farm units occupied 18% of the farmland--Republic of Vietnam, 1960-61

Figure 9

LORENZ CURVES SHOWING THE SIZE DISTRIBUTION OF FARM HOLDINGS IN THE REPUBLIC OF VIETNAM (1960-61), KOREA (1945 AND 1955), AND TAIWAN (1960-61)



- 1 Korea: Farm holdings, 1945 (before land reform)
- 2 Korea: Farm holdings, 1955 (after land reform)
- 3 China (Taiwan): Farm holdings, FAO Census of Agriculture, 1960-61
- 4 Republic of Vietnam: Farm holdings, FAO Census of Agriculture, 1960-61

SOURCES: 1,2 A Study of Land Tenure System in Korea, Korea Land Economics Research Center, Seoul, Korea, 1966. Tables 4 and 5, p. 92.

3,4 FAO Report on The 1960 World Census of Agriculture, Rome, 1966.

Size of Holdings: Southern Region

Data from the Hamlet Resident Survey for 1967 are used to indicate the size of farm holdings in the Southern Region, in terms of Lorenz curves reflecting inequalities of size. Figure 10 compares inequalities in size of holdings between farm units that are owned and farm units that are operated (rented land as well as owned land). Curve 1 representing ownership is considerably more skewed than curve 2 representing farm operation, indicating more unequal distribution of ownership units than operating units. The average operating farm unit in the Southern Region contains 2.85 hectares, whereas the average ownership unit contains 4.4 hectares.

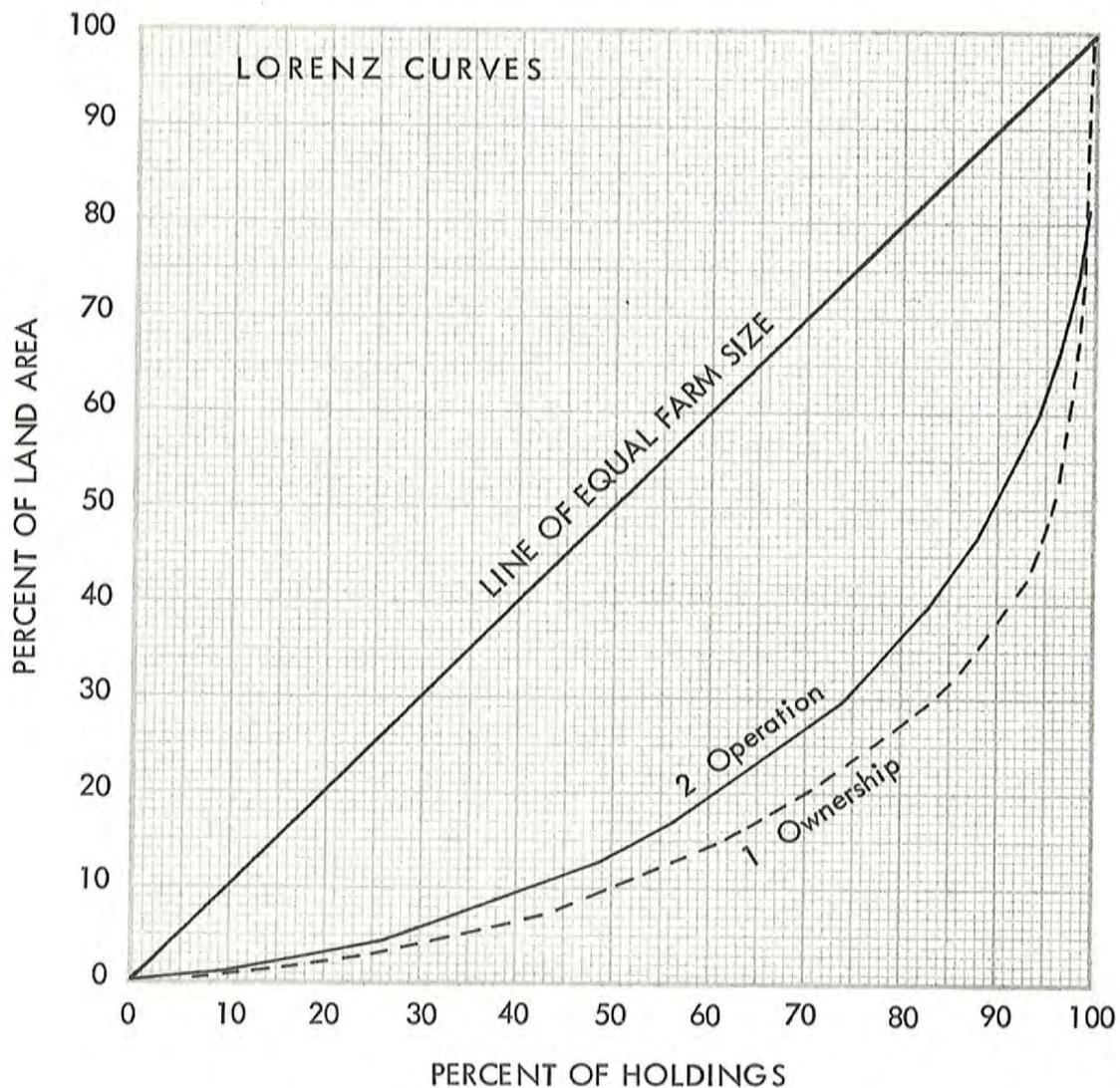
Size of Holdings: Central Lowlands

Although the greatest emphasis in land reform has been on the Southern Region, it is in the Central Lowlands region that the most acute land shortage exists. Farm population density in the Central Lowlands--a rice deficit area in Vietnam--is among the highest in the world. The extent of population pressure has been discussed in the preceding pages. As shown in Table 5, the cultivated area in the Central Lowlands, amounting to 4,204 square kilometers, is the basis for supporting an agricultural population of 2.6 million. The question is how many farm families are contained in this agricultural population. Assuming an average size household of about 6 persons,* this agricultural population represents roughly 400,000 farm families including owners, tenants, owner-tenants, and farm workers. On the other hand, the 1960-61 census reported 695,981 agricultural land holdings in the Central Lowlands. This suggests that the census recorded more than one farm holding operated by the average farm household. Detailed information is not available, although field observations made in Administrative Region II indicate that tenants farm more than one parcel of land. This also suggests that there has been a decrease in farm families, as discussed in the next section.

In the Central Lowlands, for example, the number of families operating farms is believed to have decreased during the 1960-67 period. One reason for the decrease has been the abandonment of land by farmers who feared the Viet Cong and sought refuge in urban centers and cities where

* The average farm household size in the Central Lowlands is probably close to 6. In 1964, the Rural Income and Expenditure Survey sample showed 5.0 persons for the Central Lowlands and 5.7 persons for the Southern Region, whereas the SRI Hamlet Resident Survey indicated an average farm family of 6.66 persons in the Southern Region.

Figure 10
 LORENZ CURVES SHOWING THE SIZE DISTRIBUTION
 OF FARM OWNERSHIP AND OPERATING UNITS
 IN THE SOUTHERN REGION, 1967
 Republic of Vietnam



1. Ownership unit size distribution, from Working Papers, Vol. IV, Part 1, Annex Table A-2.
2. Operating farm size distribution (whether operated by owner or tenant) from Working Papers, Vol. IV, Part 2, Table 288.

they felt they were more secure. Moreover, there has been a strong attraction to the urban areas because of the large number of jobs that have been created in the cities due to the war effort. The natural attrition of farmers by death and retirement through age has probably not been offset with a new generation of farmers because of the drafting of this generation into the armed services. With a decrease in the number of available farmers in the rural area, due to military draft by both the GVN and the Viet Cong, and to outmigration, it would be anticipated that the average operating farmer today is handling somewhat more land than he handled in the 1960-61 period. However, this statement is not founded on quantitative information. Even if a low estimate of 400,000 farmers in the Central Lowlands is considered, it appears that there is only sufficient land to provide these farmers with about one hectare each. Considering the need for resettling refugees, ex-servicemen, and other demobilized manpower after the war, there is a major problem in providing sufficient land for those farmers who are now farming in the Central Lowlands. If an average desirable level of 1.5 hectares per family is assumed, there is a need for 200,000 hectares of land at this time (a 1.5-hectare size was used compared with 2 hectares, used later for analysis, for the Southern Region because farming intensity is higher in the Central Region and more land is adaptable for double cropping).

Perhaps the fundamental problem in the Central Lowlands is that the number of farm families in the region (including potential farmers not now growing crops because of insecurity or some other temporary reason) appears to be greater than the available riceland can support at a reasonable standard of living based on present technology. There is an urgent need to alleviate the problem of land scarcity in the Central Lowlands unless the intensity of output per farm worker can be sharply increased.

Nature of Population Shifts

Population shifts in the Republic of Vietnam have been occurring since the first influx of refugees from North Vietnam after 1954, and various governments of Vietnam have tried to cope with these shifts by legislation aimed at improving the condition of refugees and squatters. Statistics on refugees are often questionable, because of the classifications--temporary refugees, resettled refugees, refugees who have returned to their original villages--and because of the use of accumulative statistics: each increment of refugees is added to the previous numbers, without accounting for returnees and other departures.

Nevertheless, incomplete though the statistics are, one can at least note how population shifts affect land reform by noting changes occurring in specific areas in the Republic of Vietnam.

The following discussion pursues further several kinds of population shifts: (1) a geographical shift from an insecure area to a more secure area; (2) a geographical shift from a rural area to an urban area, because of insecurity, city jobs, and other reasons; and (3) statistical changes with or without geographical shifting.

Geographical Shift from an Insecure Area

This kind of shift is the most common population movement; often called "the refugee problem." Statistics on the numbers of refugees are misleading, as already indicated, but rough figures may be given: as of December 1967, the accumulative total was 2.1 million, but it is not known how many of these refugees had returned to their homes or had been resettled. The problem of persons displaced from their homelands seems to be an inevitable concomitant of war. The GVN has made several attempts to resettle refugees and to give them land. A part of the refugee problem also concerns squatters. The various aspects of the refugee problem are reviewed in Chapter 3 under sections dealing with concession lands including squatter-occupied lands, land development centers, and refugee resettlement centers.

In addition to this total view, the SRI Hamlet Resident Survey sought to obtain refugee information on a regional basis--in the Southern Region in 1967. In this survey, questions were designed to identify refugees among the farmers. A remarkably high proportion, 38 percent, declared that they were "refugees" (the interviewer did not offer any definition of this term). At the same time, information obtained among the nonfarmers revealed that nearly half of them were refugees. In these cases, it is significant that these refugees had not concentrated in such cities as Saigon, where their presence has been discouraged. Hence, large numbers of refugees have crowded into villages and smaller urban centers, and their numbers are reflected in the responses to the SRI Hamlet Resident Survey questions.

At least two aspects of the refugee situation appear to have implications for land reform: (1) because of the numbers of refugees and the hardships suffered by them, a potentially explosive political situation exists, especially in the cities and towns in the context of which a mandatory "refugee program" by the central government is indicated; (2) since the definition of "refugee" includes physical uprooting and relocating, it follows that the refugees as a group are more mobile than ordinary villagers and more amenable to transplanting. Therefore, they are comparatively well-suited to major land development schemes in remote areas if security can be provided. Already, the practice in Vietnam is to organize refugees into groups that are the equivalent of hamlets and to resettle them in rural areas (see Chapter 3).

Geographical Shift from a Rural to an Urban Area

Many farmers have fled from both Viet Cong-dominated and harassed farm areas and migrated into more secure areas, including the major provincial cities and Saigon. In 1968, Saigon alone had approximately 2.2 million residents or an increase of more than 60 percent since 1964.* Even higher rates of expansion have been recorded in Hue, Da Nang, Dalat, Cam Ranh, and Vung Tau. The first three cities were already overcrowded with expanded numbers of military and civilian personnel so that refugees were discouraged from locating there. Indeed, these persons are not recognized as refugees and do not qualify for refugee assistance in major centers. As a result of families crowding into any available open space, Saigon has the reputation of being the most densely populated city in the world.*

These major cities have provided a home for approximately a million displaced persons. Of course, it is difficult to assess this population shift; the numbers given here are at best approximate.

The major cities in the GVN controlled area do not attract farmers only for security reasons. Many also come to urban centers to get jobs, or for other reasons that are not clear. Hence, this type of population shift may not be directly caused by war and might occur anyway in the absence of war and insecurity. This shift may be more like the classic migration from farm to city, evidenced in all countries moving from a predominantly agrarian economy toward industrialization.

From an overall point of view, less developed countries typically have most of their population engaged in agricultural pursuits or occupations allied with agriculture in such a manner as to demand rural habitation. Viewed from this standpoint, the growth of cities and an increase in the proportion of the population living in cities are indications of increasing sophistication of production and of the development of the country.

Vietnam is "urbanizing" at an explosive rate. In 1960, 18 cities had populations in excess of 20,000; in 1966 there were 35 such cities. In 1960, 2.2 million people (15.6 percent of the national population) lived in cities of more than 20,000 in size; in 1966, more than 3.3 million or

* John D. Montgomery, United States Agency for International Development, Office of Agriculture, "Land Reform and Political Development: Prospects in Vietnam," August 1967.

20 percent were counted as city dwellers. Between 1960 and 1966, the national population increased about 2.5 million, but 45 percent of this increase was in cities of more than 20,000.* If data were available for smaller cities, the estimated proportion of the national increase in growth for larger urban areas would probably be even greater. Figure 11 indicates that the trend toward urbanization is increasing at a much more rapid rate than the increase of population.

No doubt the war economy, the presence of a half million allies, and the relative insecurity of rural areas are all factors in the recent and continuing migration to the cities, but there is a proportion of this incremental urban growth that is going to become a part of the permanent migration to the cities. Today, a remarkably high proportion, up to 50 percent of the population is estimated to reside in the towns and cities, as a result of the insecurity and the economic pressures and pulls occasioned by war.*

Population flow from farm to city needs to be considered in formulating land reform programs. The future movement of population to and from urban centers will be dependent on postwar progress in industrial and commercial development and the employment opportunities related thereto. Only the most sanguine projection would suggest that the present momentum will continue, as indicated in the projection of the urbanization trend shown in Figure 11. It would seem that some backward shift to the rural areas should be planned for in future land redistribution programs.

Statistical Changes in Population

Statistical changes refer to the changes brought about by the natural forces of birth and death, as well as to the changes brought about by migrations in and out of an area.

Data for Vietnam over two decades indicate that the typical population growth pattern of developing countries is taking place. Population projections for Vietnam made by foreign demographers currently feature an annual increase of 2.5 percent.† This rate is consistent with observed population growth for the period 1943 to recent years.

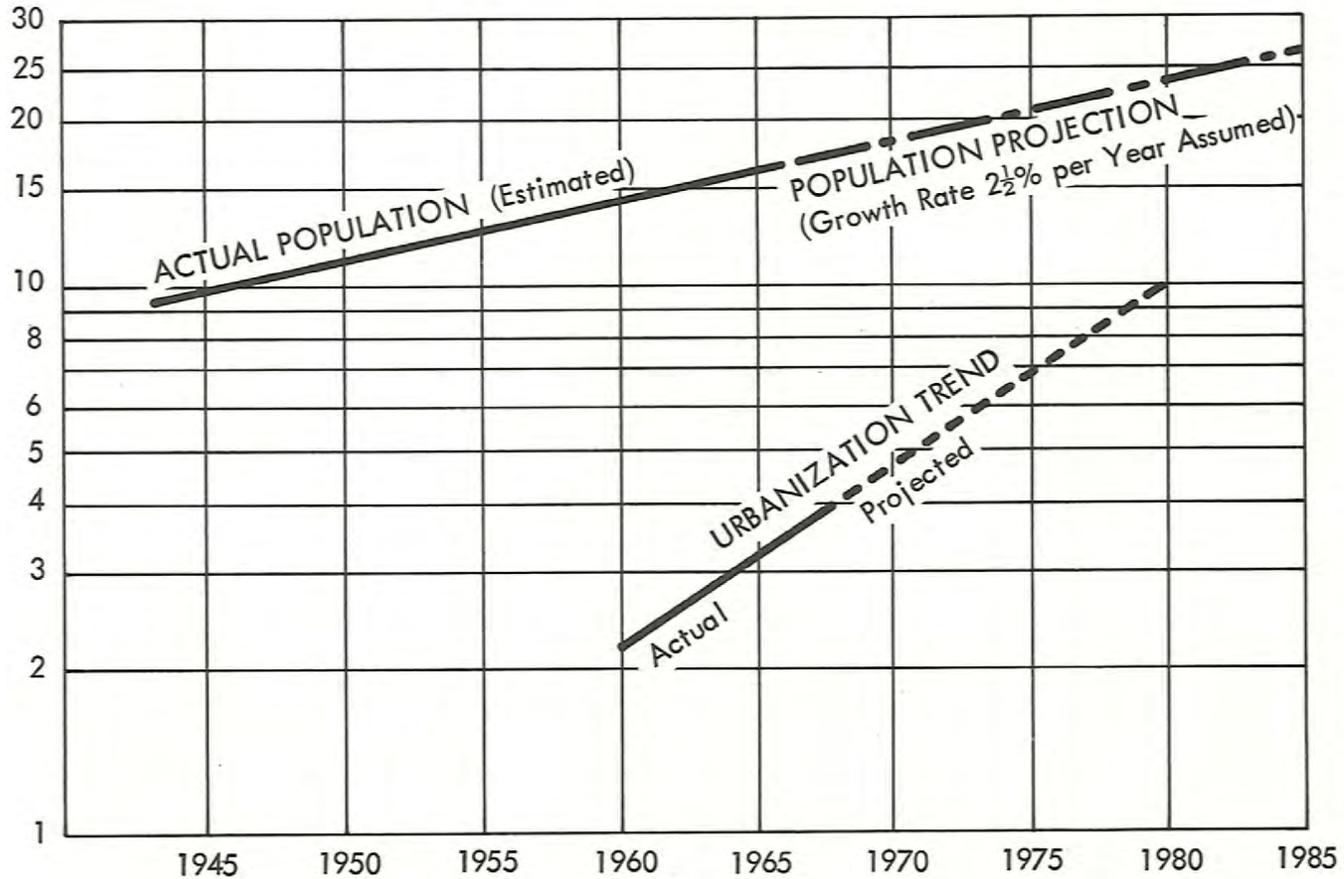
* National Institute of Statistics Yearbooks 1962 and 1966; also MACV population data.

† For example, the Office of Joint Economic Affairs, USAID, has projected population since 1960 at "about 2.5 percent." Joint Economic Affairs Office, Annual Statistical Bulletin No. 10, June 1967, p. 2.

Figure 11

POPULATION GROWTH OF REPUBLIC OF VIETNAM
COMPARED WITH URBAN GROWTH
1943 - 1985

MILLIONS



SOURCES: National Institute of Statistics, Yearbooks, 1962 and 1966, Republic of Vietnam; and MACV population data.

In Figure 11 the 2.5 percent growth rate is used. On this basis, the expected population of the Republic of Vietnam would be 18 million in 1970 and 20 million in 1975. The estimated population in July 1968 was 17 million, which agrees with the projected trend.

Rural Population Composition

Among the population characteristics that can be quantified, the following are discussed here: sex and age; occupations; literacy; religion; ethnic groupings; size of households; and cultural characteristics.

Sex and Age

The SRI survey found the following composition of the village population in the Southern Region: Of the household heads, 79 percent were males, and of all respondents (household heads, spouses, family members), 58 percent were males. The respondents tended to reflect an older age bracket; more than half of both male and female respondents were more than 50 years of age, and 29 percent were age 60 or over. The effect of the war in drawing off the male population may be seen in the fact that only 12 percent of the household heads were under 35 years old.* It is believed that the effect of the war in drawing away the younger men is shown in at least two ways: (1) the drafting of youth into GVN and Viet Cong service has been heavier in the hamlets and (2) many youths migrate to cities like Saigon to obtain jobs. It is possible also that the age of the refugee population may be younger than that of the household members who remain behind in the hamlet when conditions of security deteriorate.

Occupations

According to the survey, 65 percent of household heads classified themselves as farmers, including farm workers, and 35 percent were non-farmers. It showed that 26 percent of family heads were owners, 22 percent were tenants, and 5 percent were owner-tenants. Thus, the farm group consists of about 53 percent farm operators (including landlords who did not farm) and 12 percent farm workers. About 13 percent of all households owning land classed themselves as landlords.†

* Working Papers, Volume IV, Part 2, HRS Table 1, Q 146A.

† Op. cit., HRS Table 346, Q 146A.

When heads of households were questioned concerning their occupation, a high rate of involvement in farming was indicated by responding tenants (91 percent) and even more by owner-tenants (98 percent), whereas much lower figures were shown for owners (63 percent) and landlords (44 percent).*

Nonfarm occupations were being followed by all categories in some degree, except owner-tenants and tenants who are practically all full-time farmers. Artisan was the major employment category of 37 percent of the nonfarmers and 30 percent of the farm workers. Many artisans came from North Vietnam in 1956 and have since retained their trades. Shopkeepers and peddlers were the occupations of 20 percent of the nonfarm group. Only 7 percent of the owners and 4 percent of the family heads were in the military and civil service, and these were most important proportionately in the nonfarm group (20 percent), and less important in the landlord and farm owner groups (14 percent and 10 percent, respectively).*

Literacy

Knowledgeable students of literacy in Vietnam estimate that every one with more than one year of school can read and write. In the SRI survey, those who had had less than one year of schooling were specifically asked if the family head could read and write. Vietnamese tend to answer a question about these capabilities modestly. Thus, when the results of this question are combined with the number who had more than one year of schooling, a reasonably correct literacy rate may be expected.†

<u>Status</u>	<u>Percent Who Can Read and Write</u>	<u>Percent with over Five Years of School</u>
Farm owner	74%	16%
Owner-tenant	69	4
Tenant	69	8
Farm worker	57	4
Nonfarmer	74	16
Average	71%	12%

* Working Papers, Volume IV, Part 2, HRS Table 11, Q 112.

† Op. cit., HRS Table 9, Q149, and Table 10, Q150.

For a developing country, the Republic of Vietnam has an unusually high literacy rate. These findings appear to be in line with the expectations of professionals acquainted with rural Vietnam. The literacy rates are directly related to economic status. Farm owners, including most landlords, and nonfarmers have the highest literacy rates; these rates decline as income and social status decline, and farm workers have the lowest literacy rate. Farm owners and nonfarmers also have the highest educational attainment, since as many as 16 percent have more than five years of schooling and about 2 percent have more than 15 years. The owner-tenant groups has an inexplicably low level of school attainment.

Religion

An analysis of the religions in the Southern Region provides some rather startling facts about the composition of rural religions. Although the two Buddhist sects of Mahayana (the greater vehicle) and Hinayana (the smaller vehicle) are generally assumed to include most of the population of Vietnam; in fact, only 45 percent* of rural respondents claimed membership in either of these two sects. However, 25 percent claimed membership in the Hoa Hao Buddhist movement. Because the sample included three of the four Hoa Hao provinces, an upward bias exists. On the other hand, a surprising 8 percent of the respondents were members of the Cao Dai sects in spite of the absence of any major Cao Dai province in the sample. Also, the Catholics represented 14 percent of the total rural population. The urban Catholic population is believed to be proportionately greater than the rural population.†

Ethnic Groupings

Ethnic Vietnamese are overwhelmingly predominant in the population with 94 percent of the total, varying from 90 percent in the nonfarmer group to 99 percent in the farm owner group. Of the non-Vietnamese group, the Chinese constituted 4 percent of the rural population sample in the Southern Region, but almost all were in the nonfarm group. The Chinese play an important role as traders; the survey shows that quite a number are active in rural areas, more so than is usually believed. The proportion of Cambodians was about 2 percent; they are represented in all farm

* This figure is identical with that reported by A. T. Rambo, J. M. Tinker, and J. D. LeNoir in The Refugee Situation in Phu Yen Province, Viet-Nam, (abridged version) Human Sciences Research, Inc., McLean, Virginia, July 1967 (p. 29, Table 4).

† Working Papers, Volume IV, Part 2, HRS Table 6.

categories but tended to be concentrated most among farm workers and tenants.* The low percentage of Cambodians reflects an absence in the sample of those provinces located near the Cambodian border. It appears that Cambodian refugees seek shelter and medical aid in Saigon-Cholon where they have their own Buddhist hospital. Consequently, the sample underestimates the number of Cambodians in Vietnam.

Because the Hamlet Resident Survey was restricted to the relatively secure rural areas of the Republic of Vietnam, there was a tendency to eliminate inhabitants with ethnic backgrounds that are non-Vietnamese. For example, the Cambodians are found in the Delta near the Cambodian border as well as in Saigon. Most of the Vietnamese with Cambodian ancestry were missed in the survey so that only 2 percent were estimated by the sample. Also, the Montagnards located in the Highlands area were totally excluded.

Size of Households

Rural households tend to be rather large in the Southern Region. The average (mean) size of rural family in the sample was 6.66 persons, and the most frequently occurring value, or mode, was 7 persons.† The modal household size for farm workers was one less, with 6 persons. Overall, the households with more than 7 persons accounted for 36 percent of the total although this proportion varied considerably from 23 percent for farm workers to 45 percent for owner-tenants. The survey shows that the size of the household and those receiving support from the household are practically identical.‡

Some differences in the size of household occur in the different parts of the Southern Region.§ In the densely populated provinces, 44 percent of the households had 7 or more persons compared with 34 percent in the Hoa Hao Provinces, and 34 percent in the more sparsely settled peripheral provinces. Thus the densely settled provinces tend to have somewhat larger households.**

* Working Papers, Volume IV, Part 2, HRS Table 7.

† Op. cit., HRS Table 16.

‡ Op. cit., HRS Table 14.

§ For the purposes of the survey, the Southern Region was divided into three areas: densely populated provinces (Long An, Dinh Thuong, Go Cong, Kien Hoa, Phong Dinh, and Vinh Long); Hoa Hao provinces (An Giang, Chau Doc, and Sa Dec; and peripheral provinces (Bien Hoa, Binh Duong, Gia Dinh, Hau Nghia, Long Khanh, Phuoc Tuy, Tay Ninh, An Xuyen, Ba Xuyen, Bac Lieu, Chuong Thien, Kien Phong, Kien Giang, Kien Tuong, and Vinh Binh).

** Op. Cit., HRS Table 347.

A small proportion--only 24 percent of the households--have married sons or daughters living with them in the household. This practice varies directly with the status of the farm family--38 percent of the owner-tenants had married sons or daughters living with them, 28 percent of the owners, 25 percent of the tenant families, and 20 percent of the farm workers. However, in the higher income nonfarm group, only 18 percent had married children living with them.* On the average, they accounted statistically for only 0.23 persons of the 6.66 per household.

There is an impression that the situation where married children live at home is becoming increasingly rare, but that sons and daughters will tend to live with parents in an attempt to protect the parents in war time. The comparatively high proportion of married offspring living with owner-tenant households may explain the greater income of this group and its capability to farm more land.

Because of the multipurpose questionnaire, only limited information could be asked about family relationships. Respondents interviewed tended to be quite elderly, and their children would normally be expected to be mature and living apart from their parents. In fact, however, the family size of the respondents tended to be quite large and greater than anticipated for elderly people who are approaching an age when they can no longer work and provide for their children.

Cultural Characteristics

It may be useful to touch on those characteristics that contribute to encourage change and those that may deter it. The culture of Vietnam is old and can be expected to provide a pervasive continuity for the people while rather drastic war-time changes and dynamic developments are occurring. However, the history of the development of the Mekong Delta is comparatively short. The in-migration of people into the region in the last two centuries and the uprooting and movement occasioned by war over the last two decades have produced some important ruptures with the past and may have encouraged a cultural tendency in this region that makes it more likely to accept change than areas where the people have lived in stability for many centuries. For example, the generation of today is more receptive to change than the generation before World War II. The rather rapid acceptance and expansion of the Cao Dai and Hoa Hao religions may also be evidence of this tendency.

These observations, made as a result of a survey in the Southern Region, may apply as well to the other regions, especially since the war

* Working Papers, Volume IV, Part 2, HRS Table 18.

has broken down traditional patterns and eliminated isolation. A case in point is the Montagnard culture, which was traditionally isolated but is now strongly involved with outside influences, and hence more susceptible to change.

Human Resources for Implementing Land Reform Programs

Although population shifts are a fact in many areas, there is some indication that the migrations are generally a last resort--in a choice between residence in an ancestral place and the survival of his family, the rural farmer chooses survival. If he had some control over the situation, he would elect to remain. The results of the SRI survey in the Southern Region provide evidence of this point.

Respondents were asked if they would prefer having a job in the city or owning riceland. Rejection of city life and a preference for owning riceland was expressed by 86 percent of the owners, 97 percent of the tenants, 100 percent of the owner-tenants, and 87 percent of the farm workers.* The figure for farm workers is amazingly high, considering that a high proportion of these are only casual workers on the farm. Thus, the farm population is almost single-mindedly devoted to continuing its present way of life and preferably to owning riceland. Only in the case of nonfarmers was a job in the city more popular--49 percent preferred a city job while 44 percent preferred to own riceland. There is little doubt that the answer of the farm people is an expression of the Delta farmer's hunger for land, but it also appears indicative of the farmers' aspiration for a rural and not an urban way of life.

That the Vietnamese farmers in general are capable of developing a highly productive agriculture is indicated by their willingness to accept and introduce technological changes such as new fertilizers, steel plows from Cambodia, small engines for transport and pumping, and insecticide sprayers.

Further, the high ownership pattern of radios indicates a desire to keep current with national and world affairs and to receive communications; 49 percent of the farmer owners had radio or TV sets, 45 percent of the tenants, and 34 percent of the owner-tenants, with the farm workers a low 19 percent.

When the foregoing characteristics are considered, as well as the material to be given in later chapters, it will be seen that the Vietnamese farmer today, with little support from either his landlord or his

* Working Papers, Volume IV, Part 2, HRS Table 203, Q137.

government, nevertheless displays remarkable vitality, initiative, and an unusual capability to accept change. This energy and initiative are displayed in the unusually difficult and discouraging environment of war and insecurity as a continuing climate in which strong family life, productive agriculture, and inexhaustible local leadership are nevertheless remarkably sustained.

Chapter 3

LEGAL FRAMEWORK AND STATUS OF LAND REFORM IN VIETNAM

The legal framework of land reform in Vietnam consists of a series of ordinances, decrees, and other regulations concerning (1) landlord-tenant relationships and (2) acquisition and distribution of land by the government. This chapter is concerned with the status of the legal framework as it applies to land tenure and land reform.

Landlord-Tenant Relationships--Cultivated Land

The legal authority to regulate land tenure and control the relationships between landlords and tenants was introduced by Ordinance 20, dated June 4, 1953.* This ordinance related only to cultivated land and set up the following requirements: a written lease according to a specimen contract;† procedures to provide security of tenure, a rental limit of 15 percent of the total annual income, a rent escape clause in case of a short crop, and tenants' pre-emption rights (the first right to purchase land offered for sale by the landlord).

Modifications of Original Ordinance

Ordinance 2 of January 8, 1955,‡ modified Ordinance 20 as follows: (1) provided that a copy of the contract be kept in the files of the local Village Council, (2) set a rental limit of 15 to 25 percent of the value of the annual harvest of the principal crop, and (3) set limits on the charges that landlords could make for advances of seed or fertilizer (at actual cost plus annual interest not to exceed 12 percent) or for leased cattle or implements (at 12 percent of their value).

Ordinance 2 appears to have marked the beginning of a serious program in the area of landlord-tenant relationships, but some modifications and

* Appendix D-2. All references to appendixes in this chapter are to those contained in Working Papers, Volume I, Part 2.

† Appendix D-3: Tenant Contract Type A.

‡ Ordinance 2 superimposed on Ordinance 20 in Appendix D-2.

adjustments had to be made later because of necessary interpretations. The basic ordinance applied to landowners who had "a right of possession or usufruct on riceland or agricultural land," but Circular 5* limited its application to rice field and annual crop land and excluded land used for plantation or industrial crops. Another exclusion--that of "garden land"--was introduced by interpretation.† For example, the land reform portion of the current handbook issued to Revolutionary Development cadres‡ asks a question about garden, orchard, and industrial crops: "Does the tenancy statute stipulate the land for growing vegetables, sugar-cane, fruit, etc.?" The answer given is: "It does stipulate the land for rice cultivation only. As to the land for other crops, it is up to the arrangements between lessors and tenants." Although this is not an official interpretative regulation, it does focus solely on riceland.

Subjects of Contract Coverage--Type A Contract

The legal regulations sought to control security of tenure, lease renewal, and levels of rent payment; to protect tenants in case of crop failure and to provide means of settling disputes through the use of landlord-tenant contracts.

Under terms of Ordinance 2, landlords and tenants were required to complete Type A written contracts, which remained in force for three years with an automatic extension. Under Decree No. 007 dated October 1964, the life of the contracts was extended from three to five years, with the requirement that contracts be reregistered. The Type A contract was limited to a fixed rent that, once established, became extremely difficult for landlord or tenant to change. Thus, the B and C types of contracts introduced later were applicable to land that required development.

Security of Tenure. As to the legal control of tenure security under the contract, the contract period was five years, subject to three-year termination if the lessor wished to cultivate the land himself or through a lineal descendant, but this was changed to five years in 1964.§ The lessor could also terminate the contract on the basis of "any other serious and legitimate reasons such as non-payment of farm rent . . . or action of the farmer which would be detrimental to proper cultivation of the leased land . . ." (Ordinance 2, Article 9). It may well be that this does not

* Appendix D-4, Circular 5, dated January 18, 1955.

† See Circular 3335, dated October 2, 1959.

‡ Appendix D-19, Questions and Answers on Tenant Regulations.

§ Decree 007-CT/LDQQL/SL, dated October 2, 1964.

depart substantially from the general property law provision Article 245 of the 1925 Code, which states: "The lessee is held: (1) To use the land according to the intention that has been expressed by the contract; and (2) To pay the rental for the leasehold upon the terms agreed."

The "Annual Report on Land Reform Activities During 1965" published by the Ministry of Agriculture indicates that, from the creation of the Land Reform Court in 1958 to hear disputes under the ordinances through December 31, 1965, 2,007 lawsuits were received, of which the largest category by far--1,060 lawsuits--concerned "disputes on reversion of land by landlords."

In case of cancellation or nonrenewal, either the landlord or the tenant is supposed to give at least six months' notice to the other (Ordinance 20, Article 10).

Renewal of Lease. Taken in context, it appears to have been the intention of these ordinances to raise tenants to a new and permanent level of tenure security. Article 6 of Ordinance 20, which gives the term as not less than five years, states that the contract "will be renewable by tacit agreement," and the contract form states (Article 3, old form) that it is "renewable by tacit agreement for the same length of time," or (Article 2, new form) "will be tacitly renewable." Unfortunately, this language does not make clear whether the "tacit renewal" can take place more than once. The Type A contracts originally signed are already more than ten years old unless replaced by a newly signed contract (i.e., have passed through their original five-year period and through one full five-year tacit renewal period).

In addition to the ambiguity in the law concerning renewal for more than one period, there is a problem of possible narrow interpretation of the concept of tacit renewal following the apparent practice under the general property law. Article 230 of that law provides for tacit renewal ("tacit reconduction," in the French version) of a lease if, after expiration of the term, "the lessee does not abandon the land and is left in enjoyment by the lessor" The tacit renewal is then for "a term fixed by the custom of the region" rather than for a fixed five years, as under the tenure security law. However, there is, as a matter of applicable law, serious doubt whether the administrators or the parties to the original contracts would continue to regard them as binding if a new contract has not been signed at least within the past ten years.

Rent Limitation. The legal range of payment is 15 to 25 percent of the gross annual crop, without allowances or deductions from that crop for seed costs or harvesting expenses.

In addition to limiting the proportion of the crop that may be required as rent, the law states that the tenant is not liable for land taxes (Ordinance 20, Article 19) as provided for in the contract.

The contract form does not merely state the rental percentage, but sets forth the parties' agreement as to how much the land will produce and what the actual amount paid in rent (usually paid in gias--40 liter units--of paddy rice) will be. The tenant might, for example, be asked to state a normal production figure greater than the amount actually expected to be produced, so that the apparently legal 25 percent is a somewhat larger fraction of the actually expected production of the land. Or, if the landlord fears to use an inflated production figure alone, he may use an inflated land-area figure as a basis for a fictional production figure, which is difficult to detect.

The aforementioned legal provisions do not fully protect the tenant from exorbitant rents. It is reported that there have been cases where landlords extract rent above the 25 percent ceiling; this is corroborated by the SRI Hamlet Survey, which found rental payments in the Southern Region to be generally over 25 percent, actually 34 percent of gross production in 1966. Hence, the legal regulations controlling rent limits have not been successful. The administrative system for controlling rents within the limits required by the law is currently inadequately organized for the performance of this function. Perhaps it can be properly policed and enforced only if the village government becomes involved and is strongly supported in this role by the Central administration. However, insecurity and economic forces are major factors in limiting administrative control over rental levels.

A major restriction of the rent limitation provisions arises out of administrative reinterpretation of the ordinance itself. While the ordinance provides for the rent to be paid on "the value of the annual harvest of the principal crop" (Ordinance 2, Article 13), a series of interpretive circulars* provides that: (1) the land rent is based on the total amount

* Appendix D-2, Article 13: Circular 14, dated January 30, 1958, No. 18, dated February 6, 1958, completed by Circulars 31 and 32, dated April 22, 1958, modified by Circular 25, dated January 15, 1959.

of the annual income from the principal type of cultivation; (2) for two-crop riceland the rent is based on the total production from the two harvests; (3) for land giving one rice crop and one crop other than rice, the rent is still based on the income from rice plus the income from the other crop; and (4) the rent does not apply where a second crop, rice or otherwise, is "secondary," i.e., "is to satisfy the (food) needs of the tenant family." Hence, the term "annual harvest" is interpreted to mean "total yearly harvest" rather than "main yearly harvest," and the meaning of "principal crop" includes two totally different kinds of crops.

Crop Failure. A feature of the tenurial contract relating to rent collection is that the tenant is to be "exempted from the payment of the fixed land rent" in case natural disaster or unavoidable accident "destroys at least two-thirds of the harvest" (Ordinance 2, Article 15). The Type A contract expands this, stating that in case one-third of the crop is lost, due to unavoidable circumstances, the tenant need pay only two-thirds of the annual rent, while if two-thirds is lost, the rent is entirely exempted.* The village agricultural committee is to appraise losses.†

Settlement of Disputes. The original legislation apparently contemplated nonbinding conciliation of disputes by a hierarchy of agricultural committees at the cantonal, district, and provincial levels. A 1958 circular‡ modified the makeup of the cantonal or village agricultural committee while terminating the role of the district and provincial committees. Such local agricultural committees have been established in 1,472 of the 2,477 villages and in 37 of the 177 cantons in the Republic of Vietnam.§ These committees have handled 17,614 disputes since 1962. According to official statistics, satisfactory solutions were obtained on 15,704 cases; however, 1,932 cases were not resolved.** There is also some indication of the revival of a conciliation mechanism at the district level.

* Appendix D-3.

† Appendix D-6.

‡ Appendix D-2, Part III (new): Circular 67-BDT/CCDD/TT, dated October 25, 1958, stipulated that the District and Provincial Agricultural Committees would "temporarily cease their activities."

§ Appendix B-10, Directorate of Land Reform, "Monthly Activities Report," dated September 13, 1968.

** Ibid.

If conciliation fails, the parties in theory have access to the Special Land Reform Courts.* A tribunal was to have been established in each province but only four have actually been established--in Saigon, Long An, Dinh Tuong, and An Giang. These courts have heard 2,100 cases (including some before 1962). Of these, the disagreement concerned rent in 310 cases, period or time of contract in 251 cases, pre-emption (right to buy) in 151 cases, landlord repossession of land in 1,100 cases, regularization of tenure in 109 cases, and miscellaneous problems in 179 cases.† Decisions of the court must have the approval of the National Council for Land Reform.‡ In an intermediate screening step, the Commissioner General of the Land Courts gives his conclusion as to the court's decision before the Council's determination.

Seventy-six cases decided by the provincial courts up to the end of 1959 were reversed by the National Land Reform Council on advice of the Commissioner General and republished by the Commissioner in booklet form and distributed to all judges. This booklet appears to be the only source of precedent for judges sitting on landlord-tenant matters, since other decisions have not normally been reproduced in multiple copies or sent to the judges.

In the course of this study, 66 of these cases were translated and examined in an effort to make a judgment on the strength and weaknesses of the system. These cases represented about 3 percent of the total number of cases decided by the courts.

The average time lapse from the decision of the provincial court to that of the National Council was just under six months. Many months elapsed between the original assertion of the claim and the provincial court's own final determination, although exact figures are not available. In the one record examined completely, the dispute began in April 1965 and went through the various proceedings for nearly 2-1/2 years; the final decision, by the special land court, was in September 1967.

The decisions of the National Council reflected considerable formalism, but no detectable bias for or against the tenants in determining the law and few or no unreasonable departures from the interpretations that would be expected based on the written text of the ordinances and subsequent regulations.

* Appendix E-4, Directorate of Land Reform, Article 26, Established by Decree 498-DT/CCDD, dated November 27, 1957, modified by Decree 558, dated December 5, 1958.

† Directorate of Land Reform, op. cit.

‡ Appendix E-4, Article 24, Established by Decree 74, dated April 4, 1957.

Where the tenant was the plaintiff in the action, relief was obtained in only 10 out of 33 claims; relief was denied in 23 claims on a variety of grounds (ranging from inadequate documentation, to absence of a written contract, to lack of jurisdiction because it was not riceland). Landlords fared no better as plaintiffs, with relief granted in only 24 out of 71 claims.

Where landlord-defendants raised counterclaims against the plaintiff tenant, they obtained relief in 4 out of the 21 claims. Tenant defendants counterclaiming against landlords obtained relief in 10 claims out of 61.

When a decision is reversed, it is remanded for further proceedings, not to the original court, but to an adjoining provincial court. This is done in the belief that the reversed tribunal would simply persist in its error, ignoring the reversing judgment.

It is apparent that the slowness, geographical remoteness, and highly formalized procedures of the land courts represented a burden that helped deny effective access to all but the most persistent of the poorer small tenants. However, it also appears that the actual decisions rendered by the courts were on the whole, fair, reasonable, and unbiased. The sample of precedent-making decisions dates from before 1960, and while it is conceivable that this situation has changed, this is unlikely as long as the Commissioner General continues to review all divisions.

Another important question is the availability of the judicial mechanism to tenants, with substantial indication from field interviews that tenants fear loss of the land if they pursue a dispute with the landlord. On the other hand, it is significant that since 1962, nearly 18,000 disputes were settled out of court at the village level compared with 2,100 cases heard by the courts. It indicates an informal or nonlegal system of local adjudication is operative on a considerable scale.

Metayage

The applicability of Ordinances 20 and 2 to the landlord-tenant relationship known as "metayage" or sharecropping is not clear from the ordinances themselves. The metayage arrangement, common in the Central Provinces of Vietnam, resembles the sharecropping system used in the southern United States; it differs from the standard Vietnamese tenancy arrangement in that rent payments vary with production on a set ratio, rather than being fixed rent set in advance. Metayage was made legal by Articles 1199 to 1209 of the Royal Civil Code of Annam in 1930. Ordinance 20 (in Article 3) defines the term "sharecropper," distinguishing it from "tenant,"

but does not again refer to the sharecropper by that term. Ordinance 2 states (in Article 7): "No verbal lease is valid," and contracts under metayage apparently are customarily informal (rather than written). The question of whether metayage arrangements were to be subjugated to the requirements of Ordinances 20 and 2 was resolved by excluding them. Circular 22 dated June 10, 1959, stated that "about metayage sharecropping we maintain the present structure."

What the "present structure" is can be seen from the 1925 decree, which established--and continues to represent, except where specifically superseded by later ordinances or regulations--the property law for the region that was formerly Cochin China. Under this decree, the landlord and the sharecropper fix their shares by contract but in the absence of a contract stipulation, the crop is divided 50 percent to each party (Article 257); an additional obligation to pay a fixed rent may also be agreed on (Article 256). The lessor has the right generally to supervise the cultivation of the land, although the exact meaning of this right is left to contractual stipulation and, in its absence, to "the usage of the community" (Article 258). In case of crop failure, the parties bear the loss in proportion to their share of the crop (Article 260).

Apart from these specific provisions, the sharecropper is stated generally to fall within the same pattern of rights and obligations as the standard farm tenant under the 1925 law. Particular reference is made to several general articles as applying to the sharecropping arrangement (Article 262). These articles provide for nonindemnified termination of the tenancy on sale of the property by the landlord, unless, apparently, the tenancy contract was a written one with a set term. If the formalities were set, there could be no eviction by the new owner unless the lease reserved this right, and then there had to be indemnity equal to one-third of the rental for the time remaining on the lease (this would presumably be impossible to calculate in advance where it depended on the actual crop produced). It is not clear whether a further provision for a one-year eviction notice by the new owner applies only where there is a written contract (Articles 234-7). The other articles referred to, as applied to the sharecropper, require the lessee to use the property for the purpose stated in the contract (Article 245) and make him answerable for damage, loss, or fire affecting the property unless he can show it was not his fault (Articles 252-3).

Since Ordinances 20 and 2 were construed to exclude metayage and the old law remains fully in effect, the typical legal profile of the metayage sharecropper without a written contract would appear to be that of a tenant who pays 50 percent of his actual crop as rent, shares losses on crop failures, is supervised by his landlord to a degree that accords with

local custom, and is subject to eviction (apart from other reasons such as failure to heed his landlord's legitimate directives) if his landlord sells out.

Usufruct

The French-derived Vietnamese property law makes provision for a temporary, high order property right called "usufruct." Usufruct is an established Vietnamese principle that includes three features: (1) termination of rent or payment by the cultivator, (2) security of tenure for the cultivator, and (3) insulation of the cultivator from the landlord and from all possible landlord harassment and demands.

Usufruct might be described as a passive trust of land in which the one who occupies the land is known as the usufructuary, who receives the profits from the land, usually until his death, while bare ownership resides in another person whose rights are essentially limited to surveillance to ensure that the property is not despoiled. While the institution is similar to the "unexecuted use" of old English property law, the more modern functional equivalent is the division of ownership between the holder of a life estate in land--such as the dower-electing widow in states having dower rights--and the holder of the reversion or remainder interest.

The French-Vietnamese usufruct concept is more flexible than the life estate, however, for it may also be ended on stated conditions other than the death of the usufructuary, such as the passage of a designated period of time. While he holds the usufruct, the usufructuary has essentially the untrammled use of the property, including all easements, rights, and servitudes (rights of access, rights of subjacent, and lateral support for buildings or ditches, water rights, and so forth) held by the recorded owner. The usufructuary is limited only by the requirements that he make maintenance repairs and not commit depredations, which are substantially equivalent to the obligations of the holder of a life estate under Anglo-American law not to commit "waste." The bare owner cannot detract in any way from the usufructuary's rights. He may not, for example, affect those rights by selling the land to another. Neither does he have any reserved right to take back the land for his own cultivation nor to direct the way in which the usufructuary is to cultivate the land.

The usufruct institution appears to have had a wide variety of uses in the Republic of Vietnam in connection with land affairs administration, including the rights commonly acquired by a widow on the death of a husband owning real estate, the rights held by parents with respect to the property of minor children, the rights often granted with respect to land

to be held for ancestor worship, and the rights held by villages with respect to a large portion of communal lands. In the latter case, the GVN holds the bare ownership, and the village as usufructuary frequently exercises the usufructuary's right to grant or rent a portion of his interest to another.

Landlord-Tenant Relationships--Uncultivated Land

The need to deal with landlord-tenant relationships concerning uncultivated land was created by the serious drop in rice production during the time of trouble before 1955. Many farmers had abandoned riceland because of the conflict with the Viet Minh. To bring abandoned lands back into production and hence increase the national rice output, the government provided for recultivation of these lands in Ordinances 7 and 28.

Types B and C Contracts

Ordinances 7 and 28 provide a procedure for annual listing of such lands (Ordinance 28, Articles 3-6) and a framework for three-year rentals⁴. A landlord listing his lands has the choice of cultivation himself or of entering into contracts(s) of Type A (standard lease, already discussed) or Type B. The Type B contract* resembles Type A in most particulars except that the tenant is exempted from paying rent the first year and will have to pay only one-half and three-fourths of the agreed annual rate in the second and third years, respectively. The Type B contract, which reduces the owner's income, also exempts him from land taxes (Ordinance 7, Article 4).

If the owner of uncultivated land either failed to list his land or failed to make satisfactory provision for its cultivation, he was "considered absentee" and the provincial census committee was to enter into a lease contract on his behalf, using the Type C contract.[†] The Type C contract is quite similar to the Type B contract except that the public agency is named as lessor or as "acting on behalf of" the landowner. Under this contract, as under Type B, the owner is exempted from land taxes (Ordinance 7, Article 10).

In brief, the basic differences of the three types of contract are:

- Type A - Standard lease, landlord present; cultivated land

* Appendix D-15, Tenant Contract Type B.

† Appendix D-16, Tenant Contract Type C.

- Type B - B contract; landlord present; uncultivated land
- Type C - C contract; landlord absent; uncultivated land

In both the Type B and Type C contracts, the tenant's rent payment is reduced by 100, 50, and 25 percent, respectively (i.e., he pays nothing, one-half, or three-fourths of the usual rent) in the first, second, and third years of the contract. Presumably, the reason for these lower rates is to recognize the higher costs of putting uncultivated land back into production. The rentals for the absentee landlord (Type C contracts) are to be collected by the Provincial Chief who, after deducting "all expenses and taxes" (nonproperty taxes, presumably), deposits them in a special account in the provincial treasury (Ordinance 28, Article 13).

On lands owned or controlled by the GVN, the Province Chief is delegated the power to lease land and collect rents. The Province Chief may exercise this power directly or delegate it to lower levels of government.

Contract Renewal and Transmutation

Article 12 of Ordinance 7 provided as to Type C contracts that, if the landowner were still absent "at the end of the first three-year period, the tenancy contract shall be renewed for another period of five years. The new tenancy contract shall be established in accordance with the provisions" of the basic landlord-tenant ordinance (i.e., will be a Type A contract). While this language appeared to apply only to the Type C contracts, the forms extended but weakened the renewal provision, stating in both the Type B and Type C contracts that "at the expiration of this three-year period, the contract might be renewed" for five years. Both forms appear to incorporate the limitations of the basic (Type A) landlord-tenant ordinances regarding cancellation or nonrenewal. However, even the clearer language of the statute concerning renewal leaves open the question of whether the "new tenancy contract" for five years can "be established" without the formal signing of a new Type A contract. To put it another way, even the ordinances make no express provision for the transmutation of a Type C tenancy contract into a Type A tenancy contract after three years simply by a process of tacit renewal.

Other Considerations

The Type B and Type C contract forms appended to Ordinance 7, and the forms actually in use, make provision, in the case of the B contract, for all of the ancillary facilities described in the full A contract: renting of agricultural implements and livestock; seed and fertilizer loans; and

"grant" of dwellings, fruit trees, and fish ponds located on the leased land (as in the A form, there is no statement indicating that a money entry is to be made under the latter category). Those things that were missing from the A contract are likewise missing here. In the case of the C contract, presumably because there is no contact with the absent landlord to serve as a basis for his supplying the other items, only the section as to grant of dwellings, and so forth, is included.

Both forms contain a provision for reduction to two-thirds of the rent if one-third of the crop is lost due to unavoidable circumstances and for exemption from rent in case two-thirds is lost. The Type B contract specifies "the lessee shall have to pay only two-thirds of the annual rent" in case one-third of the crop is lost, and is thus not explicit as to whether this sharing of loss applies to the fixed, basic rent or to the residual amount left after exemption in the early years of recultivation. Would a lessee who suffered destruction of half his crop in the third year of recultivation pay three-fourths of the fixed basic rent, or only two-thirds of the three-fourths, i.e., one-half? The Type C contract, however, ties loss sharing to "the land rent as provided for in Article 6 of this contract," making it clear that the rent as finally determined by the procedures of Article 6 would be reduced to two-thirds under the loss sharing clause.

Thus, the Type B and C tenancies raise substantially all of the interpretative problems of the A tenancies, as well as raising certain additional interpretative problems of their own.

Lands Expropriated Under Ordinance 57

The lands expropriated under Ordinance 57 were privately held lands, with all holdings over a prescribed limit (retention limit) to be given to the government in exchange for prescribed compensation. However, the converse of expropriation--redistribution of such lands to land hungry farmers--was also a part of the land reform program; in this matter Ordinance 57 was modified continually by a series of subsequent regulations, especially since questions of definition and interpretation of the laws came up time after time.

Lands Affected and Retention Limits

Ordinance 57 stated in Article 2 its application to "privately-owned abandoned land suitable for rice cultivation and land under cultivation in

excess of the maximum area that landlords are legally allowed to retain." * By riceland was explicitly meant land annually cropped and otherwise suitable for riceland cultivation. In Article 4 of Ordinance 57, ricelands were defined to exclude industrial crops, which are nonannual crops, livestock farms, model farms, forests, and concession lands. Circular 22[†] also defined riceland to include land suitable for rice production but excluding land used to produce industrial crops.

Each landlord was to submit a written declaration as to the ricelands owned if he had more than 100 hectares.[‡] The deadline for filing this declaration without invoking the criminal penalties of the ordinance was ultimately extended into 1965.[§] These extensions of time apparently were designed to induce rather than compel landlords to declare their oversize holdings. Penalties and punishments were provided, but no evidence has been encountered of penalties levied for such failure to declare.

The landlord was allowed to select the 100 hectares he would retain, with no requirements of contiguity (Article 3). Of the amount retained, the landlord could himself exploit only 30 hectares--thus it was clear that Ordinance 57 was not designed to eliminate the institution of landlordship, for an owner of 100 hectares would remain a landlord with respect to 70 hectares.**

Article 5 allowed an additional retention area not to exceed 15 hectares for certain special types of worship lands, details of which were to be fixed by a special committee. By a circular issued in June 1957, the special committee fixed the additional retention area as 15 hectares in southern Vietnam and 5 hectares in the central part of the country.^{††}

* Appendix E-2, Article 2.

† Appendix E-4, Articles 2 and 4 of Circular 22 DTCC/TT, dated May 28, 1957, implementing Ordinance 57, dated October 22, 1956.

‡ Appendix E-3, Part IV; Circular 1, dated January 7, 1957; Circular 5, dated March 21, 1957; Communique 3093, dated September 9, 1959.

§ Appendix E-4, Article 28; Decree 359, dated December 10, 1964.

** Appendix E-5, Circular 8/BDT/CC/TT, dated February 27, 1961, stated the decision of the National Council for Land Reform as being that "the Council allows the landlord to rent freely his land (i.e., within the retention area) without limitation of area." Circular 4095-BCTNT/HC/TC3/TT, dated March 25, 1964, however, stated that "tenants should not be allowed to rent more than the self-farming area of a landlord which is 30 hectares."

†† Appendix E-4, Circular 1982, dated June 6, 1957, Supplementary Circular 22, dated May 28, 1957.

Since there were few estates of more than 100 hectares in Central Vietnam, the Ordinance 57 land reform had virtually no effect there. However, this device to permit retention of additional land was of some importance in the Southern Region.

The 15-hectare maximum limit for worship land has been construed not to apply to "garden land;" thus, following the example given in Circular 49 of September 24, 1957, a landlord with 127 hectares of land, composed of 100 of riceland, 15 of worship riceland, and 12 of garden land,* could retain the whole.

The lands included as "worship" lands were any of the following if handed down by the landlord's ancestors: Huong-Hoa Land (land left by parents to their descendants for the worship of ancestors); Hau-Dien (land given by an individual to the village/community on the condition that the village/community will worship him or his parents after his death); and Tu-Duong Land (land given by an individual to the community to be used for public worship). The worship land had to be established before the promulgation of Ordinance 57.

The ordinance provided that all lands recorded under a landlord's name were to be totaled in applying the retention limit (Article 7). The estate of a landlord dying after promulgation of the ordinance was to be considered as a single property (Article 10). All certificates of ownership rights, real estate securities, and mortgages not "properly dated" before the effective date of the ordinance were to be considered invalid. This was an attempt to prevent frustration of the law's purpose by nominal transfers of large estates into the hands of relatives or nominees. However, if there was a "properly dated will" before the date of the ordinance, it was apparently permissible to divide the property just as though there had been an actual sale at such earlier date.†

Later regulations appear to have made it possible to avoid the date-of-transfer provision by the use of fictitious or nominal transfers. This may be due in some part to persons obtaining knowledge of the ordinance before its passage. In addition, later regulations made it difficult to control the predating of postordinance instruments. Comments concerning Articles 7 and 9 in Circular 22, dated May 28, 1957, indicate that:

1. The true date of the document (transferring ownership, etc.) would be considered, even if it had not yet been placed on the land register.

* Appendix F-11, Article 9, Circular 22, dated May 20, 1957, and comments following. "Garden land" is construed as land in fruit trees or small vegetables.

† Appendix E-4, Circular 22, dated May 28, 1956, Article 5.

2. Such documents could be produced at the Provincial Land Affairs office up to 20 days after the date of the circular, which was itself issued seven months after Ordinance 57.
3. The document presented would be considered by the Province Chief, who would forward it with a recommendation to the Ministry of Land Affairs and Land Reform (in theory, the file containing all of these recommendations should be available for examination).
4. The criteria for documents "having undoubted date" included documents showing this date signed by a notary or documents referred to in a notarized document showing a preordinance date of certification (if, in the latter cases, the party could prove payment of the certification fee to the village budget).

However, the time to produce such documents of "undoubted date" was ultimately extended to January 15, 1959,* and then to March 31, 1960.† Hence, it appears that the law was made dependent on the ability of the administrative system to screen documents presented up to 27 months after the ordinance was passed as being "properly dated" under the indicated criteria. "Declared land for expropriation" in the data supplied by the Directorate General for Land Affairs is for the year 1960, although many individual parcels were acquired before that time. An unknown but probably very small amount of land held outside the 100 (or 115) hectare limit has escaped the acquisition procedures of Ordinance 57. For example, recorded information indicates that land parcels registered in the names of deceased landlords and subject to distribution by inheritance created legal complications in terms of applications of statutory limitations on the size of holdings.

Circular 6729, September 24, 1962, declares that drains, paths established by the landlord, and marshes and ponds were to be expropriated under the assumption that "the accessory follows the principal," and the recipient was to purchase these accessories. It noted that up until then, no recipient had purchased these accessories but had considered them as stateowned land after expropriation. At least in terms of U.S. jurisprudence, this is an unusual concept. These things would ordinarily be considered part of the land purchase, and there would be no attempt to value them separately--a difficult task. A dwelling would, of course, ordinarily pass with the land under U.S. law, although an effort to value it separately would not be considered as unusual or too difficult a task.

* Communiqué No. 3329, dated December 31, 1958.

† Communiqué No. 6041, dated November 13, 1959.

Allotment of Land

The allotment of expropriated land was provided for in Ordinance 57, and successive regulations attempted to clarify problems and questions as they arose. The major topics of concern were: priorities of those who were to receive the land, conditions of ownership and land operation, and implementation of the laws.

Eligibility and Priorities. Ordinance 57 set priorities for allotment of land to the peasants, giving first priority to tenants (with or without a contract) or workers who had cultivated the land for more than two years. According to Article 12, next in order are war veterans, refugees, or people returning to a pacified village; unemployed, small landowners with more than five children and fewer than three hectares; and landless people generally.

A special problem concerned squatters* and those who had been given land by the Viet Cong; these persons were excluded from eligibility originally, but have been included since about 1963.

Under Circular 56 of November 21, 1956, there was to be a census of farmers requesting land under Ordinance 57. The recipients were to get an average of three hectares, or to get from three to five hectares depending on interpretation of a latter circular.† Actual distribution has averaged a little less than 2.2 hectares per family.

Conditions. The new landowner was subject to certain restrictions incorporated in Ordinance 57. The land would be "provisionally registered" in the name of the recipient, who was to pay off in a maximum six-year period the same "condemnation price" that the former owner was to receive from the government over a 12-year period. During these six years, title was to remain with the state (Article 14), even for four years beyond that time (a total of ten years), and the land could not be rented, mortgaged, resold, or seized to pay debts (Article 16). If the new owner (1) did not put the whole area under cultivation within one year, (2) did not participate in the program of agricultural development and similar activities in the common interest (Article 15), (3) cultivated the land in a negligent

* See later sections concerning squatter lands and "confused" lands.

† Appendix E-4, comments following Article 12, Circular No. 22, dated May 28, 1967. This says both "Normally, the average area to be distributed as a unit is three hectares" (emphasis in original), and "Each family may receive from three to five hectares."

manner, or (4) became insolvent before paying for the land in full (Article 30), the government was to have the right to take back the lands without reimbursing him for the money already paid (Article 30). He could, besides, be imprisoned up to two years and fined up to 120,000 piasters (Article 27).

Despite these formal provisions, many land recipients have failed to maintain their schedule of payments. Only about one-third of the new owners (41,667 of 116,890) have made any payment, and overall only 22 percent of the payments due have been collected.* However, it seems doubtful that any of the penalties were applied. Inflation has now substantially affected the amounts remaining due for the land, since the bulk of recipient indebtedness was incurred in terms of pre-1962 prices. The net effect of inflation on the new owners has been to reduce the effective price of the land and to reward postponement of payment.

There have been a number of revisions to the original provisions. A 1964 decree[†] modified Article 14 to increase the payment period for recipients from six years to 12 years, and another change extended the no-rent, no-pledge, no-sale provision of Article 16 to a date six years after the farmer completed his payments: a normal total of 18 years.[‡] In 1965, a circular provided that "permanent ownership titles" should be issued to recipients, and a decree in October 1965 provided that the land must be immediately recorded under the name of the recipient, not just "provisionally" so.[§] While the provisions of this circular may have had psychological advantages, their legal effect would appear minimal, since the government was to retain a mortgage pending full payment, and Article 16 remained in force with its 18-year moratorium on sale, rental, or any use to secure debt. Indeed, essentially the only incidents of normal legal ownership that the recipient has had, and continues to have, are (1) freedom from claims for rent or eviction by private parties asserting superior title and (2) protection, by virtue of the recording (provisional or not), from superior claims by bona fide third parties due to fraudulent "second sales" by former owners.** Although these are important ownership rights, they did not add legal advantages to those already enjoyed by the land recipients.

* Appendix B-10, Directorate of Land Reform, Monthly Activities Report, dated September 13, 1968.

† Appendix E-8, Decree 008, dated October 2, 1964.

‡ Appendix E-7, Circular 13.157-BCTNT/HCTC-3, dated September 7, 1964.

§ Appendix E-4, Circular 9277, dated August 23, 1965, and Appendix E-9, Decree 020/65, dated October 8, 1965.

** Appendix E-10, 002/66, dated February 15, 1966.

Payments were to commence with the harvest in the year following receipt of the land, thus providing the new landowner with an opportunity to make payment from his crop earnings. A recent circular allocates up to three hectares of Ordinance 57 land free to the cultivator when the land is located in land development and resettlement centers, and also extends to 17 years the repayment period for war veterans, veterans' widows, and direct descendants of veterans.*

Implementation. The Ordinance 57 distribution program had two relatively good years, 1960 and 1961. About the middle of 1961, the distribution abruptly slowed, and an average of only about 1,000 hectares per year was distributed in the subsequent years. The reason for the slowdown is hard to pinpoint. In an interview with a highly knowledgeable official of the central land reform administrative organization of that time, it was suggested that a division of responsibility, which he recalls occurring in May 1961, and a decline in available administrative personnel were related to the decline in land distribution. It may be added that a November 1961 circular allowing provincial authorities to rent out undistributed lands and retain 40 percent of the rents collected may have helped "freeze" the situation.† Security was also a major factor in slowing distribution.‡

Compensation of Landlords

A landlord was to be compensated for the lands expropriated in accordance with the "current value of his land," to be established by a special committee (Article 20). Special Provincial Committees were set up to determine prices of crops. Special district committees were to determine average yields. From these two figures, the Land Affairs office computed the value of the land according to the land quality (A, B, C, or D) and by one-crop, two-crop, and broadcast riceland. This division of duties introduced some protection against biased or arbitrary figures. The highest value for single-crop Class A riceland was 12,000 piasters per hectare (in Long An). This compares, for example, with a value of 4,000 piasters per hectare for Class C broadcast riceland in Vinh Long. At this time, the official exchange rate was 35 piasters per U.S. dollar and the unofficial rate, between 70 and 85 piasters.§ Ten percent of the compensation to the

* Appendix E-4, Circular 8379, dated August 12, 1967.

† Appendix E-4, Circular 6, BDTNT/DT/CC/TT, dated November 3, 1961.

‡ See Chapters 4 and 5.

§ Appendix E-4. The basic valuations are set forth in Circular 45-DTCC/TT, dated September 11, 1957.

landlords for expropriated land was to be paid in cash, the balance to be paid in nontransferable bonds to be amortized over 12 years and bearing 3 percent interest (Article 21). The bonds could be pledged as security with, and were legal tender for mortgage debts contracted with, the Agricultural Credit Fund. They could be used to pay land and inheritance taxes on the expropriated lands and to subscribe the securities of certain government-established industries.*

Although Ordinance 57 did not seem to raise the question, there was apparently serious doubt at one point whether compensation would be paid for uncultivated lands. Circular 8 of February 27, 1961, decided that it would, but that owners of "abandoned uncultivated lands" would be last in line. Overall regulations as to payment were set in 1957 and subsequently modified.†

Further provisions of Ordinance 57 dealt with ancillary facilities of various kinds. There was supposed to be a separate expropriation of dwellings occupied by the recipients, which, if they were the property of the expropriated owners, would continue to belong to them until bought by the government at the current value and sold to the farmer for repayment over a 10-year period (Articles 17 and 18). There is no indication that acquisitions have been carried out under these articles or that failure to carry them out has raised any significant problems for the land recipients.

Agencies Responsible for Land Reform

Ordinance 57 (in Articles 24 and 25) also contemplated a Land Reform Council and a series of committees and local subcommittees. The National Council for Land Reform was established in 1957,‡ and together with three national committees, constitutes the centralized organ of land reform. The essential functions of these committees were: (1) official interpretation of regulations; (2) listing of land, administration, and title issuance; and (3) finances.

Article 26 stated that Land Courts were established to examine violations and settle disputes, their powers and procedures to be fixed by

* Article 22. The identity of these enterprises was fixed by Decision 335, dated August 11, 1959.

† Appendix E-3, Decree 500, dated November 29, 1957; modified by Decree 81, dated April 1, 1959, and Decree 28, dated January 26, 1960.

‡ Established by Decree 74-DT/CCDD, dated April 4, 1957, with its composition subsequently altered by Decree 217, dated June 18, 1964.

decree. The Land Reform Court was established by a decree later in 1957 (modified in 1958),* and was given powers both in the landlord-tenant area and under Ordinance 57.

Article 27 allowed up to two years' imprisonment and 120,000 piasters' fine for any action "aimed at impeding or delaying the implementation of this Ordinance." However, it is believed that no criminal penalties have been imposed.

There appear to have been at least two major changes in organization affecting Ordinance 57 administration. A 1962 arreté[†] organized a new central administrative structure, the Directorate General of Land Affairs, which was given broad functions in virtually every area of land regulation. The responsibilities of the Directorate General, as stipulated by another decree,[‡] include the following:

1. Surveying, aerial photography, mapping, and printing of maps.
2. Control of "the application of regulations and legal statutes of land registration and cadastral management."
3. Establishment, maintenance, and updating of land records.
4. Following up of the enforcement of farm contracts stipulated between landlords and tenants.
5. Expropriation of big landholdings and redistribution of the land.
6. Solving of all affairs related to land concession.

Three technical agencies at the national level were established within the Directorate General: the Technical Directorate (also referred to as the Cadastral Directorate), the Legislation and Land Registration Directorate, and the Land Reform Directorate.

The Director General for Land Affairs is a member and executive secretary (spokesman) of the National Council for Land Reform.[§] The Directorate

* Decree 498-DT/CCDD, dated November 27, 1957, modified by Decree 558-DT/CCDD, dated December 5, 1958.

† Arreté 200, dated May 8, 1962.

‡ Arreté 489, dated August 27, 1965.

§ Decree 217, dated June 18, 1964.

General, in turn, is now a part of the Ministry of Land Reform and Agriculture.*

In a second major change, a 1966 decree,[†] which introduced local elections, also reorganized village and hamlet administration. There is now a Commissioner for Agricultural Affairs on the Village Administrative Committee whose functions include carrying out some matters dealing with land reform such as assisting in certain matters pertaining to land survey and registration, administration of village-owned lands, and establishment of land tax rolls.‡

Lands Other Than Expropriated Lands

Additional important elements of the legal framework relevant to land reform relate to former French lands, concession lands including squatter occupied lands, communal lands, land development and resettlement center lands, Montagnard lands, religious land, and "confused" lands.

Former French Lands

French citizens could be compensated for their lands either under the terms of the Vietnamese-French Agreement of September 10, 1958, or under Ordinance 57 procedures.

The basic liability of French-owned lands under expropriation was fixed, as for all privately owned lands, under Ordinance 57. Hence, the same limitations apply: ricelands only are affected; preordinance subdivision or sale is to be allowed, and there is a 100 (or 115) hectare retention limit on ownership.

Special funds for the purchase of the bulk of ricelands owned by French nationals--1.49 billion old francs[§]--were granted by the French government under the Vietnamese-French Agreement.** Records dated September 12, 1968, show that total payments of 1.38 billion francs to date have been made.^{††}

* See Chapter 4 for further discussion.

† Decree 198, dated December 24, 1966.

‡ Circular No. 96-DNC/NC/6, of the Special Commissioner for Administration to Province Chiefs, dated January 9, 1967, para. IV-B-a(6).

§ Approximately \$3,725,000 using an exchange rate of 400 to 1.

** Most of the French owners chose to take payment out of the French franc fund and for their full holding rather than choosing to retain 100 (or 115) hectares.

†† Appendix B-10, Directorate of Land Reform, Monthly Activities Report, dated September 13, 1968.

Most of the French lands were large plantations, privately developed with mechanical and hydraulic systems, and thus were not well-suited to immediate distribution in small parcels. In the interim, the plantations were "direct operated" as state farms, but this proved to be unprofitable. "Temporary management" was turned over to Province Chiefs who were "entrusted with the signing of contracts with tenants, supervising the cultivation, and collecting the rents."* At the same time, the province officials were requested to study alternatives for ultimate use of the lands including establishment of agrovilles, land development centers, and state-managed plantations; allocation to soldiers' families; and, later, allocation for sale to farmers in accordance with Ordinance 57. A circular the next year[†] confirmed the continuation of temporary management by province authorities.

The temporary arrangement continued until 1965 when the decision was made[‡] that the former French lands were to be allocated for sale under procedures similar to those used under Ordinance 57. First preference went to current tenants, and subsequent preferences were to follow the pattern already established (Ordinance 57, Article 12). The maximum amount allocated would be 3 hectares of transplanted riceland or 10 hectares of broadcast riceland. The price was to be paid in 12 installments, "based on the current yield and calculated in accordance with those prices" fixed for expropriated land. Apparently the price was therefore to be the same as for similarly productive land acquired with piasters and piaster-bonds, although the French government had supplied the funds for acquisition of the former French lands.

Allocation was in theory to be immediate for one category of lands, "scattered small rice plantations," to be allocated according to the current situation of "squattling farmers." However, "large rice plantations" were to be allocated according to a "plotting plan" that would (1) adjust the boundaries and facilitate groupings for maintenance of irrigation systems where the holding had such systems (canals, dikes, dams) and (2) be in accordance with a plan for improving irrigation systems where the land holding did not have such a system. Implementing committees were to be established at the national and provincial levels.

An April 1967 summary by the Directorate of Land Reform[§] reaffirmed the policy of the 1965 circular: "It was realized that renting the French

* Appendix F-5, Circular 009-BDI/HC/TT, dated February 22, 1960.

† Appendix E-7, Circular 6-BCTNT/DI/CC/TT, dated November 3, 1961.

‡ Appendix F-9, Circular 9277-BCN/HCTC.3, dated August 23, 1965.

§ Appendix F-15, French Land.

lands was against the Government policy in implementing land reform. Land reform is limiting the size of private-owned lands so as to have more land to distribute to the poor farmers; therefore, it is improper to take these French lands for Communal lands." It adds that the provisions of Ordinance 57 should be applied.

Concession Lands, Including Squatter Occupied Lands

Among the lands owned by the GVN, including Ordinance 57 or former French lands, the central government owns certain lands that are available for concession to private individuals for development. The procedure for squatter claims appears to be a modernized version of a French concession lands decree of 1928 and subsequent administrative orders. Like the older concession procedures, the modern procedures relate almost entirely to lands once owned by the governments of Annam and Cochin China, and now owned by the GVN. Concessions were obtainable with respect to land that was not cultivated but was suitable for cultivation, and such land would have to be developed by the concessionnaire as a condition for acquiring ownership.

Approximately 180,000 squatters have occupied public and private lands for purposes of dwelling as well as raising crops.* Of this number, 33,852 have been identified as occupying 274,945 hectares of lands including 90,668 hectares of cultivated lands. Much of this land is reported to be in An Xuyen and Kien Giang provinces. According to statistics compiled by the Directorate General of Land Affairs, the squatters were actually farming an average of about 3.5 hectares per family.

To assist in the rehabilitation of these squatters, a number of regulations were issued, beginning in November 1964, establishing procedures for squatters to obtain titles for the lands they occupied--up to 10 hectares without payment* and the right to buy additional land to farm. Under these procedures, 2,037 hectares have been distributed to 2,878 persons.† This, however, is only 8.5 percent of the 33,852 identified squatters, and if the estimated total is considered, the effect of the distribution must be negligible. Nevertheless, these squatters have apparently declared their intentions to acquire land, with each applicant desiring to obtain slightly more than 10 hectares.

* Appendix G-5.

† Appendix G-6.

Communal Lands

Communal lands are public lands controlled by the villages and used for social welfare purposes and to provide a means of living for those who have no land. These lands are of two types:

1. Cong Dan Dien Tho or nationally owned land on which the village enjoys usufruct rights. In case of expropriation, the government pays indemnities only.
2. Tu Dan Dien Tho or village-owned land.

The Cong Dan Dien Tho lands were created (1) by mandarins and other senior officials; (2) by expropriation from rebels, big landowners, and properties left interstate; (3) by royal gifts; and (4) by villages that cleared forests and drained swamps. The Tu Dan Dien Tho lands were acquired as gifts from wealthy men or were purchased by villages using village resources. For this report, both Cong Dan Dien Tho and Tu Dan Dien Tho lands will be considered together as communal lands.

Present Status of Communal Lands. The latest information available on the status of communal lands is included in Table 6. The table shows the number of hectares in each province, in terms of communal ricefields and other fields. However, it is also necessary to know the status of these lands in terms of whether they are cultivated, and if so, under what contractual conditions. The information shows that substantial proportions of these lands are uncultivated. Table 7 presents such information for three provinces.

Apparently lack of security discourages communities from breaking and cultivating reverted or wild lands.

Communal lands have not been subject to any governmental distribution policy. However, by recent enactments in 1965* and 1966,† they have been brought substantially under the landlord-tenant controls of Ordinance 20 and 2 (described earlier in this chapter), with the village as the landlord. These policies appear intended to apply to lands held by the village in usufruct.‡ The recent regulations exempt from rent control an

* Appendix H-1, Official Circular No. 9275-BCN/HCTC.3, dated August 23, 1965.

† Appendix H-2, Official Circular No. 5619-BCN/HCTC.3, dated May 27, 1966.

‡ See Circular 5, dated January 18, 1955, and other circulars regarding policies of land belonging to villagers.

Table 6

COMMUNAL LANDS AND RICEFIELDS IN THE REPUBLIC OF VIETNAM, 1960
(Hectares)

Provinces	Area of Each Province	Cultivated Area	Communal Lands		
			Total	Rice-fields	Other Uses
An Giang	383,270	336,490	6,319	5,268	1,051
An Xuyen	494,210	146,768	10,265	10,060	205
Ba Xuyen	557,110	409,596	25,175	17,838	7,337
Bien Hoa	140,330	39,379	1,084	266	818
Binh Duong	167,200	85,592	6,286	1,028	5,258
Binh Long	233,400	3,000*	6	0	6
Binh Tuy	403,000	5,000*	167	136	31
Dinh Tuong	222,020	187,133	10,390	8,101	2,289
Gia Dinh	75,720	61,302	4,971	3,193	1,778
Kien Giang	682,830	241,300	16,051	13,455	2,596
Kien Hoa	215,520	193,413	5,937	3,713	2,224
Kien Phong	261,480	196,354	4,724	1,273	3,451
Kien Tuong	229,720	54,222	3,305	3,244	61
Long An	233,180	154,332	11,040	9,697	1,343
Long Khanh	297,130	46,835	5	0	5
Phong Dinh	250,010	191,600	6,163	5,264	899
Phuoc Long	476,360	31,332	113	0	113
Phuoc Tuy	278,350	41,223	3,597	2,301	1,296
Phuoc Thanh	294,720	12,846	1,640	450	1,190
Tay Ninh	406,400	63,527	1,154	929	225
Vinh Binh	287,960	182,555	2,624	1,948	676
Vinh Long	290,000	221,689	4,761	4,372	389
Quang Tri	474,120	30,167	16,740	14,653	2,087
Thua Thien	487,600	127,582	46,548	22,691	23,857
Quang Nam	1,138,600	100,079	21,457	11,175	10,282
Quang Ngai	435,920	77,815	6,009	4,276	1,733
Binh Dinh	967,600	101,913	32,380	24,516	7,864
Phu Yen	716,880	51,469	10,316	1,871	8,445
Khanh Hoa	533,380	29,874	6,907	5,432	1,475
Ninh Thuan	349,780	15,935	4,546	1,296	3,250
Binh Thuan	440,400	33,676	2,133	1,539	594
Dar Lac	1,280,840	12,500*	0	0	0

* Estimated areas..

Table 6 (Concluded)

Provinces	Area of Each Province	Cultivated Area	Communal Lands		
			Total	Rice-fields	Other Uses
Pleiku	886,480	13,166*	956	191	765
Kontum	1,123,000	14,130*	0	0	0
Lam Dong	472,560	7,900	938	0	938
Quang Duc	574,320	6,500*	0	0	0
Tuyen Duc	177,320	30,000*	0	0	0
Total	16,938,720	3,558,194	274,707	180,176	94,531

* Estimated areas.

Source: Secretariat of State for Land Property and Agrarian Reform, Communal Land and Ricefields, Republic of Vietnam, Report No. 5, December 1960.

Table 7

STATUS OF COMMUNAL LANDS IN THREE PROVINCES
(Hectares)

<u>Province</u>	<u>Total Communal Land</u>	<u>Land Leased</u>	<u>Land Uncul- tivated</u>
An Giang	13,961	10,194	3,766
An Xuyen	10,334	2,271	7,061
Ba Xuyen	11,213	5,964	5,519

Source: Stanford Research Institute.

estimated 75 percent of the communal lands in the Central Lowland provinces, which by tradition are divided among all persons in the village over 18.*

Rental Policy. The regulations indicate that almost all of the Southern Region communal lands and 25 percent of the communal lands in the Central Lowlands had been subject to renting on a high-bid basis for periods of one to three years. The regulations now provide that as existing bid leases expire, they are to be replaced by Type A contracts setting a rental of 15 to 25 percent of the estimated average yield of the land. The contract term is five years, but with local authority to revoke on six months' notice to recover the land for "common public use" at any time.

Maximum plot size is to be three hectares in the Central Region and five hectares in the Southern Region, with a caution against making the plots so small that productivity may be affected.

The regulations also state who will get priority to lease the communal land. In order, these are: a disabled or wounded soldier, member of a dead soldier's family, family of a war victim, combat youth, veteran,

* Called quan cap. See Official Circular No. 5619, Sec. I and Note i.

tenant already holding the land under the old bidding procedure (directly or by lease from the winning bidder), and the landless.*

Hence, the new policy not only replaces bidding with Type A tenancy contracts, but also makes communal lands available to persons in war-related activities in preference to any present pattern of use.

The regulations also set up a detailed administrative procedure, with a "Committee for Distribution of Communal Land" to be established in each village. The list of recipients determines the per family area to be rented,† and "estimates the yield and rental rates for the land to be rented."

The 1966 decree and supplementary circular that reorganized village and hamlet administration‡ apparently transferred the basic authority over village communal lands to two members of the Village Administrative Committee acting jointly: the Commissioner for Agricultural Affairs and the Deputy Chairman. How the new powers have been integrated with, or have supplanted, the functions described in the prior regulations on communal lands is not currently known.

The Refugee Problem

Mention has already been made of one aspect of the refugee situation--the attempt by the government to settle the question of squatters on "concession lands." However, the refugee situation has gone beyond the scope and capability of concession land administration and has had to be dealt with in other ways--by refugee resettlement centers and land development centers.

Refugee Resettlement Centers. The first group of refugees came after partition from North Vietnam between 1954 and 1956, by which time there were about 748,000 refugees in the Republic of Vietnam. Many refugees were settled in the coastal provinces--Thua Thien, Quang Nam, Khanh Hoa, Binh Thuan, and Phuoc Tuy--for fisheries and agriculture. Some settled

* The 1965 circular gave, as a prerequisite to any priority, that the persons "be landless or own insufficient land for their cultivation." This qualification was not restated in the 1966 implementing circular, and its continuing effect would appear in doubt.

† Appendix H-2, Official Circular 5619, Sec. 5.

‡ Decree 198-SL/DUHC, dated December 24, 1966.

in the suburbs of Saigon and Bien Hoa and engaged in handicraft and business. Others settled in the ricelands west and south of Saigon, in the hills east of Saigon, and in the highlands of Central Vietnam.

A total of 319 refugee centers were established. By July 1957, some 38,192 hectares of land were cleared. With time, the refugee centers became integrated into nearby villages.

The outstanding example of resettlement of refugees was the Cai San project. More than 50,000 refugees and 20,000 former inhabitants were rehabilitated in this project. Work progressed rapidly to complete 17 canals necessary for irrigation. An example of the work effort, in seven days, 3,000 workmen dug a canal more than 14 miles long.* Each farmer was given three hectares of land, material, and money for a straw house, a small sampan (rowboat) for transport on the canals, and various essentials.

After a relative lull during the decade from 1956 to 1965, the number of refugees began to climb again as the war increased in magnitude and intensity. From 1965 on, military action--especially "search and destroy" missions and the creation of "free fire zones"--contributed considerably to the generation of more refugees.

Table 8 gives an approximate picture of the magnitude of the refugee problem.† By mid-1966, the cumulative total of registered refugees was 1,001,808. Of these, 500,732 were in temporary camps or emergency shelters, 140,502 had returned to their original villages, and 360,547 had been permanently resettled. By the end of 1967, the cumulative total had increased to 2,114,197. Of these, 793,944 were in temporary camps and emergency shelters, 640,917 had returned to their original villages, and 679,336 had been permanently resettled.

To cope with the growing refugee problem, the GVN, in February 1966, created the Special Commissariat for Refugees in the Prime Minister's Office. In October 1967, this agency and the Ministry of Social Welfare were merged into a new Ministry of Social Welfare and Refugees.

* The Secretariat of State for Information, Saigon, "Cai-San, The Dramatic Story of Resettlement and Land Reform in the 'Rice Bowl' of the Republic of Vietnam," p. 8.

† The statistics are only for registered refugees. Some of the autonomous cities (Saigon, Hue, Da Nang, Da Lat, Cam Ranh, and Vung Tau) do not encourage refugees and do not register them. As an exception, in 1966 and 1967 many refugees were settled on farms in Cam Ranh City.

Table 8

TOTAL NUMBER OF REFUGEES, DECEMBER 1967*
REPUBLIC OF VIETNAM

Year and Month	Region I	Region II	Region III	Region IV	Total
1965					
June					
July		262,262	52,179	48,241	362,682
August	218,499	269,004	52,394	53,950	593,847
September	203,855	268,214	67,434	96,249	635,752
October	194,900	283,736	72,239	129,228	680,103
November	194,277	295,064	87,063	143,056	719,460
December	159,100	301,189	101,080	174,489	735,858
1966					
January	164,919	312,210	106,058	201,254	784,441
February	191,587	336,007	131,044	210,074	868,712
March	225,498	341,489	125,821	215,804	908,612
April	231,892	431,700	137,727	220,867	1,022,186
May					
June	256,754	349,823	160,793	234,438	1,001,808
July					
August	305,807	482,959	212,139	360,383	1,361,288
September					
October	331,945	532,620	244,100	398,423	1,507,088
November	345,260	581,740	258,419	431,244	1,616,663
December	346,526	567,353	303,846	460,364	1,678,089
1967					
January	414,133	583,078	289,224	469,930	1,756,365
February	426,277	591,938	295,942	474,901	1,789,058
March	458,368	593,561	302,746	447,075	1,801,750
April	465,983	613,942	305,841	456,106	1,841,872
May	471,691	627,223	315,810	476,446	1,891,170
June	476,927	639,657	318,759	485,480	1,920,823
July	483,396	648,128	320,598	493,276	1,945,398
August	526,718	658,243	321,356	501,781	2,008,098
September	565,806	661,202	325,647	570,305	2,122,960
October	566,942	672,474	326,718	518,508	2,084,642
November	570,242	673,545	330,042	522,261	2,096,090
December	573,068	674,119	331,018	535,992	2,114,197 [†]

* Includes those returned, resettled, and temporary.

† The breakdown consists of 793,944 in temporary camps, 640,917 returned to villages, and 679,336 resettled.

Source: MAC CORDS Refugee Division.

The Ministry provides the following basic benefits for the maintenance and resettlement of refugees:

1. For "temporary" refugees: VN\$15 or 500 grams of rice and VN\$8 per day for up to 60 days.
2. At the time of resettlement: VN\$5,000-10,000, 10 bags of cement, 10 sheets of roofing, and a six-months' supply of rice.

About 62,670 hectares of land have been cleared for agricultural use by refugees (see Table 9). This includes 34,066 hectares in the Southern Region, 27,630 hectares in the Central Highlands, and 974 hectares in the Central Lowlands. The accuracy of these figures is not known. The lands used for refugee centers are usually public lands.

Land Development Program. The Land Development Program was started by President Diem in 1957 and had four goals:*

1. An economic goal to expand agricultural production, and in particular, export products.
2. A strategic goal to develop population centers in remote areas that could provide both personnel and food supplies to support military outposts.
3. A security goal to provide warning posts for Viet Cong insurrection.
4. A social goal to raise living standards by shifting landless families from overpopulated centers and giving them an opportunity to become landowners.

Initially, 210 land development centers were established, covering 149,535 hectares to include 250,000 people. This number increased to 225 centers by 1963. About 12 percent of the land in development centers appears to have been distributed (about 18,000 hectares to 7,385 farmers).

The United States assisted with heavy land clearing equipment. The initial scope of the program is indicated in Table 10.

* Appendix I-3, The Directorate of Land Development, "The Current Situation of the Land Development Program in Vietnam," 1964.

Table 9

AMOUNT OF LAND CLEARED FOR AGRICULTURAL
PURPOSES FOR REFUGEES
REPUBLIC OF VIETNAM

	<u>Hectares</u>
Southern Region	
An Xuyen	5,725
Bien Hoa	552
Binh Duong	551
Binh Long	4,268
Binh Tuy	9,497
Long Khanh *	2,485
Phuoc Thanh *	3,436
Phuoc Tuy	1,839
Phuoc Long	4,762
Tay Ninh	<u>951</u>
Total	34,066
Central Highlands	
Quang Duc	5,891
Kontum	2,345
Darlac	<u>19,394</u>
Total	27,630
Central Lowlands	
Thua Thien	524
Ninh Thuan	<u>450</u>
Total	<u>974</u>
Grand Total	62,670

* Province subsequently abolished.

Source: GVN Directorate of Forestry Affairs, September, 1967.

Table 10

INITIAL AND REMAINING LAND DEVELOPMENT CENTERS
REPUBLIC OF VIETNAM*
November 1963

<u>Region</u>	<u>Original Population</u>	<u>Original No. of Centers</u>	<u>Original Area (hectares)</u>	<u>No. of Centers Still Active</u>
Central Highlands	93,593	104	55,775	88
Central Lowlands	11,118	15	3,617	6
Southern Region	<u>143,265</u>	<u>101</u>	<u>90,003</u>	<u>77</u>
Total	247,976	220	149,395	171

Note: Of the original 210 centers, 154 were settlement centers and 56 were resettlement centers.

* The various data available on land development centers give the original number of centers as 210, 220, or 225 depending on the definition of land development center used in each case which is not specified. It was not possible to reconcile these data. However, in view of the large number of centers that have been abandoned, and the current insecure status of the remainder, need for clarification seems academic.

Source: Unpublished data, USAID, Saigon, November 1963. More recent data not available in this detail.

In November 1963 there were 171 active land development centers and 39 abandoned ones. However, almost 80 percent of the active centers are today insecure or under Viet Cong control.†

The program to establish land development centers was extended beyond the capacity to manage and protect them. Security deteriorated almost from the outset, and inhabitants were unable to withstand the Viet Cong's overt and covert operations. In November 1963, the General Commissariat for land development centers was dissolved and the existing program was frozen. The provincial authorities took over the administration of the centers but often could not maintain security with sufficient forces so that the farmers were relocated and centers were permitted to deteriorate.

† Monthly Report, November 1968, Director General of Land Affairs.

Aware of the strategic nature of these land development centers, the Viet Cong undertook to harass the inhabitants and occupy the centers. When the National Security Forces withdrew, many centers were completely controlled by the Viet Cong.

In summary, the reasons for the eventual failure of the land development centers may be ascribed to:

1. Heavy conscription of youths; up to 80 percent of the youths of Pleiku were conscripted, for example.
2. Farmers were restricted to working lands close to protected centers and had to abandon remote lands.
3. The Viet Cong forced farmers to displace industrial crops with rice since food was needed by the Viet Cong.
4. The farmers themselves worried about security and therefore attempted to maximize short run profits with annual crops.
5. The rubber trees were unattended and the areas were counted as uncultivated, and therefore ownership rights could not be given to the settlers.

Land development centers and resettlement centers were formed principally out of government land. The lands used were substantially all uncultivated lands, but considered suitable for cultivation.

A 1965 order states that all Vietnamese citizens located at these centers are to receive definitive ownership rights, free of charge, to the government owned lands that they were actually exploiting.* The new owners are to be excused from land taxes for three years following the "distribution arreté" if the land is devoted to secondary crops[†] until the year they collect their first income if the land is devoted to industrial crops. However, the order is not self-executing, stating instead that these ownership rights are to be determined by arretées that the Commissioner for Agriculture is authorized to sign.

* Appendix I-2, Arreté No. 021/65, dated October 8, 1965.

† Not defined, but apparently crops other than rice and industrial crops.

Montagnard Lands

The Montagnards, or mountain tribesmen, are the indigenous inhabitants of the Central Highlands. Because much of the highlands area is less fertile than the lowlands and is subject to erosion, the Montagnards normally rotate their farmland over three to five years.

A Montagnard village has an elected chief and council and tribal laws. The political unit of the village may encompass several buons or tracts, the land of which may not be contiguous. The villagers rotate their farming operations from one buon to the next. The boundaries of the villages or buons are identifiable but are not surveyed or mapped.

As early as the 1920s, the possible encroachment of outsiders on the land of Montagnards was recognized, and at least minimal laws were provided.*

From the 1930s until 1954, an influx of ethnic Vietnamese was forbidden. However, in 1954 and 1955, the first influx came when refugees from North Vietnam entered the Republic of Vietnam. During the 1956-57 period under President Diem's Land Development Program, landless peasants were encouraged to enter land development centers in the Central Highlands. Ethnic Vietnamese attempted to seize Montagnard lands. In particular, unoccupied buons were easy to cultivate and consequently were taken over by Vietnamese. In this way, Montagnards were often dispossessed of their land. To alleviate serious conflict between the Montagnards and Vietnamese, steps were taken to improve the legal status of the Montagnards' rights to their communal lands.

In principle, a major step to solve the question of ownership was taken in an August 1967 decree law.† This was somewhat ambiguous in its immediate impact on ownership; the articles stated, speaking both in the present--Article 1: "Montagnards are hereby invested with ownership of land for farming"--and the future--Article 2: "Montagnards will receive permanent ownership rights on land they are rotatively farming." However, further provisions for administration make it appear that added steps are needed to confirm ownership. The maximum limit per family is to be set by decree (Article 2), there is to be registration after land survey, and titles granting ownership are to be distributed free of charge (Article 3).

* Appendix J.

† Decree Law 034-67, dated August 24, 1967.

Given the traditional Montagnard cultivation patterns, effective "ownership" may mean to them not only the effective assurance that no one will attempt to assert a right to collect rent or to evict them from the plot they are cultivating this year, but also assurance that their custom of rotating to other lands in future years is to be respected, and, furthermore, that their communal right to the land is left inviolate.

If the principal indications of Montagnard ownership (no rent, no eviction, right to rotate, and communal ownership) are fully recognized in the implementation of the 1967 decree, the most important legal questions for the future may then revolve around resolution of conflicting claims of Montagnard individuals or villages or both on the one hand and purported voluntary grantees or simple squatters on the other. There currently appears to be little concrete administrative or judicial machinery to protect the Montagnards in this respect.

Religious Lands

The religious groups owning or using land are: Buddhist, Hoa Hao Buddhist, Cao Dai, and Catholic.

Buddhist Land. The Buddhist priests do not believe that they should be landowners. Some pagodas in Thua Thien (Hue) are state-owned, and other pagodas, built by the villages, are on communal land. In some areas, each village has its own pagoda, and still other pagodas have been built by wealthy people. The National Buddhist Association has a concession of 100 hectares from Ngo Dinh Diem located at Phuoc Tuy Province.

A pagoda may be located on communal land held under usufruct rights, in which case the land will not be recorded in the name of the Buddhist religious community. Some pagodas may acquire wealth through gifts, in which case they may acquire land and buildings. However, Buddhists' ownership of property is recorded as only 507 hectares.* The Buddhists are apparently re-examining the question of land ownership, a practice that has been discouraged in the past.

Hoa Hao Land. Hoa Hao is Buddhism for the peasants and favors the practice of Buddhism at home.† Consequently, Hoa Hao Buddhist preaching

* Appendix B-9: Riceland Area by Class of Ownership - Land Owned by Religious Groups.

† "A General Survey of Hoa Hao Buddhism," published by Hoa Hao Buddhist Headquarters.

halls are constructed as establishments for teaching and not as residences. Since they are not residential places, they are smaller than pagodas. Although no land ownership records are known, the landholdings are believed to be small.

Cao Dai Land. When Vice-President Nguyen Cao Ky was Prime Minister of Vietnam, he turned over to the Cao Dai 2,000 hectares of cultivated land to be used for settling members of their religious community. The tax status of this land is not known at this time.* Apart from this grant, the Cao Dai were recorded as having only 30 hectares of land.

Catholic Land. The Catholic Church now has recorded a total of 33,726 hectares of land of all types,† of which 5,579 hectares are rice-land and 28,147 hectares are plantation land, mostly in the Highlands where rubber, tea, coffee, and tobacco are grown. Many of these holdings were earmarked to provide revenue or subsistence for specific projects. This revenue is used to assist in funding Catholic institutions, which include three hospitals, five leper homes, 55 orphanages, 19 old people's homes, 1,158 primary schools, and 178 secondary schools. The manifold work of the Catholic Church in Vietnam is not self-supporting.‡

An ecclesiastical official in Saigon stated that the Catholic-held ricelands are subject to tax, but he believes that revenues received by the church may not cover taxes because of the failure to receive rents from lands in contested areas. In the Saigon area, only three parcels of land out of 14 yield any revenue, with the remainder covering taxes at best. There is some indication that officials of the Catholic Church would be pleased to sell some of this land to the government. However, a statement of policy from the Apostolic delegate in Saigon would be required for an official church stand.

Confused Lands in Newly Pacified Areas

The so-called confused lands are those that are now under GVN control after having been distributed by the Viet Cong to persons other than

* Statement by the Director of Land Reform, October 5, 1967.

† Appendix B-9.

‡ Appendix K, NC News Service (Foreign), Father Patrick O'Connor, "Diem Gave No Rice Fields to Church," August 14, 1967, p. 6.

the original legal owners. The government has tried to resolve questions of ownership by various administrative orders, and the policy has been re-affirmed in an instruction from Vice President Ky to Corps Commanders, Province Chiefs, and District Chiefs. This instruction* provides that the "small owner-operator" to whom the land is registered can displace any persons placed on his land by the Viet Cong if the area does not exceed "3 or 5" hectares. For areas in excess of "3 or 5" hectares, the provision is for the Viet Cong-appointed farmer to get one-third of the land if he is landless, and the registered owner to get two-thirds.† A further provision requires a Type A contract between the Viet Cong-appointed farmer and the owner.

Other possible fractionations of larger tracts (over 3 or 5 hectares) between claimants are subject to various conditions, but the whole question of rights to the land is involved and ambiguous because of the wording of the administrative orders. Hence, the regulations may be difficult to enforce, especially in the absence of a clear definition of a "small owner-operator."

There are, in addition, fundamental questions of policy. The small owner-operator is, at first view, the intended beneficiary. However, all landlords, with no apparent distinction between small and large, or absentee or cultivator can insist on formal tenancy contracts (which implies the standard Type A contract and 15 to 25 percent rental limits) with all persons placed on the land by the Viet Cong, no matter for how many years they may have tilled the soil when under Viet Cong control. A part of the instruction seems to enjoin government servants from becoming involved in landlord-tenant relationships.

It is clear that the circular concerned with the handling of confused lands is very difficult to interpret. Moreover, it could lead to interpretations of implementation that could definitely result in creating a political and psychological handicap for the GVN. Fortunately, the GVN is recognizing the political liability engendered by this circular; it is currently working its way out of the dilemma by making the Village Administrative Committee responsible for all enforcement of orders pertaining to confused lands.‡

* Circular 61-TT-XD, dated March 28, 1967.

† The apparent use of "3 or 5" hectares by the GVN as a dividing point is that it is used in Ordinance 57 and in regulations pertaining to the allocation of communal lands. This is, therefore, consistent with overall GVN policy on the size of distributed holdings.

‡ For further discussion, see Chapter 4.

Chapter 4

LAND AFFAIRS ADMINISTRATION

The administration of land tenure and land reform programs in Vietnam is centrally controlled and directed. The GVN recognizes three major levels of administration: the central government administration; the province and its districts; and the village and its hamlets. Traditionally, all levels other than the central government are regarded as "local administration."^{*}

Central Administration Organization

A number of important organizational changes have taken place since 1955 in the Ministry responsible for agriculture and land affairs, as follows: establishment of the Ministry for Land Legislation and Land Reform in 1955, establishment of the DGLA (cadastral and land registration) in 1959, establishment of the Ministry of Rural Affairs, May 1961, and abolition of the Ministry of Land Registration and Land Reform. In 1967, there was established the Ministry of Land Reform and Agriculture.[†]

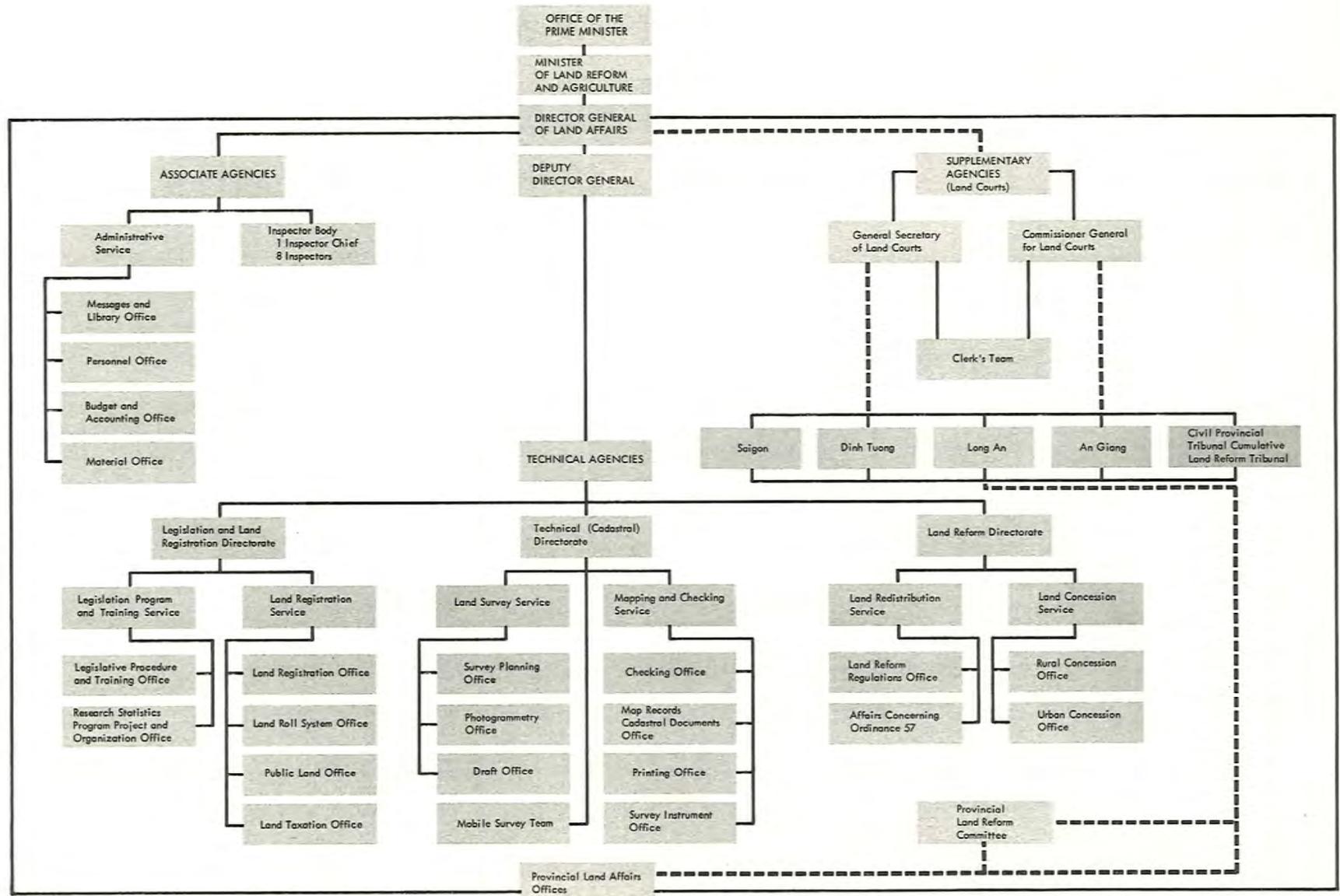
The currently elected government of Vietnam directs the administration of land affairs at the top level through the Ministry of Land Reform and Agriculture under the Office of the Prime Minister. Within the Ministry of Land Reform and Agriculture, land affairs administration is the responsibility of the Director General of Land Affairs, who heads three directorates, as shown in Figure 12: the Technical (Cadastral) Directorate, the Directorate of Land Reform, and the Directorate of Legislation and Land Registration. These directorates provide various services and offices to carry out the following responsibilities:

1. "To study, organize and conduct (in a general sense) all activities related to the triangulation survey and other

^{*} See Glossary for the role of the various territorial subdivisions currently used in the Republic of Vietnam: regions (administrative regions), provinces, districts, autonomous cities, cantons (in some provinces), villages, and hamlets. Of these, only the provinces, autonomous cities, and villages are legal administrative units.

[†] For a brief history and discussion of land affairs organization, see Working Papers, Volume II, Ch. 2.

Figure 12
 ORGANIZATION OF ADMINISTRATION OF LAND AFFAIRS



necessary (classical) surveys with a view to making maps, cadastral records (regarding administrative affairs related to land) and land documents (to secure land ownership);

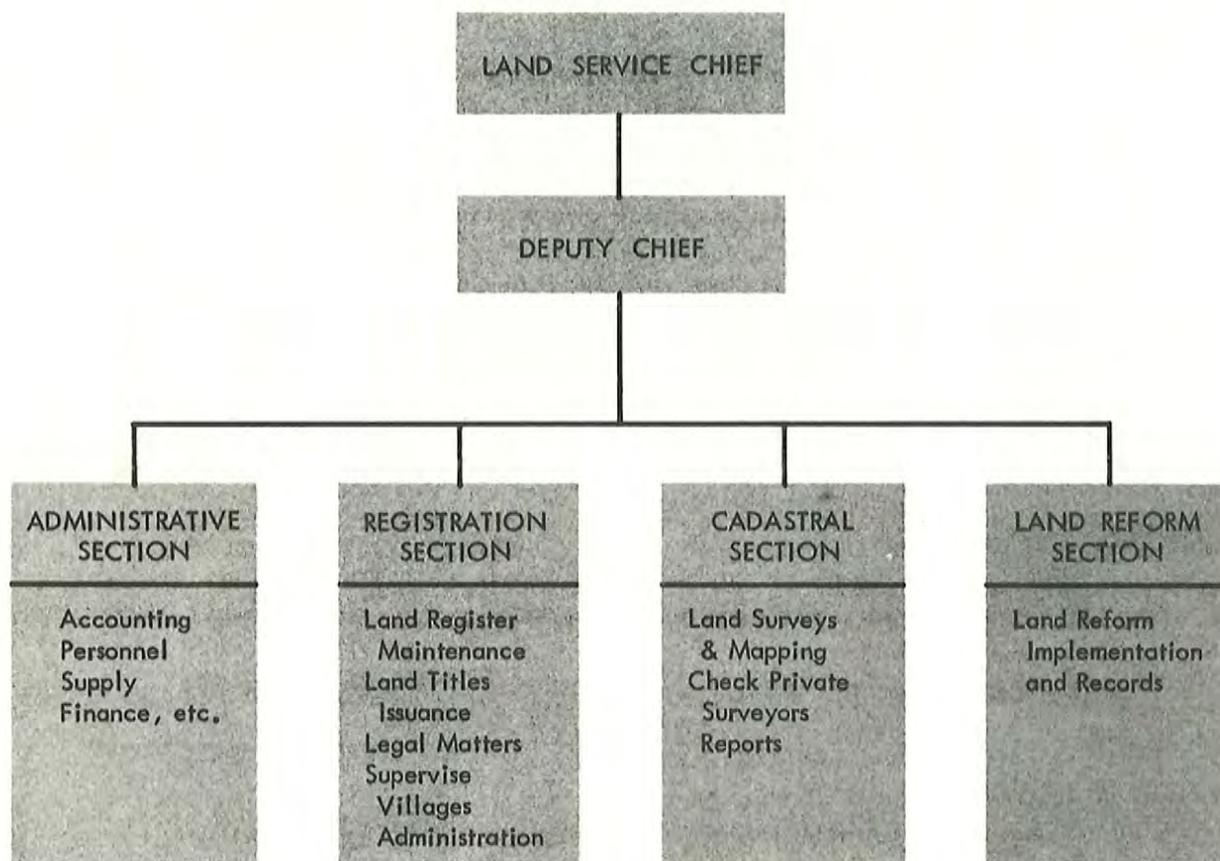
2. "To study and develop aerial photography in order to make maps;
3. "To control the cadastral engineer's survey operations;
4. "To print and reproduce maps; to duplicate cadastral and land registration records;
5. "To control the application of regulations and legal statutes of land registration and cadastral management;
6. "To organize and control the establishment, maintenance and updating of land records;
7. "To develop land documents for administrative, social and economic use;
8. "To study land reform law;
9. "To follow up the enforcement of farm contracts stipulated between landlords and tenants;
10. "To execute and accomplish all activities concerning the expropriation of big landlords and the distribution of expropriated land to farmers;
11. "To solve all affairs related to land concession."

In general, the first seven responsibilities are carried out by the Directorate of Legislation and Land Registration and the Technical (Cadastral) Directorate, while the last four responsibilities are carried out by the Directorate of Land Reform. The total personnel strength of the Directorate General of Land Affairs as of July 31, 1968, was 1,366, of whom 387 were stationed in the Saigon administration.

Provincial Land Affairs Services

Figure 13 shows a typical organization of the provincial land affairs service. It is at the provincial level that most of the land tenure and land reform field work and administrative work normally are carried out,

Figure 13
 ORGANIZATION OF PROVINCIAL LAND AFFAIRS SERVICE



SOURCE: SRI Provincial Land Service Chief Survey (see Working Papers, Vol II, Appendix B).

NOTES:

- One out of 13 provinces had just 2 sections: Administrative and Technical.
- One out of 13 provinces had just 3 sections: Administrative, Registration, and Technical.
- Of the other 11 offices, besides the 4 normal sections stated above, there were:
 - One with an additional Aerial Photo Section.
 - One with an additional Public Property Concession Section.
 - One with a special Equipment, Accounting, and Personnel Section.

including the necessary surveys in the villages, map making, registration of titles, collection of payments by new owners of expropriated land purchased from the government, and other land reform activities.

Village Administration

The village is the traditional basic administrative unit in most of Vietnam, and it is provided for in the Constitution as the lowest legal element of the administration.

Changes in Village Government

Until 1964, the village council was the governing body of the village and, as such, had charge of the administration of local land affairs as well as matters of general village life. In 1964, the village council was replaced by two organizations, the Village Citizens Council and the Village Administrative Committee.* The Village Citizens Council was composed of 5 to 11 members elected by all eligible villagers in secret voting. Each hamlet as a constituency of the Council was to elect one member, who would hold office for two years. The village council was adviser to the chairman of the Village Administrative Committee. The Village Administrative Committee was to represent the central government and was responsible for implementing laws, regulations, and government policy in the village.

In December 1966, village self-government was restored with the issuance of Decree 198. This important decree provided that the Village Citizens Council be established as the elected and deliberative body of the village. The Administrative Committee, as the executive body, was to be appointed by the Village Council. This village organization was initiated when village/hamlet elections were held in the first half of 1967.

As indicated in Figure 14, the reorganization provided a commissioner for agricultural affairs. He "handles problems concerning land administration and agriculture. He cooperates with the Deputy Chairman, concurrently Commissioner for Economy and Finance, in the administration of village public land and rice fields."† It would thus appear that the reorganization transferred the basic authority over village communal land

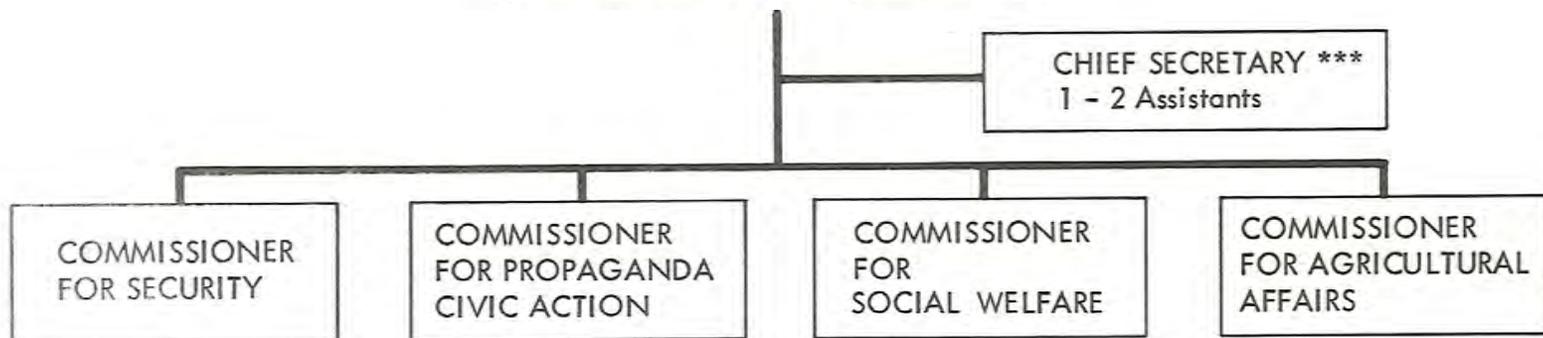
* Decree 203d/NV, dated May 5, 1964, Office of the Prime Minister.

† Decree 198, dated December 24, 1966.

Figure 14
VILLAGE ADMINISTRATION

VILLAGE CITIZENS COUNCIL
6 - 12 members elected by popular vote - 3 years
CHAIRMAN
DEPUTY CHAIRMAN
SECRETARY GENERAL *

VILLAGE ADMINISTRATIVE COMMITTEE
CHAIRMAN *
(Commissioner for Civil Status Affairs)
DEPUTY CHAIRMAN **
(Commissioner for Economy and Finance)



- * Elected by Village Council from among its members.
- ** Deputy Chairman and Commissioners appointed by the Chairman with concurrence of Village Council subject to veto of Province Chief.
- *** Appointed by Province Chief on recommendation of District Chief.

to two members of the Village Administrative Committee, acting jointly-- the Commissioner for Agricultural Affairs and the Deputy Chairman of the Village Administrative Committee (Figure 14).

Additional duties for the Commissioner for Agricultural Affairs are spelled out in a 1967 instruction:*

"The Commissioner for Agriculture assumes two functions: land and agriculture, in particular the program of agrarian reform.

"In addition to agricultural affairs, he has the following responsibilities:

- to file and update maps and registers of land and rice-fields in the village.
- to assist the survey personnel in surveying and drawing maps.
- to provide to the Chairman of the Village Administrative Committee data necessary for him to certify real property papers.
- to assist the Deputy Chairman concurrently Commissioner for Economy and Finance in the administration of public land and rice-fields as well as the establishment of land tax rolls.
- to carry out all matters relative to land reforms and concessions for village properties.
- to classify rice-fields and land in the village and establish statistical data on land affairs.
- to collect, keep and deposit the money resulting from the sale of expropriated rice-fields or the rental of Government rice-fields as well as agricultural credits."

* Circular 96, DUHC/NC/6, dated January 6, 1967, Special Commissioner for Administration to Province Chiefs.

Role of Hamlets

Decree 198 also provided for the election of a hamlet chief and his deputy and for the appointment of certain assistants. The hamlet chief represents the village chief in his hamlet and is charged with carrying out the laws of the GVN and the directives of the local administrative authorities. However, the decree does not mention agricultural affairs, land reform, or land tenure administration by the hamlets, nor is it intended that the hamlets function as an administrative echelon.

Land Registration and Record-Keeping

The basic elements of the registration function at the provincial level are processing, checking, and recording transfer and transaction papers concerning changes in status of land ownership. All transactions and changes of land ownership are recorded in a land register. The land register is also used to make up the land tax books.

The following systems of land registration are being used in one area or another of South Vietnam:

- Old Dia Bo. Land registers kept originally under the Vietnamese kings and improved by the French administration. The system was established before 1900.
- So Dien Tho. Land registers kept under the Torrens system, which has been in use since 1925. The Torrens system is a very complete system of land registration entailing an adjudication or detailed determination of title to land.
- New Dia Bo. Land registers kept under a simplified Torrens system (Kien Dien) established in 1962.

In addition to land registers, there are records of other business pertaining to the land--lease contract register, register for documents deposit (a sort of summary book of land ownership documents), and land tax books (registers providing the basis for land taxes). Although theoretically the provincial land office is the principal maintainer of records, actually other levels of administration share the responsibility, as shown in Table 11.

Table 11

LAND RECORDS AND THEIR LEGAL LOCATIONS

Type of Record	Location and Remarks
Land register (Dia Bo, So Dien Tho, New Dia Bo)	Provincial land office keeps the original document of ownership or transaction. Central office maintains a copy. Village maintains a copy (see "Land tax book" below).
Lease contract register	Village is the only place where this register is kept.
Register for documents deposit	Provincial land affairs service office keeps the original. Central office keeps a copy.
Land tax book	Village makes three copies by taking information from the land register, checked at the district for accuracy. Village keeps original and sends the other two copies as indicated below. District office keeps a copy. Provincial tax office keeps a copy.

Status of Records

The purpose of maintaining originals and copies at different offices is obviously to ensure against complete loss of information. The two most important types of records--land registers and land tax books--are stored in triplicate, with two of the three copies dispersed to the 44 provinces and 2,586 villages (as of July 1968) of the Republic of Vietnam. (The exception is the lease contract register, which exists only in a single copy at the village level.) Thus, theoretically, there are safeguards against inadequacy or loss of information on land matters. In practice, however, the system is most vulnerable as indicated by the findings from the SRI surveys* in 1967, as given below.

* Provincial Land Service Chief Survey and Village Administrative Chief Survey Working Papers, Vol. II, Appendixes B and C.

In the 11 provinces on which detailed information is available, there are no records of land ownership for more than one-third of the villages, either in the village or in the province. Most of these land records have been destroyed during the last 22 years.

Approximately 65 percent of the village offices are reported to have no land registers (this compares with a figure of 50 percent found in SRI sample surveys). As of February 1968, the status of land registers was reported by the GVN as follows:*

• Villages that have land registers	890
• Villages that have no land register (either missing and not yet re-established or never existed)	<u>1,692</u>
Total	2,582†

As revealed in the SRI surveys, two types of missing land register situations are apparent: (1) records missing from the village office but with copies existing at some other office, central or provincial, and (2) records missing from all offices. In case 1, the average time of loss was between 11 and 18 years ago, and reconstruction of the village land register requires only copying the material by hand from the provincial land register. However, this has been done for only 10 percent of the total number of missing land registers. In case 2, from 1945 to date, some documents at all offices have been destroyed. Re-establishing these records requires extensive field work to ascertain ownership of land parcel by parcel, according to evidence presented by landowners and by neighbors living in the area.

In some cases, cadastral surveys will be required. In the Southern Region (formerly Cochin China), actual methods of survey date from almost a century ago. In the use of these methods, cadastral maps are established on a scale varying from 1/2000 to 1/200 for the Saigon Prefecture,

* This information was provided immediately after the Tet offensive by the Director of Land Registration, DGLA, but it did not include destruction caused by that offensive. Subsequent reports indicate that four provinces had a 100 percent loss of land documents, one other suffered heavy losses, and one suffered "some" losses.

† Note that four more villages were reported by the GVN (2,586) four months later (in July 1968).

and on a scale of 1/4000 for the countryside areas. Such scales require careful attention to detail. In Central Vietnam, most of the cadastral maps have been destroyed. Only a small percentage of the missing records in both regions have been reconstructed by cadastral survey over the past 22 years. The application of aerial photography to update and obtain new cadastral information is currently being explored.

With approximately 65 percent of the land registers missing from the villages, it is difficult to estimate their capability to handle these records. In a check of the records themselves, it was found that out of a total of 367 entries, 12 percent differed between the village and provincial copies. In most cases in which the village does not have a copy of the land register, the provincial land office generally does not make copies for them. In a few such cases, village officials have gone to the provincial land office to copy land register information for their villages.

The war has taken its toll of the local land record system. However the SRI surveys indicate that even in secure areas the land record administration has been inadequate. The number of villages with records missing and the length of time that records have been missing indicate that the land registration system as administered in the past has been unable to cope with the task of establishing or re-establishing the land registers. This task requires the close cooperation of the central, provincial, and village authorities; no cooperative steps to reconstitute the records are known to be in process. For example, even where the remedy requires only a copy made by hand of a land register, this has been done in fewer than 10 percent of the cases. However, where there exists strong leadership backed by technical assistance, relatively successful programs are being conducted by village authorities in carrying out most of the land registration policies.

Land registration procedures are complex and slow--especially in their initial establishment. A method to simplify establishment, reconstruction, and maintenance of land registration records is needed now, even if the method is only an interim step until a more permanent method is developed.

A partial reconstruction could be achieved by recopying some of the existing land registers to provide copies for the villages. Photocopy machines could expedite the process if they could be made available. Where no land records exist, a team composed of village officials and provincial land office and central government personnel could re-establish land records.* Such a program could entail the identification of land on

* For details on the initial establishment and updating of records, see Working Papers, Vol. II, Chapter 4.

the ground by village officials and elders either on sketch maps, or where available, on aerial photographic maps.* By technical standards, these results would not be adequate; however, they would provide some records where none now exist. This program could be accomplished in a relatively short period of time and would be usable almost immediately. By contrast, the system employing traditional cadastral procedures would require many years before most of the villages in the Republic of Vietnam had usable results.

Land Taxation Records

It is the responsibility of the village to make up the rice and garden tax book each year. Of the 37 villages visited, 22 percent had no tax books for 1966, and of those that did, 10 percent were made up by the provincial land office.† Of the villages without tax books, half of them reported using old tax books to collect the taxes, and three of the remainder reported using methods that are understood to be illegal. Seventy-five percent of the villages without tax books indicated that this was not the first year they have been without such a book. Although the land register is the only record with which a tax book might be compared, more than 60 percent of the villages indicated that they did not check that record when making up their tax books.

A number of village tax records show total hectarage for the village, which is considerably lower than the actual total hectarage that has been measured by survey. On the other hand, some village tax books recorded large amounts of land in the names of former owners from whom the land had been expropriated seven to ten years ago, or in the names of owners who had died, although the family councils had distributed the land to many heirs. In some cases, tax books carried large hectarages in the names of persons whose ownership terminated 20 or more years ago.

In the past, rice and garden land taxes retained for the village budget have amounted to one-thirteenth of the total taxes collected. In a 30-village sample taken in 1967,‡ this share of the taxes averaged less

* This system seemed to work well in a pilot program started in September 1968 (see following section on External Support--U.S. Organization and Programs).

† Provincial Land Service Chief Survey, 1967, Working Papers Vol. II, Appendix B.

‡ Provincial Land Service Chief Survey and Village Administrative Chief Survey, Working Papers, Vol. II, Appendixes B and C.

than 2 percent of the total village income reported (range from 0.1 to 43 percent, with only five villages reporting more than 6 percent). Under the new tax regulation, the villages will now retain all rice and garden land taxes for the village budget, giving them a net increase of 13 times their present retention amount. If this new law is implemented as intended, it could provide a dramatic increase in the funds available at the village level.

As in the case of the land registers, the village tax books need to be reconstituted. The nature and condition of the records from which such information must be obtained make reconstitution, at best, a difficult task--one that would require considerable cooperation and coordination among the concerned villages, provincial tax offices, and provincial land offices. The reconstitution would be only partial, since there are inaccuracies and omissions in the existing land records, but even a partial recovery would provide a more accurate basis for taxation, especially if tax book reconstitution were tied to reconstruction of the land registers.

The Land Survey "Bottleneck"

From 1962 to 1967, an average of 10,000 hectares per year were surveyed. At the beginning of 1968, approximately 907,000 hectares remained to be surveyed to complete the various land reform programs.* If the rates of survey of the last six years are used as a guide, completion of the above surveys would take more than 90 years. In the SRI sample survey, provincial land offices reported that ownership maps for 45 percent of the villages were either missing or were not revised when ownership changes took place. The former Director of the Technical Directorate pointed out that the job could be speeded up in several ways. For example, assuming that the security situation was sufficiently improved, he estimates that the task might be performed in three years by: (1) training more land surveyors, (2) centralizing all personnel from the various provinces and concentrating them on the survey of lands to be distributed (this means that either other activities would have to be largely ignored or other arrangements made to care for them; it also means that salaries and per diem would have to be improved to make the concentrated effort feasible), and (3) utilizing to an increasing extent the photogrammetric technique in lieu of field surveying. If the above three measures are not applied

* Memo from the Director, Technical Directorate.

immediately, he feels that "the cadastral work of the Land Reform Program will drag on for several more years."*

As to the number of cadastral personnel needed, the former Director of the Technical Directorate also stated, "to complete satisfactorily the land reform program, we need to double the number of survey teams available at present."* Surveyors now have to be trained by the Directorate General of Land Affairs. No classes have apparently been scheduled for next year because of budget limitations, but the former Director of the Technical Directorate states that if funds were available the additional personnel could be trained in three months. However, each year the draft takes an estimated 40 percent of cadastral personnel from 18 to 33 years of age, and this year the figure may increase to 50 percent, which poses a serious threat to the program.† Other persons will have to be recruited to replace those drafted. These new people will take six months to a year to become accustomed to the work.

The former Director of the Technical Directorate recommended changing from the customary or classical method of map making to the photogrammetric method, but stated that additional photogrammetric equipment, transportation, and training (including foreign training) will be needed. He has proposed more equipment for this year and next year and states that if photo maps could be made available, land reform would be easy to carry out. This method, incidentally, has the capacity to circumvent partially the security problem. Usually planes can fly over areas where land crews cannot operate freely. This is quite important since much of the land remaining to be surveyed and distributed lies in the more remote areas where the Viet Cong exercises some degree of control (at least in a negative way by denying free access to it).

It may be possible to use existing photography for village identification and registration programs and to provide the villages and the provincial land offices with reasonably accurate photographic maps. These can provide usable results even though they may not be within the error limits allowed by technicians in photogrammetric work. As indicated below under External Support, this technique was successfully used in July and August 1968 for plot identification in two provinces.

* Memo from the Director, Technical Directorate.

† Note that since his memo, the total strength of cadastral personnel dropped from 231 to 162 in four months--possibly due primarily to the military draft. Aggravating the shortage of personnel is the assignment of technical personnel to other than the Cadastral Section. (See Working Papers Vol. II, Appendix B.)

Local Land Reform Administration

Two major administrative responsibilities of land reform currently delegated to the villages are (1) the landlord-tenant relationship program or lease contract program and (2) the certification of individual land ownership and of applicants for land purchase.

The National Land Reform Conference in January of 1968* passed a resolution that proposed the transfer of land reform responsibilities to local authorities. This resolution approved the establishment of local land reform committees (province, district, and village) and the transfer of powers to local administrative authorities to carry out land reform programs. It was suggested that these committees be strengthened by including representatives from provincial peoples' committees, village peoples' committees, and farmers' associations and unions.

The Problem of Committees and the Delegation of Responsibility

The establishment of a new set of committees would seem a questionable procedure since provisions already exist for numerous committees such as the provincial peoples' committee, village peoples' committee, and village and cantonal agricultural committees. Some of these already are assigned responsibilities that would overlap those of the suggested new committees.

The basic proposition of delegation of enlarged responsibility in land reform and land tenure administration to local authorities is sound, but with the proviso that it be carried out within the framework of a policy of "delegation, not abdication." This requires training, guidance and assistance from the delegating authorities in programs that are within the technical and administrative capabilities of local officials.

The Director of Land Reform at the National Land Reform Conference has already recommended a reasonable and workable plan that could successfully complete the implementation of the present land reform program insofar as land has been already expropriated and as security permits. Available information does not permit an assessment of the manpower requirements although it appears that the principal augmentation would be at the provincial levels with a greater use of existing resources at all levels. Additional employees (e.g., a "land registrar") may be needed for all villages with priority given to larger villages and those having considerable land to distribute and administer.

* See later discussion of this conference under Administrative Performance by Program.

Lease Contract Register

Approximately 40 percent of the villages visited did not have a lease contract register, which is the only record of lease contracts signed. (The provincial land office receives only summary reports, which are tallied from the village lease contract register.) Of a sample of more than 7,000 lease contracts that were registered,* more than 75 percent of them were signed in 1962 or before. Considering the five year term of almost all of the contracts, this situation indicates that, unless renewed, they may all be out of date. In this same sample of 24 villages, only 1,500 contract renewals were recorded (almost all in five villages). Although lease contracts are "tacitly renewable," this understanding was not widespread among the village authorities. Some indicated that they once had lease contracts around 1960 but now use verbal agreements only. Nine of 24 villages had fewer than 20 contracts registered between 1962 and 1967, and of those nine, four had no contracts registered during that period. Ten provincial land service chiefs said that slightly more than one-third of the villages in their provinces had no lease contract registers.

Both factual and circumstantial evidence point to the conclusion that this program to control rents and landlord-tenant relationships deteriorates with worsening security and political instability. For example, two-thirds of the villages either have no lease contract register or have one that is virtually useless; 20 percent of the villages never implemented the program; and 75 percent of the leases signed are out of date. Village administration chiefs and provincial land service chiefs have commented on key money, advanced and delayed rental payments, excessive rents, overstatement of expected production, and subleasing as some of the ills of the program. Thus, there is little evidence of successful enforcement of this program by village, provincial, or central government.

Numerous factors work against the program's success--landlord resistance, scarcity of good and secure land, reluctance on the part of tenants to move to other locations, demands for prepayment that may require the tenant to borrow at usurious rates, demands for postpayment that may require the tenant to absorb all storage losses, supposed enforcement by village officials who are often "official landlords" in the sense that they control leasing of village-owned lands, and other extra-contract provisions.

* Village Administrative Chief Survey, Working Papers, Vol. II, Appendix C.

Collection of Absentee Landlord Rents

Although there is a legal procedure by which village officials collect rent for absentee landlords, fewer than 10 percent of the village officials said that this was part of their function. Perhaps the most significant indicator of this situation is the fact that in the SRI survey, more than 50 percent of the village officials did not respond to this question ("No Response" usually was below 10 percent on similar questions).* One may speculate that perhaps this is a subject that many village administrative chiefs do not care to discuss. Present evidence provides no positive indication that administrative implementation of this program is successful at the village level.

Management of Land Affairs

Planning and Budgeting

Annual plans are centered around the preparation of annual budget estimates, and within the Directorate General for Land Affairs, the planning process is decentralized to the directorates. There is a common budget for all central and provincial agencies; no separate allocations are made either for the central or provincial agencies.† What planning there has been appears to have been keyed entirely to the annual budget cycle. This, in turn, has been tied to the need to employ a certain number of employees based largely on how many were employed the previous year and so forth. Many "objectives" now set are not realistic. They are either vague "continue the programs" or very optimistic "complete the programs" statements. Some attempt at setting priorities was made last year, and progress was made in certain areas. However, in general, the allocation of effort does not seem to have been geared to the accomplishment of specific goals.

Reporting

The Director General for Land Affairs requires reports from the provinces semimonthly, monthly, and annually. Province reports are generally prepared by the land affairs cadres from information obtained from the villages or from their own records. Copies of the semimonthly reports generally also go to the province chief.

* Village Administrative Chief Survey, Working Papers, Vol. II, Appendix C.

† Interview with the Director, Administration Service.

The Director General submits monthly and annual reports to the Minister of Land Reform and Agriculture; also, special activity reports are submitted as required with regard to special projects. Inputs are prepared by each directorate based on reports from the provinces and their own services. These are assembled in the office of the Chief of Legislation Service.

Voluminous reporting is required, and much miscellaneous data are available, but it is not clear that the reports effectively indicate areas requiring corrective action by higher authority or that they indicate what action was taken or recommended to reallocate resources or efforts in areas of greatest need.

Most officials stated that they believed that the data in the reports were accurate, except for the future projections, which they felt were usually overoptimistic and likely to be inaccurate because of uncertainties in the security situation. However, the critical state of many records found by SRI's survey* raises a serious question as to the adequacy of many of the figures reported.

Inspections

A most important aspect of management is direct knowledge of the actual performance of land reform--whether its stated objectives are in fact being realized and whether any sort of social, psychological, or other impact is being achieved.

Here, as in any business or government operation, there is a need for continuing personal visits to the villages and hamlets by the key officials of the central government as well as those of the provinces and districts. Occasionally, leadership needs to bypass bureaucracy to get a firsthand report on how an organization is functioning. Neither myriads of reports nor numerous visits by professional inspectors to the provinces can substitute for personal visits by the Minister, the Director General, and each Director to find out who is doing what, who is doing well or poorly and why, and whether the programmed objectives are being attained.

In general, there does not appear to have been steady follow-through to see that programs are implemented in a timely manner. For example, the GVN decided in 1965 to distribute French lands. Two years later only a small start was being made (only 4,600 hectares were distributed by

* See earlier section on Status of Records, and also Working Papers, Vol. II, Appendixes B, C, and D.

October 1967). The follow-through took a long time and tended to be relatively ineffective until the middle of 1968 when a concerted effort was made, and more than 10,000 hectares were distributed.

Supervision has relied heavily on the land affairs inspectors from Saigon. It is difficult to evaluate their effectiveness without a much more intensive inquiry. Their reports over a period of time could be examined to see whether they were able to pinpoint specific bottlenecks and to see what action was taken on these. It could also be ascertained if they were visiting the provinces that were not making any progress, or only those that were most accessible. Also, checks with provincial land service chiefs as to time spent compared with estimated accomplishment might be revealing. All of the inspectors are reported to be ex-land service chiefs, but it would seem prudent not to depend on these inspectors alone. Personal visits by key officials should be encouraged. Also, since transportation is so difficult, it might be well to consider attaching at least one inspector to each region.

Evaluation of Management and Supervisory Controls

What seems to be lacking is a coordinated, planned approach to identify the management controls needed and to design a system implementing them. Plans need to be program-oriented, rather than activity-oriented. First, there needs to be a realistic analysis of the problems--including "external" problems such as security and political stability, as well as "internal" problems. This analysis would include the possibility of a major revision in the substantive control of land reform programs to bring them more into line with existing security and administrative conditions. Second, the requirements of the routine land administration function need to be assessed as well as the requirements imposed by the land reform program. Third, as indicated in the earlier discussion, an assessment needs to be made as to how much decision-making and administration can be delegated to provincial and village levels.

There is also the need to set meaningful long term goals as well as annual goals based on the analysis of problems to meet the policy objectives set out in the land reform laws. Here, close intraministerial as well as interministerial coordination is required. Specific priorities must be established not only among the several policy objectives but also by geographic areas, taking into account insofar as possible planned military operations and the pacification plans and capabilities of the revolutionary development teams. (Obviously, the provinces should be part of this as well as the prior analysis.) Personnel and other resources can then be allocated to the various programs on the basis of these established priorities. These requirements must be fitted into the budgeting cycle.

When this is accomplished, reporting requirements can be intelligently established. These should be based on an evaluation of what the province chief, his land service chief, and the central government need to know to identify trouble spots readily. With specific goals and priorities established, it should not be difficult to delineate what has to be done to achieve these goals and to anticipate what the key activities will be (e.g., surveying, re-establishment of records). In this way, reporting can be responsive to the day-to-day needs of management--not merely a periodic chore.

Also, records administration can be simplified insofar as possible, keyed to the needs of land administration, established or re-established where needed, and administered by the various appropriate levels. Where responsibility is delegated, adequate controls (including training and personal visits) must be established to see that the records are kept appropriately.

Similarly, the supervisory or follow-through function can be geared to the goals and priorities set. If carefully planned and executed in a timely fashion, in many cases personal visits will expose problem areas even before written reports come in. Management must be alert for critical points and see that corrective action is taken promptly. Provision must be made for shifting plans and resources according to changes in conditions, such as an unexpected reverse in one area or an unanticipated opportunity in another. With so many uncertainties, some flexibility and recycling may be necessary. However, unless the reporting and supervisory efforts are devised with this need for flexibility in mind, opportunities will be lost but the monies will continue to be spent for salaries of employees working on low priority jobs--or simply putting in time.

In summary, more effective management control mechanisms are needed, especially problem analysis, program-oriented planning, establishment of realistic priorities, project budgeting, personnel supervision and follow-through, records simplification and reconstruction, and revision of reporting requirements focused on improving the quality and adequacy of critical data required for effective operation and monitoring of land affairs administration.

Personnel

In June 1968, a joint USAID-GVN MEP (Manpower Evaluation Project) was authorized with SRI providing the technical assistance for the purpose of conducting an inventory and evaluation of manpower, including the effect of military mobilization and evaluation of compensation procedures. One outcome of the project was a complete listing of all DGLA employees. One conclusion of the Manpower Evaluation Project was that the dispersion of records does not permit the DGLA personnel office to produce a truly complete record or report of all personnel in the organization.

Nearly everyone interviewed by SRI, when asked about major problems, singled out the shortage of qualified personnel. With regard to mobilization, the MEP concluded that up to 50 percent or more of the present technical and field (as opposed to office) staff may be eligible for the draft, but that the office functions will be affected less, probably around 20 percent. Because of this, new land reform programs will be hampered by the mobilization, unless present practices are modified. With regard to present programs, however, the MEP concluded that the loss would probably have "little effect on the present program of DGLA because of the low level of accomplishment or productivity throughout the organization." This last point appears to be a key conclusion of the report, and recommendations are made as to ways to make improvements in personnel administration. The general recommendations are to:

1. Increase the productivity of the present staff, primarily by evaluating the performance or productivity of organizational units,
2. Request the Ministry of Defense to detach and reassign key drafted employees to do field work in high priority land reform programs, continue to attempt to obtain deferment for technical and field staff, and recover the services of the technically trained men who are on loan to other departments.
3. Compare work results with personnel assigned to assist in evaluating accomplishments and setting goals and objectives.
4. Make increased use of revolutionary department financed personnel, and revolutionary development team cadres, recruit older men, use photography more extensively, explore the possibility of further delegation to province and village officials for land administration, and continue to seek simpler methods and administrative procedures.

Staff Strength

The Manpower Evaluation Project report emphasized that the single most important action that needs to be taken is to increase the level of productivity of present employees. However, even with the 1968 USAID project augmentation, the sizes of province staffs vary widely, from one employee in Kontum to 51 in An Giang. Nine provinces have ten or fewer employees, while eight have 30 or more. The shortage is particularly acute in the surveying teams. Three provinces have no surveying personnel, and 13 have only one trained man. If it is found that some provincial land affairs staffs need building up, one ready source of support would seem to be in the Revolutionary Development Ministry's budget for 1968. This provided for 319 land reform cadresmen in the provincial land affairs offices to work with Revolutionary Development teams, village hamlets, and individual farmers. The actual number approved depends on justification submitted to the Ministry through the provinces.* As of February 1968, the DGLA reported that approval had been given for 67 cadresmen to be hired† (although in the July 1968 inventory even this number has not as yet been carried on the rolls). Apparently, quite a few provinces, possibly some of those that need them the most, have not as yet prepared the necessary plans to justify to the Revolutionary Development Ministry the need for such help. In other cases, the authorization may have been given but the province has so far been unable to recruit qualified individuals.

Incentives for Field Work

Obviously adequate compensation and better administration of per diem would help morale and perhaps increase productivity. A "general" salary increase, although needed, is a matter of concern to the GUN. One of the devices often used to help compensate for inadequate salaries is the payment of per diem on a more or less regular basis whether the individual visits the field or not. However, per diem funds are limited both in total amount and in the amount authorized per day for persons of varying salary scales. As a result, field work is hampered, especially for the lower paid individuals. In many cases, the per diem amount available is not sufficient to cover the legitimate expenses of such persons sent to the field.

* Interview with the Special Assistant to the Minister for Revolutionary Development.

† Interview with the Director, Administrative Service.

Staff Productivity

Some quality indicators were mentioned earlier: (1) low productivity in areas that can easily be judged (e.g., surveying); (2) lack of motivation and incentive, excessive processing of papers, preoccupation with bureaucratic procedures, lack of timely follow-through by some of those in authority, and inadequate training; (3) apparently inadequate salaries and needed revision in per diem administration (as indicated above, the latter tend to inhibit field visits and the work of mobile working groups in the field); (4) a large turnover of younger men (including many who have been trained) mainly because of the draft but partially because of low salaries; (5) spotty competence among provinces; (6) a fairly low educational level (5 percent having obtained the baccalaureate degree, 80 percent junior high school graduates, and 5 percent elementary school graduates), (7) varying experience, good for civil servants (average 10 years), less for others (only about one-half of the total are civil servants); and (8) inadequate technical training in view of the size of the job and the rapid turnover (only 20 out of 1,000 have had overseas training and only four training sessions averaging 50 trainees each were held last year).

In summary, the quality of performance of certain key land affairs people in Saigon and in some of the provinces is very good, but the performance of many others leaves something to be desired. Some of the problems are common to other departments, e.g., low salaries and per diem, numbers of men being drafted, low educational level, excessive routine paperwork, and preoccupation with bureaucratic procedures. All are quite important.

External Support--U.S. Organization and Programs

Table 12 shows U.S. Agency for International Development project assistance from 1955 to 1968, both in dollars and in counterpart funds. The assistance breaks down rather clearly into three periods, 1955-60, 1961-65, and 1966 to date.

1955-60

During the 1955-60 period, U.S. project assistance financed most of the costs of the 700-man expansion of the Vietnamese Land Service required to implement the land redistribution and tenancy improvement programs. Approximately 100 seven-man field teams of surveyors were established. Dollar assistance financed their equipment, and counterpart funds paid their salaries through 1960.

U.S. project assistance similarly financed most of the equipment and commodities for the Land Development Centers while counterpart funds covered a large part of the local currency costs.

Over this period, two advisers on land reform provided to the GVN by U.S. assistance played an important role in the formulation and execution of the land reform program.

1961-65

In the 1961-65 period, little land reform or administration work was done, largely because of deteriorating security and political instability. No U.S. funds were provided, and there were no U.S. advisers.

1966 to Date

In 1966, the U.S. Agency for International Development resumed project assistance when improved security and political stability made resumption of land administration work feasible. Beginning in late 1965, a small staff of land tenure specialists in Saigon did its best to assist the GVN in developing policies and getting the program underway again. In January 1967, a pilot program was initiated by the Engineering Agency for Resource Inventory (EARI) in An Giang Province to apply aerial photography and photogrammetry to replace the ground surveying required for land identification and title work. In July 1967, a contract with Stanford Research Institute was arranged to carry out a factual study of the status of land tenure and land reform progress, including surveys of farmer attitudes, land affairs administration, study of the legal framework of land tenure and land reform, and a special study of Viet Cong impact on land reform programs.

Finally, in 1968, VN\$35 million allocated for the fiscal year (see Table 12) was generally planned to support the accelerated distribution of government-held expropriated and former French lands, training of village personnel, and information and education programs for farmers. Pursuant to an agreement reached in June 1968, an augmented organization to accelerate the distribution of expropriated and former French lands was established. In Vi Duc village Chuong Thien Province, 403 applications for former French lands were obtained and processed in a period of approximately two months by a special joint DGLA-USAID team using aerial photographs for land identification. This represented a remarkably high response by about half of the farmers in the village in a contested area, including some response from an adjacent insecure area. This vitalized program suggests the possibility of viewing with some optimism the

Table 12
PROJECT ASSISTANCE FOR LAND REFORM
U.S. Dollars
1955-1968

	Dollars (by fiscal year)	Counterpart Funds	
Assistance 1955-60			
Administration of agrarian reform project	\$ 282,000	\$ 3,257,000	
Land development project	<u>4,582,000</u>	<u>6,794,285</u>	
Subtotal	\$4,864,000	\$10,051,285	
Assistance 1966-68			
Land reform project	<u>2,778,000</u>	<u>550,847</u>	
Total	\$7,642,000	\$10,602,132	
<u>Supporting Schedules</u>			
Year	Dollar Assistance (by FY)	Counterpart Support (VN\$ 000)	
<u>Administration of Agrarian Reform Project (#430-11-120-089)</u>			Remarks: Dollar assistance includes \$205,000 of commodities, surveying and drafting equipment, vehicles, etc. Counterpart financed salaries and related costs of 700 field surveyors plus certain related GVN staff.
1955	\$ --	100	
1956	70,000	23,632	
1957	171,000	13,963	
1958	16,000	40,170	
1959	21,000	25,830	
1960	<u>4,000</u>	(est) 10,000	
Total	\$282,000	VN\$113,695	
US\$ Equivalent		\$3,257,428	
<u>Land Development Project (#430-11-120-144)</u>			Remarks: \$4,421,000 of the dollar assistance was for commodities, primarily construction materials, vehicles, and equipment.
1957	\$3,207,000	VN\$ NA	
1958	934,000	NA	
1959	200,000	NA	
1960	<u>241,000</u>	NA	
Total	\$4,582,000	VN\$237,800	
US\$ Equivalent		\$6,794,285	
<u>Land Reform Project (#730-11-120-311)</u>			Remarks: Virtually all the \$1,196,000 obligated in FY 66 & 67 were for the technical services (advisors, cadastral team, SRI research team).
1966	\$ 14,000	VN\$ --	
1967	1,182,000	30,000	
1968	(est) 1,582,000	35,000	
Total	\$2,778,000	VN\$65,000	
US\$ Equivalent		\$550,847	

Source: U.S. Agency for International Development, Washington, D.C.

prospect of making a land reform impact on contested and perhaps even contiguous Viet Cong-held areas through these renewed land distribution efforts.

The GVN instituted mobile teams to train village and provincial officers to carry out the program. By September 1968, a total of 157 villages in 16 Delta provinces having former French lands had held training sessions for village and hamlet officials. By decentralizing the distribution process and using village committees, the GVN hoped to be able to distribute all of the cultivable former French land by 1970. As of September 1968, 168 employees had been hired (21 at the central level and 147 in the provinces and villages) for this effort to speed up the distribution program.

Administrative Performance by Program*

National Land Reform Conference of 1968†

The national conference is an administrative technique sometimes used to marshal bureaucratic support in Vietnam as elsewhere, to indicate a new direction, or to give new impetus to policy. Probably all of these considerations were involved in calling the conference held in Saigon January 18 to 20, 1968. All of the provincial land service chiefs as well as the key members of the DGLA and other officials concerned with land affairs were invited. In many cases, preconference meetings were held in the province capitals at which provincial officials and other notables from the province discussed various problems and proposals.

The National Land Reform Conference was addressed by President Thieu, by the Minister for Land Reform and Agriculture, and by various officials of this ministry--especially those in the Directorate General of Land Affairs. Working groups were formed to deal with key problem areas and resolutions were adopted dealing with the following eight subjects: (1) distribution of expropriated lands and permanent titles, (2) distribution of former French lands, (3) distribution of lands to North Vietnamese refugees in land development centers and to refugees from villages

* The following summary is based on discussion of the chief programs covered in Chapters 2 and 3.

† See Airgram A 4786 to AID/W from USAID, Saigon, dated February 15, 1968.

in the Republic of Vietnam, (4) distribution of lands to Montagnards, (5) communal lands, (6) transfer of land reform responsibilities to local authorities, (7) improvement of land identification techniques by adopting modern techniques, and (8) establishment of a land bank. A resolution dealing with item 6 was discussed earlier under Local Land Reform Administration. Most of the other items are discussed briefly below in connection with a brief evaluation of the administration of the major land reform programs.

Landlord-Tenant Relationships

Initially, considerable progress had been made in registration of rental contracts, but from about 1962 to 1967, most of the administration for the enforcement of rental controls and security of tenure was allowed to fall into disuse. Few rental contracts were registered or renewed, and the effect of initial registration is by now somewhat dissipated.* While the original village or cantonal agricultural committees are still carried on the books by the GVN, the majority of them are moribund. Out of a sample of 37 villages, in January 1968, only 35 percent had a Village Agricultural Committee. Also, many, if not most, of the villages either have no record at all of lease contracts or have a record that is virtually useless.

While legal regulations may have tended to lower rentals in excess of 25 percent, farmers' replies reflected in the SRI Hamlet Resident Survey indicated that the average rental charge was 34 percent and that 61 percent of the tenants in the Southern Region paid rents in excess of the legal maximum. The extent of violation tended to be greatest in the most secure areas.

Both village administrative chiefs and provincial land service chiefs have commented on the many ways of avoiding the provisions and intent of the landlord-tenant program. Even some of the village officials themselves in their capacity as "official landlords" of communal lands have violated these provisions by continuing a bidding system that was outlawed several years ago. A few of the sample villages in which there is strong leadership have what appears to be a moderately effective landlord-tenant program.† In general, however, there is no evidence of even a reasonable

* See Working Papers, Vol. IV, Part 2, for details. For example, HRS Table 115 indicates that 64 percent of the village respondents said that they rented under verbal agreements and not written contracts.

† The Ninh Thuan Province Land Service Chief demonstrated what could be done. In 1967, he re-established 19 out of 28 Village Agricultural Committees and was able to make good progress in renewing and registering contracts, in addition to making progress in other areas.

degree of success throughout the country in this program. The lease contract provisions are basically well-conceived except that the rental provisions have been difficult to enforce. Rental rates appear to have been set largely by security and economic conditions without regard to the legal limits.

Other objectives of the landlord-tenant legislation have fared somewhat better. As commented on earlier, protection of tenants in case of crop failure and lease renewals have left much to be desired, but security of tenure has been provided and the mechanism for settlement of disputes, while not ideal, appears to have worked passably well.

It appears that the following internal or administrative inadequacies (aside from lack of security and the inherent difficulties in enforcing this type of program) have contributed to the lack of greater progress toward the stated goals:

1. Inadequacy of Village Agricultural Committees (either not established, inactive, or not trained) and failure to reconstitute records lost or destroyed.
2. Administrative failure (at the central level) to implement or clarify regulations and, where appropriate, to seek needed changes in the legislation.
3. Lack of timely supervision at all levels and in not following up to see that contracts are promptly renewed and records re-established.
4. Lack of adequate financial and personnel support. It may be noted that some of the funds supplied in the FY1966-68 USAID program were used to hire employees to accomplish a census of tenant contracts,* and it may be assumed that without these funds, progress very likely would have been nonexistent.

Land Expropriation and Redistribution

From the standpoint of villages and provinces, administrative progress in the redistribution of expropriated land has been uneven.

* From an interview with the Director General for Land Affairs.

Purchase. With just over half of the lands that were expropriated in past years distributed, this program could be considered, at best, only partially successful. Title distribution has been less successful, with fewer than 15 percent of those receiving lands having received permanent titles. Much of the undistributed expropriated land is apparently in areas that are either contested or under control of the Viet Cong. (See Chapter 5.)

Actual expropriation of lands declared by the owners to be eligible for expropriation is generally thought by most people to be complete. However, a quick and incomplete check of two provinces indicated at least 20 cases of landholdings in apparent excess of the legal limit that have not yet been expropriated.* Although the small number gives no indication as to the nationwide magnitude of this situation, there is evidence that the problem may exist. Several pieces of eligible land were declared as long ago as 1959. Others were declared as recently as February 1968.

The difficulty appears to be that provincial land offices have been unable to check undeclared holdings except in the case of some extremely large landowners because of: (1) the condition of the records and the geographic dispersion of the holdings of any one individual, especially if held in several provinces; (2) land recorded as "combined nature" (rice, garden, residential, and worship land), of which no one but the owner knows how much is in rice; and (3) lack of security.

Redistribution. The distribution of expropriated lands was apparently slowed up by the policy of allowing provincial officials to rent out undistributed lands.† Some lands were secure enough to rent and to collect rental income but were not distributed.‡

At the January 1968 National Land Reform Conference, the Director of Land Reform pointed out some of the difficulties and obstacles encountered in recent years that have hampered progress, classifying them as "exterior" (insecurity, enemy sabotage, timidity of peasants, and so forth) and "interior"--with which we are more concerned here. Under this heading he listed six items: (1) technical matters, distribution

* The cases would have to be examined carefully to determine if they were actual legal infringements of the law.

† See Implementation, Chapter 3.

‡ The amount of such land rented out is unknown. (See Village Administrative Chief Survey, Working Papers, Vol. II, Appendix C, for more details.)

facilities, and operative procedures; (2) complicated techniques of surveying and distribution; (3) lack of a sense of urgency on the part of local administrative authorities in the provinces, districts, and villages; (4) lack of coordination among supporting agencies responsible for civic action, information, propaganda, and security; (5) diversion of provincial land services to other projects by the province chiefs' offices, with a consequent lowered output; and (6) shortage of funds, facilities, and personnel.* He sought to overcome some of the difficulties in the land reform program by directing immediate efforts toward the accomplishment of two urgent tasks (1) distribution to the peasants of the 187,830 hectares of cultivated lands then remaining,† and (2) distribution to the peasants personally of the accumulated 100,948 titles that had already been established and forwarded to the provinces (the provinces having distributed only 15,235 titles out of the 116,183). He outlined in some detail priorities and methods to accomplish each task, adapting them to "the present security situation and politics,"--e.g., simplify to a minimum the procedures for distribution, based on administrative distribution first, followed by cadastral survey later, rather than the reverse;‡ and on handling cultivated lands first, with the more difficult problem of uncultivated lands to be handled later. For the title distribution, he suggested turning over the actual distribution to the local administrative authorities and having them assume the responsibility for the main part of this task.*

Former French Lands

Distribution of former French lands did not really get under way until 1967. A large portion of these lands have also been in Viet Cong-dominated areas. Information from 10 provinces indicates that approximately 75 percent of these lands were in insecure areas. However, more than one-third of the cultivated acreage is estimated to be in "relatively secure" areas. The estimated breakdown given at the end of 1967 was as follows.§

* Address of the Director of Land Reform, January 1968.

† Estimated by the Director of Land Reform.

‡ In May 20, 1967, Circular 22 detailed procedures for administrative distribution of former French and Ordinance 57 lands but the procedures were rather cumbersome, and apparently this circular was not widely applied at the time.

§ Notes by Nguyen Van Thuan, SRI, on the discussions at the National Land Reform Conference. In figures released by the GVN as of mid-July 1968, about half of the then remaining 202,000 hectares was listed as cultivated.

Of cultivated areas located:

- In relatively secure areas 30,000 hectares
- In insecure areas (and for which a checking not a surveying operation was made) 87,000 hectares

Of uncultivated areas (poor, unreclaimed land) located:

- In relatively secure areas About 6,000 hectares
- In insecure areas About 95,000 hectares

Total 218,000 hectares

In view of the availability of cultivated land in secure areas, the deterioration of the security situation seems not to be the only reason for lack of progress. Further, the delay probably should be charged equally to the same administrative factors applicable to Ordinance 57 lands.

Concession Lands Occupied by Squatters

Very little squatter-held land appears to have been distributed (according to the DGLA, about 2,037* out of 275,000 hectares of recorded squatter-occupied land as of October 1, 1967). In 13 provinces, provincial land chiefs could give little or no information on the amount of land held by squatters. The reason usually given was that they did not know about squatters until the squatters wished to regularize their holdings by filing an application for ownership with the provincial land office.

Little was done to regularize squatter claims until 1963, and it was not until late 1964 that a procedure was promulgated under which squatters actually occupying government lands up to 10 hectares in area would be granted definite ownership rights if they exploited the land themselves. Out of 180,000 refugees occupying public and private land for the purpose of dwelling and raising crops, 33,668 have been identified as occupying 275,000 hectares of lands, including 90,668 hectares of cultivated lands.* Some or all of these farmers are apparently eligible to purchase land. However, by definition, a squatter is a person who holds land without benefit of legal formalities. Therefore, without a special continuing

* As of July 15, 1968, this figure was increased to 3,052 (see Monthly Report, DGLA, June 16, 1968 to July 15, 1968).

† See Chapter 3.

census of such situations and administrative help in submitting applications, it does not appear reasonable to expect that there will be accurate records on such persons.

Most of the difficulties cited for the distribution of other types of lands apply here as well. Very little of this land has been surveyed, and the administration and documentation prescribed are fairly complex. Drafts of decisions and lists of squatters' names, after being approved by the province, must be forwarded to the Ministry of Land Reform and Agriculture for approval.

It would appear that the "administrative" distribution procedure applicable to Ordinance 57 and former French lands should also be considered for these lands.

Apparently, this problem does not have as high a priority as some others. It was not on the agenda of the National Land Reform Conference although the conference did take up a related subject of "distribution of lands to North Vietnamese refugees in land development centers and refugees from villages in South Vietnam."

Communal Lands

The guidelines for replacing bidding with written contracts are very detailed. Implementation has been progressing; approximately 24,000 out of the 50,000 to 60,000 hectares on which bidding was practiced are now covered by leases.* However, rents in many cases may have exceeded the legal limits.†

The GVN has followed fluctuating policy on distributing communal land over the years, and it is apparent that the government has not been able to obtain a consensus. This problem entails such complicated matters as village autonomy, financial security, and relationships with the central government. The great regional diversity in holdings and traditional use of such lands precludes any quick or generally acceptable solution.

In this case, the problem of policy determination outweighs the problem of administration. Even the implementation of the policy objective of bringing the communal lands under rental contracts is only partially accomplished.

* Informal Report from USAID Land Reform Advisor's Office.

† Working Papers, Vol. IV, Part 2, Hamlet Resident Survey.

Confused Lands

The guidelines on confused lands themselves are confusing,* and few statistics are available on the extent of implementation. The point could be argued that "implementation" in fact amounts to returning to a landlord-tenant relationship, and this may be occurring, but to what extent is not known.

As indicated in Chapter 3, important policy problems with serious political implications are entailed. The current government is apparently moving in the direction of favoring at least the continued tenancy of farmers placed on the land by the Viet Cong. President Thieu in a speech given at Ba Tri on September 21, 1968, implied that in cases where land has been returned to the control of the GVN, farmers given land by the Viet Cong could remain on the lands for an unspecified period. In November, the Prime Minister instructed military personnel and cadre at all levels that in carrying out their pacification and revolutionary development activities they were not to help landlords in "taking back lands from farmers or help them in land disputes."† In addition, it is understood that the GVN is considering a more far-reaching moratorium on existing land tenure, which would freeze occupancy status:

It is clear that whatever is decided on this point will have important implications for the administration of land reform. If the main burden of deciding such disputes is placed on the villages, there is the possibility of serious local conflict between those who presumably were loyal to the GVN and fled or were displaced by the Viet Cong and those who allegedly were not loyal to the GVN but are currently occupying the land. On the other hand the facts are best known at the village level, and it would seem that the village authorities should be intimately involved in arriving at just and politically acceptable solutions. However, clear guidelines would appear essential as well as readily available tribunals for objective and expeditious handling of the disputes that are bound to arise. Since in those cases of two claimants to the land, one probably must lose or be denied possession of the land, the offering of an adequate alternative to the loss would seem to be necessary in the interest of justice to the parties concerned and to ease the burden on those charged with administering the policy.

* See Chapters 3 and 5.

† Cable No. 185 dated Nov 16, 1968, from the Prime Minister to Mayors, Chiefs of Provinces, and Chiefs of Cities.

Opportunities for Extra-Legal Activities

Stanford Research Institute did not seek or obtain data relating to the presence or absence of corruption in the administration of land affairs, but the Rand Corporation interviews that were conducted among former Viet Cong members are replete with examples of the image given to the people by the GVN officials of the time. For example, one said, "The officials...rented the public rice fields which they should have distributed to the people; and pocketed the rent."* A number of others made similar allegations. Whether or not these were true, the impression seems to have been widespread.

President Thieu himself in 1968 referred to corruption as a "national disgrace," and the cabinet appointed in May 1968 was referred to by the GVN as an "anti-corruption cabinet." Many regional, provincial, and district leaders were summarily replaced in 1968 apparently in an effort to cope with the problem.

From an administrative point of view, one can easily identify those situations in which the lack of controls permits the offering and accepting of extra-legal "gifts" or "emoluments." Inadequate compensation for officials and inadequate legal sources of revenue for villages and provinces may provide the "justification" needed by the recipient for the exploitation of his position as a key link in the administrative chain. Any bureaucratic processing of papers in which a number of officials have to approve a document or confer a right provides the opportunity for corruption, and there are many such opportunities within the administration of land affairs. For example, the present laws governing land administration provide that a province chief may rent undistributed Ordinance 57 and former French lands. SRI found that it was very difficult to obtain reliable data on the rental area, the number of tenants, or the amount collected. Such information was not available in the provincial land offices, and it was found that these rentals were generally handled out of the office of the province chief. Similarly, as indicated earlier, most of the village administrative chiefs declined to answer questions concerning collection of rents for absentee landlords. Conceivably, any official in the administrative chain can hold up an application for Ordinance 57, former French, or other land simply by claiming that the applicant has not complied with the many technical requirements of the law, thus destroying much of the social and psychological benefits of the program. It would appear that the administrative controls that would prevent such actions are inadequate.

* Working Papers, Vol. III, p. 88.

The greatest step forward in the elimination of corruption would be the distribution of all public lands to extend ownership on a large scale. Broadening the ownership base would also eliminate the need for regulation of rents and landlord-tenant relationships generally. Thus, a large land redistribution program, besides its many social and pacification benefits, would eliminate severe administrative headaches and pressures at all levels of administration, particularly at the local level.

Administrative Capacity and Effectiveness of Villages

Effectiveness of Village Administration

The many villages in Vietnam differ greatly in their administrative performance. Some villages have done well, especially when local leadership and technical support from the province have been provided, while others have performed poorly. However, this lack of effectiveness should not be construed as an inherent lack of ability of those in village administration. Village administration in Vietnam can do nothing but mirror the upper levels of government under the present organizational structure and stage of political development. Its functions, training, and authority, come from the central and provincial levels. Thus, its effectiveness or lack of it has been a direct result of the effectiveness or lack thereof of those levels of government. The establishment of village self-government in 1967 and the increasing efforts put forward by the GVN to strengthen local government should result in more responsive village administration. Local administration has been singled out by the GVN as a major area for improvement.

The villages have a good potential for administering land affairs, but not where sophisticated programs are required. With more than half of the land registers missing from the villages, it is difficult to estimate their current capacity to handle records. The potential is probably there, but current skills are not available for implementing any program that requires fairly sophisticated technical and administrative handling.

There is a need for simplified administrative programs. A logical approach to the problem would be to develop programs that obviate the necessity of using highly trained personnel but that still would achieve usable and reasonable results. Such a program was recommended by the Director of Land Reform at the National Land Reform Conference in January 1968, and a pilot project was started in September 1968. Provided that appropriate appeal mechanisms are built in, a simplified program based on a "distribute now, measure later" policy could be used not only to complete the distribution of currently available land, but also to handle further distribution as other lands become available.

The villages have a good capability for simplified land identification programs. Village administration, with assistance and guidance, is capable of handling a "land identification program" that does not require highly refined skills. Simple measurement; sketching; using aerial photographs where available; and record-keeping are, with instruction, within the capabilities present in the current administrative structure.

The villages have a good capability for handling disputes relating to land affairs and seem to perform well in settling them. Greater formalization of this function does not seem necessary at this point.

The villages have demonstrated the capacity to administer programs successfully, given proper technical support from the provinces, with the possible exception of those delegating technical functions or policy-making to them. The former are beyond the capacity of the villages, and the latter requires greater definition. Some flexibility may be necessary to allow for local variations but basic policy decisions need to be made at higher levels, and guidelines need to be outlined carefully for village administrators.

There must be strong elements of leadership, guidance, and enforcement from the central and provincial levels to ensure a moderate degree of success in administering land affairs. Although the necessary skills and capabilities are not highly developed in the villages at the present time, they could be developed rapidly with a high degree of responsiveness at the upper levels of government.

A highly practical way of initiating the rebuilding would be the formation of temporary provincial training programs as needed to give on-the-job training to village officials to assist them in reactivating agricultural committees and reconstructing their records. This step would also provide a means to try out new programs on a pilot basis and to revise them through actual experience before applying them countrywide.

Village Administration Reconstruction

A major barrier at present to the implementation of any land reform program is the condition of records at the province, and especially, the village levels. This includes land registers, ownership maps, lease contract registers, and tax books. The inactive status of many Village Agricultural Committees is also a problem. The burdens of transient land reform programs, combined with the massive task of reconstituting an effective land administration, have been placed on a local administration that would in all likelihood be fully occupied in performing the routine

tasks of land administration. It does not seem reasonable to expect adequate performance under these conditions.

Local Administration Finances

A formidable barrier for many villages and provinces is the problem of adequate revenues for carrying out required services. Some villages depend heavily on the rental income from communal land, and in some cases, provinces have used the rentals from former French and undistributed Ordinance 57 lands to augment their incomes. On the basis of available data, the total impact of the loss of income on the financial situations of these local administrations that would result from the distribution of these lands cannot be estimated, but there is every reason to believe that at least in some cases, it would be substantial. The 1967 law allowing the villages to retain rice and garden land taxes for their own budgets may assist many of them materially. At present, it is not clear whether past subsidies for the salaries of the village council and committee members will continue. Obviously, each of these factors bears on the ability of the village and province to field, organize, and conduct an effective administration.

Cadastral and Land Registration Procedures

Successful land survey and registration programs at the village level for the whole of the Republic of Vietnam are not possible in the immediate future. The overall shortage of technically trained personnel in a developing country precludes any such program, and it is unreasonable to expect such skills to be developed on the scale required in any reasonable period of time in the present context. (Consolidating and focusing these resources as well as other steps mentioned above could help materially.)

In 11 provinces in the Delta on which detailed information was available, no records of land ownership existed for more than one-third of the villages, either at the province or at the village. Up to two-thirds of the village offices had no land register books. Most of the records had been destroyed during the past 22 years, but fewer than 10 percent had been reconstructed during that time, and few "provisional registers" have been established to record new transactions. Ownership maps were in similar condition (maps for 45 percent of the villages were either missing or not current). The size of these figures and the length of time that has elapsed show the inability of present cadastral and land registration procedures to cope with the present situation.

A program that is based on simplified measurement and recording could be implemented now in villages in which security permits, or even in a few hamlets of a village where security allows such activity, and gradually applied in other villages and hamlets as security conditions improve.

Lease Contract Administration

Except in a few isolated cases, the lease contract program has been generally unsuccessful, mainly because of the unenforceable nature of its provisions in the present environment.

Two-thirds of the villages visited either had no lease contract register or had one that is virtually useless, 20 percent of the villages surveyed never implemented the program, 75 percent of the leases registered are now out of date, and only 35 percent of the villages had an active Village Agricultural Committee.

Administratively, there is little, if anything, that can be done to rejuvenate the program, and serious consideration should be given to giving priority to other programs, including the search for a more effective land tenure law. In the meantime, existing laws should continue in force.

Leasing of Communal Lands

Although successful in the sense that communal lands are rented out where security permits, the administration of the communal lands program does not always fulfill the intent of the communal land concept or the requirements of law (e.g., 6 out of 37 villages still use the bidding system). Control and enforcement by provincial and central government are required if the program is to be continued. The distribution of communal lands to tenants for ownership is currently being discussed in the GVN, and a decision on the matter is urgently needed. The effects of loss of rental income on the village budgets should be taken into account in this decision.

Measures to Improve Village Administrative Capabilities

Land administration has been hampered by insecurity (including enemy sabotage and confusion caused by the war), political instability, complexity of the land laws, and changing external support, while inadequacies in administration have contributed to the lack of better progress in land reform. In considering means of attaining improved land administration, various problem areas meriting increased attention have been

identified: land affairs organization; control mechanisms; manning; coordination; centralization; procedural complexities; inadequate support by province and district officials; moribund village committees; missing, incomplete, and inaccurate records; the land survey "bottleneck," and unexpropriated holdings in excess of Ordinance 57 limits.

It is clear that the most important action that should be taken is to build up the capabilities and effectiveness of land affairs administration at the local level, particularly in the village government, if the present and impending objectives of the GVN in land reform are to be attained. A program to increase village capacity for self-administration needs to be completed with decentralization of certain authority and responsibility from the GVN to the villages and the provinces; however, local action must be carried out consistent with a framework of national policies. Improvement of local administrative capacity requires both enlightened controls and meaningful on-the-job training for village officials. Only if the villages are responsive to the needs of the people and develop the capacity to perform their functions properly can there be hope of achieving the national goals established. The following specific measures are recommended to improve village capabilities to administer land reform programs:

1. Introduce strong motivation, leadership, and a sense of urgency at the central level, reinforcing staff elements to provide the required support to the provinces.
2. Build up the province land affairs services, where needed, to provide guidance and technical support, as well as training and supervision of villages.
3. Implement the simplified programs spelled out by the Director of Land Reform--administrative distribution first, followed by cadastral survey later.
4. For a rapid system of land identification and cadastral description of rural lands, work out a method of combining the use of aerial photographs and Village Agricultural Committees.
5. Authorize the provinces to give on-the-job training to village officials while assisting them in reactivating Village Agricultural Committees and reconstructing their records. Reproduction equipment might be made available to copy quickly existing records at the central and provincial levels for distribution to the villages. Possibly additional

cadre authorized by the Revolutionary Development Ministry could be used together with the augmentation employees authorized by USAID's Land Reform Fund. Additional village employees (e.g., a village "land registrar") may be needed for all villages, with priority given to the larger villages and those having considerable land to administer.

6. In connection with the distribution of land currently providing income (especially Ordinance 57 and former French lands), determine the impact of such distribution on the income of the villages and provinces and, where the impact is serious, provide additional sources of income.

Effective steps have been taken toward improving local administration, starting with the provision in the new constitution for the separation of power for "legal regional entities: villages, provinces, cities, and the capital"; with the village and hamlet elections in 1967; and with various organizational, training, community development, and pilot land distribution programs carried out since 1967. Thus the GVN is in the process of taking political steps and administrative initiative to strengthen the village and province government levels. Decree 198 of December 24, 1966, which returned self-government to the village government, was a major step toward rural democratization. The constitution confirmed this step and expressed the objective of extending more power to local levels of government.

To achieve rural economic and social development in the postwar years, capable village governments will be required to plan and execute public works and social development projects. Thus the need to develop the latent capacity of the village government in land administration is consonant with the broad purposes of the national government to make this level of government a viable unit with important economic development and political responsibilities. Greater capability in administration (including land administration) and in local development requires a mechanism for substantial political involvement of village people in solving local problems. The "confused" lands problem is a vital case in point of a problem that can probably only be solved in a just manner with the involvement of rural people who are best informed about the situation and who will help in achieving a solution that will also be acceptable to them. It is therefore more likely to result in a stable solution.

Chapter 5

THE VIET CONG

Comparison of GVN and Viet Cong Land Reform Policies

The GVN is in direct competition for the same elements of the rural society and the same land that the Viet Cong requires for the conduct of the insurgency. It is not surprising, therefore, that the GVN has encountered forceful opposition to its land reform programs from the Viet Cong. In addition to efforts to destroy the effectiveness of specific GVN programs, the Viet Cong has conducted a parallel land reform program of its own. Included in the two programs are many common elements and concepts, but the basic philosophies differ significantly, as pointed out in Chapter 1.

Land Distribution

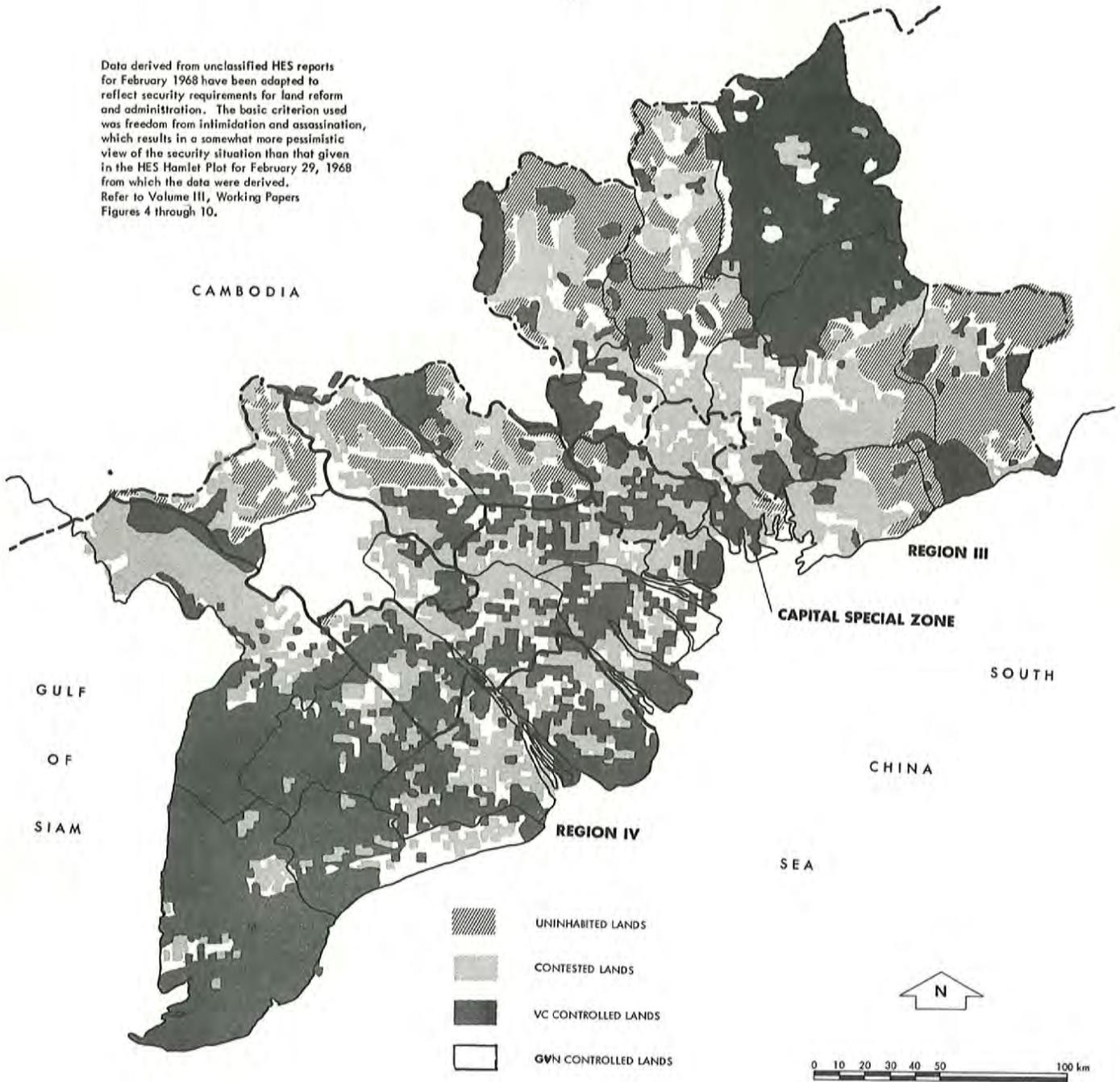
The basic concept of "Land to the Tillers" underlies both GVN and Viet Cong policies of land redistribution. Under the GVN Ordinance 57 policy, all privately held riceland in excess of 100 hectares was expropriated: about 450,000 hectares. An additional 230,000 hectares was purchased from landowners of French citizenship. The location of these lands is shown in Figures 1 (Ordinance 57 lands) and 2 (former French lands), in Chapter 1.

A comparison of the GVN acquired lands shown in Figures 1 and 2 with the security conditions depicted in Figure 15* reveals that a substantial proportion of these lands is currently not distributable by the GVN.

* The security conditions presented in Figure 15 constitute an interpretation of data obtained from the Hamlet Evaluation System Hamlet Plot for February 29, 1968 (U.S. Military Assistance Command, Civil Office of Revolutionary Development Support, Vietnam). This interpretation was made strictly for the purpose of portraying Viet Cong interference in GVN land reform and does not constitute--nor should it be used or interpreted as representing--the official U.S. or GVN views on security conditions in the Mekong Delta.

Figure 15
**SECURITY CONDITIONS OF
 LANDS IN THE MEKONG DELTA**
 Republic of Vietnam
 February 1968

Data derived from unclassified HES reports for February 1968 have been adapted to reflect security requirements for land reform and administration. The basic criterion used was freedom from intimidation and assassination, which results in a somewhat more pessimistic view of the security situation than that given in the HES Hamlet Plot for February 29, 1968 from which the data were derived. Refer to Volume III, Working Papers Figures 4 through 10.



Although one reason for this is that a significant portion (e.g., over 100,000 hectares of Ordinance 57 land) is not immediately cultivable, even more of an obstacle to distribution is that most of these lands are insecure--either in contested or in Viet Cong-controlled areas.

The efforts of the GVN in land distribution have not in themselves been adequate to prevent the Viet Cong from acquiring control of a major portion of the Mekong Delta. It does not follow from this that the concept was a poor one, but it does indicate that people affected may have been too widely dispersed or the coverage insufficient to achieve the objectives of the program. It also indicates that without effective and continuous protection from the Viet Cong, these efforts are likely to be wasted. This underscores the need for conducting land distribution in concert with military and other GVN efforts to secure the land. The security status of lands available for distribution in the Mekong Delta is such that the full benefits under present GVN programs cannot be achieved until the Viet Cong's extensive control of the available lands is removed. There are, however, enough of these lands remaining in contiguous areas under the control of the GVN that significant beginnings can be made in selected areas where there is a concentration of distributable lands.

The land redistribution program of the Viet Cong has been competitive with that of the GVN. Its application has created conditions that tend to complicate GVN administration of land affairs and reduce the effectiveness of the appeals associated with the GVN land policy. The SRI Village Administrative Chief Survey, although conducted in areas that were relatively more secure than most of the Mekong Delta, revealed that Viet Cong land redistribution had been implemented in some of the areas covered in the survey. Table 13 contains the estimates of 37 village chiefs with regard to the land areas in their villages that were under the control of the Viet Cong and that had been redistributed. These data, which are confirmed by captured Viet Cong documents, indicate that the Viet Cong tends to delay any attempt at redistributing land until such time as it comes under its full control. The data also reveal that not all lands under the control of the Viet Cong--roughly half in the sample--have been distributed. However, as Figure 15 indicates, the land area controlled by the Viet Cong in the Mekong Delta exceeds that distributed under Ordinance 57 by a considerable amount. Since most of this land has been under the control of the Viet Cong for a number of years, it is probable that this land has been redistributed in accordance with established Viet Cong policy. If so, the number of families benefiting from the Viet Cong land redistribution could easily be several times the 117,000 who received land under the Ordinance 57 program.

The retention limit of 100 hectares applied by the GVN in the expropriation of land under Ordinance 57 contrasts sharply with the ideal size

Table 13

VIET CONG LAND REDISTRIBUTION ESTIMATED IN
VILLAGE ADMINISTRATIVE CHIEF SURVEY

Region	Province	Village	Q-61 Land Under VC Control				Q-62 Land Redistributed by VC			
			1/4	1/2	3/4	All	1/4	1/2	3/4	All
III	Long An	Truong Binh	—							
		Phuoc Tuy	—							
		Phuoc-Tinh								
	Tay Ninh	Thai-Binh								
		Thai-Hiep-Thanh Thanh Phuoc								
Capital Special Zone										
IV	Gia Dinh	Thong Tay Hoi								
		Hiep Binh								
		An Lac								
		Dong Hung Tan								
	An Giang	Vinh Trach	—							
		Hoa Binh Thanh								
		Long Dien								
		My Hoi Dong								
		Tan My Tan Loc Dong								
	Bac Lieu	An Trach	—							
Chan Doc	Phuoc Hung									
	Da Phuoc									
	Hoa Hao									
	Chau Phu									
Chuong Thien	Vi Thuy	—				—				
Dinh Tuong	An Huu	—				—				
	Hoi Cu	—				—				
	Trung An	—				—				
	Dien Hoa									
Go Cong	Tan Nien Tay	—				—				
Kien Giang	Thanh Hoa	—				—				
	Thanh Dong	—				—				
Kien Tuong	Tuyen Thanh	—								
Phong Dinh	Thuong Thanh	—				—				
	Thoi Long	—				—				
Sa Dec	Tan Vinh Hoa									
	An Tich									
	Long Thang									
Vinh Binh	Phuoc Hao	—				—				
	My Cam	—				—				

of land holding sought by the Viet Cong. Through the application of threats, excessive taxation, and outright confiscation, the Viet Cong effectively reduces the size of individual holdings to an amount sufficient to support the immediate requirements of the household. The size of individual holdings in Viet Cong-controlled areas varies from 1 to 20 hectares depending on population pressure, the productivity of the land, and the size of the household. The average size of Viet Cong holdings is between 1 and 5 hectares. The latter figure is the preferred upper limit in single crop areas, and 2 to 3 hectares is the upper limit in areas of double cropping or excellent soil fertility. This size of holding corresponds to that of the Viet Cong middle peasant class. It also corresponds roughly to the average size of plot distributed under Ordinance 57 and to the view expressed by respondents in the SRI surveys on the amount of land sufficient to support the average household.

Although the number of landlords now owning 100 hectares of land is small relative to the number of smaller landowners and tenants, a substantial number of owners having between 5 and 100 hectares still qualify under Viet Cong standards as rich peasants and landlords. The Viet Cong is thus able to point to the image of landlordism in the rural society in spite of the GVN Ordinance 57 program. The 5-hectare limit appears to be accepted both by the Viet Cong and the majority of peasants as an ideal size of holding. A modest amount of additional land over 5 hectares is not likely to have a significant negative effect on the mass of peasants and perhaps would preserve some of the incentives of private ownership. The present retention limit of 100 hectares is, however, 20 times that required for the average household to exist comfortably. To reduce the vulnerability of the GVN to Viet Cong efforts to exploit land reform significantly, a retention limit of under 30 hectares seems much more likely to succeed.

The significance of Viet Cong land redistribution lies in the fact that it is designed to win the same landless elements of the population that the GVN program is intended to benefit. As long as the recipients and the land remain under Viet Cong control, further redistribution of the same land by the GVN would seem somewhat academic, particularly since the recipients have already obtained benefits that are apparently equivalent to those offered by the GVN. However, recent GVN experience with the distribution of former French lands in Chuong Thien province during July and August 1968 indicates that the recipients of Communist land reform are not altogether convinced either of the sincerity of the Viet Cong or the permanence of the arrangement. A number of peasants now occupying former French land in Viet Cong-controlled areas have applied to purchase this land from the GVN. While this act gives the appearance of fence-sitting, it means that some benefits can be obtained from GVN land redistribution even in contested and Viet Cong-controlled areas as these

areas are vulnerable to the appeals of the GVN program. Thus, the current expansion of this program may be expected to have a favorable psychological impact considerably beyond the areas now under GVN control. Past experience with other GVN programs indicates, however, that this optimistic view may be short-lived if the Viet Cong were to succeed in preventing the participation of people under its control or in interfering militarily with the administration of the GVN program.

Landlord-Tenant Relationships

The efforts of the Viet Cong to attract the loyalties of tenants tended to obstruct the application of the GVN land tenure program and, in some cases, to make it unattractive and even inapplicable.

The policy objectives of the GVN with regard to landlord-tenant relationships are to place limits on the rents paid by tenants for the use of the land, to provide tenure security for the tenants, to provide rental relief in cases of crop failure, and to give the tenant the first right to buy the land should the landlord choose to sell. For each of these objectives, the Viet Cong had a competitive program of its own. Whereas the GVN rental limits ranged from 15 to 25 percent, the Viet Cong limits ranged from 0 to 30 percent; whereas the GVN sought to prevent unjust eviction of the tenant by the landlord, the Viet Cong prevented the landlord from selling his land. The Viet Cong also provided protection against crop failure. The transfer of ownership to the tenant was accomplished through uncompensated expropriation of the land and its distribution to the tenant.*

Thus, wherever the Viet Cong was able to apply its land reform program, the GVN was effectively prevented from implementing its own policy. The landlord was subject to the influence of the Viet Cong even in hamlet lands rated as GVN-controlled. Of the 54 hamlets visited in the SRI Hamlet Resident Survey, all but six of which were rated as secure, 33 (61 percent) indicated the presence of Viet Cong intimidation; and in the 37 villages visited in the SRI Village Administrative Chief Survey, 29 (75 percent) had experienced kidnaping or intimidation of some kind.

Although the impact of the Viet Cong is by no means uniform, it would appear that in Viet Cong-controlled areas, most of the land has been redistributed--which is interpreted to mean that in these areas, landlordism has been abolished by the Viet Cong. In the portion where Viet Cong land

* National Liberation Front Land Policies, Working Papers, Vol. III, Appendix B, pp. 115-20.

redistribution is not yet complete, it may reasonably be assumed that the landlord has been rendered politically ineffective as a force in the society and that tenure security is guaranteed by the Viet Cong.

Some concept of the extent of Viet Cong interference in the GVN program may be obtained from the interpretation of the security situation in the Mekong Delta presented in Figure 15. The situation described above for Viet Cong-controlled lands applies to the area in black, which occupies the major portion of Regions III and IV. The shaded portion (solid grey), designated as contested lands, represents an approximation of the area in which Viet Cong intimidation may be expected to apply. The unshaded portions approximate the area in which the GVN program of improving landlord-tenant relationships can be conducted without competition or interference from the Viet Cong. The pervasive influence of the Viet Cong on the landlord-tenant relationship is clearly evident.

The acquisition of Ordinance 57, French, and other lands has made the GVN the largest single landowner and landlord in many villages and hamlets. SRI surveys indicate that existing controls are inadequate to prevent malpractice in the administration of these lands. Malpractice has been the subject of extensive Viet Cong propaganda that has been used to discredit the GVN in the eyes of the rural population. GVN lands have generally been highest on the list for Viet Cong expropriation and redistribution. Because they are owned by the GVN, the Viet Cong has no problem in rationalizing their expropriation.

The continued retention of these lands has the effect of maintaining the GVN in the role of the landlord. Even with effective GVN rent controls, the granting of the land to the tenant by the Viet Cong is clearly more attractive to him than rental payments and the apparent lack of tenure security under the GVN administration. To date, the Viet Cong has found these lands convenient sources for its own land reform program. Until the GVN succeeds in divesting itself of them, opportunities for corruption are likely to remain, and little benefit will be derived in terms of attracting the farm people to the side of the GVN.

Other than vituperative propaganda of the type applied to all GVN activities, the Viet Cong displayed little interest in GVN landlord-tenant regulations. This may be explained, in part at least, by the ineffectiveness and unenforceability of the regulations. Even in secure areas, questions have been raised as to the administrative feasibility of GVN landlord-tenant regulations. It is clear that Viet Cong intimidation of the landlord is a common and effective practice in contested areas as well as in many areas defined as secure. It appears likely that the Viet Cong has achieved

a greater impact on the landlord-tenant relationship than has the GVN. Certainly this is true in Viet Cong-controlled areas.

By creating an environment of insecurity in the contested areas and by redistributing the land of landlords under its control, the Viet Cong places the GVN in the position of having to protect the landlord from Viet Cong terrorism, help him to recover his land, and otherwise defend his right to collect rents. Efforts of the GVN to change this image have resulted in laws that would recognize certain rights of the Viet Cong-appointed recipient of the redistributed lands. While the GVN seeks to relieve the Viet Cong-appointed occupant of his fear of eviction through these measures, the landlord can still proceed with the establishment of lease contracts and with the collection of rents. The reinstatement of the landlord, combined with the apparent ineffectiveness of rent controls, would seem to detract seriously from the psychological appeal for a return to GVN control. It would appear that anything less than full rights of ownership or at least the option to purchase the land would fall short of the desired effect of drawing the tenant to the side of the GVN.

Land Development Centers

Of the 210 Land Development Centers established by the GVN, fewer than 20 percent remain in anything approaching a secure state.* Even in the obvious failure of the majority of land development centers, however, there appear to be some valuable lessons to be learned. Not the least of these is the massive waste of both material and human resources in establishing such centers without a concomitant ability to defend them.

The dissolution of the Land Development Centers has been described by several former residents. It began with the infiltration of cadre from the Viet Cong district level organization. Agents of the Viet Cong were among the ranks of the pioneer families that originally came to the centers. To supplement the work of agents, Viet Cong propaganda cadre came to the centers to muster support, first occasionally, and later every night. The Land Development Centers were rather abruptly abandoned by the GVN as the Viet Cong extended its control to the vicinity of the centers, whereupon the Viet Cong immediately moved in and took over their administration.

* The various data available on land development centers give the original number of centers as 210, 220 or 225 depending on the definition of land development center used in each case which is not specified. It was not possible to reconcile these data. However, in view of the large number of centers that have been abandoned, and the current insecure status of the remainder, need for clarification seems academic.

After takeover, the process of deterioration led inevitably to the abandonment of the centers by the inhabitants. Initially mildly receptive to Viet Cong propaganda, the residents soon found themselves living in a totally controlled community. Taxes became unbearably high, and the centers gradually dissolved as residents departed family by family. In the end, Viet Cong food production workers (agricultural laborers associated with military units operating in the area) had to be brought in to perform the support functions that the Viet Cong obviously had hoped would be provided by the residents.

The Viet Cong made no pretense of applying land reform to the Land Development Centers. Although there were apparently some efforts made at later stages in the deterioration of the centers to get the remaining residents to accept land abandoned by escaping families, these efforts had little success.

Although the economic democracy of small owners created in the Land Development Centers was unable to prevent a Viet Cong takeover, in at least some cases, the Viet Cong was placed in the undesirable position of having to apply oppressive measures to gain and hold control. Because of the already existing even distribution of land, the Viet Cong was unable to apply its own version of land reform. Without the appeal of land reform, the Viet Cong had considerable difficulty in persuading the residents that its cause should be preferred over that of the GVN.

The Land Development Center concept does not compare directly in objectives with other GVN land reform efforts, but it does contain certain distinct advantages over them. The other land reform measures appear to have been either ineffectively applied or not sufficiently concentrated to benefit a significant proportion of the community. In contrast, the Land Development Center provided a more coherent framework and directed focus for meeting the peasants' economic requirements. Providing community services tended to augment and reinforce the psychological benefits achieved through the granting of land ownership. It is clear that if the Land Development Center concept had been integrated with effective security and intelligence activities, the benefits would have assured the continued support of the residents. Certainly the concept is deserving of serious consideration in any future GVN program of land reform and development.

Confused Lands

In an effort to neutralize the effect of Viet Cong propaganda, the GVN issued a circular* to provide guidelines for solving the problem of confused ownership and occupancy rights on lands formerly under Viet Cong control. This circular establishes certain rights of occupancy for the Viet Cong-appointed occupant of lands that have been returned to GVN control, but, as indicated in Chapter 3, the law is ambiguous on several important points. In addition, its application has been so limited that it cannot have achieved its objective of relieving the beneficiaries of Viet Cong land redistribution of their fears of eviction by the GVN. With no effective alternative to eviction, it may be assumed that the effects of the Viet Cong redistribution still hold and that the recipient continues to be motivated to support the Viet Cong to protect his interest in the land.

In addition to attracting the peasantry away from the GVN, Viet Cong land redistribution presents a number of serious administrative problems that arise on the resumption of GVN control. Former owners and tenants must be found, which may be no mean task in itself, since many may have left the land as refugees or as members of the Viet Cong. Land records and boundary markers may have been destroyed or may be grossly out of date. Disputes with regard to occupancy rights must be reconciled, and rental contracts and registers must be reconstructed. Compared with the administrative method of the GVN, the method used by the Viet Cong in redistributing land and in correcting "confused" situations is relatively simple. Priorities and procedures for carrying out land redistribution are clearly enunciated in Viet Cong policy directives. Almost total reliance is placed on local knowledge of the land situation. The determination of who should receive land is made at the hamlet level where differences in such factors as the availability and productivity of land and relative need can be expeditiously determined.

Two basic problems remain to be resolved in the area of confused lands--eviction and administration of rights. To attract the recipient of Viet Cong land distribution or at least to neutralize its effect, he must be offered some alternative to eviction. The present law retains provision for the resumption of control over the land by the original owner and tenant. If the rights of the latter are to be honored, as it seems the GVN is obligated to do in some fashion, one alternative may be to offer the Viet Cong recipient equivalent or better land elsewhere,

* Circular 66-XD/TT, dated March 28, 1967.

possibly in conjunction with a land development center. This concept was used successfully by Magsaysay in the Philippines in conjunction with the suppression of the Hukbalahap insurrection. Another possibly more expedient solution is to confirm the ownership of the Viet Cong-established occupant. The former owner could then be compensated by the GVN on a fair basis or given land of equivalent value and acceptability elsewhere. In the interest of equity, the Viet Cong-established occupant could be required to pay for the land on the same terms as others who acquire land under Ordinance 57.

As for the second problem, the present law does little to clarify occupancy rights, and it is likely to be exceedingly difficult to administer, particularly in the face of the poor condition of most land records and complex, time-consuming process necessary to reconstruct the records. Simplification in administration could do much to improve the image that the GVN presents to those who are freed of Viet Cong control.

Administrative Control

In administering land reform measures, the Viet Cong has displayed a flexibility and adaptability not present in the GVN program. The Viet Cong has deliberately decentralized decision-making to village and hamlet levels to adapt policy to differences or changes in local land tenure conditions. In contrast, GVN administrative control is highly centralized, which makes adaptation of the law to local conditions difficult.

Higher echelons in the Viet Cong call for the gathering and evaluation of vast amounts of detailed demographic information at the village and hamlet levels. As a result, Viet Cong estimates of the situation are exceedingly thorough and display an insight into the problems encountered at these levels that can only be attributed to excellent intelligence and extensive experience. Thus, while the lower echelons are given the flexibility they require to adapt their resources to Viet Cong land reform policy and to the local situation, they are monitored continuously. If a serious problem arises at the local level, there is an immediate response to define its nature and extent and to apply the leadership and resources required to correct the situation. For example, it is not unusual for Viet Cong Provincial and Interprovincial Headquarters to assign high level personnel to take over the leadership of village and district organizations temporarily, as a means of repairing the damage caused by GVN intelligence penetration and military or political successes.

This characteristic flexibility in the application of land reform extends to the testing of more advanced concepts of Communist land reform

in selected areas. Cases are noted in captured documents of Viet Cong experimentation with the purging of landlords and other undesirables and with concepts of collectivization. This experimentation is significant because it demonstrates Viet Cong sensitivity and adaptability to the level of indoctrination of the society, which have not been equaled in present GVN administrative approaches.

Viet Cong administration of land reform contrasts with that of the GVN in several other significant ways. For example, there is no Viet Cong equivalent to the time-consuming application, title search, and registration procedures; cadastral surveys; lease contracts; registers; and most of the other administrative formalities associated with GVN administration of land affairs. Since the Viet Cong is concerned with occupancy rather than ownership or tenancy, a single set of simplified records is sufficient. Documents purporting to be Viet Cong titles have been captured, but in many Viet Cong-controlled areas, the most common arrangement seems to consist only of an oral understanding. As long as the Viet Cong remains in control and the recipient remains loyal, his rights seem to be honored--which is, after all, the real test of Viet Cong sincerity in land redistribution in the eyes of the recipient. There is, however, a fundamental difference in the character of the administrative arrangement. The GVN formalizes the ownership arrangement, and while the recipient is obligated to pay the government for the land, the rights granted are recorded in a permanent title. The Viet Cong grants rather than sells the land to the recipient, but the ultimate status of the land remains deliberately unclear, the implication being that at some future date the land may have to be returned to the Viet Cong. Although the Viet Cong plays down this aspect of redistribution, the distinction is significant in that it demonstrates the basic insincerity of Viet Cong land redistribution and thereby provides the GVN with material that could, if properly exploited, reduce the psychological impact of Viet Cong land redistribution significantly.

Problems of Viet Cong Land Reform Policy

While the above-mentioned flexibility of Viet Cong land reform policy seems desirable, the Viet Cong has problems of communication that frequently result in misunderstanding and excesses, as well as in unforeseen reactions from the population. Problems of interpretation generate seemingly

endless reams of dialogue between the implementing agencies and the leadership of the Viet Cong.* Certain of these problems are instructive.

Viet Cong land reform runs into difficulties where the rural society is evenly structured; where there is an absence of the essential Viet Cong symbols of oppression--the landlord and the indifferent government official; and where the people have experienced truly representative local democracy. Other problems encountered by the Viet Cong arise from shortages of land for redistribution, the incongruities associated with preserving certain private enterprise features of existing society, and the mass abandonment of land as a result of the recent large scale military actions.

Lack of Landed Class Structure in the Rural Society

A Viet Cong document, in reviewing conditions in contested villages surrounding the Viet Cong base areas, states: "Half of the inhabitants in XX Village are Middle Farmers, the remaining are Poor Farmers. This village has no landless farmers." With reference to another village in the same area, the document goes on: "Half of the inhabitants are poor farmers, one-quarter are middle farmers and the remainder are business men and traders."†

This lack of polarization in land tenure conditions apparently has been a relatively frequent experience for the Viet Cong. Further insight into the fundamental Viet Cong need for inequity in the distribution of land was obtained from an analysis of the results of the SRI Hamlet Resident Survey. The responses were broken down and examined using the class definitions of the Viet Cong, the objectives being to determine if significant differences in attitude toward land existed between classes and to identify possible sources of discontent. This analysis, which required considerable cross-checking and validation of results, revealed a rather remarkable absence of class antagonism between the poor peasants and the

* While the existence of political problems in the implementation of Viet Cong land reform policy may seem to be a contradiction, they do exist but their magnitude is impossible to determine on the basis of available data. The volume of discussion on these problems by the Viet Cong may simply indicate that the Viet Cong leadership is alert to them and is attempting to alleviate their symptoms before they become serious.

† Working Papers, Vol. III, Appendix C, RAND Interview Data, AG 599.

landlords.* Lack of class antagonism may be partially explained by the fact that the Ordinance 57 and earlier Viet Minh land redistribution programs eliminated the very large landlords who had been the target of Communist propaganda during the anti-colonial struggle. In some areas, it is clear that the difference in status between the former landlord and poor peasant is now so small as to be of little consequence. It follows that the Viet Cong has had to employ proportionately more effort than its predecessors, the Viet Minh, to exploit this small difference as a means of obtaining political support.

Availability of Land for Redistribution

The elimination of all but the relatively small landlords also had the effect of reducing the amount of land available to the Viet Cong for further redistribution. It was for this reason that the middle peasant--the least vulnerable of the lower classes to Viet Cong appeals and the pivotal element in Viet Cong strategy--became the target of confiscation. The consequent alienation of the middle peasant created in the ranks of the Viet Cong an ideological controversy that still continues. Judgment of the extent of such alienation must, unfortunately, be based on fragmentary data. However, the frequency of mention and seriousness of tone in both captured documents and RAND interviews support the contention that the problem is of serious concern to the Viet Cong leadership.

Perhaps the most significant problem relating to the availability of land for redistribution by the Viet Cong is a characteristic lack of coherence in its acquisition and distribution. The rules established by the Viet Cong in its attempt to minimize the conflict resulting from Viet Cong expropriation create a condition of piecemeal acquisition and distribution. Incentives in the form of land have had to await a fairly advanced stage in the insurgency. In addition, the large blocks of GVN land and remaining large private holdings, while considerable in total acreage, were not so uniformly located that each province had its proportionate share. Even where large blocks of land were available, they were by no means equally located near the various hamlets. In many instances, one hamlet would have land available, while adjacent hamlets and villages had none.

* This does not necessarily mean that the tenant is satisfied with his lot, but rather that feelings about existing inequities in land are latent sources of unrest that require extensive propaganda and organization to arouse and convert into political support for the Viet Cong.

Repeated references in captured documents indicate that the Viet Cong needs the financial support of the middle and upper segments of the old rural society and are reluctant to alienate them through the direct expropriation of their land. Even when Viet Cong control was complete, the Viet Cong did not confiscate land indiscriminately. Instead, the Viet Cong let the natural processes of the conflict operate to provide land for distribution. As taxation of well-to-do peasants by the Viet Cong became unbearable, these peasants turned land over to the Viet Cong voluntarily. Even the land of those who fled the bombing and shelling for the more protected GVN areas was held "in trust" as an incentive for them to return when conditions allowed. Those who left permanently or had dealings with the GVN did not qualify for this concession, and their land was immediately expropriated and redistributed.

The net result of all these factors was to make land available on a piecemeal basis. Redistribution took place over a considerable period of time, which tended to dilute its impact. Not unlike the GVN Ordinance 57 program, the Viet Cong distribution was therefore uneven in its effect.

Reconciliation with Non-Communist Elements

While the capitalist elements of the Vietnamese society would seem to be a natural target for elimination by the Viet Cong, it is important to note that in the period before the attainment of full control, they constitute an important resource for the revolution.

It has been estimated that more than 90 percent of the funds needed by the Viet Cong to support the revolution are derived from sources within the Republic of Vietnam. Evidence is presented later in this chapter indicating roughly two-thirds of this Viet Cong cash income is obtained from sources other than the peasant. Anomalous as this may seem, the capitalist elements of the society--landlords, rich peasants, upper middle peasants, and commercial and industrial operators related to the agricultural economy of Vietnam--constitute a primary source of financial support for the Viet Cong.

The impact of this phenomenon on the pattern of Viet Cong land reform is illustrated in the case of the large rubber plantations north of Saigon, which continue to operate in spite of extensive Viet Cong activity in their vicinity. Rather than expropriate and redistribute the land occupied by the plantation, as might be expected from Viet Cong land reform practices elsewhere, the Viet Cong allows the management to continue operations. This anomaly may be explained in part by the character of the product. In contrast to rice and other basic foods, unprocessed rubber has little

utility to the Viet Cong. It is of monetary value only if it reaches the international market, and to do so it must pass through GVN-controlled ports. The assumption of direct Viet Cong control over the plantation and the institution of land reform would have the effect of cutting the plantation off from its market and thereby putting a substantial number of rubber tappers and other usefully occupied plantation laborers out of work. Since no alternative employment exists, the act of closing the plantation would bring hardship to the very people that the Viet Cong wishes to attract.

Since the Viet Cong is able to prevent rubber from reaching the market, it is in a position to extort funds and otherwise neutralize any role that the plantation management might have in assisting the government to suppress Viet Cong activities. In some provinces north of Saigon where rubber is a significant element in the local economy, the Viet Cong has derived as much as 25 percent of its total income from the taxation of rubber plantations. It seems clear that the capitalist institution of the rubber plantation is more useful to the Viet Cong if it remains in operation. It follows that the existing land ownership pattern must also be preserved.*

In addition to financial support, the Viet Cong has a need to obtain as broad a popular base in the society as possible and to recruit or at least neutralize all elements of the society that are not irrevocably committed to the cause of the GVN. Front organizations are used to play down the role of Communism in the Viet Cong and thereby to attract those who would otherwise be reluctant to participate. While the mobilization of non-Communist elements into the service of the Viet Cong would seem contradictory, it is clear that the Viet Cong is fully appreciative of their value in the revolutionary process of gaining control over the population.

The Problem of Refugees

Although the strategy of the Viet Cong is to minimize the exodus of people from the rural areas, the escalation of the conflict has made life untenable in many remote hamlets. Because of the overwhelming violence of war as well as Viet Cong oppression, large numbers of people have departed.

* This same paradox existed in Malaya during the Malayan Emergency and in South Thailand where the primary rural occupations are associated with the rubber and tin industries.

As long as the number of full-time Viet Cong members is small in proportion to the total population, the number of people required to support them remains small. However, the escalation of the conflict and the resulting massive exodus of refugees from Viet Cong-controlled areas have raised the question of whether a sufficient number remain to support the large Viet Cong military units in current operation.

Since the refugee problem has varied widely in magnitude over time and by area, statistical data are not sufficiently reliable or inclusive to estimate the impact of refugee movement on the Viet Cong. Thus, it is difficult to determine other than qualitatively when the loss of people begins to hurt the Viet Cong effort. Certainly at some point as the exodus continues, the Viet Cong is gradually--and sometimes abruptly--deprived of a place to hide and persons to perform the essential functions of food production and transportation.

It is probable that by the time this condition develops, the landlords and rich peasants have gone. The bulk of the population remaining includes those who have benefited from Viet Cong land policy. The Viet Cong has used every method it can to prevent the people from departing. Captured Viet Cong documents emphasize the need to "cling to the people; stick to the masses"--terms eloquent in the insight they provide into the Viet Cong problem. Although the impact of the mass exodus of refugees may be difficult to measure, there is little question that it has frequently been so serious as to leave the Viet Cong exposed to GVN and allied forces.

Insecurity and the Rural Society

The discussion so far suggests the extent to which Viet Cong land policy affects the landowner and the tenant. However, it presents only part of the general picture of disruption experienced by the rural resident during the Viet Cong insurgency. This section describes the tactics used by the Viet Cong to gain and maintain control over the population and to mobilize it in the service of the revolution.

The Viet Cong tactics of interest fall into four classes: (1) organization of the society, (2) population controls, (3) generation of support, and (4) isolation of the local government administration.

Organization of the Society

All that is done by the Viet Cong in the name of land reform is achieved through organization. Because the Viet Cong needs the resources held by the rural society and seeks to prepare the society for revolution, the key organizational activity is concentrated at the hamlet and village levels. During the time that the Viet Cong organization is being strengthened and expanded, the local GVN authorities are intimidated or assassinated, leaving an organizational and administrative vacuum. In Viet Cong theory, the local GVN officials become progressively less and less capable of handling even their day-to-day responsibilities such as land administration, much less the extraordinary demands of land reform.

The Peoples Revolutionary Party. The key control agency of the Viet Cong is the Communist PRP (Peoples Revolutionary Party).^{*} Control of all front and military organizations emanates from it, and all these organizations enable the Viet Cong to reach into all aspects of Vietnamese rural society and into much of the open GVN-controlled society. The PRP is therefore by no means an ordinary political party, but rather a control apparatus directed by the North Vietnamese, which is represented in, and in fact leads, every operational organization at every administrative level down to and including the hamlet. The operational agencies of interest here are largely civil in nature, although it should be noted that both military and covert intelligence agencies play important roles in the Viet Cong.

Two characteristics of the PRP stand out: (1) the effectiveness of its control over satellite organizations such as the NLF and military forces and (2) self-generating or reproductive capacity of the elements making up this complex structure. By conducting its affairs in an entirely clandestine manner even within its own operating elements, the PRP is able to ensure that no one element assumes power out of proportion to its prescribed responsibilities and that all elements are continually monitored with regard to their performance and internal political integrity. This same shield of secrecy provides security from penetration by agents of the GVN or allied forces. When front elements such as units of the NLF are attacked and destroyed, the secret element is left behind, unknown outside the PRP even to those who work intimately for it. Thus, the seed of Communism--the infrastructure--is protected.

* M. C. Conley, "The Communist Insurgent Infrastructure in South Vietnam, a Study of Organization and Strategy," Department of the Army Pamphlet No. 550-106, Headquarters, Department of the Army, March 1967.

Front Organizations. Between this Communist Party core and the general population are built elaborate front organizations completely equipped with false hierarchies and beneficent objectives. By avoiding the lime-light, the Communist leadership can bring into its fold prominent members of the community who might be repelled if they knew the real cause they serve. This facade of legitimate nationalism diffuses the view of both local and international observers and relieves international Communism of the stigma of imperialism.

Given the PRP control apparatus, the process of organizing the society for insurgency is focused on the hamlets and villages where the bulk of the rural population is located. The process begins with the infiltration of an agent (preferably a resident educated in Communism) into the village. An assessment is made of the situation, which includes a census of the political leanings and latent or existing divisions in the local society. Target personalities and themes are selected for exploitation, and the development of innocent-appearing, community assistance organizations begins. Local themes are exchanged for regional and national themes as organizational development proceeds. Anti-GVN themes and activities are entered into only after extensive popular support and control are available. Great care is taken not to exceed the threshold of GVN sensitivity to these subversive acts, and all have some basis in the legitimate aspirations of the people regarding the correction of inequalities. There must also be legitimate appearing leadership recruited from the masses. This phase of organizational development is likely not to display any external evidence of Communist leadership.

The early years of experimentation with various forms of front organizations are essentially over. Activities of a truly covert nature are limited to GVN-controlled areas and GVN-supported organizations. They tend to be highly specialized elements such as rear area sapper (sabotage) units or individually trained penetration agents. The village and hamlet front organizational format is now largely set. At the apex of this structure is the National Liberation Front, under which come the National Liberation Army and the various functional liberation associations. Compared with those in earlier phases and other Communist insurgencies in Southeast Asia, the list is remarkably short:

1. Farmer's Liberation Association
2. Women's Liberation Association
3. Workers' Liberation Association
4. Youth Liberation Association
5. Student Liberation Association
6. Cultural Liberation Association

The impression given in the data for 1962 onward is that the patterns of activity and the contributions expected of each association have been fairly well-established. Organizational formats, procedures, recruiting targets, and functions performed vary little among hamlets and villages. Viet Cong organizational activities seem to permeate every household.

Of greatest interest among the front groups is the Farmers' Liberation Association since it is the backbone of the NLF. Its importance may be appreciated if one observes that in the deep Viet Cong-controlled areas, when the facades of the fronts are finally lifted, the structure of the Farmers' Liberation Association is found to be the local administration. This organization has the fundamental responsibility for recruiting and organizing the peasantry. It handles, among other important matters, Viet Cong land reform. Its leadership is restricted to sharecroppers, poor peasants, and a limited number of middle peasants.

The involvement of the rural society in Viet Cong activities is about 50 to 75 percent for Viet Cong-controlled areas and about 20 percent for contested areas. Every household and every individual has an assigned role in the revolution. Only those whose past associations with the GVN cause them to be suspect are left out of the structure, but even they are called on to contribute taxes, labor, and food.

Proselytizing. Of all the functions of the various front organizations, proselytizing--the process of recruiting adherents for the Viet Cong and neutralizing alien elements--is viewed by the Viet Cong as next in importance to organizational performance.* This focus on the organizational self-generating function is typical of the PRP and all associated front organizations. The function has two basic orientations: (1) civilian proselytizing, which is directed at recruiting for the various functional organizations including the Viet Cong guerilla units, and (2) military proselytizing, which is aimed at GVN military units for the purpose of creating agents and informants, deserters, and even mass defections. In the first case, the target is as broad as the uncommitted or marginally committed civilian population, and in the second, the target includes all GVN and even allied forces.

* Douglas Pike, Viet Cong: The Organization and Techniques of the National Liberation Front of South Vietnam, The MIT Press, Cambridge, Mass., p. IX, 1966.

The extended family* is a favorite communication mechanism for all proselytizing. Examples range from reserving land to be distributed for absent family members serving in ARVN to virtually holding families in ransom for their lives. The use of tricks is common, such as getting a person to participate in a semilegal demonstration, and then calling it to his attention that the GVN now knows him to be a Viet Cong collaborator. The purpose is to create the impression of commitment to the Viet Cong cause. The target is led carefully from minor to more significant acts of betrayal until he believes himself to be completely and irrevocably alienated from the GVN.

Pike notes nine other major proselytizing techniques:

- "1. Enunciation and constant restatement by all possible means of a liberal NLF policy toward recanting [GVN] military and civil servants, including prisoners.
2. Wide and intensive use of selective terror and intimidation, chiefly of a psychological nature against key [GVN] functionaries and military units.
3. Use of penetration agents to develop support within the [GVN] military and civil service.
4. Use of family ties and friendships to induce or coerce [GVN] military personnel and civil servants to desert, defect, or covertly serve the [Viet Cong] cause.
5. General "struggle" movements among civilians in the name of Binh Van [proselytizing], either defensively for use when troops come to the village, or offensively, such as a demonstration at a [GVN] military base (e.g., against indiscriminate bombing or shelling).

* Similar to a clan, the term extended family may include three generations as well as the families of brothers and sisters of the head of the household.

6. Various types of appeals to the (GVN) military and civil servants aimed to maximize damage to the GVN's military and administrative machine (low salaries, danger, lack of leadership, etc.).
7. Tangible and intangible rewards for those who deserted or defected (cash, commendations, citations, etc.).
8. Use of deserters, defectors and prisoners (as living testimony to oppression, traitorous conduct, etc., as well as recanting previous misdeeds).
9. Various efforts among potential draftees to oppose the military draft (dodge draft by joining the NLF)."*

While the data were insufficient to support an estimate of the total impact of Viet Cong proselytizing on the conflict, any lack of success is certainly not attributable to lack of effort. Past successes of the Chieu Hoi program on the GVN side give some hint as to the vulnerability of the Viet Cong in its turn. Since GVN controls are considerably looser than those of the Viet Cong, the vulnerability of the GVN-controlled populace would seem to be correspondingly greater. It appears probable, therefore, that the effect of Viet Cong proselytizing has been substantial and detrimental to the cause of the GVN.[†]

Proselytizing is the main recruiting technique of the Viet Cong. Among the array of Viet Cong appeals, the promise of land is one of the most important. Proselytizing is the mechanism through which these appeals are made to the masses to gain support. Thus, while it has seemingly little direct bearing on Viet Cong land reform activities, it is indirectly the foundation for their existence, since without people to support it, revolution has no meaning.

* Pike, op. cit., commentary and clarification in brackets have been added.

† This conclusion is based on frequent references to the effectiveness of Viet Cong proselytizing in interviews of defectors performed by The RAND Corporation for the Department of Defense in support of a study of Viet Cong motivation and morale. It should be noted that mass defections among regular GVN military units and civilian personnel have been infrequent. Neutralization of GVN officials through terrorism and accommodations appear to be the most effective and common technique used by the Viet Cong.

Viet Cong Population Controls

The more elaborate and restrictive controls over the movements of the rural citizenry are not imposed until the population has passed into the fully Viet Cong-controlled state. To this point, the Viet Cong is forced to exercise its controls on an individual rather than a group basis.

Counterintelligence Requirements. Individual control imposes a considerable burden on counterintelligence activities and requires an intimate knowledge of the population. It also imposes a requirement for the identification, isolation, and constant surveillance of all individuals and families having any connection with or commitment to the existing society. The cultural and economic patterns of the hamlet and village must be thoroughly known and understood, and correct behavior patterns for each person and household must be established and held within the limits required for the particular stage of the conflict.

The vulnerability of the Viet Cong to penetration and apprehension is greatest in the earlier phases of infiltration and organizational development, when the population has not as yet been intimidated or made fully aware of its future predicament. The Viet Cong emphasis during this period is therefore on the elimination of GVN spies. Those who for economic or other reasons travel frequently to the GVN-controlled towns and cities are prime suspects. Other elements of the population with either a significant commitment to the GVN or with simply the opportunity for contact with GVN officials also come under surveillance. This surveillance extends beyond the village to the cities and towns where the actions of suspected individuals are closely watched for contacts with GVN intelligence agents. The Viet Cong is particularly concerned about dependents or other relatives of GVN officials or military personnel. So-called enemies of the revolution, such as landlords, rich peasants, and their dependents, are also likely candidates for surveillance. Religious organizations, particularly the Hoa Hao and Catholics, are often referred to in captured documents as having harbored GVN spies. Students living in town or commuting to and from town, bus and Lambretta drivers, traders taking produce to and from the market, and finally any one who frequents the central market may be suspect. Thus, even the housewife comes under surveillance.

Population Control Techniques. As the influence of the Viet Cong expands, alternatives open up to it for relief from some of the severe problems of surveillance required as long as the population movement

patterns remain uncontrolled. At the point where the Viet Cong more or less challenges the GVN to oppose its authority, several types of controls make their appearance. The most important and effective of these controls is the interfamily cell, which utilizes existing interfamily relationships and therefore does not unduly interfere with the normal and necessary activities of the population. Not unlike the classical three-man cell used by the PRP the interfamily cell includes families or households in groups of five or seven. Its outward purpose is to draw the member families together in a common bond of brotherhood and service to the revolution. This it probably does in some degree, but its less publicized and more important purpose is to create a powerful surveillance method, which is largely self-administering. Although the head of one family is usually assigned the task of leading the interfamily group, each family is held responsible for the actions of the others. Thus, each family constitutes a separate channel of information on suspicious movements of any and all members of the others in the group. This simple device needs only occasional testing to determine if it is operating effectively. If it is not, appropriate warnings are made and "re-education" sessions are held to ensure that the errors are not repeated.

Some of the more basic population control devices used include restricting all those suspected of collaboration (or even potential collaboration) with the GVN to the confines of the hamlet residential area. These persons are publicly denounced, and the other residents and Viet Cong cadres are required to report on their activities. In some cases, written permission is required to leave the hamlet. Only the female members of trusted families are allowed to go to markets in the GVN area. All communication routes are under constant surveillance to intercept unauthorized movement of any kind. Hamlet militia assigned to this task are also used to prevent essential foodstuffs from leaving the hamlet and to collect taxes from traders and commercial transportation. GVN-issued ID cards are confiscated, with the effect that whatever his true affiliation, anyone reaching GVN-controlled areas is suspected by the GVN of being a member of the Viet Cong.

Within this formidable set of controls, the Viet Cong is much more secure from GVN penetration agents. Taxes are easier to collect, and labor is easier to recruit.

Terror. Terror is not often conceived of as a technique of population control, but in the hands of the Viet Cong, it is responsible for much of the demonstrated capability of the Viet Cong to manipulate the rural society to suit its purposes.

During the period of Viet Cong organizational development, terror is applied almost entirely on an individual basis--execution (sometimes after a pseudo-public trial), murder, and mysterious disappearance--and is focused on GVN intelligence agents and administrators.

Group or mass terrorism is a phenomenon of the more advanced phases of the conflict. It is also used with discrimination, but in this case, it is applied to those who have managed to escape the influence of the Viet Cong. Since the residents of GVN controlled areas are at this late stage made up almost entirely of those who actively oppose the Viet Cong, the latter has little concern for the incidental loss of life. The purpose is to impress on the bulk of those remaining under the control of the GVN that their cause is lost.

The use of mass terrorism usually requires greater resources than the individual assassination, but the targets are no less thoroughly selected. Their execution requires meticulous planning and excellent coordination because large units must be assembled and the process must be protected from premature disclosure of intent either through informers or from observation during preparation. The classical example of this type of terror occurred during the 1968 Tet offensive, but the tactic has been common in the rural hamlets and villages for several years. Its effect has been demonstrated in the mass abandonment of new life hamlets, strategic hamlets, and refugee and Chieu Hoi centers. These demonstrations have an impact on many more people than those immediately involved. The way is thereby prepared for the "peaceful" (nonviolent) takeover of entire hamlets and towns.

The Hamlet Resident Survey eloquently demonstrates the startling and massive extent of Viet Cong terrorism. Of the 54 ostensibly secure hamlets surveyed, only 16 indicated that their hamlet was secure enough for their officials to sleep there at night.* Of these, only seven were reported as having no incidents and virtually no evidence of Viet Cong activity in them. The arm of the Viet Cong is clearly a long one, and the effect of fear extends far beyond those hamlets under Viet Cong control. Since the Tet offensive, it must have penetrated the last remaining sanctuaries of the GVN, including Saigon.

Role of the Viet Cong Guerrilla. To achieve the desired degree of control, there must be a concomitant expansion of guerrilla activity that follows the development and expansion of counterintelligence and civil

* Working Papers, Vol. IV, Part 2.

controls. In the earliest stages, there is no military requirement in any conventional sense; requirements can be satisfied by assassination teams and small security units at the hamlet and village levels. These units provide security for meetings and serve as tax collectors, assassins, and intimidators. For these functions, the size of the individual unit appears to remain small even in the more advanced stages of the conflict. Recruits from the more skillful hamlet and village units are then brought together to form platoons, companies, and battalions of paramilitary units at the village, district, and provincial levels. In the final stages, these units are further aggregated into so-called main force elements of regiment and sometimes division size that operate against larger targets in a number of provinces.

Generation of Support

The massive resources currently employed by the Viet Cong give some hint of the character and extent of support that it requires from the rural society. In the present advanced phase of the insurgency, which entails the use of large military units, certain requirements, such as leadership and standardized modern weapons, are better met through outside sources (e.g., North Vietnam). Captured documents and interrogations indicate, however, that most other needs of the Viet Cong are supplied by the rural society indigenous to South Vietnam. For a conflict approaching the proportions of conventional war against a government externally supported at a level of \$2.5 billion per month and 600,000 fighting men, one can only conclude that the burden placed on the rural population supporting the Viet Cong in Vietnam must be substantial.

Viet Cong Taxation. As indicated earlier, the data little more than hint at the extent to which nonfarm activities support the revolution, but there is every reason to believe that the support is substantial. A captured document covering one Viet Cong district's finances gives the breakdown shown in Table 14.

Table 14

SOURCES OF VIET CONG INCOME FOR ONE QUARTER OF 1967

<u>Source</u>	<u>Percent of Receipts</u>
Agricultural production tax	18.1%
Industrial tax	1.1
Commercial tax	0.1
Trading tax	46.4
Town entrance and exit taxes	0.1
Rubber plantation tax	26.0
Communication and transportation	0.1
Financial support for the resistance (contributions)	7.0
Sale of forest products	1.0

The agricultural production tax provides a substantial proportion of income, but is eclipsed considerably by the trading tax and to a lesser extent by the rubber plantation tax. This fact partially supports a hypothesis that other sources of income constitute a larger proportion of total Viet Cong income than the agricultural production tax. The implication is perhaps self-evident that the Viet Cong exploit all sources to the maximum, but probably make a special effort to ease the burden on the poor peasant. While it remains to be proved that the non-Communist segments of the population and the economy actually pay the major portion of the cost of insurgency, it is clear that the Viet Cong make every effort to see that they do.

The Viet Cong does not tax land per se. Having used the claim of oppressive GVN land taxes extensively, the Viet Cong could not be expected to institute a land tax of its own when there clearly is no necessity to do so, since assessments other than land taxes are equally effective.

Several interesting aspects of the mechanics of taxation reveal the exceptional level of sophistication reached by the Viet Cong in the taxation process. These occur in the design of the tax itself; in the appeals used; and in the assessment, accounting, and collection phases. Voluntary contributions, for example, constitute an important element in the tax structure, but are never fully represented in the accounting of income that appears in captured documents. They are by no means an insignificant source of income, even though they are rarely in the form of cash. They take many forms, ranging from a meal and overnight housing for transient militia or main force guerrilla units to the confiscation of the belongings left behind by families of landlords and rich peasants that have defected to the GVN-controlled areas. Of greatest significance in this category of contributions is the so-called self-sufficiency concept. All households are called on to set aside a little rice each day to provide for troops operating in the area. In addition, all part-time contributors to the cause support themselves--including the civilian labor used in transporting supplies. Local cadre and other full-time Viet Cong members at the hamlet level must be almost entirely self-supporting. The concept of self-sufficiency is mentioned frequently in captured documents. It is estimated that contributions in "kind" (food and housing) may constitute as much as 20 percent of the gross income of the Viet Cong.

Food Production and Transportation. At this stage of the conflict with its intensified requirements for logistical support, forced labor has emerged as a substantial factor in the life of the rural society of the Viet Cong-controlled areas and, to a somewhat lesser degree, the contested areas. In the early phases of the conflict, there is obviously little need for the production or the movement of large quantities of ammunition and food. Thus, forced labor is not introduced until the terminal stages of the conflict. The requirement is generated as the widespread military units are gradually aggregated into even larger forces to take on targets of increasing significance. So-called rear area operations are still conducted by clandestine sapper units such as those employed so effectively in Saigon during the 1968 Tet offensive. These remain largely self-sufficient. It is the large main force units that require the massive application of civilian labor.

Labor is required for the production of food and for the transportation of supplies. In the current phases of the conflict, virtually all except the aged, infirm, infants, and suspected traitors are involved in one way or another in the support of the revolution. Of those who are not occupied with military duties, most are employed in one or the other in these two occupations. Captured documents indicate that from 50 to 75 percent of the population remaining in the liberated areas are involved in these activities.

The production of food, especially rice, becomes as vital as firing a rifle. Each family and each individual is assessed as to its production capacity. Overoptimistic production goals are established, and the performance of each person and family is closely watched. Emulation, led by the youth, becomes the basic theme and incentive. All other interests, including that of land ownership, are subordinated to the one primary goal of bringing the insurgency to its conclusion. The commitment of the Viet Cong to this final phase is substantial, since the burdens of a conventional war cannot be sustained indefinitely, and a great sense of urgency pervades all recent documents of the Viet Cong, indicating its apparent appreciation of this fact.

The transport labor force is organized primarily by the military unit being served, although recruitment for both activities is performed by the civilian (administrative) cadre remaining in the hamlet. Each able-bodied hamlet resident must allocate a certain share of his time to assisting in the transport function. Usually it consists of from three to five months and is adjusted to seasonal requirements for his presence in the ricefields and the requirements of the Viet Cong.

Tremendous effort and organization lie behind the often dramatic success of the Viet Cong military units. Behind the more visible transport laborers are an equally massive effort and organization to produce the food and other supplies needed by the military forces.

Isolation of Local Government Administration

The elected hamlet and village governments that have come into being since the fall of Diem appear to have a much closer rapport with and a better reputation among the people. The effect has been to threaten the GVN image of oppression, which is fostered by the Viet Cong. The importance of eliminating this contradiction is reflected in the response of the Viet Cong, which has been to upgrade GVN representatives as targets for assassination. Table 15 provides a breakdown of casualties incurred within the GVN administration. While the data did not permit the identification of GVN land affairs personnel, they did indicate the heavy concentration of the Viet Cong on the GVN administrative leadership. In this category are RD cadre, Chieu Hoi, and candidates for hamlet and village elections, as well as hamlet and village leaders. Next to the representations of the central government--many of whom (police, RD cadre, refugees) are located at the hamlet level--the hamlets were the hardest hit, followed by the villages, with the province officials the most secure.

These stark statistics give some indication of the burden of terror borne by the local government officials. It can be expected that any function requiring contact with the people in those areas influenced by the Viet Cong exposes the official to intimidation and possibly assassination. Land reform and its associated administrative requirements imply virtually complete freedom of movement to attend to the identification of land with owners and tenants and to assure compliance with the law. Any threat of violence in this case has the effect of severely restricting the ability of the local administration to respond to any land reform measure that requires its presence in the countryside.

Table 15

REPORTED GVN AND CIVILIAN CASUALTIES OF THE VIET CONG
1967

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Total</u>
National level													
GVN officials and representatives	4	7	10	13	8	4	5	2	9	11	11	7	91
Police	14	29	34	55	35	51	56	44	40	58	103	62	581
Dependents, U.S. civilians, managers, and others	9	3	0	7	3	0	0	0	0	0	0	1	23
RD cadre	1	3	98	60	33	114	33	30	77	24	183	92	748
Chieu Hoi (returnees)	1	4	17	15	12	26	3	67	14	2	7	19	187
Refugees	0	0	10	13	32	0	1	23	9	31	162	516	797
Religious leaders	<u>0</u>	<u>1</u>	<u>4</u>	<u>2</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>0</u>	<u>16</u>
Subtotal	29	47	173	165	123	196	98	168	151	128	468	697	2,443
Province													
Provincial officials	0	5	1	0	3	1	0	2	0	1	0	2	15
RF·PF	0	1	0	0	0	0	0	2	0	0	0	0	3
Other	<u>0</u>												
Subtotal	0	6	1	0	3	1	0	4	0	1	0	2	18
District	1	0	6	0	0	3	2	0	0	4	1	0	17
Village													
Village chief or deputy	1	1	1	0	5	10	3	9	3	10	14	2	59
Village councilmen	0	0	0	4	13	3	1	1	1	3	2	4	32
Village officials	3	0	2	7	7	0	0	3	3	2	6	7	40
Candidates	0	0	1	35	5	0	0	0	0	0	0	0	41
Dependents and staff	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>4</u>	<u>0</u>	<u>8</u>
Subtotal	4	1	4	46	33	13	5	13	7	15	26	13	180
Hamlet													
Hamlet chief or deputy	12	21	15	15	19	15	15	20	25	24	34	17	232
Hamlet officials	3	5	15	5	2	4	2	5	7	14	7	14	83
Combat youth	3	1	23	16	2	6	9	15	23	5	0	6	109
Candidates	0	0	0	0	6	1	0	0	0	0	0	0	7
Dependents and staff	<u>1</u>	<u>2</u>	<u>0</u>	<u>7</u>	<u>5</u>	<u>0</u>	<u>15</u>						
Subtotal	19	29	53	36	29	26	26	40	55	50	46	37	446
Civilians	67	16	0	0	0	0	0	0	0	0	0	0	83
TOTAL	120	99	237	247	188	239	131	225	213	198	541	749	3,187

Source: Records of the Public Safety Division of CORDS, Saigon. Casualty figures include those assassinated, wounded, or abducted. Figures are uncorrected and contain a small number of duplicate and erroneous reports of numbers and types. Some individuals may be listed as abducted and later as wounded or assassinated; hence they may appear twice.

Chapter 6

ATTITUDES RELATED TO AN IMPROVED LAND REFORM PROGRAM

Issues Basic to Land Reform

The impulse for land reform--that is, the reorganization of conditions of land tenure and ownership--springs from both short term and long term economic and political considerations. In the short term, the objective may be to gain a quick political impact such as at this time of rebellion when the government may wish to broaden quickly the land ownership base in a determined effort to win the support of a critical segment--the land hungry element--of the rural population. Such a short term measure conceivably should also enhance long term political stability. However, political and economic objectives can be antagonistic as when a desirable political goal adversely affects agricultural production. On the other hand, a well designed land reform program should result in harnessing the psychological drives of farmers and should motivate them to expanded acceptance of new technology and strengthen their drive toward greater farm productivity.

Arguments for and against land reform have brought up such controversial questions as:

- . Is permanent tenancy an adequate substitute for land ownership, and how strong is the desire for land ownership among farmers?
- . How would political power be redistributed by a reform program that creates new landowners on the one hand, and compulsorily acquires land from large owners on the other; and how should a redistribution program be structured to obtain the most of net political and economic advantages?
- . Is the technological modernization of agriculture more important than the extension of land ownership, or is it more appropriate in the interest of rapidly expanding productivity to combine extension of the ownership base of farms with technological modernization?
- . How intense and pervasive is the desire among farmers for land reform measures that affect tenure and ownership?

A careful weighing of these opposing views, to seek the best answers within the Vietnamese context, would tend to give greater soundness to the policy decisions that have to be made. Such decisions would

probably include the formulation of alternative land reform policies, and the alternatives would in turn be fully weighed. For example, the question of intensity and pervasiveness of the desire for specific land reform measures would include a consideration of both the landless farmers and the landowners. It can be seen that with a policy that recognizes that the majority opinion among the people is in favor of reform or that could induce a major shift in the political orientation of the country toward the Government of Vietnam, conceivably there could be a course of action that would determine a favorable outcome to the war.

Survey Data on Basic Issues

The Hamlet Resident Survey conducted in the Southern Region in 1967-68 produced evidence of an overwhelming desire to own land among the landless and the land poor and also produced evidence that farmers now owning small amounts of land would like to have more land.* Land ownership to the farmer does not mean only economic security for himself and his family but also emotional security in providing a permanent base for the family heirs.

After tenants and owner-tenants were asked to give the current value of the property they were renting, they were questioned and gave answers as indicated in Table 16. Eighty percent in both categories gave an affirmative answer, and only 10 percent said no. The remainder were undecided primarily because they did not know the current market price. Consequently, the proportion of those who would buy and those who said they would not buy was in the ratio of 8 to 1.

In the HRS, it was decided to find out how responsive the farmer's desire for land ownership would be to the price level at which land would be made available to him. Again the situation was put in terms of what his preference would be if he could buy land on long term credit in terms of 12 annual installments. Would he prefer to remain a tenant or become an owner of land? As shown in Table 16, the responses for tenants and owner-tenants ranged from 79 percent to 87 percent, depending on the price of the land. The responses for farm workers ranged from 76 percent to 83 percent on the same basis. The results showed that a reduction in the purchase price of land to 50 percent below the current market value would increase the desire to purchase by only 10 percent.

* Hamlet Resident Survey, 1968, Stanford Research Institute, reported in Working Papers Vol. IV, Parts 1 and 2. See methodology section of Part 2.

Table 16

RESPONSES OF FARMERS TO LAND PURCHASE AND OWNERSHIP QUESTIONS,
HAMLET RESIDENT SURVEY, 1967
REPUBLIC OF VIETNAM

1. Would tenants be willing to buy their currently rented property at its current value, if the purchase could be divided into 12 annual installments?

Yes - 80%
No - 10%
Undecided - 10% (because current market price not known)

2. If you could buy land on long term credit through 12 annual installments, would you prefer to remain a tenant or become an owner of land?

Tenant and owner-tenant responses:

Prefer owning land at its full market price - 79%
Prefer owning land at 25% decrease in price - 82%
Prefer owning land at 50% decrease in price - 87%

Farm worker responses:

Prefer owning land at its full market price - 76%
Prefer owning land at 25% decrease in price - 80%
Prefer owning land at 50% decrease in price - 83%

3. If a new GVN land distribution program were to be initiated, what rural persons do you think should be given priority in receiving land?

Give first priority to farm laborers - 97% of the responses
Give second priority to tenants with
little land - 96%
Give third priority to owners with
small amounts of land - 97%

Source: HRS Q77, Q108, Q124, Q125.

A repetitive question (not shown in the table) gave the respondents another opportunity to choose between owning land through purchase on 12 annual installments or to rent land with permanent occupancy. Of 235 tenants and owner-tenants who responded, an overwhelming 85 percent were in favor of owning land. Thus, for the Southern Region, these respondents disagreed with the argument that the Vietnamese farmer with a long tradition of tenancy from generation to generation may be satisfied with security of tenure on his rented land in preference to land ownership.

All elements of the rural community in the Delta believe that land ownership should be spread among all the rural classes who desire land. When respondents were asked what order of priorities should be assigned to potential recipients in the event of a new GVN land distribution program, first priority was given to farm laborers by 97 percent of the respondents, second priority, in terms of 96 percent, was given to tenants with little land, and third priority was given to owners with small amounts of land by 97 percent (Table 16). Thus, priority was directly related to need in granting land ownership. The rural conception of social justice in determining the priority in land distribution is entirely compatible with the Viet Cong policy of seeking to win power in the rural communities primarily by appealing for support to the rural landless. Somewhat in contrast, the GVN land distribution program under Ordinance 57 gave very little attention to the land needs of farm laborers.

The landlords interviewed in the Hamlet Resident Survey were just as eager not to sell as the landless farmers were to buy land. More than nine out of ten landlords said they would not be willing to sell either for cash at the present market value or in 12 annual installments with payments guaranteed by the GVN. The landlords wanted to retain the land because they felt that they already had too little and because they wished to hold the land for members of their family. (Interestingly enough, a preponderance of the tenants and owner-tenants expressed the view that the landlords would probably have great reluctance to sell the land.) This finding of the HRS has considerable relevance to proposals for a private purchase program that might be supported by the government as a means of obtaining redistribution of land, since the reluctance of the landlords to sell would probably mean that only a relatively small proportion of land would change hands in this way. The finding suggests that the only way in which a substantial redistribution of land for extending ownership can be achieved through a voluntary private government purchase and redistribution program is to give the large landowner substantial economic inducements, which may need to be combined with economic and political pressures designed to obtain cooperation in the national interest.

The farmers' strong desire for land ownership also is indicated in their answers to an open-ended question in which the farmers expressed their views of what needed to be done in the village to improve life for themselves and their families. The highest priority was given to land ownership, and the requirement for ample credit was a close second (see Table 17).

Next in priority of those engaged in farming was the need for agricultural supplies--equipment and livestock--and other agricultural assistance--149 compared with a preference of 201 for credit and 206 for land.

Improvements in the community in terms of more public works, including schools, roads, and bridges; better administration; and other government help were given preference by only 117. Even "security" and "peace" were low on the list except in one area where insecurity was the most severe.

Another interesting response concerned the farmer's preference for land ownership in comparison with outside assistance that would increase his economic welfare as a farmer. When asked to select their priorities among three types of technical assistance offered them, including a program to assist them to buy land on 12 annual installments at present land prices, only 10 percent of the tenants and owner-tenants gave first priority to technical assistance that would assist the farmers to increase their rice crops. This is an interesting commentary in the light of the present program to establish the new "miracle" rice IR-8, a high producing variety on which the government is putting priority emphasis.

A credit program to buy farm production supplies such as fertilizer, pumps, tractors, and better seeds was favored by 20 percent of the tenants and 32 percent of the owner-tenants when compared with their desire to use long term credit for the purchase of land. Next to security it seems that the farmer wants ownership above everything else that the government can provide.

These results bearing on the farmer's desire for land ownership corroborate the earlier finding of the Rural Income and Expenditure Study made for USOM in 1964.* Through an intricate series of questions, the farmer was asked what he would do if he had VN\$10,000. His first choice was to buy land.

* Rural Income and Expenditure Study, Sections XXXVIII, XXXIX, Economic and Financial Planning Division, USOM, Saigon, 1965.

Table 17

OPEN-ENDED VIEWS OF PRIORITIES BY RURAL RESIDENTS
ON WHAT IS NEEDED TO SOLVE LOCAL PROBLEMS
AND IMPROVE FAMILY LIVING CONDITIONS
IN THE SOUTHERN REGION, HAMLET
RESIDENT SURVEY, 1967
REPUBLIC OF VIETNAM

<u>Needs Expressed</u>	<u>Area I Densely Populated Provinces</u>	<u>Area II Hoa Hao Provinces</u>	<u>Area III Periph- eral Provinces</u>	<u>Total Farmers Southern Region</u>
Land	29	77	100	206
Credit	33	53	115	201
Agricultural equipment	9	24	51	84
Livestock	9	14	25	48
Other agricultural help	3	4	10	17
Public works	8	12	13	33
Better administration	5	3	6	14
Government help	4	5	11	20
Security	8	8	41	57
Peace	3	1	13	17
End to defoliation	2	0	25	27
Lower cost of living	4	1	7	12
No needs	7	8	21	36
Other	2	6	9	17

Source: HRS, Tables 232, 414A, 414B, and 414C.

Landlord-Tenant Relationships

Viewed from the hamlet level, landlords may be classified as: landlords who reside in the hamlet and who rent out land in the village itself; landlords who rent out land outside the village, either in the neighboring village or elsewhere; and absentee landlords. Their average holdings were found to be 2.6 hectares,* 15.9 hectares,† and 94.2 hectares,‡ respectively. The HRS showed that 42.3 percent of the tenants had landlords living in the same village, 14.5 percent had landlords in the district, 11.1 percent in the province, and 7.7 percent in Saigon; the landlords of the remaining 24.4 percent of the tenants lived in other places including other countries.†

The survey found that, on the surface at least, there are few instances of strong antagonisms between landlords and tenants. Disputes between resident landlords and their tenants and between the absentee landlords and tenants were extremely rare. This is consistent with the findings presented in Chapter 3 indicating that disputes brought to court are relatively few in number (2,100 court cases compared with 18,000 out-of-court settlements since 1962) and in general are well handled, although the procedure is time consuming. To a very high degree, landlords and tenants indicated that their contractual relationships with each other were fair and that they were fairly treated by the other party.

The resident landlords interviewed in the Hamlet Resident Survey reported a much better rent collection experience than the absentee landlords of Saigon and Long Xuyen. The difference may be explainable by the fact that the absentee landlords rented out a considerable amount of land in insecure areas from which they would be likely to obtain little if any rents.

In both the HRS and the ALS, the landlords indicated that they noted a considerable change in the attitude of the tenants toward them in the last ten years, with the attitude becoming increasingly less favorable.

* Working Papers, Vol. IV, Part 2, HRS Tables 278 and 280.

† Absentee Landlord Survey Questions 11 and 15.

‡ Working Papers, Vol. IV, Part 2, HRS Tables 277, 278, and 279.

The Landlord's Role in Assistance to Tenants

An important factor in designing a land reform program for acquisition and redistribution of lands is the function performed by the landlord in assisting the tenant to improve agricultural production. If the landlord's role in assisting the tenant with technical, financial, and other help were substantial and if the bond between the landlord and the tenant were broken by a land redistribution program, there could be danger of a real slump in agricultural production. This issue was pursued in a number of questions in the Hamlet Resident Survey and also in the Absentee Landlord Survey. However, the surveys indicated that both resident and absentee landlords perform practically no role in agricultural production by assisting their tenants. Consequently, it may be expected that any land reform program that extends ownership and further diminishes the landlord-tenant relationship should have no significant effect on agricultural production. On the contrary, the freedom and drive that the farmer would secure through personal ownership of land, as indicated by the intensity of desire to own land, would introduce the possibility of a substantial increase in agricultural productivity.

Source of Landlord's Landed Wealth

Sixty-five percent of all landlords interviewed in the Hamlet Resident and the Absentee Landlord Surveys received their holdings of land from inheritance. A little over 2 percent received the land as gifts, and the remainder received the land through purchase from either public or private sources. However, absentee landlords as determined in the ALS now seem to be in the process of selling off certain portions of their land since expropriation proceedings began nearly 10 years ago. Thus, these landlords are apparently slowly severing their connection with agriculture and transferring their wealth to nonagricultural activity.

Widening Gulf Between Landlords and Tenants

Insecurity is tending to have the effect of even further diminishing the relationship between landlords and the tenants on their land. As mentioned earlier, the absentee landlords are increasingly finding that their revenue from land is declining because much of the land is located in Viet Cong-held areas. This situation is forcing landlords to become more favorably inclined toward accepting a market for their land, including a possible market provided by the government through a land reform program for extending ownership to the landless farmers. Thus, the relationships between the landlord and the tenant are becoming increasingly tenuous and the gulf between them is widening.

The possibility of landlord domination and control in the rural area was explored in the two surveys. It supported the view of the declining political and economic importance of the large landlord, particularly in rural society. No class at the hamlet level--whether landless, landowner, or nonfarm member--believed that landlords exercised an important role in local village council affairs. The city-based absentee landlords were aware of their declining influence and respect received from their tenants.

Apparent Social Injustices

The farmer of Vietnam lives in a social and economic environment in which his concepts of social justice are frequently violated. The discussion below attempts to analyze some of the conditions that adversely affect the farmer's condition.

The desire of farmers for land ownership comes up so many times in the survey findings that it may be concluded that the farmer of the Southern Region who has no land of his own considers this a violation of social justice.

The findings also indicate that violations of social justice for farmers may occur in other areas of his economic environment. For example, it was found that the law relating to maximum rents was violated on a large scale. The average rental paid was 34 percent of total production, whereas the law specifies that the rental charges are not to exceed 25 percent of the principal crop or crops.

The law is also violated in the case of a reduction of rent that is supposed to be given if his crop fails. The law specifies that the loss of one-third of the crop through natural conditions should result in a reduction in the rent by at least two-thirds and that a two-thirds crop failure should result in total exemption from the payment of the agreed-on fixed rent. The Hamlet Resident Survey showed that 78 percent of all the tenants reported partial or total crop failure, but 57 percent of the tenants did not receive the rental reductions they were entitled to and only another 20 percent received part of their entitlement. In summary, tenants may have been compensated at less than 50 percent of their rightful claims.

Indebtedness, Interest Rates, and Credit Needs

The Delta farmers express a strong need for credit, and the majority of them are in debt, as are all classes of rural society covered in the survey. As mentioned earlier, when farmers were asked what could be done to solve local problems and improve living conditions, the need for land was given highest priority and that of credit came close behind (Table 17). Being in debt appears to be a way of life for the majority of rural residents, but a somewhat higher proportion of the landless than of those who own land is in debt. The higher the status, the more likely the household is to be free of debt. On the basis of land tenure status, the landowner was the least likely to be in debt and the laborers were more likely to be in debt than the tenants. While the Rural Income and Expenditure Survey* of 1964 is not totally comparable, it would appear, even taking inflation into account, that the indebtedness of the rural population of the Southern Region has increased in both number and amount. Similar data are available for 1958 in Hendry's study of one small village in the Delta--Khanh Hau.†

To understand the importance of credit to the farmer of the Southern Region, one must take into consideration the fact that 62 percent of the respondents had loans, 94 percent of which were in cash.‡ The highest percentage of borrowers was among farm workers (73 percent), and the lowest percentage was among the owner-tenants (57 percent). The average HRS loan was about VN\$22,062, and the most frequently occurring loans were between VN\$5,000 and VN\$10,000.§ The RIES results show that 54 percent of the people in the Southern Region had debts** of an average of VN\$5,500. In the three years between the two surveys, inflation of 200 percent of the rice price occurred. Nevertheless, it seems safe to assert that between 1964 and 1967, the indebtedness of the rural population of the Southern Region increased in number of debtors as well as in amount of debt. The borrowers with the biggest loans were the nonfarmers and the owners. With respect to duration of loans, 33 percent were for an indefinite time, while 62 percent were for a period of one year or less.

* Rural Income and Expenditure Survey; Preliminary Report 1965 (Table 47).

† James B. Hendry, The Small World of Khanh Hau, Aldine Publishing Company, Chicago, 1964, pp. 205-206.

‡ Working Papers, Vol. IV, Part 2, HRS Tables 160 and 161.

§ Working Papers, Vol. IV, Part 2, HRS Table 315.

** Debt is used here to mean the unpaid balance at the time of the survey.

An individual's desire for a loan is derived from his expectation of some future benefit or profit to be obtained from the amount borrowed. The strength of his desire to borrow is indicated by his willingness to pay a high interest rate for the loan. In this sense, the rate of interest paid by the farmers in the Southern Region is indicative of their great demand for credit on the one hand, and the prevailing conditions of shortage in the supply of money for credit on the other, as reflected by wartime conditions, and even more by the inadequacy of credit institutions to supply the farmer with his requirements for money.

Interest rates paid by farmers thus tend to run extremely high in the Southern Region. More than half of those who pay interest pay in excess of 60 percent per year, and only 16 percent of those who pay interest pay at a rate of less than 20 percent per year. The most common interest rates reported in 1967 were 1, 3, 5, and 10 percent per month (Table 18.) These rates correspond rather closely with those observed by James Hendry (Table 19) in 1958.

Table 18

ANNUAL RATE OF INTEREST PAID ON LOANS
 IN THE HAMLET RESIDENT SURVEY SAMPLE
 IN THE SOUTHERN REGION, 1967
 REPUBLIC OF VIETNAM

<u>Rate (percent)</u>	<u>Number</u>	<u>Percent</u>	<u>Cumulative Percent</u>
1-4%	5	1.78%	1.78%
5-9	11	3.92	5.70
10-14	27	9.61	15.31
15-19	2	.71	16.02
20-29	15	5.34	21.36
30-39	50	17.79	39.15
40-59	17	6.05	45.20
60-79	78	27.76	72.96
80-99	14	4.98	77.94
100-119	3	1.07	79.01
120-149	43	15.30	94.31
≥150	<u>16</u>	<u>5.69</u>	100.00
Total	281	100.00%	

Source: Working Papers, Vol. IV, Part 2, HRS
 Table 320.

Table 19

RANGE OF INTEREST RATES, VILLAGE OF KHANH HAU
1958

Interest Rate (percent per month)	Reported Debts	
	Number	Percent*
Interest free	19	33.3%
1	6	10.7
2	-	-
3	6	10.7
4	3	5.4
5	16	28.6
6	-	-
7	-	-
8	5	8.9
9	-	-
10	<u>1</u>	<u>1.8</u>
Total	56	100.0%

* Does not add to 100% because of rounding.

Source: James B. Hendry, *The Small World of Khanh Hau*, Aldine Publishing Company, Chicago, 1964, p. 201.

A high percentage of the loans were for an indefinite term. Quite a few of the respondents stated also that they did not pay any interest or that they could not give an estimate of the rate they had to pay. This is probably because most of them either had borrowed from friends and relatives or had bought goods on credit and the amount they owed in interest had already been included. As a consequence, the cases of loans with interest might have been underestimated.

The majority of the loans (75 percent) were obtained from friends and relatives (see Table 20). Some 6.4 percent was borrowed from money lenders, 5.0 percent from businessmen, and 4.6 percent from huis (fraternal societies). Only 5.4 percent of the loans were obtained from government agencies, such as the Agricultural Development Bank. Loans from landlords, 1.8 percent, were negligible. It is believed that many

Table 20

USUAL SOURCE OF MONEY BORROWED BY RURAL RESIDENTS
IN THE SOUTHERN REGION, 1967
REPUBLIC OF VIETNAM

	Area <u>I</u>	Area <u>II</u>	Area <u>III</u>	Regional <u>Total</u>
Government sources	3.6%	4.2%	6.6%	5.4%
Landlords	3.6	1.4	1.5	1.8
Moneylenders	4.8	7.7	6.2	6.4
Businessmen	6.0	5.6	4.4	5.0
Huis	2.4	4.9	5.1	4.6
Relatives	42.2	30.1	41.6	38.4
Friends	37.4	44.1	32.9	36.8
Other sources	<u>--</u>	<u>1.4</u>	<u>1.5</u>	<u>1.2</u>
Total	100.0%	99.4%	99.8%	99.6%

Note: Totals do not add to 100% because of rounding.

Source: HRS, Table 359.

loans or most loans from friends and relatives were interest-free; nevertheless, the high interest rates recorded must be attributed to the limited availability of credit and to the obvious fact that the government lending agencies play a minor role in meeting the credit requirements of farmers in the Southern Region.*

Important regional differences in indebtedness are brought out in Table 21 which refers to all rural residents, including the farm population. Area I, the densely populated provinces, show the smallest proportion of indebtedness (54 percent) but the average loan size of VN\$33,671 is about 50 percent above the regional average and double the average size of loan in Area II (Hoa Hao provinces). However, Area II shows the highest percentage of the respondents' indebtedness--70 percent compared with a Southern Region figure of 62 percent. For the Region as a whole, 94 percent of the loans were in cash, and this figure deviated little within areas of the region.

Table 21

INDEBTEDNESS STATUS BY AREA
OF THE SOUTHERN REGION, 1967
REPUBLIC OF VIETNAM

<u>Indebtedness Status</u>	<u>Area I Densely Populated Provinces</u>	<u>Area II Hoa Hao Provinces</u>	<u>Area III Peripheral Provinces</u>	<u>Total Southern Region</u>
Percent of households in debt	54.0%	69.6%	61.6%	62.2%
Percent of loans in cash	94.3	96.0	93.5	94.4
Average amount of loan (VN\$)	VN\$33,671	VN\$16,622	VN\$21,624	VN\$22,062

Source: Working Papers, Vol. IV, Part 2, HRS Tables 315, 401A, 401B, 401C, 357, and 358.

* Working Papers, Vol. IV, Part 2, HRS Table 168.

There is little direct information from the survey about the purpose of loans. It is believed that a high percentage of the loans were for social, religious, and medical expenses. Some loans must have been taken for the purpose of buying seeds and fertilizer and other production needs. Still another and probably common reason for borrowing is to feed the family during the production period until the harvest becomes available. Another reason for short term borrowing by tenants is apparently to pay their rents.

With respect to loans that are paid in kind rather than in cash, it is possible to see from the few written comments in the questionnaire that if a farmer borrowed one gia of rice at the beginning of the production season, he would have to pay back two at the end of the harvest. There must be a very small margin of savings, and none at all for most of the poverty-stricken farmers of the Southern Region with very small farms and low crop yields. As a consequence, credit is tight partly because of poor institutions and partly because in the given institutional environment, the risks entailed in lending money to the farmer are very high. These conditions impede any attempt by the farmer to improve his farm or his methods of cultivation, and makes it impossible for him to break out of his poverty.

It is obvious, then, that a land redistribution program in South Vietnam would have a better chance for success if accompanied by improved farm credit services. In the case of new owners of land, they would need short term and intermediate term credit to buy fertilizer, improved seed, and implements and, in many cases, to subsist until crops are harvested and sold. In addition, many owners would need reliable long term credit to acquire land and to meet the payments required to service the loan.

Farm Supplies and New Technology

There is little doubt that the farmer is served by a very inadequate marketing system. Survey information shows clearly that there is a large unsatisfied demand for farm supplies varying considerably from one type of input to another. The demand for rental of tractors and insecticide sprayers is only 16 percent satisfied, while the demand for better pig breeds and water pumps is only 21 percent satisfied. Only a third of the farmers are getting all the improved rice seed they want. Insecticide needs are met only in 42 percent of the cases, but 57 percent of the farmers are having their fertilizer requirements met.

The data show that almost 90 percent of the farmers use fertilizer on rice fields and almost 25 percent use fertilizer on vegetables. There is, however, much work to be done in encouraging farmers to use new techniques. About 17 percent of the farmers do not use improved pig breeds or fertilizer, 25 percent do not use insecticides and sprayers, 33 percent do not use improved rice seeds, and more than 40 percent do not rent tractors. Nevertheless, the results show that the Vietnamese farmer would use a much higher proportion of modern farm inputs if they were available in the market and he is very receptive to the adoption of new techniques and new types of farm inputs if he can be convinced of their efficacy.

Opinions and Attitudes Regarding Ordinance 57 and Future Land Reform

To obtain the views of farmers in the Southern Region regarding the overall merits or demerits of the Ordinance 57 land reform program, various questions were asked in the HRS and ALS on major points of the program: the 100-hectare retention limit, the exemption of institutional lands, the distribution of communal lands, sources of past dissatisfaction, and attitudes toward a future land distribution program.

Attitudes Toward the 100-Hectare Retention Limit

Because lands held by large landowners would probably have to be acquired for redistribution to the landless, the question of the retention limit for a future land redistribution program was explored at length in both surveys. The farmers interviewed in the Hamlet Resident Survey--whether owners or landless--favored a retention limit below the present 100 hectares.

Sixty-two percent of the farmers interviewed in the Hamlet Resident Survey favored a limit of 30 hectares or lower, and 49 percent were in favor of 20 hectares or lower. Thirty-three percent of the farmers were agreeable to a 10-hectare retention limit. Thirty-four percent suggested 50 hectares, and another 4 percent favored a higher retention limit. These findings suggest considerable leeway for the policymaker in lowering the present retention limit, as far as the resident farmers are concerned.

On balance, it appears that the absentee landlords were satisfied with the 100-hectare limit of Ordinance 57. Fifty-two percent thought that the limit was adequate and appropriate, 15 percent thought that it should have been lower, and 26 percent thought that it should have been higher. Their views in regard to the retention limit ranged as broadly as the political views of landlords generally.

Approval or Disapproval of Land Expropriation

On the whole, absentee landlords supported Ordinance 57 at the time it was issued, and in retrospect 83 percent said they had approved the law in principle. About 85 percent of those who answered felt that the GVN, at the time, engaged in expropriation of the land principally for political purposes. But there was an awareness of the political reasons for which land reform was carried out, and the landlords understood the milieu of the time and the importance of the social objective of extending ownership to landless peasants and to the land poor. It is clear that landlords are greatly influenced by the views that motivate their government's decisions and that they will tend to respond favorably to its decisions. Fifty-three percent of the absentee landlords who responded felt that the program to extend ownership would contribute somehow toward gaining more support for the government from the rural people in winning the war.

Despite the preference of the large landowners for a higher retention limit, they generally take a very reasonable position with respect to new GVN land reform programs, including a program to expropriate privately owned land. In fact, 77 percent of the landlords would either welcome such a program or not oppose it if it were fair and equitable. Only 22 percent would strongly oppose such a measure or work to modify it. The reaction of the latter indicated that they would be more disposed to accept expropriation of private lands if the government simultaneously or in advance distributed GVN-controlled lands as well as church lands and communal lands.

On the matter of distribution of institutionally owned lands such as church lands, 74 percent said that they would favor it and would be less opposed to it than to the expropriation of private land only. The reaction to a proposal for extending reform to land other than ricelands

(such as plantation crop lands) produced more opposition than the proposal to expropriate more of the privately owned ricelands.

Regarding disposition of communal lands, those who would be most likely to benefit from redistribution of communal lands for extension of ownerships tended to be in favor of it. Sixty-two percent of the owner-tenants and farm workers were in favor of selling communal lands to landless people. The landlord group was least in favor in terms of 37 percent. When those who want more land are considered (leaving out the owners, including the landlords), the tenants, owner-tenants, and farm workers together strongly favor selling communal lands, namely 62 percent in favor and 34 percent against.

In regard to the 30-hectare limit of Ordinance 57 on the amount of land that an individual may farm, half of the absentee landlords felt that this limitation had little effect on production, because few individuals farmed that much anyway.

Essential Measures for Acceptable Land Reform

From the standpoint of improving land reform programs, the dissatisfaction of landlords with Ordinance 57 implementation brings out important aspects. Major dissatisfaction was over the problem of compensation, including the price and the way in which the price was paid. Seventy-two percent felt that the value placed on their land was not established fairly, and that the payment of only 10 percent in cash and 90 percent in bonds was unsatisfactory. If they had received all compensation in cash, nearly 66 percent said they would have invested it in Vietnamese commerce, industry, or real estate. As it was, the money was not available in large enough amounts to make sizable investments possible. Furthermore, there were not sufficient opportunities available in government-owned enterprises to permit conversion of bonds into stocks.

The landlords were well aware of the fact that the GVN is the largest landowner in the country. They would be more inclined to accept further reduction of the land reform retention limit if the GVN disposed of much of its lands to the landless. The absentee landlords appear to have a value system similar to that of the landlords interviewed in the hamlets-- i.e., they have a strong feeling for social justice, and in the majority of cases they would accept a further land reform program if the government considered it essential. Thus, the large landowners would agree to a further land redistribution program through a reduction of the retention limit if they could be assured that the program would be carried out fairly, honestly, and expeditiously with adequate compensation. Moreover, they felt that the compensation should be principally in cash so that the money could be used flexibly for investment in commercial, industrial, and land development. In this way, the landlords would be satisfied

politically, a new program would be acceptable, and they would not be alienated from support of the GVN.

Prospects for an Improved Land Reform Program

The foregoing pages have indicated the attitudes of Vietnamese farmers toward the past land reform program, and their likely reactions toward possible future land redistributions. Knowing these attitudes, we can anticipate the political and economic effectiveness of future redistribution by considering the following factors:

- The number of persons or families that need land.
- The amount and location of land available for redistribution.
- The amount of land to be given each person or family. This is estimated as 1.5 hectares minimum for subsistence. For purposes of analysis, this section will use a range of 1.5 to 4 hectares.
- The political effectiveness of a future redistribution program. This factor would be in addition to the economic benefits of improving the livelihood of landless and land poor families.

Number of Persons Needing Land

As previously shown, the Hamlet Resident Survey established that all farmers--whether landless, landowners, or landlords--had an overwhelming, intense desire to own land. Some 80 percent of the respondents wanted their own farmland.* This proportion represents an estimated 246,000 farm households out of 308,000 landless farmers in the Southern Region who want land. Since this survey was conducted in 1967-68, the estimate is up to date, and may be considered a minimum figure for farmers desiring to own land.

In addition to this nearly 250,000 of potential farm owners, there are, in the Southern Region, an estimated additional 106,000 land poor families[†] who desire farmland, subject to a reasonable degree of security provided by security forces against the Viet Cong (Table 22). Undoubtedly,

* Working Papers, Vol. IV, Part 2, HRS, Questions 77 and 109.

† Land poor families are defined as those who own less than 1.5 hectares of land. In the Southern Region, the Hamlet Resident Survey estimated 133,000 such families. The Survey showed that 80 percent of the landless and a like percent of the land poor would want to purchase land, i.e., 106,000 families.

Table 22

NUMBER OF SMALL LANDOWNERS WHO ARE POTENTIAL RECIPIENTS
OF NEW LAND AND AMOUNT OF LAND NEEDED, 1967
SOUTHERN REGION, REPUBLIC OF VIETNAM

Present Ownership Class (ha)	Rural* Population (thousands)	No. of** Landowners (thousands)	Minimum Amount of Land To Be Owned							
			1.5 Hectares		2.0 Hectares		3.0 Hectares		4.0 Hectares	
			Number Affected (thousands)	Land Needed (ha)	Number Affected (thousands)	Land Needed (ha)	Number Affected (thousands)	Land Needed (ha)	Number Affected (thousands)	Land Needed (ha)
.1-.4	6,238.4	24.1	24.1	29,600	24.1	41,700	24.1	65,800	24.1	90,000
.5-.9	6,238.4	42.8	42.8	40,000	42.8	60,300	42.8	103,100	42.8	145,900
1.0-1.4	6,238.4	65.8	65.8	29,600	65.8	62,500	65.8	128,300	65.8	194,100
1.5-1.9	6,238.4	20.8	--	--	20.8	7,700	20.8	28,500	20.8	49,300
2.0-2.9	6,238.4	52.7	--	--	--	--	52.7	48,200	52.7	100,900
3.0-3.9	6,238.4	36.2	--	--	--	--	--	--	36.2	34,000
Total	6,238.4	242.4	132.7	99,200	153.5	172,200	206.2	383,900	242.4	614,200

* MACV Data, Hamlet Evaluation System Information Report, Saigon, January, 1968

** Modified HRŞ data, Table A-2, converted into global figures by applying expansion factor:

$$\frac{\text{Agricultural population}}{\text{Average family size } 6.66} \times \frac{1}{\text{Sample size } 854} = 1,097$$

there are many more landless farmers and operators of small marginal farms in the Central Lowlands who also have need for their own farms. However, this analysis is limited to the Southern Region.

The present farm population in the Southern Region, both landless and land poor, is an incomplete indication of potential demand for land. In the Republic of Vietnam, large population groups live under temporary conditions because of the war situation. Particular mention should be made of the military, both regular armed forces and militia, and of refugees, including many thousands not officially recognized as such because they have elected to seek safety in the large urban areas rather than established refugee camps.

The Republic of Vietnam has approximately three-quarters of a million men under arms. Many of these men undoubtedly come from the farms, although probably the portion is less than that of the nation's population as a whole since military recruitment is more intense in the urban areas. It may be estimated that no more than one-third of the military come from a farming background and probably less than half of these are landless who definitely favor returning to farming their own land. Thus, an order of magnitude approximating the long range demand for land by returning servicemen may be 125,000 parcels. Half that amount, say 65,000, may be more realistic for the next decade since during that time period, it is unlikely that the armed forces would be reduced to less than half their present strength.

The refugee situation is even more difficult to assess. As shown in Chapter 3, 506,000 refugees are listed for the country, including those in urban areas. It is reasonable to suppose that a major share of these came from rural areas, which are relatively less secure. Since the Hamlet Resident Survey estimate of the landless portion among rural residents is 33 percent,* one may suppose that about 150,000 refugees represent potential demand for land, if they return to farming. Although many of these might prefer to shift to other occupations, the refugee situation may be more acute than the official statistics indicate, and on balance the estimate of 150,000 may be acceptable.

The combined estimate of demand for land by returning military veterans and refugees--215,000 families--applies to the entire country. Although the present analysis concerns demand for land in the Southern Region, military and refugee totals for the country are relevant since readily

* 281 in a total sample of 854.

available land for resettlement is largely limited to the Southern Region. However, it is reasonable to suppose that not all of those coming originally from the Central Lowlands of the Republic of Vietnam would accept resettlement in the Southern Region. Thus, instead of 215,000 military and refugee families wishing land within the next 10 years, a figure as low as 150,000 may be more realistic, although probably this figure is a minimum. The remaining approximately 65,000 families would aggravate land scarcity in the Central Lowlands (discussed in Chapter 2). Table 23 presents an estimate of land needs in the Southern Region.

Table 23
LAND OWNERSHIP DEMAND IN THE SOUTHERN REGION
REPUBLIC OF VIETNAM

	<u>Farm Families</u>
Short run demand for land	
Estimate of landless farmers who want land (80% of 308,000)	246,000
Estimate of land poor who want land (80% of 135,000)	106,000
Total	352,000
Long run demand for land	
Refugees and rehabilitation of servicemen	Approx. 150,000
Total	Approx. 500,000

Amount of Land Available for Redistribution

Table 24 shows by province the amounts of both Ordinance 57 and former French lands that remain to be distributed throughout the Republic of Vietnam. Only undistributed lands thought to be currently cultivated are included, whether or not they are in a secure area. These lands represent an estimate of the maximum amount from these two programs that could be redistributed readily if there were adequate security. An attempt has been made to allow for relative land quality and scarcity among the provinces by assuming that new parcels would be allocated at the same average size granted during the earlier redistribution of Ordinance 57 lands. For practical purposes, the amount of these lands that could be distributed in the Central Lowlands is negligible and therefore is ignored in this discussion.

Table 24

POTENTIAL IMPACT OF DISTRIBUTING LAND AVAILABLE UNDER CURRENT PROGRAMS;
UNDISTRIBUTED ORDINANCE 57 AND FORMER FRENCH LANDS, 1968
Republic of Vietnam

Province	Corps Area	1968 Estimated Total Rural Population ¹ (thousands)	Estimated Number of Rural Households ² (thousands)	Total Land Available Under Current Programs ³ (Ha.)	Average Parcel Size ⁴ (from Ord. 57) (Ha.)	Number of Potential Recipient Households ⁵	Percentage of Households Receiving Land ⁶ Total
1. An Giang	IV	353.6	53.5	14,561	3.3	4,412	8
2. An Xuyen	IV	162.1	24.6	9,822	2.7	3,638	15
3. Ba Xuyen	IV	279.2	42.3	44,090	2.5	17,636	42
4. Bac Lieu	IV	164.8	24.9	24,225	2.9	8,353	34
5. Bien Hoa	III	307.0	46.5	533	1.6	333	1
6. Binh Duong	III	172.5	26.1	34	1.1	31	-0-
7. Binh Thuan	II	89.0	13.5	12	1.1	11	-0-
8. Chau Doc	IV	392.9	59.4	4,210	1.8	2,339	4
9. Chuong Thien	IV	217.9	33.0	14,540	2.4	6,058	18
10. Dinh Tuong	IV	433.5	65.6	6,171	1.5	4,114	6
11. Gia Dinh	III	794.4	120.3	1,700	1.5	1,133	1
12. Go Cong	IV	139.0	21.0	381	1.7	224	1
13. Hau Nghia	III	144.4	21.8	926	1.3	712	3
14. Khanh Hoa	II	261.1	39.5	21	-	11	-0-
15. Kien Giang	IV	142.2	21.4	25,871	2.4	10,780	50
16. Kien Hoa	IV	405.2	61.4	4,478	1.5	2,985	5
17. Kien Phong	IV	263.2	40.0	8,184	2.7	3,031	8
18. Kien Tuong	IV	22.3	3.3	4,704	4.8	980	30
19. Long An	III	236.7	35.8	952	1.4	680	2
20. Long Khanh	III	119.2	18.0	-	-	-	-
21. Ninh Thuan	II	97.7	14.8	769	-	289	2
22. Phong Dinh	IV	207.1	31.3	30,186	1.9	15,887	51
23. Phu Yen	II	258.8	39.2	628	-	314	1
24. Phuoc Tuy	III	56.8	8.6	13	2.8	5	-0-
25. Sa Dec	IV	174.6	26.5	821	1.4	586	2
26. Tay Ninh	III	262.3	39.7	14	1.7	8	-0-
27. Vinh Binh	IV	297.9	45.1	6,962	1.7	4,095	9
28. Vinh Long	IV	344.8	55.2	2,890	1.4	2,064	4
		6,800.3	1,029.3	207,496	2.1	90,709	9

¹ MACV: Hamlet Evaluation System Information Report, Saigon, January 1968.

² Computed by dividing the rural population by 6.6, the overall average of number of persons per family in the SRI Hamlet Resident Survey.

³ Source; Directorate General for Land Affairs; see Appendix B-11, Volume I, Part 2. Sum of cultivated undistributed lands from both programs. Data in this table do not reconcile with Figure 3, Chapter 1 due to different interpretations given to distributed lands by USAID and the Directorate General for Land Affairs. USAID includes all lands applied for, while the DGLA only those lands for which titles have been issued.

⁴ Average size of parcel distributed under Ordinance 57 in province. See Table 32 data, Volume I, Part 2, page 136.

⁵ Calculated by dividing total land available for distribution by average parcel size.

⁶ Percent of households receiving land under Ordinance 57 to total households in province (Number of recipient households ÷ Total households in province × 100).

The distribution of the remaining undistributed Ordinance 57 and former French lands would undoubtedly favor certain provinces while providing no benefits to others simply because of the scattered distribution of these holdings. Four provinces--Ba Xuyen, Bac Lieu, Kien Giang, and Kien Tuong--have large amounts of undistributed lands relative to the present rural populations of these provinces. In these four provinces, 30 or more percent of the rural households could be accommodated by the estimated available Ordinance 57 and former French lands.

Unfortunately, much of the undistributed Ordinance 57 and former French lands has been abandoned, and some has reverted to wild land with heavy growths of trees and underbrush, conditions ideal for concealing the Viet Cong. As a consequence, such areas are characteristically insecure. The problem of maintaining security, as reflected by the need to protect widely dispersed ricelands, was shown in Chapter 5. An estimate of the physical ability of the land to support new landowners should be tempered by an assessment of the ability to provide security against the Viet Cong.

One source of additional land to meet this longer term coming demand would be to distribute governmentally acquired lands in the Central Highlands. Also, there are lands in certain areas of the Delta that irrigation and drainage could render usable for agriculture. In addition, there are forestry lands in the Central Highlands and Central Lowlands that could be utilized as concession lands. However, these territories require more security than is now available and also require considerable investment and delays before the land could be used for farming.

Another source is communal lands now under the control of villages that use them for public and welfare purposes.

There are 128,374 hectares of communal lands in the Southern Region, of which 97,240 hectares are cultivated. However, only 100,759 hectares out of the 128,374 hectares are ricelands so that the 97,240 hectares may well represent the total amount of communal riceland suitable for farming. For this study, an estimate of 97,240 hectares is used for arable communal riceland.* Communal lands could be distributed subject to some legal arrangement for acquiring and paying for the village-owned lands. In addition, it is extremely important to ensure that the villages have alternative sources of revenue before divesting them of a major source of income

* Chapter 3, Table 5.

and the limited means available for taking care of welfare cases. An improvement of local government public finance over the present system will have to go hand-in-hand with the distribution of commercial and other publicly held lands from which rental revenues are now derived.

If the communal lands were subdivided into parcels of 1.5 hectares, there should be sufficient land to settle 65,000 farm families. Possibly a more reasonable parcel of land would be 2 hectares, which would reduce the number of potential settlers to about 49,000. Some larger families might need more land so that if parcels averaged 3 hectares, the number of settlers would be reduced to 32,400, and a 4-hectare distribution would further limit settlers to 24,000. (See Table 25.)

Table 25
ESTIMATED NUMBER OF FAMILY FARMS THAT COULD BE CREATED
BY SUBDIVIDING THE UNDISTRIBUTED COMMUNAL RICELANDS
SOUTHERN REGION, REPUBLIC OF VIETNAM
1968

Average Size of Planned Farms (hectares)	Available Communal Ricelands (hectares)	Number of Farms Available*
1.5	97,240	65,000
2.0	97,240	49,000
3.0	97,240	32,000
4.0	97,240	24,000

* Rounded to nearest thousand.

If these numbers of families are compared with the numbers in Table 25, it is clear that communal lands could fill only a small portion of the potential demand for land. However, communal lands exist in most provinces, although in variable quantity, and the impact of such distribution would be widespread geographically. Because the charge has already been made that a little land reform may be worse than no land reform at all, responsible officials should be careful to ensure that sufficient land is available for redistribution to meet the latent demand for land. To accomplish this, land additional to the communal lands would have to be located and distributed.

If the same assumptions are used as to size of farm to be distributed, comparable estimates of the number of farmers who could be settled on the 207,500 hectares of Ordinance 57 and former French lands will be obtained.* Assuming subdivision of this land into minimum sized parcels of 1.5 hectares, there would be sufficient land to resettle 138,000 farm families. With an average of 2 hectares per farm, the land would provide farms for 104,000 only. Perhaps if larger farms averaging 3 to 4 hectares were considered desirable, these undistributed lands would support only 69,000 or 52,000 families, respectively. (See Table 26.)

Table 26

DISTRIBUTION OF UNDISTRIBUTED ORDINANCE 57,
FRENCH, AND COMMUNAL LANDS IN
SOUTHERN REGION
REPUBLIC OF VIETNAM
1968

Size of Farm (hectares)	Communal Lands (no. of farms)	Ordinance 57 and Former French Lands (no. of farms)	All Public Land (no. of farms)
1.5	65,000	138,000	203,000
2.0	49,000	104,000	153,000
3.0	32,000	69,000	101,000
4.0	24,000	52,000	76,000

The categories of government land presented in Table 26 would be insufficient to resettle 250,000 landless farm families now requiring land, let alone 100,000 land poor and possibly 150,000 farm families to be rehabilitated after the war. More land would have to be found. In the short run, the only other source of land would be from further redistribution of privately owned land in large holdings.

Private Lands Available from Lowering of the Retention Limit

At the present time, no landlord is permitted to own more than 100 hectares of land, subject to some additional allowance for ancestor worship. The possible need to reduce this limit further was suggested in the Hamlet Resident Survey when the rural respondents were asked to indicate what they felt was a desirable retention limit.

* See Table 24.

If the retention limit is reduced to 50 hectares and parcels of 2 hectares are distributed, there is estimated to be sufficient private land to resettle 87,000 families on 174,000 hectares as shown in Table 27.

An even smaller farm size of 1.5 hectares would permit 115,000 families to be resettled. However, if much of the land proved to be of inferior quality and unsuitable for subdivision, an average farm size of 3 or 4 hectares might be necessary. For an average 3-hectare size farm, the available land for expropriation would satisfy only 58,000 families; a 4-hectare average size farm would reduce such resettlement to only 44,000 families.

If the land made available from a 50-hectare limit proved insufficient, the increase of land availability through reducing the ownership retention to 30 hectares may be considered. This particular figure is of interest because it is the maximum hectareage that one family is permitted to operate by itself under Ordinance 57. Also, 62 percent of the farmers in the HRS favored a retention limit of 30 hectares or less. Subdividing the land so obtained into 1.5-hectare parcels would make available a total of 223,000 individual farms. Parcels of 2 hectares would provide 334,000 hectares of land for 167,000 families. Large families might require and would be able to farm 4 hectares. If all farms were 4 hectares in size, only 84,000 families could be resettled. If the average plot were 3 hectares, only 111,000 families could be re-established on 330,000 hectares.

A reduction of the retention limit to 20 hectares (49.4 acres) or even less might have to be considered. Even though this is much less than the present 100-hectare limit, it would still permit relatively large farms based on present farming methods. A 20-hectare retention limit would provide 286,000 1.5-hectare farms, 216,000 2-hectare farms, 144,000 3-hectare farms, or 108,000 4-hectare farms. The impact of establishing this many new landowners could be very substantial.

An even smaller retention limit such as 10 hectares (24.7 acres) would still result in farms considerably larger than the maximum sizes permitted in Japan, Korea, or Taiwan. This reduced limit would permit a resettling of 384,000 families on 1.5-hectare plots, 288,000 families on 2-hectare plots, 192,000 families on 3-hectare plots, and 144,000 on 4-hectare plots.

These retention limits and farm sizes provide an array of possibilities to be considered in a comprehensive plan for land reform. Four sources of land are combined here to find out how adequately they could supply farmland ownership for the landless farmers and refugees. These

Table 27

ESTIMATED NUMBER OF FARM FAMILIES THAT COULD BE RESETTLED ON
THEIR OWN FARMS BY REDISTRIBUTING COMMUNAL, ORDINANCE 57, AND
FORMER FRENCH LAND PLUS LOWERING OF LAND RETENTION LIMIT, 1968
Southern Region, Republic of Vietnam

	Communal Lands* (ha)	Ordinance 57 and Former French Lands† (ha)	Total Public Lands (ha)	Estimated Land Made Available by Lower Retention Limit‡				Estimated Land Available from Communal, Ordinance 57 and Former French Lands with Lower Retention Limit			
				50 Ha	30 Ha	20 Ha	10 Ha	50 Ha	30 Ha	20 Ha	10 Ha
				Total Land Owned in Holdings Exceeding Retention Limit (ha)				487,000	598,000	680,000	761,000
Estimated Land Available for Redistribution (ha)	97,240	207,500	304,740	174,000	334,000	432,000	576,000	480,000	640,000	738,000	882,000
Average size of farm (hectares)	Number of New Farms			Number of New Farms				Number of New Farms			
1.5	65,000	138,000	203,000	115,000	223,000	286,000	384,000	318,000	426,000	489,000	587,000
2.0	49,000	104,000	153,000	87,000	167,000	216,000	288,000	240,000	320,000	369,000	441,000
3.0	32,000	69,000	101,000	58,000	111,000	144,000	192,000	159,000	212,000	245,000	293,000
4.0	24,000	52,000	76,000	44,000	84,000	108,000	144,000	120,000	160,000	184,000	220,000

Note: All figures rounded to nearest thousand hectares.

* Based on 97,240 hectares of communal ricolands.

† Based on 420,047 hectares of Ordinance 57 and former French lands and assuming 207,500 hectares cultivable.

‡ Based on modified HRS data, Volume IV, Part 1, Annex Table A-2.

lands for distribution include communal lands, Ordinance 57 lands, former French lands, and private lands.

If one assumes a 50-hectare retention limit and 1.5-hectare farms, the combined scheme could supply farms for 318,000 households (see Table 27). If the farms distributed were increased to 2 hectares in size, some 240,000 families could be resettled. It is assumed that these lands are, or could be made secure.

If the retention limit were reduced to 30 hectares and an average size of 2 hectares were used, these land sources would supply 320,000 farm families with 2-hectare farms, provided that security conditions permit. Such a program would appear to combine a reasonable retention limit with provision for adequately sized farms for distribution. If the retention limit is reduced to 20 hectares, one would have 369,000 family farms of 2 hectares each while a 10-hectare retention limit would provide land for 441,000 families on 2-hectare farms.

Another scheme practiced in Japan, Korea, and Taiwan was the "Land-to-the-Tiller" concept in which only farm operators were permitted to own land. Such a scheme could be associated with any level of retention limit deemed appropriate.

The advantage of such a scheme combining the retention and operating size limit is the ease of monitoring such a law because the whereabouts of operators who must farm the lands is known. According to the HRS, 37.6 percent of all land is currently occupied by tenants. A "Land-to-the-Tiller" scheme based on a retention limit of 30 hectares--the maximum now cultivable by a landowner--would permit the distribution to farmers of an estimated 334,000 hectares. That is, between 84,000 and 220,000 families could be given ownership (including those landlords who might decide to operate their own land), depending on the assumed size of farms distributed, ranging from 4 hectares down to 1.5 hectares. By combining this land availability from the "Land-to-the-Tiller" scheme with distribution of communal lands (to 49,000 families) and undistributed Ordinance 57 and French lands (for another 104,000 families), a total of 320,000 families could each be given 2 hectares of land. This alternative would supply 90 percent of the estimated 354,000 of landless and land poor peasants with land. The scheme would not be dependent on the need for any ownership retention other than the 30-hectare operating limit now in effect.

Land Distribution in the Central Lowlands*

Actual information on land tenure in the Central Lowlands is less complete than is the case for the Southern Region of the Republic of Vietnam. In particular, the Hamlet Resident Survey did not include the Central Lowlands. As a consequence, the discussion presented here is tentative.

In treating land redistribution in the Southern Region, emphasis has been placed on providing land for landless and land poor families--that is, farm workers and tenants who own very little or no land. In the Central Lowlands, the number of tenants who own no land has been estimated to range between approximately 10 and 20 percent[†] (compared with 43 percent in the Southern Region as shown by Hamlet Resident Survey data).

Including the unknown number of farm workers and sharecroppers, it is reasonable to conclude that as much as 30 percent of the Central Lowlands farm population may be entirely landless. On the other hand, the 1960-61 Census indicates that 79 percent of the agricultural holdings contain less than 1 hectare of land, an area considered too small to support a family of five or six persons adequately unless farmed with high productivity. Thus, it is suggested that at least half a million farm families in the Central Lowlands could benefit from having additional land to farm. Furthermore, the land needs of the landless must be evaluated with the needs of the very small owner-operator of less than half a hectare who may be even poorer than one who rents 5 hectares.

The principal ready sources of cultivable lands that might be used in a land redistribution program are government lands, communal lands, and the holdings of large landowners. The first of these sources is currently of little value since the GVN has not acquired large holdings in the Central Lowlands. The amount of available privately owned lands is difficult to estimate accurately because no data are available on the size distribution of land ownership. An estimate based on operating farm

* The Central Lowlands comprise the low coastal areas of the following provinces: Quang Tri, Thua Thien, Quang Nam, Quang Tin, Quang Ngai, Binh Dinh, Phu Yen, Khanh Hoa, Ninh Thuan, and Binh Thuan.

† The 1960-61 Agricultural Census estimate was 10 percent. The RIES Survey, USOM, Saigon, July 1965, estimate was 18 percent.

units may be made,* but it must be recognized as only a very rough approximation. On the basis of operating farm data, if one were to think in terms of government acquisition of privately held lands in excess of, say, 3 hectares, probably the smallest retention limit that might considerably be applied, the purchase would free only 11,000 hectares, or enough for 11,000 families if the minimum ownership unit were 1 hectare, the average size of unit held in this region today.

The only source of land capable of having an immediate impact on a significant portion of the farm population is that of communal lands. The total area of communal lands in the Central Lowlands is reported to be 164,097 hectares, of which 89,051 hectares are currently cultivated.† It is highly probable that the 65,000 hectares not currently cultivated are either inaccessible due to insecurity or other reasons, or difficult to cultivate since it is doubtful in an area of such land scarcity that any significant amount of usable land would lie inactive. However, if all these cultivated communal lands could be redistributed in 1-hectare parcels, and if the truly landless farm families number about 200,000 (i.e., 30 percent landless out of approximately 700,000 farm families),‡ about 45 percent or 90,000 out of 200,000 families could receive land of their own. On the other hand, there would remain the fact that a large majority of all farmers on the Central Lowlands would operate less than 1 hectare of land, an unsatisfactory condition no doubt, but it would be improved by ownership rather than tenancy. Unless new areas could be opened soon, communal property remains the only substantial source of lands for new private owners.

Cost Estimates for Expropriating Private Lands

A major obstacle in any land reform scheme is the cost of expropriating available land. To establish present land values, both landlords and tenants were asked for estimates in terms of piasters (VN\$) per hectare§

* Report on the Agricultural Census of Vietnam, Republic of Vietnam, Department of Rural Affairs, Agricultural Economics and Statistics Service, 1960-61.

† Chapter 3, Table 5.

‡ The estimate of 700,000 households may be high since it is based on the 1960-61 Agricultural Census estimate of farm holdings, which could include fragmentation and possibly some share cropping. Furthermore, there has been some land abandonment since that time.

§ 1 hectare - 2.47 acres; VN\$44,000 piasters per hectare is roughly the equivalent of US\$147 per acre.

(118 VN\$ = 1 US\$). Reported land values varied from about VN\$10,000 to over VN\$80,000 per hectare. The variations in value reflected differences in productivity. Although the values were subjective, the average value of land that the landlords rented was estimated to be VN\$47,200 per hectare, which was only slightly higher than the average value of land leased by the tenants, namely VN\$41,145. Indeed, the difference in these two values could readily have been due to chance sampling variation--and probably some self-interested bias--and is statistically not significant. An average value of VN\$44,000 per hectare is employed as a convenient estimate for the average value of riceland in the Southern Region.

The capital value of land is a current estimate, which depends on its productivity. Therefore, as productivity increases, the land values will also increase. That is, every measure taken to improve seed, fertilizer, water control, and methods of growing rice tends to increase the cost of this land. Land value also depends on rents received, while payment of rents tends to increase with security. For this reason, one can anticipate increasing land values as the confused areas and Viet Cong-dominated areas are gradually liberated by the Vietnamese government. A third factor that influences land value is inflation. With increasing inflation in Vietnam, one may anticipate increasing prices. At official exchange rates, the prices measured in U.S. dollars will increase even more rapidly. If land reform is to take place, delays are costly not only in terms of loss of good will of the Vietnamese landless farmers, but also in terms of costs of expropriating land.

Although past land reform schemes have been funded by giving landlords bonds, this action destroys the effectiveness of the landlord class as a group that could invest in nonagricultural enterprises, and thus chokes off a desirable source of private support for industrial and commercial development.

Employing the best available estimates of land ownership in the Southern Region of Vietnam, a reduction of the retention limit to 50 hectares is estimated to provide 174,400 hectares for distribution. If this retention limit is dropped even further, to the 30-hectare operating limit, the quantity of available land would nearly double to 334,000 hectares. A further reduction to 20 hectares would add about 100,000 hectares, bringing the total to 431,200, and a 10-hectare limit would increase total land availability to 576,400 hectares.

In terms of Vietnamese piasters, the total direct cost of expropriating estimated available land by lowering the retention limit to 50 hectares would cost the government VN\$7.67 billion or about US\$65.0 million. If the retention limit is lowered to 30 hectares, the program would cost VN\$14.7 billion or US\$124.5 million. At a 20-hectare retention limit, the scheme would

cost VN\$18.9 billion or US\$160.7 million. At a 10-hectare retention limit, the cost would be VN\$25.3 billion or US\$214.9 million.

On the other hand, if a land-to-the-tiller program were adopted, the cost would be VN\$14.7 billion or US\$124.5 million, assuming a 30-hectare limit. The cost would be higher if landlords elected to farm less than 30 hectares.

Political Aspects of Land Redistribution

Aside from the economic consequences, the GVN must necessarily give great weight to the political impact and political feasibility of a land reform program based on reduction of the private ownership retention limit in a program of the Ordinance 57 type. Assessment of political gains and costs is a complex matter. The political gain from extending ownership to the many landless and the land poor--the immediate beneficiaries of the program--must be weighed against the possible political disadvantages from expropriation of the land of the comparatively few landlords who own a high proportion of the land. However, there are clearly substantial differences in the circumstances both among the tenants who become new owners and among the landlords who are expropriated. Among the landlords, one must distinguish between the different interests of those that are absentees and living in the cities and the landlords residing in the country. The Absentee Landlord Survey also showed that the landlord who owned a large amount of land in Viet Cong-held areas was more inclined to favor expropriation than those whose land was predominantly in GVN-held areas.

In deciding on a course of action, the GVN will have to weigh carefully the social and political costs and benefits of taking any further action in redistribution. If the GVN believes it advisable to proceed below the Ordinance 57 retention limit, there is the crucial question of how far the retention limit should be reduced. The political impact will depend on the level to which the retention limit is reduced and the size of the farm ownership units to be distributed. As the retention limit is lowered, the number of larger landowners whose land would be expropriated will increase. If they are not properly treated, their reaction to the government's decision could become a political liability. On the other hand, the political advantages to the GVN may be expected to increase as a growing number of new farm owners are created by a broadened land redistribution program. The number benefited, however, will depend on the size of unit distributed to the landless farmers. According to the Hamlet Resident Survey, past experience indicates that there is some danger in the distribution of farm ownership units that are too small, which could create considerable farmer dissatisfaction if units are believed inadequate for family needs. On the other hand, if some land

continues to be available for rental, ownership of even a small farm, which can be enlarged by renting more land, should create political satisfactions, meeting the requirements of social justice.

A comparison of the number of households of the landless and of the larger landowners who would be affected by a lowering of the retention limit and by distribution of different-sized farm ownership units is presented in Table 28. A farm size distribution unit of 2 hectares may be assumed as a reasonable unit for this purpose.

The retention limit of 100 hectares applied under Ordinance 57 resulted in the expropriation of land of about 2,000 landlords. If all the land had been distributed, it would have provided land ownership to about 200,000 farmers--that is, the ratio of those receiving direct benefits from the distribution would have been 100 to 1.

The data in Table 28 show that a distribution unit of 2 hectares would create benefits in the ratio ranging between 14 to 1 and 19 to 1, the highest ratio being at the 30-hectare retention limit. After this point, the ratio of those benefited by ownership in relation to those expropriated declines somewhat.

The survey results show, in both the HRS and the ALS, that land expropriation would become increasingly unpopular as the retention limit were reduced and landlords were permitted to retain increasingly smaller ownership units. This tendency toward dissatisfaction would be compounded by the fact that more landlords would be affected by expropriation as a lower retention limit is applied.

Whereas about 2,000 landlords were expropriated under the Ordinance 57 program, the number affected is estimated to rise sharply to 6,250 if the retention limit were reduced to 50 hectares. At a 30-hectare retention limit, 8,780 landowners would be required to sell some land, or in excess of 2,500 more than at a 50-hectare retention limit. However, on the positive side politically, it should be noted that 167,000 farmers would become owners of 2-hectare farm plots with the application of a 30-hectare retention limit--double the number of 87,200 benefiting farmers under a 50-hectare ceiling. The impact would be substantially greater (about one-third) if it should be considered feasible to reduce the distribution unit from 2 hectares to 1.5 hectares, when 223,000 tenants would become owners.

The retention limit adopted in a land redistribution program would also directly affect the tenurial composition of the rural farm population. On the basis of the HRS statistics, 59.3 percent of the farm operators were owners or owner-tenants in 1967. The creation of 167,000 new

Table 28

ESTIMATED NUMBER OF LANDLORDS WHOSE LAND WOULD BE EXPROPRIATED COMPARED WITH
NEW OWNERS CREATED, UNDER SELECTED HYPOTHETICAL OWNERSHIP RETENTION LIMITS AND SIZE OF
OWNERSHIP UNITS DISTRIBUTED
SOUTHERN REGION, 1968, REPUBLIC OF VIETNAM

Retention Limit (hectares)	Land Made Available (thousands of hectares)	Number of Owners Expropriated (thousands)	New Owners Created by Size of Ownership Unit Distributed (thousands)				Land Reform Ratio-- New Owners Created Related to Owners Expropriated			
			1.5 ha	2.0 ha	3.0 ha	4.0 ha	1.5 ha	2.0 ha	3.0 ha	4.0 ha
			50	172.5	6.25	115.0	87.2	58.1	43.6	18.4
30	334.1	8.78	222.7	167.0	111.3	83.5	25.3	19.0	12.7	9.5
20	429.6	12.40	286.4	215.6	143.8	107.9	23.1	17.4	11.6	8.7
10	576.3	18.43	384.2	288.2	192.1	144.1	20.8	15.6	10.4	7.8

Source: Computed from HRS data, Annex Table 2 (modified data) by applying expansion factor, 1,097, to land owned in sample.

owners based on the adoption of a 30-hectare retention limit would dramatically raise the ownership ratio of farmers.

Actually, many tenants might not be in a position to buy, and, in addition, farm workers and others should be able to qualify as purchasers under a suitable program. In any case, a policy move in this direction would have immense effects on raising the ownership composition of farmers. The political effect of practically eliminating land tenancy--and with it the problems of landlord-tenant relationships--could be expected to be very dramatic.

The HRS showed that few landlords--only about 8 percent--who reside in the villages rented out more than 20 hectares of land. Thus a reduction in the retention limit even to 20 hectares would probably have a minimal political effect at the village government level. Also relevant is the fact that of all landlords who rented out land, 57 percent live in the villages and districts where the land is located. About 8 percent live in the Saigon-Cholon metropolitan area, and 11 percent live elsewhere in the province. The balance of 24 percent live in places unknown.*

In considering the relative impact of a reduction of the retention limit to lower levels, it would be well for decision-makers to take into account that egalitarianism carried to extremes could have some deleterious effects in the long term, both on political development and socio-economic progress in the farm communities.

There should be sufficient leeway in the farm size structure for rural leadership to exist or to develop. This criterion would place a suitable lower limit on the ownership retention limit established, and it suggests the importance of permitting and maintaining some degree of tenancy to allow those who have the capacity to expand farm operations by renting land. Rental of land provides the flexibility for adjustment needed to meet the great variety of circumstances in which many farm people find themselves.

The farm operating unit (not the ownership unit necessarily) should be permitted to be sufficiently large to allow for the development of farmer intellectuals and leaders who will not only innovate to increase productivity but who will also be able to play a notable political role both locally and in the national arena.

Survey results show that the large landowners would be inclined to sell off land only if the GVN considers it politically essential and in

* Working Papers, Volume IV, Part 1, Tables 18 and 20 and HRS Tables 277-280.

the interest of the country. If the matter is put in this way, the landlords would find such land sales acceptable. However, to make the sales politically agreeable to the landlords, the GVN would need to treat the landlords with fairness and the program must be carried out expeditiously. In the interest of equity, landlords must be given adequate and flexible compensation so that their capital can be transferred from agriculture to other sectors of the economy with minimum difficulty. If they are treated with justice, further expropriation of the landlords should not become a political liability, and it might be turned into an asset. There appear to be many large landowners who are looking for an equitable way of transferring their assets out of agriculture. If this is appropriately done, as in Taiwan or Pakistan, many of the large landlords can be turned into major industrial entrepreneurs.

A current proposal for a massive voluntary land purchase program for rice and garden land to enable many tenants to become farmers has interesting features that could remove much of the political sting of abruptly enforced land expropriation based on a specifically applied land retention limit. This program would provide the means for tenants to purchase the land they are tilling. The GVN would provide guidelines as to a fair purchase price, and financing would be provided through a suitable lending agency such as the Agricultural Development Bank.

This unique approach to the tenancy problem reverses the usual procedure of expropriation followed by land distribution used in most land reform programs. Under this plan; the ultimate recipient would initiate the process by filing an application to purchase the land he tills and he would acquire ownership either at a price negotiated with the owner or by means of an arbitration procedure. To strengthen the program, a forced sale provision is contemplated. If a landlord fails to respond, if he objects to selling, or if he and the tenant cannot reach agreement on the price, a village arbitration board would resolve the price and would hear any hardship arguments bearing on the landlord's refusal to sell. The board's decision would be subject to review, and the landlord could appeal the decision.

The seller would be paid a down payment such as 20 percent in cash (possibly 30 percent as an incentive if he enters into a contract voluntarily) and the balance in rice bonds bearing 5 percent interest redeemable over a seven-year period. The purchaser would receive title to the land on approval of the contract and would have 12 years to pay for the land at an interest rate of 6 percent.

It is proposed to place major responsibility for administering the program in the villages, with the Village Administrative Committee receiving the purchase application, notifying the registered owner of the land, and requesting that he meet with the cultivator to work out the sales price. It might be stipulated that the sales price could not exceed, say, two-and-one-half times the average crop yield during the past five years. The land to be purchased would be identified on an aerial photo, and a dossier of required data would be prepared and forwarded to the provincial land affairs office with the committee's recommendations for action. After approval by the provincial land affairs office and by the financing agency (presumably the Agricultural Development Bank), the Village Administrative Committee would deliver the title to the purchaser after it was prepared at the province or in the central government.

As a hedge against inflation, it is proposed that the sale price as well as the buyer's payment schedule be expressed in paddy rice. The seller would be paid immediately with 20 (or 30) percent in cash (above the Ordinance 57 level of 10 percent) and the remainder in rice bonds. Thus, the value of the land and also future payments would be expressed in real terms (the current value of rice), not its present monetary value. In addition, the farmer would know exactly how much paddy rice he would have to produce each year to meet the required payments for the land.

To ensure owner participation in the program, the GVN is considering supporting legislation to reduce the 100-hectare retention limit of Ordinance 57 to 30 hectares or less. As a measure to gain time for the enactment of the necessary decrees or legislation for the program, the GVN is also considering a moratorium on existing land tenure, which would freeze the current occupancy status.

The chief advantages of the voluntary purchase program provision with a forced sale over further expropriation are: (1) the land would be immediately transferred to the farmers rather than going to the government first as in expropriation, (2) government financial and manpower resources would not become committed to the purchase of land not now being farmed as happened under Ordinance 57, and (3) a totally new land reform concept would be implemented that would not be associated as a continuation of the unpopular Diem land reform program.

It is estimated that up to 800,000 hectares could be transferred to cultivators if the program were a success. This would concern about 400,000 farmers and an estimated 2 million people including farmers' families. A credit fund of approximately 12 billion piasters (or about \$102 million over a 7-year period) would be required to finance the program since payments from the buyers would be made over a 12-year period and payments to the seller over a 7-year period.

The moratorium proposal, which would freeze current tenure status, would apply with special force to the tenure of land in the "confused" lands of the contested and recently liberated areas, where many occupants of the lands were placed by the Viet Cong. It would give the GVN time to resolve the delicate politics at the central and local levels of whose rights should be honored, who should be compensated and by how much, and the administrative criteria and procedures that should be used to straighten out the tangle of "confused" rights introduced by Viet Cong control. At this time, there is undoubted agreement that the political implications in a settlement of the "confused" lands problem are probably more severe than any other issue. It emphasizes the point that the timing of land policy decisions must be intimately related to the facts of current political issues.

The "confused" lands problem, in general, and the current program to distribute former French and Ordinance 57 lands as yet undistributed, specifically highlight the importance of having adequate administrative capability available to carry out the announced program intentions of the GVN. There are three necessary conditions for the success of this program at the present time. The basic condition is that the program must be fair and provide justice to all parties concerned in terms of rights of occupancy, terms of purchase, compensation for loss, and the terms on which heretofore undistributed land can be purchased.

A second condition is that the GVN has the requisite capability in its land affairs administration for expeditiously processing sales, providing titles, and adjudicating rights. If essential administration cannot be performed effectively and quickly, then "justice delayed becomes justice denied" and the credibility of the expectations aroused by the GVN will suffer or vanish.

The third essential condition is that the GVN must have an adequate military and police power to enforce the physical feasibility of its program. The Viet Cong may be expected to take action to prevent the GVN from carrying out a land program so vital to its own political survival, and it will use terror and propaganda to gain its ends. For the GVN's efforts to succeed, it must protect its administrators, it must protect the village officials who place their lives in jeopardy in giving their support to the GVN, and it must protect the farmers who want to participate in the GVN's program to achieve eventually a mass distribution of land for the purpose of creating a farm society based predominantly on individual ownership of farmland.

GLOSSARY

General

Land Affairs. This term covers all matters pertaining to the administration of land, including both routine land administration and land reform. The term may be used in a specific sense, as the "Director General of Land Affairs," or in a generic sense, such as "the administration of land affairs." In the latter sense, the term land tenure administration is considered synonymous.

Land Administration. As used here, the term "land administration" has a restricted meaning, embodying the routine tasks for identifying and measuring land and for recording, transferring, and storing title documents showing ownership of land.

Land Reform. As used here, the term "land reform" includes the dictionary definition, "the more equitable distribution of agricultural land, especially by governmental action," as well as the more equitable regulation of landlord-tenant relationships. Land reform is generally policy-oriented and includes policy, laws, administration of land affairs and programs concerned with improving conditions of land tenure and creating a more equitable distribution of land.

Agrarian Reform. Often used synonymously with land reform (and used somewhat interchangeably in translations from VN documents), the term "agrarian reform" is usually used here in a broader sense to embrace all of the related actions beyond mere distribution of land to assure its comprehensive, beneficial use by the farmer, i.e., including such matters as seed, fertilizer, credit, and markets, and indeed rural development in the broader sense.

Land Registration System

Dia Bo. "Dia Bo" refers to land registers kept originally under the Vietnamese kings and improved by the French administration. The system was established by the French before the turn of the century.

So Dien Tho. "So Dien Tho" refers to land registers kept under the 1925 full Torrens system.

New Dia Bo. "New Dia Bo" refers to land registers kept under the 1962 modified Torrens system.

Kien Dien. "Kien Dien" refers to the 1962 land identification system.

Torrens System. The "Torrens System" refers to a very complete system of land registration entailing an adjudication or detailed determination of title to land. The system has been used in the Southern Region since 1925, and a simplified system was introduced in 1962.

Civil Service

Cadre. "Cadre" refers to positions for recruiting and employment. Under the Vietnamese civil service system all civil servants are grouped by skills into cadres.

Doc Su. "Doc Su" refers to administrative cadres or civil service officials, Class A (office and field administrators).

Tham Su. "Tham Su" refers to administrative cadres or civil service officials, Class B (senior clerks).

Local Administration

The legal administrative divisions are the provinces, the autonomous cities, and the villages. However, the regions, districts, cantons, and hamlets also are important and so all of the various territorial subdivisions are listed here in order of decreasing size.

Region. Prior to January 1, 1956, "Region" refers to the three regional governments, one in the North, one in the Central, and one in the South. Since that date, when these were abolished, it refers to the groupings of provinces, corresponding presently to the I, II, III, and IV Army Corps Tactical Zones. In each case the Corps Commander is also the Government Delegate and is charged with inspectorate authority for the provinces in his region.

Province. "Province" is the basic territorial and administrative subdivision of the central government (currently 44). It is a legal entity possessing an autonomous budget and public property and is governed by a province chief appointed by the president.

City. "City" (sometimes called "autonomous city") is a legal entity (currently six) having an autonomous budget and public property, each one governed by an appointed prefect or mayor and a city council.

District. "District" is an extension of the provincial administration embracing a group of cantons or villages.

Canton. "Canton" is a territorial unit (currently 177) that exists in some provinces (sometimes in name only, since the canton chief functions more as an advisor to the district chief); it is a group of villages within a district.

Village. "Village" (commune or Xa) is the lowest legal administrative entity possessing an autonomous budget and property.

Hamlet. "Hamlet" (or Ap) is an extension or subdivision of the village made up of a grouping of inhabitants united by a rapid and easy means of communication. It is the smallest territorial unit.

Miscellaneous

Paddy. Unhulled rice.

Gia. A measure of 40 liters; in the case of rice, it is approximately equivalent to a bushel.

Metayage. An arrangement, similar to the sharecropping system in the southern United States, under which rent payments vary with production on a set ratio rather than being fixed rent set in advance. Metayage, which was made legal by Articles 1199 to 1209 of the Royal Civil Code of Annam in 1930, is common in the Central Provinces of Vietnam.

Usufruct. A high order property right, which might be described as a passive trust of land in which the one who occupies the land is known as the usufructuary, who receives the profits from the land, usually, until his death. The bare ownership resides with another person whose rights are essentially limited to surveillance to ensure that the property is not despoiled.

Laws*

Ordinance. A law (in Vietnamese, Du; in French, Ordonnance) issued by the former King of Vietnam, between 1949 and 1956. Many are still in effect.

* Source: The General Commission for Justice of Vietnam as reported in the USAID Public Administration Bulletin, No. 35, Vietnam, Feb. 1, 1967.

Law. A law (in Vietnamese, Luat; in French, Loi) issued by the former National Assembly of Vietnam between October 10, 1956 and November 1, 1963, and by the new National Assembly inaugurated November 1, 1967.

Decree. An instrument (in Vietnamese, Sac Luat; in French Décret-Loi) formerly issued by the Chairman of the National Leadership Committee (the Prime Minister) to appoint judges, to announce rewards or medals, to grant reductions of punishments, to pardon, to effect an amnesty, and for such matters requiring high authority to decide but being administratively uncomplicated. Since November 1, 1967, decrees have been issued by the President.

Arreté. An instrument (in Vietnamese, Nghi Dinh; in French, Arreté; the closest equivalent in English is Departmental Order, but it is not used) formerly issued by (1) the Chairman of the Central Executive Committee (the Prime Minister) to effect routine matters and (2) Commissioners (Ministers) to implement matters within their organizations or to implement ordinances, laws, and decree-laws within their provinces.

Since November 1, 1967, the arreté has been issued by the President, Prime Minister, and Ministers.

Violations of an arreté may be brought to prosecution by the police before Justices of the Peace.

ABBREVIATIONS

- ADPA - Associate Director, Public Administration
- ADDP/LR - Land Reform Adviser to the Associated Director, Domestic Production (USAID)
- CINCPAC - Commander in Chief Pacific; Headquarters Joint U.S. Military Command, located in Hawaii, is charged with support of U.S. military operations in Vietnam and the Far East
- CORDS (MACCORDS) - Military Assistance Command Civil Operations and Revolutionary Development Support (the overall organization for administering the pacification program under MACV)
- DGLA - Director General of Land Affairs
- DRV - Democratic Republic of Vietnam (North Vietnam)
- EARI - Engineer Agency for Resources Inventory (a U.S. Army agency working on a contract in An Giang province)
- GVN - Government of Vietnam (South Vietnam)
- JCRR - The Sino-American Joint Commission on Rural Reconstruction (Taiwan)
- JUSPAO - Joint U.S. Public Affairs Office. Includes U.S. Information Service, USAID Communications Media Division and MACV psychological warfare elements
- MACV - U.S. Military Assistance Command, Vietnam. Includes all operational U.S. military units as well as all U.S. civil, police, and military advisory staff associated with the day-to-day counter-insurgency operations
- NIA - National Institute for Administration (under the Office of the Prime Minister)
- NLF - National Liberation Front of South Vietnam
- NTC - National Training Center at Vung Tau

RD - Revolutionary Development

RVN - Republic of Vietnam

USAID - United States Agency for International Development

VC (Viet Cong) - Vietnamese Communist (pejorative of the term Viet
Cong-San)

INDEX

Absentee Landlord Survey 13, 176
Administration, land affairs 3-5, 95-136
Administration, local 101, 111
Administration, villages 101-103, 111
Administrative capacity and effectiveness of village 131-132
Administrative performance of land affairs 122
Administrative problem areas 132-133
Administrative regions 35
Age of household members 49
Allotment of land 72
Attitudes toward land reform 169
Autonomous cities 35

Bidding for communal lands 128
Buddhist land 92

Cadastral records 133
Cadastral personnel strength 133
Cai San center 11
Cadre(s) 58
Cao Dai land 93
Catholic land 93
Central Highlands 5
Central Lowlands 8, 199-200
Change, receptiveness to 54-55
Collection of absentee landlord rents 113
Communal lands 80-84, 128
Compensation of landlords 74-75
Concession lands 79, 127-128
Confused lands 93-94, 129, 146-147
Constitution 2-3
Consumer goods, ownership of 54-55
Condition of Ordinance 57 lands 72-74
Contract, Type A 18-20, 58
Contract, Type B 18-20, 66-68
Contract, Type C 18-20, 66-68
Credit 173, 178-184

Diem, Ngo Dinh 4, 5
Dia Bo 105
Disputes, over land 23
Disputes, settlement of 61-63
Directorate of Land Reform 76, 78, 95-99
Directorate of Land Legislation and Registration, DGLA 76, 95-99
Directorate of Technical (Cadastral) Affairs, DGLA 76, 95-99

Emperor Bao Dai 3
Ethnic groupings 51-52
Expropriated lands 11-15
Expropriation 11, 13, 68-71
Expropriation, costs for private lands 200-201

Farmers 22, 40, 49, 177
Farm operating units, size 38-44
Farm supplies 185
Former French lands 77-79, 126-127
Front organization of Communist Party 155-156

Government of Vietnam (GVN) 2
GVN and Viet Cong Land Reform Policies 137

Hamlet Resident Survey 13, 42, 49, 170, 176
Hamlets 104
Hoa Hao 92-93
Holding, land size distribution 38-44
Households, size 52-53

Illegal holdings 130-131
Indebtedness 178-184
Insecurity, effect on ownership desire 80
Insecurity and the rural society of Viet Cong 153

Joint U.S.-VN Manpower Evaluation Project 117-122

Khanh Hau 181

Land affairs organization, history of development 95-136
Land affairs organization, central level 95-99
Land need compared with other needs 39-40, 173
Land, desire for ownership of 171-173, 188-190
Land development centers 87-90, 144-145
Land court 75-76
Land-for-the-tiller 26, 137,

Land identification 106-108
Land, ownership priorities on 171
Land redistribution 5-18, 137-142, 150-151
Land redistribution, French lands 8-14
Land redistribution, political aspects 202-208
Land boundary surveys 76, 106-110
Land available for redistribution, Ord. 57 and former French 191-195
Land redistribution, Ordinance 57 lands 5, 14, 15
Land values 74-75
Land purchase 14, 125, 171-173
Land registration 104-105
Landlord-tenant relationships 57, 66, 123-124, 142-144, 175-177
Land office, functions of 75-76
Land reform, background and status of 1-31
Land reform, establishment of 3-5
Land tax 13
Land taxation records 108, 109
Land use 33-38
Landless, estimate of 188-191
Landlord, role of 176-177
Lease contract administration 18-20, 112, 134
Lease renewal 59
Leasing village communal lands 134
Literacy 50

Management of land affairs 113-116
Measures essential for acceptable land reform 187-188
Measures to develop functions and services related to land reform 15-21
Measures to improve village administration capabilities 134-136
Mekong Delta 34-35
Metayage 21-22, 63-65
Ministry of Land Reform and Agriculture, organization of 95
Ministry of Social Welfare and Refugees 85-86
Montagnard lands 91-92
Manpower evaluation, personnel 117-119

National Land Reform Conference 75, 122, 125
National Council for Land Reform 5, 75-76
New Dia Bo 104

Occupational status of households 49-50
Occupations of household heads 49-50
Old Dia Bo 104
Ordinance 20 18, 57, 63
Ordinance 2 18, 22, 57

Ordinance 7 67
Ordinance 57 5, 14-17, 68-77, 125
Organization for land affairs administration 5, 75-76
Organization, central administration 95-99
Organization, provincial land affairs 99-101
Organization, village administration 101-103
Organization, local 99, 104
Organization, Ministry of Land Reform and Agriculture 95
Organization, provincial land affairs service 99-100
Ownership of land desire 171-173
Ownership of land over 115 hectares 5-6

Peoples Revolutionary Party of the Viet Cong 154
Per diem 118
Political effects on land reform 202-208
Population density, Central Lowlands 36-37
Population density, intercountry comparison 38-39
Population density, Republic of Vietnam 34-37, 49
Population shifts 44-47
Population composition, rural 49-54
Pre-Emption Rights 23
Proselytizing 156-158

Records, land 57, 104-109
Reconstituting lost records 107-108, 133
Refugees 45, 84-88, 152-153, 190-191
Register for documents deposits 104-106
Religious lands 92-93
Religion 51, 92
Rent 58, 61
Rental contracts 18-20
Rental rates and payments 20-23, 57-61, 73
Reporting mechanism 69
Retention limits 68-71, 185-186, 195-198
Resettlement centers 84-87
Resettlement, attitude 85, 124
Riceland 34-35, 58, 81-82

Security of GVN land 137-138
Size of farm-holdings 38-44
So Dien Tho 104
Southern Region 8
Summary of principal records, where kept 105
Surveying bottleneck 190-110
Squatter-occupied lands 79, 127-128

Terror by Viet Cong 26-27, 160-161

Tenancy 57-63

Training, land survey personnel 109-110

U.S. Agency for International Development (USAID) 119, 120

USAID project assistance, land reform 119-122

Usufruct 65-66

Viet Cong

Administration 139, 147-148, 166

Counterintelligence requirements 159

Effect on land affairs administration 90

Guerrilla activities 161-162

Impact on land reform 151-152

Income distribution 163

Land distribution 137-142

Land reform 23, 27-31, 148-159

Tactics 139-141

Taxation 162-164

Viet Minh 24-26

Village 101

Village Administrative Chief Survey 20, 139

Village effectiveness to administer land affairs 131-134