LAND REFORM IN VIETNAM
WORKING PAPERS
Volume I, Part 2

APPENDIX
Legal Framework and Program Status

Prepared for:

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

STANFORD RESEARCH INSTITUTE
MENLO PARK, CALIFORNIA, USA

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DEVELOPMENT
ECONOMICS
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INDUSTRIES
PROGRAM

LAND REFORM IN VIETNAM WORKING PAPERS

Volume I, Part 2 of 2

APPENDIX

Legal Framework and Program Status

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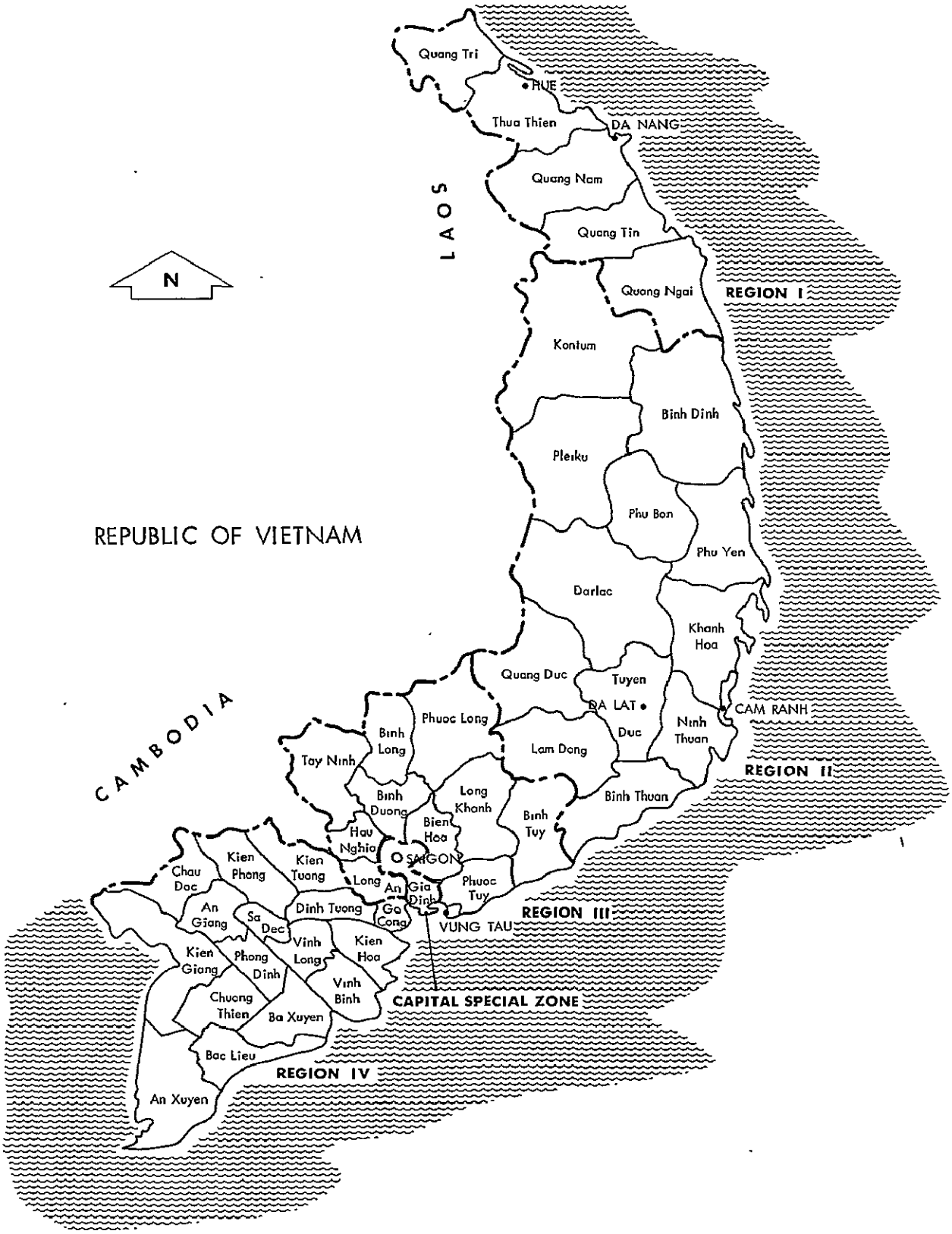
REPUBLIC OF VIETNAM
N
LAOS
CAMBODIA
Quang Tri
HUE
Thua Thien
DA NANG
Quang Nam
Quang Tin
Quang Ngai
REGION I
Kontum
Binh Dinh
Pleiku
Phu Bon
Phu Yen
Darlac
Khanh Hoa
Quang Duc
Tuyen Duc
DA LAT
CAM RANH
Ninh Thuan
Lam Dong
REGION II
Binh Thuan
Phuoc Long
Binh Long
Tay Ninh
Binh Duong
Long Khanh
Bien Hoa
Binh Tuy
Hau Nghia
SAIGON
Chau Doc
Kien Phong
Kien Tuong
Long An
Gia Dinh
Phuoc Tuy
An Giang
Sa Dec
Dinh Tuong
Go Cong
VUNG TAU
REGION III
Kien Giang
Phong Dinh
Vinh Long
Kien Hoa
Vinh Binh
CAPITAL SPECIAL ZONE
Chuong Thien
Ba Xuyen
Bac Lieu
REGION IV
An Xuyen

CONTENTS

A	GENERAL POLICY	A- 1
A- 1	Agreement on the Cessation of Hostilities in Vietnam . .	A- 3
A- 2	List of Ministers in Charge of Land Reform in Vietnam .	A-33
B	GENERAL DATA ON LAND REFORM IN VIETNAM	B- 1
B- 1	Major Events and Legislation Concerning Land Tenure and Reform in South Vietnam	B- 3
B- 2	Agrarian Reform in Free Vietnam	B-17
B- 3	Lecture on Land Reform in Vietnam	B-37
B- 4	Table on Riceland Area by Class of Ownership	B-43
B- 5	Figure on Percent of Holdings with Rented Land Only . .	B-44
B- 6	Figure on Percent of Holding with Owned-Land Only . . .	B-45
B- 7	Figure on Percent of Holdings with Both Owned and Rented Land	B-46
B- 8	Table on Status of Land Distribution Activities	B-47
B- 9	A Translated Extract from the Monthly Activities Report of Directorate of Land Reform, December 1967 . .	B-48
B-10	Monthly Activity Report of Land Reform Directorate, September 13, 1968	B-59
B-11	Status of Expropriated Ordinance 57 and Former French Lands	B-72
B-12	Extract from Handbook for the Village Council, Nguyen Trung Truong, 1961	B-74
B-13	Decree No. 120 TTP, Dated May 28, 1961	B-81
C	LAND REGISTRATION (Recording Titles)	C- 1
C- 1	Circular No. 7 Dated March 21, 1959, Implementing Arretee No. 46 Dated March 21, 1959, Regarding the Proof of Ownership Right on Expropriated Land in Villages in Which the Dia-Bo (Land Register) are Lost or Destroyed	C- 3
C- 2	Decree No. 124-CTNT Dated May 31, 1962, Governing Land Identification and Land Registration in the Villages and Cities, Modified by Decree No. 154 Dated July 1965	C- 6

CONTENTS (continued)

C continued

C- 3 Arretée No. 443-BCTNT Dated October 11, 1962, Implementing Decree No. 124 Dated May 31, 1962, Governing Land Identification and Land Registration in Villages and Cities C-11

C- 4 Circular No. 7289-CTNT Dated October 11, 1962, Implementing Decree No. 124-BCTNT Dated May 31, 1962 and Arretee No. 443-BCTNT Dated October 11, 1962, Governing Procedures for Land Identification and Land Registration Operations, Including Form of Communiqué C-13

C- 5 Arretée No. 606-TTP Dated June 18, 1962, Establishing the Land Identification Program and Registration Fund . . C-20

C- 6 Arretée No. 607-TTP Dated June 18, 1962, Giving an Advance of Two Million Piasters to the Fund for Land Identification and Land Registration Operations C-24

D LANDLORD-TENANT RELATIONSHIPS . . . . . D- 1

a. Cultivated Tenanted Land

D- 1 Ordinance No. 22 Dated June 4, 1953, Establishing the Regulations Governing Tenant Farming . . . . . D- 3

D- 2 Ordinance No. 20 Dated June 4, 1953, and No. 2 Dated January 8, 1955 . . . . . D- 5

D- 3 Tenant Contract (Type A) D-19

D- 4 Circular No. 5 Dated January 18, 1955, Implementing Ordinance No. 2 Dated January 8, 1955, Governing Landlord Tenant Relationships D-22

D- 5 Arretée No. 336 Dated June 1, 1955, Establishing Provincial Land Reform Committees D-34

D- 6 Circular No. 16 Dated January 31, 1953, Regarding Crop Losses D-36

D- 7 Circular No. 67 BDT/CCDD/TT Dated October 26, 1958, Concerning the Organization and Functions of Agricultural Committees D-37

CONTENTS (continued)

D Continued

D- 8 Circular No. 3355-BDT/CCDD/TT Dated October 2, 1959, Regarding Garden Lands D-41

D- 9 Circular No. 4095-BCTNT/HC/TC3/TT Dated March 25, 1964: Maximum Area Rented D-42

D-10 Royal Civil Code of Central Vietnam (Excerpts From Articles 1199-1209). D-43

D-11 Selections from the Decree of July 21, 1925, Constituting the Law Property for Cochin China, Relating to the System of Share-cropping (Metayage) Tenancy D-45

D-12 Usufruct Provisions of the Decree of July 21, 1925: Title IV of Dismemberments of Property D-49

b. Recultivation of Land Left Uncultivated

D-13 Ordinance No. 7 Dated February 5, 1955, Establishing Conditions for Recultivation of Abandoned Lands D-57

D-14 Ordinance No. 28 Dated April 30, 1956, Including Annotations from Circular No. 19 Dated June 1, 1959, Regarding Forest Type Vegetation, in Ordinance 28, Article 12 . . . . . D-63

D-15 Tenant Contract (Type B) D-68

D-16 Tenant Contract (Type C) D-74

D-17 Circular No. 10 Dated February 9, 1955, Implementing Ordinance No. 7 Dated February 5, 1955 . . . . . D-79

D-18 Circular No. 25 Dated June 11, 1956, Implementing Ordinance No. 28 Dated April 30, 1956 . . . . . D-86

c. General Data on Landlord-Tenant Relationships

D-19 Questions and Answers on Tenant Regulations in Handbook Issued to Revolutionary Development Cadres. D-88

CONTENTS (continued)

D Continued

D-20 Regional Inspection Report D-103
D-21 Table on Land Rental Arrangements D-110
D-22 Tables on Land Reform:

Number of Registered Tenure Contracts Between Landowners and Tenants as of September 15, 1968 . . D-111
Number of Renewed Contracts as of September 15, 1968 . . . . . D-111

D-23 Table on State of Contracts Signed by Tenants and Enforced D-112
D-24 Record on Rental Rate Information D-113
D-25 Land Disputes Information D-114

E EXPROPRIATED LAND (Through Ordinance 57) . . . . . E- 1

E- 1 Ordinance No. 21 Dated June 4, 1953, Establishing the Retention Limit on Rice Land and Land Suitable for Other Crops . . . . . E- 3
E- 2 Ordinance No. 57 Dated October 22, 1956, Governing the Expropriation and the Redistribution of Rice Land . . . . . E- 5
E- 3 Ordinance No. 57 Dated October 22, 1956, With Amendments and Annotations . . . . . E- 12
E- 4 Circular No. 22 Dated May 28, 1957, Regarding the Implementation of Ordinance No. 57 . . . . . E- 29
E- 5 Circular No. 8/BDT/CC/PC/TT Dated February 27, 1961, "Concerning the Decision of the National Land Reform Council on the Maximum Area Which the Tenant Farmer May Rent with Contract." . . . . . E- 82
E- 6 Decree No. 217-CTNT Dated June 18, 1964, "Concerning the Composition of the National Land Reform Council" . . E- 84
E- 7 Circular No. 13.157-BCTNT/HCTC.3 Dated September 7, 1964, "Reconsidering the Period Prohibiting Rental, Sale, Mortgage or Pledging of Expropriated Land" . . . . E- 86

CONTENTS (continued)

E Continued

E- 8 Decree No. 008-CT/LDQGQL/SL Dated October 2, 1964, "Modifying Article 14 of Ord. 57--Changing the Period of Payment for Expropriated Land to 12 Years Instead of 6" . . . . . E- 87

E- 9 Decree No. 020/65 Dated October 8, 1965, "Further Modifying Article 14 of Ord. 57--Granting of Permanent (title) Ownership Right to Farmers Purchasing Expropriated Land" . . . . . E- 88

E-10 Decree Law No. 002/66 Dated February 15, 1966, "Exemption of Land Tax for Farmers Purchasing Expropriated Land" . . . . . E- 89

E-11 Decree Law No. 38/67 Dated October 2, 1967, Modifying Decree Law No. 2/66 . . . . . E- 90

E-12 Decree Law No. 022/67 Dated February 14, 1967: Expropriation of Private Property for Public Works or National Defense . . . . . E- 91

E-13 Circular No. 8379 Dated August 12, 1967 (items concerning expropriated land only) E-106

E-14 Tables on Land Expropriated Under Ordinance 57 and Distribution of Expropriated Land Under Ordinance 57 . . . . . E-108

E-15 Table of Accumulated Expropriated, Distributed, and Undistributed Land Areas in Vietnam Under Ordinance 57 . . . . . E-109

E-16 Tabulation of Expropriated Land by Ordinance 57 . . . . E-110

E-17 Table of Land Reform: Status of Land Expropriated, Redistributed, and Compensated Under Ordinance 57 . . . E-111

E-18 Table on Status of Land Titles and Payments with Respect to Distributed Ordinance 57 Lands E-112

E-19 Table on Rent From Expropriated but Undistributed Ordinance 57 Land E-113

CONTENTS (continued)

F	FORMER FRENCH-OWNED LANDS	F- 1
F- 1	Convention on the Operations of Purchasing French-owned Rice Fields	F- 3
F- 2	Arretée No. 293-BDT/ND Dated December 18, 1958, Establishing in Each Province a Committee for Revision of the Classification of Ricelands Belonging to French Owners	F-10
F- 3	Arretée No. 47-BDT/ND Dated March 21, 1959, Establishing in Each Province of a Committee for Revision of the Classification of Riceland Belonging to French Owners	F-12
F- 4	Circular No. 7-BDT/BK/TT Dated February 12, 1960, Relating to Posting for Determination of Ownership Rights in Cases Having Lost Land Registers	F-13
F- 5	Circular No. 009-BDT/HC/TT Dated February 22, 1960, Relating to Management of Land Purchased from French Owners	F-15
F- 6	Circular No. 4693-BDT/CCDD/PC Dated May 23, 1960, Relating to Having French Landowners Comply with Ordinance No. 57 or to Sell Their Land to Tenants	F-17
F- 7	Circular No. 6-BCTNT/DT/CC/TT Dated November 3, 1961 Relating to Collection of Rent on Cultivated Former French Lands Having no Purchasers	F-18
F- 8	Circular No. 4095-BCTNT/HC/TC3/TT Dated March 25, 1964, Authorizing French Landowners to Directly Sell Their Ricelands to Tenants and Others	F-19
F- 9	Circular No. 9277-BCN/HCTC.3 Dated August 23, 1965, Relating to Allocation for Sale of Land Purchased from French Landowners	F-20
F-10	Circular No. 68 DD/CC of DGLA Giving Guidance for Distribution of Land	F-24
F-11	Circular No. 22-DD/CC Dated May 20, 1967, Directorate General for Land Affairs Giving Guidance for Administration of Distribution of Land	F-32

CONTENTS (continued)

F Continued

F-12 Circular No. 8379 Dated August 12, 1967 (Nos. 2, 4, and 5), Relating to Priority for Veterans and Their Direct Relatives in Purchase of Former French Land F-37

F-13 Circular No. 2295 BCC/DD/CN Dated March 20, 1968, Concerning the Distribution of Former French Land F-40

F-14 Circular No. 2366 Dated April 15, 1968, Relating to the Amount Collected as Land Rent F-42

F-15 French Land (A summary prepared by the Directorate of Land Reform--Ministry of Agriculture) F-43

F-16 Table of Prices of Different Grades of Former French Ricelands F-45

F-17 Table of French Lands Purchased and Expropriated Under Ordinance 57--Distributed and Undistributed . . . F-46

F-18 Table on Rent From Land Formerly French F-47

F-19 Table on Distribution of Former French Lands F-48

F-20 List of French-Owned Lands Sold to the Government of Vietnam F-49

F-21 Table on French-Owned Lands Sold to GVN (by province) F-67

F-22 Summary Table of French Lands F-68

G CONCESSION LANDS AND SQUATTER LANDS . . . . . G- 1

G- 1 Ordinance No. 21 Dated June 4, 1953, Stipulating the Reversion of Uncultivated Provisional Concession Lands to the National Domain . . . . . G- 3

G- 2 Arretée No. 705-BCTNT/ND/HCTC.3 Dated November 24, 1964, Authorizing Province Chiefs the Right to Approve Decisions on Granting of Definitive Ownership Rights Without Compensation to Squatters on State-Owned Lands . . . . . G- 6

CONTENTS (continued)

G	Continued	
G- 3	Arretée No. 405-BCN/ND/HCTC.3 Dated July 28, 1965, Modifying Article 2 of Arretée No. 705-BCTNT/HCTC.3 Dated November 24, 1964	G- 8
G- 4	Circular No. 13157-BCTNT/HCTC.3 Dated September 7, 1964, Regarding Regularization of the Squatter Situation	G-10
G- 5	Circular No. 16601b - BCTNT/HCTC.3 Dated November 24, 1964, Regularizing the Squatter Situation on National Domain	G-11
G- 6	Table on Status of Owned Squatter Land by Province .	G-14
H	COMMUNAL LANDS	H- 1
H- 1	Circular No. 9275/BCN/HCTC.3, Dated August 23, 1963, "Allocation of Communal Land"	H- 3
H- 2	Circular No. 5619/BCN/HCTC.3, Dated May 27, 1966, "Concerning the Allocation for Rent of Communal Land Instead of Bidding Procedures."	H- 7
H- 3	The "Cong Dien" Communal Lands	H-13
H- 4	Status and Distribution of Communal Land in Selected Provinces	H-14
H- 5	Communal Lands - Tabulation of Cultivated and Uncultivated Lands	H-39
H- 6	Tables on Communal Lands and Ricefields	H-49
H- 7	Tables on Rental Contracts Issued for Communal Lands	H-53
H- 8	Memorandum of Conversation on Communal Lands, April 13, 1967	H-54
I	LAND DEVELOPMENT AND RESETTLEMENT CENTERS	I- 1
I- 1	Circular No. 4095-BCTNT Dated March 25, 1964, Regarding Exchange of Lands Located in the Cai-San Development Center	I- 3

CONTENTS (continued)

I	Continued	
I- 2	Arretée No. 021/65 Dated October 8, 1965, Regarding Granting of Permanent Ownership Rights, Without Compensation, on State Owned Land at Land Development and Resettlement Centers	I- 5
I- 3	The Current Situation of the Land Development Program in Vietnam	I- 6
I- 4	Tables on the Refugee Situation in Vietnam: Refugees Returned to Original Village; Resettled Refugees; Temporary Refugees; Total Number of Refugees	I-14
I- 5	Report of Temporary Displaced Persons as of February 24, 1968	I-18
I- 6	Table of Refugees in Vietnam by Age and Sex	I-20
I- 7	Figure on Age and Sex Structure of Refugees in Vietnam	I-12
I- 8	Table on Refugee Education	I-22
I- 9	Situation of Refugees from Nonsecure Areas	I-23
I-10	Situation of Refugees from Viet Cong Contested Areas from 1964 to September 30, 1967	I-29
I-11	Amount of Land Cleared for Agricultural Purposes for Refugees	I-40
I-12	Land Resettlement Centers for Refugees by Number and Area	I-41
J	MONTAGNARD LANDS	J- 1
J- 1	Arretée Dated July 20, 1923, Modified by Arretée Dated August 25, 1939, Fixing Regulations Governing the Acquisition of Lands Belonging to Mois of Annam (GVN) by Non-Montagnards	J- 3
J- 2	Arretée No. 513 a/DT/CCDD Dated December 12, 1958, Establishing Regulation Governing Land Transfer Between Montagnards and Non-Montagnards	J- 4

CONTENTS (concluded)

J	Continued	
J- 3	Decree Law No. 034-67 Dated August 29, 1967, Investing Ownership of Land to Montagnards	J-5
K	RELIGIOUS LANDS	K-1
	Diem Gave No Ricefields to Church, Dated August 14, 1967	K-3
L	CONFUSED LANDS	L-1
	Circular No. 61TT/XD Dated March 28, 1967: Solution to Confusion of Farming and Ownership Rights	L-3
M	ILLUSTRATIONS - ORDINANCE 57 AND FORMER FRENCH LANDS IN SOUTH VIETNAM PROVINCES	M-1
M- 1	Distributed and Undistributed Ordinance 57 Lands and All Former French Lands in An Giang Province . . .	M-3
M- 2	Undistributed Ordinance 57 Lands and All Former French Lands in An-Xuyen Province	M-4
M- 3	Distributed and Undistributed Ordinance 57 Lands and All Former French Lands in Dinh Tuong Province	M-5
M- 4	Distributed Ordinance 57 Lands in Go Cong Province . .	M-6
M- 5	Undistributed Ordinance 57 Lands and All Former French Lands in Kien-Hoa Province	M-7
M- 6	All Former French Lands in Ninh Thuan Province	M-8
M- 7	Distributed Ordinance 57 Lands in Vinh Binh Province . .	M-9
M- 8	Undistributed Ordinance 57 Lands and All Former French Lands in Vinh-Long Province	M-10

Appendix A

GENERAL POLICY

Appendix A-1

GENEVA CONFERENCE
INDO-CHINA

Agreement on the Cessation of Hostilities in Viet-Nam

CHAPTER I

Provisional Military Demarcation Line and Demilitarized Zone

Article 1

A provisional military demarcation line shall be fixed, on either side of which the forces of the two parties shall be regrouped after their withdrawal, the forces of the People's Army of Viet-Nam to the north of the line and the forces of the French Union to the south.

The provisional military demarcation line is fixed as shown on the map attached (see Map No. 1).

It is also agreed that a demilitarized zone shall be established on either side of the demarcation line, to a width of not more than 5 kms. from it, to act as a buffer zone and avoid any incidents which might result in the resumption of hostilities.

Article 2

The period within which the movement of all the forces of either party into its regrouping zone on either side of the provisional military demarcation line shall be completed shall not exceed three hundred (300) days from the date of the present Agreement's entry into force.

Article 3

When the provisional military demarcation line coincides with a waterway, the waters of such waterway shall be open to civil navigation by both parties wherever one bank is controlled by one party and the other bank

by the other party. The Joint Commission shall establish rules of navigation for the stretch of waterway in question. The merchant shipping and other civilian craft of each party shall have unrestricted access to the land under its military control.

Article 4

The provisional military demarcation line between the two final regrouping zones is extended into the territorial waters by a line perpendicular to the general line of the coast.

All coastal islands north of this boundary shall be evacuated by the armed forces of the French Union, and all islands south of it shall be evacuated by the forces of the People's Army of Viet-Nam.

Article 5

To avoid any incidents which might result in the resumption of hostilities, all military forces, supplies and equipment shall be withdrawn from the demilitarized zone within twenty-five (25) days of the present Agreement's entry into force.

Article 6

No person, military or civilian, shall be permitted to cross the provisional military demarcation line unless specifically authorized to do so by the Joint Commission.

Article 7

No person, military or civilian, shall be permitted to enter the demilitarized zone except persons concerned with the conduct of civil administration and relief and persons specifically authorized to enter by the Joint Commission.

Article 8

Civil administration and relief in the demilitarized zone on either side of the provisional military demarcation line shall be the responsibility of the Commanders-in-Chief of the two parties in their respective zones. The number of persons, military or civilian, from each side who

are permitted to enter the demilitarized zone for the conduct of civil administration and relief shall be determined by the respective Commanders, but in no case shall the total number authorized by either side exceed at any one time a figure to be determined by the Trung Gia Military Commission or by the Joint Commission. The number of civil police and the arms to be carried by them shall be determined by the Joint Commission. No one else shall carry arms unless specifically authorized to do so by the Joint Commission.

Article 9

Nothing contained in this chapter shall be construed as limiting the complete freedom of movement, into, out of or within the demilitarized zone, of the Joint Commission, its joint groups, the International Commission to be set up as indicated below, its inspection teams and any other persons, supplies or equipment specifically authorized to enter the demilitarized zone by the Joint Commission. Freedom of movement shall be permitted across the territory under the miliary control of either side over any road or waterway which has to be taken between points within the demilitarized zone when such points are not connected by roads or waterways lying completely within the demilitarized zone.

CHAPTER II

Principles and procedure governing implementation of the present agreement

Article 10

The Commanders of the Forces on each side, on the one side the Commander-in-Chief of the French Union forces in Indo-China and on the other side the Commander-in-Chief of the People's Army of Viet-Nam, shall order and enforce the complete cessation of all hostilities in Viet-Nam by all armed forces under their control, including all units and personnel of the ground, naval and air forces.

Article 11

In accordance with the principle of a simultaneous cease-fire throughout Indo-China, the cessation of hostilities shall be simultaneous throughout all parts of Viet-Nam, in all areas of hostilities and for all the forces of the two parties.

Taking into account the time effectively required to transmit the cease-fire order down to the lowest echelons of the combatant forces on both sides, the two parties are agreed that the cease-fire shall take effect completely and simultaneously for the different sectors of the country as follows:

Northern Viet-Nam at 8:00 A.M. (local time) on 27 July 1954.
Central Viet-Nam at 8:00 A.M. (local time) on 1 August 1954.
Southern Viet Nam at 8:00 A.M. (local time) on 11 August 1954.

It is agreed that Pekin mean time shall be taken as local time.

From such time as the cease-fire becomes effective in Northern Viet-Nam, both parties undertake not to engage in any large-scale offensive action in any part of the Indo-Chinese theatre of operations and not to commit the air forces based on Northern Viet-Nam outside that sector. The two parties also undertake to inform each other of their plans for movement from one regrouping zone to another within twenty-five (25) days of the present Agreement's entry into force.

Article 12

All the operations and movements entailed in the cessation of hostilities and regrouping must proceed in a safe and orderly fashion:

(a) Within a certain number of days after the cease-fire Agreement shall have become effective, the number to be determined on the spot by the Trung Gia Military Commission, each party shall be responsible for removing and neutralizing mines (including river-- and sea-mines), booby traps, explosives and any other dangerous substances placed by it. In the event of its being impossible to complete the work of removal and neutralization in time, the party concerned shall mark the spot by placing visible signs there. All demolitions, mine fields, wire entanglements and other hazards to the free movement of the personnel of the Joint Commission and its joint groups, known to be present after the withdrawal of the military forces, shall be reported to the Joint Commission by the Commanders of the opposing forces;

(b) From the time of the cease-fire until regrouping is completed on either side of the demarcation line:

(1) The Forces of either party shall be provisionally withdrawn from the provisional assembly areas assigned to the other party.

(2) When one party's forces withdraw by a route (road, rail, waterway, sea route) which passes through the territory of the other party (see Article 24), the latter party's forces must provisionally withdraw three kilometers on each side of such route, but in such a manner as to avoid interfering with the movements of the civil population.

Article 13

From the time of the cease-fire until the completion of the movements from one regrouping zone into the other, civil and military transport aircraft shall follow air-corridors between the provisional assembly areas assigned to the French Union forces north of the demarcation line on the one hand and the Laotian frontier and the regrouping zone assigned to the French Union forces on the other hand.

The position of the air-corridors, their width, the safety route for single-engined military aircraft transferred to the south and the search and rescue procedure for aircraft in distress shall be determined on the spot by the Trung Gia Military Commission.

Article 14

Political and administrative measures in the two regrouping zones, on either side of the provisional military demarcation line:

(a) Pending the general elections which will bring about the unification of Viet-Nam, the conduct of civil administration in each regrouping zone shall be in the hands of the party whose forces are to be regrouped there in virtue of the present Agreement;

(b) Any territory controlled by one party which is transferred to the other party by the regrouping plan shall continue to be administered by the former party until such date as all the troops who are to be transferred have completely left that territory so as to free the zone assigned to the party in question. From then on, such territory shall be regarded as transferred to the other party, who shall assume responsibility for it.

Steps shall be taken to ensure that there is no break in the transfer of responsibilities. For this purpose, adequate notice shall be given by the withdrawing party to the other party, which shall make the necessary arrangements, in particular by sending administrative and police detachments to prepare for the assumption of administrative responsibility. The length of such notice shall be determined by the Trung Gia Military Commission. The transfer shall be effected in successive stages for the various territorial sectors.

The transfer of the civil administration of Hanoi and Haiphong to the authorities of the Democratic Republic of Vietnam shall be completed within the respective time-limits laid down in Article 15 for military movements.

(c) Each party undertakes to refrain from any reprisals or discrimination against persons or organizations on account of their activities during the hostilities and to guarantee their democratic liberties.

(d) From the date of entry into force of the present Agreement until the movement of troops is completed, any civilians residing in a district controlled by one party who wish to go and live in the zone assigned to the other party shall be permitted and helped to do so by the authorities in that district.

Article 15

The disengagement of the combatants, and the withdrawals and transfers of military forces, equipment and supplies shall take place in accordance with the following principles:

(a) The withdrawals and transfers of the military forces, equipment and supplies of the two parties shall be completed within three hundred (300) days, as laid down in Article 2 of the present Agreement;

(b) Within either territory successive withdrawals shall be made by sectors, portions of sectors or provinces. Transfers from one regrouping zone to another shall be made in successive monthly installments proportionate to the number of troops to be transferred;

(c) The two parties shall undertake to carry out all troop withdrawals and transfers in accordance with the aims of the present Agreement, shall permit no hostile act and shall take no step whatsoever which might hamper such withdrawals and transfers. They shall assist one another as far as this is possible;

(d) The two parties shall permit no destruction or sabotage of any public property and no injury to the life and property of the civil population. They shall permit no interference in local civil administration;

(e) The Joint Commission and the International Commission shall ensure that steps are taken to safeguard the forces in the course of withdrawal and transfer;

(f) The Trung Gia Military Commission, and later the Joint Commission, shall determine by common agreement the exact procedure for the disengagement of the combatants and for troop withdrawals and transfers, on the basis of the principles mentioned above and within the framework laid down below:

1. The disengagement of the combatants, including the concentration of the armed forces of all kinds and also each party's movements into the provisional assembly areas assigned to it, and the other party's provisional withdrawal from it, shall be completed within a period not exceeding fifteen (15) days after the date when the cease-fire becomes effective.

The general delineation of the provisional assembly areas is set out in the maps annexed to the present Agreement.

In order to avoid any incidents, no troops shall be stationed less than 1,500 metres from the lines delimiting the provisional assembly areas.

During the period until the transfers are concluded, all the coastal islands west of the following lines shall be included in the Haiphong perimeter:

--meridian of the southern point of Kebao Island,

--northern coast of Ile Rousse (excluding the island), extended as far as the meridian of Campha-Mines,

--meridian of Campha-Mines.

2. The withdrawals and transfers shall be effected in the following order and within the following periods (from the date of entry into force of the present Agreement):

Forces of the French Union

Hanoi perimeter	... 80 days
Haiduong perimeter	... 100 days
Haiphong perimeter	... 300 days

Forces of the People's Army of Viet-Nam

Ham Tan and Xuyenmoc provisional assembly area	... 80 days
Central Viet-Nam provisional assembly area--first instalment	... 80 days
Plaine des Joncs provisional assembly area--	... 100 days
Central Viet-Nam provisonal assembly area--second instalment	... 100 days
Point Camau provisional assembly area	... 200 days
Central Viet-Nam provisional assembly area--last instalment	... 300 days

CHAPTER III

Ban on the introduction of fresh troops, military personnel, arms and munitions. Military bases

Article 16

With effect from the date of entry into force of the present Agreement, the introduction into Viet-Nam of any troop reinforcements and additional military personnel is prohibited.

It is understood, however, that the rotation of units and groups of personnel, the arrival in Viet-Nam of individual personnel on a temporary duty basis and the return to Viet-Nam of individual personnel after short periods of leave or temporary duty outside Viet-Nam shall be permitted under the conditions laid down below:

(a) Rotation of units [defined in paragraph (c) of this Article] and groups of personnel shall not be permitted for French Union troops stationed north of the provisional military demarcation line laid down in Article 1 of the present Agreement, during the the withdrawal period provided for in Article 2.

However, under the heading of individual personnel not more than fifty (50) men, including officers, shall during any one month be permitted to enter that part of the country north of the provisional military demarcation line on a temporary duty basis or to return after short periods of leave or temporary duty outside Viet-Nam.

(b) "Rotation" is defined as the replacement of units or groups of personnel by other units of the same echelon or by personnel who are arriving in Viet-Nam territory to do their overseas service there;

(c) The units rotated shall never be larger than a battalion--or the corresponding echelon for air and naval forces;

(d) Rotation shall be conducted on a man-for-man basis, provided, however, that in any one quarter neither party shall introduce more than fifteen thousand five hundred (15,500) members of its armed forces into Viet-Nam under the rotation policy.

(e) Rotation units [defined in paragraph (c) of this Article] and groups of personnel, and the individual personnel mentioned in this Article, shall enter and leave Viet-Nam only through the entry points enumerated in Article 20 below;

(f) Each party shall notify the Joint Commission and the International Commission at least two days in advance of any arrivals or departures of units, groups of personnel and individual personnel in or from Viet-Nam. Reports on the arrivals or departures of units, groups of personnel and individual personnel in or from Viet-Nam shall be submitted daily to the Joint Commission and the International Commission.

All the above-mentioned notifications and reports shall indicate the places and dates of arrival or departure and the number of persons arriving or departing;

(g) The International Commission, through its Inspection Teams, shall supervise and inspect the rotation of units and groups of personnel and the arrival and departure of individual personnel as authorized above, at the points of entry enumerated in Article 20 below.

Article 17

(a) With effect from the date of entry into force of the present Agreement, the introduction into Viet-Nam of any reinforcements in the form of all types of arms, munitions and other war material, such as combat aircraft, naval craft, pieces of ordnance, jet engines and jet weapons and armoured vehicles, is prohibited.

(b) It is understood, however, that war material, arms and munitions which have been destroyed, damaged, worn out or used up after the cessation of hostilities may be replaced on the basis of piece-for-piece of the same type and with similar characteristics. Such replacements of war material, arms and munitions shall not be permitted for French Union troops stationed north of the provisional military demarcation line laid down in article 1 of the present Agreement, during the withdrawal period provided for in Article 2.

Naval craft may perform transport operations between the regrouping zones.

(c) The war material, arms and munitions for replacement purposes provided for in paragraph (b) of this Article, shall be introduced into Viet-Nam only through the points of entry enumerated in Article 20 below.

War material, arms and munitions to be replaced shall be shipped from Viet-Nam only through the points of entry enumerated in Article 20 below;

(d) Apart from the replacements permitted within the limits laid down in paragraph (b) of this Article, the introduction of war material, arms and munitions of all types in the form of unassembled parts for subsequent assembly is prohibited;

(e) Each party shall notify the Joint Commission and the International Commission at least two days in advance of any arrivals or departures which may take place of war material, arms and munitions of all types.

In order to justify the requests for the introduction into Viet-Nam of arms, munitions and other war material [as defined in paragraph (a) of this Article] for replacement purposes, a report concerning each incoming shipment shall be submitted to the Joint Commission and the International Commission. Such reports shall indicate the use made of the items so replaced;

(f) The International Commission, through its Inspection Teams, shall supervise and inspect the replacements permitted in the circumstances laid down in this Article, at the points of entry enumerated in Article 20 below.

Article 18

With effect from the date of entry into force of the present Agreement, the establishment of new military bases is prohibited throughout Viet-Nam territory.

Article 19

With effect from the date of entry into force of the present Agreement, no military base under the control of a foreign State may be established in the regrouping zone of either party; the two parties shall ensure that the zones assigned to them do not adhere to any military alliance and are not used for the resumption of hostilities or to further an aggressive policy.

Article 20

The points of entry into Viet-Nam for rotation personnel and replacements of material are fixed as follows:

--Zones to the north of the provisional military demarcation line: Laokay, Langson, Tien-yen, Haiphong, Vinh, Dong-Hoi, Muong-Sen;

--Zone to the south of the provisional military demarcation line: Tourane, Quinhon, Nhatrang, Bangoi, Saigon, Cap St. Jacques, Tanchau.

CHAPTER IV

Prisoners of War and Civilian Internees

Article 21

The liberation and repatriation of all prisoners of war and civilian internees detained by each of the two parties at the coming into force of the present Agreement shall be carried out under the following conditions:

(a) All prisoners of war and civilian internees of Viet-Nam, French and other nationalities captured since the beginning of hostilities in Viet-Nam during military operations or in any other circumstances of war and in any part of the territory of Viet-Nam shall be liberated within a period of thirty (30) days after the date when the cease-fire becomes effective in each theatre.

(b) The term "civilian internees" is understood to mean all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities.

(c) All prisoners of war and civilian internees held by either party shall be surrendered to the appropriate authorities of the other party, who shall give them all possible assistance in proceeding to their country of origin, place of habitual residence or the zone of their choice.

CHAPTER V

Miscellaneous

Article 22

The Commanders of the Forces of the two parties shall ensure that persons under their respective commands who violate any of the provisions of the present Agreement are suitably punished.

Article 23

In cases in which the place of burial is known and the existence of graves has been established, the Commander of the Forces of either party shall, within a specific period after the entry into force of the Armistice Agreement, permit the graves service personnel of the other party to enter the part of Viet-Nam territory under their military control for the purpose of finding and removing the bodies of deceased military personnel of that party, including the bodies of deceased prisoners of war. The Joint Commission shall determine the procedures and the time limit for the performance of this task. The Commanders of the Forces of the two parties shall communicate to each other all information in their possession as to the place of burial of military personnel of the other party.

Article 24

The present Agreement shall apply to all the armed forces of either party. The armed forces of each party shall respect the demilitarized zone and the territory under the military control of the other party, and shall commit no act and undertake no operation against the other party and shall not engage in blockade of any kind in Viet-Nam.

For the purposes of the present Article, the word "territory" includes territorial waters and air space.

Article 25

The Commanders of the Forces of the two parties shall afford full protection and all possible assistance and the co-operation to the Joint Commission and its joint groups and to the International Commission and its inspection teams in the performance of the functions and tasks assigned to them by the present Agreement.

Article 26

The costs involved in the operations of the Joint Commission and joint groups and of the International Commission and its Inspection Teams shall be shared equally between the two parties.

Article 27

The signatories of the present Agreement and their successors in their functions shall be responsible for ensuring the observance and enforcement of the terms and provisions thereof. The Commanders of the Forces of the two parties shall, within their respective commands take all steps and make all arrangements necessary to ensure full compliance with all the provisions of the present Agreement by all elements and military personnel under their command.

The procedures laid down in the present Agreement shall, whenever necessary, be studied by the Commanders of the two parties and, if necessary, defined more specifically by the Joint Commission.

CHAPTER VI

Joint Commission and International Commission for Supervision and Control in Viet-Nam

28. Responsibility for the execution of the agreement on the cessation of hostilities shall rest with the parties.

29. An International Commission shall ensure the control and supervision of this execution.

30. In order to facilitate, under the conditions shown below, the execution of provisions concerning joint actions by the two parties a Joint Commission shall be set up in Viet-Nam.

31. The Joint Commission shall be composed of an equal number of representatives of the Commanders of the two parties.

32. The Presidents of the delegations of the Joint Commission shall hold the rank of General.

The Joint Commission shall set up joint groups the number of which shall be determined by mutual agreement between the parties. The joint groups shall be composed of an equal number of officers from both parties. Their location on the demarcation line between the regrouping zones shall be determined by the parties whilst taking into account the powers of the Joint Commission.

33. The Joint Commission shall ensure the execution of the following provisions of the Agreement on the cessation of hostilities:

(a) A simultaneous and general cease-fire in Viet-Nam for all regular and irregular armed forces of the two parties.

(b) A regroupment of the armed forces of the two parties.

(c) Observance of the demarcation lines between the regrouping zones and of the demilitarized sectors.

Within the limits of its competence it shall help the parties to execute the said provisions, shall ensure liaison between them for the purpose

of preparing and carrying out plans for the application of these provisions, and shall endeavour to solve such disputed questions as may arise between the parties in the course of executing these provisions.

34. An International Commission shall be set up for the control and supervision over the application of the provisions of the agreement on the cessation of hostilities in Viet-Nam. It shall be composed of representatives of the following States: Canada, India and Poland.

It shall be presided over by the Representative of India.

35. The International Commission shall set up fixed and mobile inspection teams, composed of an equal number of officers appointed by each of the above-mentioned States. The fixed teams shall be located at the following points: Laokay, Langson, Tien-Yen, Haiphong, Vinh, Dong-Hoi, Muong-Sen, Tourane, Quinhon, Nhatrang, Bangoi, Saigon, Cap St. Jacques, Tanchau. These points of location may, at a later date, be altered at the request of the Joint Commission, or of one of the parties, or of the International Commission itself by agreement between the International Commission and the command of the party concerned. The zones of action of the mobile teams shall be the regions bordering the land and sea frontiers of Viet-Nam, the demarcation lines between the regrouping zones and the demilitarized zones. Within the limits of these zones they shall have the right to move freely and shall receive from the local civil and military authorities all facilities they may require for the fulfilment of their tasks (provision of personnel, placing at their disposal documents needed for supervision, summoning witnesses necessary for holding enquiries, ensuring the security and freedom of movement of the inspection teams etc...). They shall have at their disposal such modern means of transport, observation and communication as they may require. Beyond the zones of action as defined above, the mobile teams may, by agreement with the command of the party concerned, carry out other movements within the limits of the tasks given them by the present agreement.

36. The International Commission shall be responsible for supervising the proper execution by the parties of the provisions of the agreement. For this purpose it shall fulfil the tasks of control, observation, inspection and investigation connected with the application of the provisions of the agreement on the cessation of hostilities, and it shall in particular:

(a) Control the movement of the armed forces of the two parties, effected within the framework of the regroupment plan.

(b) Supervise the demarcation lines between the regrouping areas, and also the demilitarized zones.

(c) Control the operations of releasing prisoners of war and civilian internees.

(d) Supervise at ports and airfields as well as along all frontiers of Viet-Nam the execution of the provisions of the agreement on the cessation of hostilities, regulating the introduction into the country of armed forces, military personnel and of all kinds of arms, munitions and war material.

37. The International Commission shall, through the medium of the inspection teams mentioned above, and as soon as possible either on its own initiative, or at the request of the Joint Commission, or of one of the parties, undertake the necessary investigations both documentary and on the ground.

38. The inspection teams shall submit to the International Commission the results of their supervision, their investigation and their observations, furthermore they shall draw up such special reports as they may consider necessary or as may be requested from them by the Commission. In the case of a disagreement within the teams, the conclusions of each member shall be submitted to the Commission.

39. If any one inspection team is unable to settle an incident or considers that there is a violation or a threat of a serious violation the International Commission shall be informed; the latter shall study the reports and the conclusions of the inspection teams and shall inform the parties of the measures which should be taken for the settlement of the incident, ending of the violation or removal of the threat of violation.

40. When the Joint Commission is unable to reach an agreement on the interpretation to be given to some provision or on the appraisal of a fact, the International Commission shall be informed of the disputed question. Its recommendations shall be sent directly to the parties and shall be notified to the Joint Commission.

41. The recommendations of the International Commission shall be adopted by majority vote, subject to the provisions contained in article 42. If the votes are divided the chairman's vote shall be decisive.

The International Commission may formulate recommendations concerning amendments and additions which should be made to the provisions of the agreement on the cessation of hostilities in Viet-Nam, in order to ensure a more effective execution of that agreement. These recommendations shall be adopted unanimously.

42. When dealing with questions concerning violations, or threats of violations, which might lead to a resumption of hostilities, namely:

(a) Refusal by the armed forces of one party to effect the movements provided for in the regroupment plan;

(b) Violation by the armed forces of one of the parties of the regrouping zones, territorial waters, or air space of the other party;

the decisions of the International Commission must be unanimous.

43. If one of the parties refuses to put into effect a recommendation of the International Commission, the parties concerned or the Commission itself shall inform the members of the Geneva Conference.

If the International Commission does not reach unanimity in the cases provided for in article 42, it shall submit a majority report and one or more minority reports to the members of the Conference.

The International Commission shall inform the members of the Conference in all cases where its activity is being hindered.

44. The International Commission shall be set up at the time of the cessation of hostilities in Indo-China in order that it should be able to fulfil the tasks provided for in article 36.

45. The International Commission for Supervision and Control in Viet-Nam shall act in close co-operation with the International Commissions for Supervision and Control in Cambodia and Laos.

The Secretaries-General of these three Commissions shall be responsible for co-ordinating their work and for relations between them.

46. The International Commission for Supervision and Control in Viet-Nam may, after consultation with the International Commissions for Supervision and Control in Cambodia and Laos, and having regard to the development of the situation in Cambodia and Laos, progressively reduce its activities. Such a decision must be adopted unanimously.

47. All the provisions of the present Agreement, save the second sub-paragraph of Article 11, shall enter into force at 2400 hours (Geneva time) on 22 July 1954.

Done in Geneva at 2400 hours on the 20th of July 1954 in French and in Vietnamese, both texts being equally authentic..

For the Commander-in-Chief of
the People's Army of Viet-Nam
TA-QUANG-BUU
Vice-Minister of National
Defence of the Democratic
Republic of Viet-Nam

For the Commander-in-Chief
of the French Union forces
in Indo-China
Brigadier-General DELTEIL

GENEVA CONFERENCE
INDO-CHINA

Annex to the Agreement on the cessation of hostilities in Viet-Nam

I. Delineation of the provisional military demarcation line and the demilitarized zone (Article 1 of the Agreement; reference map: Indo-China 1/100,000.--

(a) The provisional military demarcation line is fixed as follows, reading from east to west:

the mouth of the Song Ben Hat (Cua Tung River) and the course of that river (known as the Rao Thanh in the mountains) to the village of Bo Ho Su, then the parallel of Bo Ho Su to the Laos-Viet-Nam frontier.

(b) The demilitarized zone shall be delimited by Trung Gia Military Commission in accordance with the provisions of article 1 of the Agreement on the cessation of hostilities in Viet-Nam.

II. General delineation of the provisional assembly areas.--Article 15 of the Agreement; reference maps: Indo-China 1/400,000).

(a) NORTH VIET-NAM:

Delineation of the boundary of the provisional assembly area of the French Union forces

1. The perimeter of Hanoi is delimited by the arc of a circle with a radius of 15 kilometres, having as its centre the right bank abutment of Doumer Bridge and running westwards from the Red River to the Rapids Canal in the north-east.

In this particular case no forces of the French Union shall be stationed less than 2 kilometres from this perimeter, on the inside thereof.

2. The perimeter of Haiphong shall be delimited by the Song-Van-Uc as far as Kim Thanh and a line running from the Song-Van-Uc three kilometres north-east of Kim Thanh to cut Road No. 18 two kilometres east of Mao-Khe. Thence a line running three kilometres north of Road 18 to Cho-Troi and a straight line from Cho-Troi to the Mong-Duong ferry.

3. A corridor contained between.--

In the south, the Red River from Thanh-Tri to Bang-Nho, thence a line joining the latter point to Do-My (south-west of Kesat), Gia-Loc and Tien-Kieu;

In the north, a line running along the Rapids Canal at a distance of 1,500 metres to the north of the Canal, passing three kilometres north of Pha-Lai and Seven Pagodas and thence parallel to Road No. 18 to its point of intersection with the perimeter of Haiphong.

Note.--Throughout the period of evacuation of the perimeter of Hanoi, the river forces of the French Union shall enjoy complete freedom of movement on the Song-Van-Uc. And the forces of the People's Army of Viet-Nam shall withdraw three kilometres south of the south bank of the Song-Van-Uc.

Boundary between the perimeter of Hanoi and the perimeter of Haiduong. A straight line running from the Rapids Canal three kilometres west of Chief-ne and ending at Do-My (eight kilometres south-west of Kesat).

(b) CENTRAL VIET-NAM:

Delineation of the boundary of the provisional assembly area of the forces of the Viet-Nam People's Army south of the Col des Nuages parallel.--The perimeter of the Central Viet-Nam area shall consist of the administrative boundaries of the provinces of Quang-Ngai and Binh-Dinh as they were defined before the hostilities.

(c) SOUTH VIET-NAM:

Three provisional assembly areas shall be provided for the forces of the People's Army of Viet-Nam.

The boundaries of these areas are as follows:

1. Xuyen-Moc, Ham-Tan Area

Western boundary: The course of the Song-Ray extended northwards as far as Road No. 1 to a point thereon eight kilometres east of the intersection of Road No. 1 and Road No. 3.

Northern boundary: Road No. 1 from the above-mentioned intersection to the intersection with Route Communale No. 9 situated 27 kilometres west-south-west of Phanthiet and from that intersection a straight line to Kim Thanh on the coast.

2. Plaine des Jones Area

Northern boundary: The Viet-Nam—Cambodia frontier.

Western boundary: A straight line from Tong-Binh to Binh-Thanh.

Southern boundary: Course of the Fleuve Anterieur (Mekong) to ten kilometres south-east of Cao Lanh. From that point, a straight line as far as Ap-My-Dien, and from Ap-My-Dien a line parallel to and three kilometres east and then south of the Tong Doc-Loc Canal, this line reaches My-Hanh-Dong and thence Hung-Thanh-My.

Eastern boundary: A straight line from Hung-Thanh-My running northwards to the Cambodian frontier south of Doi-Bao-Voi.

3. Point Camau Area

Northern boundary: The Song-Cai-lon from its mouth to its junction with the Rach-Nuoc-Trong, thence the Rach-Nuoc Trong to the bend five kilometres north-east of Ap-Xeo-La. Thereafter a line to the Ngan-Dua Canal and following that Canal as far as Vinh-Hung. Finally, from Vinh-Hung a north-south line to the sea.

The Texts of the Two Declarations by the Government of the French Republic

A. With reference to Article 10 of the Final Declaration:

"The Government of the French Republic declares that it is ready to withdraw its troops from the territory of Cambodia, Laos and Viet-Nam, at the request of the Governments concerned and within a period which shall be fixed by agreement between the parties, except in the cases where, by agreement between the two parties, a certain number of French troops shall remain at specified points and for a specified time."

B. With reference to Article 11 of the Final Declaration:

"For the settlement of all the problems connected with the re-establishment and consolidation of peace in Cambodia, Laos and Viet-Nam, the French Government will proceed from the principle of respect for the independence and sovereignty, the unity and territorial integrity of Cambodia, Laos and Viet Nam."

GENEVA CONFERENCE
INDO-CHINA

FINAL DECLARATION, dated the 21st July, 1954, of the Geneva Conference on the problem of restoring peace in Indo-China, in which the representatives of Cambodia, the Democratic Republic of Viet-Nam, France, Laos, the People's Republic of China, the State of Viet-Nam, the Union of Soviet Socialist Republics, the United Kingdom, and the United States of America took part.

1. The Conference takes note of the agreements ending hostilities in Cambodia, Laos and Viet-Nam and organizing international control and the supervision of the execution of the provisions of these agreements.

2. The Conference expresses satisfaction at the ending of hostilities in Cambodia, Laos and Viet-Nam; the Conference expresses its conviction that the execution of the provisions set out in the present declaration and in the agreements on the cessation of hostilities will permit Cambodia, Laos and Viet-Nam henceforth to play their part, in full independence and sovereignty, in the peaceful community of nations.

3. The Conference takes note of the declarations made by the Governments of Cambodia and of Laos of their intention to adopt measures permitting all citizens to take their place in the national community, in particular by participating in the next general elections, which, in conformity with the constitution of each of these countries, shall take place in the course of the year 1955, by secret ballot and in conditions of respect for fundamental freedoms.

4. The Conference takes note of the clauses in the agreement on the cessation of hostilities in Viet-Nam prohibiting the introduction into Viet-Nam of foreign troops and military personnel as well as of all kinds of arms and munitions. The Conference also takes note of the declarations made by the Governments of Cambodia and Laos of their resolution not to request foreign aid, whether in war material, in personnel or in instructors except for the purpose of the effective defence of their territory and, in the case of Laos, to the extent defined by the agreements on the cessation of hostilities in Laos.

5. The Conference takes note of the clauses in the agreement on the cessation of hostilities in Viet-Nam to the effect that no military base

under the control of a foreign State may be established in the regrouping zones of the two parties, the latter having the obligation to see that the zones allotted to them shall not constitute part of any military alliance and shall not be utilized for the resumption of hostilities or in the service of an aggressive policy. The Conference also takes note of the declarations of the Governments of Cambodia and Laos to the effect that they will not join in any agreement with other States if this agreement includes the obligation to participate in a military alliance not in conformity with the principles of the Charter of the United Nations or, in the case of Laos, with the principles of the agreement on the cessation of hostilities in Laos or, so long as their security is not threatened, the obligation to establish bases on Cambodian or Laotian territory for the military forces of foreign Powers.

6. The Conference recognizes that the essential purpose of the agreement relating to Viet-Nam is to settle military questions with a view to ending hostilities and that the military demarcation line is provisional and should not in any way be interpreted as constituting a political or territorial boundary. The Conference expresses its conviction that the execution of the provisions set out in the present declaration and in the agreement on the cessation of hostilities created the necessary basis for the achievement in the near future of a political settlement in Viet-Nam.

7. The Conference declares that, so far as Viet-Nam is concerned, the settlement of political problems, effected on the basis of respect for the principles of independence, unity and territorial integrity, shall permit the Viet-Namese people to enjoy the fundamental freedoms, guaranteed by democratic institutions established as a result of free general elections by secret ballot. In order to ensure that sufficient progress in the restoration of peace has been made and that all the necessary conditions obtain for free expression of the national will, general elections shall be held in July 1956, under the supervision of an international commission composed of representatives of the Member States of the International Supervisory Commission, referred to in the agreement on the cessation of hostilities. Consultations will be held on this subject between the competent representative authorities of the two zones from 20 July 1955 onwards.

8. The provisions of the agreements on the cessation of hostilities intended to ensure the protection of individuals and of property must be most strictly applied and must, in particular, allow everyone in Viet-Nam to decide freely in which zone he wishes to live.

9. The competent representative authorities of the Northern and Southern zones of Viet-Nam, as well as the authorities of Laos and Cambodia, must not permit any individual or collective reprisals against persons

who have collaborated in any way with one of the parties during the war, or against members of such persons' families.

10. The Conference takes note of the declaration of the Government of the French Republic to the effect that it is ready to withdraw its troops from the territory of Cambodia, Laos and Viet-Nam, at the request of the governments concerned and within periods which shall be fixed by agreement between the parties except in the cases where, by agreement between the two parties, a certain number of French troops shall remain at specified points and for a specified time.

11. The Conference takes note of the declaration of the French Government to the effect that for the settlement of all the problems connected with the re-establishment and consolidation of peace in Cambodia, Laos and Viet-Nam, the French Government will proceed from the principle of respect for the independence and sovereignty, unity and territorial integrity of Cambodia, Laos and Viet-Nam.

12. In their relations with Cambodia, Laos and Viet-Nam, each member of the Geneva Conference undertakes to respect the soverignty, the independence, the unity and the territorial integrity of the above-mentioned states, and to refrain from any interference in their internal affairs.

13. The members of the Conference agree to consult one another on any question which may be referred to them by the International Supervisory Commission, in order to study such measures as may prove necessary to ensure that the agreements on the cessation of hostilities in Cambodia, Laos and Viet-Nam are respected.

GENEVA CONFERENCE
INDO-CHINA

Declaration by the Representative of the United States of America

The Government of the United States being resolved to devote its efforts to the strengthening of peace in accordance with the principles and purposes of the United Nations

TAKES NOTE

of the Agreements concluded at Geneva on July 20 and 21, 1954 between the (a) Franco-Laotian Command and the Command of the Peoples Army of Viet-Nam; (b) The Royal Khmer Army Command and the Command of the Peoples Army of Viet-Nam; (c) Franco-Vietnamese Command and the Command of the Peoples Army of Viet-Nam

and of paragraphs 1 to 12 inclusive of the Declaration presented to the Geneva Conference on July 21, 1954

DECLARES with regard to the aforesaid Agreements and paragraphs that (i) it will refrain from the threat or the use of force to disturb them, in accordance with Art. 2(4) of the Charter of the United Nations dealing with the obligation of members to refrain in their international relations from the threat or use of force; and (ii) it would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security.

Government of India's Declaration on Geneva Agreements

The Government of India have noted the agreements ending hostilities in Cambodia, Laos and Viet-Nam and making provision for the international control and the supervision of the provisions of these agreements.

2. The Government of India have welcomed these agreements and expressed their satisfaction at the ending of hostilities in Cambodia, Laos and Viet-Nam which has now happily occurred. They express their firm belief and sincere hope that the execution of the provisions set out in the Final Declaration of the Geneva Conference and in the three Agreements for the cessation of hostilities in Cambodia, Laos and Viet-Nam respectively will permit and enable Cambodia, Laos and Viet-Nam to play their part in full independence and sovereignty in the comity of nations.

3. The Government of India have noted the various clauses and terms of the Final Declaration of the Geneva Conference of the 21st July which they have welcomed. They will respect, honour and promote the provisions of this Final Declaration, in so far as they are able, and in particular in as far as such provisions are relevant to them in their relations with any or all of the three said countries. They also express the earnest hope that these provisions will be respected and honoured by all concerned.

4. The Government of India express their deep appreciation of the trust and confidence placed in them by the Geneva Conference as a whole and by each of the participants thereof, severally, in naming India to the membership of the International Supervisiory Commissions at various stages of the Conference and finally in inviting her to be Chairman of each of the Commissions.

5. The Government of India express their sense of gratification that Canada and Poland have accepted membership of the Commissions and promptly responded to their invitation for a Conference of representatives of their three Governments at New Delhi to agree on the steps to be taken to instal the Commissions on the due dates provided for by the Agreements.

6. The Government of India record with satisfaction and inform the Geneva Conference States that complete accord was reached between the three States Members of the International Supervisory Commissions at the conference in New Delhi and further that the three Commissions have been established on the due dates, namely, the 11th August in the three territories, in accordance with the terms of the respective Agreements.

7. The Government of India are also happy to record and inform the Geneva Conference States that a spirit of cordiality and the determination

to work in a spirit of unity and concord prevailed at the conference and further that the three member States were greatly assisted by the presence of the representatives of Cambodia, France, the Democratic Republic of Viet-Nam, Laos and Viet-Nam in New Delhi in response to the invitation of the Government of India.

Appendix A-2

LIST OF MINISTERS IN CHARGE
OF LAND REFORM IN VIETNAM

Serial Number	Name	Title	Date of Assignment
1	CUNG DINH QUY	Minister for Agriculture	June 6, 1952
2	NGUYEN TRUNG VINH	Vice Premier and Minister for Agriculture	Jan. 11, 1954
3	NGUYEN CONG HAU	Minister for Agriculture	Sept. 24, 1954
4	NGUYEN VAN THOI	Minister for Land Registration and Land Reform	May 10, 1955
5	DO VAN CONG	Minister for Land Registration and Land Reform	Nov. 9, 1956
6	NGUYEN NGOC THO	Vice President of the Republic and Minister for Land Registration and Land Reform	Feb. 25, 1957
7	HUYNH HUU NGHIA	Minister for Land Registration and Land Reform	Sept. 9, 1959
8	TRAN LE QUANG	Minister for Rural Affairs	May 28, 1961
9	NGUYEN CONG HAU	Minister for Rural Affairs	Feb. 8, 1964
10	NGO NGOC DOI	Minister for Rural Affairs	Nov. 4, 1964
11	NGUYEN NGOC TO	Minister for Agriculture	Feb. 16, 1965
12	LAM VAN TRI	Commissioner for Agriculture	June 19, 1965
13	TON THAT TRINH	Minister for Land Reform and Agriculture	Oct. 9, 1967
14	TRUONG THAI TON	Minister for Land Reform and Agriculture	May 25, 1968

Appendix B

GENERAL DATA ON LAND REFORM IN VIETNAM

Appendix B-1

MAJOR EVENTS AND LEGISLATION CONCERNING LAND TENURE AND REFORM IN SOUTH VIETNAM

1930

Civil Court of Annam Articles 1199 to 1209	Metayage made legal.

1949

July 1, 1949 Bao Dai decrees to formally established the State of Vietnam and provide a basis for its organization within a constitutional framework.

1951

Feb. 2, 1951 first evidence (though a propaganda move) of interest in agrarian reform came in the Vietnamese New Year message of Emperor Bao Dai in which he promised regularized tenancy agreements and credit control, although quickly adding, "without, of course, impairing the interests of the established large land owners..." He also promised that peasants who had been given land by the Communists would be allowed to retain their holdings when the "troubles" were over. Nothing came of these promises.

1952

Mid-1952 National Committee for Agrarian Reform organized.

1953

Early 1953 President Nguyen Van Tam announced that henceforth rents were in no case to exceed 15 per cent of the crop, and this ruling was followed up in June 4, 1953 by a number of legal provisons.

Ord. 19 6/4/53	Established a committee to investigate abandoned concession lands & distribute them for cultivation.
Ord. 20 6/4/53	Set forth landlord - tenant relationships including maximum rental rate at 15% of total crop.

Ord. 21	6/4/53	Fixed the retention-rate of ricelands. (No attempt to expropriate or transfer excess made at this time).
Ord. 22	6/4/53	Established usufrcut rights for farmers who squatted on land left uncultivated. (Later repealed.)

1954

5/8/54	French forces at Dien Bien Phu surrender to Vietminh armies under Vo Nguyen Giap.
7/7/54	Bao Dai appoints Ngo Dinh Diem as premier of State of Vietnam.

October 24, 1954 Pres. Eisenhower sends a letter to Premier Diem of South Vietnam stating that American assistance will be given directly to the government of South Vietnam. The letter also stated that the U.S. government "expects this aid will be met by...undertaking needed reforms."

Fall of 1954 American and French advisers agreed that the immediate goals of land reform could be realized by a rent reduction and tenure security program. Government not ready to embark upon such a reform.

1954 Ord. 2 promulgated.

Mr. W. Ladejinski was Special Advisor to President Ngo Dinh Diem for Land Reform.

1955

January 1, 1955 U.S. begins to render direct assistance to Vietnam.

Ord 2	1/8/55	Modified Ord. 20 - increased rental rates to 25%; set a maximum interest rate of 12% for equipment & animals used; secured tenure tor 3 years with right of renewal, etc.
Cir. 5	1/18/55	Limited application of Ord. 2 to ricefields and annual cropland, other than plantation or industrial crops.
Ord. 7	2/5/55	Provided for leasing and recultivation of abandoned privately - owned lands. (Expired 12/31/55.)
Spring 1955		Diem defeated the Binh Xuyen armies and anti-government elements of the Cao Dai and Hoa Hao.

May 10, 1955	Premier Diem forms a new Cabinet composed largely of his own followers. Mr. Nguyeu Van Thoi, Inspector General for Cadastre (now Land Affairs) appointed Minister for Land Registration and Land Reform. He was responsible for reorganization of the Ministry by Decree 19 dated April 6, 1955.
Decree 145 5/10/55	Fixed the composition of the Government: A Directorate General of Land Reform (in Min. of Agric.) and an Inspectorate General of Cadastre (in Min. of Finances).
Note 372 5/23/55	Created the position of Minister of Land Registration and Land Reform with some agencies under his management such as Dir. Gen. of Land Reform and Insp. Gen. of Cadastre.
Decree 197 6/4/55	Fixed responsibilities of the Minister of Land Registration and Land Reform.
July 1955	The increasing stability achieved by the National Government had changed the environment and more orthodox positions were taken by tenants and landlords, with peasants in favor and landlords protesting that rent rates were too low.
October 1955	Bao Dai deposed by referendum in South Vietnam; Diem wins and proclaims Republic.
Arrêté 24 11/16/55 (Modified by Arrêté 11/25/55	Related to the organization of the Ministry of Land Registration and Land Reform.

1956

Ord. 28 4/30/56	Replaced Ord. 7 - recultivation of uncultivated private lands as well as abandoned lands leased by Government.
July 1956	Date for elections to unify Vietnam passes.
October 22, 1956	President Diem announced a land transfer program framed in cooperation with American officials and unofficial advisers.
Ord. 57 10/22/56	Established land transfer program aimed at a more equitable distribution of land ownership. Retention rate of 100 hectares set and excess to be expropriated.

October 26, 1956	South Vietnam's first constitutional is promulgated and the National Constituent Assembly is officially transferred into a National Assembly.
November 9, 1956	Mr. Nguyen Van Thoi resigned. Mr. Do Van Cong was appointed Minister for Land Registration and Land Reform in order to improve the Land Reform Program.
Cir. 56 11/21/56	Census to be made of farmers requesting lands under Ord. 57 provisions.

1957

Decree 2 1/4/57	Established Land Reform Funds.
Cir. 1 1/7/57	Landlords required to make written declaration of excess holdings over 100 hectares.
February 25, 1957	Nguyen Ngoc Tho, Vice President of the Republic became concurrently the Minister for Land Registration and Land Reform, replacing Mr. Do Van Cong who was wounded.
Arrêté 26, Feb. 28, 1957	Established the organization of the Ministry for Land Registration and Land Reform.
Cir. 5 3/21/57	Recalled for landlord's declarations.
Arrêté 74 4/4/57	Established the National Council for Land Reform
Decree 74 4/4/57	Decisions of Land Reform Court must have approval of the National Council for Land Reform.
Decree 75 4/4/57	Established Provincial Committee for determining current value of rice lands.
Decree 76 4/4/57	Established 3 National Committees for Land Reform: Regulation Census and Supervision Finances
Cir. 14 4/22/57	Implemented Decree 75 of April 4, 1959 and established subcommittee for carrying out land valuation.
Cir. 22 5/28/57	Implemented Ord. 57 fixing regulations governing expropriation and distribution of agricultural land.

Ci4. 1982	6/6/57	Area of land reserved for ancestor worship to be limited to 15 hectares in Southern Vietnam and 5 hectares in Central Vietnam. Fixed time - limit for landlords to produce papers properly dated.
September 1957		The Government announced a schedule of prices based on productivity at which landowners would be compensated for their holdings and indicated that tenants would be able to purchase the land at the same price.
Cir. 45	9/11/57	Price rate of expropriated land.
Cir. 49	9/24/57	Supplemented Cir. 22, concerning joint-ownership regulations and limiting worship land (riceland & garden area) to 15 hectares.
Arrêté 114	10/19/57	Established District Committee for yield valuation.
Cir. 58	11/11/57	Implemented Arrêté 114 of Oct. 19, 1957: fixing the composition of the District Committee in charge of yield evaluation.
Decree 498	11/27/57	Established the Land Reform Court. Tenant had recourse to use when conciliation failed.
Decree 500	11/29/57	Established regulations for compensation to landlords (checks & Land Reform Bond).
Cir. 63	12/4/57	Implemented Arrêté 114 of Oct. 19, 1957: designating landlord as member of District Committee.
Cir. 67	12/11/57	Supplemented Cir. 49 of Sept. 24, 1957: Maximum limit of worship land. Refusal of worship. Change in use of worship land.
Cir. 68	12/11/57	Immediate meeting of yield valuation committee.
Cir. 69	12/11/57	The case of heirs as joint-owners.

By end of 1957 Setting of land prices was virtually completed.

1958	Mr. Do Van Cong returned to the position of Minister for Land Registration and Land Reform.
January 4, 1958	Large Communist guerilla band attacks plantation north of Saigon, reflecting steady increase in Communist armed activity in South Vietnam since mid-1957.

Cir. 15	1/30/58	Implemented Arrêté 114 of Oct. 19, 1957: concerning yield valuation committee. (Signature of members.)
Cir. 14 18 31 & 32	1/30/58 2/6/58 4/22/58	Concerned amount of land rents to be paid according to number and type of crop. (31 & 32 completed rules set down in 14 and 18.)
Cir. 4054	3/14/58	Implemented Decree 498 of Nov. 27, 1957: First Instance Court acts as Agrarian Court.
May 9, 1958		President Diem marked the first fully completed transactions under Ordinance 57 when he handed the first title deed to a new owner and the first down-payment check and Land Bond to an expropriated landlord at a ceremony at Cai Lay, 60 miles south of Saigon.
Cir. 50	7/10/58	Implemented Ord. 57: authorization to landlords for sale of excess land over 100 hectares.
Sept. 10, 1958		France and South Vietnam sign agreement under which France provides aid for the Vietnam government's agrarian reform program--1,490 million francs.
October 3, 1958		Major changes in the staff of the Directorate General in order to improve land distribution.
October 9, 1958		Agreement concluded between the Government of France and the Government of Vietnam - the former allocated 1,490,000,000 francs (US $ 2,900,000) for the purchase of all the French rice lands.
Cir. 67	10/25/58	Called for the District and Provincial Agricultural Committees to "temporarily cease their activities."
Decree 558	12/5/58	Modified Decree 498 establishing the Land Reform Court.
Cir. 3329	12/31/58	Communique: final term for presentation of papers with respect to ownership or others' rights.

End of 1958 Major changes in the senior staff in charge of Land Reform at the Ministry level in order to improve land reform.

1959

Cir. 25 1/15/59	Concerned amount of land rents to be paid according to number and type of crop, (modified Cirs. 31 & 32).
Cir. 6 3/3/59	Maximum delay for reexamining a lawsuit by Agrarian Court.
Decree 81 4/1/59	Modified Decree 500 concerning compensation to landlords (Land Reform Bonds).
Cir. 19 6/1/59	Dealt with uncultivated lands with forest-type vegetation.
Arrêté 335 8/11/59	Exchange of Land Reform Bonds.
Cir. 38 9/3/59	Regularized worship land: Several holdings of worship land; donated land disguised as worship land; worship after 5 generations; landlords no heirs; rotative farming worship land; procedures for regularization; court's competency.
September 9, 1959	Mr. Huynh Huu Nghia, Minister for Labor appointed to the position of Minister for Land Registration and Land Reform. Mr. Do Van Cong resigned.
Cir. 3093 9/9/59	Commique to landlords owning more than 100 hectares for declaration.
Cir. 3407 10/6/59	Communique to landlords who request authorization for sale of excess land over 100 hectares.

Late 1959 The French landowners accepted the terms of their government and the transfer of the land to the Government of Vietnam commenced in early 1960.

Arrêté 211 12/1/59	Established the organization of the Directorate General for Land Administration and Topography (including the Directorate of Land Registration and the Directorate General of Cadastre).

1960

Cir. 358 1/8/60	Note to Land Affairs Officer about time limit for final procedure in selling excess land.
Cir. 3 1/9/60	Regularized worship land.

Decree 28	1/25/60	Modified Decree 500 concerning compensation to landlords (Land Reform Bonds).
Cir. 9	2/22/60	Management of lands purchased from French owners.

April 30, 1960 An opposition group of 18, calling themselves the Committee for Progress and Liberty, sends letter to President Diem demanding drastic economic, administrative, and military reforms.

November 11, 1960 Military coup attempt against President Diem's regime. Rebel Col. Thi declares that President Diem is guilty of autocratic rule and nepotism and has "shown himself incapable of saving the country from communism and protecting national unity."

November 12, 1960 Loyalist troops enter the capital and subdue the rebels.

November 13, 1960 U.S. State Dept. expresses satisfaction at the failure of the coup against President Diem and also hopes that "his powers will be established on a wider basis with rapid implementation of radical reforms and energetic action against corruption-suspected elements."

December 1960	National Liberation Front of South Vietnam is organized.

1961

Cir. 8	2/27/61	Landlord may rent his land (within retention limit) freely as he wishes; compensation to expropriated landlords and other matters relating to absentee landlords, abandoned lands, etc.
April 3, 1961		United States-Vietnamese Treaty of Amity and Economic Relations signed in Saigon. National Assembly ratifies treaty on June 14.
April 4, 1961		Pres. Diem appeals to the I.C.C. to make an "immediate and energetic investigation" of growing Communist terrorism and subversion throughout South Vietnam.
Decree 120	5/18/61	Establishing the Ministry of Rural affairs including The Directorate General for Land Administration, The Directorate of Land Reform, and other agencies of the former Ministry of Agriculture and the NACO and the Commisariat General for Land Development. The Directorate General of Land Administration did not supervise the Directorate for Land Reform which was a separate agency.

May 18, 1961	Mr. Tran le Quang appointed Minister for Rural Affairs.
October 2, 1961	Pres. Diem declares at the opening of the National Assembly's budgetary session: "It is no longer a guerilla war...It is a war waged by an enemy who attacks us with regular units fully and heavily equipped and who seeks a strategic decision in Southeast Asia in conformity with the orders of the Communist International." The President also says that the U.S. committee headed by Dr. Eugene Staley recommended an increase in aid both for military measures and for economic and social development.
November 1961	Kennedy administration steps up its military aid to Diem regime.
Cir. 6 11/3/61	Management of undistributed Former French lands.
Cir. 79 11/22/61	Punishment to landlords who do not declare their lands.

1962

January 4, 1962	A joint United States-South Vietnamese communique announces "broad economic and social program (to raise living standards)..."
April 20, 1962	National Assembly pledges full support to Pres. Diem's plan to establish thousands of "strategic hamlets" in the Communist-infested Mekong Delta during the current year.
Arrêté 200 5/8/62	Organized the Directorate General for Land Affairs including the Directorate for Land Reform and the Directorate General for Land Administration. The government recognized the error in the organization of May 1961: Land Reform activities ceased during 1961-62.
Decree 124 5/31/62	Applied Torrens' type systems of title determination and administration.
Cir. 4983 7/24/62	Time-limit for payment by new owners of land is extended.
Cir. 6729 9/24/62	Compensation for expropriated land in Land Development and Resettlement Centers.

Cir. 7289 10/11/62	Aimed at implementing Decree 124 of 5/31/62 by setting priorities for conducting of cadastral surveys.
October 26, 1962	National Assembly extends by one year Pres. Diem's emergency powers to rule by decree.
December 29, 1962	Government in Saigon announces that 4,077 strategic hamlets have been completed (of a total of 11,182 to be built) and that 39 percent of South Vietnam's population is now living in these communities.

1963

Cir. 2661 2/28/63	Formalities for transfer of Land Reform Bonds. Enforcement of Art. 13, Ord. 57.
Cir. 4461 4/11/63	Regulated illegal squatting on government lands by transforming the squatting into a tenancy.
June 1963	Buddhist militant elements erupt in South Vietnam.
October-November 1963	Diem overthrown and assassinated along with his brother, Ngo Dinh Nhu.
November 1963	Military regime under Duong Van Minh established. Not only Land Reform, but other programs were slow. (Destruction of strategic hamlet, rural agglomerations, land development centers, resettlement centers.

1964

January 1964	Coup d'état by General Nguyen Khanh.
January 17, 1964	The joint Vietnamese-American survey of the strategic hamlet program shows serious flaws and less than 20 per cent of the 8,000 villages as viable. Gen. Nguyen Khanh was to say in April, 1964, that Viet Cong controlled close to 7 million (about 57 per cent of South Vietnam's rural population).
March 7, 1964	General Khanh announces a one-year reform program to rebuild South Vietnam's political and administrative structure and raise standard of living.
Arrêté 192 3/19/64	Placed central organization of Land Reform Courts outside the Dir. Gen. for Land Affairs and under the Ministry of Agriculture.

Cir. 4095 3/25/64	Fixed maximum area which each farmer may rent for cultivation and granted provisional concessions of land to illegal squatters.
May 18, 1964	The White House requests an additional 125 million dollars for economic and military aid to Vietnam.
Decree 217 6/18/64	Modified composition of the National Council for Land Reform.
August 1964	Militant Buddhists demonstrate against Khan regime.
August 1964	General Khanh ousted; Dr. Nguyen Xuan Oanh becomes acting premier.
September 1964	General Khanh returns as premier.
September 1964	Coup d'état led by General Lam Van Phat fails.
Cir. 13.157 9/7/64	Reconsidered the period prohibiting rental, sale, mortgage or pledging of expropriated land.
October 1964	Saigon's Major, Tran Van Huong, replaces Khanh.
Decree 7 10/2/64	Set tenure security under rental contract at 5 years.
Decree 8 10/2/64	Modified Article 14, Ord. 57 - changing period of payment for expropriated land to 12 years instead of 6.
Arrêté 705 11/24/64	Gave province chiefs the right to approve decisions on granting of definite ownership rights without compensation to squatters on state-owned lands.
Cir. 16601b 11/24/64	Regulated the squatter situation on state-owned lands by granting ownership rights free of charge.
Decree 359 12/10/64	Landlords owning more than 100 hectares given 3 months to submit written declaration of excess over 100.

1965

January 1965	Premier Huong deposed, replaced by Dr. Oanh again.
February 16, 1965	Dr. Phan Huy Quat replaces Dr. Oanh as premier; but General Khanh retains actual power.

February 21, 1965	Military leaders backing Khanh force him to go abroad; power goes to civilian regime of Phan Huy Quat, and chief of state Phan Khac Suu.
Cir. 2236 3/10/65	Redistribution of expropriated land given back by farmers receiving Ord. 57 land; establishing new titles, replacing old ones which have been lost.
May 27, 1965	Political crisis in South Vietnam touched off by Roman Catholic resentment of Phan Huy Quat regime.
June 1965	The civilian government of Phan Huy Quat replaced by the military government of Generals Nguyen Van Thieu and Nguyen Cao Ky.
Arrêté 985 7/2/65	Organized the Ministry of Agriculture.
Arrêté 405 7/28/65	Modified Article 2, Arrêté 705 of 11/24/64, transferring approval power to Ministry of Agriculture.
Cir. 9275 8/23/65	Allocation of Communal Lands for cultivation bringing them under landlord-tenant controls of Ords. 20 and 2.
Cir. 9277 8/23/65	Distribution of lands purchased from French owners; transfer recording; delay for annual payment.
Decree 489 8/27/65	Outlined the responsibilities of the Directorate General for Land Affairs.
Cir. 13157 9/7/65	Any drains, paths, marshes or ponds considered as part of expropriated land under the principle "the accessory follows the principal" and the recipient must purchase these "accessories" to the land.
Decree 20/65 10/8/65	Modified Article 14, Ord. 57 - granting permanent (title) ownership rights to farmers purchasing expropriated land.
Decree 21/65 10/8/65	Granted permanent ownership rights without compensation to farmers at the Land Development Centers and Resettlement Centers.
Cir. 11.000 12/15/65	"Solution to confusion of farming and ownership rights; and collection of back rents during past insecure years."

1966

Decree 2 2/15/66	Farmers purchasing expropriated land exempted from land tax and other fees during 12 years of payment for land.
Cir. 5619 5/27/66	Allocation and renting of Communal Lands to follow rental regulations as set down in Cir. 9275 of 8/23/65 instead of bidding practices.
Decree 217 6/18/66	Modified composition of National Council for Land Reform.

1967

Decree 2/67 2/14/67	Procedure for the regularization of transfer of property which is occupied for the execution of public works, national defense or public interest projects.
Decree 22/67 2/14/67	Further regulations concerning expropriation of private property, transfer of ownership and payment procedures.
Arrêté 2/65 3/10/67	Granted ownership rights to Vietnamese citizens located at Land Development and Resettlement Center on state-owned lands which they are actually exploiting.
Cir. 61 3/28/67	"Solution to confusion of farming and ownership rights; and collection of back rents during past insecure years."
Cir. 8379 8/12/67	Simplified procedures for compensation to landlords for expropriated lands. Allocation of land in Land Development and Resettlement Centers.
September 3, 1967	Election of Nguyen Van Thieu and Nguyen Cao Ky as President and Vice President of the Second Republic of Vietnam.
Decre 41/67 10/18/67	Transfer of the land tax to local areas (including new rates).
January 18, 1968	National Land Reform Conference, Saigon.
January 31, 1968	Communist Tet offensive.

March 20, 1968	Circular 2295 issued, establishing the condition that rents paid by tenants on government lands subsequent to purchase application would apply to purchase price.
May, 1968	President Thieu installs new premier and cabinet.
June, 1968	Special Land Reform Fund Committee creates DGLA-AID fund and administrative organization for an accelerated land reform program.
September, 1968	Redistribution of former French lands in Choung Thien and Kien Tuong Provinces under accelerated land reform program.

Sources: USAID Office of the Special Assistant to the Director for Land Reform, Saigon, November 1967.

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Appendix B-2

AGRARIAN REFORM IN FREE VIETNAM*

I

In one way or another, agrarian reform is probably as old as farming itself. Under different names, in different countries and variously interpreted, it has meant easing the burden of the man working the land, particularly of the man working somebody else's land for a pittance. Speaking of Asia alone, an interested observer can count the "pittance" farmers by the million. But times have changed: an overworked and over-exploited peasantry that for centuries was inertly miserable has now awakened and demands basic alterations in its condition and in many instances successfully.

The peasant awakening is part-and-parcel of the post-war revolutionary ferment in which Asia has been engulfed. It is also part of the realization that in predominantly agrarian Asia the new order of things economic or political, or both, depends primarily on the solution of the land question, namely, land to the landless. In a different setting, the Russian Communists exploited this fact forty-two years ago. For the Russian peasants liberty means the ownership of the lord's land. The Communist promise in 1917, which was ultimately broken, that the land would belong to them proved to be an issue of the greatest political importance. The Communists would never have obtained power in Russia had they not successfully exploited the peasant's "longing for the landlord's" acres.

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* This study by Mr. WOLF LADEJINSKY on agrarian reform in free Viet-Nam made its first appearance as a lecture at a conference in 1959. It is the report of an expert who had contributed to the elaboration and the implementation of agrarian reform programs in Japan and in Formosa and whose role as expert attached to the Government of the Republic of Viet-Nam assures him the first hand possession of the elements of the problem.

In this article, the author freely expresses his views and evaluations.

His analysis of the social and economic context, of the political and historical framework, and of the special facts about Viet-Nam is remarkably clear, as well as the way in which he has brought to the fore the results obtained without neglecting to point out what remains to be accomplished and to place them in the perspective of a general recasting of structure which promises to be the original great work of the Republic of Viet-Nam.

The triumph of the Communists in China is another case in point. Many are the reasons which explain their seizure of power. But one cause is beyond dispute: Nationalist China was pressed and pushed over not so much by force of arms as by the Communist tactic of promising land to the proverty stricken, landless, hopeless peasantry.

It would be a mistake, however, to assume that because the Communists placed the land question in the center of Asian politics they enjoy a monopoly on Agrarian reform. Aside from the fact that neither the Russian nor the Chinese Communists kept their promise to the peasants, efforts to give the Asian peasants a greater stake in the land antedate the Communists. The issue has been dealt with by Asian countries since the war. Japan, for example, did not wait upon the Chinese Communists to point the way to reform. The movement to deal with the problem has been completed in a number of countries and is under way in others. Free Viet-Nam is among them.

Agrarian reform there is not merely a slogan designed to serve entirely different ends. Large groups of tenants are becoming owners of the land they cultivate. Farmers tenants cultivate the land under vastly improved terms of tenure. While the movement to create stable individual, private proprietorship in land is not yet complete, the direction and achievements to date are unmistakable. The Japanese say that a peasant without land is like a man without a soul. It holds true for all the landless wherever they may be. And in Viet-Nam, as in other parts of Asia, there are now vastly greater numbers of peasants in possession of their own "souls". How this came about, its significance and consequences, is the subject of this paper.

II

No two Asian countries are alike, but they all have certain features in common, and the land tenure system is one of them. Whether in the Far East or Southeast Asia, the age-old wretchedness of the peasant has the same roots. More often than not it is too many people pressing on too little land; sometimes, as was the case till recently in the southern part of Free Viet-Nam, peasant poverty prevails in conditions of a relatively small farm population and abundance of land. For the greater part, inadequate tools, primitive methods of cultivation, and institutional arrangements over which the peasant has no control are common features of the life and work of the tenant. Without moralizing about the tenant-landlord relations as they have developed over the years, the fact is that a good deal of peasant misery must be attributed to this relationship, which customs, courts, and governments have given official sanction over the years. Multitudes of peasants were obliged to work somebody else's land under extremely onerous conditions.

Viet-Nam was no exception to this rule. This was particulary true of what was formerly known as Cochinchina. This is a huge rice plain of some 64,000 sq.km. criss-crossed by canals, lying in the southwestern

part of present-day Viet-Nam. Prior to the extension of French rule into this entire area (1874), the cultivated area was less than 400,000 hectares; seventy years later the cultivated area had risen to more than two million hectares. The region had become the authentic bread-basket of the country, with an exportable surplus of rice of around 1 1/2 million tons. It is in this area that the land redistribution program now under way in Viet-Nam is concentrated, because it was here, more than in any other part of the country, that Asian landlordism with some of its worst features had taken root.

By 1955 Free Viet-Nam had a very roughly estimated total of about a million tenants, of which about 600,000 were in South Viet-Nam and 400,000 in Central Viet-Nam. The two parts of the country differ sharply from the point of view of the extent of tenacy. Individual owners possessing many thousands of hectares of land are not rare in South Viet-Nam and widespread tenancy is its hallmark. In Central Viet-Nam peasant proprietorship accounts for approximately three-fourths of the cultivated land. Land holdings are on a small scale. Of the estimated 650,000 landowners no more than about 50 own more than 50 hectares each, and barely a dozen own more than 100 hectares. The great mass of the landlords fall into the category of 5 to 10 hectares, closely resembling the petty landlordism once prevalent in Japan, Korea and Formosa and in a number of Southeast Asian countries. This explains why the current land redistribution program does not apply to Central Viet-Nam.

The South presents an entirely different picture. In a total cultivated rice area of 2.3 million hectares, the concentration of land ownership is one of the highest in the Far East or Southeast Asia. Approximately 2.5 per cent of the owners, with more than 50 hectares each, possessed roughly one-half of the cultivated land. On the opposite side of the scale, more than 70 per cent of the proprietors owned less than 5 hectares each, possessing an estimated total of 12.5 per cent of the cultivated land. In the province of Baclieu 9 per cent of the landowners had 70 per cent of the land and 72 per cent of the farmers had no land at all or a hectare or two. In the province of Cantho 4 per cent of the landlords possessed more than 50 per cent of the land, and roughly the same pattern repeated itself in province after province of former Cochinchina.

Two principal developments explain this concentration. The French colonial administration sold huge tracts of virgin land at nominal prices or gave them away to selected individuals-French and Vietnamese. The few truly big rice holdings were in the hands of the French companies, of which the single largest, "Domaine Agricole de l'Ouest", accumulated a total of 20,000 hectares. The other important reason for the land concentration was the loss of the land by small proprietors due to their inability to meet the burden of indebtedness other than through foreclosure and eviction from the land.

III

With so much land in few hands and the loss of land by the small proprietors, tenancy was inevitable. Whereas in the older, settled part of Viet-Nam, individual proprietorship was predominant on the eve of the Second World War, in the region under discussion, two out of three families had no land at all; they worked somebody else's land either as tenants or as agriculture laborers. In the secions of the greatest land concentration at least 80 per cent was cultivated by peasants who owned virtually no land whatever. A reply of a tenant to a question asked by this writer concerning the farmer categories with which he was familiar put the situation very simply: "We are all mostly tenants and some of us are farm hands". He did not exaggerate by leaving out the exceptions.

Landlessness in the midst of abundance of land did not prevent the development of tenure conditions which prevailed mainly in those Asian countries where population pressure on the land was extremely acute. Rentals were as heavy as any to be found in Asia, namely, 50 per cent of the crop. The tenant had to provide his own house, tools, livestock, and hire supplementary labor at the height of the season. Often short of rice for food or seed, he borrowed from the landlord, repaying double the amount at the end of the crop season. By the time the tenant discharged all his obligations, his share of the crop was roughly a third of the total.

For the typical 5 hectare tenant, conditions were worse. A case study cited in the work of a well-known French agricultural economist* sheds much light on this problem. He writes as follows:

> "In the fifth month, at the beginning of the heavy field-work period, he has obtained from his landlord a loan of 35 gia† of rice and 5 piastres. His crop yields 300 gia. From this quantity he must deduct 30 gia for the extra rice consumed during the harvest time, 70 gia for the repayment of the rice loan of 35 gia (100 percent interest rate), 12.5 gia for repayment of the 5 piaster loan, 150 gia as land-rent or a total of 262.5 gia. There remains only 37.5 gia of his crop, which is little more than 10 per cent of what he has harvested. It is not sufficient to live on, and, like the coolie, the small tenant must look for a job, but still he has the advantage of being able to borrow".

Even the middle tenant with 5 to 10 hectares of rented land was not much better off. The study concluded that: "On the whole, the living standard of those we call middle tenants is not very high and is only slightly different from the living standards of the lower categories."

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* Pierre Gourou, L'utilisation du sol en Indochine Francaise, page 408.
† a gia = 44 pounds

Those who had some rice for sale were not always free to dispose of it at will; some tenancy agreements stipulated that the landlord had the right of purchase, and usually at his price. The role of the landlord in relation to his land and tenant was essentially that of a rent collector, and often this role was performed by an agent who made part of his profit out of the tenant. On top of this was the basic handicap of insecurity of tenure, with no bargaining between landlord and tenant worth mentioning.

The entire landlord tenant relationship was shot through with exactions, and this in turn bred the heavy burden of indebtedness and usury. Almost everybody in the village was in debt to the landlord or to the moneylender. Interest rates of 5,10 and more per cent a month were common. Landlords sometimes made more profit lending money than renting out land. In general, lenders were less interested in the return of a loan than in maintaining the tenant in a constant state of indebtedness. The net result of this type of tenure system based upon rack-renting, lack of security of tenure and widespread usury, was a large class of landless, improverished and discontented peasants.

IV

Little wonder that the Vietnamese Communists found fertile ground in the village for their own political ends. When, immediately following the end of the Second World War, they began, among other things, the attack on the old order in the village, the response was not long in coming. They gained control of the countryside and the support of the peasants not only by appealing to a deeply rooted desire to get rid of the French, but by addressing themselves to the land question as well.

The Communists lived off the land and the tax burdens they imposed were often no less burdensome than the rental formerly collected by the landlords. Nevertheless, they passed themselves off successfully as fighters for the national cause and as defenders of the peasantry against the rich gentry. They convinced the peasants that their sacrifices in the form of heavy tax grain collections were patriotic expressions of the "People's War for Liberation". The Communists had no land distribution program, but they left no doubt in the minds of the landless that eventually the landlord's acres would belong to them, and encouraged the occupation of abandoned land by the landless. The payment of rent virtually ceased. The wealthy landlords disappeared from the countryside fearing for their lives, and much of the pattern of the Russian and Chinese countryside created by Communist agitation repeated itself in Viet-Nam. Here, too, the appeal went to the heart of the matter--land of one's own and an end of the traditional landlord-tenant relationship.

The support the Communists gained in the countryside was not lost on Bao-Dai's government. The emphasis placed by the Communists upon the land question and the favorable response this had evoked among the peasants were at least partially responsible for some sort of recognition on the part of the Government of the existence of a land problem and the need to do something about it.

In his New Year's message of February 2, 1951, Bao-Dai stated that the land would not be taken away from those peasants who had occupied landlords' property during the "troubles" and continued to cultivate it. This was to be done "without harming the former large proprietors who have a claim to just compensation". Land concessions were to be limited by law, as were the terms of credit traditional between the proprietor and tenant, in order to protect the peasant against perpetual indebtedness. "A National Committee for Agrarian Reform" was organized in mid-1952; in early 1953 President Nguyen-van-Tam announced that henceforth rents were in no case to exceed 15 per cent of those existing before the war, and this was followed up (June 4, 1953) by a number of Ordinances.

Briefly, they called for cancellation of certain land concessions which had remained uncultivated or unleased and for the redistribution of such land among squatters and other specially deserving groups; a drastic rent reduction to a level not exceeding 15 per cent, and additional rent agreed upon between landlord and tenant, for buildings, tools, and draft animals; land leases for a minimum of five years, and what appeared to be limitations on the size of holdings. However, the provisions of this Ordinance (No. 21) were so watered down as to make it meaningless. In effect, the landlords did not have to sell or otherwise dispose of the land held in excess of these limits: the sole limitation was upon the acquisition of additional land either by purchase or lease.

These provisions were poorly conceived and drawn up. They went either too far or not far enough. The so-called limitation on the size of holdings was an instance of the latter, while 15 per cent rent was an instance of the former. When President Nguyen-van-Tam went about the countryside promising this low rental, it was more an act of desperation than an enforceable provision. It was neither equitable nor realistic. Even the Communists fixed a maximum rental of 25 per cent, and no peasant with the memory of a traditional rental of 50 per cent could view the 15 per cent rent seriously. It was an ineffective propaganda device.

The real difficulty, however, did not reside in these hastily drafted half-measures which were never applied. The most carefully prepared provisions would have met with the same fate had the Government been bent on enforcing them. The over-riding fact was that the Government did not hold Sway over the countryside. Its power was nominal even in the so-called "controlled areas". Only after the Geneva agreement, which divided the country into two, and the evacuation of the visible Communist presence from South Viet-Nam, were the conditions created to reach the countryside through agrarian reform measures. And this is precisely what the Ngo-Dinh-Diem Government has been doing since its assumption of office.

The efforts to ease the lot of tenants undertaken by the Government of Free Viet-Nam fall into two closely related parts. The first deals with the reduction of rents and security of tenure; the second with the distribution of land among the landless.

When the Ngo-Dinh-Diem Government assumed power, the countryside was in a shambles. Abandoned and weed-overgrown land studded it; irrigation and drainage facilities fell into disuse, canals, the indispensable water ways of the South, needed re-dredging; the greater part of the work-animals had been killed off, and all of this was summed up in a sharp decline in production and in the disappearance of the all-important surplus of rice for export. And not only a shambles in a material sense. After years of Communist penetration of the village in the guise of attractive nationalistic slogans, the peasants emerged into the new era a very much bewildered lot. Their main worry was lest the old landlord-tenant arrangements prevail again. This fear was real, for in many sections of the country they had not paid rent for a decade or more and, in the process, had come to feel that occupancy of that land was tantamount to ownership. But, having acquired some land without due process of law, they were not certain if in the post-Communist period they would be able to hold on to it.

The first official answer to those fears came shortly after Ngo-Dinh-Diem's assumption of power. It was unquestionable the darkest period in the six year old history of Free Vietnam. Much had to be done in a hurry and the material and psychological conditions in rural Viet-Nam did not permit procrastination. With that in mind, the Government promulgated two basic measures embodied in Ordinances 2 (January 8, 1955) and 7 (February 5, 1955). They dealt with items directly affecting the welfare of the tenants--rent reduction, security of tenure, and putting abandoned land back into cultivation.

The main provisions of these Ordinances were as follows: Rentals ranged from 15 to 25 per cent of the principal crop; a loan of seed or fertilizer was repayable at cost price plus interest rate not exceeding 12 per cent per year; all contracts had to be in writing; the life of a lease was a minimum five years, and the traditional right of a landlord to cancel a lease agreement was circumscribed; village, district and provincial committees were to be created to settle landlord tenant disputes, finally, penalties were provided in case of failure to comply with the provisions of the Ordinances.

In the years of war and civil war an estimated 1.3 million hectares of cultivated land were abandoned. It was the purpose of the Government to put this land back into cultivation as soon as possible, through the application of Ordinance 7. The significant provisions were these. Having determined the amount of the abandoned or uncultivated acreage, each owner was obliged to declare his intentions with respect to his land. If he refused to cultivate the land himself, he had to lease the land to tenants of his own choosing. In that event, a three years lease was to be executed, under which the tenant paid no rent during the first year, half of the prescribed rent of 15 to 25 per cent during the second year and three-fourths of the rent during the third year. The landlord, in turn, was exempted from the land tax, and the same applied to the tenant. On the expiration of the special three-year contract, the normal contract for five years became compulsory. In the case of absentee landlords, the village council had the right to allocate the land to people willing to cultivate the land. The rent, after deduction of taxes, was to be held

by the provincial treasury for future payment to the owner. Model contracts were drawn up, printed and distributed by the hundreds of thousands as an aid to implementation.

These early measures were undertaken not as a means of solving all of the land problems of Viet-Nam, but in order to alleviate or eliminate some of the worst anomalies of landlord tenant relations in Viet-Nam. Some of the provisions could have been better conceived, particularly the 15 to 25 per cent rental range since it was bound to give rise to disputes. But it is well to keep in mind that the effort was being made at a time when the new Government was struggling for its life, that the odds against its survival were most formidable; and that the administrative machine barely existed in the capital, in the provincial centers and in the villages. The implementation of the program in these circumstances proved to be a difficult task.

It is not surprising that the application of these measures got off to a very slow start. For nearly a year after their promulgation the attention of the Government was centered on the Binh-Xuyen gangsters, the neutralization of the Cao-Dai Sect, the war against the Hao-Hoa Sect, and the pressing refugee problem.

After years of Communist indoctrination in the villages, the position of the Government was far from strong. The lack of an administrative machine to implement the newly proclaimed Government land policies was in itself a tremendous handicap. And so it was that during the greater part of 1955 few tenants called the local officials to task for not keeping them informed about the program, and fewer still were the officials who called tenants to task for not pursuing their rights under the Ordinances.

There were other reasons why the application proceeded at first at a snail's pace. For different reasons, both tenants and landlords were reluctant to sign contracts binding them to conditions spelled out in the Ordinances.

Many a tenant had not paid rent in years, and even the admittedly low rent of 15 to 25 per cent appeared to him an imposition. Others in the occupation of land sanctioned by the Communists believed that their ownership had already been confirmed. Signing a contract now would have invalidated their claim to ownership. There were also the fence sitters, those who believed the Communist propaganda that come July, 1956, the country would be reunited on Communist terms, with all the landlord land falling into their hands. In short, the heritage of Communist village activities did not favor an enthusiastic reception for the rent-reduction program.

The attitude of the landlords was no less negative. They felt abused by a radical rent reduction after the years of great losses sustained under the Communists. A Chief of a province, a landlord himself, spoke to this observer for most other landlords when he stated "We have been

robbed by the Viet Minh over the years, and we resent similar treatment from the National Government." Some went so far as to insist on retroactive rent-payment as a condition for leasing their land; others wished to take back the land occupied by the tenant during the Viet-Minh days, while most of them dreamt of regaining the kind of control over their land similar to that of the pre-civil war days. It appeared as if tenant, landlord and lack of administrative effort and perseverance were conspiring to thwart the beginning of real shift in the old land-tenure system of Viet-Nam.

VII

In reality, the difficulties proved transitory. As the position of the Ngo-Dinh-Diem Government grew in strength and political stability improved throughout the country, so did the acceptance of the measures. With the financial assistance of the U.S. aid program, the administrative part of the program also improved markedly. Although small in number, the 200 land reform agents carried the gospel with a measure of success. In time, the basic provisions came to be known among the farmers; and the early indifference--if not hositlity--of the provincial and district authorities gave way to a recognition that the Ordinances must be enforced. The landlords were told that the struggle of the Government for security and political stability was not a means for restoring old landlord tenure arrangements. Helpful, too, particularly in the South, was the work of the Tenants' Union as spokesman for the tenants. The Joint Committees made up of five elected tenants and an equal number of landlords under the chairmanship of the Chief of the Province or his appointee, gradually, if very slowly, came to function as conciliator of landlord tenant disputes. They never lived up to the achievements of the land commission in Japan, for example, but in dealing with the ten thousand disputes recorded they have helped to lessen the tension generated by seemingly irreconcilable positions.

As a result of these developments, the implementation of the program quickened in mid-1956. The number of contracts under Ordinances 2 and 7, as of the end of June, 1959, was 800,000 or 80 per cent of all theoretically possible contracts. It is questionable that in every instance a tenant pays no more than the specified rent; this is particularly true in Central Viet-Nam where the competition for the small landlord holdings is intense. Nevertheless, there is reason to believe that the majority of the tenants pay the legal rent, while hardly any pay the traditional rent. The benefits to the tenants are obvious. Equally important is security of tenure, duration of lease, freedom from eviction at owners' will, etc..., guaranteed by the written contract. The complete dependence of tenant upon landlord has undergone a change. Even in mid-1955, when the program was in the air but hardly off the ground, this observer heard a tenant speak before a landlord tenant assembly thus: "In the old days, what the landlord said the land produced was law, and I paid accordingly. Now I know what it produces and I won't accept his estimate any longer". His was not an isolated case; he voiced a break with a common practice which formerly demonstrated that the landlord had undisputed control over the land.

Perhaps the real significance of these measures lies in the first breach in the traditional view of landlordism as the basis of wealth, political power and social prestige. In this respect Viet-Nam has begun to repeat the experience of other Asian nations which came to grips with the land problem. Its significance extends beyond the immediate aim of improving the lot of the tenants; newly emerging countries such as Viet-Nam must cut loose from their feudal moorings as a condition of their economic independence and political stability. Another consequence of great importance remains to be noted. In retrospect, the measures noted here and the land rehabilitation program touched upon in the subsequent paragraphs in fact did not foreshadow the land redistribution program.

The policy of the Government to bring the abandoned land back into cultivation was successful. Ordinance 7 relating directly to this problem stimulated many owners into action; those who were in no hurry or incapable of reclaiming the land saw their properties taken over by the Government for refugee settlement. In view of administrative handicaps and the need to do so much with so little, this was not an easy chore. Yet to date more than 80 per cent of the abandoned land is back in production. The reclaiming of much of the remaining land presents serious technical problems, but there is ample evidence that the priority the Government gives to the rehabilitation of the country's agricultural economy will bring most of the cultivable land into production.

The settlement of the refugees unquestionably played a great role in helping make Ordinance 7 a reality, and the Cai-San Resettlement Project is its most dramatic expression.

Cai-San is a great rectangle of some 110,000 hectares of land. Bounded by canals to the East and West, the Bassac River (the southermost branch of the Mekong) defines the northern boundary, while to the South lies the Gulf of Siam. Less than five years ago the greater part of this land was abandoned land, a weed-growing wilderness, a hide away for bandits. It is now a thriving metropolis, and a living example of nature bending to the will of man. The refugee-settlers of Cai-San, with the simplest of tools, dug the seventeen canals totalling 125 miles in length, and built their huts atop the embankments. The American aid tractors were there with ex-taxi drivers to run them.

The results speak well for the remarkable performance of the settlers, of the Vietnamese administrators who have truly arisen to the occasion, and of American aid which boldly and intelligently provided the financial means for the venture. What was a promise barely four years ago is now a reality. The settlers received their 3-hectare holdings under the reform virtually as a gift. They are harvesting good crops, paying their own way, and they are refugee no longer. Ordinance 7 succeeded better than had been anticipated; not only is the land being rehabilitated, but along with it the refugee-farmers have become farmers only and full fledged members of the body-politic of the country.

But it is not only Cai-San and the other Cai-Sans which are being built on the southern plains of Viet-Nam. Entirely upon the initiative of the President, new settlements are being carved out of the highland wilderness North of Saigon, where three years ago virtually none but nomadia tribesmen lived. While not directly a part of the agrarian reform effort, it is, nevertheless, an extension of the country's agrarian policies discussed here.

Into this almost unknown forested mountain area known as the High Plateaux, until recently little more than Bao-Dai's hunting preserve, nearly 60,000 people have moved from the over crowded coastal strips of Central Viet-Nam.* They have exchanged their tenanted half-hectare holdings for three-hectare holdings as a gift. With the technical and financial assistance of the Government they cleared much of their land, built their homes, put in their crops and are on the way to becoming economically independent. It has proved to be a pioneering venture of more than purely economic significance. Equally significant are the political and military consequences of populating empty spaces with settlers notoriously anti-Communist. For these sparsely populated areas of the highlands have long provided the Communists with a safe route for infiltration southward. The violent reaction of the North Viet-Nam Communists, to the opening of these lands provides its own commentary.

VIII

Rent-reduction, better leases, and land rehabilitation were all important ends in themselves. Nevertheless, to one who can remember the mood of the peasantry in 1955, it was clear even then that the Government land policies were not going to end with Ordinances 2 and 7. The Vietnamese landless, like landless the world over, were after the real article--land of their own. This was particularly true of the South where the vast acres of the landlords loomed even larger in the eyes of the tenants. One recalls a spokesman of a village group telling the minister of Agrarian Reform that "the village needs peace and the landlord tenant conflicts will never cease unless the tenants own the land". In province after province and village after village, farmers played on this theme, often to the discomfiture of local and central officials not prepared to discuss this issue.

Strange as it may seem at first glance, the tenants found an ally, a reluctant ally to be sure, in the big landlords. It was true that their experience of the past decade had not been without its sobering effects. They were interested in selling their land. Their bold front, as if little or nothing had changed, was more form than substance. There were few big landlords in Viet-Nam during the period under consideration who would not concede that land-ownership of the traditional sort had fallen

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* Figures available in 1959.

on evil days. They knew that sooner or later they would have to part with much, if not all, of their land, their problem being how to make the best of a difficult situation.

This explains why, even with the Communists out and security gaining way, one encountered serious debates among landlords about the best ways and means of disposing their land. The price itself was not the main stumbling block. The method of payment was. Tenants also assumed that the land would have to be paid for, but just as the rent-reduction program divided the two groups, so did the method of payment for purchase of land, although the issue for the moment appeared academic. The consensus among the landlords was 50 per cent cash and the remainder in five annual payments. Some tenants spoke of ten annual payments with no cash down, while others spoke of 10 to 20 per cent cash and the remainder on an installment basis. The difficulty was that the tenants had no cash whatever, and nobody contested that fact.

The land-distribution discussions were not confined only to landlord-tenant circles. The idea of land to the landless in Viet-Nam, was not only of the Communists' making. In June of 1953, President Nguyen-van-Tam, with the support of the Chief of State Bao-Dai, proclaimed a land-distribution program of his own. This, in addition to his 15 per cent reduction, he described as a "master-piece of our agrarian reform." Aside from the fact that it could not be enforced for reasons already stated, it was less than a "master-piece" as a summary of its main contents reveals. Under the enabling Ordinance 21, a landlord could retain a maximum of 45 hectares in Central Viet-Nam and 100 hectares in South Viet-Nam if he owned land in both sections of the country. The joker in the piece was that a landlord had the right to a 15 per cent increase for the fourth and each succeeding child; since landlords with wives and concubines had large families, the retention limit could be watered down beyond recognition. An equally important misnomer was the lack of any purchase provision to make land transfer possible. It was left to the tenant to buy land at the prevailing market price, and, in theory, with the assistance of government credit. Basically, the credit was not available, the tenants had no cash, and with the prevailing market price of land they could not have bought it even had they had some cash.

IX

It remained for Ngo-Dinh-Diem's Government to deal with the land distribution question in earnest. Mr. Diem repeatedly expressed the view that widespread, individual ownership of land is the condition of economic and political stability in the countryside. He found a staunch ally in his brother, Bishop Thuc, a man with intimate knowledge of the work and the life of the peasantry and an uncompromising supporter of peasant welfare. On the political side, it was clear to the President that the threat of the Communists in the villages was real and that their political capital could be undermined by narrowing the gap between the landlords and the landless if not bridging it altogether. A more equitable redistribution of land was the answer. From the point of view of economic welfare, the same answer applied, even if qualified by such additional needs as better farm-techniques, development of experimental stations

and the dissemination of the results of their work and the indispensable farm credit. If the notoriously low Vietnamese rice-yields were to be augmented, the incentive of owner-cultivated land was an important factor in making the best use of the factors just mentioned.

These propositions, understood and accepted by the Prime Minister Diem, were not spoken of openly in 1955. This was partly because of numerous other pressing tasks and partly because Ordinances 2 and 7 had not yet gone far enough to prepare the ground for the reform phase he had in mind. But the subject was under active consideration in official circles throughout the summer of 1956. On October 22, Ordinance 57 was promulgated and land redistribution became the official policy of the Government of Free Viet-Nam.

X

The preamble of the Ordinance states the objectives in terms of equitable distribution among the landless, development of agricultural production and the orientation of the big landlords towards industrial activities. The Ordinance contains a number of provisions to promote them.

No landlord can own more than 100 hectares, but he may keep an additional 15 hectares of inherited land for the continuation of ancestor worship and the expenses it entails; the remainder must be sold to groups specified in the Ordinance in the order of priority. A landlord may cultivate by himself only 30 hectares of permissible retention; other 70 hectares he must lease or sell. The land affected by the Ordinance is rice-land only. The excess holdings will be sold first of all to tenants and agricultural workers who have cultivated the land for two years; next in line are war veterans, refugees and the unemployed, but, in effect, the land to be divided up was meant for the tenants already on the land. Tenants acquiring land under the reform cannot lease or mortgage it within ten years of the date of acquisition.

The Government was to buy the land from the landlords and, in turn, resell it to the tenants. Since the tenants have no cash, article 14 provides that the tenant can pay for the land in six annual installments. He receives a certificate of ownership prior to his payment and clear title of ownership after he completes his payments. The land price to the tenant is determined by the price the Government pays to the owner for the land. The price is fixed by regional committees, approved by the National Council of Land Reform. The landlords are compensated in two ways; 10 per cent of the value of the purchased land is paid in cash; the remainder in non-transferable government bonds, bearing a 3 per cent interest rate and amortized in 12 years. However, the bonds can be used as legal tender for paying off debts contracted with the Agricultural Credit Agency, as well as for land and inheritance taxes. More important, and this is one of the basic aims of Ordinance 57, the bonds can be used for subscription to securities of any enterprise created by the State in the framework of a program of national economic development. More recent amendments have not changed the tenor of this provision.

The idea of using land bonds of this type to help the landlords take part in a country's industrialization has been practiced very successfully in Taiwan. There, the Government controlled a number of fully operating undertakings, and the exchange of the lands for Government-owned shares was a simple affair. In Viet-Nam, industrialization is only beginning, and the change-over may not be so immediately rewarding. Nevertheless, the Government is willing to offer what it has already in operation, industries about to be built and those contemplated. The enterprises in which the land bonds can be exchanged for Government-owned shares are listed below.

	Government participation in millions of piastres
A. National enterprises	
Nong-Son coal mines	50
Long-tho cement factory	50
Wood Industries	100
B. Existing joint enterprises	
Sugar company	200
Vinh-hao mineral water	20
Société Contonniere	150
C. Joint enterprises in course of formation	
Paper mill	200
Glass factory	60
Pan American Airways Hotel	Amount not determined
Total	830

With a view to administering the program, the Ordinances provided for the establishment of a Council on Agrarian Reform, with powers broad enough to deal with all outstanding issues involved in the implementation of the reform. There were also, in addition, provincial and local committees to determine the acreage available for distribution, the fixing of land prices, the issuance of titles to new owners, and related subjects. Agrarian tribunals and stiff penalties for evading the provisions of the reform law are part of the administrative arrangement.

XI

The Ordinance laid down the general principles of the program, and a comment on some of them is in order.

The retention limit determines the scope of the reform, on the amount of land available for distribution and the number of tenants benefiting from it. With land-holding in Central Viet-Nam seldom exceeding 10-15

hectares, the reform, clearly and correctly, was meant for South Viet-Nam alone. Applied there, the retention means that approximately 30 per cent of the tenants will fall within the scope of the program. The Government did not feel that it would begin with a retention limit which would eliminate Viet-Nam's rural middle class overnight. There was also the reasonable assumption that, since landlordism had lost a good deal of its attraction, landlords would be inclined to dispose of a good deal of the remainder of their land.

The Government was on sound ground in assuming the responsibility as a buyer and seller of the land. In doing that it took upon itself the all important task of fixing the price of the land, a task it fulfilled with a decided bias in favor of the tenants. There is little doubt that if land transactions had been left to bargaining between the landlords and tenants, little, if any, land would have changed hands. There is enough historical precedent to show that Ordinance 57 would have remained a paper Ordinance.

Payment for the land on the installment basis was a realistic approach to the tenants lack of means to pay for it. The issue was whether the six year period was not too short. To this observer, a ten year period was a more sober appraisal of the tenants' financial position. It should be noted, however, that the debate of 6 versus 10 years lacked one crucial element: neither side knew what the price of the land was going to be. In the final analysis, the price of the land determined the feasibility of one period of payment as against another. As events proved, the price finally set does not exceed three to four times the annual production of the land acquired by the tenant. In a very few instances it will be slightly more, but there are many more instances when, for the price of two annual crops, a tenant will have paid for his land. In any event, even in the extreme case payment could not exceed one-third of the output.

In determining the tenants' capacity to pay for the land, consideration was also given to the price he received for his rice. It was assumed that the tenants could discharge obligations in six annual installments if the price now keeps closer to 50 than 40, there is no doubt that they will meet the first payment with no difficulty. Rice prices, like other commodities have a way of fluctuating. However, as far as the Vietnamese farmers are concerned, the threat of a drop in price large enough to make payments difficult is questionable. The whole of the agrarian reform and of much else that falls into the category of "agricultural policy" of Viet-Nam is to strengthen the farmer on the land, whether as owner or tenant. Economic and political considerations dictate that, and there is nothing to point to a shift in attitude, even if this should mean a price support for rice. The immediate problem was to create an administrative machine to go on with the task once the acreage for distribution had been determined and the land prices fixed. Because of lack of a trained staff, insufficient funds despite USOM's sizeable contribution to meet administrative expenses, and the ever-present necessity to make little do much, an agrarian reform organization comparable to that

of Japan or Taiwan could not be created. Of considerable moment was the protracted absence of the capable new Minister of Agrarian Reform, recuperating from an assassin's bullet. The inevitable obstacles and the consequent delays came to an end in late 1957, and the program got off the ground in 1958.

XII

The very first task was to determine the acreage subject to distribution. This was a difficult task because modern Viet-Nam never had an agricultural census, and many of the village records disappeared during the years of trouble. The landlords were required to declare the land in their possession, and this was then checked against whatever information the village registers contained or village officials recalled. The final estimate thus obtained, and very likely on the slow side, revealed that in South Viet-Nam a total of 2,033 landlords possessed more than 100 hectares each, yielding a surplus of 425,000 hectares. In addition, there were 430 landlords of French citizenship of which 280 were "pure" French. The land of these two groups subject to the reform program is approximately 245,000 hectares, on a grand total of 685,000, or roughly a third of all the tenanted land of South Viet-Nam.

The setting of land prices was virtually completed by the end of 1957. This proved to be the most crucial task, for much of the success or failure of the transfer program depended upon the price and the ability of the tenants to make good the payments. Productivity of the land was a basic factor, but important also was the consideration that the reform was designed for the benefit of the tenants. In all, prices were fixed for the nineteen provinces of South Viet-Nam ranging from 12,000 piasters or $170 per hectare in the province of Binh-Duong to 4,000 piasters or $57 per hectare in the province of An-Xuyen. Within the provinces themselves, the respective prices could be as low as 5,000 and 1,000 piasters, and less. On the whole, the price for the greater part of the land in the two mentioned principal price categories ranged from 5,000 to 1,800 piasters.

The price of the French-owned land represented a different problem. This land was also subject to Ordinance 57, but the owners had another alternative. According to an agreement concluded between the Government of France and the Government of Viet-Nam (October 9, 1958) the former allocated 1,490,000,000 francs (2,900,000 US) for the purchase of all the French rice lands. This land, when finally acquired, was to have been turned over to the Vietnamese Government as a gift.

The French owners had the choice of accepting the provisions of Ordinance 57 or the offer of their Government. They liked neither the one nor the other. The Vietnamese price was much more palatable to them, but the method of payment not at all. Under the French Government terms they were to receive payment in francs, deposited in France, but at a very low price. With the funds firmly fixed by the French for this purchase, the average price could not exceed $11 per hectare, as against an average

price of approximately $60 - $65 (at the rate of 70 piasters to the dollar) received by a Vietnamese landlord in cash and in bonds.

In late 1959 the French owners accepted the terms of their Government and the shift of the land to the Government of Viet-Nam commenced in early 1960, approximately 200,000 hectares, out of a total of 245,000 have been formally transferred to the Vietnamese Government. The remainder will follow suit by the end of the year.

The final disposition of this land is still being deliberated, but it is quite clear that, with the exception of a relatively small part of this total acreage, formerly cultivated by a French company as a unit equipped with most modern farm equipment and hired labor, the land will be sold to the tenants cultivating it now. In instances where land has remained uncultivated, the Government has already begun to create agricultural centers, settled by the landless farmers. As in the case of the Vietnamese landlord-owned land, the turning over this land to the tenants will entail considerable administrative effort, but past experience should stand in good stead once the Government embarked on the redistribution of this land.

To date, the Ministry of Agrarian Reform has concentrated its rather limited means upon the Vietnamese land. How much has been achieved?

The process of an orderly and carefully worked-out scheme of distributing the land among the tenants has proved to be a time consuming affair. The land earmarked for this purpose had to be surveyed. Much time was devoted to make certain that the titles were clear of any encumbrances. The drawing up of the title itself is not difficult; nor is the procedure of determining the amount a landlord is to receive for his land, or making out the checks for the cash portion of the payment and the bonds. But all these operations taken together, and a staff not nearly commensurate with the scope of the undertaking, explain the slow pace of carrying the program when compared with those, for example, of Japan and Formosa.

Nevertheless, as of the end of September 1960, the program is actively under way. All of the Vietnamese land subject to transfer (425,000 hectares) has been surveyed and, in effect, set aside for distribution. Approximately 300,000 hectares is already cultivated by 120,000 tenants and half of them have received titles to the land, while the landlords received payment for about half of the land the Government is acquiring from them. A considerable amount of work remains to be done, but with the experience and training attained since the beginning of the implementation of the agrarian reform, and with land fully surveyed, there is a strong possibility that the land will be fully in the hands of the tenants by the end of 1961.

XIII.

It was expected that the land-transfer, like the rent-reduction, would meet with considerable landlord opposition despite their seeming willingness to sell the land. This "seeming willingness" was predicated on the assumption that they would be paid in a manner more in consonance with their self-interest. This is not the case at all. And yet, looking back at the behavior of the landlords in the past three years, one is struck by the mildness, not to say total lack, of opposition.

Little has been left of the militancy of late 1955 when the landlords had spoken as if Ngo-Dinh-Diem's Government were there to restore their former privileged position. This idea was short-lived. When the landlords submitted to the rent-reduction program they had, in effect, acknowledged that their position had undergone a radical change. President Diem's well-known statement that the land-transfer was a necessary social revolution for the benefit of the tenants served to disarm the landlords still further. The price they received for the land and the method of payment was far less than they expected, but it was still not confiscation, and sizeable holdings still remained in their hands. Finally, the total number of Vietnamese landlords subject to the reform is only just 2,000. While small numbers of privileged individuals often exercise great political and economic influence, this is not quite the case in Viet-Nam. After years of civil war they had become economically weak, while politically they cut no great figure in the councils of Ngo-Dinh-Diem's Government. The combination of these circumstances goes a long way to explain the landlords' acquiescence in a reform which is not in their interests.

The real opposition to the reform was provided by Radio-Hanoi and the Communist agents in the countryside. The latter have exerted no end of pressure, including physical threats and violence, to dissuade the tenants from buying land. They have not succeeded. The failure of the Communists' own so-called agrarian reform in North Viet-Nam, culminating in an open peasant rebellion against it, is well-known to the Vietnamese tenants. This knowledge and the obvious advantages the land-transfer provides them were a stumbling block to the Communists' anti-reform propaganda. Lacking the power of terror, the tenants were and are willing to buy land under the terms of Ordinance 57. There is no question, therefore, as to where the tenants stand on the land-transfer question. In this respect they are as one with all the landless of Asia. The inborn desire for land-ownership, coupled with economic security and a heightened social status, serve to make the land distribution program a significant event.

The complete abolition of tenancy is neither feasible nor desirable if low rentals and real security of tenure prevail. Some tenants may prefer this arrangement, but not the majority. With the completion of the current program, two-thirds of the tenants will remain tenants even though under vastly improved circumstances. Those who have acquired land will undoubtedly stimulate the desire for ownership among some of the tenants on the land retained by the landlords. This observer believes that the latter will dispose of some of their land voluntarily; the

economics of a maximum rental of 25 per cent, plus the absence of the other numerous and profitable services formerly exacted from the tenants, leave much to be desired from the landlords' point of view. This will be particularly true of the absentee landlords with connections in the city in commerce or public service. If this assumption is correct, the Government may very well consider legislation to speed up the process of disposal of absentee-owned land. Moreover, in building the new State, President Diem has repeatedly laid down the proposition that small-scale land-ownership in particular, constitute the very basis of an orderly, stable, democratic society.

XIV

The agrarian reform measures are part-and-parcel of creating a better agricultural economy. No agrarian reform, however successful and complete, can by itself provide the answer to a sound agricultural economy, be it in Viet-Nam or Japan. Less so in Viet-Nam where for a variety of historical reasons the productivity level of peasant agriculture has remained low. The destruction caused by a decade of civil war has aggravated the problem. That Vietnamese agriculture has demonstrated real signs of recovery more recently is a tribute to the peasants and to the President's wise policy of giving the highest priority to the rehabilitation and expansion of agricultural production. It is important to note in this connection, that, unlike other leaders of primarily agrarian and under-developed countries, the President has not been swayed by the glittering promises of industrialization as the sole panacea of Free Viet-Nam's problems. In placing his emphasis on agriculture, the country's real source of wealth, he has indeed advocated a policy of "first things first."

For the village to develop its full potentialities it will take agrarian reform, and an extensive farm credit system, wide spread utilization of chemical fertilizers, restoration of the live-stock population, the creation of agricultural experiment stations and an extension service to disseminate the results of their work, a cooperative system to strengthen the farmer's selling and buying position, and, surely not the least, a price policy in consonance with the legitimate interests of the country's biggest industry.

The Government recognizes these needs and it has acted decisively upon some of them, such as farm credit and utilization of fertilizer. It has made beginning in other directions. It will take time, money and hard work to translate all these into a productive and prosperous agricultural economy. Given peace, there is no reason to doubt the outcome, not if past performance is any indication of the Vietnamese ability to meet their problems in the future.

To note this, to note the slow but sure development of the land distribution program, and to raise the question of the future, in no way minimizes the significance of the agrarian reform and of all the other

efforts of Ngo-Dinh-Diem's Government in the countryside. This is the more note-worthy when one considers that the Government inherited little more than rural chaos. It is easy to find fault with this or that provision, the less than perfect administrative arrangements and the enforcements of the reforms, or to find fault with the cautious approach to the program of land redistribution. Within context of a new nation struggling for survival, inadequacies are inevitable and not surprising. Vastly more important is that in such conditions some of the principal reform provisions have been implemented and others are being implemented.

Security of tenure and rent-reduction have broken the traditional, exploitative character of Viet-Nam's landlordism. Here and there, mainly in Central Viet-Nam where land is scarce and density of farm population very high, landlord-tenant relations are guided not only by the provisions of Ordinances 2 and 7. But even there, and certainly in the South, the new elements predominate. The tenants know the difference between 25 and 50 per cent rent, and that they cannot be moved from the land at the landlord's pleasure.

The land redistribution program is a logical development for those areas where conditions are most suitable. They are not in Central Viet-Nam, where landlord holdings are minute and tenancy relatively small. But where redistribution of land is feasible, as in southern Viet-Nam, measures to give land to the landless are being carried out. As already noted, more land will have to be distributed to satisfy the majority of the tenants. In the opinion of this observer, the success of the current phase will insure the expansion of the program after 1961. But whatever future reform measures have in store for the farmers of Viet-Nam, it is fair to say that six years after the country's independence the farmers are measurably better off. And not only materially. Between the new and old conditions of farming lie not only so many more bushels of rice, but also the invaluable meaning of proprietorship for some, and a sense of security on the land for all. With it goes the feeling of civic pride, independence and a spirit of equality in the community. These shifts in attitude do not blossom out overnight, but even on the present formative stage they tend to make for rural progress. The Vietnamese village in 1960 bears testimony to the soundness of this approach.

Very significant for Viet-Nam and the rest of Southeast Asia are the methods used in effecting these changes. In his efforts to deal with rural problems President Diem and his Government have not resorted to force, setting up class against class, or to any of the methods used by the Communists to impose their brand of agrarianism. This is in striking contrast to the somber realities across the 17th parallel, where for nearly three years now the Communists have been rectifying the "mistakes" of subduing the peasantry through murder and bloodshed. The Viet-Minh's violent opposition to South Viet-Nam's reforms is precisely because they are successful.

Appendix B-3

LECTURE ON LAND REFORM PROGRAM IN VIETNAM

by

Ton-that-Trinh, Minister of Land Reform and Agriculture
at a Refresher Course on Public Administration
to High Ranking Civilian and Military Officers
on March 13, 1968

I hesitate to say about land reform in this time the security problem, the military problem, food supply problem, reconstruction of destroyed houses have to busy us after the VC Tet aggression. But if we have a clear conception that the war in Vietnam is an ideological dispute in order to organize our country at present and in the future according to our ideology. We can see that our spectacular efforts in the military field are necessary but tempory, while long period strategy of this war claims from us more and more efforts in intellectual reform, special reform, to build a strong political and stable economy which will help us in increasing the standard of living, and competing with the neighboring countries and the whole world. The question is: the last events show that the objectives of the VC Tet agression in towns and cities are to attack us by the tail and by the head, or these objectives are to create a confused spirit in cities and to expect us to neglect rural areas. This they could do as they pleased in their old strategy using rural areas to strangle cities.

Rural areas are, as ever, their field of activity. Rural areas furnish them all resources in persons and materials that our enemies need to fight us at present and in the future, even if in the future they will cease their military activities for another war.

We are an agricultural people. Life and capitalist activities in cities are not yet creating different classes with factors favoring the revolution among the workers--proletariat--according to the communist dialectic. Thus, the success or the failure in this war depends upon the success or the failure of the rural reconstruction policy--revolutionary development policy. Especially it depends upon the feeling of rural people about us and about our enemies. It depends upon the solution of the contradictions created by our own activities in rural areas.

We must recognize that, although we have many cadres in rural areas, the majority is strong, most is inexperienced or more is not persevering. Our cadre and ourselves have not yet enough success and we are not able to convince and to stimulate rural people and to ask their sacrifices to protect their "new life" in the hamlet by organizing themselves their defense as we have seen in some hamlets of Saigon during the Tet aggression of VC. This appreciation cannot be based automatically upon the objectives we have put in the control of rural reconstruction activities. It depends on the area, village, hamlet in satisfying the need from the bottom of the hearts of the rural people. But, one of the needs of rural people in any village or hamlet is a desire--apparent or not--to own the land he is cultivating. Therefore, "land to the tiller" must be the objective number one in our activities in rural reconstruction.

In the past time of our history, "land to the tiller" when the population was increasing, was the development of districts Ô and Lý up to the Dong Mai Delta and the Mekong Delta. But this progress was stopped by the Pacific Ocean in the Carnan point (sharp end) and by the French domination in the 19th century.

The population was increasing. But the royal government with much respect to agriculture and letters, did not develop industry and commerce as did the King Maih Tri in Japan.

Thus we have dense population and few lands in the Mekong Delta.

Some people think that the Mekong Delta is rich, that there is much land, and few people.

In reality, all lands suitable for cultivation are occupied. The remaining is aluminous land, salted land, Dong Thap Huol (Plain of Roads) U Minh. The development is difficult.

The highland will cause us too much investment and time to be developed for farmer settlement.

With respect to the situation described, the best way in social justice, in land utilization, is to implement a land redistribution program, to apply land reform in populated areas, as did the Japanese in 1945 and Chinese of Taiwan in 1949.

Remember that before our land reform program we had more than one million farmers cultivating about two million and a half hectares of rice land. The average is two hectares. Especially in South Vietnam, 1935, landlords owned about 500,000 Ha. French landlords owned about 300,000 Ha. There

are also 300,000 Ha of communal land and more than 100,000 Ha of rubber plantation belonging to foreign companies. Farmer owners were very few.

Thus, the Government has fixed a retention limit in rice land. Land over this retention was expropriated and redistributed to landless and small owners. It is so complicated and so delicate to discuss this program. I have to expose what was done previously.

Ordinance No. 57 dated October 22, 1956 was the basic law for expropriation of land over 100 Ha, fixing the 100 Ha retention limit, with 15 Ha of worship land if any.

French Government contributed to this land reform program by the Convention dated September 10, 1958 disbursing 1.5 billion francs for the purchase of 300,000 Ha of rice land belonging to French citizens.

With the average area of 2 Ha and a retention limit of 100 Ha, it was impossible to give ownership in land to all farmers, with the "land to tiller" program. To give assistance to tenants and to protect their interests, Ordinance 20 dated June 4, 1953 amended by Ordinance 2 dated January 6, 1955 determined regulations in order to reduce land rent--15-20% of the annual yield in main crops (Circular dated October 25,1958). Ordinance 7 dated February 5, 1955 amended by Ordinance 28 dated April 30, 1956 determined regulation for recultivation of uncultivated land and provided model for Contracts A, B, C (present landowner or absent landowner).

After November 1, 1963 other regulations amended laws by exemption rights (right of first refusal) and tenancy rights.

Contrary to some opinions we had many good points:

1. Retention limit on ownership, redistribution of land are peacefully realized. Compensation to landlords is better than the Japanese expropriation. New recipients feel better than about the VC who take land from landlords without compensation.

2. Land rent reduction is very important compared to Taiwan Land Reform where land rent is more than 30%, but in which
land reform.

3. Regulations governing landlord-tenant relationships feel not to be very obligatory. Thus, it was no trouble in rural areas.

But we have committed many mistakes on policy and on implementation. Our enemies have hardly exploited them to sabotage our program, and to make rural people and other people in our country or out of the country suspect us.

The first mistake is a high retention limit compared to the average unit of farming: 100 Ha instead of 3-6 Ha which is retention limit in Japan and Taiwan which are continuously having similar agricultural situations as our country and which have implemented land reform before us.

The second mistake is the delay in the implementation of land distribution, and the stopping of the distribution of French land just at the time that land-to-tiller program was increasing in 1960 and that our economy started to fight in the land reform field.

451,481 Ha are expropriated. But, in 10 years we have surveyed only a half (249,460 Ha) and have issued only 116,370 titles. More important, on February 15, 1968, 100,481 titles remain to be distributed. For one or another reason, they are now in Provincial offices, District offices, or Village offices. With respect to 224, 203 Ha of former French land, the last governments have decided to stop the distribution. Lands were managed by local authorities (40% of land rent was deposited to National Budget and 60% to Provincial, Village Budget). This was against the peoples' desire. And it created corruption in villages, districts, and province levels.

By April 1967 the government decided the distribution of former French land to title. But during one year about 7,000 Ha are distributed to 2,729 recipients.

These mistakes are disastrous. After three years of our success in land reform programs and National Agricultural credit, our enemies have recognized that the recipients of land ownership titles became owners and did not fight more. At the same time, recipients becoming landowners improve the governments' reforms and do not feel like recipients in North Vietnam.

Our enemies recognized that our rural people are very happy with our land reform program and they worried about that. They think that our land reform is very dangerous for theirs which is to eliminate ownership.

The third mistake was the lack of rent reduction or the lack of distribution of communal land to farmers. The sale of communal land by bidding creates the middleman, and the "black" land rent (more than 15-25%) especially in Central Viet Nam.

Realizing these mistakes in policy and in implementation, by the establishment of the Ministry of Land Reform and Agriculture we have proposed to the government to nationalize the former land reform program. Basic principles in this regularization were approved by a Cabinet meeting presented by the President of the Republic.

Our program is as follows:

1. Achievement of land reform program, "Land to Tiller," of the last governments'. We have already regulations and administration.

2. Revision of laws to give ownership to landlords by Land Rank, voluntary sale by landlords to tenants, land development by modern techniques, cooperatives for agricultural production for mechanics use, to reduce human labor but increasing productivity and industrialization.

1968's program is as follows in the Ministry of Land Reform and Agriculture:

- Conclusion of land distribution - expropriated land, former French land remaining to be distributed.

- Regularizing the situation of refugees in Refugee Resettlement Center, in Land Development Center.

- Ownership to Montagnards.

- Protection of tenancy and right by contracts A, B, C, in secure area if tenants wanted it.

To give government's authority over the people, we must seriously implement our program without delay. That is what we ask you in local administration. You have to revise the organization and the work of village committee, agricultural committee, local land count, with respect to policy and implementation of land reform.

Before concluding, I want to make clear some wrong opinions:

- The first opinion is that the distribution of land to new recipients will parcel too much land and will produce obstacles in agricultural production. Practically, small holding in our country is like in Japan. After the second war, with very small holdings Japanese farmers can use millions of factors, pumps, sprayers, etc. . . Fertilizer is used more in Japan than in USA. Productivity is increasing there.

Agricultural machinery in underdeveloped countries with engineers techniques ended by failure in Tanganyka (English), Niger exploitation and exploitation (French) in Africa.

- Another opinion is that land reform is sufficient to help rural people. Contrary to that, giving ownership to landless and farmers is just one way among others to give assistance to farmers. Especially land reform must be followed and supported by an efficient program in agricultural credit,

a land improvement program, by modern techniques, and a marketing program, through cooperatives and associations of farmers. Our policy is to give permanent ownership to farmers as promised by the Constitution of the second Republic instead of temporary title, or the management by the Party as in VC area. Ownership must be completed by other service assisting farmers giving security for a better life for other classes of population. With these objectives, land ownership will be the "values" that farmers have to protect with sacrifice of life if any.

- Another opinion is that land rent in communal land is the only item for expenditure as village office. Suppose 200,000 Ha of French land rented with $3,000/Ha. We shall have $600,000,000. It is very little compar- to 5 billion spent in rural areas each year by the Government. Communal Land rent supporting village budgets was suppressed in Taiwan. And those village committees continue to function. Thus, Provincial Administration, District Office, Village Committees must change another lies mind in land rent upon communal land for the Village Budget. We must help farmers in purchasing more land, and landless to be owners.

Thank you.

Appendix B-4

RICELAND AREA BY CLASS OF OWNERSHIP

I. Private Ownership (area given by the census of 1964)

A.	Owner cultivator:	438,584 hectares
B.	Owner renter:	1,313,644 hectares
	Total	1,752,228 hectares

II. Land Owner by Religious Groups

A.	Catholic Church:	33,726 hectares
B.	Buddhist pagoda:	507 hectares
C.	Cao Dai religion:	30 hectares

III. Communal Land

A.	Land owned by villages:	303,185 hectares recorded
	(secure area)	(222,369) hectares

IV. Land Owned by Province: Unknown

V. Land Owned by Montagnards: Unknown

VI. Owned by Vietnamese Government

A. GVN land undistributed under Ordinance 57 and French-Vietnamese Convention of October 9, 1958.

1.	Former French	224,991 hectares
2.	Former Vietnamese	200,864 hectares

B. Other lands occupied by squatters: 265,288 hectares

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

Figure B-5

PERCENT OF HOLDINGS WITH RENTED LAND ONLY

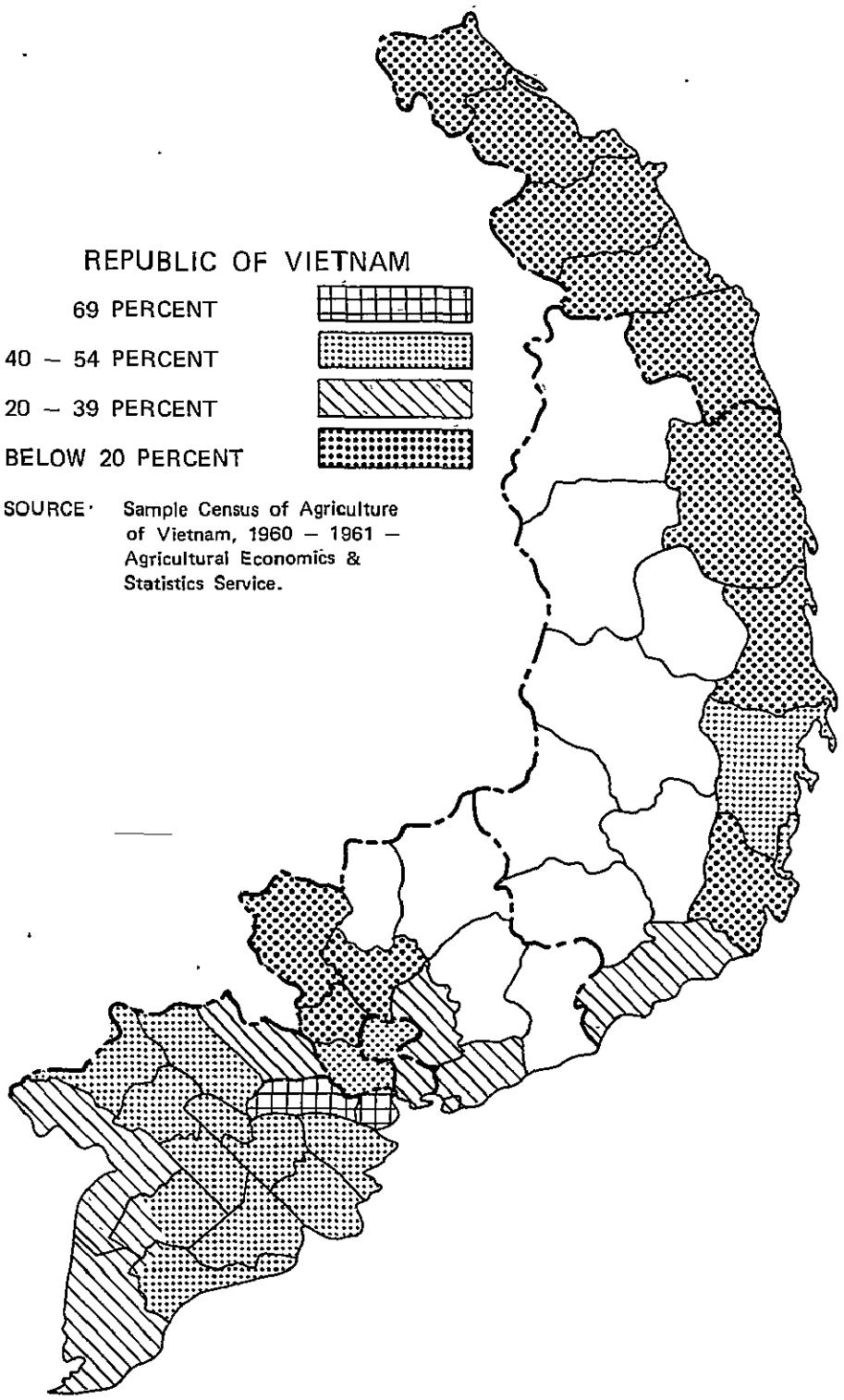
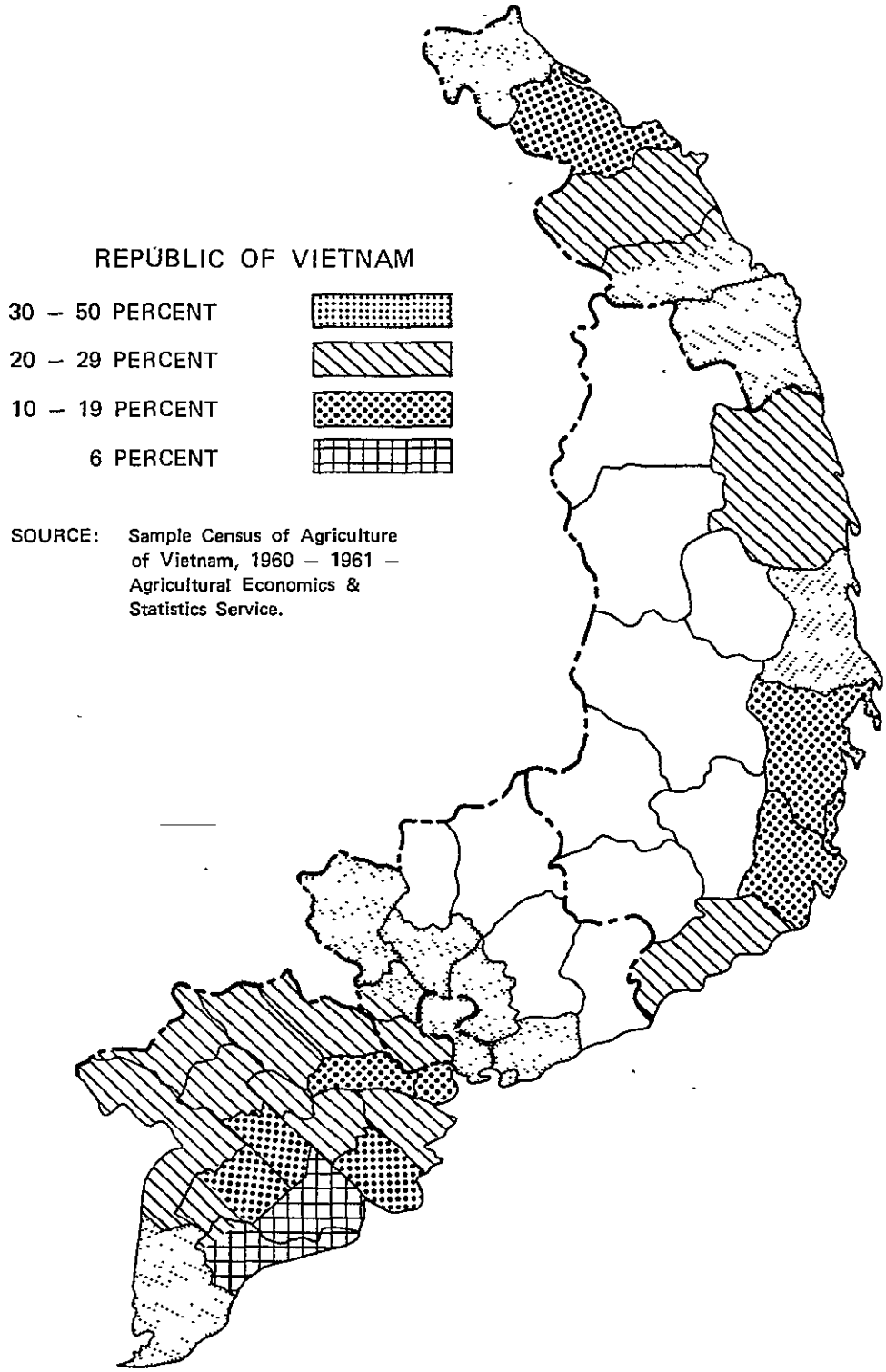


Figure B-6

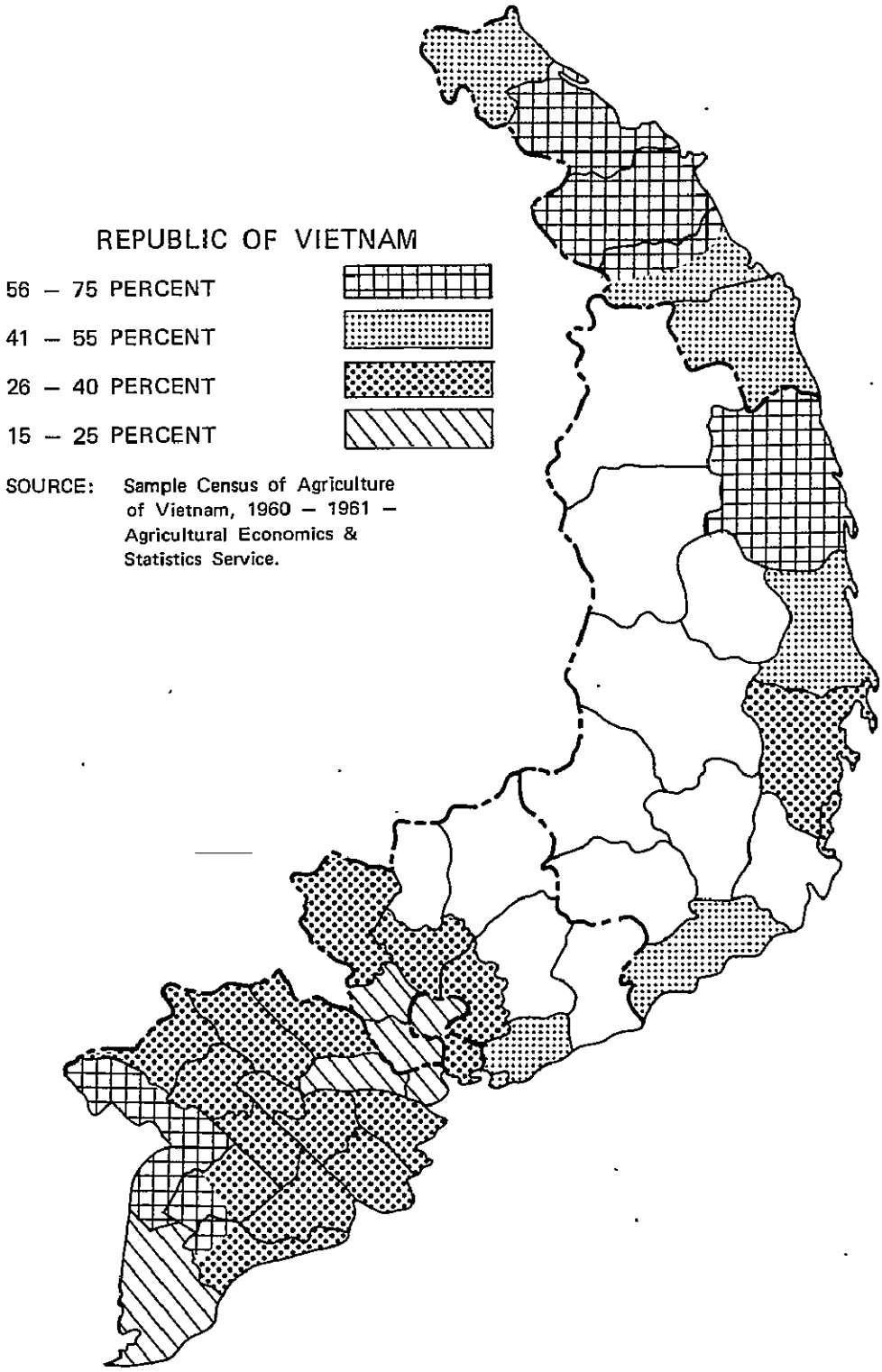
PERCENT OF HOLDINGS WITH OWNED LAND ONLY



SOURCE: Sample Census of Agriculture of Vietnam, 1960 – 1961 – Agricultural Economics & Statistics Service.

Figure B-7

PERCENT OF HOLDINGS WITH BOTH OWNED AND RENTED LAND



SOURCE: Sample Census of Agriculture of Vietnam, 1960 – 1961 – Agricultural Economics & Statistics Service.

Appendix B-8

STATUS OF LAND DISTRIBUTION ACTIVITIES

Type of Land	Total Area (ha.)	Area Distributed (ha.)	Number of Recipients
Expropriated	452,276	261,067	119,797
Former French	229,540	13,728	5,573
Squatter claimed	331,920	3,178	*
Land development	148,995	21,002	8,600
Total	1,162,731	298,975	133,970

* Number of squatter recipients not recorded.

Source: Activities of Land Reform Directorate, dated September 13, 1968.

Appendix B-9

A TRANSLATED EXTRACT FROM THE
MONTHLY ACTIVITIES REPORT OF DIRECTORATE OF LAND REFORM
(From November 16, 1967 to December 15, 1967)

Item I. Carrying Out The Statute Of Tenancy Contracts

Part I

A. Registered Contracts And Corresponding Area
(Area in Hectares)

		Up to Nov. 16, 1967	Total to Dec. 15, 1967
Southern Vietnam			
Type A:	No.	399,212	401,186
	Area	828,535	835,939
Type B:	No.	72,838	72,862
	Area	216,878	216,934
Type C:	No.	87,757	87,757
	Area	237,453	237,453
Total Contracts		559,807	561,805
Total Area		1,282,866	1,290,326
Central Vietnam			
Type A:	No.	87,753	87,766
	Area	28,608	28,635
Type B:	No.	4,731	4,731
	Area	2,644	2,644
Type C:	No.	2,740	2,740
	Area	1,091	1,091
Total Contracts		95,224	95,237
Total Area		32,343	32,370
Southern and Central Vietnam			
Type A:	No.	486,965	488,952
	Area	857,143	864,574
Type B:	No.	77,569	77,593
	Area	219,522	219,578
Type C:	No.	90,497	90,497
	Area	238,544	238,544
Total Contracts		655,031	657,042
Total Area		1,315,209	1,322,696

B. Renewed Contracts and Corresponding Area

		Up to Nov. 16, 1967	Total to Dec. 15, 1967
Southern Vietnam			
Type A:	No.	30,855	31,240
	Area	79,315	80,173
Type B:	No.	1,570	1,570
	Area	4,279	4,279
Type C:	No.	3,695	3,695
	Area	8,983	8,983
Total Contracts		36,120	36,505
Total Area		92,577	93,435
Central Vietnam			
Type A:	No.	22,482	22,482
	Area	7,884	7,884
Type B:	No.	64	64
	Area	41	41
Type C:	No.	6	6
	Area	3	3
Total Contracts		22,552	22,552
Total Area		7,928	7,928
Southern and Central Vietnam			
Type A:	No.	53,337	53,722
	Area	87,199	88,057
Type B:	No.	1,634	1,634
	Area	4,320	4,320
Type C:	No.	3,701	3,701
	Area	8,986	8,986
Total Contracts		58,672	59,057
Total Area		100,505	100,363

C. Distribution of Communal Land
(Area in Hectares)

	Up to November 16, 1967	Nov. 16 to December 15, 1967	Total to December 15, 1967
Number of villages Distributing	251	4	254
Area distributed	19,782	52	19,834
Number of farmers benefited	10,171	265	10,436

Activity of Agricultural Committee (UBNV)*
(Carrying Out The Official Letter No. 11,995-DD/CC/PPI Date October 16, 1962)

	No. of Villages in the Country	No. UBNV Estab-lished	No. of Cantons in the Country	No. UBNV Estab-lished in Can-tons	Total Cases Conciliated		
					With Success a	No Success b	Total
August 15, 1967	2,477	1,452	177	37	15,641	1,917	17,558
September 15, 1967	2,477	1,452	177	37	15,643	1,917	17,560

*This page extracted from Sept. 15 Activities Report

Item II. Carrying Out Ordinance 57, October 22, 1967

Part I	Up to Nov. 16, 1967	Total to Dec. 15, 1967
A. Area expropriated rice field	451,481	451,481
B. Area rice-field compensated	446,829	446,986
Money paid by:		
a. Cash	VN$193,099,260	VN$193,234,648
b. Bond	VN$1,345,956,000	VN$1,346,916,000
Total	VN$1,539,055,260	VN$1,540,150,648
C. Area of rice-field not yet compensated		
a. Cai San II and III	158	158
b. Being finished	2,336	2,179
c. Lacking a report on the yield of the rice-field	253	253
d. Road, canal, drain, pool, etc.	1,905	1,905
Total	4,652	4,495
Number of landlords having reformed rice-field	1,972	1,972
Total Record of landlords*	6,253	6,253

*Landlords recorded for each Province in which they own land.

Part II	Up to Nov. 16, 1967	Total to Dec. 15, 1967
Area of rice-field to be distributed		
a. Area distributed:		
To Vietnamese	228,769	228,769
To Vietnamese of Cambodian descent	21,816	21,816
Total	250,585	250,585
b. Providing part of lands distributed free		
To farmers settled in Cai San (I)	8,608	8,608
c. Part of not yet distributed land		
1. Cultivated rice-land	62,936	63,093
2. Uncultivated	117,030	117,030
3. Lands located in special zone reserved for irrigation projects	7,638	7,707
Total	187,604	187,830
No. of farmers requesting purchase of rice-field		
a. Vietnamese*	106,709	106,650
b. Vietnamese of Cambodian descent	10,185	10,185
Total	116,894	116,835

*Land requested by farmers subsequently used by government for an airbase.

	No. of Farmers		
	Up to Nov. 16, 1967	Nov. 16 to Dec. 15, 1967	Total to Dec. 15, 1967
Distribution of Permanent Titles			
1. Establishing the list of decree granting titles concerned	116,585	0	116,585
Area concerned	249,460	0	249,460
2. Information and data to be typed; and a draft of decree written up	116,585	0	116,585
Area concerned	249,460	0	249,460
3. Sending of information and figures to the technical bureau to establish an extract-copy of the decree	116,585	0	116,585
Area concerned	249,460	0	249,460
4. Copy of the decree to come back from technical bureau	116,585	0	116,585
Area concerned	249,460	0	249,460
5. Copy of the decree sent to land service for distribution	116,585	(59)	116,526
Area concerned	249,460	(69)	249,391
Money from Selling Rice-fields			
Sale price of expropriated land	VN$1,109,977,008		
Amount of money payable this year	VN$629,700,433	-	
Amount of money collected	VN$143,562,802	VN$625,687	VN$144,188,489
*Number of farmers (new landowners) having made payment	42,263	120	42,383

*Applicants were given back deposit for total of VN$81,083.50 when 59ha. were used for airbase.

Item III. Disposition of Rice Lands Purchased from the French
(From November 16, 1967 to December 15, 1967)

A. Acquisition: (Area in Hectares)

	Number	Area	Price
Number of landowners to have signed an administrative certificate for selling	344	229,489	1,378,439.438(AF)
Number of certificates for selling already established	381		

Note: AF = old French francs.

B. Distribution: (Area in Hectares)

	Up to November 16, 1967	Nov. 16 to Dec. 15, 1967	Total to December 15, 1967
Establishing the Record			
1. Number of farmers applying to buy land	4,591	466	5,057
2. Area distributed having been surveyed and distributed under administrative way	9,075	1,702	10,777
Issuing the Decree			
Number of farmers having the decree distribution of land	2,662	67	2,729
Area having the decree of distribution (part of this area goes into Cai San settlement center)	4,421	77	4,498
Area located in this settlement center			
Distributed free to resettled farmers	5,715	-	5,715

Item IV. Collecting Rent on Rice-Lands Bought from French Owner and on Ordinance 57 Rice Land Not Yet Distributed

	Amount of Money Collected		
	From 1960 to Nov. 16, 1967	Nov.16 to Dec. 15, 1967	Total to Dec. 15, 1967
Part of collection on rice-field bought from French owner	VN$55,920,233	VN$39,222	VN$55,959,455
Part of collection on expropriated land not yet distributed	VN$ 4,649,493	VN$19,002	VN$ 4,668,495
Total	VN$60,569,726	VN$58,224	VN$60,627,950

Item V. Land Development Centers and Resettlement Centers
(Area in Hectares)

	Up to November 16, 1967	Total to December 15, 1967
Number of centers surveyed having title (including Cai San I)	15	15
Area distributed in Cai San-I	18,759	18,759
Number of farmers having a decree for distribution	7,682	7,682

Item VI. To Regularize Land Occupied by Farmers

	Up to November 16, 1967	Total to December 15, 1967
Area surveyed and recorded	2,641	2,641
Area having a decree to provide permanent ownership	2,151	2,161
Number of farmers having received land	2,892	2,961

Item VII. Concessions

From November 16, 1967 to December 15, 1967, 70 cases were resolved, divided as follows:

URBAN	
Provisional Concessions	3
Sale by Option	2
Transfer for Allocation	
Provide permanent ownership	3
Withdraw Concession	2
Miscellaneous	20
Total	30
RURAL LAND	
Procedures Regarding Title Status	
Provisional Concessions	5
Final Concessions	4
Withdraw Concession	1
Title for Squatter Land	1
Transfer	1
Temporary Occupation	2
Miscellaneous	19
Total	33

Item VIII. Difficulties and Obstacles

Many rural areas are insecure.

Item IX. Personnel Situation

I. In the Service of Distribution of Land Reform:

A. No. of personnel up to November 16, 1967	48	
No. of present personnel, September 15, 1967, being divided as follows:	50	
• Regular civil-servants		29
• Retired and working (with statute of retirement		2
• Daily paid personnel		3
• Temporarily on National Budget		5
• Temporarily on Ordinance 57 expense		5
• Temporarily on Program expense		6
Total		50

(S/S)
Tran Van Hoa
Director of Land Reform

Source: Republic of Vietnam, Department of Agriculture, Directorate of Land Reform, Bureau of Land Reform, Saigon, December 23, 1967

Appendix B-10

ACTIVITIES OF LAND REFORM DIRECTORATE
(From August 16, to Sept. 15, 1968)

REPUBLIC OF VIETNAM
MINISTRY OF LAND REFORM
AND AGRICULTURE
DIRECTORATE GENERAL FOR
LAND AFFAIRS

Saigon, September 13, 1968
No. 980-DD/CC/PP1

TITLE I - LANDLORD TENANT RELATIONSHIP

Part I

A. Registration of Lease Contracts and Area Related

	As of August 15, 1968	Current Period (From Aug. 16, 1968 to Sept. 15, 1968) Increase	Decrease	Total as of Sept. 15, 1968
In the Delta (former South Vietnam				
Type A contracts	402,874	37	--	402,911 contracts
Related area	839,356	106	--	839,462 hectares
Type B contracts	72,862	--	--	72,862 contracts
Related area	216,934	--	--	216,934 hectares
Type C contracts	87,757	--	--	87,757 contracts
Related area	237,453	--	--	237,453 hectares
Total of A+B+C contracts	563,493	37	--	563,530 contracts
Total of related area	1,293,743	106	--	1,293,849 hectares

TITLE I - LANDLORD TENANT RELATIONSHIP (Continued)

Part I

A. Registration of Lease Contracts and Area Related

	As of August 15, 1968	Current Period (From Aug. 16, 1968 to Sept. 15, 1968) Increase	Decrease	Total as of Sept. 15, 1968
In Central Vietnam				
Type A contracts	89,517	145	--	89,662 contracts
Related area	30,199	86	--	30,285 hectares
Type B contracts	4,731	--	--	4,731 contracts
Related area	2,644	--	--	2,644 hectares
Type C contracts	2,740	--	--	2,740 contracts
Related area	1,091	--	--	1,091 hectares
Total of A+B+C contracts	96,988	145	--	97,133 contracts
Total of related area	33,934	86	--	34,020 hectares
In South and Central Vietnam				
Type A contracts	492,391	182	--	492,573 contracts
Related area	869,555	192	--	869,747 hectares
Type B contracts	77,593	--	--	77,593 contracts
Related area	219,578	--	--	219,578 hectares
Type C contracts	90,497	--	--	90,497 contracts
Related area	238,544	--	--	238,544 hectares.
Total of A+B+C contracts	660,481	182	--	660,663 contracts
Total of related area	1,327,677	192	--	1,327,869 hectares

TITLE I - LANDLORD TENANT RELATIONSHIP (Continued)

Part I

B. Contracts Renewed and Related Area

	As of August 15, 1968	Current Period (From Aug. 16, 1968 to Sept. 15, 1968) Increase	Decrease	Total as of Sept. 15, 1968
In the Delta (former South Vietnam				
Type A contracts	32,422	23	--	32,445 contracts
Related area	83,374	65	--	83,439 hectares
Type B contracts	1,570	--	--	1,570 contracts
Related area	4,279	--	--	4,279 hectares
Type C contracts	3,695	--	--	3,695 contracts
Related area	8,983	--	--	8,983 hectares
Total of A+B+C contracts	37,678	23	--	37,710 contracts
Total of related area	96,636	65	--	96,701 hectares
In Central Vietnam				
Type A contracts	22,523	--	--	22,523 contracts
Related area	7,897	--	--	7,897 hectares
Type B contracts	64	--	--	64 contracts
Related area	41	--	--	41 hectares
Type C contracts	6	--	--	6 contracts
Related area	3	--	--	3 hectares
Total of A+B+C contracts	22,593	--	--	22,593 contracts
Total of related area	7,941	--	--	7,941 hectares

TITLE I - LANDLORD TENANT RELATIONSHIP (Continued)

Part I

B. Contracts Renewed and Related Area

	As of August 15, 1968	Current Period (From Aug. 16, 1968 to Sept. 15, 1968) Increase	Decrease	Total as of Sept. 15, 1968
Total in South and Central Vietnam				
Type A contracts	54,945	23	--	54,968 contracts
Related area	91,271	65	--	91,336 hectares
Type B contracts	1,634	--	--	1,634 contracts
Related area	4,320	--	--	4,320 hectares
Type C contracts	3,701	--	--	3,701 contracts
Related area	8,986	--	--	8,986 hectares
Total of A+B+C contracts	60,280	23	--	60,303 contracts
Total of related area	104,577	65	--	104,642 hectares

TITLE I - LANDLORD TENANT RELATIONSHIP (Continued)

Part I

C. Lease of Communal Land

(Conversion from Bidding Process into Lease under Ordinance 20 and 2 Regulations)

	Previously	Current Period (From Aug. 16, 1968 to Sept. 15, 1968) Increase	Decrease	Total as of Sept. 15, 1968
Number of villages having converted bidding process into lease	296	6	--	302 villages
Leased area related	22,987	1,360	--	24,347 hectares
Number of lessees	29,159	779	--	29,938 persons

TITLE I - LANDLORD TENANT RELATIONSHIP (Concluded)

Part II

(execution of circular no. 11.955-DD-CC/PP1 dated October 16, 1962)

	Total Number of Villages in Vietnam	Number of Established Village Agricultural. Committees	Total Number of Canton in Vietnam	Number of Established Canton Agricultural Committees	Total Number of Disputes Settled		
					Agreed by Both Parties	Not Agreed by Both Parties	Total
August 15, 1968	2,477	1,472	177	37	15,697	1,930	17,627
Sept. 15, 1968	2,477	1,472	177	37	15,704	1,932	17,636
					+7	+2	+9

Activities during reported period: No change

TITLE II - EXECUTION OF ORDINANCE 57 DATED OCTOBER 22, 1956

Part I	Results: Total as of August 15, 1968	Results: From Aug. 16, 1968 To Sept. 15, 1968 Increase	Results: From Aug. 16, 1968 To Sept. 15, 1968 Decrease	Total as of September 15, 1968
A. Expropriated area (land listed on the annex to the arretee expropriating land)	452,173 (annex 457)	103	--	452,276 hectares
B. Area compensated	447,498	106	--	447,604 hectares
Payment				
(a) In cash	$ 193,542,459	$ 81,924	--	$ 193,624,383
(b) In bonds	$1,348,596,000	$492,000	--	$1,349,088,000
Total	$1,542,138,459	$573,924		$1,542,712,383
C. Expropriated area not yet compensated because:				
(a) Located in Cai San II and III	158	--	--	158 hectares
(b) Under processing for compensation	2,410	--	3	2,407 hectares
(c) Yield evaluation report not yet established	253	--	--	253 hectares
(d) Area covering road, canals, swamps, etc... (under examination)	1,854	--	--	1,854 hectares
Total	4,675		3	4,672 hectares
D. Number of landlords related to expropriated land	1,972	--	--	1,972 persons
Number of dossiers	6,253	--	--	6,253 dossiers

TITLE II - EXECUTION OF ORDINANCE 57 DATED OCTOBER 22, 1956 (Continued)

Part II	Results: Total as of August 15, 1968	Results: From Aug. 16, 1968 to Sept. 15, 1968 Increase	Results: From Aug. 16, 1968 to Sept. 15, 1968 Decrease	Total as of September 15, 1968
A. Area distributed				
1) Sold under Ord. 57 regulations				
To Vietnamese natives	229,035	33(1)	--	229,068 hectares
To Cambodian natives	21,816	--		21,816 hectares
Total	250,851	33		250,884 hectares
2) Granted free of charge				
To refugees in Cai San I Land Development Center	7,360	--	--	7,360 hectares
To refugees in Cai San II Land Development Center	2,823	--	--	2,823 hectares
Total	10,183			10,183 hectares
B. Area not yet distributed				
1) Cultivated area	70,777	103	33	70,847 hectares
2) Left uncultivated	109,017	--	--	109,017 hectares
3) Located in special zones: irrigation projects, agrovilles, pilot projects airport	11,345	--	--	11,345 hectares
Total	191,139	103	33	191,209 hectares

TITLE II - EXECUTION OF ORDINANCE 57 DATED OCTOBER 22, 1956 (Continued)

Part II	Results: Total as of August 15, 1968	From Aug. 16, 1968 to Sept. 15, 1968: Increase	Decrease	Total as of September 15, 1968
C. Number of recipients				
1) Number of applicants				
Vietnamese natives	106,730	12(1)	--	106,742 persons
Cambodian natives	10,185	--	--	10,185 persons
2) Number of landlords granted free of charge				
Landlords live in Cai San I	2,870	--	--	2,870 persons
Total	119,785	12		119,797 persons

	Previously	Current Period: Increase	Decrease	Total as of September 15, 1968
D. Issuance of permanent titles				
1) Listing recipients for annex to the arretee granting permanent ownership	116,687	--	--	116,687 persons
Related area	249,860	--	--	249,860 hectares
2) Final processing	116,687	--	--	116,687 persons
Related area	249,860	--	--	249,860 hectares

Note: Add distribution for

Ba-Xuyen	3 Landlords	10.48.55
An-Giang	2 Landlords	6.11.70
Vinh-Long	7 Landlords	16.60.00
	12	33.20.25

TITLE II - EXECUTION OF ORDINANCE 57 DATED OCTOBER 22, 1956 (Continued)

Part II	Previously	Current Period Increase	Current Period Decrease	Total as of September 15, 1968
3) Processed to Directorate of Techniques for establishing titles.	116,623	64	--	116,687 persons
Related area	249,599	261	--	249,860 hectares
4) Number of titles received from Directorate of Techniques	116,218	469	--	116,687 persons
Related area	248,646	1,214	--	249,860 hectares
5) Number of titles sent to Province Land Affairs offices	116,154	13	--	116,167 persons
Related area	248,589	41	--	248,630 hectares
6) Number of titles issued to recipients	17,761	--	--	17,761 titles
E. Money collection from the sale of land				
1) Total value of land sold	$1,111,177,344	--	--	$1,111,177,344
2) Amount due to current reported period	$ 715,992,543	--	--	$ 715,992,543
3) Amount effectively collected	$ 157,406,880	$728,997	--	$ 158,135,827
4) Number of new owners having paid installments	44,236	64	---	44,300 persons

TITLE II - EXECUTION OF ORDINANCE 57 DATED OCTOBER 22, 1956 (Continued)

Part IV Collection of Rent on GVN Land Not Yet Distributed
(Expropriated Land and Former French Land)

	Amount Collected		
	From 1960 to Aug. 15, 1968	Current Period	Total Amount as of Sept. 15, 1968
Collection of former French land	$62,901,524	--	$62,901,524
Collection on expropriated land	$ 4,973,978	--	$ 4,973,978
Total	$67,875,502		$67,875,502

Part V Land Development and Refugee Center

	Previously	Current Period	Total
Center do not occupy (154 L.D.C. + 66 refugees)	220	--	220 hectares
Area approximately	148,995	--	148,995 hectares
Centers already surveyed	31	--	31 hectares
Area approximately	60,740	--	60,740 hectares
Area distributed (listed on the arrettee granting ownership)	21,002	--	21,002 hectares
Number of recipients	8,600	--	8,600 persons

TITLE II - EXECUTION OF ORDINANCE 57 DATED OCTOBER 22, 1956 (Continued)

Part III Former French Land
(From Arretee Dated September 10, 1958)

	Previously	Current Period	To September 15, 1968
A. Purchase From French Landlords			
Number of landowners having signed the selling land	344		
Area sold for GVN	229,540		229,540 hectares
Money paid for F.AID	$1,378,439,438		$1,378,439,438 (old French francs)
B. Distribution of French Land			
1. Issuance of permanent titles			
Number of applicants	8,161	504	8,665 persons
Area distributed listed on dossiers	23,162	1,347	24,509 hectares
Number of recipients listed on the arretee issued	4,905	668	5,573 persons
Area distributed to new owner and listed on the arretee	12,094	1,634	13,728 hectares
2. Issuance of granting ownership French located in the Caisan Land Development Center (distribution to refugees without charge)	5,715	--	5,715 hectares
Number of recipients	1,905	--	1,905 persons
C. Money Collection from the Sale of Land			
Total value of land sold	$ 53,450,198	$559,380	$ 54,009,578
Amount to be collected	$ 4,454,183	$ 46,615	$ 4,500,798
Amount effectively collected	$ 1,556,643	$155,831	$ 1,712,474

TITLE II - EXECUTION OF ORDINANCE 57 DATED OCTOBER 22, 1956 (Concluded)

Part VI Legalization of Squatter Land

	Previously	Current Period	Total
Number of squatter lands reported	31,259	--	31,259 cases
Area recorded but not yet examined	331,920	--	331,920 hectares
Area surveyed and dossiers established	3,730	--	3,730 hectares
Area distributed (listed on the arretee granting ownership)	3,059	119	3,178 hectares

Part VII Concession Land

Urban land: Processing for:		
Temporary concession	3	
Renting land	1	
Donation with permanent	2	16 cases
Building of service of society	4	
Other	6	
Rural land: Processing for:		
Extension of concession	5	
Building for hamlet	2	
Alluvial land	2	
Public land for industrial plantation	1	33 cases
Legalization of squatter land	10	
Granting permanent ownership	1	
Land for Resettlement Center	1	
Other	11	

Appendix B-11

STATUS OF EXPROPRIATED ORDINANCE 57 AND FORMER FRENCH LANDS UP TO JULY 15, 1968

Expropriated Land

Ord. No.	Province	Expro-priated	Located in Special Zone LD, Refugees	Distributed Area	Distributed Farmers	Not Yet Distributed: Secure Area	Not Yet Distributed: Contested Area	Not Yet Distributed: Insecure Area	Uncultivated	To be Distributed During 1968
1	An Giang	36,593 Ha	5,852 Ha*	25,965	7,950	--	1,942	2,764	70 Ha	1,500 Ha
2	An Xuyen	36,820	1,742	19,978	7,330	--	--	661	14,469	
3	Bac Lieu	70,501	40	30,376	10,542	370	3,087	8,470	28,158	
4	Ba Xuyen	43,564	3,783	22,792	9,300	95	1,555	6,917	8,422	95
5	Binh Duong	236	3,783	189	170	--	--	34	13	
6	Bien Hoa	1,475	490	751	460			43	191	
7	Binh Thuan	148	490	146	134			2		
8	Chau Doc	11,683	490	7,372	4,118		1,443	1,785	1,083	100
9	Chuong Thien	48,434	597	21,989	9,332	--	2,949	5,992	16,907	30
10	Dinh Tuong	13,084	278	8,534	5,697		92	1,755	2,396	
11	Go Cong	4,285	278	3,833	2,298		--	410	71	
12	Gia Dinh	2,952	278	1,537	1,007		--	1,380	35	
13	Hau Nghia	3,282	278	1,226	923			736	1,320	
14	Kien Giang	40,553	7,971†	20,710	8,580	296	2,795	3,236	5,572	30
15	Kien Hoa	9,699	19	5,282	3,635	244	364	1,823	1,967	120
16	Kien Phong	32,212	19	15,952	5,868	257	756	2,841	12,406	
17	Kien Tuong	2,947	413	580	121			89	1,865	
18	Long An	7,835	413	5,085	3,710		466	157	2,127	
19	Phong Dinh	29,828	223	18,002	9,326	405		7,358	3,810	405
20	Phuoc Tuy	122	223	104	37		--		18	
21	Sa Dec	4,304	223	2,168	1,576		--	431	1,705	
22	Tay Ninh	1,127	223	1,071	645	--	--	14	42	
23	Vinh Binh	33,052	102	22,976	13,921	--	2,240	3,004	4,730	
24	Vinh Long	17,265	18	13,945	10,165	37	--	1,625	1,640	15
	Total	452,001 Ha	21,528 Ha	250,563	116,845	1,677	17,689	51,527	109,017 Ha	2,295 Ha

* 4,968 Ha distributed in Caisan I.

† 5,215 Ha distributed in Caisan I and II.

Former French Land

Ord. No.	Province	Area Purchased	Secure Area		Insecure Area		Distributed*		To be Distributed in Secure Area	To be Distributed During 1968
			Cultivated	Uncultivated	Cultivated	Uncultivated or Not Yet Surveyed	Area	Farmer		
1	An Giang	7,708 Ha	6,798 Ha†	542 Ha	118 Ha	250 Ha	2,913 Ha	222	4,427 Ha	800 Ha
2	An Xuyen	23,444	2,392	2,351	5,336	13,365	279	119	4,464	800
3	Ba Xuyen	36,427	5,708	138	26,119	4,462	87	26	5,759	2,200
4	Bac Lieu	29,984	1,254	1,622	11,356	15,752	352	154	2,524	495
5	Binh Duong	73	1,254	1,622	11,356	73	--	--	--	495
6	Binh Tuy	74	1,254	1,622	11,356	74	--	--	--	495
7	Binh Thuan	168	12	1,622	11,356	156	12	17	0	495
8	Bien Hoa	80	7	1,622	11,356	73	7	2	0	495
9	Chau Doc	6,384	921	102	270	5,091	209	86	814	175
10	Chuong Thien	30,399	3,405	102	1,597	25,397	--	--	3,405	537
11	Dinh Tuong	7,288	1,200	102	3,314	2,774	497	95	703	810
12	Gia Dinh	1,635	320	43	3,314	1,272	--	--	363	94
13	Hau Nghia	461	190	43	3,314	271	--	--	190	149
14	Khanh Hoa	63	21	42	3,314	271	--	--	63	149
15	Kien Giang	15,900	4,600‡	42	7,000	4,300	--	--	4,600	1,884
16	Kien Hoa	2,161	950	42	1,078	133	--	--	950	529
17	Kien Phong	12,029	1,620	685	2,710	7,014	--	--	2,305	514
18	Kien Tuong	8,376	800	685	3,402	4,174	--	--	800	446
19	Long An	693	800	685	329	364	--	--	--	446
20	Long Khanh	10	800	685	329	10	--	--	--	446
21	Ninh Thuan	3,545	2,296	949	329	300	1,719	1,149	1,526	446
22	Phong Dinh	31,748	13,000	80	12,020	6,648	2,850	618	10,230	9,280
23	Phu Yen	628	13,000	80	628	6,648	--	--	--	9,280
24	Phuoc Tuy	128	13	42	628	73	--	--	55	13
25	Tay Ninh	144	68	2	628	74	68	65	2	12
26	Sa Dec	2,401	950	50	372	1,029	932	511	68	377
27	Vinh Binh	4,764	840	175	1,134	2,615	358	231	657	200
28	Vinh Long	2,544	1,342	175	235	967	367	340	975	69
	Total	229,259 Ha	48,707 Ha	6,823 Ha	77,018 Ha	96,711 Ha	10,650 Ha	3,635	44,880 Ha	18,584 Ha

* Does not include approximately 11,210 hectares applied for and in process--mostly in Phong Dinh Province (3,139 farmers).
† LD, refugees Cai San I: 1,714 Ha 52.
‡ LD, refugees Cai San I: 3,998 Ha 48.

Appendix B-12

EXTRACT FROM HANDBOOK FOR THE VILLAGE COUNCIL,
NGUYEN TRUNG TRUONG, 1961

PART 3 - LAND REFORM

1. Statute of Land-Tenants

a. Application.

The statute of land-tenants applies only to farmers who have concluded written contracts with the land owner. Without a written contract, the farmer is an occupant deprived of any right and cannot enjoy provisions concerning the statute of land tenants.

b. Contracts of land-tenants.

A land-tenant contract is a contract whereby the land owner gives to a land-tenant his land for an annual land tenure either in money or in paddy.

The length of contract of land-tenant cannot be less than 5 years for category A contract and 3 years for category B and C contracts.

Contracts must be made in 3 copies according to printed form, the first copy will be kept by the land owner, the second by the land-tenant and the third filed at the village council where the lands are located. Registry of these documents is free of charge. All verbal promises are considered as non-valid.

The land-tenant has no right to re-rent his land or transfer the contract to a third person without the approval of the land owner.

The land owner can ask for cancellation or for refusal to renew the contract if he can substantiate the following things:

- Wishes to take back the land to cultivate it by himself or to give to one or several branches of direct lineage who have reached 18 and are capable of assuming the cultivation. The contract, however, must be effective for at least 3 years.

- For an important and just reason such as failure by the land-tenant to pay land tenure or payment by terms, or delayed payment except for unexpected circumstances, or when the

land-tenant refuses to apply methods for improvement of land and cultivation advocated by the Committee on Agricultural Affairs.

c. Rate of land tenure.

Annual rate of land tenure can never be under 15% and over 25% of the value of the main harvest in the year.

In case one-third of the crop is lost due to unexpected circumstances, the land-tenant has to pay only two-thirds of land tenure. In case two-thirds of the crop is lost because of unexpected events, the land-tenant is exempted from the payment of land tenure.

d. Prescribed rights of the two parties.

The land-tenant has the right to trap fish and raise cattle on the land he has rented. Priority of purchase should be given to the land-tenant in case it is sold by the land owner. Land-tenant has the right for continuous cultivation. If the land-tenand complies with all provisions mentioned in the contract, the land owner cannot take back the land and rent it to another person. When the land-tenant does not want to enjoy purchasing priority, the land owner has the right to sell it to a third person who also must observe the right of the land-tenant for continuous cultivation of his land.

When the land owner wants to take back his land to cultivate it himself or when he does not wish to renew his contract, he must inform the land-tenant about it 6 months in advance. By the same token, if a land-tenant wants to cancel or does not wish the renewal of the contract, he must inform the land owner 6 months in advance.

2. Land Reform as Stipulated in Ordinance No. 57, Dated 22.10.1956.

a. Purposes.

The land reforms as instituted by Ordinance No. 57 is aimed at a just distribution of fields and lands by helping land-tenants become small land owners, by promoting agricultural production and by guiding land owners to industrial activities.

b. Scope of application.

This land reform law will be applied to private lands or waste lands which would fit rice-plantings and to cultivate lands possessed by land owners beyond the limit set by law.

The maximum surface of land the land owner is authorized to keep is 100 hectares. He has the right to select his fields within the limit he has been authorized to keep.

This surface can be gathered in one zone if the dispersal of lands is detrimental to cultivation. The maximum amount of land the land owner is authorized for direct cultivation is thirty (30) hectares.

However, Ordinance 57 does not apply to:

- Lands on which trees used in industry are grown, such as coffee, rubber, sugar cane, tobacco, fruit trees, etc.... for export or consumption in the country, even though the surface may exceed 100 hectares;

- Lands on which houses or industrial enterprises are built belonging to plantations, including model housing quarters;

- Lands used for grazing of cattle at breeding centres provided that these centres operate on a regular basis;

- "Restricted forests."

Ordinance 57 does not apply to hereditary estate, but the maximum of hereditary estate authorized to be kept is 15 hectares, and the remaining land will become ordinary land subject to expropriation if it exceeds 100 hectares.

In the application of Ordinace 57, there is no difference between private or legal persons, nationals and foreigners.

Land recorded in the land registry under the same name of a proprietor are considered as one single unit of ownership.

When the law on land reform is applied to a land owner, he can continue to collect land tenure during the season of the year of expropriation.

c. Beneficiaries of land reform law.

All Vietnamese citizens of both sexes, single, and over 21 years old, or married and over 18, except for farmers who have deliberately taken over lands of land owners and avoided conclusion of contracts or have failed to pay land tenure or land tax, are entitled to allotment of lands.

Distributed land will be allotted according to the following order of priority:

- Local farmers: land tenant, share-croppers who have worked for over 2 years;

- Relatives of direct lineage: wife or husband of persons dead or disabled in the work of liberation and pacification;

- Refugees or evacuees;

- Unemployed persons;

- Land owners who have more than 5 children, have less than 3 hectares of land (but each family cannot be allotted more than 5 hectares of land);

- Landless persons.

Pending a definite transfer of the land title, distributed lands temporarily bear the name of beneficiaries, who will pay by installment each year, over a maximum period of 6 years after the year the land was allotted to them. Throughout this 6-year period, their lands are still owned by the government.

The price of land will be calculated according to the amount of compensation given by the government to the expropriated land owner.

Within a period of 1 year from the date of reception of land, the new proprietor must till and cultivate the whole surface of land he has agreed to buy. In addition, the new proprietor must take part in agricultural development programs, develop cooperatives and take part in activities of public interest. If he does not carry out these duties satisfactorily, the government will take back the land and he may be liable to other penalties stipulated in Ordinance 57.

Within a period of 10 years, allotted lands may not be rented, pawned, sold or mortgaged.

Any land owners whose lands are expropriated according to this Ordinance are entitled to a compensation equivalent to the price of these lands given by the government. This price will be fixed by a special committee.

d. Compensation to land owners.

Compensation to expropriated land owners include:

- Cash equivalent to 10% of the price of expropriated lands;

- The remaining money will be paid by nominal bonds assured by the nation, not transferable to other persons and drawing a 3% annual interest payable over a period of 12 years.

- These bonds can be mortgaged, and have the power to release debts and counter balance agricultural credit or settle land taxes, inheritance tax related to expropriated lands or for the purchase of shares in enterprises established by the government within the framework of national economic development.

3. Duties of the Village Council in the Work of Land Reform.

- Represent the local government in spreading the instructions and laws on land reform far and wide among all walks of farmers and land owners.

- Make a survey of waste land and reclaimed lands.

- Send a monthly report to the chief of district before the 20th day of each month about registry of contracts surface of various kinds of waste and reclaimed lands;

Control and register contracts. Encourage establishment of contracts, and explain the advantage of written contracts and the disadvantages which resulted from a failure to make written contracts.

- Help specialized personnel carry out land reform works.

- Make a survey of the surface of expropriated lands and surface of lands measured; certify land-tenants requests for purchase of expropriated lands and record in books the number of farmers who have applied for purchase of expropriated lands and surface measured.

- Report difficulties in carrying out land reform works to the chief of district.

- Investigate and immediately report all enemy propaganda action aimed at destroying the land reform program of the government to the chief of the district so as to foil their attempts of sabotage in time.

- The village representative is also the chairman of the village committee on agricultural affairs.

PART 4 - VILLAGE COMMITTEE ON AGRICULTURAL AFFAIRS

1. Composition.

Composition of the village committee on agricultural affairs has been fixed as follows:

- Representative of the village council . . . . . .Chairman

- Two land owners who are not land-tenants or two substitutes . . . . . Member

- Two land tenants who are not land owners or two substitutes . . . . . Member

2. Duties:

The village committee on agricultural affairs has the following principal duties:

- Examine and give opinion on all petitions or protests related to land reform work.

- Estimate the output of fields and lands within the limits of the village.

- Estimate land tenure that the land-tenant should give or pay to land owners in all circumstances.

- Estimate compensations land owners should give to land-tenant or compensations land-tenant should give to land owner.

- Give opinion on cases of demand for continuous cultivation and priority on land purchase.

- Give opinion in all cases concerning recovery of land by land owner for transfer-sale or for personal cultivation.

- Estimate the total value of annual revenue from each group of fields or lands.

- Give opinion on the maximum amount of surface a land-tenant can rent according to the situation of his family and to the zone of cultivation.

- Reconcile all disputes between land owner and land-tenant, and establish a report about the results of the reconciliation, and give an opinion about these disputes.

- Open on-the-spot investigation if it is necessary and make a report on this case.

- Give expert opinion on losses in unexpected circumstances.

- Although the village committee on agricultural affairs is a consultative and reconciliation agency, opinion of the committee should be sought in all cases of protest or dispute.

The village committee on agricultural affairs is responsible for examination and investigation, if necessary, and for giving opinion on cases brought to the land and real estate court for trial.

Before an action of law is brought before the land and real estate court, the dispute must be settled first by the village committee on agricultural affairs.

The interested party, however, is entitled to bring the case directly to the land and real estate court, if for some reason, the village committee on agricultural affairs did not examine the request of the interested party and did not give opinion or reconcile the parties concerned, after a period of 10 days from the day the request was submitted to the committee.

3. Selection of Members on Agricultural Affairs.

Members on agricultural affairs are selected according to the following procedures:

Every two years, the village council makes a list of land owners and land-tenants in the village and calls a committee which is composed of:

- Village representative . . . . . .Chairman
- 2 representatives of land owners who are not land-tenants . . . . . .Member
- 2 representatives of land-tenants who are not land owners . . . . . .Member

To elect 4 land owners (2 principals, 2 substitutes) to work on the local village committee on agricultural affairs as members.

This committee will hold the election in the presence of the chief of district and must make a report on the election.

4. Mandate and Scope of Activities.

The mandate of the village committee on agricultural affairs is 6 years. However, the local province chief can propose to the department of land reform and real estate an extension of the mandate of a committee which has done a good job.

The village committee on agricultural affairs can make legal decisions only when at least 3 members including the chairman are present (1 village representative, 1 member representing land owners, 1 member representing land-tenants).

In any case, the number of members representing land owners must be equal to that of members representing land-tenants.

The village committee on agricultural affairs makes decisions on the basis of majority of members present and results of votes. All procedures of the committee on agricultural affairs are free of all expenses.

Appendix B-13

Decree No. 120 TTP Dated May 28, 1961
Establishing the Ministry of Rural Affairs

ARTICLE 1: There is hereby established a Ministry of Rural Affairs.

ARTICLE 2: The Ministry of Rural Affairs shall be responsible for the duties of the agencies formerly depending of the following organizations:

Ministry of Agriculture.

Ministry of Land Registration and Land Reform.

Commissariat for National Agricultural Credit and Cooperatives.

Commissariat for Land Development.

Service of Rural Reconstruction (formerly under the Directorate General for Reconstruction).

ARTICLE 3: Organization and Management of this Ministry shall be determined by an arretee of the President of the Republic.

NGO DINH DIEM

NXK:9/18/68

Appendix C

LAND REGISTRATION
(Recording Titles)

Appendix C-1

Ministry of Land Affairs
and Land Reform

Circular No. 7 dated March 21, 1959, Implementing Arretee No. 46 dated March 21, 1959, Regarding the Proof of Ownership Right on Expropriated Lands Located in Villages in Which the Dia Bo (Land Register) Are Lost or Destroyed

For the purpose of having proof of ownership right on expropriated lands located in villages in which the Dia Bo (land register) are lost or destroyed, the following provisions are set forth to implement Arretee No. 46 dated March 21, 1959:

1. REGARDING VILLAGES IN WHICH CADASTRAL MAPS EXIST

The Provincial Land Service is responsible for helping landowners in the declaration of lands for expropriation which are located in villages having land records which were lost or destroyed during the past events, and to forward those declarations to the Directorate (now service) of Land Registration and Domain Concessions for verification of ownership rights in the usual manner. After verification, the Directorate (now service) of Land Registration and Domain Concession will establish annexes as determined in Article 2, Arretee No. 46 dated March 21, 1959. These annexes will be published in the Official Gazette of the Republic of Vietnam.

The above mentioned annexes and the maps showing lands which are listed in these annexes will be publicly posted for a period of one month in the office of the village in which the expropriated land is located, in the offices of neighboring villages, in the office of the Land Service and in the Provincial Administration Office.

The responsible authorities will establish a report on the posting date.

After the period of one month as mentioned above, a Committee for Investigation on Ownership Rights will hold a meeting at the Provincial Land Service.

This Committee is composed of:

- The District Chief . . . . . Chairman
- A representative of the Provincial Land Service . . . . Member
- A representative of the Village Council . . . . . Member

- Two commissioners of the Village Council . . . . . Members
- A representative of landowners . . . . . Member
- A representative of tenants . . . . . Member

Its responsibilities are:

- To collect landlowner's declarations regarding ownership on expropriated lands when land records have been destroyed or lost, and documents certifying the declarations of persons having real rights upon those lands such as mortgages, hypothecation, and so on.
- To examine titles produced by landowners, and to compare them with cadastral maps or land rolls located at the village (if they still exist).

Based upon cadastral maps and landowners' declarations this committee will draw up a report recognizing ownership rights upon lands which are listed on the posted annexes. The report must be in conformity with the formalities provided for in the report of boundary delimitation.

If there is no agreement or any doubt in the examination of documents produced by the landowner for proof of ownership, this committee will submit the case to the Control Council for a decision. In carrying out its responsibilities, this committee will note all claims and contentions, if any.

The Control Council is composed of:

- The Province Chief or his representative . . . . . Chairman
- The Provincial Land Affairs and Land Reform Chief . . . Member
- The Provincial Land Registration Chief, or the Chief of the Dia Bo Bureau at the Provincial Administration Office (now Land Affairs) . . . . . Member
- A representative of the concerned Village Council . . . Member

This Council will meet at the Provincial Land Affairs and Land Reform Office to compare reports of the Investigation Committee with cadastral maps, and mutually settle the disagreements or doubted cases submitted by the committee. They shall give their opinion and proposal to the Chief of Province for decision and approval.

The unsettled cases of dispute will be transmitted to the Court for judgment.

After examining the proposal of the Control Council and making a decision, the Province Chief will post the report confirming ownership upon expropriated land at the office of the village in which the lands are

located, the neighboring villages, the Provincial Administration Office, the Provincial Land Affairs and Land Reform Office for a term of three months starting from the posting date. This posting is to collect claims or contentions of anyone having real rights on the land. The responsible authorities will drawup a report certifying the posting date.

After the three month term mentioned above, land not subject to claims will be considered as belonging to the landowners who have declared their rights. Those landowners will receive compensation as provided in the Ordinance No. 57 dated October 22, 1956.

2. REGARDING VILLAGES IN WHICH CADASTRAL MAPS DO NOT EXIST

Investigation and control for determining ownership upon expropriated land located in villages in which land records were lost or destroyed during years of conflict will be carried out with the procedures mentioned above, except the posting of cadastral maps regarding these lands at the places determined above.

Saigon, March 21, 1959

S/s DO VAN CONG

Appendix C-2

Decree No. 124-CTNT Dated May 31, 1962
Governing Land Identification and Land Registration
in the Villages and Cities
Modified by Decree No. 154 Dated July 1965

THE PRESIDENT OF THE REPUBLIC

Having considered Decree No. 124-TTP dated May 28, 1961 fixing the composition of the Government;

Having considered Ordinance No. 57a dated October 24, 1956 reorganizing the Administration;

Having considered Ordinance No. 32 dated May 10, 1955 fixing the re-establishment of Land Registers and pertaining documents destroyed or lost;

Having considered the Law dated May 23, 1955 amended and complemented by subsequent documents regulating the mortgage system;

Having considered Law No. 17/59 dated June 18, 1959 amending the system of mortgage publicity and registration of jurisdicial mortgage;

Having considered the Decree dated July 21, 1925 amended and complemented by subsequent documents fixing the system of land registration;

Having considered Decree No. 27-DT/CCDD dated January 31, 1959, amended by Decree No. 275-DT/CCDD dated November 29, 1960 fixing and unifying fees collected for the National Budget on all land operations, and fixing the responsibilities of the State instead of the responsibilities of the officer in charge of the real estate and mortgage;

Having considered the Arretee dated February 18, 1921 amended and complemented by subsequent documents fixing the land registration in South Vietnam;

Having considered the Arretee dated April 26, 1930 and the Arretee dated May 29, 1931 amended and complemented by subsequent documents fixing the Cadastral Registration in Central Vietnam; and

After deliberations of the Inter-Ministerial Commission; and

Upon recommendations of the Minister of Rural Affairs.

DECREES:

ARTICLE 1. In all villages and cities not yet covered by the Land Registration System fixed by the Decree dated July 21, 1925 amended by subsequent documents, land identification and land registration shall be organized and administered as follows:

CHAPTER I

LAND IDENTIFICATION

ARTICLE 2. Land identification in each village (or city) shall be publicized by decision of the Province Chief (or Mayor) in the Official Gazette of Vietnam, in two Vietnamese newspapers and posted at the Provincial Administrative Office (or City Hall) the District Office, and Village Office and the Provincial Land Office.

ARTICLE 3. Within 2 months effective from the date the decision of the Province Chief (or Mayor) is published in the Official Gazette, the owners of plots of land located in the village (or city) must mark the boundaries of their lands by landmarks or pickets of the following size: 0.12m x 0.12m x 1m.

Besides, beneficiaries of real right on land shall produce documents proving their rights. Those documents will be examined by the village land identification committee (or city, land identification committee) and the province (or city) administrative commission.

Non-compliance with this provision shall cause the subject to be fined an amount of VN$500. The fine will be collected for the National Budget upon order signed by the Province Chief referring to the report drawn up to this effect by the sworn-in land identification personnel.

ARTICLE 4. To carry out the land identification, there shall be established in each village (or city) in which the identification is to be made:

1. A commission in charge of determining the boundaries of the village (or city) in accordance with those of adjoining villages.

2. A commission in charge of investigating all public lands in the village (or city).

3. A committee for land identification of the village (or city) proper.

4. A provincial (or city) administrative commission in charge of reviewing the work done by the land identification committee.

Upon expiration of this period the provincial (or city) administrative commission shall meet to review these land identification documents, and examine the complaints, if any. For disputes which the commission cannot settle, the claimants shall bring them to the competent Court of Justice for judgement.

ARTICLE 7. Upon completion of the land identification, the Land Office shall establish Land Registers, Landowners Registers, Landowners Indexes and Land Register Extracts called Land Titles for issuance to the landowners.

The titles shall be made for each plot of land according to forms established by the Ministry of Rural Affairs (now Land Reform and Agriculture).

The landowners shall produce these titles along with all deeds establishing, transferring or cancelling rights over the land for up dating and conformance with the Land Registers. At places where the land identification is being conducted, if the landowners still have their old titles (extracts of Land Register), there shall be no issuance of new titles and these old land titles or extracts shall continue to be valid.

ARTICLE 8. The fees for issuance of titles shall be fixed as follows:

a. Cases of land identification with accurate maps:

   Application of provisions provided in Article 1 of Decree No. 27-DT/CCDD dated January 31, 1959 (Parag. A. Item B) i.e., 0.50 percent of the value of the real estate at the date the title is issued, with one hundred piasters as the minimum collection.

b. Cases of land identification with sketches:

   0.25 percent of the value of the real estate at the date the title is issued, with fifty piasters as the minimum collection.

The fees collected shall be put in a special fund (out of the National Budget) to cover the expenses incurred for land identification.

ARTICLE 9. In case a title is lost, the landowner may apply for a duplicate at the Provincial Land Office.

The application shall be posted at the Provincial Administrative Office (or City Hall), District Office, Village Office and Provincial Land Office for a period of 3 months; if no complaint is received the duplicate shall be given to the landowner.

The fee for issuance of a duplicate is one hundred piasters each copy.

ARTICLE 10. The Province Chief is responsible for distribution of titles established by the Land Office to the landowners, and for collecting the fees which are to be credited to the Land Identification Fund managed by the Directorate General for Land Affairs.

CHAPTER II

LAND REGISTRATION

ARTICLE 11. Effective from the date the land identification documents in a village are made available to the public, the Land Office shall:

1. Hold a Register of Declarations for recording all deeds with respect to establishing right, transferring right, cancelling right etc., pertaining to the plots of lands in the village (or city).

2. Hold a Register of "Adjourned Declaration"* for recording all deeds which are not valid for use in up dating Land Register.

Only deeds which have been registered in the Register Office for taxation may be presented to the Land Office for registration.

The Land Office shall keep one copy of the above deed for its reference file.

ARTICLE 12. The Chief of the Provincial Land Office is the Land Register. He is responsible for maintaining and up dating the following documents:

Cadastral plot sketches and plot maps.
Land Register. (Dia Bo)
Landowners Register. (Dien Chu Bo)
Landowners Index. (Muc Luc)

A copy of each of the above documents will be kept at the Village Office and kept up-to-date in accordance with the original copy located at the Provincial Land Office.

ARTICLE 13. Effective from the date of publication of land identification documents, all deeds establishing, transferring, cancelling rights, etc. pertaining to the lands in a village (or city) shall be presented by the person concerned to the Land Office for registration in the Land Register; then it shall be valid towards a third person.

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* Record of pending actions.

ARTICLE 14. Provisions of Decree No. 27-DT/CCDD of January 31, 1959 pertaining to fees collected for registering deeds in the Land Register, fees for issuance of extracts, responsibility of the State and of the Land Register shall remain valid.

ARTICLE 15. From the legal standpoint all items entered in the Land Register (except for erasures, overlapped writings, striking off and corrections not witnessed by the Land Office Chief) shall be valid until proved otherwise.

ARTICLE 16. Any sub-divisions of a plot of land shall be certified by a survey report made in accordance with forms and procedures established by the Directorate General of Land Affairs.

ARTICLE 17 (new).* All provisions which exist prior to and inconsistent with this Decree shall be abolished.

An Arretee of the Minister of Rural Affairs (now Land Reform and Agriculture) shall fix the procedures for the carrying out of this Decree, particularly with regard to villages or cities now under the land registration system (Dia Bo) in South Vietnam and under the cadastral registration system in Central Vietnam.

ARTICLE 18 (new).* The Secretary of State at the Presidency, the Minister of Interior, the Minister of Justice, the Minister of Finance and the Minister of Rural Affairs (now Land Reform and Agriculture) shall be responsible for the implementation of this Decree.

This Decree shall be published in the Official Gazette of Vietnam. (See Official Gazette No. 25 dated June 15, 1962 and No. 37 dated August 7, 1965).

Saigon, May 31, 1962
Signed: NGO DINH DIEM

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* Modified by Decree No. 154 dated July, 1965.

Appendix C-3

Arretee No. 443-BCTNT/NT/DD/PC Dated October 11, 1962
Implementing Decree No. 124-CTNT Dated May 31, 1962
Governing Land Identification and Land Registration
in Villages and Cities.

THE MINISTER FOR RURAL AFFAIRS
(Now Land Reform and Agriculture)

Having considered Decree No. 124-TTP dated May 28, 1961, fixing the composition of the government;

Having considered Decree No. 120-TTP dated May 28, 1961, establishing the Ministry of Rural Affairs (now Land Reform and Agriculture);

Having considered Arretee No. 1186-CTNT dated November 28, 1961, fixing the organization of the Ministry of Rural Affairs (now Land Reform and Agriculture);

Having considered Arretee No. 200-BCTNT/DT/ND dated May 28, 1962 fixing the organization of the Directorate General for Land Affairs;

Having considered Decree No. 124-CTNT dated May 31, 1962, governing land identification and land registration in villages and cities; and

After agreement of the Ministry of Interior and the Ministry of Justice; and

Upon recommendations of the Directorate General of Land Affairs.

ARRETEES:

ARTICLE 1. The jurisdiction at each level in approving the land identification documents after technical control thereof has been made by the Directorate General of Land Affairs is fixed as follows:

1. When the land identification is made with accurate maps, approval will be given by the Minister for Rural Affairs (now Land Reform and Agriculture).

2. When the land identification is made with sketches, approval will be given by the Province Chief or Mayor.

ARTICLE 2. The Declarations Register is for registering, in order of date and the time the receipt of each declaration and all other documents presented relating to the land in the village (or city), when those documents are recognized as valid by the Provincial Land Office Chief.

ARTICLE 3. The "Adjourned Declarations Register" is to record all invalid documents or those needing additional justification which the Chief of Land Office returns to the applicant for adjustment or completion along with the reason for refusing land registration (in Land Register).

ARTICLE 4. The seven forms attached to this arretee are used in land identification and land registration activities.

ARTICLE 5. Application for duplicate land titles in case the original is lost, must be certified by the local administrative authorities.

ARTICLE 6. All land identification made from 1959 to date at places whose names shall be made public by the Mayor's Offices and Provincial Administrative Offices by communiques shall be considered as valid.

The communiques must be published in the Official Gazette of Vietnam, two Vietnamese newspapers and posted at the Provincial Administrative Offices (or City Hall), the District Office, the Village Office and the local Land Office.

ARTICLE 7. The Director of Cabinet, the Secretary General of the Ministry of Rural Affairs (now Land Reform and Agriculture), the Director General of Land Affairs, the Mayors, and Province Chiefs shall each be responsible for his respective duties in implementing this Arretee.

This Arretee will be published in the Gazette of Vietnam.

Saigon, October 11, 1962

Minister for Rural Affairs
(now Land Reform and Agriculture)

Signed: TRANLEQUANG

NXK:KWS:ntt:9/17/68

Appendix C-4

REPUBLIC OF VIETNAM
MINISTRY OF RURAL AFFAIRS

No. 7289-CTNT/DD/PC

The Minister of Rural Affairs To
Messrs: Mayors, Province Chiefs

Implementation of Decree No. 124-CTNT dated May 31, 1962 and Arretee No. 443-BCTNT/DD/PC dated October 11, 1962 of the Ministry of Rural Affairs (now Land Reform and Agriculture), Governing Procedures for Land Identification and Land Registration Operations.

Dear Sir:

Decree No. 124-CTNT dated May 31, 1962 has provided regulations governing land identification and land registration operations in villages and cities not yet covered by the system provided for by the Decree of July 21, 1925.

By Arretee No. 443-BCTNT/ND of this Ministry, I have also determined the procedures for execution of Decree No. 124-CTNT dated May 31, 1962 cited above.

Hereunder are the essential points:

According to Article 18 of the Decree (new Article 17), all former procedures for land identification and land registration which are inconsistent with this Decree and are mentioned in the following documents shall be abolished and replaced by new procedures.

- Two instruction books relating to general cadastral surveys and revisions promulgated by the Governor of Cochinchina on August 8, 1938 and August 8, 1944;
- Arretee of the Governor General of Indochina dated February 18, 1921, amended and complemented by subsequent documents;
- Arretees of the Resident Superior of Central Vietnam dated April 26, 1930, May 29, 1931 and October 14, 1939, amended and complemented by subsequent documents;
- Arretee of the Prime Minister of South Vietnam No. 2156-Bis Mi/Daa dated April 24, 1948.

A - LAND IDENTIFICATION

According to Article 6 of the Arretee, communiques should be prepared by the city or Provincial Administrative Office (in forms hereto attached), published and posted, listing the names of cities and villages where land identification conducted since 1959 to date are considered valid.

Your attention is kindly drawn to make an early completion of land identification in cities and provincial capitals where security conditions are good and the land value is relatively high such as: Dalat, Nhatrang, Danang, Hue, Quang Tri, Hoi An, Quang Ngai, Qui Nhon, Tuy Hoa, Phan Rang, Phan Thiet, Bao Loc, Kontum, Pleiku and Ban Me Thuot.

After that the operations shall be continued in the following order of priority:

In Central Vietnam:

1. Places where cadastral maps are still available, but the land register was lost or destroyed.

2. Places where the register is available, but the maps lost or destroyed.

3. Places where no maps and no land register have been established.

In South Vietnam:

1. Places where maps and land registers have been established, but do not match with each other.

2. Places where maps are available, but the land register was lost or destroyed.

3. Places where the land register is available, but the maps are not yet established.

4. Places where no maps and land register have been established.

B - LAND REGISTRATION

Decree No. 124-CTNT of May 31, 1962 does not establish a new system of land registration. It only standardizes the procedures of land registeation throughout the country, except for places under the system provided for in the Decree of July 21, 1925.

To avoid any period of interruption between the date of completion of land identification and the date the land register is officially put in use, land registration shall begin on the day the report of land identification is completed by making available for use the Declaration Register and the "Adjourned Declaration Register."

The Province Administrative Office (or City Hall) should issue communiques informing the public of the date the land registration began. Each village (or city) must have the following Registers:

Declaration Register: Before registering in the Land Register, all documents pertaining to the land in the village (or city) and approved as valid by the Chief of Land Office, should be first recorded in the Declaration Register (Article 2 of the Arretee).

Effective from the date the documents of land identification are made public, every document pertaining to the land in the village (or city) shall not be registered in the "special inscription book," but in the Declaration Register.

The "Adjourned Declaration Register": Since the invalid documents or those that need additional justification are only recorded in the "Adjourned Declaration Register" instead of the Declaration Register and the land register, they are not valid in any disputes with a third person (Article 13 of the Decree) and the Land office, of course, shall not be authorized to collect any registration fees thereof.

The "Adjourned Declaration Register" shall be used by the Chief of Land Service to follow up the regularization of invalid documents and shall make investigations by the Land Office Chief easier.

Land Register: In application of Circular No. 60-BDT/HC/TT dated December 30, 1960, of the former Ministry of Land Affairs and Land Reform, the local Land Office has established each a "special inscription book" for the whole province and a temporary Land Register for villages where no Land Register is available, or has been lost or destroyed and not yet renewed.

The Land Office must compare these two books with the results of the land identification before making them available to the public. Effective from the day the public announcement is made, the temporary Land Register shall be closed and put in the land identification files.

The official Land Register shall only be established after the land identification documents have been approved.

Landowners Register and Index:

These two registers are very useful for statistical operations, in apportioning of land taxes and disclosing of real estate holdings of a landowner in the village.

These two registers will be established in alphabetical order according to the landowner's family name first followed by his given name, and will be kept up-to-date concurrently with the Land Register.

In order that the village committee may keep up-to-date its copies of documents retained at the Village Office including plotting maps, Land Register (Dia Bo) Landowners Register, and Landowners Index, the Provincial Land Office must inform the village committee immediately of any entries in the Declaration Register and the Land Register. Attached to the transmission must be an abstract of the plotting map if there are any changes on the map.

At least once a year the Province Chief shall order the village committees to bring their documents to the Land Office for comparison with the original copies.

The new procedures shall be applied automatically at places where land identification has been made on a test basis since 1959.

However:

(a) Regarding pilot centers where the Land Registers have been established according to forms issued by the former Ministry, these Registers shall continue to be in use until new Registers are established according to the newly issued forms.

(b) Regarding villages and cities in the Central Vietnam Lowlands in which there now exists the system of cadastral registration (under provisions of 1930 and 1931 Arretees), the Provincial Land Office must immediately establish the Declaration Register, "Adjourned Declaration Register," Landowners Register and Landowners Index in order to apply the new procedures. The old Land Register and Landowner Register shall be gradually replaced by the new ones.

(c) Regarding villages and cities in South Vietnam in which a Land Register system (Dia Bo) (under the Arretee of 1921) exists, the present system will temporarily continue to be in effect until new registers are established according to priorities mentioned above. However, the Land Office must immediately establish the new registers including the Declaration Register, "Adjourned Declaration Register," Landonwers Register and Landowners Index. which are to be used under the new procedures on land registration.

The date for starting to use the Declaration Register and "Adjourned Declaration Register" for villages and cities in (b) and (c) above is November 1, 1963.

Forms and registers to be used in land identification and land registration will be furnished by the Directorate General for Land Affairs.

Your attention is also drawn to the following provisions of the Decree:

Article 3. It is necessary for the Provincial Land Offices to immediately contact the local Court of Justices in order to administer the oath to the personnel in charge of land identification.

Article 7. The land identification titles shall only be issued to the landowners after the Land Register is officially established.

Regarding villages in the Central Vietnam Lowlands, in which there now exists the system of cadastral registration (under Arretees of 1930 and 1931), if the landowners still have their old titles which have been kept up-to-date and match with the original copy in the Land Register, new titles shall not be issued. The old ones will continue to be valid.

In case an applicant cannot produce the land identification title along with other documents pertaining to entries concerning the land such as oppositions, injunctions, judicial sales, etc., the Land Office Chief must record such information in the Declaration Register and the Land Register, but shall, in the meantime, inform the landowner so he may produce his land identification title for up-dating.

Article 8. Provincial authorities shall immediately establish in pilot centers where the land identification has been completed a real estate valuation commission in order to estimate the fees for issuance of land identification titles.

From now, the village (or city) land identification committee shall make an estimate of the value of the land when the land identification is being conducted and shall record the same in reports.

Article 10. The Provincial Land Offices shall only be responsible for making the land identification titles and making the estimates for the fees to be collected. The issuance of titles to the landowner and the collection of fees for land identification shall be the responsibility of the provincial (or city) Administrative Office.

Article 15. Only the original copy of the Land Register kept at Provincial Land Office is valid as proof of the real right until proved otherwise; the copy kept at the Village Office does not have this validity.

Article 16. From now on any sub-division of land shall have to be certified by a survey report made in due form and in accordance with the procedures set forth by the Directorate General for Land Affairs.

The Directorate General for Land Affairs, will have authority to simplify these procedures for application in less secure areas, or where the land value is relatively low.

Article 17. In his capacity as Land Registrar, the Chief of Land Office shall be responsible for the maps and Land Registers kept in his Office. These registers shall not be taken out of his office. Only persons listed in the Decree shall have access to these documents at the Provincial Land Office.

The issuance of abstracts of land documents upon applications received shall follow the procedures currently in force.

It is finally requested that you speed up the land identification and the collection of fees for return to the Land Identification Fund so that the Directorate General for Land Affairs will have funds to cover the expenses. So within a maximum period of 10 years, the land registration shall be completed.

Saigon, October 11, 1962

Minister for Rural Affairs
(now Land Reform and Agriculture)

Signed: TRAN LE QUANG

Encl.: 1 communique form.

Enclosure to Circular No. 7289 - CTNT dated October 11, 1962

COMMUNIQUE

The public is hereby informed that:

With reference to Article 6 of Arretee No. 443-BCTNT/ND/DD/PC dated October 11, 1962, of the Ministry for Rural Affairs, the land identification work conducted since 1959 up-to-date in the following places is considered correct and in due form:

DISTRICT	CANTON	VILLAGE (or city)	REMARKS

At _____ Date_____

Province Chief (or Mayor)

Appendix C-5

Arretee No. 606-TTP/NSNV Dated June 18, 1962
Establishing the Land Identification Fund

THE PRESIDENT OF THE REPUBLIC

Having considered Decree No. 124-TTP dated May 28, 1961 fixing the composition of the Government;

Having considered the Decree dated July 21, 1925, amended and complemented by subsequent documents, fixing the system of land registration;

Having considered Decree No. 27-DT/CCDD dated January 31, 1959, amended by Decree No. 275-DT/CCDD dated November 29, 1960, fixing and unifying fees collected for the National Budget on all land operations and fixing the responsibilities of the State instead of the responsibilities of the officer in charge of real estate and mortgage;

Having considered Decree No. 124-CTNT dated May 31, 1962, governing land identification and land registration in villages and cities; and

Upon recommendations of the Minister of Rural Affairs.

ARRETEES:

ARTICLE 1. There is hereby opened at the Directorate General of Treasury of Vietnam a separate account outside the budget called the "Land Identification Fund" for implementation of the land identification and land registration program in Vietnam.

ARTICLE 2. The Minister for Rural Affairs is the manager of this fund. He may delegate his power to personnel of his staff.

The Director General for Land Affairs is the liquidator of this fund.

ARTICLE 3. The fund shall receive:

(1) Advances paid from the National Budget.

(2) Sums paid by the landowners upon issuance of land identification titles.

(3) Fees collected upon issuance of land titles after registration procedures have been completed according to provisions of the Decree of July 21, 1925.

ARTICLE 4. The fund shall cover expenses for:

(1) Equipment and materials necessary for carrying out the land identification and land registration program.

(2) Personnel recruited for carrying out the land identification and land registration program.

(3) All operations pertaining to the land identification and land registration program.

ARTICLE 5. The Land Identification Fund shall always show a (+) balance.

ARTICLE 6. Present accounting and financial procedures shall apply to the operation of the fund. Before the 10th of each month, the Ministry for Rural Affairs shall make a statement of account of the Fund and forward it to the Directorate General for Budget and Foreign Aid.

ARTICLE 7. When the Land Identification fund is cancelled, the credit balance shall be turned over to the National Budget.

ARTICLE 8. The Secretary of State at the Presidency, the Minister of Finance, and the Minister for Rural Affairs shall be responsible, each one in his own jurisdiction, for carrying out of this Arretee.

Saigon, June 18, 1962
by order of the President

Signed: Secretary of State
at the Presidency
Nguyen-Dinh-Thuan

NXK:KWS:ntt
9/19/68

Members of the above commissions and committee shall include:

Commission for determination of the village (or city) boundaries

District Chief (or Mayor) or his representative	Chairman
Chief of Provincial Land Office or his representative .	Member
Representatives of the village concerned	Members
Representatives of the adjacent villages	Members
One landowner of the village concerned and one landowner representing each adjacent village	Members

Commission for investigation of public lands of the village (or city)

District Chief or his representative	Chairman
Chief of Provincial Land Office or his representative .	Member
Representative of the village concerned	Member
Representative of the Farmers' Association of the village	Member
Two landowners who know well about lands in the village	Members

Village (or City) land identification committee

Chief of Provincial Land Office or his representative .	Chairman
Representative of the District Chief	Member
Representative of the village concerned	Member
Two landowners recommended by the village concerned . .	Members
Two farmers who know well about the land and who are literate	Members

Provincial (or City) administrative Commission

Provincial Chief (or Mayor) or his representative . . .	Chairman
Chief of Provincial Land Office	Member
Chief of District concerned	Member
Representative of village concerned	Member
Two landowners recommended by the village concerned . .	Members
Two farmers who know well about the land and are literate	Members

ARTICLE 5. The objectives of land identification are the following:

To establish large scale sketches or renewing existing maps,
To investigate the ownership and other real rights regarding lands,
To record the area, nature and production capability of the land for registration purposes.

ARTICLE 6. Documents established by the land identification committee shall be made available to the public at the Village Office for a period of two months for information and complaints, if any.

ARTICLE 4. The Secretary of State at the Presidency, the Minister for Rural Affairs, the Minister of Finance, the Director General of Treasury, the Director General of Budget and Foreign Aid shall be responsible for the carrying out of this Arretee.

Saigon, June 18, 1962
by order of The President

Signed: Secretary of State
at the Presidency
Nguyen-Dinh-Thuan

NXK:KWS:ntt
9/19/68

Appendix C-6

Arretee No. 607-TTP/NSVS

THE PRESIDENT OF THE REPUBLIC OF VIETNAM

Having considered Decree No. 124-TTP dated May 28, 1961, fixing the composition of the Government;

Having considered Decree No. 120-TTP dated May 28, 1961 establishing the Ministry for Rural Affairs (now Land Reform and Agriculture);

Having considered Decree No. 124-CTNT dated May 31, 1962, governing land identification and land registration in villages and cities;

Having considered Arretee No. 606-TTP/NSNV dated June 18, 1962 authorizing the opening of a separate account outside the budget called the Land Identification Fund; and

Having considered recommendations of the Ministry of Rural Affairs submitted by Letter No. 218-BCTNT/DT/DD/M dated January 24, 1962.

ARRETEES:

ARTICLE 1. There is hereby paid an advance of TWO MILLION PIASTERS (2,000,000$) to the land identification fund to carry out the land identification program in FY 1962.

ARTICLE 2. Expenses shall be charged against the National Budget, Section XX, Chapter 7, Article 01 of FY 1962.

ARTICLE 3. Advance payment shall be reimbursed to the National Budget before December 31, 1962.

Appendix D

LANDLORD-TENANT RELATIONSHIPS

a. Cultivated Tenanted Land

Appendix D-1

Ordinance No. 22 dated June 4, 1953,*
Establishing Regulations Governing the
Right of Usufruct on Riceland and Land
Suitable for Cultivation

ARTICLE 1. The right of usufruct on riceland and land suitable for cultivation which is located in Government controlled areas and which, without valid cause, are neither cultivated nor leased by landowners, may be temporarily allocated to occupants who, at least for three years, have regularly cultivated these lands.

ARTICLE 2. The right of usufruct provided in Article 1, is valid only within the retention limits determined in Articles 2, 3, and 4 of Ordinance No. 21, dated June 4, 1953.

ARTICLE 3. Temporary agricultural usufruct right will be allocated on the occupant's request by an Arratee from the Regional Governor which will be issued on the proposal of the Province Chief and after consulting the Provincial Council for Arbitration provided in Article 20, Ordinance No. 20.† The landowner shall be invited to give the reasons for which he has neither self cultivated nor leased these lands.

If the landowner neither appears nor answers within the fixed time period, he will be considered as having refused the right to be consulted as provided in the paragraph above.

ARTICLE 4. The temporary usufructuary will receive the land in its existing condition at the notifying date of the allocation arretee. If the landowner appears at the Conciliation Council† or if he gives his opinion to this Council, a report on the property which is subject to usufruct will be drawn up in his presence, or if he is absent, in the presence of a representative designated by the Province Chief. In case the landowner does not appear or does not give his opinion, no declaration will be required and the landowner will be considered as having lost the right of requesting declaration.

The usufructuary is exempted from any surety.

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* Repealed by Article 20, Ordinance No. 7 dated February 5, 1955.
† Replaced by Part III (new) of Ordinance No. 2 dated January 8, 1955.

ARTICLE 5. The temporary usufruct right established by this Ordinance will be cancelled upon the landowner's written request by registered letter to the interested Province Chief who submits it with his opinion to the Regional Administration. The Governor then cancels the Arretee establishing this right.

ARTICLE 6. Besides the rights and obligations under the common law, the temporary usufructuary will have the pre-emption right (the first right of refusal) to buy or to rent the land when, after cancellation of the Arretee of usufruct allocation, the landowner will neither self cultivate the land nor have the land cultivated by his ascendants, descendents or collateral up to and including the fourth degree.

ARTICLE 7. All previous provisions in conflict with this Ordinance are cancelled.

ARTICLE 8. The Prime Minister of the Government, the Minister of Interior, the Minister of Justice, the Minister of Agriculture and the Governors are charged with the execution of the present Ordinance.

S/s NGUYEN VAN TAM
Prime Minister

Ban-Me-Thuot, June 4, 1953

S/s CUNG DINH QUY
Minister of Agriculture

S/s BAO DAI
EMPEROR

Appendix D-2

Ordinance No. 20 dated June 4, 1953, and No. 2 dated January 8, 1955, Establishing the Regulations Governing Tenant Farming

PART I - DEFINITIONS

ARTICLE 1. Landowner means any private person or legal entity who has a right of possession or usufruct on riceland or agricultural land and who cultivates it by himself or rents it partly or entirely to a:

- Tenant, according to a lease contract with an annual rental in cash or kind.
- Sharecropper, according to a contract for sharecropping (metayage).

The successors of the landowner either in the broad or strict sense are classified with the landowner in this Ordinance.

ARTICLE 2. Tenant means any person who takes any land from a landowner through a tenancy agreement to cultivate himself or with the help of others, and pays, in return, an annual rental in cash or in kind.

ARTICLE 3. Sharecropper means any person who signs with a landowner a contract to share the crop of the leased land and cultivate it by himself or with the help of other persons.*

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* See Royal Code of Central Vietnam (formerly Annam), Articles 1199-1209, and the Decree dated July 21, 1925, regarding Land Code in Southern Vietnam (formerly Cochinchina), Articles 256-262, defining conditions of "Metayage" (Sharecropping). Circular No. 22-BDT/CCDD/TT dated June 10, 1959, states the "sharecropping system in Central Vietnam will be maintained as previously."

PART II - FARM LEASE CONTRACT, RENT, AND SPECIFIC OBLIGATIONS AND RIGHTS OF THE TENANT

Chapter I - Farm Lease Contract

ARTICLE 4. The farm lease contract is an agreement by which a landowner agrees to rent his land to a tenant against the payment of an annual rental in cash or in kind.*

ARTICLE 5. A tenant has no right to lease from one or several landowners a cultivable area which, added to lands under his ownership, would exceed the retention limit fixed by Ordinance No. 21.†

ARTICLE 6. The duration of the contract is not less than five years and will be renewable by tacit agreement.‡

ARTICLE 7. (new under Ordinance No. 2 dated January 8, 1955). The farm lease must be a written instrument in three copies, of which the original is held by the landowner, the second copy by the tenant and the third copy kept in the files of the Village Council where the land is located.

The contract must be registered, within eight days from the day it is signed, in a special land register maintained for that purpose.

No charge is made for registering the lease.

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* Circular No. 3 BDT/CCDD dated January 9, 1960, regarding tenant contracts on cultivated land in case the landlord is absent.

1. Except for direct line relatives such as the father, mother, wife, husband, or children who have the right to represent the landowner, other representatives of the absent landowner such as other relatives or the manager must have legal proxy to sign tenant contracts with farmers.
2. In case there is no legal representative, the Village Committee has to manage all the property of the absent landowner until he returns.
3. The Village Committee has the right to sign Type A contracts with tenants in place of the absent landowner.

† Ordinance No. 21 dated June 4, 1953, has been superseded by Article 34 of Ordinance No. 57 dated October 22, 1956. Article 3 of Circular No. 4095-BCTNT/HCTC3/TT dated March 25, 1964, states the maximum area allowed for cultivation by tenants is 30 hectares.

‡ Circular No. 3 BDT/CCDD dated January 9, 1960, provides, for control purposes, at the time of expiration of the contract's five year term, "In case of renewal, the old contract must be replaced by a new one."

No verbal farm lease is valid.

A specimen contract is appended to this Ordinance.

ARTICLE 8. The tenant shall not sub-let to a third person, without the consent of the landowner.

ARTICLE 9. (new under Ordinance No. 2 dated January 8, 1955, and modified by Decree No. 007-CT/LDQGOL/SL dated October 2, 1964). The landowner cannot request the cancellation of a farm contract or refuse to renew it unless he can offer proof:

1. That he wishes to take back his holdings in order to cultivate them himself or have them cultivated by one or several of his lineal descendents who have completed their eighteenth year and who are capable of ensuring the efficient cultivation of the farm, providing, however, that the farm contract has been in force for at least five years.*

2. Of any other serious and legitimate reason such as non-payment of farm rent or excessive and repeated delays in its payment unless due to circumstances beyond the farmer's control, or action of the farmer which would be detrimental to proper cultivation of the leased land, or refusal by the farmer to carry out those improvements on the land or those cultural practices recommended by the Provincial Agricultural Committee.

ARTICLE 10. In the case of cancellation or non-renewal of the contract under conditions provided for in the foregoing Article, the landowner must give at least six months' notice to the tenant.

Reciprocally, the same period of notice must be given by the tenant who desires to cancel, or not to renew, his lease.

ARTICLE 11. In case of sale of the land by the landowner, the tenant farmer has, within the retention limit stipulated by Ordinance No. 21 cited above, and subject to the conditions of Article 5 above, the right of

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* Decree No. 007-CT/LDQGOL/SL dated October 2, 1964, changed this term from 3 years to 5 years.

pre-emption* with respect to the land which he is cultivating. (See footnote on page 2 to Article 5.)

However, if the lessee does not use his right of pre-emption and the land is sold to a third party, the latter is obligated to execute the terms of the contract in place and instead of the former landowner.

ARTICLE 12. The lease is not invalidated either by the death of the lessor or that of the lessee. The heirs of the two parties partake of the rights and obligations of the original principals.

However, the lease will be cancelled without the necessity of notice if the lessee leaves no heirs, or if the executor agrees in writing to waive the holding rights with respect to continuation of the lease.

Chapter II - Rent

ARTICLE 13. (new under Ordinance No. 2 dated January 8, 1955). The annual rental rate may not, in any case, be less than fifteen percent (15%) or

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* Circular No. 26 of June 15, 1959 regulating the procedures in the use of the pre-emption right:

1. If the landlord wants to sell the rice land that a tenant is cultivating, he must give notice to the tenant to use the pre-emption right.
2. The landlord must include in the written notice the sale price he wants, or the sale price offered by a third person. Afterwards, the landlord cannot sell to another buyer under a price lower than the price given in the notice.
3. The written notice must be sent through the Village Administrative Committee.
4. The tenant has a one-month time limit from the date he receives the written notice from the Village Administrative Committee to reply whether or not he wants to buy the land.
5. If the tenant replies that he does not want to buy the land or, if he does not inform his intention after the one-month time limit, the landlord has the right to sell the land to a third party because in this case the tenant is considered as having refused the pre-emption right.
6. If the tenant replies that he wants to buy the land, he has to pay the sale price to the landlord within two months from the end of the one month time limit stated above.

In total, the tenant has three months to inform his intention to buy the land and to complete the payment of sale price to the landlord.

more than twenty-five percent (25%) of the value of the annual harvest of the principal crop.*

This rate is applicable only to the land itself and, includes all fixed improvements, if any, such as dwellings, fruit trees, fishponds, etc.

If the landowner supplies the tenant with seed grain or fertilizer after the harvest the tenant pays the landowner for them at the actual purchase price plus an annual interest not to exceed twelve percent (12%).

If the landowner leases cattle or farm implements to the tenant, the rental cannot exceed twelve percent (12%) of the value of these animals or equipment. This value is determined by the Cantonal Agricultural Committee when the contract is drawn up.

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* Rental rate upon rented land of more than one crop. Circulars No. 14 dated January 30, 1958, and No. 18 dated February 6, 1968, completed by Circulars No. 31 and No. 32 dated April 22, 1958, modified by Circular No. 26 dated January 15, 1959:

1. The rental rate upon rented land having more than one crop is computed as a single number (percentage) agreed upon by both landlord and tenant. If both sides do not agree upon it, the Village or Cantonal Agricultural Committee renders a decision (Circular No. 26 dated January 15, 1959).
2. The land rent is based upon the total amount of the annual income from the principal type of cultivation:
   a. In case of two crop riceland: The land rent is based upon the total amount of the income from the two crops and is computed as a single number (percentage).
   b. In case of three crop riceland: The tenant is exempt from payment of any land rent regarding the third harvest, because this third crop is considered as a secondary crop. The assumption is also applied to secondary types of cultivation in which the harvest is to satisfy the needs (food) of the tenant family (i.e., the case of a crop giving no profit, the yield is equivalent to the labor).
   c. In case of land giving one rice crop and one crop other than rice: The rental rate is based upon the total amount of the income from the rice harvest and the other crop. However, if the other crop is a secondary crop, the tenant is exempt from payment of any land rent.

Within the limits set forth in paragraph 1 of this Article, the farm rental rate, for each homogeneous crop area,* is determined by a Decree of the Delegate of the Government for the Region, based upon the recommendations of the Provincial Agricultural Committee and with the agreement of the Minister of Agriculture.

Besides the annual rental rate and purchase price plus interest on seed grain or fertilizers and the rental of animals of farm implements, as stated in paragraphs 3 and 4 above, the tenant is not obligated to pay any additional rent or provide any service, either in cash or kind, whatsoever the reason or under any circumstances.

ARTICLE 14. The land rent must be paid annually, either in cash or in commercial paddy equivalent, at the latest within the month following the end of the harvest in the province.

If it is decided that land rent is to be paid in paddy, the tenant must make delivery to a place previously agreed upon by both parties, which may not be located outside the limits of the province.

When the land rent is to be paid in cash, the tenant may still pay in average quality, marketable paddy according to the current rate when payment is due.

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d. In case of land having no rice crop but only other crops such as sweet potatoes, sesame, peas, maize, etc.: The land rent is based upon the principal type of cultivation.

Land for fruit trees and greens are not project to land reform. In summary, "principal crop" means the total amount of income from the principal type of cultivation.

Circulars No. 31 and No. 32 dated April 22, 1938, specify that: Land rent is computed from the total annual yield. Both sides, the tenant and the landlord, must agree upon a reasonable percentage for the land rent according to each situation and state of the land so that neither party suffers loss of their interests.

Circular No. 3355 BDT/CCDD dated October 2, 1959: Garden area is not subject to Land Reform. In case a dispute includes both riceland and garden land and if the garden area is smaller than riceland, the Land Court is responsible for settlement.

* Circular No. 5 dated January 18, 1955. "Homogeneous crop area" means area of land having the same average yield per hectare. Those areas are determined as follows:

1. Differentiating among the zones of cultivation:
   - Areas without improvements for irrigation.
   - Areas without improvements for irrigation and needing flood prevention.
   - Flooded areas (broadcast rice area)
2. A few or several improvements for irrigation.

ARTICLE 15. The tenant is exempted from payment of the fixed land rent in case a natural disaster or unavoidable accident destroys at least two-thirds of the harvest.*

Chapter III - Specific Obligations and Rights of the Tenant

ARTICLE 16. The tenant shall have use of the leased lands under the conditions defined by this Ordinance, and in the terms specified by the contract agreed to mutually with the landowner. He is required to use the leased land in the same manner as a good and responsible head of family.

ARTICLE 17. The tenant has the rights of fishing and grazing on the leased area, except as stated in the terms of the contract, and particularly may have to pay a temporary supplemental rent.

ARTICLE 18. The tenant is responsible for the upkeep of dikes and other irrigation facilities relating to the leased rice or agricultural lands.

He is also responsible for undertaking his contribution in work towards agricultural upkeep for the common benefit, and the proper cultivation of the leased land.

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3. Quality of the land: fertile land, infertile land, aluminous land, salted land.
4. System of cultivation: land suitable for two crops; broadcast rice; one crop only; two crops.

The Agricultural Committee in charge of determining the homogeneous area may have information from the assessment of land taxes. But in some cases, the assessment of land taxes is not done well.

After the determination of the average yield per hectare with respect to each homogeneous area, we have to determine the following:

- The maximum area each tenant may rent.
- The rental rate due by each tenant and varying from 15% to 25%, so that the minimum standard of living will be respected in fact. Of course, the minimum standard of living will be higher if the operator (tenant) ameliorates the land, chooses good seed grain, and uses fertilizers.

Land rent is applicable to barren land and, if any, to dwellings, fruit trees, and/or fishponds that the tenant is authorized to use.

* Circular No. 16 dated January 31, 1958: District Agricultural Committee may appoint Village Agricultural Committee to appraise losses. If both parties agree, it is not necessary to bring the case to the District Committee.

At the expiration of the lease, in case of non-renewal as well as in the case of cancellation, the tenant may request fair compensation for his work in improving the land, carried out with the previous written agreement of the landowner.

ARTICLE 19. In no case is the tenant liable for land taxes. Those taxes are exclusively and entirely the cost of the landowner.

Any contrary provision contained in the lease will not be legally binding.

PART III - THE PROVINCIAL COUNCIL FOR ARBITRATION AND THE PROVINCIAL COUNCIL FOR RECONCILIATION

Replaced in PART III (new) of Ordinance No. 2 dated January 8, 1955

PART III (New) - CANTONAL AGRICULTURAL COMMITTEE DISTRICT AGRICULTURAL COMMITTEE* PROVINCIAL AGRICULTURAL COMMITTEE*

Chapter I - Cantonal Agricultural Committee

ARTICLE 20 (new). See Circular 67 of October 25, 1958 below: Composition of the Village and Cantonal Agricultural Committee.

ARTICLE 21 (new). See Circular 67 of October 25, 1958 below: Composition of the Village and Cantonal Agricultural Committee.

Chapter II - District Agricultural Committee*

ARTICLE 22 (new). There is established in the principal town of each district, an Agricultural Committee whose principal responsibilities are:

- To make up a list of the land which for no valid reason has been left uncultivated and to receive the explanations of the proprietor

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* According to Official Circular No. 67/BDT/CCDD/TT, dated October 25, 1958, District and Provincial Agricultural Committees temporarily cease their activities.

or concessionaire prior to proposing either the return of the land to state-owned domain or the grant of the right of occupancy.

- To investigate the applications for allocation of state-owned land for farming purposes.
- To estimate annually the average yield of land by homogeneous crop area.
- To propose the land rental rate, by homogeneous crop area, within the limits set forth in Article 13 (new) cited above.
- To appraise losses resulting from unavoidable circumstances.
- To propose the maximum holding, by crop area, that a farmer may lease.
- To list the condition of the land when a new contract is drawn up or a contract cancelled.
- To give its opinion regarding tenant claims for compensation in case the landowner takes the land back.
- To arbitrate, in the first instance, conflicts and disputes arising out of the application of the terms of contracts; if not successfully settled, then the conflict or dispute is submitted to the Provincial Agricultural Committee.

ARTICLE 23 (new). The District Agricultural Committee is composed of:

The Chief of District	Chairman
Two landowners, not tenants, or their alternates. . .	Commissioners
Two tenants, not landowners, or their alternates. . .	Commissioners

Chapter III - Provincial Agricultural Committee*

ARTICLE 24 (new). There is established in each provincial Capital a Provincial Agricultural Committee responsible for giving its opinion on

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* According to Official Circular No. 67/BDT/CCDD/TT, dated October 25, 1958, District and Provincial Agricultural Committees temporarily cease their activities.

proposals of the District Agricultural Committee, particularly with reference to:

- The return to the state-owned domain the land which for no valid reason has been left uncultivated, or the granting of the right of occupancy.

- The making up of a list of the state-owned lands which could be allocated for farming purposes.

- The applications for allocation of state-owned land for farming purposes.

- The estimate of the average annual yield of land, by homogeneous crop area, within the limits set forth in Article 13 (new) cited above.

- The estimation of losses sustained as a result of unavoidable circumstances.

- The determination of the maximum holding, by crop area, that a tenant may lease.

- The application of tenant claims for compensation in case the landowner takes the land back.

- The classification of lands by homogeneous crop area; in addition, the Agricultural Committee mades recommendations on land improvement measures and cultivation techniques.

- The Provincial Agricultural Committee encourages the establishment of agricultural trade unions, associations or cooperatives in order to decrease the cost and increase the quantity and quality of agricultural production.

- The Provincial Agricultural Committee studies and proposes to the Chief of Province measures for implementing land reform.

- The Provincial Agricultural Committee acts as an arbitrator to settle, in the second instance, conflicts and disputes between the landowner and tenant arising out of the application of the terms of the contract; if not successfully settled, the dispute is brought before the civil court which has jurisdictional authority.

- Before bringing the suit to court, the conflict or dispute must be conciliated by the Provincial Agricultural Committee.

ARTICLE 25 (new). The Provincial Agricultural Committee is composed of:

The Chief of Province or his representative . . . . . Chairman
Five landowners, not tenants, or five alternates. . . Commissioners
Five tenants, not landowners, or five alternates. . . Commissioners

The Chief of the Provincial Agricultural Service acts as spokesman.

Chapter IV - Provisions Common to the Cantonal District and Provincial Agricultural Committees*

ARTICLE 26 (new). The Commissioners of the Cantonal, District and Provincial Agricultural Committees are nominated as follows:

Every two years, the Village Councils will prepare a list of names of the landowners and a list of names of the tenants of their villages. The landowners having their names on the lists of landowners shall elect five landowners, and tenants having their names on the list of tenants shall elect five tenants who will serve as their village representatives at the Agricultural Committees.

The names of elected landowners and tenants of each village must be centralized at their respective Canton, District and Province.

A committee composed of:

The Chief of Province or his representative . . . . . Chairman
The Provincial Chief Justice or a judge who is
his representative . . . . . Member
The Local District Chief. . . . . Member

draws by lot, at the Provincial Capital, names of landowners and tenants included in the list of names stated in the above paragraph, who will participate in the concerned Cantonal, District or Provincial Agricultural Committee on behalf of official commissioners or alternative commissioners.

The term of office of the official and alternate commissioners of Agricultural Committees is two years. Commissioners cannot be immediately re-elected.

No one can be a commissioner on two Agricultural Committees at the same time.

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* According to Official Circular No. 67/BDT/CCDD/TT, dated October 25, 1958, District and Provincial Agricultural Committees temporarily cease their activities.

The Agricultural Committees must be convened by the Chairman and meet at least four times a year, once every quarter.

A quorum of the Provincial Agricultural Committee is constituted by at least seven of its commissioners, including its chairman. A quorum of the District or Cantonal Agricultural Committees is constituted by at least three of its commissioners, including its chairman.

The decisions of the Agricultural Committees are taken by a simple majority of their commissioners, present and voting.

The parties to the dispute may denounce one or several commissioners. In this case the Chairman designates one or several alternate commissioners in the order which they were selected to replace one or several official commissioners who were accused.

All procedures of the Agricultural Committees are entirely free of charge.

(See also Circular 67 of October 25, 1958 below.)

PART IV (New)

PENALTIES AND MISCELLANEOUS PROVISIONS

ARTICLE 27 (new). For purposes of implementing this Ordinance, the following units of measure are applied:

- For measurement of area:

One Hectare (mau tay)	:	10,000 m2
One tenth of one Hectare or 10 Ares (cong)	:	1,000 m2
One one-hundredth of one Hectare (one Are)	:	100 m2

- For measurement of volume:

One Gia	:	40 liters
One Thung or Tao	:	20 liters

- For measurement of weight:

One Ton	:	1,000 kilograms
One Quintal	:	100 kilograms
One Kilogram	:	1,000 grams

ARTICLE 28 (new). The provisions of this Ordinance legally apply to all verbal and written tenant farm contracts in effect on the date this Ordinance is promulgated and cannot, in any case, constitute a basis for cancellation or non-renewal of the contracts cited above.

All verbal tenant contracts being in effect on the date of promulgation of this Ordinance must be changed to written contracts within six months from the date of promulgation.

At the end of this six months period stated above, all verbal tenant contracts will be null and void. In addition, application must be made of the provisions forthcoming in paragraphs 5, 6, 7, and 8 of this Article.

All provisions of written contracts in effect at the time of the promulgation of this Ordinance must be made to conform with the provisions of this Ordinance within six months from the day of promulgation by a supplemental contract.

Any landowner who makes a verbal contract for land rent; or who charges in excess of the terms written in the contract for the annual rental or materials and supplies, if any, referred to in paragraphs 3 and 4 of Article 13 (new) mentioned above; or who demands or receives from the tenant an additional rent or any support or service in cash or kind, or obligates the tenant to labor for him for any reason or in any form whatsoever, or who without valid reason forbids or prevents the cultivation of leased land, will be liable to a fine of from one hundred piasters (100$00) to twenty thousand piasters (20,000$00), as well as all compensation for losses to the injured party.

In addition he is liable to a sentence of eleven (11) days to three (3) months imprisonment.

In case of a second offense, a sentence of three (3) months to one year imprisonment is mandatory.

The violator may receive the heavier penalties of criminal law if applicable.

Any tenant who makes a verbal contract for land rent with the landowner; or who pays in excess of the terms written in the contract for the annual rental or materials and supplies, if any, referred to in paragraphs 3 and 4 of Article 13 (new) mentioned above; or who either is obligated or proposes to provide to the landowner any additional rent or support or service in cash or kind, or who labors for the landowner for any reason or in any form whatsoever; or who without valid reason abandons the land or discontinues cultivation, will be liable to a fine and imprisonment and compensation as stated in paragraphs 5, 6, 7, and 8 of this Article.

Any commissioner of the Village Council who, at the time the tenant contract is registered, demands or receives from the landowner or the tenant any payment or any service whether in cash or kind, or obligates

the above mentioned parties to labor for him for whatever reason or in any form whatsoever, will be punished in accordance with the present law regarding corruption.

Extenuating circumstances and the suspension of sentences also apply for infringements of the law set forth in paragraphs 5, 9, and 10 of this Article.

ARTICLE 29 (new). All previous provisions in conflict with the present Ordinance, are superceded.

ARTICLE TWO (of Ord. 2). The Prime Minister of the Government, the Minister of Interior, the Minister of Justice, the Minister of Agriculture, and the Delegates of the Government in each Region are charged, each as he may be concerned, with the responsibility for carrying out this Ordinance.

Signed in Saigon on January 8, 1955

On the AUTHORITY OF HIS MAJESTY
Chief of State,
THE PRIME MINISTER OF THE GOVERNMENT
S/s NGO DINH DIEM

Appendix D-3

TENANT CONTRACT
(Type A)

Between the two parties:

Mr. or Mrs. . . . . identification card No. . . . . .
issued at. . . . . on. . . presently located at. . . . . .

Mr. or Mrs. . . . . identification card No. . . . . .
issued at. . . . . on. . . presently located at. . . . . .
have mutually agreed on the following provisions:

ARTICLE 1. Mr. or Mrs. . . . . agrees to lease to Mr. or Mrs. . . . . a parcel of . . . . . type land of. . . . ha. . . a . . . m2, located at thon/hamlet. . . . . village . . . . . district. . . . . province . . . . . , described as follows:

Order No.	Land Registry No.	MAP		AREA			BOUNDARIES			
		Lot No.	Sheet No.	ha.	a	m2	North	South	East	West

ARTICLE 2. The duration of this contract is five (5) years beginning . . . . . and ending . . . . . At the expiration of this period, the contract will be tacitly renewable.

ARTICLE 3. The landlord may claim back his land only if he can prove that:

- He wants to take back the land for self-cultivation or have it cultivated by his descendant who has reached 18 years of age and who is capable of cultivating it; however the contract must be executed through its five (5) year term until expiration.

- The tenant has failed to pay or has repeatedly delayed payment of rent, except from unavoidable circumstances.

In all instances, the landlord must notify the tenant at least SIX months prior to the date he takes back the land.

ARTICLE 4. If the contract is cancelled or not renewed, the tenant may ask the landlord for compensation on the improvement work he has carried out on the land, including construction work on the land still having utility after expiration of the contract.

ARTICLE 5. The annual rental rate is fixed at . . .% of the principal annual crop valued at . . . . gia or . . . . kilo of paddy per hectare.

The annual rental rate of the parcel of land totals . . . . . gia or . . . . kilo, which will be given at . . . . ., or may be calculated in cash in accordance with the current price on the date of payment of rent.

ARTICLE 6. In case 1/3 of the crop is lost due to unavoidable circumstances the tenant will have to pay only 2/3 of the annual rent.

In case 2/3 of the crop is lost due to unavoidable circumstances, the tenant is exempted from payment of rent.

ARTICLE 7. The tenant is not allowed to transfer or to sub-let in part or in whole the land under this contract without the consent of the landlord.

ARTICLE 8. If the landlord sells the rented ricefield, the tenant has the right of pre-emption.

ARTICLE 9. In case one of the two agreed parties dies, the heir is entitled to enjoy the privileges and obligations of the deceased in accordance with the aforementioned provisions of this contract.

The present contract is drawn up in three (3) copies; the original for the landlord, the second copy for the tenant, and the third copy will

be kept at the Village Administrative Committee Office after the contract has been registered.

Prepared at . . . . . .

Landlord Tenant

Registered in the . . . . . .Village

Administrative Committee book:

No. . . . . date . . . .

Chairman of the
Village Administrative
Committee

S/s

Appendix D-4

Office of the President
of the Government

Circular No. 5 dated January 18, 1955, Implementing Ordinance No. 2 dated January 8, 1955, Governing Landlord Tenant Relationships

I. PURPOSES OF LAND REFORM

The Land Reform regulations affect riceland and other annual crop land. At the present time this excludes industrial and permanent plantations.

Land Reform aims toward a higher standard of living for those who directly cultivate the land - small landowner or tenant - by raising production, ensuring an equitable division of yield, and helping tenants to become small landowners by giving them means to buy and to cultivate land.

For these purposes, the Land Reform Program applies the following legal, technical and financial measures:

1. Regulations governing landlord tenant relationships with an obligatory written tenant contract specimen.

2. Limitation of large properties; voluntary or obligatory allotment of large properties into small plots for sale with payment by installments.

3. Increase in the production:

   - Cultivation of land left uncultivated.

   - Increase in the productivity per hectare by better land management, use of practical agricultural techniques, use of modern agricultural machinery, fertilizers, and selected seed grains.

4. Agricultural credit:

   a. Short term credit for expenses

   b. Middle term credit for land management and purchase of agricultural equipment and farm animals

   c. Long term credit for purchase of the land the tenant is cultivating.

5. Establishment of cooperatives in order to cultivate together, by the labor of many people, large homogenous areas that one person cannot cultivate.

The established agricultural pilot areas and other areas to be established will serve to determine the basic problems and the measures which will be propagated for cultivation under cooperative form.

Later, cooperatives will be able to aim at other purposes such as furnishing materials, equipment, fertilizers, seed grains, improvement of animals, sale of articles in current use to the members, stock and sale of agricultural products, establishment of savings banks, and so on.

II. PHASES OF THE LAND REFORM PROGRAM

The Land Reform Program aiming at sound changes in rural life must be carried out progressively, step by step, because it needs trained personnel and necessary finances. Besides, guiding principles must be adapted with experience in practice; some customs must be changed; people must have time to change their opinions, to answer to and to agree with the Land Reform Program. These factors are conditions of success.

Four phases are provided in the Land Reform Program:

1. Implementation of new regulations governing landlord tenant relationships, occupancy and cultivation of land left uncultivated.

2. Sale of privately owned village land.

3. Voluntary allotment of large properties by big landlords for sale to tenants.

4. Obligatory allotments of large properties by big landlords for sale to tenants under the regulations of Ordinance No. 21 dated June 4, 1953 fixing the retention limit.*

Parallel with these legal measures, we must have:

- Agricultural water projects
- Re-establishment of agricultural credit agencies and carrying out of a program of activities in accordance with these founded principles.
- Creation of pilot areas and cooperatives.

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* Ordinance No. 21 is superseded by Ordinance 57 dated October 22, 1956.

III. ORDINANCE NO. 20 DATED JUNE 1, 1953, AMENDED BY ORDINANCE NO. 2 DATED JANUARY 8, 1955

The first six Articles of Ordinance No. 20 dated June 4, 1953 regard the definition of landlord, tenant, share cropper, tenant contract, the determination of the maximum area a tenant may rent and the minimum term of the contract - 5 years.

ARTICLE 7 (New). The tenant contract is established in 3 copies of which 2 copies are held by both parties and the third copy is kept in the files the Village Council and registered at the Village Administrative Office within 8 days.

So, it is possible to verify the following points:

- Are the provisions of the contract in accordance with the law?
- Is the written contract obligation applied, and to what extent?

ARTICLE 8. No change with respect to sub-lease and sub-contract.

ARTICLE 9 (New). This article gives information regarding the case in which the landlord may request the Agricultural Committee for cancellation of a tenant contract or refusal to renew it.

ARTICLE 10, 11, 12. There is no change with respect to the effects of cancellation of the contract.

ARTICLE 13 (New). The rental rate is fixed by the law from 15 to 25 percent of the annual income from the principal cultivated crop. The income is based upon the average yield per hectare of the land classified by homogenous areas.

The rental rate is determined as stated above because the yield per hectare varies, and we must in all cases provide to the tenant and his family a minimum acceptable standard of living including other income from additional cultivation, fishing and so on. "Homogenous crop area" means area of land having the same average yield per hectare. These areas are determined as follows:

1. Differentiating among the cultivated lands:
   - Areas without improvements for irrigation
   - Areas without improvements for irrigation and needing flood control.
   - Flooded areas (with broadcast rice area).

2. A few or several improvements for irrigation.

3. Quality of the land: fertile land, infertile land, aluminous land, salted land.

4. Agricultural cropping system: land suitable for two crops; flooded riceland; one crop riceland; two crop riceland.

The Agricultural Committee in charge of determining the homogenous area may have information from the assessment of land taxes. But in some cases, the assessment of land taxes is not done well.

After the determination of the average yield per hectare, each homogenous area, we have to determine the following:

- The maximum area each tenant may rent.

- The rental rate varies from 15% to 25%, so that the minimum standard of living will be respected in effect. Of course, the minimum standard of living will be higher if the operator (tenant) ameliorates the land, chooses good seed grain, and uses fertilizers.

The farm rental rate, for each homogenous crop area, is determined by a Decree of the Delegate of the Government for the Region, based upon the recommendations of the Provincial Agricultural Committee and with the agreement of the Minister of Agriculture. This rate is applicable only to the land itself, and includes all fixed improvements, if any, such as dwellings, fruit trees and fishponds that the tenant is authorized to use.

Article 13 (new) determines the conditions under which the land owner can furnish things in kind to the tenant.

If the landowner supplies the tenant with seed grain or fertilizer, after the harvest the tenant pays the landowner for it at the actual purchase price plus an annual interest rate not to exceed twelve percent (12%).

If the landowner leases cattle or farm implements to the tenant, the rental cannot exceed twelve percent (12%) of the value of these animals or equipment. This value is determined by the Cantonal Agricultural Committee when the contract is drawn up.

This is the only case in which the Cantonal Agricultural Committee has final decision in arbitrating. There is an optional clause of the contract. If both parties do not agree on it they have to cancel this clause.

Article 13 specifies clearly that the tenant is not obligated to pay any amount besides the annual rental rate, purchase price on seed grain and fertilizers and the rental of animals and farm implements.

AGRICULTURAL COMMITTEES - Ordinance No. 20 established Provincial Agricultural Committees but it did not enumerate clearly the responsibilities

which are dispersed throughout the whole Ordinance of June 4, 1953. So there are two mistakes:

- Land Reform must be directed to the agricultural people. It must be based on the agricultural people.

- Provincial Agricultural Committees can not examine and arbitrate thousands and thousands of different cases arising from the implementation of the Land Reform Program. Thus, the establishment of Cantonal, District, and Provincial Committees is necessary.

CANTONAL AGRICULTURAL COMMITTEES (see Circular No. 67 dated October 25, 1958) - The Cantonal Agricultural Committee is composed of the Chief of Canton, as Chairman, and two landlords and two tenants as Commissioners. The Cantonal Agricultural Committee makes investigation of all cases prior to examination by the District Agricultural Committee. The Cantonal Agricultural Committee is an advisory body but its opinion is in all cases obligatory.

Only in the case stated above regarding the value of animals and implements rented by the landlord to the tenant does the Cantonal Agricultural Committee have a final decision.

DISTRICT AGRICULTURAL COMMITTEES (see Circular No. 67 dated October 25, 1958) - The District Agricultural Committee is composed of the Chief of District as Chairman and of two landlords and two tenants as commissioners. The District Agricultural Committee examines all cases investigated by the Cantonal Agricultural Committee which gives opinion or recommendations. The responsibilities of this Committee are enumerated in Article 22 (new).

1. To make up a list of the land which for no valid reason has been left uncultivated, and to receive the explanations of the owner

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Note: Regarding the area, Circular No. 2 dated February 27, 1961, says: "With respect to the maximum area of land rentable to tenants by means of a tenant contract (riceland within the retention limit), the National Council for Land Reform allows the landlord to rent freely his land without limitation of area." And Circular 4095 dated March 25, 1964, says: "With respect to maximum area rentable to a tenant the National Council for Land Reform recognizes that Ordinance No. 57 allows landlords to retain 100 hectares and to farm themselves only 30 hectares. Therefore, a limitation must be applied to the tenant, who should not be allowed to rent more than 30 hectares, which is the maximum area that can be directly cultivated by a landlord. The Council therefore decides: "The maximum area of riceland that can be rented to each tenant is 30 hectares."

or concessionaire prior to proposing either the return of the land to state-owned domain if the land is a concession land (Ordinance No. 19) or the cancellation of usufructuary right or occupancy right if the land is privately owned land.

2. To make up a list of unoccupied state owned land which could be allocated as concession.

3. To investigate the applications for allocation of state owned land for farming purposes (concession).

4. To estimate annual average yield per hectare of land in homogenous areas.

5. To propose the maximum holding, in a homogenous crop area, that a farmer may lease. This is in order to suppress the customs of sub-leasing from a management representative or from big middlemen leasees.

6. To propose the land rental rate by homogenous crop area according to the annual average yield per hectare and the maximum holding that a farmer may lease.

7. To appraise losses resulting from calamities or unavoidable circumstances, if any (Article 15, Ordinance No. 20).

8. To make an inventory on the land of fixed improvements when a new contract is drawn up or a contract is cancelled (Article 18, Ordinance No. 20).

9. To give its opinion on claims by the tenant and the amount of compensation by landlord in case of legal eviction of the tenant who must leave the land.

The District Agricultural Committee comes to the land or sends a group of three representatives (the chairman, a landlord, a tenant) to the land to make a survey or to hear the witness or the neighbors if it is necessary in the proceeding of the work. The District Chief forwards to the Province Chief the files concerning the six first items stated above with the opinion of the District Agricultural Committee.

The District Chief forwards the file the Provincial Agricultural Committee which meets as a reconciliation Committee with respect to the cases enumerated in items 7, 8 and 9, relating to the execution of the tenant contract, but only when the interested parties do not agree with the District Agricultural Committee's reconciliation.

PROVINCIAL AGRICULTURAL COMMITTEE (see Circular No. 67 dated October 25, 1958) - The Provincial Agricultural Committee is composed of the Province Chief or his representative as Chairman, 5 landlords not tenants and 5 tenants not owners as members. The Provincial Agricultural Officer is spokesman of this Committee.

The Provincial Agricultural Committee examines the cases submitted by the District Agricultural Committee. The Provincial Agricultural Committee has other responsibilities:

a. The Provincial Agricultural Committee makes recommendations on the cases enumerated in the first 6 items stated above, after receiving opinions of the District Agricultural Committees.

   The Province Chief forwards these recommendations to the Regional Delegate of the Government. In case he does not agree with the majority of the Provincial Agricultural Committee, the Province Chief adds a report giving his opinions along with the reason for it.

b. The Delegate of the Government draws up an official decision after agreement of the Minister of Agriculture. The Provincial Agricultural Committee examines all documents referred in items 7, 8, and 9 above acting as a Conciliation Committee when the District Agricultural Committee arbitration is not satisfactory to both parties.

   The Provincial Agricultural Committee will not make the inventory (as stated in item 8) which has already been made by the District Agricultural Committee. It will only appraise the viewpoint of this District Committee.

   The competence of the Concilation Committee and formalities will be explained later.

c. The Provincial Agricultural Committee plays the role of a Land Reform Council for the Province Chief.

   - This Committee formulates adequate policy to promote land improvement and agricultural techniques.

   - This Committee suggests the implementation of Unions, Associations or Cooperatives in order to reduce the cost of production and improve agricultural products in quantity and quality. It also recommends all measure to facilitate the implementation of land reform.

The Province Chiefs transmit their recommendations to the Minister of Agriculture, through the Regional Delegate of the Government, with their own opinion.

<u>CONCILIATION COMMITTEES</u> - According to the principle of separation of power, the Agricultural Committees are only conciliatory ones. The following procedures will be used. The claimant addresses a request describing the kind of dispute to the District Chief, Chairman of the District Agricultural Committee.

The District Chief orders the Cantonal Agricultural Committee to hear arguments of both parties. They, of course, can get an agreement of the dispute before the Cantonal Agricultural Committee, in which case the Canton Chief simply informs the Province Chief. In case an agreement cannot be reached at the Cantonal level, the Canton Chief informs the District Chief of the viewpoint of the Cantonal Agricultural Committee. The District Chief will appoint the District Agricultural Committee to settle the dispute. This Conciliatory Committee will hear arguments from both parties and will arbitrate. The the arbitration is acceptable, a written report will be issued duly signed by the Chairman and members of the Committee.

If arbitration is not acceptable, a written report will be submitted by the District Chief to the Province Chief.

The Provincial Conciliatory Committee will convoke and hear both parties or other necessary witnesses, and write a conciliatory report which will be sent to both parties if they were not present at the meeting. Each party will put in writing "Acceptable" or "Refused" before signing the report. In case one party refuses the settlement, one copy of the report will be sent to the Court Clerk's Office, but the Court can not begin the trial procedure before all the conciliation procedures come to an end.

All conciliation procedures before Conciliation Committees are free of charge.

APPOINTMENT OF MEMBERS OF AGRICULTURAL COMMITTEES

ARTICLE 26 (New). This article fixes the procedures for appointing members of Agricultural Committees. Provisionally, the Village Administrative Committee makes a list of landlords and a list of tenants registered at the Village Office. Later on, every two years, the list of landlords will include only landlords and the list of tenants will include only tenants, not owners, and those who have their contracts registered at the Village Office. The registered landlords will elect five representatives. The registered tenants will also elect five representatives. These representatives must be capable to represent their respective landlords or tenants in all cases regarding Agricultural Committees. So each village will have five elected landlords and five elected tenants.

The lists of the elected landlords and tenants of each village will be grouped at the Cantonal level and then at the District level.

The Province Chief receives these elected representatives' list for each Canton and each District. He establishes a general list for the whole Province. He or his representative convenes and presides over a committee meeting including the Chief Magistrate of the Provincial Court of a judge representing him, and the District Chiefs. This committee proceeds to draw lots of the names of:

- Members and substitutes of the Cantonal Agricultural Committee, who must have their names registered on the list established at the Cantonal level.

- Members or substitutes of the District Agricultural Committee, who must have their names registered on the list established at the District level.

- Members and substitutes of the Provincial Agricultural Committee, who must have their names registered on the general list for the whole Province.

- Each name previously selected will not be put again into the lot box, so each member or substitute in each Committee will not become a member or substitute of another Committee.

The Village will receive a list of members and substitutes for these Cantonal, District and Provincial Agricultural Committees.

The Village is responsible for publicly posting these lists and for giving it to the interested persons.

DECISIONS OF AGRICULTURAL COMMITTEES

Administrative and conciliatory decisions of Agricultural Committees will be valid only if:

- There are at least three (3) permanent members or substitutes present at the meeting, including the Chairman (for the Cantonal and District level).

- There are at least seven (7) permanent members or substitutes present at the meeting, including the Chairman (for the Provincial level).

The members will decide by vote and according to the majority.

Both parties can refuse the presence of one or several members of the Agricultural Committee; in this case, the Chairman will replace them by designating substitute members according to the priority fixed by the lot drawing stated above. (See Circular No. 67 dated October 25, 1958 concerning Village and Cantonal Agricultural Committees).

PUNISHMENTS

ARTICLE 28 (New). Stipulates all punishments in case of violations against the provisions of the Ordinance.

The Province Chief will sue the violation case before the Court.

IV. FIRST PHASE OF THE LAND REFORM PROGRAM

The first phase of the Land Reform Program must be implemented when the preparatory work for the next rice reason begins and aims toward two purposes:

1. Cultivation of all lands left uncultivated, but suitable for cultivation, whether it belongs to the GVN (local domain) or private landlords or it is domainal concession for farming) now left uncultivated without valid reason.

2. While South and Central Vietnam are receiving so many refugees from North Vietnam fleeing for freedom and escaping from communist dictators, the Government is responsible for settling them and providing employment so as to enable them to contribute to the national development. The application of landlord tenant relationship regulations is a social security factor. The Minister of Agriculture has just set up the Directorate General of Land Reform, Cooperatives and Credit in order to coordinate all related activities.

Ordinance No. 20 dated June 4, 1953, amended by Ordinance No. 2 dated January 8, 1955 has fixed duties and powers of Province Chiefs, civil servants and agencies.

All Province Chiefs are thus required to organize and carry out the following activities for the two purposes of the program:

1. Setting up the administrative machinery of Land Reform by making, in each village, a list of landlord and a list of tenants; organizing the election of five representatives of landlords and five representatives of tenants in each village after clearly explaining the purpose of the election. (Explanatory booklets will be furnished in the near future); proceeding with the lot drawing for members and substitutes of Cantonal, District and Provincial Agricultural Committees; delivering the results of the lot drawings to the District, Canton and Village authorities and giving notice to designated members and substitutes.

2. Convening successively all Cantonal, District and Provincial Agricultural Committees to:

   - Make a list of private and abaondoned lands which will not be cultivated next season and hear the landlords defend their cases and, if necessary, recommend for immediate occupancy.

   - Make a list of all lands left uncultivated in provisional and definitive concessions and, if necessary, recommend for the reversion to the GVN (local domain) after hearing the grantee.

- Make a list of all unoccupied GVN lands (local domains) suitable for concession (allocation for farming purposes).

  Employees from the Cadastral and Land Registration Services will participate in making the said inventory.

  Because of the urgency, provisional or incomplete inventories of the above three categories are acceptable, but subject to completion next year.

- Determine the average yield per hectare after determination of homogenous crop areas.

- Recommend the maximum area each tenant can farm; this area must yield enough to ensure an acceptable standard of living, but must not exceed the farming capabilities of the farmer and his family.

- Recommend the rental rate according to homogenous crop area within the limit of 15 to 25 percent of the crop value.

All the lists and recommendations made by the Cantonal Agricultural Committees will be submitted to the District Agricultural Committee. The lists and recommendations made by the District Agricultural Committees will be submitted to the Provincial Agricultural Committee. The lists and recommendations, if any, made by the Provincial Agricultural Committee will be submitted to the Regional Delegate of the Government.

3. Initiate, in each Village, the tenant's contracts in accordance with provided forms which will be forwarded to you.

PROVINCE OWNED LANDS

Although not stipulated in any Ordinance, from now on it is necessary to cancel the renting of Provincial and Communal lands on a competitive bidding basis, regardless of the area rented to each tenant.

This procedure of bidding enables landlords and middlemen to lease large areas of lands and to sub-lease it to the true farmers by small lots. One of the purposes of Land Reform is to eliminate this malpractice in the cultivation of private lands; therefore, the Government must strongly enforce the same policy for Government lands and suppress these middlemen. In this field, Provinces and Villages must follow the regular policy in renting lands directly according to the regular procedures and within the rental rates fixed for private lands.

If possible, priority will be given to refugees, veterans, wounded military and landless farmers.

VILLAGE LAND REFORM COMMITTEES

It is my intention to set up, in each Village, a Land Reform Committee to advise farmers in carrying out the new regulations and to collect their recommendations in order to improve actual regulations which need repeated amendments.

This project is under study, and I feel it is useful to encourage the notables, all Chiefs of Canton and those who are interested, to form several groups for studying and publicizing Land Reform matters.

The activities of these groups will help the Government in finding the easiest and most practical means to do the job.

After a preparatory period, the Land Reform Program is growing up with the realization of its first phase as stated above.

I understand there are difficulties being encountered by the Province Chiefs. I also understand that the first results will be small, but I rely on you to promote the program and reach the objectives.

The Directorate General of Land Reform and Cooperatives and Credit, under the Ministry of Agriculture, will assist you and will comment and study all the suggestions and initiatives you might make through your Regional Delegate of the Government.

Land Reform must be carried out by all the people. I thank you in advance for your cooperation in this long range program which constitutes the priority job of this Government.

Saigon, January 18, 1955

S/s NGO DINH DIEM

Appendix D-5

Office of the President
of the Government

Arretee No. 336 dated June 1, 1955,
Establishing Land Reform Committees
in the Provinces

ARTICLE 1. A Land Reform Committee will be established in each province to be composed of:

• Province Chief	Chairman
• Chief, Cadastral Office*	Member
• Chief, Veterinary Office	Member
• Sector or Provincial Chief, Forestry Office	Member
• Sector Chief, Agricultural Office or his representative	Member
• Director, Provincial Agricultural Credit	Member

This Committee may invite other notables whose ideas and suggestions might be useful, to attend its meetings.

ARTICLE 2. The Land Reform Committee is responsible, within its province, for the application of regulations and for the carrying out of all action programs relating to Land Reform. It has the mission of taking every measure necessary for the adequate application of regulations and the carrying out of action programs.

ARTICLE 3. The Provincial Land Reform Committee will have, each month, at least two meetings which will be convened by its chairman. Each month it must submit to the Minister of Land Affairs and Land Reform, and to the Delegate of the Government, a report of activities and results in the application of regulations and progress of action programs.

ARTICLE 4. A permanent secretariat of this Committee will be maintained by the Cadastral Office (now Land Affairs), which is concurrently the Land Reform Office.

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* Now transformed into Land Office.

The Chief, Cadastral and Land Reform Office* will be reporter of this Provincial Committee for Land Reform.

ARTICLE 5. Contract and daily wages personnel necessary to the Cadastral and Land Reform Office will be hired by the Ministry of Land Affairs and Land Reform in accordance with a request of the Provincial Land Reform Committee. Their salaries will be supported by the National Budget or by Special Funds.

ARTICLE 6. While on duty, the Chairman, Provincial Land Reform Committee can correspond directly with the Director General of Land Reform and of Cooperatives and Credit.† However, a copy of each memo letter must be submitted to the Delegate of the Government for information.

Saigon, June 1, 1955

S/s NGO DINH DIEM

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* Now Land Affairs Office.

† Now Land Affairs only. Cooperatives and Agricultural Credit are under separate agencies.

Appendix D-6

Ministry of Land Affairs
and Land Reform

Circular No. 16 dated January 31, 1958,
Regarding Appraisal of Crop Losses

In case of loss of crops due to unavoidable circumstances, please refer to the following instructions in order to settle the problem of sharing crop losses:

1. The sharing of crop losses will be settled by application of Article 11 of the model contract.

   a. In case one-third (1/3) of the crop is lost, the lessee will pay only two-thirds (2/3) of the due land rent.

   b. In case two-thirds (2/3) of the crop is lost, the lessee will be exempted from paying any due land rent.

2. Tenants who have crop losses are required to submit a request to the District Agricultural Committee for on-the-spot inspection and report of loss appraisal.

According to Ordinance No. 2 dated January 8, 1955, the District Agricultural Committee is competent to appraise losses in unavoidable circumstances. However, for the convenience of the interested persons and to avoid long trips from the Village to the District, the District Agricultural Committee will appoint the Village Administrative Committee to make the appraisal. With this appraisal report the tenant will request his landlord to reduce his rent accordingly. It is not necessary to bring the case up to the District Agricultural Committee of the Land Court, if both parties agree.

S/s NGUYEN NGOC THO

Appendix D-7

Ministry of Land Affairs
and Land Reform

Circular No. 67-BDT/CCDD/TT dated October 25, 1958, Concerning the Organization and Functions of the Agricultural Committees

From: The Minister of Land Affairs and Land Reform
To: The Messrs. Province Chiefs in the Southern and Central Regions

According to the decision of the National Council for Land Reform in its XVth meeting held on October 17, 1958, concerning the organization and functions of the Agricultural Committees, this Ministry would like to request you to immediately implement the following:

- Provincial and District Agricultural Committees temporarily cease their activities.

There is established in each village a Village Agricultural Committee if the local Province Chief deems it is necessary. In case the establishment of a Village Agricultural Committee is not necessary, then a Cantonal Agricultural Committee should be established to take the responsibilities for all the villages within that canton.

According to the local situation, the Province Chiefs should determine and supervise the establishment in each place either a Village or Cantonal Agricultural Committee.

I. COMPOSITION OF THE VILLAGE AND CANTONAL AGRICULTURAL COMMITTEES

A) The Village Agricultural Committee is composed of:

- A Chairman of the Village Administrative Committee . . . Chairman
- Two landlords, not tenants, or their alternates . . . Commissioners
- Two tenants, not landlords, or their alternates . . . Commissioners

B) The Cantonal Agricultural Committee is composed of:

- The Chief of Canton or his deputy . . . . . Chairman
- Two landlords, not tenants, or their alternates . . Commissioners
- Two tenants, not landlords, or their alternates . . Commissioners

II. RESPONSIBILITIES OF THE AGRICULTURAL COMMITTEES

The Village and Cantonal Agricultural Committees are charged with the following principal responsibilities:

- Examine and give opinion on all applications or claims concerning land reform activities.
- Estimate the average yield of the ricefields within the limits of the concerned village or canton.
- Estimate the compensation which landlords have to pay to the tenants, or tenants must pay the landlords.
- Give opinion on the claims for pre-emption rights.
- Give opinion on all matters regarding claiming back of ricelands for rental, resale or self-cultivation.
- Estimate the total annual yield of each field of riceland.
- Give opinion on the maximum area each farmer is entitled to rent in accordance with the family situation in each farming area.
- Arbitrate disputes on land reform between landlords and tenants, draw up reports on the successful or unsuccessful cases and give opinions on the disputes.
- Investigate on the spot if examination is necessary and report on the case.
- Estimate losses sustained as a result of unavoidable circumstances.

The Village and Cantonal Agricultural Committees are advisory and arbitrating agencies. However, their opinion is requested in all cases of claims or disputes.

The Village and Cantonal Agricultural Committees have the duty of examining, investigating, and, if necessary, giving their opinion on the cases which shall be judged by the Land Reform Court.

Before bringing the suit to the Land Reform Court, the dispute must be first concilliated by the Village or Cantonal Agricultural Committee (according to the locality, it will be either a Village or Cantonal Agricultural Committee).

However, in the case where a Village or Cantonal Agricultural Committee is not in existence, or the Village or Cantonal Agricultural Committee does not consider the application of the individual for any reason, and does not give its opinion or conciliate the case, the individual has the right to bring the suit directly to the Land Reform Court after a period of 10 days from the date he submits the application to the local Agricultural Committee.

III. SELECTION OF AGRICULTURAL COMMISSIONERS

The Village and Cantonal Agricultural Commissioners are selected in accordance with the following procedures:

Village Agricultural Committee - Every two years, each Village Council will prepare a list of names of landlords and a list of names of tenants of its village and form a committee to be composed of:

- Chairman of the Village Administrative Committee . . Chairman
- Two representatives of the landlords, not tenants. . Commissioners
- Two representatives of the tenants, not landlords. . Commissioners

which shall select a lot drawing the names of four landlords (two permanent, two alternates) and four tenants (two permanent, two alternates) to be Commissioners of the local Village Agricultural Committee. The lot drawing by the Committee will be witnessed by the local District Chief and they must make a report on this matter.

Cantonal Agricultural Committee - Every two years, each Village Council will prepare a list of names of landlords and a list of names of tenants of its village.

The local Canton Chief shall gather the lists of names of landlords and the ones of tenants in the canton, and then shall form a committee which is to be composed of:

- Chief of Canton or his Deputy . . . . . Chairman
- Two landlords, not tenants. . . . . Commissioners
- Two tenants, not landlords. . . . . Commissioners

which shall select by a lot drawing the names of four landlords (two permanent, two alternates) and four tenants (two permanent, two alternates) to

be Commissioners of the local Cantonal Agricultural Committee. The lot drawing by the Committee will be witnessed by the local District Chief and they must make a report on this matter.

IV. TERM OF OFFICE AND WORKING PROCEDURES OF THE AGRICULTURAL COMMITTEES

The term of office of the Village and Cantonal Agricultural Committees is two years. However, if it is shown that the Agricultural Committee is capable, the local Province Chief may propose to the Ministry for Land Affairs and Land Reform an extension of the term of duty of that Committee.

The Village and Cantonal Agricultural Committees have the authority to make legal decisions only when there are at least three of its Commissioners present including the Chairman (1 Chairman of the Village Administrative Committee, 1 landlord commissioner, 1 tenant commissioner).

In all instances, the number of landlord and tenant Commissioners must be equal.

The Village and Cantonal Agricultural Committees' decisions shall be made by a majority of votes and in the presence of its Commissioners.

All procedures of the Village or Cantonal Agricultural Committee are free of charge.

Morever, as of now, the term of office of many of the Agricultural Committees has expired. Therefore, concerned Province Chiefs are requested to consider in accordance with the local situation, either to keep the existing Agricultural Committee or to elect a new one as its replacement.

The above mentioned procedures concerning the organization and functions of the Agricultural Committees have been determined by the National Council for Land Reform. This Ministry would like to request all Province Chiefs to implement the aforementioned articles in accordance with their local situation.

Saigon, October 25, 1958

Signed: DO VAN CONG

Appendix D-8

Ministry of Land Affairs and Land Reform

Circular No. 3355-BDT/CCDD/TT dated October 2, 1959, Regarding Garden Lands

Until now, Land Reform regulations have not been extended to garden lands for the following reasons:

1. Production of these lands vary and it is difficult to fix a rental rate.

2. These lands might produce fruits which came from fruit trees considered as industrial trees, because the product provides material for canning industries.

However, there are several cases of disputes in determining the respective areas cultivated in rice and fruit trees.

In its 20th meeting dated August 17, 1959 it has been decided:

1. In case the dispute includes both riceland and garden land and if the area of the garden is relatively smaller than the riceland, the Land Court is responsible for settlement.

2. The determination of riceland and garden land will be based upon the land tax roll (garden land tax or riceland tax effectively paid by the owner).

S/s HUYNH HUU NGHIA

Appendix D-9

Ministry of Rural Affairs

Circular No. 4095-BCTNT/HC/TC3/TT,
dated March 25, 1964, Saigon

From: The Secretary of State for Rural Affairs
To: All Province Chiefs
Subject: Implementing the decisions of the National Council for Land Reform at its meeting on March 2, 1964.

Dear Sirs,

The Ministry of Rural Affairs respectfully informs you of the decisions taken by the National Council for Land Reform at its meeting on March 2, 1964, relating to the following land reform matters:

III. Fixing the maximum area which each tenant may be allowed to rent for cultivation.

The Council realizes that Ordinance 57 allows landlords to retain 100 hectares, and for self-farming 30 hectares. So, tenants should not be allowed to rent more than the self-farming area of a landlord which is 30 hectares. The Council, therefore, decided:

"The maximum area which each tenant may be allowed to rent for farming is 30 hectares."

S/s NGUYEN CONG HAU

Appendix D-10

Royal Court of Hue, Royal Civil Code of Central Vietnam (formerly Annam), Excerpts from Articles 1199 - 1209 Regarding "Metayage" (sharecropping); Promulgated by Ordinance No. 51 dated July 13, 1936, Ordinance No. 95 dated January 8, 1938, and Ordinance No. 59 dated September 28, 1939

Chapter V - Lease Contract

Special Provisions Regulating Lease Contract with Respect to Agricultural Land

ARTICLE 1199. A contract between the landowner--or the possessor--and the cultivator, according to which they share the crop of the leased land is called contract of "metayage" or of sharecropping. The cultivator is called "metayor."

ARTICLE 1200. The amount of the share for the landowner and the cultivator is determined by the contract, or by local customs if there is no contract. If there are no clear customs, the amount of the share is half and half.

However, if the share for the landowner according to the contract or custom is more than one-half of the yield, it must be reduced to one-half of the yield.

If there are no specifications other than custom, the landowner is obligated to furnish one-half of the seed grain.

Nevertheless, the cultivator is obligated to pay one-half of the irrigation fees and one-half of the fertilizer cost.

ARTICLE 1201. If the landowner furnishes animals, the cultivator receives one-half of the offspring and bears one-half of the loss or death.

The sharecropper is obligated to take care of those animals as if they were his own.

The sharecropper is obligated to bear the entire cost of the animal if the death or the loss is due to his fault, or is through his negligence. But the owner has to give proof of the cultivator's fault.

The animal's value in the contract is used to determine the profit or loss at the end of the contract term. . . .

ARTICLE 1202. Any contract aiming at directly or indirectly reducing the share of the cultivator determined in the two above-mentioned Articles is not valid. . . .

ARTICLE 1203. A contract of sharecropping must have provisions declaring that the landowner is in charge of management regarding the cultivation and/or the sale or purchase of animals. . . .

ARTICLES 1204 through 1209 (Apply commonly to both metayage and other leasing arrangements as provided under regulations governing landlord tenant relationships).

Appendix D-11

SELECTIONS FROM THE DECREE OF JULY 21, 1925 CONSTITUTING THE LAW OF PROPERTY FOR COCHIN CHINA, RELATING TO THE SYSTEM OF SHARE-CROPPING (METAYAGE) TENANCY:

Section III - Conceiving leasing for partition farming (share-cropping)

Art. 256 - The lease of a rural property is called partition farming or Metayage, when it is agreed that the products will be divided between the lessor and the lessee, the latter of whom is called the Metayer (share-cropper).

Although the Metayer does not pay farm-rent, it may be imposed on him, by way of obligation either to pay rent in kind or to pay rent in cash.

Art. 257 - The portion of the products to be taken by the lessor and by the Metayer is determined by the leasing contract itself; if there has not been any stipulation on this point, the products will be divided equally between the contracting parties.

Art. 258 - The lessor has the supervision of the labors and the general direction of the exploitation, be it as to the mode of cultivation, or as to the buying and selling of cattle.

The exercise of this right is determined, as to its extent, by terms of the contract or, in their absence, by the usage of the community.

Art. 259 - The lease for partition farming continues to be valid in the event of the lessor's death; it is, however, terminated by the death of the Metayer; the enjoyment of the heirs of the latter ceases at the

time determined by the usage of the community for the expiration of annual (one-year) leases.

Art. 260 - If, in the course of the lease, the whole or a part of the harvest is destroyed by casualty, the Metayer is not owed any indemnity, each party bearing a portion of the loss which corresponds to his portion of the fruits.

Art. 261 - Each of the parties may demand an annual statement of account of the exploitation. He may judge it proper, within the limits of his authority, upon seeing the records (of operation) or, in default of those and if he judges it appropriate, upon the statements of witnesses.

Art. 262 - Reserving the differences which result from the preceding provisions, the Metayer, as a general matter, enjoys the rights and is held to the obligations of the (ordinary) lessee, as these (rights and obligations) are defined, especially by Art. 234 through 238, 245, and 252 through 254 above.

The cited articles, which therefore remain the effective, non-superseded background for Metayage, include:

Art. 234 - In case of sale by the lessor of leased land, the buyer may not evict a lessee whose right is established by a contract regularly published, or, if publication is not required, which has acquired a certainty of date by registration, unless an express clause of the said contract has reserved the power for a buyer; but, even in that case, the eviction may only take place on condition of proper payment by the lessor, or in default of this, by the buyer (of the land), to the lessee, of an indemnity determined as stated in the following article.

Art. 235 - Where the clause of the lease authorizing the buyer to evict the lessee has not specified the indemnity due the latter, the lessor must pay him:

. . . .

If it is a rural property, a sum equal to one third of the rental for the time remaining (on the lease) . . . .

Art. 236 - The buyer must, moreover, when he wishes to use the power reserved for him of evicting the lessee, give notice to the latter,

. . . . .

If it is a rural property, at lease one year in advance.

Art. 237 - When the eviction of the lessee takes place by reason of the lack of publication or of a date certain for the lease contract, no indemnity is due him, either from the lessor or from the buyer.

Art. 238 - The buyer under contract of repurchase (i.e., under an agreement where the seller retains an option to buy back the load) may not exercise the power to evict the lessee, until, by the expiration of the period during which repurchase may be made, he has become the absolute owner.

Art. 245*: The lessee is held: 1) to use the property according to the designation which has been given by the contract; . . . . **

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* Art. 244 is not referred to in Art. 262, although none of the more recent provisions appears to supercede it, apparently because Art. 258 covers the same ground for Metayage. For farm leases generally, Art. 244 provides "The lessee may not, during the period of the lease, modify the farm or disposition of the property rented," except for urgent repairs. Art. 241 makes it the lessors theoretical duty to make all except maintenance-type repairs.

** Paragraph 2 is "To pay the rent on the terms agreed," replaced for Metayage by Art. 257, and in any event non superseded by the reform-law provisions as to rent.

Art. 252* - The lessee is answerable for damage or loss which occurs during his enjoyment and that of the subtenants or assignees who are substituted for him, unless he shows that these (damage or loss) have taken place without fault on his part, or on theirs.

Art. 253 - The lessee is answerable for fire, unless he shows that the fire has occurred by fortuitous circumstance or natural casualty or by defect of construction, or else that the fire has spread from a neighboring property.

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* Articles 247, 249 and 251 are not referred to in Art. 262, apparently because the broad Art. 258 is considered to cover the same ground for Metayage: Art. 247 provides that "The farmer leasing a rural property is held to stock it with the cattle and implements necessary for its exploitation, to maintain it in state of cultivation following its designation and to store the products in places appropriate for such use, failing which the lessor has the right to pursue the cancellation of the lease." Art. 249 provides that "If the lessee employs the property for a use other than that for which it has been designated or such that it may result in damage for the leesor, the latter may, according to the circumstances, cancel the lease." Art. 251 provides that "If there has not been an inventory of the premises, the lessee is presumed to to have received the property in good repair, and must render it up thus, except if he proves the contrary." These provisions have not on their face been entirely superseded by new reform-law provisions, and Art. 247 and 249 might, for example, retain some vitality in determining what is meant by "action of the farmer which would be, detrimental to the cultivation of the leased land," which is govern as a basis for cancellation or non-renewal of the contract in Article 9 of Ordinance No. 2.

Appendix D-12

Usufruct Provisions of the Decree of July 21, 1925: Title IV of Dismemberments of Property

Art. 46: Property is said to be dismembered when the enjoyment is had by a person other than the owner

Chapter One of Usufruct

Art. 47: Usufruct is the enjoyment had of realty of which the bare ownership belongs to another person, for a period which may not exceed the life of the beneficiary.

Art. 48: Usufruct is established by law or by voluntary act. It may be established purely and simply, or for a fixed period of time, or until the occurrence of a particular condition.

Section I of The Rights of the Usufructuary

Art. 49: The usufructuary has the right to enjoy the revenues of all nature, be they natural or industrial, or civil, which may be produced by the realty of which he has the usufruct.

Art. 50: The natural or industrial fruits adhering to the soil at the beginning of the usufruct belong to the usufructuary, those adhering at the termination of the usufruct belong to the bare owner, without need for recompense on either side for labor and seed, but also without prejudice to the portion to be returned to the sharecropper, if there is one, either at the beginning or the termination of the usufruct.

Art. 51: The civil revenues belong to the usufructuary in proportion to the duration of his usufruct.

Art. 52: The usufructuary may enjoy the property himself or may lease to another, or may even transfer his (entire) right, either for a consideration or by gift.

If he leases, he may not make it for a time exceeding nine years, nor renew current leases more than three years before expiration, if it is rural realty, or two years, if it is house rental.

Art. 53: The usufructuary enjoys the use of lands added by accretion to the property of which he has the usufruct.

Art. 54: The usufructuary enjoys the use of two servitudes and, generally, of all of the rights which the owner may enjoy, and he enjoys the same use of them as the owner himself.

Art. 55: The usufructuary enjoys also, in the same manner as the owner, the products of mines existing on the land of which he has the usufruct, on condition that their exploitation has commenced before the start of that usufruct.

He receives the payments due to the owner of the land from the grantees of mining rights, to the extent of the lands of which he has the usufruct, whatever the time from which commenced the occupation giving rise to the payments.

Art. 56: The bare owner may not, by his act, derogate in any manner whatever from the rights of the usufructuary.

On his part, the usufructuary may not, at the termination of the usufruct, claim any indemnity for the improvements that he claims to have made to the realty held by him in usufruct as a consequence of which the value of the said realty finds itself increased.

Art. 56 (continued)

In the case, however, where constructions have been built, the usufructuary may, or his heirs on his behalf, claim the application of the provisions of Article 25.*

The usufructuary may also, or his heirs on his behalf, remove mirrors, tables and other ornaments that he may have placed in existing buildings but upon the condition of reestablishing the premises in their original state.

Section II of The Obligations of the Usufructuary

Art 57: The usufructuary takes the realty in the state he finds it but he may not enter into enjoyment until after having examined, in the presence of the bare owner or one duly named by him, the material state of the premises.

Art. 58: The usufructuary must also, before entering into enjoyment, furnish a solvent surety for the guaranty of his administration which must be that of a good head of family.

The act creating the usufruct may, in any case, dispense with the requirement.

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* Art. 25: Where plantings, constructions and works have been carried out by a person, with his materials, on the land of another, the owner of the property has the right to either retain them or demand their removal. If the owner demands the removal of the plantings and constructions, it is at the expense of the one who made them, without any indemnity to him; he may even be required to pay damages, if they have occurred, due to harm suffered by the owner of the property.

If the owner prefers to retain the plantings and constructions, he owes the reimbursement of the value of the materials and of the price of the hard-labor without regard to the greater or lesser augmentation of value that the property may have received.

Art. 58 (continued)

Such exemption exists as a matter of law for the father and mother exercising legal usufruct as the property of their minor children, the seller or the donor who has received right of usufruct in matters French, as well as for the widow taking usufruct rights as to the property left by her husband, and the attributary heir of realty burdened with the maintenance of ancestor worship in Annamite matters.

Art. 59: If the usufructuary cannot find a surety, the realty is leased or is placed in deposit in the hands of a third party (mis en séquestre); the receipts from the rental or the product of the fruits received by the sequestrator are turned over to the usufructuary.

Art. 60: Delay in making surety does not deprive the usufructuary of the fruits to which he is entitled; these fruits are due him from the moment that the usufruct is commenced.

Art. 61: The usufructuary is only held to maintenance repairs; major repairs remain the burden of the bare owner, at least if they have not been occasioned by the absence of maintenance repairs since the commencement of the usufruct, in which case the usufructuary is held to make them.

Art. 62: Major repairs are those of large walls and vaults, the re-establishment of (poutres) and of entire roofs, those of ditches and of supporting and enclosing walls also in their entirety.

All other repairs are maintenance repairs.

Art. 63: Neither the bare owner nor the usufructuary is held to rebuild that which has fallen into ruins, or which has been destroyed by fortuitous circumstances.

Nevertheless, if the destruction has been caused by a casualty against the eventuality of which the totally or partially destroyed property has been insured, the indemnity payed may, at the demand either of the bare owner or of the usufructuary, be employed for the rebuilding or restoration of the property.

Art. 64: The usufructuary is held, during his enjoyment, to all the annual charges burdening the realty, such as contributions and accumulated taxes, (and) insurance premiums, which, customarily, are regarded as inputted to the fruits.

He must, moreover, ensure the acquisition and renewal in good time of insurance policies concerning the realty which is subject to his usufruct, as much those policies in existence at the moment when that usufruct commences as those subsequently required by the bare owner.

Art. 65: With respect to charges that may be imposed on the property during the period of the usufruct, the usufructuary and the bare owner contribute to these as follows:

The bare owner is held to pay them and the usufructuary must reimburse him for the interest payments. The usufructuary may make advance payment, saving repayment of the capital at the termination of the usufruct.

Art. 66: The usufructuary of realty, particular legatee of a deceased, is not held to pay debts for the guaranty of which the realty has been given as security; in the case where he may be forced

Art. 66 (continued)

to pay them, he has recourse against the bare owner or, if the latter, equally a particular legatee of the same deceased, is not obligated to pay them, against the residuary legatees upon whom falls the satisfaction of the liabilities burdening the estate.

Art. 67: The usufructuary who is residuary legatee must contribute with the bare owner to the payment of debts burdening the estate as follows:

An estimate is made of the value of the realty subject to to the usufruct; one then fixes the usufructuary's contribution to the debts according to that value.

If the usufructuary wishes to advance the sum for which the realty must contribute, restitution of the capital is to be made to him at the end of the usufruct, without interest.

If the usufructuary does not wish to make that advance, the bare owner has the choice either of paying the sum and, in this case, the usufructuary paying him interest during the term of the usufruct, or of causing to be sold an allocable portion of the realty which is subject to the usufruct.

Art. 68: The usufructuary is only held for the costs of legal proceedings concerning the enjoyment of the realty subject to his usufruct and for the other judgments to which such legal proceedings may give rise.

Art. 69: If, during the period of the usufruct, a third person assaults the rights of the bare owner, the usufructuary is required to

Art. 69 (continued)

denounce him to the latter; if he fails to do so, he is responsible for the damage that may be suffered by the bare owner, just as if they were depradations committed himself.

Section III: How the Usufruct Ends

Art. 70: The usufruct is extinguished:

1. By the death of the usufructuary;
2. By the expiration of the period or the realization of the condition fixed as the termination;
3. By the usufructuary's renunciation of his right;
4. By the consolidation or rejoining in the same hands of the two titles of usufructuary and of bare owner;
5. By the total destruction of the property which the usufruct concerns.

Art. 71: In addition to and independently of the special case of forfeiture by Annamite widow provided for in Article 184* the forfeiture of the usufructuary may be judicially pronounced, upon the demand of the bare owner, on account of abuse of enjoyment on his part, particularly if he commits depradations on the property of if he lets it fall into disrepair for lack of maintenance repair.

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* Art. 184: The right devolving upon the surviving spouse of first rank, with regard to property left at his decease by the head of the family, is a right of usufruct, of which the forfeiture may, moreover, be judicially pronounced, in case of joining in a second marriage or indignities duly proven.

Art. 71 (continued)

The creditors of the usufructuary may, in that case, be admitted to intervene (in the proceeding) at their request; they may offer restitution for the depradations committed and guaranties for the future.

The judge may, according to the gravity of the circumstances, either order the absolute extinction of the usufruct or the return of the property to the bare owner upon condition that he pay annually to the usufructuary or his assigns a fixed sum until the date fixed for the termination of the usufruct.

Art. 72: The sale of the realty which is subject to the usufruct by the bare owner does not change in any way the situation of the usufructuary, who continues to exercise his right, unless he has formally renounced it.

Art. 73: The creditors of the usufructuary may cause to be annulled any renunciation which he has made in fraud of their rights.

Art. 74: The total destruction of the property puts an end to the usufruct to which the property is subject; if only a part is destroyed, the right continues to be exercised as to the remainder.

Art. 75: If the usufruct relates only to a building and if the building is accidentally destroyed, the right of the usufructuary does not carry over to the soil or to the materials.

The rule is otherwise if the usufruct is established on the whole of a property of which the building forms part, except, moreover, for the applicability, in both cases, of the final provision of Article 63 above.

b. Recultivation of Land Left Uncultivated

Appendix D-13

Ordinance No. 7 of February 5, 1955,
Establishing the Conditions for the
Recultivation of Abandoned Lands

ARTICLE 1. Within the framework of the policy of national renaissance, this ordinance has for its purpose the immediate motivation of an over all movement for the recultivation of abandoned lands--owned either by private persons or legal entities.

In the implementation of this ordinance, all rice fields and other agricultural land which have not been cultivated during the last cropping season are considered as abandoned lands. (See Ordinance No. 28 of April 30, 1956 - Article 2).

ARTICLE 2. Until the agricultural committees provided for under Ordinance No. 2 of January 8, 1955, take office the Village Administrative Councils (now Village Administrative Committees) are charged with the responsibility, within a month from the date of promulgation of this ordinance, to prepare a census of land left uncultivated during the last cropping season in accordance with the attached forms. This census applies either to private-owned land, legal-entity owned land, Regional, Provincial, or Communal domains. (See Ordinance No. 28 of April 30, 1956, Part II, Chapter I).

The declarations of abandoned land shall be prepared in quadruplicates and be forwarded to the concerned District Chief before March 1, 1955. The District Chief shall retain one copy in the District files and shall forward the other three copies to the Province Chief, the Minister of Agriculture and the Commissioner General for Refugees, through the usual administrative channels. (See Ordinance No. 28 of April 30, 1956, Part II, Chapter II).

PROCEDURES APPLIED FOR PRIVATE-OWNED
LAND AND LEGAL ENTITY-OWNED LAND

ARTICLE 3. Within one month from the date of promulgation of this ordinance, all landowners are obligated to declare to the administrative council of the village in which their land is located, about their address and their intention concerning the recultivation of these abandoned lands in the next cropping season. (See Ordinance No. 28 of April 30, 1956 - Article 3).

1. The Case of Landlords Being Present

ARTICLE 4. In case a landlord is present, that means he has himself or has his legal representative comply the formalities set forth in Article 3 above, he may undertake the cultivating of the land himself or have it cultivated by a tenant of his choice in the next cropping season.

If the landowner rents his land, both parties may choose between the type A tenancy contract appended to Ordinance No. 2 of January 8, 1955, or the type B tenancy contract appended to this ordinance. In the first instance, the landlord must pay land tax and other additional taxes. In the second instance, the landlord is exempted from paying land tax and other additional taxes as provided for under the provisions of this ordinance. (See Ordinance No. 28 of April 30, 1956, Part III).

2. The Case of Landlords Being Absent

ARTICLE 5. In case the landowner is absent, or does not undertake the recultivation of his land in the next cropping season, the abandoned land shall be allocated for lease to the following people for a period of three years:

(1) Tenant farmers who have previously cultivated this land

(2) Refugees

(3) Legal heirs of military and civilians killed on battle-fields

(4) War veterans

(5) Volunteers for the cultivation of the land

ARTICLE 6. Those who pertain to the 1st, 2nd, 3rd, 4th, or 5th category set forth in Article 5 above, who would like to be entitled to enjoy the provisions of this ordinance should register their names no later than March 15, 1955, at the Village Administrative Council Office (now Village Administrative Committee) where these lands are located.

The Village Administrative Council (now Village Administrative Committee) shall examine the applications and shall establish a list of beneficiaries which shall be publicly posted in the Village Administrative Council Office (now Village Administrative Committee) for ten days. If no complaint is received after this period the list of beneficiaries becomes definitive.

All complaints raised within this period of ten days shall be brought up to the District Agricultural Committee for final decision.*

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* According to Official Circular No. 67/BDT/CCDD/TT, dated October 25, 1958, District and Provincial Agricultural Committees temporarily cease their activities.

The District Agricultural Committee shall also give its final decision on other matters relating to the implementation of this ordinance. (See Ordinance No. 28 of April 30, 1956 - Article 10.)

ARTICLE 7. A list of lands which have not been allotted according to Article 6 above shall be immediately forwarded by the Village Administrative Council (now Village Administrative Committee) to the Commissariat General for Refugees* through the usual administrative channels.

The Commissariat General for Refugees shall send to the Village Administrative Council (now Village Administrative Committee), through the usual administrative channels, a list of refugees which shall be entitled for the land remaining for allocation. (See Ordinance No. 28 of April 30, 1965 - Article 11.)

ARTICLE 8. Landlords shall be notified through legal means concerning the tenancy of these lands. (See Ordinance No. 28 of April 30, 1956 - Article 12.)

ARTICLE 9. The area of land to be allocated to each tenant shall be the area that a farmer and his family would be able to cultivate by themselves. This area may vary depending on the local conditions of each village and on the agricultural region.

ARTICLE 10. The three-year occupancy duration is granted according to the following procedures:

A type "C" written tenancy contract which is appended to this ordinance shall be established between the Chairman of the Village Administrative Council (now Village Administrative Committee) or a representative entrusted by the Village Administrative Council (now Village Administrative Committee), and the beneficiary designated in accordance with the conditions determined either in Article 6 or 7 above. (See Ordinance No. 28 of April 30, 1956 - Article 10.)

These lands are exempted from land taxes and other additional taxes for a period of three years.

The occupant is exempted from land rent for the first year, the second year he shall have to pay one-half (1/2) of the land rent, and the third year three-fourths (3/4) as determined by the conditions provided for in Article 13 of Ordinance No. 20 of June 4, 1953, and amended by Ordinance No. 2 of January 8, 1955.

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* The Commissariat General for Refugees has been cancelled.

ARTICLE 11. The government is responsible to the absentee landowner or his legal heirs for the rental amount. This collected rental amount shall be deposited with the Provincial Agricultural Credit Bank, if it does not exist, the rental amount shall be deposited with the local Treasury in a special account opened for that purpose. (See Ordinance No. 28 of April 30, 1956 - Article 13.)

ARTICLE 12. If the landowner is 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 Ordinance No. 20 of June 4, 1953, amended by Ordinance No. 2 of January 8, 1955. Land tax and other additional taxes must be paid accordingly.

The Village Administrative Council (now Village Administrative Committee) is required to deposit the rental amount with the Provincial Agricultural Credit Bank or the Treasury after deduction of land tax and other additional taxes.

ARTICLE 13. If the landowner returns and makes a declaration in accordance with the conditions provided in Article 3 above, he is obligated to continue to carry out the terms of the current contract.

ARTICLE 14. In case of sale of the leased land, the tenant has the right of pre-emption according to the conditions provided for in Ordinance No. 20 of June 4, 1953, amended by Ordinance No. 2 of January 8, 1955.

The new landowner is obligated to carry out the provisions of the current contract in place of the former landowner.

PROCEDURES APPLIED FOR REGIONAL, PROVINCIAL, OR COMMUNAL DOMAINS

ARTICLE 15. The tenancy right may also be granted for the regional, provincial or communal domains which are left abandoned or have never been exploited or cultivated, however, the lands are cultivable.

The list of beneficiaries shall be established according to the conditions provided in Articles 6 and 7 of this ordinance.

Province Chiefs are entrusted with the special duty of granting tenancy right on regional or provincial domains.

The Village Administrative Council (now Village Administrative Committee) may grant the tenancy right on village-owned land (communal land), or enjoy the benefits from it. (See Ordinance No. 28 of April 30, 1965 - Article 2.)

A type "C" tenancy contract shall be established in accordance with the conditions provided for in Article 10 above.

PENALTIES

ARTICLE 16. Any landowner who, without good reason, breaks his promise by not cultivating the declared abandoned land himself, or not having it cultivated by a tenant, shall be liable to a fine provided for in Ordinance No. 2 of January 8, 1955. (See Ordinance No. 28 of April 30, 1965 - Article 14.)

Any landowner who, without good reason, forbids or impedes the cultivation of the lands alloted under the provisions of this ordinance shall be liable to a fine, or imprisonment, and must pay the damage as provided for in Ordinance No. 2 of January 8, 1955. (See Ordinance No. 28 of April 30, 1956 - Article 16.)

Under any of the two above-mentioned circumstances, the landowners shall be considered as absentees.

ARTICLE 17. Any beneficiary of the tenancy right who, after having signed the tenancy contract, and without good reason, neither pays the rent, nor cultivates the land, or leaves it abandoned, shall be deprived of his tenancy right, and later he may not claim the right to enjoy the provisions of this ordinance. (See Ordinance No. 28 of April 30, 1956 - Article 15.)

WARRANT AND MISCELLANEOUS PROVISIONS

ARTICLE 18. Until December 31, 1955, any landowner whose land has been allotted, but no tenant is in existence, shall be permitted to recover the right of utilization of his land.

ARTICLE 19. A decree of the Prime Minister of the Government shall determine the application of the provisions of this ordinance for the calendar year 1956 and further determine other new procedures for application, particularly those relating to the time-limitation. (See Ordinance No. 28 of April 30, 1956 - Article 17.)

In any event, the right and obligations determined in this ordinance shall not be affected.

ARTICLE 20. Ordinance No. 22 of June 4, 1953, determining the procedures for benefiting the yield of cultivated land which is completely repealed.

ARTICLE 21. The Prime Minister of the Government, Ministers of Agriculture, Interior, Justice, Finance, Commissioner General for Refugees, Delegates of the Government in each Region, shall carry out this ordinance as far as their respective duties are concerned.

Saigon, February 5, 1955

THE PRIME MINISTER OF THE GOVERNMENT
(Signed) NGO DINH DIEM

USAID/AGR
Land Branch
8/23/67

Appendix D-14

Republic of Vietnam
Presidency of the Republic

Ordinance No. 28 of April 30, 1956
Establishing the Conditions for the
Recultivation of Abandoned Lands

THE PRESIDENT OF THE REPUBLIC OF VIETNAM

Having considered the Provisional Constitutional Act. No. 1 of October 26, 1955;

Having considered Decree No. 4-TTP of October 29, 1955, establishing the composition of the Government;

Having considered Ordinance No. 7 of February 5, 1955, establishing the conditions for recultivation of abandoned uncultivated lands;

Having considered the proposal of the Minister for Land Affairs and Land Reform;

After having been discussed with the Cabinet Council;

DECREES:

PART I - PURPOSE--SCOPE OF APPLICATION

ARTICLE 1. Within the framework of the policy of national reconstruction, this Ordinance has for its purpose the immediate recultivation of all abandoned lands.

ARTICLE 2. This Ordinance applies to rice fields and other agricultural land which has not been cultivated during the last cropping season, except communal land, the recultivation of which will be the subject of special provisions.

PART II - CENSUS OF ABANDONED LANDS

Chapter I - Declaration by Owners

ARTICLE 3. No later than January 1 of each year, all landlords must submit to the Village Council in which their land is located, a written

declaration about their land left abandoned during the preceding crop season. This declaration is made in accordance with the form determined by the Ministry of Land Affairs and Land Reform, must include:

1. Owner's name and present address,

2. Area of abandoned land,

3. Location,

4. Owner's intentions regarding recultivation of his land,

5. Method of recultivation:

   a. Self Cultivation,

   b. Lease,

6. Names of tenants,

7. Areas leased,

8. Types of contracts signed with tenants,

9. Kinds of crops.

Any owner who fails to submit this declaraction within the period stated above shall be considered absentee.

ARTICLE 4. Any landlord who, in carrying out the procedures of the foregoing article, declares neither the intention of self cultivation of his land nor entry into tenancy contracts shall likewise be considered absentee.

Chapter II - Census of Land

ARTICLE 5. The Village Council shall collect the declaration of the landlords and prepare a census of abandoned land in triplicates. The Village Council shall retain one copy in the village files, and shall forward the other copies to the provincial census committee no later than February 15 of each year.

These census lists shall be prepared according to a form prescribed by the Ministry of Land Affairs and Land Reform.

ARTICLE 6. There shall be established in each province a census committee on abandoned lands to be composed of:

- The Chief of Province . . . . . Chairman
- The Chief of the Provincial Land Affairs, and Land Reform* Service . . . . . Spokesman
- A representative of the landlords who is a member of the provincial agricultural committee . . . . . Commissioner
- A representative of the tenants who is a member of the provincial agricultural committee . . . . . Commissioner

The committee may request the participation of personnel representing other concerned services.

The committee shall collect, verify, and recapitulate the census lists forwarded by the Village Councils, and may examine and draw up reports on-the-spot.

The census list shall be prepared in triplicate, two copies of which shall be forwarded to the appropriate Minister before March 1 of each year:

All expenses arising from the work of the census committee shall be financed by the provincial budget.

PART III - RENTING OF ABANDONED LANDS

Chapter I - The Case of Landlords Being Present

ARTICLE 7. In case a landlord presents or is considered as present, he is obligated to self cultivate his land or have it cultivated by others in the next crop season.

ARTICLE 8. In case a landowner rents his land, both parties may choose between the type A tenancy contract appended to Ordinance No. 2 of January 8, 1955, or the type B tenancy contract appended to Ordinance No. 7 of February 5, 1955.

ARTICLE 9. Any landlord who is present and who has been unable to find tenants to cultivate his land may request the Village Council or the provincial census committee to introduce tenants to him.

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* Presently changed to Provincial Land Affairs Service, a combination of 3 Services: Cadastre, Land Registration, and Land Reform.

In this case both parties may choose either the type A or type B tenancy contract.

Chapter II - The Case of Landlords Being Absent

ARTICLE 10. In case the landlord is absent, or considered as absent according to the provisions of Article 3 above, the abandoned land shall be leased by the provincial census committee for a period of three years using a type C tenancy contract, to the different categories of people established by Article 5 of Ordinance No. 7 of February 5, 1955, according to a priority which shall be determined by the Minister of Land Affairs and Land Reform.

ARTICLE 11. A separate declaration list of land which has not been allotted according to Article 10 above will be forwarded in duplicate through the provincial census committee to the Ministry of Land Affairs and Land Reform.

After consultation with the Ministries of Labor, Health and Social Welfare, and the Commissariat General for Refugees to determine the categories of eligible people, the Ministry of Land Affairs and Land Reform shall issue instructions to the provincial census committees for the implementation of the allocation of land remaining to be leased.

ARTICLE 12. At the latest, one month after the list of benificiaries has been established the Chief of Province shall notify the absentee landlords or those considered as absentee about the leasing of these lands.

ARTICLE 13. The Chief of Province is responsible for collecting rent on behalf of absentee landlords which, after deduction of all expenses and taxes, shall be deposited with the provincial treasury in a special account opened for that purpose.

PART IV - PENALTIES--MISCELLANEOUS PROVISIONS

ARTICLE 14. Any landlord, who, without good reason, violates the obligations and does not self cultivate the declared land or have it cultivated by a tenant, shall be liable to a fine of from five thousand (5,000) piasters to fifty thousand (50,000) piasters.

ARTICLE 15. Any tenant who, without good reason, allows the crop season to pass without cultivating the land which has been rented or allotted to him for lease shall be deprived of all his rights by the census committee established under Article 6 above.

Besides, the tenant may be liable to a fine of from five thousand (5,000) piasters to fifty thousand (50,000) piasters.

In this case, the landlord will have the right to recover his land, but he must comply with the provisions in Article 3 of this Ordinance.

ARTICLE 16. Any person who, directly or indirectly, by threats, violence, or subversive propaganda, impedes or tries to impede the application of this Ordinance or the execution of tenancy contracts concluded in compliance with the provision of this Ordinance is liable to a penalty of from two (2) to five (5) years imprisonment without prejudice to punishments provided by any other regulations in force.

ARTICLE 17. Particularly for the year 1956, the time limit for carrying out the provisions prescribed in Articles 3 and 5 of this Ordinance will be determined by decree of the Minister of Land Affairs and Land Reform.

ARTICLE 18. Any previous provisions which are in conflict with this Ordinance are superseded.

The Ministers of Interior, Justice, Finance, Labor, Social Wefare and Health, Land Affairs and Land Reform, Agriculture, Government Delegates, and the Commissioner General for Refugees shall carry out this Ordinance as far as their respective duties are concerned. This Ordinance shall be published in the Official Gazette of the Republic of Vietnam.

Saigon, April 30, 1956

(Signed) NGO DINH DIEM

Appendix D-15

TENANT CONTRACT
(Type B)

FOR THE RECULTIVATION OF ABANDONED LAND
(Ordinance No. 7 of February 5, 1955)
TO BE USED WHEN THE LANDOWNER IS PRESENT

Between the two undersigned parties:

Mr. or Mrs. . . . . , landowner (lessor) presently located at . . . . . ., and Mr. . . . . ., farmer (lessee) presently located at . . . . . , have been, by mutual consent, decided and agreed the following provisions:

Purpose of the Contract

ARTICLE 1. Mr. . . . . ., lessor, leases to Mr. . . . . ., lessee, who accepts to rent an area of. . . . . parcels of cultivating land which area extent totalled to. . . . . hectares.

Description of the Land

ARTICLE 2. This parcel of land is located at:

Village : . . . . . .

Canton : . . . . . .

District: . . . . . .

Province: . . . . . .

and is described as follows:

Order No.	Land Registry Number	AREA	BOUNDARIES				REMARKS (Land Survey Ref.)
			North	South	East	West	

Duration and Expiration of the Contract

ARTICLE 3. The duration of this contract is three (3) years, beginning . . . . . ., and ending . . . . . .

At the expiration of this three-year period, the contract might be renewable for another five (5) year period.

The renewed contract shall be established in accordance with the type "A" farm lease contract appended to Ordinance No. 2 of January 8, 1955.

The lessor may refuse to renew the contract only if he can prove that he desires to take back the land for self-cultivation or have it cultivated by one or several of his lineal descendants who have reached 18 years of age and who are capable of cultivating it.

In the case of non-renewal of the contract, the landlord must give notice to the tenant at least six months prior to the date he wishes to take back the land.

ARTICLE 4. The lessor shall not have the right to cancel the contract unless he can offer proof of a serious and legitimate reason such as non-payment of farm rent on the part of the lessee or excessive and repeated delays in his payment, except due to unavoidable circumstances, or action of the tenant which would be detrimental to the proper cultivation of the leased land, or refusal by the tenant to carry out those improvements on the land, and those cultural practices recommended by the Provincial Agricultural Committee.

In the case of cancellation or non-renewal of the contract, the lessor must give notice to the lessee at least six months prior to the date he wishes to take back the land.

ARTICLE 5. In the case of cancellation or non-renewal of contract the lessee may request compensation for his work in improving the land, harmonizing the cultivation which has been carried out on the land (buildings, constructions and fixed installations, long term planting and other improvements on land and cultivations) which still has its effect after the expiration of the contract, provided that the lessee has had the approval of the lessor or if the latter has refused, but the lessee had been authorized by the Provincial Agricultural Committee.

Rental Rate and Land Rent

ARTICLE 6. The annual rental rate has been fixed by the Agricultural Committee at . . . . . percent* of the principal annual crop valued at . . . . . gia (or . . . . kilos) of paddy per hectare.

However, the lessor and the lessee, in consideration of the particular characteristics of the land, have agreed to reduce this rental rate to . . . . percent of the principal annual crop (optional provision).†

On this basis, the annual land rent is . . . . . gia (or . . .kilos) of paddy.

The lessee binds himself to pay this land rent within a month following the end of the principal harvest in the district:

- either by delivery to the lessor at . . . . . village‡ the . . . . . gia (or . . . kilos) of dry and clean paddy,

- or by paying to the lessor the amount in cash equivalent to the value of the . . . . . gia (or . . . kilos) of paddy, based on the current price of paddy on the date and at the place of payment.

However, in the first year of this lease contract, the lessee is exempted from paying the annual land rent.

In the second year, the lessee shall have to pay only one-half (1/2) of the total annual land rent.

In the third year, the lessee shall have to pay only three-fourths (3/4) of the total annual land rent.

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* The rental rate is fixed by the Agricultural Committee at, from 15 percent to 25 percent of the principal crop.

† The lessor and the lessee may agree upon a farm rental rate lower than that fixed by the Committee but they are forbidden to agree upon a higher rate.

‡ If the place of delivery is different from the locality where the crop is harvested. The transportation shall be charged on the part of the lessor.

Renting of Agricultural Implements and Livestock (optional)

ARTICLE 7. The lessor places at the disposal of the lessee the following agricultural implements:

- . . . . . valued at . . . . . .$ and the following livestock:

- . . . . . valued at . . . . . .$

The annual rental for these agricultural implements and livestock is fixed at . . . . . piasters (. . . . . .$. .) representing . . . . percent* of their values.

This charge is payable at the same time as the annual land rent either in kind or in cash in accordance with the provisions set forth in Article 6.

Seed and Fertilizer Loans (optional)

ARTICLE 8. The lessor furnishes to the lessee:

- . . . . . kilos of . . . . . seed, valued at . . . . .$

- . . . . . kilos of . . . . . fertilizer, valued at . . . .$

The lessee must reimburse to the lessor the value of these supplies plus an annual interest fixed at . . . . . piasters.*

The lessee must pay for the above-mentioned items at the same time as the annual land rent, either in kind or in cash in accordance with the provisions set forth in Article 6.

Dwellings, Fruit-Trees, Fish-Ponds (optional)

ARTICLE 9. The lessor grants to the lessee the use of:

- dwelling-houses: . . . . . .

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* Not to exceed 12 percent.

- fruit-trees: . . . . . .
- fish-ponds : . . . . . .

located on the area of the leased land.

ARTICLE 10. Besides the annual rental rate and the obligations stated above, or in Article 14 below, the tenant is not obligated to pay any additional rent or provide any service, either in cash or kind, for whatsoever the reason or under any circumstances.

Sharing of Losses

ARTICLE 11. In case one third (1/3) of the crop is lost due to unavoidable circumstances, the lessee shall have to pay only two-thirds (2/3) of the annual rent.

In case two-thirds (2/3) of the crop is lost due to unavoidable circumstances, the lessee is exempted from payment of rent.

ARTICLE 12. In case of accident or theft the lessee is only responsible for the serious blemish and intrigue or fraud.

Other Privileges and Obligations

ARTICLE 13. The lessee binds himself not to transfer his privileges under this lease contract, or to sublet in part or in whole the parcel of cultivable land which is enumerated in this contract.

ARTICLE 14. The lessee is responsible for the upkeeping of the rice field's boundary dikes (boundary monuments), and other installations on the rented lot of land.

ARTICLE 15. The lessee has the right of fishing and grazing on the leased area.

ARTICLE 16. In case of sale of the leased land, the lessee shall have the right of pre-emption.

ARTICLE 17. This contract is established in three (3) copies, the original is for the lessor, the second for the lessee and the third shall be

kept at the . . . . . Village* Administrative Council (now Village Administrative Committee) Office, after being registered in the Village Administrative Council Register Book.

Prepared at . . . . . on the . . . .

Landlord Tenant

Registered in the . . . . . Village
Administrative Council book No. . .
date . . . . . .

Chairman of the
Village Administrative Council
(Seal & Sign)

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* Village in which the land is located.

REMARKS: The provisions provided in Articles 7, 8, and 9 of this contract are not obligatory. The lessor is not obliged to:

- rent to the lessee agricultural implements or livestock;
- supply the lessee with seeds or fertilizer;
- let the lessee use the dwellings, fruit-trees, and fish-ponds existing in the area of the leased lot.

Reciprocally, the lessee is not obligated to rent from the lessor the agricultural implements and livestock; to buy from him seeds or fertilizer, or to accept the usage of dwelling, fruit-trees or fish-ponds.

In case the lessor and the lessee have agreed on the supply of these materials, the obligations should be made in accordance with the provisions set forth in Articles 7, 8, and 9 of this contract.

USAID/ADAGRIC
Land Branch
August 1967

Appendix D-16

TENANT CONTRACT
(Type C)

FOR THE RECULTIVATION OF ABANDONED LAND
(Ordinance No. 7 of February 5, 1955)
TO BE USED WHEN THE LANDOWNER IS ABSENT

Between the two undersigned parties:

Mr. . . . . ., representative of the . . . . . Village Administrative Council (now Village Administrative Committee) at . . . . . .District in . . . . . .Province, acting on behalf of Mr. . . . . .farmer, located at . . . . . Village, have been, by mutual consent, decided and agreed the following provisions:

Purpose of the Contract

ARTICLE 1. Mr. . . . . , acts on behalf of Mr. . . . . , absentee landowner, leases to Mr. . . . . , lessee who accepts, an area of . . . . . parcels of cultivating land covering a total of. . . . .hectares.

Description of the Land

ARTICLE 2. This parcel of land is located at:

Village : . . . . . .

Canton : . . . . . .

District: . . . . . .

Province: . . . . . .

and is described as follows:

Order No.	Land Registry Number	AREA	BOUNDARIES				REMARKS (Land Survey Ref.)
			North	South	East	West	

Duration and Expiration of the Contract

ARTICLE 3. The duration of this contract is three years, beginning . . . . . and ending . . . . . .

At the expiration of this three-year period, the contract might be renewable for another five-year period.

The renewed contract shall be signed either with the representative of the Village Administrative Council (now Village Administrative Committee) if the landowner is still absent, or with the landowner if he presents himself and wishes to be a party to the contract.

The contract thus renewed, either by the Village Administrative Council (now Village Administrative Committee) representative or by the landowner himself, shall be in compliance with the provisions of Ordinance No. 2 of January 8, 1955.

The returned landowner has no right to refuse to renew the contract unless he can offer proof that he wants to take back the land for self-cultivation, or have it cultivated by one or several of his lineal descendants who have reached 18 years of age and who are capable of cultivating it.

In the case of non-renewal of the contract, the landlord must give notice to the tenant at least six months prior to the date he wishes to take back the land.

ARTICLE 4. The representative of the Village Administrative Council (now Village Administrative Committee) shall have the right to cancel the contract for a serious and legitimate reason such as: non-payment of farm rent on the part of the lessee or excessive and repeated delays in his payments, except due to unavoidable circumstances, or action of the tenant

which could be detrimental to the proper cultivation of the leased land, or refusal by the tenant to carry out those improvements on the land, and those cultural practices recommended by the Provincial Agricultural Committee.

In the case of cancellation of the contract, the representative of the Village Administrative Council (now Village Administrative Committee) must notify the lessee at least six months prior to the date that the land is to be taken back.

ARTICLE 5. In the case of cancellation or non-renewal of contract, the lessee may request compensation from the representative of the Village Administrative Council (now Village Administrative Committee) for his work in improving the land, harmonizing the cultivation which has been carried out on the land (buildings, constructions and fixed installations, long term planting and other improvements on land and cultivation) which still has its effect after the expiration of the contract, provided that the lessee has had the approval of the representative of the Village Administrative Council (now Village Administrative Committee), or if the latter has refused, but the lessee has been authorized by the Provincial Agricultural Committee.

The amount of compensation shall be deducted from the rental amount deposited by the representative of the Village Administrative Council (now Village Administrative Committee) in the account of the landlord in the provincial Agricultural Credit Bank or in the Treasury.

Rental Rate and Land Rent

ARTICLE 6. The annual rental rate has been fixed by the Agricultural Committee at . . . . . percent* of the principal annual crop valued at . . . . . gia (or . . . . . kilos) of paddy per hectare.

However, the representative of the Village Administrative Council (now Village Administrative Committee) and the lessee, in consideration of the particular characteristics of the land, have agreed to reduce this rental rate to . . . . . percent of the principal annual crop. (optional provision)†

On this basis, the annual land rent is . . . . . gia (or . . .kilos) of paddy.

---

* The rental rate is fixed by the Agricultural Committee at from 15 percent to 25 percent of the principal annual crop.

† The representative and the lessee may agree upon a rental rate lower than that fixed by the Agricultural Committee but they are forbidden to agree upon a higher rate.

The lessee binds himself to pay this land rent within a month following the end of the principal harvest in the district:

- either by delivering to the Village Administrative Council (now Village Administrative Committee) the . . . . gia (or . . .kilos) of dry and clean paddy,

- or by paying to the lessor an amount in cash equivalent to the value of the . . . . . gia (or . . .kilos) of paddy, based on the current price of paddy on the date and at the place of payment.

However, in the first year of this lease contract, the lessee is exempted from paying land rent.

In the second year, he shall have to pay only one-half (1/2) of the total annual land rent.

In the third year, he shall have to pay only three-fourths (3/4) of the total annual land rent.

Dwellings, Fruit-Trees, Fish-Ponds
(optional)

ARTICLE 7. The lessor grants to the lessee the use of:

- dwelling-houses: . . . . . .

- fruit-trees : . . . . . .

- fish-ponds : . . . . . .

located on the area of the leased land.

ARTICLE 8. Besides the annual rental rate and the obligations states in Article 12 below, the lessee is not obligated to pay any additional rent or provide any service, either in cash or kind, for whatsoever the reason or under any circumstances.

Sharing of Losses

ARTICLE 9. In case of one-third (1/3) of the crop is lost due to unavoidable circumstances, the lessee shall have to pay only two-thirds (2/3) of the land rent as provided for in Article 6 of this contract.

In case of two-thirds (2/3) of the crop is lost due to unavoidable circumstances, the lessee is exempted from paying any land rent.

ARTICLE 10. In case of accident or theft the lessee is only responsible for the serious blemish and intrigue or fraud.

Other Privileges and Obligations

ARTICLE 11. The lessee binds himself not to transfer his privileges under this contract, or to sublet in part or in whole the parcel of cultivable land which is enumerated in this contract.

ARTICLE 12. The lessee is responsible for the upkeeping of the rice field's boundary dikes (boundary monuments), and other installations on the rented lot of land.

ARTICLE 13. The lessee has the right of fishing and grazing on the leased area.

ARTICLE 14. In case of sale of the leased land, the lessee shall have the right of pre-emption.

ARTICLE 15. This contract is established in two copies, the original is for the lessee and the second to be kept at the Village Administrative Council Office (now Village Administrative Committee) after being registered in the Village Administrative Council (now Village Administrative Committee) Register book.

Prepared at . . . . . on the . . . .

The Representative of the Village Administrative Council (now Village Administrative Committee)

The Lessee

Registered in the . . . . . Village Administrative Council book No. . . . date . . . . . .

Chairman of the
Village Administrative Council
(now Village Administrative Committee)
(Seal & Sign)

USAID/AGR
Land Branch
August 1967

Appendix D-17

Office of the President
of the Government

Circular No. 10 dated February 9, 1955, Implementing Ordinance No. 7 dated February, 5, 1955, Relating to the Recultivation of the Abandoned Lands*

Ordinance No. 7 dated February 5, 1955, has enforced the recultivation of all lands and ricefields that have been abandoned* and fixed the conditions for the implementation of this Ordinance. It is related to the recultivation of lands but does not violate the ownership rights involved.

In a statement to landlords and farmers on January 30, 1955, the Government gave two reasons for doing so: to increase production and to assist the farmers to get employment.

The recultivation of abandoned lands* is within the framework of a Land Reform Program whose general outlines were laid out in Circular No. 5 dated January 18, 1955. The recultivation of abandoned land* and the establishment of tenant contracts will constitute the first phase of the Land Reform Program. This phase must be implemented immediately with the next agricultural season.

To obtain best results, I request you to transmit to the Province Chiefs the following instructions:

I. FOREWARD - TENANT CONTRACTS

Ordinance No. 7 provided two special types of tenant contracts. For the purpose of standardization, all Articles common to the different types must be worded the same way and arranged similar to those contained in the contract specimen attached to Ordinance No. 2 dated January 8, 1955.

This is the purpose of Amendment No. 6 dated February 5, 1955. The said amendment cancels the type of contract attached to Ordinance No. 2 and replaces it by a type A contract.

Thus, there are three types of farming contracts being printed. They will be distributed to landlords and tenants for use in the near future:

1. Type A contract, white, used for ricefields under cultivation.

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* Abandoned land is land left uncultivated for a period fo time, but usually retained under the same ownership.

2. Type B contract, pink, used by landlords who prefer to choose by themselves their own tenants to farm their abandoned ricefields.

3. Type C contract, yellow, used by the Village Committees in lieu of absentee landlords, in case the landlord is absent or is considered by the law as absentee.

Provisions Common to All Types of Farm Contracts

The purpose of the contract, the inventory of lands, the non-renewal or cancellation of contract, the risk sharing, the forbidding of sub-leasing, the sub-lease rights and obligations of both landowners and tenants are common stipulations for all three types of contracts. It is the same for the sixth Article of all types of contracts relating to the fixing of annual rental rates, annual land rent and the land rent delivery process.

Article number six has been clearly reworded, so that it will be easily understood and more convenient for application than the former Article six.

The Agricultural Committee fixes the rental rates and the average yield per hectare. The total amount of rent which the tenant must pay to the landowner will be based on this rental rate and the leased area.

However, even within the same area, the yield in one place might be lower than the average yield of the overall area. In this case, the landlord and tenant can agree on a rental rate lower than the one fixed by the Agricultural Committee but not higher.

Finally, the landlord and tenant must agree on the procedure for paying either in cash or in kind. In case of non-renewal or cancellation of contract the tenant has the right to claim compensation for work or money which he has invested in land improvement with the agreement of the landlord or the authorization of the Agricultural Committee, providing the said work and invested money has practically improved the land and continues to improve the land for production increases after the lease contract term. The landlord benefits from this production increase; thus, the tenant must have compensation if he has invested the capital for it. The Agricultural Committee fixes the amount of this compensation.

Provisions of the Type A Contract

The minimum term for this type of contract is five years. It is subject to tacit renewal at the expiration of this term. This type of contract has three optional provisions:

1. With respect to the furnishing of agricultural tools and animals, the annual rent must not exceed 12 percent of the value of these commodities. This price is fixed by the Cantonal Agricultural Committee.

2. With respect to the furnishing of seed-grains and fertilizers, tenants must pay back the value after the harvest with an annual interest rate not exceeding 12 percent (Article 8).

3. With respect to the landlord which places at the disposal of the tenant, dwellings, fruit trees, and fishponds on the rented land, this right will be agreed upon by both parties because it depends on the importance of the dwellings, fruit trees and fishponds.

If these items are important, a separate contract must be established concerning the use of the exploitation of them. (The new contract specimen does not mention these optional clauses.)

Provisions of the Type B Contract

A type B contract is signed in case land left uncultivated is to be recultivated. This contract differs from the type A contract in the following ways: The contract term is three years; after the term, a type A contract will be used, if there is renewal.

The tenant will pay:

Nothing for the first year,

Half of the rent for the second year,

Three-fourths for the third year.

In compensation, landlords are exempted from land taxes (Article 10, Ordinance No. 7 dated February 5, 1955).

Provisions of the Type C Contract

This type of contract is signed by the Village Committee in place of absentee landlords and is used for communal land.*

In this contract, there are the same provisions as in type B contracts, relating to terms, renewal and rent reduction. Landlords are also exempted from land taxes.

This type of contract differs from the type B contract because it does not have optional provisions (Articles 7, 8, 9). The Village Committee cannot loan advance seeds or fertilizers; it cannot rent dwellings and animals and does not have provisions for dwellings, fruit trees and fishponds on the leased land.

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* Ordinance No. 28 dated April 30, 1956, modified Ordinance No. 7 and excepted communal land.

II. ORDINANCE NO. 7 DATED FEBRUARY 5, 1955

This Ordinance is applicable to all lands belonging to private persons (physical persons and legal entities) which have been left uncultivated for more than one year.

It is also applicable to all local domains, provincial or communal,* not only for lands which have been cultivated but now left abandoned such as provisional concessions, but for all kinds of lands not yet cultivated which are suitable for cultivation for resettlement of farmers, especially of refugees.

Inventory of the Above-Mentioned Lands

The inventory of uncultivated lands, according to Ordinance No. 2 dated January 8, 1955, must be done by the Agricultural Committee. But because of the urgency and because these Agricultural Committees are not yet on duty, this work will be done by the Village Administrative Committee.

The task might be heavy for some Villages and it is understood that omissions that might occur will be completed between now and the next crop season, 1956-1957.

Inventories must be established in five copies (see forms attached to the above Ordinance), one copy remains at the Village Office, the other copies are forwarded to the District Chief, the Province Chief, the Minister of Agriculture and the Commissioner General for Refugees.†

The two Village officers responsible for this task and their secretary (chosen by them) will receive an allowance of 2,000 piasters.

Census of Landlords and Tenants

On January 30, of this year, I made an appeal to the landlords and farmers. Copies of the said appeal were forwarded to you for posting at the Village Office and at other public places.

Landlords must declare verbally or in written form to the Committee of the Village in which their land is located, their present address and a statement regarding the cultivation and/or the recultivation of these lands in the next crop season. Those landlords who fail to report before March 1, 1955, will be considered as absentee landlords.

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* Ordinance No. 28 dated April 30, 1956, modified Ordinance No. 7 and excepted communal land.

† Ordinance No. 28 dated April 30, 1956 modified Ordinance No. 7 which states the Inventory shall be in triplicate. Two copies will be forwarded to the Ministry of Land Affairs and Land Reform (now Agriculture).

Present Landlords

Landlords who comply in person or through a representative with the above formalities can engage in self cultivation or have their lands cultivated by others during the next crop season.

In this case, landlords have the right to choose:

- Either a type A contract, by which they can receive all the rental for the first year, but they must pay land taxes and/or other taxes; or
- A type B contract.

Tenants

Any farmer who has not yet signed a contract with a landlord, but wishes to farm lands left uncultivated must register his name at the office of the Village where the land is located.

Lease of Land Belonging to Absentee Landlord or to Local, Regional Domains, Provincial or Communal

After all present landlords have reported their intention to cultivate their lands, each Village will have:

- A list of all private owned lands not yet leased for the next rice crop season and communal lands suitable for cultivation.
- A list of all farmers willing to cultivate the above lands and having registered their names at the Village Office.

The Village Committee will distribute these lands to each farmer, with priority being given to dependents of military personnel, victims of the war and veterans.

The area to be distributed will not exceed the area that can be practically cultivated by the farmer and his family. This area may vary according to the location or to the type of crop. For these reasons, the Village Committee has the right to fix the area of land to be rented, which, in any case, must not exceed 10 hectares.

Within ten days, all complaints about the distribution will be submitted to the District Agricultural Committee which, by this time, will be on duty.

The District Committee renders final decision and settles definitively all complaints relating to the implementation of Ordinance No. 7 dated February 5, 1955. These special powers are beyond the responsibilities of the Agricultural Committees set forth in Ordinance No. 2 dated January 8, 1955, but we do so because we need urgent decisions.

After the Village Administrative Committee has made distribution to tenants who have requested land, a list of all undistributed lands will be immediately submitted to the Commissioner General for Refugees,* through regular administrative channels.

The Commissioner General for Refugees* will forward to the Village Administrative Committee a list of refugees authorized to rent the remaining undistributed lands referred to above.

The Chairman of the Village Administrative Committee, or his entrustee will sign a type C contract with each tenant whose name is on the list established by the Village Administrative Committee or the list established by the Commissioner for Refugees.

The Chairman of the Village Administrative Committee, represents the absentee landlords for rental of their lands. In the case of communal lands,† he can rent them after receiving authorization from the Province Chief. In case of private village owned lands, he will act as entrusted by the Village.

Article 5, Paragraph 3, Ordinance No. 7 dated February 5, 1955, has entrusted the Province Chief with distribution of local regional domain and provincial lands. Because of the urgency, the contract is signed and the granting of occupancy right may be regularized afterwards, but in all cases the local and provincial domains must be protected.

Punishments

Ordinance No. 7 dated February 5, 1955, provided for punishment:

- To landlords who do not cultivate or rent their lands without valid reason.
- To landlords who without valid reason, forbid or impede the cultivation of lands distributed under the regulations of this Ordinance.

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* Ministry of Land Affairs and Land Reform (now Agriculture) according to Ordinance No. 28 dated April 30, 1956.

Appendix D-18

Ministry of Land Affairs
and Land Reform

Circular No. 25 dated June 11, 1956, Implementing Ordinance No. 28 dated April 30, 1956, Establishing the Conditions of Recultivation of Abandoned Lands*

I. THE ESTABLISHMENT OF A COMMITTEE FOR INVENTORY OF ABANDONED LANDS

According to Article 6 of the referred Ordinance, the composition of this Committee will be fixed as follows:

- Province Chief . . . . . Chairman
- Chief, Cadastral and Land Reform Provincial Office† . . Spokesman
- One representative of Landlords, member of Provincial Agricultural Committee . . . . . Member
- One representative of tenants, member of Provincial Agricultural Committee . . . . . Member

The two members must be elected respectively by their respective colleagues of the Provincial Agricultural Committee.

II. REQUEST FOR RECULTIVATION OF ABANDONED LANDS BELONGING TO ABSENTEE LANDLORDS OR THOSE CONSIDERED AS ABSENTEE LANDLORDS

A request must be submitted to the Village Committee by the farmer. This Committee will register his name on a list if he fulfills all required conditions (prescribed by Ordinance No. 28) and will sent it to the Provincial Committee for Inventory (the name list is entered on the back of the inventory list).

III. THE CLASSIFICATION OF APPLICANTS BY PRIORITY

Applying Article 10, Ordinance No. 28 dated April 30, 1956, you are requested to classify, for 1956 according to the priority code fixed in

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* Abandoned lands are lands left uncultivated for a period of time, but usually retained under the same ownership.

† Now changed to "Land Affairs Service.".

The Province Chiefs will proceed against violators.

- To those recipients who, without valid reasons, do not pay rent or do not cultivate the distributed lands, are deprived from their right of occupancy and, in the future, will not be able to claim the rights provided in Ordinance No. 7.

The instructions contained in this Circular must be carried out immediately.

S/s NGO DINH DIEM

Article 5, Ordinance No. 7 dated February 5, 1955, because for 1956 I think a change is not necessary. However, the word "Refugee" will include not only North Vietnamese Refugees, but all persons native of the Village, having moved to another place because of the war and now having returned to the Village; it means, therefore, all Southern and Central Vietnamese.

IV. REGARDING THE LANDLORD'S DECLARATION AND THE INVENTORY BY THE VILLAGE COMMITTEE

This Ministry will send you these forms when printed.

V. REGARDING THE GENERAL INVENTORY OF THE PROVINCIAL COMMITTEE

This Ministry will sent you these forms when printed. This Committee must send, in the required time, the list of abandoned lands to the Ministry of Land Affairs and Land Reform, after the distribution of lands.

VI. REGARDING THE SCHEDULED TIME FOR SUBMITTING ALL DECLARATIONS, INVENTORIES, AND THE LIST OF ABANDONED LAND

It has been determined in our Arretee No. 67 - DTCC/ND dated June 8, 1956.

By Order of THE MINISTER OF LAND
AFFAIRS AND LAND REFORM

S/s HO VAN HAP
Secretary General

c. General Data on Landlord-Tenant Relationships

Appendix D-19

QUESTIONS AND ANSWERS ON REGULATIONS GOVERNING LANDLORD-TENANT RELATIONSHIPS

DEFINITION

1. Q: - What are regulations governing landlord-tenant relationships?

   A: - Tenant regulations are laws which determine interests and obligations of tenants who rent land for cultivation and landlords who lease land to tenants.

2. Q: - What documents provide regulations governing landlord tenant relationships?

   A: - They are determined by two basic legal documents, which are Ordinance No. 20 dated June 4, 1953, amended by Ordinance No. 2 dated January 8, 1955, and Ordinance No. 7 dated February 5, 1955. Also, there are supplemental documents and circulars for clearance purposes.

PURPOSES

3. Q: - What are the purposes of regulations governing landlord-tenant relationships?

   A: - Those regulations determine interests and obligations of landlords and tenants; they are at the same time considered basic in the settlement of disputes between landlords and tenants.

   The purpose is to eliminate middlemen, to avoid exploitation of farmers, to increase land productively and agricultural production, to give a higher standard of living to rural people, to respect social justice.

4. Q: - It is obligatory to landlords and tenants to understand regulations governing landlord-tenant relationships?

   A: - Certainly they must, so that they might be aware of their obligations and their rights and know what to do in case their interests are violated, or to avoid unintentional violations of mutual interests.

TENANT CONTRACT

5. Q: - What is a tenant contract?

A: - A tenant contract is an agreement between landlord and tenant, in which the interests and obligations of both parties are defined in accordance with the aforementioned regulations governing landlord-tenant relationships.

6. Q: - How many types of tenant contracts are there?

A: - (a) There are three types regarding privately owned land: Contract type A, Contract type B, and Contract type C.

The first printed contracts, released and distributed to tenants and landlords by the government, are tri-colored:

- Contract type A with yellow pictures and used in renting cultivated lands.

- Contract type B with pink pictures and used in renting cultivated land when owners are present.

- Contract type C with green pictures and used in renting cultivated land when owners are absent.

The new form of type A contract has no picture and is on yellow paper.

(b) Besides, there is special type contract on white paper used for communal land.

7. Q: - Where may contract forms be obtained?

A: - They are given by village or district authorities (free of charge.)

8. Q: - How many copies of a contract are needed?

A: - (a) Contract type A and B: A contract is written in triplicate; one copy is kept by the landlord, one by the tenant, and the third is filed in the office of the Village Administrative Committee.

(b) Contract type C and special type for communal land: in duplicate; one copy is kept by the tenant, the other is filed in the office of the Village Administrative Committee.

9. Q: - Where are tenant contracts written and signed?

A: - At the office of the Village Administrative Committee or in a place most convenient to both parties; but once the contract is made, it must be registered within eight days in a special book held in the office of the Administrative Committee of the village in which the land is located. This registration is free.

10. Q: - If registration is not made, is the contract valid?

A: - The law says that the registration is obligatory. A non-registered contract is not legal according to the regulations governing landlord-tenant relationships.

11. Q: - May a landlord delegate power to another person to sign the contract?

A: - If obstructed and unable to return to his village, the landlord may delegate power to another person in the signing of the contract; the proxy must be certified by administrative authority concerning the landlord's signature.

12. Q: - What will happen if the tenant does not desire a contract?

A: - If a contract does not exist the tenant may be considered as an illegal occupant. At any time the landlord may claim his land back to farm himself or to sell it to a third person, or rent it legally to another person. In this case, an illegal tenant has no written contract to prove his claim. Article 28 Ordinance 2 states, "a Verbal contract is not valid." Regarding special cases of confusion of farming by VC, the Agricultural Committee or the Village Administrative Committee shall solve the problem in accordance with Circular No. 61 XD, dated March 28, 1967, of the Chairman of Central Executive Committee.

13. Q: - What happens when the tenant is willing to establish a contract while the landlord is not?

A: - First of all, the tenant must explain to the landlord, or he may call for a competent person to help him in interpretation of the case. If this fails, the Agricultural Committee or Village Administrative Committee is invited to find a solution; and if this fails too, the matter will be handed over to the Land Court for settlement.

14. Q: - What articles are there in a contract?

A: - There are three types of contracts in which we have common provisions for all three types, and special provisions for some types.

1. The former contract type A (applied to cultivated land) included 17 articles and was divided into 9 sections. These sections are: Objectives of the contract, listing of farm land, terms of the contract, rental rate and land rent, renting of agricultural tools, cattle, furnishing of seed and fertilizers, dwellings, fruit-trees and fish ponds, damage sharing and other rights and obligations.

   The new contract type A includes only 9 articles regarding 6 sections: listing farm land, term of the contract, rental rate and land rent, damage sharing, other rights and obligation and the case of death.

2. Tenant contract type B (applied to uncultivated land and present owners) has similar articles with contract A (former type); but on land rent, the following particulars are found:

   - "In the first year of this contract, tenants are exempted from land rent."

   - "In the second year, tenants have to pay only half of the land rent."

   - "In the third year, tenants have to pay only three-fourths of the land rent."

3. Tenant contract type C (applied to uncultivated land and absent landowners; and agreement is made between a representative of the Village Administrative Committee and the tenant) does not include articles on renting of agricultural tools, cattle, or furnishing seed and fertilizers.

   Pertaining to land rent, contract type C has similar features of exemption and reduction as mentioned in contract type B.

   In the model form of the contract issued by Government, full details of these articles are found.

15. Q: - Are oral agreements, certificates, and contracts between landlords and tenants which do not conform to the contract specimen valid?

    A: - Every oral agreement is invalid. Contracts and land renting agreements are not necessarily in the same form as the model, provided that the content does not contradict that of the model, and is registered in the village office where the land is located.

RIGHTS AND OBLIGATIONS

DURATION OF CONTRACT

16. Q: - What is the duration of a contract with respect to cultivated land?

    A: - Not less than five years. The contract is tacitly renewed for five more years if the landowner does not give notice that he wishes to take back his land prior to the end of the first period.

17. Q: - What is the duration of a contract with respect to uncultivated land to be cultivated?

    A: - The duration of a contract leasing uncultivated land is three years. After this period, the contract may be renewed for another period of five years, established in accordance with the provisions of the model A.

18. Q: - What is the procedure for renewing a contract?

    A: - Both parties produce the contract and ask for certication of the renewal by this statement. "This contract is renewed for five years, from (date) by agreement of both parties. There are no provisions added or suppressed." The landowner and the tenant sign after this statement. This statement is put at the same time on the contract filed at the village administrative office.

19. Q: - What do they have to do if both parties agree to change some provisions in the contract?

    A: - In this case they must sign a new contract in triplicate with the words, "Renewed contract."

20. Q: - What does the tenant have to do if the landowner is absent and there is no valid representative to sign the contract?

    A: - The Village Administrative Committee is trusted to sign a type A contract with the tenant, replacing the absent landowner.

21. Q: - In this case, to whom does the tenant have to pay land rent?

    A: - To the Village Administrative Committee, of course.

    After the deduction of land taxes and all expenses with respect to the collection of land rent, the remaining amount will be deposited by the Village Administrative Committee in the treasury under the name of the absent landowner.

22. Q: - What is renting rate?

A: - Renting rate is a basic ratio imposed on average yields of a piece of land. It is used to calculate the land rent a tenant has to pay annually to the landlord.

23. Q: - Is the renting rate agreed upon between landlord and tenant, or is it just a provision of the law?

A: - The renting rate must be agreed upon between landlord and tenant but it must never be below 15% or over 25% of the annual yield as defined by law.

24. Q: - Why the law does not determine a uniform rate?

A: - Some lands are easily cultivable, others aren't, although having similar yields. It requires much more labor for the man who rents the rough land. Thus the law does not fix the same rate. Besides, some soils are more productive than others. Some tenants raise one crop, some raise two. The law cannot fix a uniform rate.

25. Q: - What happens if the landlord and tenant disagree on the renting rate?

A: - In this case the Village Agricultural Committee is called in for settlement and to determine a uniform and reasonable rate, in accordance with the case and the nature of the land.

26. Q: - What is land rent?

A: - Land rent is the quantity of paddy (based on the renting rate registered in the contract) a tenant has to pay to the landlord per annum. The land rent is named, accordingly, paddy rent (rent paid in paddy.)

27. Q: - What unit do we use for measuring land rent?

A: - On volume, we can use "GIA" (equivalent to 40 liters), "THUNG" or "TAO" (each case equivalent to 20 liters); as for weight, we have TON (1000 kilos), QUINTAL (100 kilos), and KILO.

28. Q: - May the tenant pay land rent by cash?

A: - He can pay land rent by cash based on the net price of the paddy on the payment day. The contract must provide for this.

29. Q: - What does the law provide with respect to the date the tenant must pay land rent?

A: - According to the law, land rent must be paid at the latest within the month following the end of the harvest in the province or the district.

30. Q: - Where must land rent paddy be delivered?

A: - If it is decided that land rent is to be paid in paddy, the tenant must make delivery to a place previously agreed upon by both parties, which never will be located outside the limits of the province or the village.

31. Q: - How is the land rent calculated on multi-crop land?

A: - It is calculated on the basis of the annual total yield of the main cultivated crop.

(a) Two main crops-riceland: Land rent will be calculated on the total yield of the two crops with a uniform rate which both landlords and tenants have agreed upon. For instance: for the first crop the renting rate may be 25%, for the following crop, 15%; the two parties then may agree on the average rate of 20%, the rate determined for the total yield of the two main crops.

(b) Three-crop riceland: The tenant will be exempted from land rent on the third-crop, because this is considered as a secondary crop (which is used as food only).

(c) One rice crop plus another main crop: The land rent, in this case, is also based on the total annual yield of rice and of the other crop; however, if the other crop is only a secondary crop, the tenant would then be exempted from land rent.

(d) Non-rice land: (Other crops only: such as potatoes, sesame, beans, corn, etc.) the land rent is then calculated on the annual total yield of the main cultivated crops.

32. Q: - What is a secondary crop or supplementary type of cultivation?

A: - It is a crop or the type of cultivation in which a tenant has exerted his extra labor for supplemental production, on the condition that this crop or type of cultivation does not effect the main crop. The production of this secondary crop is not considered in comparison to the extra labor of the tenant; or this crop is only used for home requirements (food). The tenant is, consequently, exempted from the land rent on the secondary crop or supplemental cultivation; the case must be submitted to the agricultural committee for settlement.

33. Q: - Are other crop planting lands, such as vegetables, sugar cane, fruit-trees, etc. . ., under procedures of land reform regulations?

A: - They aren't affected by tenant regulations in force now. The two parties, however, do obtain benefits in signing the renting contract; they thus have proof for any objection in case one party does not keep his promise.

34. Q: - Pertaining to the crops mentioned above, does the tenant obtain a share of the yield along with the landlord on the rate determined by law?

A: - Concerning the "other crops besides rice," land reform regulations have not yet provided anything to be applied, because growing as well as care of these crops is a complicated job. Some planting require a great deal of capital especially in initial years, others on the contrary need just a little, but require much more work in planting, pruning, watering, fertilizing, and daily care; thus the determination of the fixed renting rate for those crops is really a difficult job. The government is still studying this situation. At present, land reform regulations affect only rice lands and cereal lands; as for the renting of lands other than rice and cereals, there should be an agreement between landlord and tenant.

35. Q: - May a tenant grow vegetables, sugar cane, or a kind of industrial tree, instead of growing rice?

A: - There must be a landlord's agreement, or the tenant might be penalized or asked for compensation by landlord.

SHARING OF LOSS

36. Q: - In case of crop loss due to natural calamity, flood, insects, etc., is land rent exempted or reduced?

A: - In case one-third of the yield is lost due to unavoidable circumstances such as natural calamity, flood, etc., tenants have to pay only two-thirds of the land rent. In case two-thirds of the yields is lost, tenants are entirely free of rent.

37. Q: - On reduction of land rent, who determines the damages?

A: - Whenever a tenant sees sufficient damages he must apply to the Village Agricultural Committee for an on-the-spot investigation, and a report will be immediately established and recorded. Based on this report, the tenant will ask land rent reduction along with landlord.

38. Q: - What happens when other accidents occur? For instance, commodities being stolen or boats being sunk on their way to pay the land rent?

A: - If the accidents are verified, landlord and tenants are both responsible as stated in the contract. The tenant is only responsible for his negligence or if he tries to deceive.

RENTING OF TOOLS AND CATTLE

39. Q: - In case the tenant utilizes the landlord's tools and cattle, how much has he to pay for each year or each crop season?

A: - The annual renting rate of tools and cattle in 12% (maximum rate) of the value of tools and cattle. It must be paid in cash or in paddy when paying for land rent (according to the agreement in the contract between landlord and tenant.) For instance: Tenant A utilizes one buffalo which costs 4,200$VN, and the tools valued at 1,000$VN, totaling 5,200$VN. Thus when paying annual land rent, tenant A must pay to the landlord B a maximum extra amount of:

$$\frac{5,200 \times 12}{100} = 624\$ \text{ per annum}$$

The tenant is responsible for caring for cattle and keeping tools in good condition (cattle and tools rented to him by the landlords.)

DISTRIBUTION OF SEED AND FERTILIZERS

40. Q: - In case the landlord furnishes seed or fertilizers to the tenant, what must the tenant pay?

A: - The tenant must pay to the landlord the value of the provisions mentioned above when paying land rent, and he must pay a maximum interest of 12% per annum. He may pay in paddy or cash according to the agreement between the landlord and the tenant. The contract should contain a statement that all seed or fertilizer furnished by the landlord will be used on his land.

TENANCY SECURITY

41. Q: - What is tenancy security?

A: - Tenancy security is the right by which a tenant may continue to occupy for farming the land he has legally rented.

42. Q: - Why is tenancy security necessary?

A: - This is to protect the tenant's rights. Land cannot be repossessed suddenly and unexpectedly by the landlord. The landlord cannot claim back his land, as soon as the terms of the contract have expired, unless he has given the tenant six months notice of his intentions and has a legitimate cause to re-claim his land.

43. Q: - Once the land renting contract is signed, cannot the landlord claim back his own lands?

A: - Depending on the case, the landlord might ask for cancellation of the contract and take back his land, but he must follow these conditions:

1. In case of claiming back the land to farm by himself or to have it cultivated by his children or his grandchildren (on the father's or mother's side) who are at least 18 years old, and who are capable of farming by themselves. The contract must have been in force for at least five years (until the expiration date) and the landlord must inform the tenant six months in advance by means of registered letter or by forwarding notice through the Village Administrative Office.

2. Claiming back the land because of the tenant's faults:

   - non-payment of land rent or excessive and repeated delays in payments.
   - tenant's acts which are detrimental to cultivation.
   - refusing to apply methods of land improvement and those agricultural practices recommended by provincial technical agencies.

   In this case, the landlord must also give notice six months in advance by registered letter or by forwarding notice through the Village Administrative Office.

44. Q: - Suppose the tenant has not committed the aforementioned faults, and the landlord keeps finding faults with the tenant in order to cancel the contract; then what will happen?

A: - As soon as the landlord realizes that the tenant has been committing some faults, he must bring this matter to the Village Agricultural Committee or Village Administrative Committee of the village concerned to request report relating to the facts: he thus has evidence to justify his action upon the tenant.

45. Q: - In the first case, after cancellation of the contract, if the landlord takes his land to farm by himself for just a few crop seasons, then he rents it to some other tenant, may the old tenant make a protest, and if so, to whom will be he brings the case?

A: - He may bring the case before the Village Agricultural Committee, and if this committee fails to settle the matter, he then may make a protest at the Land Court of the province concerned. But he must also produce the old contract he had signed with the landlord.

46. Q: - In case the landlord by obstinacy wants to claim his land back, or wants to increase the land rent, and thus refuses land rent brought by the tenant, what must the tenant do?

A: - The tenant must bring the case to the Village Administrative Committee. After settlement has been made by Village Administrative Committee or Agricultural Committee, and the landlord is still reluctant, and still would not like to take rent from the tenant, the Village Administrative Committee or Agricultural Committee will then establish a report relating to the case, after that, the tenant may keep the amount of land rent while waiting for the Agricultural Committee's settlement. Later, if the landlord receives land rent, the landlord must pay for the tenant's transportation fee of paddy to the place agreed on in the contract between landlord and tenant. (article 6)

47. Q: - In case with legitimate causes the landlord wants to cancel the contract or will not extend the contract terms, is it necessary to notify the tenant in advance of this decision?

A: - The landlord must notify the tenant at least six months in advance by registered letter or by transmitting the notice through care of the Village Administrative Committee. (See question 42).

48. Q: - In case the landlord or tenant dies suddenly, is the contract automatically cancelled?

A: - No, the heirs must continue to carry out the contract, except when the tenant intends to return the land to the landlord.

PRE-EMPTION (right of first refusal)

49. Q: - In case the landlord wants to sell his lands, does the tenant have priority to buy it? And if he does not, must he immediately turn over the land to the new owner?

A: - In case the landlord sells his lands, the tenant has the first priority for buying the present farm land. It is called, in juridical terms, pre-emption or right of first refusal. If for some reason the tenant refuses this right, and the land is sold to a third person, the latter must execute all provisions of the contract signed along with the former landlord. This means that the tenant is granted the right of holding the land of the new landowner, at least until the terms of the contract expire.

50. Q: - When a landlord wants to sell his land, what procedure must he follow so that the tenant might use his right of first refusal?

A: - When the landlord intends to sell his land he must inform the tenant in advance giving him the opportunity to use his right of pre-emption (first refusal).

In the notice, the landlord must state clearly the price of the land or the amount proposed by a third person for purchasing it. The amount fixed by the landlord and announced to the tenant must not be decreased if the land is sold to a third person.

The notice should be transmitted through the channel of the Village Administrative Committee. The tenant is granted one month to reply "yes" or "no" (he wants to buy or he does not want to buy), from the day he receives the notice of the Village Administrative Committee.

If the tenant answers "no," or one month expires (as cited above), and the tenant still keeps silent (does not express his own opinion), the landlord then may sell his land to a third person, and in this case, the tenant would be considered as having refused pre-emption.

If the tenant answer "yes" (he wants to buy land), he has two months from the end of the first month cited above, to pay the amount of sale price of the land.

To sum up, the tenant is granted three months to notify his intention of buying the land and complete his payment of the sale price to the landlord.

OTHER RIGHTS AND OBLIGATIONS

51. Q: - Besides the rights and obligations cited above, do landlord and tenant have other rights and obligations?

A: - There are other rights and obligations: Besides the annual land rent, the purchase price plus interest on seed grains or fertilizers, and the rental rate of animals, farm implements, the tenant is not obligated to pay any additional amount of rent or provide any service, either in cash or in kind, or in labor whatsoever the reason or under any form.

The tenant is not authorized to sublease a portion or the whole area mentioned in the contract, without agreement of the landowner.

The tenant is responsible for the upkeep of dikes, marks, and other improvements within the limits of the rented land.

The tenant has the right of fishing and grazing on leased areas if it not forbidden by the terms of the contract.

In no case is the tenant liable for land taxes.

SETTLEMENT OF DISPUTES ON LAND AFFAIRS

52. Q: - What is an Agricultural Committee? What about its authority?

A: - The Agricultural Committee is a public organization comprising representatives of landlords and farmers. It is granted consultative and reconciliative responsibilities regarding disputes between landlord and tenant. Those disputes must be settled beforehand by the Agricultural Committee; and if this fails the disputes are then handed over to the Land Court.

53. Q: - How are proceedings with the Agricultural Committee instituted?

A: - The claiming form needs no stamp on it (this means no tax). It will be sent to the chairman of the Village (or canton) Agricultural Committee, at the place where the land is located, that is, to the chairman of the Village (or canton) Administrative Committee or to the chief of the canton interested.

54. Q: - How long will a claim be examined?

A: - According to the regulations, within a maximum time of 10 days, after having received the claim, the Agricultural Committee has to call on the two parties for settlement.

55. Q: - What happens if the Agricultural Committee delays the settlement?

A: - After the 10-day time limit has lapsed, from the day of submitting the request to the Agricultural Committee, if not called on, the plaintiff may bring the case to the Land Court of the province concerned for decision.

56. Q: - What are the reconciliatory procedures of the Agricultural Committee?

A: - After having received the request of a plaintiff, the Agricultural Committee then convenes both parties at the office of the Village (or canton) Administrative Committee or the chief of canton with an attempt toward settlement. If successful, the Agricultural Committee will establish the reconciliatory report stating in detail all agreements that both parties, landlord and tenant, have agreed upon, then hand one copy of the report to each party for execution. In case the settlement is unsuccessful, the Agricultural Committee has also to draw up for filing a report indicating different opinions of both parties, then to inform them that they can bring the case to the Land Court of the province interested for settlement. A copy of the report with recommendations of the Agricultural Committee will be sent to the Land Court as documents for settlement. The court may ask the committee for additional investigation, if necessary.

57. Q: - What is the length of period for decision by the Land Court?

A: - According to the regulations, it must be within 40 days, from the day the request of the plaintiff is registered at the Land Court.

58. Q: - When submitting the request to the court, is the plaintiff requested to pay any fees?

A: - No, law suits before the Land Court are exempted from judicial proceedings fees and judgment costs. Besides, tenants are legally protected, i.e., the court will designate a lawyer to defend them without fees, if requested.

59. Q: - After a decision is made by the court, may the plaintiff or defendants appeal if not satisfied?

A: - Every decision of the court is considered as a final decision. However, to be valid for execution, all decisions must have the approval of the National Council for Land Reform. If a party wants to make an appeal, he may present, during the time the decision is being forwarded to the Council, a statement of clarification and send it to the Commissioner General of the Land Court in Saigon for examination and reporting to the National Council for Land Reform.

60. Q: - If there arises some question pertaining to the policy or the regulations governing land reform, what agency can we contact for clarification?

A: - We can contact the Provincial Land Affairs Office or write to the Directorate of Land Affairs in Saigon.

PENALTIES

61. Q: - What are the penalties against a obstinate landowner or tenant who does not execute land regulations governing landlord tenant relationships.

A: - Any landowner who makes a contract for land lease, who charges land rent in excess, who demands or receives services from the tenant in cash or in kind, or who without valid reason, forbids or prevents the cultivation of leased land, will be liable to a fine or a penalty as well as all compensation for losses to the injured party. Any tenant who makes a verbal contract for land renting, or who pays land rent in excess, who provides services to the landowner in cash or in kind, or who without valid reason leaves the land uncultivated, is liable to a fine or penalty.

62. Q: - It is specified that registration of contract is free of charge. Is the village commissioner punished if he claimed money?

A: - Any commissioner of the village committee who at the time the tenant contract is registered, demands or receives any payment from the landowner or the tenant will be punished under the corruption law.

Appendix D-20

REGIONAL INSPECTION REPORT

Prepared by: Le Van Toan, Commissioner General for Land Reform Central Office of Land Reform Courts

December 10, 1962

Report to the General Director (through the Chief of the Service on Distributed Lands and the Senior Inspector).

By order of the Director General to survey tenant regulations in Central Vietnam, I have visited some localities and I solemnly report my comments as follows:

I. Status of Tenant Regulations in Quang Nam Province

- Contracts in this province are very carefully controlled and strongly implemented. The Provincial Chief (for Land Affairs) Nguyen Trung Cuu is very zealous about this matter and has worked very hard together with 2 cadres in collaboration with the Village Council. Village representatives have signed a declaration of contract which is re-established each week. I have rechecked the reported figures and they are accurate.

- For example, from October 16th to November 15th, 1962, the number of renewed contracts was 270 corresponding to an area of 52 ha. 19.16. During this period, there were no B or C contracts made.

- District Dien Ban had the greatest number of concluded contracts with Duy Xuyen District second and Dai Loc District third. In short, there is nothing to worry about on the matter of concluded contracts.

Concerning Rent: 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.

The Province Service Chief and I have gone to see the Village Council in a village in Dien Ban District where I raised the question: "In reality, is there 'black-market rent'?" A member of the Village Council, meeting to judge a buffalo claim when we arrived, said "yes." It is known that there is "black-market rent," but the village representative afterwards explained clearly: "In reality, there is no doubt at all, because

the contract is for 'outside use,' but inside both parties, following the custom and habit practiced in their agricultural dealings, they agree between one another by harvest time how much is to be shared. This is freely agreed to and there are no complaints from anyone."

"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 their 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.

Uncultivated Ricefields: Actually there are no uncultivated ricefields: Since Quang Nam does not have many rice-growing areas, the land is thoroughly cultivated. Only mountain and forest sections are not cultivated. Planted there are willow trees, peppermint and some secondary crops.

Activities of the Village Land Commissioner: The Province Chief Nguyen Truong Cuu enjoys the prestige of the Village Land Commissioner.

Arriving in the village, the officers of the Village Council and Land Commissioner commented upon the diligence of Mr. Cuu as follows: "He comes to work with the rising of the sun."

There are many Village Land Commissioners who look toward Mr. Cuu as a teacher, friendly and willing in his job. The organization of the Village Land Commissioner is good in Quang Nam Province assisted by the efforts of the Province Chief close by the side of his fellow-citizens.

The Commissioner acts as liaison between his countrymen and the land reform posts at the same time, increasing the effectiveness and activity of workers appointed to go on mission by the Service.

In Quang Nam, the function of the Land Affairs Commissioner is concurrently assumed by the Village Financial Commissioner. There are many Village Land Affairs Commissioners who are energetically active in organizing village training classes for cadres as follows:

1. Training cadres for village office.

2. Training cadres for civil service positions in each hamlet.

With Regard to the Activity of the Agricultural Committee: The Service sent Decree No. 1293 on June 18th, 1962, to the village representatives. The Chairman of the Agricultural Committee requested the number of conciliations made and classification of disputes.

Records are not available for the years 1957-60 but from 1960, there is enough information because people were sent to the village to observe the keeping of documents.

In 1962 the villages classified successful and unsuccessful conciliation cases.

General Remarks: Activities of the Land Affairs Commission in Quang Nam have achieved good results. With regard to landlord-tenant relationships, the landlord has not complained and there were very few disputes. Quang Nam is a good demonstration of actively putting forth the regulation and signing of tenant contracts in the area of sharecropping.

II. Status of Tenant Regulations in Quang Tri Province

Quang Tri Province has seven districts (2 in the highlands do not cultivate rice). With regard to the 5 lowland districts, I carefully watched the contract register record-keeping of the local cadre where each village is noted along with the names of landlords.

Concerning Tenant Contracts: Trung Tuong District has the greatest number of contracts; all but 200 of them are renewed. This district is within the Demilitarized Zone and enforcement of tenancy regulations is difficult as officials must always produce papers in order to move about in that area. There are about 50 landlords who have gotten back their ricefields.

In the 2 districts of Hai Lang and Trieu Phong must contracts have been renewed. Each district has about 200 unrenewed contracts because the landlord has reoccupied the ricefield to cultivate for himself.

Returning of Ricefields: This is a situation peculiar to this region and not seen in other provinces. In the 2 districts of Cam Lo and Do Linh, there are a number of tenants who gave back their ricefields because the land is poor and overrun with wild animals destroying their crops, especially those farms in the vicinity of the mountains.

Cultivation in Ba Long Highland District: A number of C Contracts coming to the end of their terms have been renewed because the landlords have either gone to regroup with the Viet Cong or are absent.

Rent: Very high rent is paid for seedling-producing rice land, especially in Hai Tho village in Hai Lang District. 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.

A few years ago, in Trieu Phong District, there was "black-market rent" paid (landlord collecting over the allowed limit) but thanks to the observation and reporting by local cadres, occurrences of this kind have been greatly reduced.

Tenant's Standard of Living: I visited a village in Do Linh District, about 3 kilometers from Ben Hai. Here the tenant's life is hard due to a small income. He cultivates 3 sao (300 square meters) but at the end of the year he earns only VN$600 or VN$700.

"Metayage" (sharecropping) System: The landlord makes an oral rather than a written contract. Many places have 2 harvest periods. Some landlords cultivate the first crop themselves and sharecrop the second crop. With regard to the second crop, the tenant must work hard to adequately irrigate the land due to a lack of water. Therefore, it is important to improve the second crop to produce better yields. This is chiefly a technical problem, involving better irrigation techniques. I have seen many places using only the traditional method, dispensing water with a hand dipper not using a pump of even the smallest kind which sells for over VN$2000 in the market. I realized there is a lack of cooperation between the landlord and tenant in the field of cultivation.

Sharecropping in Central Vietnam is a matter of custom, involving no contract but rather a verbal agreement between both parties as to the distribution of income. Each season everyone goes out into the ricefield (even the owner) to harvest for themselves.

Activity of the Agricultural Committee: There are few disputes throughout the province. From the day the Committee was established up to October 15, 1962 (there were almost 100 cases) 95 of which were successfully conciliated, 3 unsuccessful. With regard to these 3, local land courts have settled the disputes involved.

Difficulties Encountered: The number of disputes above demonstrate that both the landlord and the tenant have no great or frequent problems. It is the administration of their relationships which is difficult because of the need for more cadres. Formerly, the Service had 6 cadres but now has only 4, leaving 2 to take care of 7 districts. Tenant regulations could be more forcibly implemented if 4 more cadres were added.

III. Status of Tenant Regulations in Thua Thien Province:

Cultivation of ricefields in this province has not been very successful from 1953 up to the present because of the breaking of the Thuan An Dam (1953) allowing salty water to overflow into ricefields which had been producing before. Now some land is wasted due to this brackish water and conditions of insecurity. In the 2 districts of Phu Loc and Vinh Loc (Ha Trung, Ha Tru villages) some ricefields are damaged and with poor yields.

Tenant Contracts: The Commission for Land Affairs has been pushing for contract regularization from 1959. In September of that year a campaign was begun with 6 cadres in charge. These cadres were divided into 2 Commissioners, collaborating with civic action cadres, making a group of 12 persons going out on a mission into the villages.

In Huong Thuy District, I entered the village of Thuy Phuong and saw contracts registered indicating careful control as follows:

- The first contract was registered in this village on December 24, 1955.

- On December 4, 1958, the Province Chief, Duong Ngoc Oanh (of Land Affairs, at that time) marked the register indicating he had checked its contents; on August 16, 1959, the signature of Mr. Oanh; on May 10, 1961, Mr. Nguyen Van Ba signed; on September 28, 1961, one can see the signature of cadre Nguyen Bieu.

In other places a contract is also concluded between onwer and tenant. However. this is often no more than just for appearance's sake with "inside metayage" or sharecropping agreed upon for dividing income.

In this province there are also "few lands for the many" so the law of supply and demand still operates. To guarantee a continuation of their long-standing business together, the tenant must make an inside or secret agreement with the landlord.

This is a general practice in Quang Nam and Quang Tri Provinces where government representatives and special cadres have little means of control because of the passive agreement by the tenant who seldom complains. They are afraid they will lose their ricefields. Again, for appearances, a contract is made stipulating definite rents of 20%, 22% to 25%.

In reality, in many cases, there are no contracts. The tenant pays for 3 or 5 years in advance. The absentee landlord having this money, does not charge the tenant further but allows him to cultivate his farm as he wishes, sometimes resulting in the tenant working the land cheaper.

"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.

Rent: The land is evaluated on the annual yield. The Council which deliberates this yield is composed of the Village Council Commissioner and a member of the Agricultural Committee, the landowner, the tenant all make a report on the definite value of the yield. Average rent is from 20% to 25% and is stipulated in the contract.

Tenant Contracts on Uncultivated Ricefields: In Phong Dien District (7 villages) the number of contracts (Type B) is 92. The area involved is 173 hectares.

In Quang Dien District (8 villages) the number is 39 (Type B) and 12 (Type C). The area involved is 282 hectares.

In Huong Tra (9 villages) the number is 82 (B) and 120 (C). Area involved is 352 hectares.

In Phu Vang District (15 villages) the number is 260 (B) and 95 (C). Area is 886 hectares.

In Huong Thuy District (14 villages) the number is 42 (B) and 73 (C). Area involved is 155 hectares.

In Vinh Loc District (11 villages) the number is 84 (B) and 40 (C). Area is 235 hectares.

In Nam Hoa District (10 highland and 3 Kinh villages). The number is 13 (B) and the area is 19 hectares.

Activity of the Agricultural Committee: This Committee has been largely inactive since its establishment due to few disputes being filed before it. There are many complaints by tenants and landlords alike made to province officials but not yet brought before the land courts.

Thua Thien refers all disputes to the Land Affairs Service for solving rather than to the Agricultural Committee.

The record for special disputes is as follows:

1960 - 3 cases
1961 - no cases
1962 - 2 cases (1) Vo Duong vs Nguyen Van Ngi (complained he could not exercise his right of option to purchase the land), (2) Dang Van Giau vs Ho Thi Lou (complained the landlord would not renew the contract)

Difficulties: The Commissioners of Land Affairs are working for the implementation of regulations continuously. However, they would be more effective if they had 4 or 5 more cadres because the Service now has only 4. Two of them are women who cannot go into the field very well so they are in charge of office affairs only, and the 2 remaining cadres are not enough for the whole province.

Conclusion: The Provincial Land Service has been operating capably. However, more cadres are necessary.

IV. Status of Tenant Regulations in Da Nang

In Da Nang every Commission is showing improvement in reorganization and construction inside the city. Land identification is moving along.

There is little to say about tenant regulations as there are no ricefields in this area.

Sincerely reported in

Saigon on December 10, 1962

(S/S) Le Van Toan
Commissioner General for Land Affairs

Appendix D-21

LAND RENTAL ARRANGEMENTS
Contracts: Recorded Landlord-Tenant Rental Contracts
Classification by Types and by Years
(Area in Hectares)

Years	Type A		Type B		Type C		Type A+B+C	
	Contracts	Area Farmed	Contracts	Area Farmed	Contracts	Area Farmed	Contracts	Area Farmed
1959	588,370	873,036	86,803	226,206	109,726	226,181	781,899 (784,899)*	1,365,423
1960	611,111	958,191	83,596	227,807	103,463	266,119	798,170	1,452,217 (1,452,117)*
1961	605,518	951,514	82,745	222,372	102,236	264,271	790,499	1,438,157
1962	552,353	895,457	83,109	225,912	98,395	264,225	734,055 (733,857)*	1,368,094 (1,385,594)*
1963	516,150	871,020	84,427	231,449	97,749	246,493	698,326	1,348,962
1964	486,956	859,138	79,245	225,536	92,036	242,004	658,237	1,326,678
1965	488,007	863,432	79,163	225,434	90,978	241,018	658,148	1,329,884
1966	485,072	853,436	77,506	219,383	90,476	238,493	653,054	1,311,322
1967	488,952	864,574	77,593	219,578	87,757	237,453	657,042	1,322,696
1968	492,573	869,747	77,593	219,578	90,497	238,544	660,663	1,327,869

Note: Class A: riceland yielding more than 100 gia of rice by hectare (gia: 40 litres)
Class B: from 61 to 100 gia
Class C: from 36 to 60 gia
Class D: less than 36 gia

* Adds to
As of September 15, 1968.

Source: Directorate of Land Reform, September 1967.

Appendix D-22

LAND REFORM: NUMBER OF REGISTERED TENURE CONTRACTS BETWEEN LANDOWNERS AND TENANTS, AS OF SEPT. 15, 1968

	Type of Contracts							
	A		B		C			
	Number	Cultivated Area (ha.)	Number	Cultivated Area (ha.)	Number	Cultivated Area (ha.)	A/B/C	Cultivated Area (ha.)
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

LAND REFORM: NUMBER OF RENEWED TENURE CONTRACTS BETWEEN LANDOWNERS AND TENANTS, AS OF SEPT. 15, 1968
(Area in Hectares)

	Type of Contracts							
	A		B		C			
	Number	Cultivated Area (ha.)	Number	Cultivated Area (ha.)	Number	Cultivated Area (ha.)	A/B/C	Cultivated Area (ha.)
Vietnam	54,968	91,366	1,634	4,320	3,701	8,986	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.
Type C contracts are between tenants and the Government for cultivating abandoned lands.

Source: Directorate of Land Reform, GVN.

Appendix D-23

STATE OF CONTRACTS SIGNED BY TENANTS AND ENFORCED STILL (BY PROVINCE) TO 30.9.67

Order No.	Provinces	Number of Contracts (A + B + C)	Area Covered by Contracts (A + B + C) (ha.)
1	An Giang	48,778	163,577
2	An Xuyen	34,351	81,683
3	Ba Xuyen	59,298	219,198
4	Bac Lieu	3,148	14,618
5	Bien Hoa	2,153	15,340
6	Binh Duong	3,068	3,191
7	Chau Doc	32,751	99,807
8	Chuong Thien	33,633	67,078
9	Dinh Tuong	69,353	103,985
10	Gia Dinh	8,373	20,735
11	Kien Giang	67,665	183,627
12	Kien Hoa	24,739	34,458
13	Kien Phong	7,459	22,761
14	Kien Tuong	6,469	25,396
15	Long An	28,477	60,657
16	Phong Dinh	35,171	85,257
17	Phuoc Tuy	1,606	4,077
18	Tay Ninh	2,261	5,439
19	Vinh Binh	49,085	79,199
20	Vinh Long	68,717	79,457
21	Binh Dinh	20,628	3,532
22	Binh Thuan	4,025	8,636
23	Khanh Hoa	4,611	5,552
24	Ninh Thuan	2,411	4,547
25	Phu Yen	9,866	2,151
26	Quang Nam	61,110	11,857
27	Quang Ngai	13,391	2,839
28	Quang Tri	3,338	1,281
29	Quang Tin	3,002	612
30	Thua Thien	3,824	3,054
Total		712,761	1,413,601

Unpublished Data
Directorate of Land Reform
October 4, 1967

Appendix D-24

RECORD OF RENTAL RATE INFORMATION

Extracted from 169 Farm Lease Contracts Type "A" for Type "A" land selected at random from the Land Reform Office in the Village of Tan An in the province of Vinh Long.

No. of Contracts	Rental Change (Percent)
43	18
101	20
22	23
3	25

YIELD AND RENTAL STATISTICS FOR 9 CONTRACTS SELECTED AT RANDOM FROM THE 169 CONTRACTS

No. of Contracts	No. ha.	Rental (% of prod.)	Est. Prod./ha. in Gias Rice*	Est. Rent in Gias Rice Per Annum
1	0.5	18	50	9.0
6	0.15	18	100	2.7
8	0.8	18	100	4.4
21	0.6	23	140	6.0-10.0
24	0.3	23	140	9.6
120	1.1	20	100	24.0
142	3.0	25	120	90.0
145	2.0	25	150	60.0
102	1.0	25	150	30.0

* 1 Gia equals approximately 21.6 kilograms.

Source: Stanford Research Institute, September 1967. Tabulated by SRI staff in field.

Appendix D-25

1. Agrarian Reform Courts
   a. Recorded complaints: Accumulative Records from 1958 Number of decisions taken by provincial courts: classified by kind of complaints.

2. National Commission of Agrarian Reform

a. Number of decisions approved by the National Commission of Agrarian Reform	1,940
b. Number of decisions reversed	160
Total	2,100

c. Subject of Disputes	No. of Cases
Amount of rent	316
Period of tenancy	254
Tenants right to purchase	154
Landlords repossession	1,127
Question of legality of control	110
Miscellaneous	182
Total	2,143

3. Agrarian Villages' Committees
   (Accumulative Records from 1958.)

a. Total of villages in the country	2,477
b. Number of agrarian village committees	1,452
c. Accumulative number of litigations heard since 1958	17,612
(1) Disputes successfully resolved	15,687
(2) Disputes unresolved	1,925

Source: Unpublished Statistics, Directorate of Land Reform, September 1967.

Appendix E

EXPROPRIATED LANDS
(Ordinance 57)

Appendix E-1

Ordinance No. 21 dated June 4, 1953,*
Establishing the Retention Limit on
Riceland and Land Suitable for Other
Crops

ARTICLE 1. The retention limit is the maximum total area of riceland or land suitable for other crops that a landowner is authorized to possess and to exploit throughout the whole of Vietnam.

ARTICLE 2. Depending on the density of the population and the classification of the land is the Region, the retention limit attributed to each physical person landowner or head of family having less than four children is as follows:

- In North Vietnam, from twelve (12) to thirty-six (36) hectares.
- In Central Vietnam, from fifteen (15) to fourty-five (45) hectares.
- In South Vietnam, from thirty (30) to one hundred (100) hectares.

However, a landowner possessing or cultivating, in one or several localities, ricelands or land suitable for other crops on which the retention limit fixed by the provisions of Article 4 below might not be the same, may possess or cultivate in each Region a total area equal to the Regional maximum mentioned in the preceding paragraph.

ARTICLE 3. Regarding landowners who are heads of family having more than three children, the retention limit fixed in the preceding Article will be augmented twenty-five percent (25%) per child over the third.

ARTICLE 4. The Provincial Council for Arbitration mentioned in Article 20, Ordinance No. 20 dated June 4, 1953,† will determine, within the limits set forth in Article 2 above, the retention applicable to different areas of each province according to the demographic situation and the type of cultivation.

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* Superseded by Article 34, Ordinance No. 57 dated October 22, 1956.
† Replaced by Part III (new) of Ordinance No. 2 dated January 8, 1955.

ARTICLE 5. The retention limits attributed to physical persons as provided in Article 2 of the present Ordinance are not applicable to industrial plantations such as agricultural domains belonging to legal entities, which are subject in this matter to the provisions of another future ordinance.

ARTICLE 6. Physical persons who, at the promulgation of this Ordinance, will be owners, usufructaries, users, or lessors of riceland or land suitable for other crops, and who are holding a total area over the retention limit fixed above, cannot acquire ownership or usufruct right, nor obtain lease for new lands of the same type by pledge or hypothecation. Documents established in this matter will be considered as null.

ARTICLE 7. Conversely, physical persons mentioned in Article 6 have the right to settle with or without payments, part or all of their agricultural property.

However, in case of settlement against payment, the amount paid cannot be used to acquire new lands of the same type by lease or pledge or hypothecation, as long as these actions are not carried out within the retention limit determined above.

Besides, in case the above concerned physical person should receive through inheritance, intervivor donation or testamentary donations, consecutive partition according to a liquidation of marriage association, or in case they should acquire through prescription, accession, or through execution of some obligations, riceland or land suitable for other crops, or rights resulting in the augmentation of the area of their properties and of the lands on which they have the right of lease, or of usufruct, or of usage, the ownership or other rights or equivalent on the existing properties must be subject to disposition with or without payment. The use of payment must also be subject to the limitation provided in the above paragraph 2 Article 7.

ARTICLE 8. Arretees issued by the Prime Minister of the Government in the Cabinet shall determine the procedures for the implementation of this Ordinance.

ARTICLE 9. The Prime Minister of the Government, the Minister of Interior, the Minister of Justice, the Minister of Agriculture and the Governors are charged with execution of the present Ordinance.

S/s NGUYEN VAN TAM
Prime Minister

Ban-Me-Thuot, June 4, 1953

S/s CUNG DINH QUY
Minister of Agriculture

S/s BAO DAI
EMPEROR

Appendix E-2

Republic of Vietnam
Office of the President

Ordinance No. 57 of October 22, 1956, Governing the Expropriation and the Redistribution of Rice Land

THE PRESIDENT OF THE REPUBLIC OF VIETNAM

. . . . . .

ORDERS:

PART I - GENERAL DISPOSITIONS

ARTICLE 1. The Land Reform established by this Ordinance aims at an equitable distribution of the land to help tenant farmers become small landowners for the development of agricultural production, and the orientation of large landlords toward industrial activities.

PART II - PROCEDURES FOR APPLICATION OF LAND REFORM

Chapter I - Scope of Application for the Expropriation and Retention Limit

ARTICLE 2. The Land Reform regulations apply 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. (See Art. 2 Riceland only Cir. No. 22-DTCC/TT of May 28, 1957, implementing Ordinance No. 57 of October 22, 1956, fixing the regulations for Land Reform program).

ARTICLE 3. The maximum area that landlords may retain is fixed at 100 ha. The landlords have the right to select this land within the retention limit allowed.

The retention may form a single area if partition would be detrimental to cultivation. The maximum area which the landlords have the right to exploit themselves is 30 hectares.

ARTICLE 4. However, the above-mentioned Articles 2 and 3 shall not apply to the following types of land:

a) Land suitable for the cultivation of crops other than rice, particularly for the cultivation of industrial crops, even if the area exceeds the retention limit set by Article 3, on the condition that the landlords must shift the form of cultivation of this land within a period not to exceed one year from the date of the promulgation of this Ordinance.

b) Land under existing cultivation whether leased or owned by private persons, devoted to the culture of industrial crops such as coffee, rubber, sugar cane, tobacco, fruit trees, etc., for domestic use or export, even if the area exceeds 100 hectares.

c) Concession-lands on which residential buildings, factories, or model farms are located.

d) Land devoted to pasture for animals of any livestock farm, on condition that these farms function in a permanent manner.

e) Protected forests.

ARTICLE 5. The provisions of this Ordinance shall not be applied to: Duong-Hoa land (land left by parents to their descendents for the worship of ancestors); Hau-Dien (land given by an individual to the village/community on the condition that the village/community shall worship him or his parents after his death); and Tu-Duong land (land given by an individual to the community to be used for worship) handed down by the landlord's ancestors.

A special committee shall determine the retention area for the above-mentioned types of land according to their locality and quality, but it should not exceed 15 hectares. The beneficiaries may farm the land themselves.

ARTICLE 6. The application of this Ordinance makes no distinction between private persons or legal entities, nationals or foreigners.

ARTICLE 7. Lands recorded in the Land Registry Office under the name of one owner are considered as a single private property.

ARTICLE 8. When any landlord comes under the terms of the Land Reform Law he may continue to collect his rent until the end of the crop season of the year during which expropriation has taken place.

ARTICLE 14. While awaiting for the definite transfer of title, the distribution land shall be temporarily registered under the name of the recipient, who must pay by installments annually within a maximum period of 6 years. The first installment starts after the harvest of the following year which the recipient took possession of the land. During this 6 years period, the land remains under the name of the Government.

The value of the land shall be calculated in accordance with the amount which the Government pays to the landlord, excluding the 3% interest mentioned in paragraph b. of Article 21 (amended by Decrees 008 CT/LDQGQL/SL of October 2, 1964, and Decree 020/65 of October 8, 1965).

ARTICLE 15. Within one year from the date of taking possession of the land, the new owner must put under cultivation the whole area he agreed to purchase. In addition, he must participate in the agricultural development programs cooperative extension, and other activities in the common interest. In case he fails to fulfill these engagements, the Government may take back the land. Besides, the sanctions set forth in part IV shall be applied.

ARTICLE 16. After being allocated, the land cannot be rented, mortgaged, resold, or seized to pay debts for a ten-year period (amended by Cir. 13.157 BCTNT/HCTC.3 of September 7, 1964 - Item V).

ARTICLE 17. Properties in the form of residences or farm buildings occupied by the beneficiaries under the Land Reform program shall continue to belong to the owners affected by this program. These buildings will be expropriated by the Government and sold to the occupants for compensation to be paid within a 10-year period.

ARTICLE 18. The sale price of the buildings mentioned in Article 17 above will be fixed at their current value, a deduction would be made for depreciation up to the time they are evaluated.

ARTICLE 19. The buildings mentioned in Article 17 above may not be moved and the recipients may not resell them until the payment has been entirely made.

Chapter III - Compensation to Landlords

ARTICLE 20. Any landlord whose lands are expropriated by the Government under the term of this Ordinance shall be entitled to a compensation from the Government in accordance with the current value of his land which will be determined by a special committee to be established by a decree.

ARTICLE 9. All certificates of ownership rights, real estate securities and mortgages which are not properly dated prior to the effective date of this Ordinance shall be considered invalid.

ARTICLE 10. In the case of a transfer of ownership rights arising from death after the promulgation of this Ordinance, the estate shall be considered as a single property subject to the provisions of this Ordinance.

Chapter II - Beneficiaries of the Land Reform Regulation

ARTICLE 11. Eligibility for land distribution purposes shall include all Vietnamese, male and female, adult bachelors who are at least 21 years of age, or married and over 18 years of age, except the farmers who, profiting by recent events, have illegally occupied the land and who refused to sign lease contracts, or refused to pay land rents and taxes during the past years, and who refused to pay these back rents by March 31, 1957.

ARTICLE 12. Land available for distribution shall be allotted in accordance with the following priority:

1. Farmers who are presently residing in the area; tenants or workers who have cultivated the land for over two years.

2. Spouses or direct relatives of those who died or were disabled in the liberation or pacification of the country.

3. Refugees or people returning to their village after pacification.

4. Unemployed.

5. Small landowners with more than 5 children, and who own less than 3 hectares of land; but such families may not be allotted land in excess of 5 hectares, including their own land.

6. Landless people.

ARTICLE 13. The portion of the land intended for distribution will be transferred to the beneficiary at the end of the annual crop season in which this Ordinance becomes effective.

In case this portion of land is encumbered by mortgage, or used as a guarantee, the expropriation is naturally legal for an arrangement to clear the status of such land, and the creditor shall be compensated by the same process as a landlord. The compensation to be paid to the landlord shall be reduced by the amount paid to creditor (supplemented by Cir. No. 8 BDT/CC/PC/TT of Feb. 27, 1961 - Item 2).

If the land and the usufructuary right belong to two different persons, the proportion of the compensation paid to each of them will be fixed by the special committee mentioned above.

ARTICLE 21. The compensation shall be paid as follows:

a) Ten percent of the value of the expropriated land shall be paid in cash.

b) The remainder shall be paid by registered non-transferable bonds guaranteed by the government bearing an annual interest of 3 percent and amortized over a period of 12 years.

ARTICLE 22. These bonds may be pledged and are legal tender for mortgage debts contracted with the Agricultural Credit Fund, for paying land and inheritance taxes on the expropriated lands, and for subscription to securities of any enterprises established by the government within the framework of the national economic development program.

PART III - RESPONSIBLE AGENCIES FOR LAND REFORM PROGRAM

ARTICLE 23. The Ministry of Land Reform will be responsible for the implementation of the Land Reform Program.

ARTICLE 24. A Land Reform Council will be established to supervise all operations carried out with the application of this Ordinance and to solve all matters raised by the agencies, committees or concerned individuals while implementing this Ordinance.

ARTICLE 25. A decree will be issued for the establishment of committees and local sub-committees in charge of studying and proposing solutions related to the following matters:

a) Elaboration of regulations for the implementation of the land reform program.

b) Drawing up of a list of lands subjected to the Land Reform Program.

c) Determination of the maximum area of land to be retained for ancestor worship as provided in Article 5 above.

d) Supervision of the administration, expropriation, limitation of retention areas, and allocation of lands.

e) Forwarding of notifications to persons involved in the implementation of this Ordinance.

f) Evaluation of compensations in accordance with the provisions of this Ordinance.

g) Issuance of titles to new land owners.

h) Signing of contracts with new landowners.

i) Submission of reports to the National Council for Land Reform each three months.

j) etc. . . . .

ARTICLE 26. There are established Land Courts which will administer in each province, or several provinces to examine violations of the law, and to settle disputes arising from the implementation of this Ordinance. A decree will fix the composition, powers, and procedures of these Courts.

PART IV - PENALTIES

ARTICLE 27. All actions aimed at impeding or delaying the implementation of this Ordinance shall be liable to either an imprisonment of from 6 months to 2 years or to a fine of from 15,000 to 120,000 piasters.

ARTICLE 28. Any landlord who opposes the implementation of this Ordinance by violence or other illegal means shall be subject to expropriation up to the limit of his property without prejudice to the confiscation of the amount to be paid for the land expropriated.

ARTICLE 29. Any landlord who attempts to reduce the quality of his land, destroy the dependent installations, or impede the normal cultivation shall be liable to a fine of from 10,000 to 50,000 piasters or to an imprisonment of from 3 to 6 months.

ARTICLE 30. In case negligence is shown in the cultivation of the allocated lands which have not been wholly paid for, or of insolvency on the part of the new owner, the Government shall have the right to take back these lands without reimbursing the installments paid and without prejudice to other penalties provided for in Article 27 above.

PART V - FINAL PROVISIONS

ARTICLE 31. All provisions set forth in this Ordinance are of a public security nature.

ARTICLE 32. There shall be established an autonomous fund to finance expenditures for the administration and implementation of the Land Reform Program. A Decree shall be issued to determine the organization and control system for the autonomous fund.

ARTICLE 33. The implementation procedures of this Ordinance shall be determined by Decree.

ARTICLE 34. All Ordinance, Orders, Decisions, Regulations, and particularly Ordinance No. 21 of June 4, 1953 which are in conflict with the provisions of this Ordinance are superseded.

ARTICLE 35. This Ordinance shall come into effect from the date of signing and be published in the Official Gazette of the Republic of Vietnam.

Prepared in Saigon, October 22, 1956

S/NGO DINH DIEM

Appendix E-3

Republic of Vietnam
Office of the President

Ordinance No. 57 of October 22, 1956,
with Amendments and Annotations

PART I - GENERAL DISPOSITIONS

ARTICLE 1. The Land Reform established by this Ordinance aims at an equitable distribution of the land to help tenant farmers become small landowners for the development of agricultural production, and the orientation of large landlords toward industrial activities.

PART II - PROCEDURES FOR APPLICATION OF LAND REFORM

Chapter I - Scope of Application for the Expropriation and Retention Limit

ARTICLE 2. The Land Reform regulations apply 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. (See Art. 2 Cir. No. 22-DTCC/TT of May 28, 1957, implementing Ordinance No. 57 of October 22, 1956, fixing the regulations for land redistribution: "Rice land only").

ARTICLE 3. The maximum area that landlords may retain is fixed at 100 hectares. The landlords have the right to select this land within the retention limit allowed. The retained land may form a single area if partition would be detrimental to cultivation.

The maximum area which the landlords have the right to exploit themselves is 30 hectares.

*Retention - Ownership of joint owners (on the title or on the Land Register).

Cir. 49 of Sept. 24, 1957 supplementing Circular 22 of May 28, 1957:

"A. The cases where two individuals are joint owners:

Each of them is considered as a separate owner for his portion e.g. Mr. A and Mr. B are joint owners and together have in their names 300 ha. on the Land Register. Each of them is considered as a separate owner and has the right to keep 100 ha. as a maximum retention. Thus the area to be expropriated is 100 ha. (100 ha. x 2 = 200 ha. for retention purposes).

"B. In those instances where the joint owners are husband and wife the following policies shall apply:

1) Lands acquired after the wedding by donation or by purchasing: Even though the lands are under the names of both parties such lands must be considered as one unit only. Thus, the excess over 100 ha. will be expropriated.

2) Lands owned by the husband or/and the wife before the wedding: Lands under a name on the Land Register are considered as one unit. The excess of 100 ha. by each name listed on the Land Register will be expropriated. Thus, each party to the marriage can retain 100 ha."

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* This margin shows amendment and supplemental policies issued.

Cir. 22 of May 28, 1957:

"The landowner has the right to cultivate directly a maximum of 30 ha. within the maximum retention of 100 ha. The landowner is free to sell, pledge, mortgage and donate the areas within those 100 ha. However, the tenure security and the pre-emption right of the tenant must be respected in accordance with the provisions of Ordinance 2 of January 8, 1955, e.g.: Mr. A, landlord, owns 300 ha. Two hundred hectares are expropriated. The retention is 100 ha. Within those 100 ha., Mr. A has the right to sell all 100 ha. or a portion thereof to one or more buyers, if he does not want to keep the lands for lease or for direct cultivation.

"In this case, Mr. A, landlord, is obligated to respect the pre-emption right of the tenant, and the new owner is obligated to respect the tenure security of the tenant.

"In regard to the 30 ha. on which the landlord has the right of direct cultivation, three situations must be considered. These are:

a) The case of uncultivated land not yet leased:
The landlord has full powers in the use of this.

b) The case of land under cultivation by a tenant with a legal lease (i.e. there is a tenant contract).
The landlord is obligated to respect the tenure security of the tenant. He may take back the land for direct cultivation only under the regulations of Ordinance No. 2 of January 8, 1955.

c) In the case of land under cultivation, without a legitimate tenant (i.e. no landlord tenant contract):
The landlord must recognize the tenure security of the farmer cultivating the land if the farmer goes ahead and executes a contract in accordance with applicable rental procedures. On the contrary, if the farmer does not regularize his tenancy status in accordance with applicable rental procedures the landlord may take back the land.

With respect to excess holdings of land above the retention limit: The landlord is free to sell up to 3 ha. to each tenant farmer cultivating the land. However, if the area actually cultivated by a tenant farmer exceeds 3 ha., the landlord is free to sell him more than 3 ha. but no more

than 5 ha. The amount of land the tenant can buy depends on the amount of land he is presently cultivating. It is cateorically forbidden to sell the land to others than the tenant farmer cultivating the land.

"In the case of a tenant who has more than 5 children, although he is cultivating less than 5 ha., the tenant may buy up to 5 ha. under the condition that the excess area is not being cultivated by another tenant who also has the right to buy it."

"According to the Note No. 358 of Jan. 8, 1960 of Minister of Land Property and Land Reform: "Oct. 15, 1959, is the time limit for requests to sell lands, Jan. 31, 1960, is the time limit for transferring and registering such sales."

ARTICLE 4. However, the above-mentioned Articles 2 and 3 shall not apply to the following types of land:

a) Land suitable for the cultivation of crops other than rice, particularly for the cultivation of industrial crops even if the area exceeds the retention limit set by Article 3. The condition for this exception is that the landlords must shift the form of cultivation of this land within a period not to exceed one year from the date of the promulgation of this Ordinance.

b) Land under existing cultivation, whether leased or owned by private persons, devoted to the culture of industrial crops such as coffee, rubber, sugar cane, tobacco, fruit trees, etc., for domestic use or export, even if the area exceeds 100 hectares.

c) Concession-lands on which residential buildings, factories, or model farms are located.

d) Land devoted to pasture for livestock farms, on condition that these farms function in a permanent manner.

e) Protected forests.

ARTICLE 5. The provisions of this Ordinance shall not be applied to: Huong-Hoa Land* (land left by parents to their descendants for the worship

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* Circular 22 of May 28, 1957, No. 1667 of December 11, 1957, No. 38 of September 3, 1959, and No. 3 of September 1, 1960.

of ancestors); Hau-Dien (land given by an individual to the village/community on the condition that the village/community shall worship him or his parents after his death); and Tu-Duong land (land given by an individual to the community to be used for worship) handed down by the landlord's ancestors.

A special committee shall determine the retention area for the above-mentioned types of land according to their locality and quality, but it should not exceed 15 hectares. The beneficiaries may farm the land themselves.

Special Committee: Circular 1982 of June 6, 1957 (supplementing Cir. 22 of May 28, 1957) states as follows: "The Committee of General Census of Lands Subjected to the Land Reform Program, Limitation of Worship Lands, Administrative Supervision, and Issuance of Titles to New Owners" has decided that in any case the area reserved for ancestor worship (Huong-Hoa) is fixed at 15 ha. in South Viet-Nam and 5 ha. in Central Viet-Nam.

Nevertheless, the interested persons are authorized if they want to fix an area less than that but never more than the 15 ha. and 5 ha. areas above-mentioned.

Circular 49 of September 24, 1957:

"The limitation of a 15 ha. maximum will be applied on riceland only, and does not concern garden area. For example, Mr. A, landlord, is beneficiary of worship land comprising 25 hectares of riceland and 12 ha. of garden land.

"With respect to garden area, he is authorized to retain all 12 ha.

"With respect to riceland the maximum limit is 15 ha. Thus 25 ha. minus 15 ha. leaves 10 ha. to be considered as normal land. The provisions of circular 22 of May 28, 1957, shall be applied in this point."

ARTICLE 6. The application of this Ordinance makes no distinction between private persons or legal entities, nationals or foreigners.

ARTICLE 7. Lands recorded in the Land Register Office under the name of one owner are considered as a single private property.

ARTICLE 8. When any landlord comes under the terms of the Land Reform Law he may continue to collect his rent until the end of the crop season of the year during which expropriation has taken place.

ARTICLE 9. All certificates of ownership rights, real estate securities, and mortgages which are not properly dated prior to the effective date of this Ordinance shall be considered invalid.

ARTICLE 10. In the case of a transfer of ownership rights arising from death after the promulgation of this Ordinance, the estate shall be considered as a single property subject to the provisions of this Ordinance.

Chapter II - Beneficiaries of the Land Reform Regulation*

ARTICLE 11. Eligibility for land distribution purposes shall include all Vietnamese, male and female, adult bachelors who are at least 21 years of age, or married and over 18 years of age; except the farmers who, profiting by recent events, have illegally occupied the land and who refused to sign lease contracts, or refused to pay land rents and taxes during the past years, and who refused to pay these back rents by March 31, 1957.†

ARTICLE 12. Land available for distribution shall be allotted in accordance with the following priority:

1. Agricultural people on the land as legal tenants, beneficary tenants without contract, and/or workers who have cultivated the land for over two years.

2. War veterans (Circ. 8379 of August, 12, 1967), spouses or direct relatives of those who died or were disabled in the liberation or pacification of the country.

3. Refugees or people returning to their village after pacification.

4. Unemployed.

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* Census of farmers requesting lands under the provisions of Ordinance 57 of October 22, 1956 (Cir. 56 of Nov. 21, 1956).

† Solution to confusion of farming and ownership right, and collection of back rents during past unsecure years (Circ. 11000 of Dec. 15, 1965, and Circ. 61 March 28, 1967).

5. Small landowners with more than 5 children, and who own less than 3 hectares of land; but such families may not be allotted land in excess of 5 hectares, including their own land.

6. Landless people.

ARTICLE 13. The portion of the land intended for distribution will be transferred to the beneficiary at the end of the annual crop season in which this Ordinance becomes effective.

Even though a portion of the land expropriated is encumbered by a mortgage or used as a guarantee, the expropriation is a legal act to clear the title of such land. The creditors shall be compensated by the same process as a landlord. The compensation to be paid to the landlord shall be reduced by the amount paid to creditors.

Circular 8, February 27, 1961:

"Creditors request to hypothecate the amount of compensation to expropriated landlords (riceland which is not mortgaged).

"Despite the fact that the loans are not registered on the landlords land roll, many creditors request lawyers to hypothecate the amount of compensation to be paid to expropriated landlords by means of a judicial order from the court.

"Article No. 13 of Ordinance 57, October 22, 1956, applies only to the loans which are clearly registered in the land roll or land register. These creditors shall be compensated on the same procedures as applied for expropriated landlords.

"The Ministry of Land Affairs and Land Reform is not authorized to hold up checks and bonds bearing the names of the expropriated landlords in order to give them to other persons.

"Realizing that the Directorate General of Treasury is a monetary distribution agency, the National Council for Land Reform decided that: if creditors wish to hypothecate the amount of compensation for expropriated land, they should request the Court for authorization and the judgment should be forwarded to the Directorate General of Treasury for information as this is the monetary distribution agency."

ARTICLE 14. (New, decree law No. 2 of October 8, 1965)
Art. 14 Ord. 57 Oct. 22, 1956 modified by decree law No. 8 of Oct. 2, 1964, is now amended as follows:

After the distribution of the land, the provincial land officer must immediately record* the land under the name of the recipient. This recipient new owner must pay† the sale price by annual installments within a maximum period of twelve years; the first payment‡ starts after the harvest of the year following that during which the recipient receives the land.

During the period in which a recipient has not yet completed the payment, the Government can hold the land as a mortgage to guarantee the recipient's debt due.

The mortgage will be automatically cancelled immediately after the presentation of a certificate documenting the completion of payments by the recipient.

The sale price is the amount of compensation by the Government to the expropriated landlord, excluding the three percent interest mentioned in paragraph b. of Article 21 of Ord. 57 Oct. 22, 1956.

ARTICLE 15. Within one year from the date of taking possession of the land, the new owner must put under cultivation the whole area he agreed to purchase. In addition, he must participate in the agricultural development programs, cooperative extension, and other activities in the common interest. In case he fails to fulfill these engagements, the Government may take back the land. Also, the sanctions set forth in part IV shall be applied.

ARTICLE 16. The land cannot be rented, mortgaged, resold, or seized to pay debts for a ten-year period.

Circular 13157 of September 7, 1964 modifying Article 16:

Redetermination of the prohibition term for renting, pledging, selling, or mortgaging of expropriated land.

"Along with the amdendment of Article 14, Ordinance 57 extending the term of payment by installments for expropriated land from 6 to

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* Record: See Circ. 9277 of Aug. 23, 1965.

† Regarding payment for expropriated land in Land Development and Resettlement Centers: See para. 4, Circ. 8379, August 12, 1967.

‡ Regarding the first payment: See para. 2, Circ. 8379, Aug. 12, 1967.

12 years, the National Council for Land Reform decides to amend Article 16 of Ordinance No. 57 as follows:

"The prohibition term for renting, pledging, selling, or mortgaging of the land expropriated by Ordinance 57 is 6 years, starting from the day the tenant-farmer completes his payments - except when he pledges the land at the National Agricultural Credit Organization."

In consequence, when transferring of the name to the new land-owner's, the local Land Service should record in the land roll the following restriction:

"Must not rent, pledge, sell or mortgage (the land) within a period of 6 years, starting from the day . . . . ;" this day will be the day on which the tenant (new land-owner) completes payments for the expropriated land.

ARTICLE 17. Properties in the form of residences or farm buildings occupied by the beneficiaries under the Land Reform program shall continue to belong to the owners affected by this program. These buildings will be expropriated by the Government and sold to the tenant subject to the condition that the tenant pays the compensation within a 10-year period.

ARTICLE 18. The sale price of the buildings mentioned in Article 17 above will be fixed at their current value, a deduction will be made for depreciation up to the time they are evaluated.

ARTICLE 19. The buildings mentioned in Article 17 above may not be moved and the recipients may not resell them until payment has been completed.

Addenda to Chapter II:

1. Circular 13157 or September 7, 1965:

At its 30th meeting on Aug. 7, 1962, the National Land Reform Council decided that the expropriation under the Ord. 57 must be carried out with the following principle "the accessory follows the principal." Thus, drains, paths established by the landlord, marshes, ponds . . . are expropriated and the recipient of land must purchase these accessories on the distributed land, if any, at the same time that he purchases the land.

Up to now, no recipient new owner has purchased these accessories.

The National Land Reform Council approves the following proposition of the Ministry of Rural Affairs (now Agriculture): Scattered ponds, bogs, marshes, pools in the land, and drains, paths built by the landlord for agricultural activities will be expropriated and included in the state owned land for common good. Then they will not be allocated to the new owners.

The landlord will receive compensation for such areas at the price rate for uncultivated land.

2. Circular 2236 of March 10, 1965:

a. Redistribution of land turned back by farmers who have been recipient under the provisions of Ordinance 57 of October 22, 1956.

b. Establishment of new title replacing the old ones which have been lost.

3. Decree 2 of February 15, 1966:

Article 1. Farmers purchasing expropriated land are entitled to: the exemption of land tax on their land during the period that payments are made on their land until payment is completed. The maximum duration* for this exemption is twelve (12) years starting the date of receipt of the land.

Article 2. The above-mentioned farmers are also exempted from payment of any free for the procedures of registration, cancellation and inscription in the Register Book concerning the purchase of expropriated land.

Chapter III - Compensation to Landlords

ARTICLE 20. Any landlord whose lands are expropriated by the Government under the terms of this Ordinance shall be entitled to compensation from the Government in accordance with the current value of his land which will be determined by a special committee to be established by a decree.†

If the ownership and the usufructuary right on the land belong to two different persons, the compensation paid to each of them will be fixed by the special committee mentioned above.

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* Regarding veterans, ... See Circ. 8379 August 12, 1967.

† Decree 75 of April 4, 1957 establishing Provincial Committee for determining the current value of rice lands.

Addendum - Decision 114 of Oct. 19, 1957 established District Committees for the determination of land yield in each village with the aim of fixing the land value.

ARTICLE 21. The compensation shall be paid as follows:*

a) Ten percent of the value of the expropriated land shall be paid in cash.

b) The remainder shall be paid by registered non-transferable bonds guaranteed by the Government bearing an annual interest of 3 percent and amortized over a period of 12 years, except the cases mentioned in Article 22 of this Ordinance (Decree Law No. 8 of April 1, 1959).

ARTICLE 22. These bonds may be pledged and are legal tender for mortgage debts contracted with the Agricultural Credit Fund, for paying land and inheritance taxes on the expropriated lands, and for subscription to securities of any enterprises established by the government within the framework of the National Economic Development Program.

Circular 8 of February 27, 1961:

Compensation for abandoned and uncultivated expropriated land.

The National Council for Land Reform redetermined its concept at the XXIth meeting on October 25, 1959, and decided: compensation should be made for the expropriation of abandoned uncultivated lands, however, the compensation shall be the last made.

See Decree 500 of November 29, 1957, establishing the regulations for payments of compensation to landlords modified by Decree 81 of April 1, 1959, amending articles 5,8,9, and Decree 28 of January 25, 1960, amending articles 4, 7 supplemented by Decision 335 of August 11, 1959, fixing the enterprises mentioned in Art. 22 of Ordinance 57 of October 22, 1956.

PART III - RESPONSIBLE AGENCIES FOR LAND REFORM PROGRAM

ARTICLE 23. The Ministry of Land Reform will be responsible for the implementation of the Land Reform Program.

ARTICLE 24. A Land Reform Council will be established to supervise all operations carried out within the application of this Ordinance and to solve all matters raised by the agencies, committee, or concerned individual while implementing this Ordinance.

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* Regarding the simplification of procedures, See Cir. 8379 Aug. 12, 1967.

Decree 217 of June 18, 1966:

"Article 1. The composition of the National Council for Land Reform determined by Article 2, Decree No. 74-DT/CCDD of April 4, 1957, is hereby modified as follows:

• Representative of the Prime Minister	Chairman
• Secretary of State for Rural Affairs (now Ministry of Agriculture) or his Representative	Vice-Chairman
• Secretary of State for Internal Affairs or his Representative (now Special Commissioner for Administration)	Member
• Secretary of State for Economy or his Representative	Member
• Secretary of State for Finance or his Representative	Member
• Secretary of State for Justice or his Representative	Member
• Secretary of State for Labor or his Representative	Member
• Director General for Planning or his Representative	Member
• Director General for Land Affairs	Member and Executive Secretary"

ARTICLE 25. A decree will be issued for the establishment of committees and local sub-committees in charge of studying and proposing solutions related to the following matters:

a) Elaboration of regulations for the implementation of the land reform program.

b) Drawing up of a list of lands subject to the Land Reform program.

c) Determination of the maximum area of the land retained for ancestor worship as provided in Article 5 above.

d) Supervision of the administration, expropriation, limitation of retention areas, and allocation of lands.

e) Forwarding of notifications to persons involved in the implementation of this Ordinance.

f) Evaluation of compensation made in accordance with the provisions of this Ordinance.

g) Issuance of titles to new land owners.

h) Signing of contracts with new landowners receiving expropriated lands (Corrigendum 2807 of November 3, 1961).

i) Submission of reports to the National Council of Land Reform each three months.

j) Etc. . . . .

(Decree No. 76 of April 4, 1957, established 3 National Committees:

1. National Committee in charge of the elaboration of regulations for the implementation of the Land Reform program.

2. National Committee to draw up the list of lands subject to the Land Reform program; limitation of worship areas; administrative, supervision, and issuance of titles.

3. National Committee in charge of Finances.)

ARTICLE 26. There are established Land Courts which will preside in each province or several provinces, to examine violations of the law and to settle disputes arising from the implementation of this Ordinance. A decree* will fix the composition, powers, and procedures of these Courts.

PART IV - PENALTIES

ARTICLE 27. All actions aimed at impeding or delaying the implementation of this Ordinance shall be liable to either an imprisonment of from 6 months to 2 years or to a fine of from 15,000 to 120,000 piasters.

ARTICLE 28. Any landlord who opposes the implementation of this Ordinance by violence or other illegal means shall have the totality of his land expropriated. Besides the amount paid for the expropriated land will be confiscated.

Declaration of the Landlords:
Circular No. 1 of January 7, 1957, Circular 5 of March 21, 1957, and Communique 3093 of September 9, 1959:

"1. The landlords having more than 100 ha. must submit a written declaration about their ricelands (rice land under their name on the Land Register).

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* Decree 498 of Nov. 27, 1957, establishing Land Courts, amended by Decree 558 of Dec. 5, 1958.

a) They are responsible for the truth on the declaration.

b) The declaration must include their ricelands not only from the Province where they have their residence but also from any other provinces of South Vietnam (if they own lands in other provinces).

"2. They have to indicate the number (on the Land Register) of each plot they have chosen for their 100 ha. retention.

"3. They must list the farmers with matrimonial status: wife, children 21 years old or older, married and 18 years old and older who are cultivating the ricelands exceeding 100 ha. which shall be expropriated after having reserved the lands chosen by the landlord as stated above."

Decree 359 of December 10, 1964:

"Article 1 - A period of three months beginning from the day of signature of this decree is now fixed as the final term for landlords (physical person and/or legal entities) owning over 100 ha. of riceland but who have not yet declared such excess holdings, to submit in accordance with the requirements of circular No. 1 of Jan. 7, 1957 their written declaration of the amount of such land held to the Directorate General of Land Affairs or to the Provincial Land Offices.

"Article 2 - Beyond the term authorized above (three months) landlords who own over 100 ha. of riceland and do not submit their declarations of land will be punished according to the provisions of the penal articles provided in Ordinance 57 of October 22, 1956."

Circular 8 of February 27, 1961:

Landlords who are absent with unknown address

Regarding landlords who are absent with no address, or who did not make their declarations of property for the application of the Ordinance 57, the National Land Reform Council authorizes the Provincial Land Services to determine the retention of 100 hectare for the landlord, and have the rest of the land surveyed for the expropriation, after having applied the following measures:

- Sending of a registered letter to invite the subject landlord to come.

- Coordinating with the local Provincial Office to draw up a notice and have it posted at District, Village and Provincial Offices, and in Saigon Capital to request the concerned individual to contact the Provincial Land Service within a period of one month.

Landlords who refuse to apply formalities to regulate hereditary land

Although the Ministry of Land Affairs and Land Reform extended the term up to April 30, 1960, so as to allow landlords enough time to get documents relating to the determination of their 15 hectares of hereditary land as retention, many landlords still have not applied the formalities accordingly.

In order to put an end to this situation, the National Council for Land Reform authorizes the Provincial Land Services, in such cases to proceed with the survey of the land and retain 15 hectares as hereditary retention for the landlords.

ARTICLE 29. Any landlord who attempts to reduce the quality of his land, destroy the dependent installations, or impede the normal cultivation shall be liable to a fine of from 10,000 to 50,000 piasters or to an imprisonment of from 3 to 6 months.

ARTICLE 30. In case negligence is shown in the cultivation of the allocated lands which have not been wholly paid for, or of insolvency on the part of the new owner, the Government shall have the right to take back these lands without reimbursing the installments paid and without prejudice to other penalties provided for in Article 27 above.

PART V - FINAL PROVISIONS

ARTICLE 31. All provisions set forth in this Ordinance are of a public security nature.

ARTICLE 32. There shall be established an autonomous fund to finance expenditures for the administration and implementation of the Land Reform program. A Decree shall be issued to determine the organization and control system for the autonomous fund.

Decree No. 2 of January 4, 1957:

"Article 1 - In order to carry out immediately the Land Reform Program an exceptional* fund called the Land Reform Special Fund is established with the Treasury of Vietnam.

"Article 2 - The Minister of Land Property and Land Reform is in charge of the pay order with this Special Fund. He can delegate his power to the Director of Cabinet.

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* "Exceptional" means over The National Budget.

"The Secretary General of the Ministry is the liquidator of this Special Fund.

"Article 3 - This Special Fund receives:

1. Funds advanced by the National Budget.

2. Payments from tenants becoming new owners according to Article 14 of Ordinance 57 of October 22, 1956. *

3. Funds from Foreign Aid supporting the Land Reform Program.

"Article 4 - This Special Fund will pay:

1. The expenditures for supplies in carrying out the Land Reform Program considered as necessary by the Committee of Finances established under the provisions of Article 25 of Ordinance 57 of October 22, 1956.

2. The expenditures for Personnel recruited in carrying out the Land Reform Program.

3. The compensation to expropriated landlords according to the provisions of October 20 and 21 of Ordinance 57 of Oct. 22, 1956.

"Article 5 - The Special Fund must have credit in balancing.

"Article 6 - Exceptionally the control procedures of expenditures and the provisions of the decision 39 of January 21, 1956 shall not be applied with the Special Fund.

"Article 7 - . . . . "

ARTICLE 33. The implementation procedures of this Ordinance shall be determined by a Decree.

(This Decree was not prepared [usually such a decree is prepared]. There was just the Circular 22 of May 28, 1957, implementing the Ord. 57 of Oct. 22, 1956, with conclusions of the National Land Reform Committee, and Circ. 56 of November 21, 1956, about the census of excess land - exceeding 100 ha.).

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* Circ. 8379 Aug. 12, 1967, para, 4-2 "the saleprices of former French land is deposited with the Special Land Reform Fund to compensate the losses due to the allocation without payment of expropriated land under Ord. 57 and located in Land Development and Resettlement centers." Circ. 9277 Aug. 23, 1965 and para. 5 Circ. 8379 Aug. 12, 1967, "Provide term for collection of payment on expropriated land."

ARTICLE 34. All Ordinances, Orders, Decisions, Regulations, and particularly Ordinance No. 21 of June 4, 1953 which are in conflict with the provisions of this Ordinance are superseded.

ARTICLE 35. This Ordinance shall come into effect from the date of signing and be published in the Official Gazette of the Republic of Vietnam.

Prepared in Saigon, October 22, 1956

s/Ngo Dinh Diem

Appendix E-4

Circular No. 22 of May 28, 1957, Implementing Ordinance No. 57 of October 22, 1956, Fixing Regulations Governing the Land Reform Program Amended by Other Documents

To avoid any wrong doing or bias in implementing the provisions of Ordinance No. 57 dated October 22, 1956, I request you to invite the agencies under your control to seriously carry out the following regulations which have been approved by the National Council for Land Reform.

PART I - GENERAL DISPOSITIONS

ARTICLE 1. "The Land Reform established by this Ordinance aims at an equitable distribution of land to help tenant farmers to become small landowners, the development of agricultural production, and the orientation of large landlords toward industrial activities."

This article does not need explanation.

PART II - PROCEDURES FOR APPLICATION OF LAND REFORM

Chapter I - Scope of Application for the Expropriation and Retention Limit

ARTICLE 2. "The Land Reform regulations apply to privately-owned land left uncultivated which is suitable for rice cultivation and land under cultivation in excess of the maximum area that landlords are legally allowed to retain."

According to this article, the land reform regulations fixed by Ordinance No. 57 are to be applied to privately owned land which is presently cultivated or which is left uncultivated but suitable for rice growing.

ARTICLE 3. "The maximum area that landlords may retain is fixed at 100 hectares. The landlords have the right to select this land within the retention limit allowed. The retained land may form a single area if partition would be detrimental to cultivation.

The maximum area which the landlords have the right to exploit themselves is 30 hectares."

According to this article, the landowner has the right to cultivate directly a maximum of 30 ha. within the maximum area of 100 ha.

A. The landowner is free to sell, pledge, mortgage, or donate the areas within those 100 ha. However, the tenure security and the pre-emption right of the tenant must be respected in accordance with the provisions of Ordinance No. 2 dated January 8, 1955, e.g.: Mr. A., landlord, owns 300 ha. Two hundred hectares are expropriated. The retention is 100 ha. Within those 100 ha, Mr. A has the right to sell all 100 ha, or a portion thereof to one or more buyers, if he does not want to keep the lands for lease or for self cultivation. In this case, Mr. A, landlord, is obligated to respect the pre-emption right of the tenant, and the new owner is obligated to respect the tenure security of the tenant.

B. In regard to the 30 ha. maximum on which the landlord has the right of direct cultivation, three situations must be considered. There are:

a. The case of uncultivated land not yet leased: The landlord has full powers in its use.

b. The case of land under cultivation by a tenant with a legal lease (i.e., there is a tenant contract): The landlord is obligated to respect the tenure security of the tenant. He may take back the land for self cultivation only under the regulations of Ordinance No. 2 of January 8, 1955.

c. The case of land under cultivation, without a legitimate tenant (i.e. no landlord-tenant contract): The landlord must recognize the tenure security of the farmer cultivating the land if the farmer goes ahead and executes a contract in accordance with applicable rental procedures. On the contract, if the farmer does not regularize his tenancy status in accordance with applicable rental procedures the landlord may take back the land.

C. With respect to excess holdings of land above the retention limit: The landlord is free to sell up to 3 ha. to each tenant farmer cultivating the land. However, if the area actually cultivated by a tenant farmer exceeds 3 ha, the landlord is free to sell him more than 3 ha. but no more than 5 ha. The amount of land the tenant can buy depends on the amount of land he is presently cultivating. It is categorically forbidden to sell the land to others than the tenant farmer cultivating the land.

In case of a tenant who has more than 5 children although he is cultivating less than 5 ha, the tenant may buy up to 5 ha. under the condition that the excess area is not being cultivated by another tenant who also has the right to buy it.

However, the landlord is free to sell to the tenant the excess land above the retention limit under the regulations mentioned above only before

the arrival of the land survey team of the Ministry of Land Affairs and Land Reform and the starting of land survey for expropriation. (Amended by Circular No. 50 dated July 10, 1958 and Communiques below).

In case the tenant does not agree with the landlord's sale conditions, he has the right to reject the landlord's proposition and to request the purchasing under the regulations of Ordinance No. 57 dated October 22, 1956, i.e., in this case he has to wait for the land surveying and the expropriation and distribution by the land reform committee.

The authorized transfer mentioned above is subject to the register tax (paid in the Register Office for all acts) and the Land Registration Tax (paid in the Land Registration Office).

D. In case a landlord owns less than 100 ha., he is free to sell, pledge, mortgage or donate his land as he likes without limitation on the area. However, he has to comply with the regulations of tenure security and the pre-emption right of the tenant. In addition, the landlord must make and honor a written declaration which indicates that he is a landowner in one or several provinces and the total of areas owned does not exceed 100 ha. and that he accepts any punishment if there is a false declaration.

The implementing procedures determined as mentioned above supersede the ones mentioned in Circulars No. 569 dated February 18, 1957, and No. 10 dated April 10, 1957.

Circular No. 50 dated July 10, 1958, regarding excess land above 100 hectares:

"Although the land is surveyed for expropriation, the landlord is authorized to sell up to three hectares, or up to five hectares to each tenant who is cultivating the land, according to the cultivated area and the family status. An authorization from the Ministry of Land Affairs and Land Reform prior to the sale is obligatory."

Communique No. 3407 dated October 6, 1959, "to landlords who request authorization for selling excess land above 100 hectares:

1. Term for requesting deposit.

   Time limit is October 15, 1959. Requests deposited after this date will not be examined.

2. Term for the execution of selling procedures.

   a. Regarding the requests which were accepted prior to this communique and the landlords have not asked another delay after the authorized term, the authorization will be cancelled. Thus, the Provincial Land Office shall immediately carry out the expropriation.

b. Regarding the requests which were accepted and the landlords have obtained delay prior to this communique, the final procedures for selling the land must be achieved no later than November 30, 1959.

c. Regarding the recently filed requests for selling excess land above the 100 ha. retention, the time limit for accomplishing the final procedures is December 31, 1959, if the request is favorably accepted. After this time limit, the provincial land officer will carry out the expropriation as usual.

Note No. 358 dated January 8, 1960 to the Vinh Binh land officer:

"The time limit for final procedures in selling excess land over 100 hectares is December 31, 1959.

"But, considering that there are unavoidable circumstances . . . I decide that:

"In case a landlord has filed the request prior to October 15, 1959, and has obtained authorization, he has a delay to accomplish the final procedures no later than January 31, 1960. After this term the Provincial Land Officer will carry out the expropriation if the selling procedures are not completed."

Ownership by joint-owners (on the title or on the Land Register) - Retention:

Circular No. 49 dated September 24, 1957, supplementing Circular No. 22 dated May 28, 1957:

"A. The case where two individuals are joint-owners: Each of them is considered as a separate owner for his portion; e.g., Mr. A. and Mr. B are joint-owners and together have in their names 300 ha. on the Land Register. Each of them is considered as a separate owner and has the right to keep 100 ha. as maximum retention. Thus, the area to be expropriated is 100 ha. because 100 ha. x 2 = 200 ha. which are for retention purposes.

"B. In those instances where the joint-owners are husband and wife the following policies shall apply:

1. Lands acquired after the wedding by donation or by purchase: Even though the lands are under the names of both parties, such lands must be considered as one unit only. Thus, the excess over 100 ha. will be expropriated.

2. Lands owned by the husband or/and the wife before the wedding: Lands under a single name on the Land Register are considered as one unit. The excess of 100 ha. by each name listed on the Land Register will be expropriated. Thus, each party to the marriage can retain 100 ha."

Circular No. 8379 dated August 12, 1967

"Expropriation of land belonging to a married couple who have not established their legal marriage certificate:

"The National Council for Land Reform has decided that:

"In the implementation of the land reform program, the Land Affairs agencies are authorized to confirm the marriage of the couple based on any certificate or act and to go ahead in the expropriation of land. It is not necessary to have the legal marriage act."

Circular No. 69 dated December 11, 1957, relating to the implementation of Ordinance No. 57 dated October 22, 1956, towards all heirs having paid inheritance taxes. Joint-owners.

"Please find herewith instructions in addition to those stipulated in Circular No. 49 dated September 24, 1957.

"Item II of the above Circular considered the case of joint-ownership between two individuals and stipulated that each individual is considered separate owner of his portion of land.

"In application of the spirit of this Circular to the case of heirs of inherited property, it is necessary to distinguish two categories of heirs:

1. Heirs who have paid their inheritance taxes. - (Tax for land transfer by decease of the landlord, tax for right of succession)- prior to the promulgation of Ordinance No. 57.

2. Heirs having not yet paid the above stated taxes. - For heirs of the first category who have paid from their own money the inheritance taxes, which are very high - because they are the heirs, we don't see any reason for not considering them as joint-owner of the inherited property.

"For the above reason, we permit them to divide their heritage if they can produce inheritance tax receipts dated prior to October 22, 1956, although they have not yet had their names recorded in the land register; therefore, they are considered as joint owners, and the case will be settled according to Circular No. 49 dated September 24, 1957; this means each heir is considered as owner of the particular portion willed to him and he can retain a maximum of 100 ha. The excess land over this retention must be expropriated as usual.

"Please keep in mind that this measure is but a favor only for heirs having paid inheritance taxes and will be applicable when their lands are not yet surveyed and distributed to tenants.

"Heirs of the second category are not considered likewise. They cannot be considered as joint-owners because they have not paid inheritance taxes. In this case, the heirs who wish to be considered joint-owners in order to keep their 100 ha. retention area must produce all the necessary deeds properly dated before the promulgation of Ordinance No. 57 dated October 22, 1956."

ARTICLE 4. "However, the above mentioned Articles 2 and 3 shall not apply to the following types of land:

1. Riceland suitable for the cultivation of crops other than rice, particularly for the cultivation of industrial crops, even if the area exceeds the retention limit set by Article 3; the condition for this exception is that the landlords must shift from rice growing to the other form of cultivation of this land within a period not to exceed one year from the date of the promulgation of this Ordinance;

2. Land under existing cultivation, whether leased or owned by private persons, devoted to the culture of industrial crops such as coffee, rubber, sugar cane, tobacco, fruit trees, etc., for domestic use or export, even if the area exceeds 100 hectares;

3. Concession Land on which residential buildings or factories are located, including model farms;

4. Land devoted to pasture for livestock farming on condition that these farms function in a permanent manner;

5. State forest reserves."

This article determines the exceptions in carrying out the expropriation under provisions of Ordinance No. 57 dated October 22, 1956.

A. Regarding a landlord who is shifting the type of cultivation. For example, instead of rice growing the landlord would shift to industrial crops such as sugar cane, rubber, etc.

The following plants are considered as industrial crops: rubber, tea, cotton, jute, rush, "chung Bau," "tram con," sugar cane, coconut, banana and other fruit trees. Rush will be considered as an industrial plant only if there are conditions showing that the cultivation of rush is to supply materials for factory.

Shifting the type of cultivation should not be granted if the new crops such as palm trees or "rau muong" which have no clear industrial

use. If the landlord wants to shift the type of crop, he is obligated to indicate it by a written request fixing the area to which the shifting of crops will apply. This requirement may be included in the written declaration of land exceeding 100 ha. made by the landlord within the delay period fixed by the communique of the Ministry of Land Affairs and Land Reform. This may also be a separate request to be attached to the written declaration mentioned above.

There are three (3) cases:

1. In the case of uncultivated land not yet leased: The landlord is obligated to cultivate a quarter of the declared area during the first year and the remaining three quarters during the two following years.

2. In the case of land under cultivation by the landlord:

   A one-year maximum period from the date of promulgation of Ordinance No. 57 dated October 22, 1956, is allowed to the landlord to shift the type of the cultivation on the total area indicated by written declaration.

3. In the case of land under cultivation and leased to a tenant by the landlord: The time limit for shifting the type of cultivation is one year from the date the landlord takes back the land. If the landlord has not shifted the type of the plantation within the time limit determined above, he can request a delay to the Ministry of Land Affairs and Land Reform which will render a decision, according to the situation.

B. Regarding land for model farm. It is necessary to have a certificate from the Ministry of Land Affairs and Land Reform which authorizes this type of operation as per advice of its technical offices. The minimum conditions are as follows:

1. The landlord must directly cultivate the land himself. It is forbidden for him to lease it to a tenant.

2. There must be agricultural machinery and modern agricultural techniques used in the operation.

3. There must be social welfare services offered to workers.

C. Regarding land for pasturing cattle. The landlord must have a certificate from the Ministry of Land Affairs and Land Reform which authorizes this type of operation as per advice of its technical offices. At least, the cattle farm must be a permanent operation.

ARTICLE 5. "The provisions of this Ordinance shall not be applied to: 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 shall worship him or his parents after his death); and Tu-Duong land (land given by an individual to the community to be used for worship) handed down by the landlord's ancestors.

"A special committee shall determine the retention area for the above-mentioned types of land according to their locality and quality, but it should not exceed 15 hectares. The beneficiaries may farm the land themselves."

It is clearly specified by this Article that in any case the maximum area which will be reserved for the worship of each ancestor (Huong Hoa) is fifteen hectares (15 ha.); either the worship land has been established before the date of promulgation of Ordinance No. 57 dated October 22, 1956 or after this date.

It is necessary to distinguish between the two different cases:

1. Worship land established before the promulgation of Ordinance No. 57 dated October 22, 1956: A maximum of 15 ha. area for worship land is allowed over the one hundred hectare (100 ha.) retention limit: 100 ha. retention + 15 ha. worship land = 115 ha.

2. Worship land established after the promulgation of the Ordinance No. 57 dated October 22, 1956:

   The maximum of 15 ha. area for worship land shall be included in the one hundred hectare (100 ha.) retention limit: 100 ha. retention limit minus 15 ha. worship land = 85 ha. retention to be applied on the regular unspecified land. If the worship land exceeds fifteen hectares, the excess area over the fifteen hectare maximum will become regular unspecified land. If this excess exceeds the one hundred hectares retention limit or, if this excess added to other regular unspecified land under the name of the landlord on the land register exceeds one hundred hectares this last excess will be expropriated from the landlord.

   The example considers the maximum of 15 hectares for worship land. (The last paragraph of this Circular is amended by Circular No. 1982 dated June 6, 1957).

Circular No. 1982 dated June 6, 1957:

"The Committee for General Census of Lands subjected to the Land Reform Program, - limitation of worship lands, administrative supervision, and issuance of titles to new owners - has decided that in all cases the maximum area reserved for ancestor worship (Huong Hoa) is fixed at 15 ha. in Southern Vietnam and 5 ha. in Central Vietnam.

"Nevertheless, the interested persons are authorized if they want to fix an area less than that, but never more than the above-mentioned 15 ha. and 5 ha. areas."

Circular No. 49 dated September 24, 1957:

"The limitation of a 15 hectare maximum will be applied on riceland only, and does not concern garden area.

"For example, Mr. A, landlord, is beneficiary of worship land comprising 25 hectares of riceland and 12 hectares of garden land. With respect to the garden area, he is authorized to retain all 12 hectares. With respect to riceland the maximum limit is 15 hectares. Thus, 25 hectares minus 15 hectares leaves 10 hectares to be considered as normal land. The provisions of Circular No. 22 dated May 28, 1957 shall be applied regarding this point."

Circular No. 67 dated December 11, 1957, Supplementing Circular No. 49 dated September 24, 1957, and Circular No. 22 dated May 28, 1957:

"1. The maximum limit of worship land (15 ha.). - If worship land was established with an area exceeding 15 hectares, the excess land over fifteen hectares must revert back to regular unspecified land as follows:

a. A living landlord who established worship land. The will or a special act which established the worship land must be reestablished in regularizing the worship land in accordance with the area fixed by the law (15 hectares in Southern Vietnam and 5 hectares in Central Vietnam; see Note No. 1982 dated June 6, 1957 of the Ministry of Land Affairs and Land Reform).

b. A deceased landlord who established worship land. The great family council composed of all heirs of the landlord will have a meeting to fix the 15 ha. maximum. The excess land over these 15 ha. will be considered as regular unspecified land and divided among the heirs. There will be established a report of the great family council meeting and in case there are minors, the report must be approved by the tribunal.

If the total of this portion - from the apportionment of excess worship land becoming regular unspecified land - and the total owned land of an heir exceeds 100 hectares the new excess will be expropriated.

2. The refusal of worship land. - In case a beneficiary refuses to take the land because the area is too small to bring enough income for ancestor worship purposes or because of other reasons, the worship land continues to be retained as specified Huong-Hoa land, and the worship right will be attributed to another heir

according to the priority determined by the law. If there is no heir as stated above, the great family council will designate a beneficiary to be selected among people of the family or a branch of the family.

3. The Change of use with respect to Huong-Hoa Land (worship land). - The change of Huong Hoa land into regular unspecified land must have agreement of the great family council which is composed of all heirs of the landlord who established the worship land. If some heirs are against this change of use or if there are under age heirs the family's report must be approved by the tribunal.

   If nobody is against the change of use, the worship land will become regular unspecified land of the landlord who established the worship land and will be divided among the heirs.

   If after this apportionment the land belonging to an heir exceeds 100 hectares, the excess land will be expropriated under normal regulations (Ordinance No. 57)."

Circular No. 38 dated September 3, 1959:

"Article No. 5 of Ordinance No. 57 dated October 22, 1956 provides that the maximum area of worship land that a beneficiary may retain is fifteen hectares; but up to now, a great many cases of worship land exceeding fifteen hectares are not yet solved.

"In reality, there are very different cases of worship land with very complicated origins so that the interested persons have many difficulties in setting it in order.

"In order to finish this subject in a short time this Ministry honorably requests the province chiefs to invite the responsible agencies to apply the following measures approved by the National Council for Land Reform in its meeting No. XX dated August 17, 1959.

"I. The case of a beneficiary cumulating several different holdings of worship land.

"A. Regarding the landlords who established the Worship land (Huong Hoa): The landlord who established the worship land is authorized to establish only one portion of worship land (Huong Hoa). The maximum area of this portion is fifteen hectares excluding dwelling land, and garden land - There is no limitation in dwelling and garden areas. However, it must be in accordance with the law (Civil Code) regulating the worship land in proportion with the total area owned by the landlord who established the worship land.

"B. Regarding the beneficiary of worship land: According to the traditional customs determined by the civil code, "the heir of a branch (of a family) is authorized to provide worship, at the

same time, for his branch and another branch or, someone of another branch having no male descendent. In this case he can hold cumulatively the worship land of several branches."

Therefore, a beneficiary of worship land is authorized to retain several different holdings of worship land established by the ancestors of different branches.

We distinguish the following cases:

a. A beneficiary of worship land (Huong Hoa) benefiting with several different holdings of worship land established by his father, his grandfather, his great grandfather, his great grandfather's father: He is not authorized to cumulatively retain several holdings of worship land because people establishing the worship land are direct line descendants. He can retain only fifteen hectares. The excess over the 15 ha. maximum limit will become unspecified land of the former landowner and must be divided among the heirs of the landowner who had established the worship land.

b. A beneficiary of worship land benefiting with different holdings of worship land established by his father and his uncle: He is authorized to retain both holdings of worship land because there are in this case two different branches: the direct line descendants and the collateral line.

c. There are some other cases of beneficiaries who are cumulatively benefiting with several holdings of worship land. We cannot examine all of these cases.

However, the cumulation of different holdings of worship land under the name of a beneficiary is authorized only if there is no contradiction against the regulations and the customs presently in force. Besides, worship land established either before or after the promulgation of Ordinance No. 57 is not included in the normal retention limit. (Modified in paragraph 2, Circular No. 3 dated January 9, 1960 below).

The beneficiary of worship land is authorized to directly cultivate by himself the total area of worship land although it exceeds thirty hectares (30 ha.), besides the thirty hectare maximum of regular unspecified land that he has the right to directly cultivate by himself according to Article 3 of Ordinance No. 57 dated October 22, 1956.

II. The problem of donated land which was disguised under worship land.

According to the general principles related to worship land, the beneficiary of worship land has only the usufruct - right to use the income - for worship. Nevertheless, a great many landlords benefiting from the

principle of inalienability of worship land have donated their lands to their descendants, under acts establishing worship land, to avoid the sale of these lands by the prodigal descendants. Moreover, taxes upon the transfer act of establishing worship land are less than those upon the transfer act of establishing donated land. As a result, a great deal of worship lands are in reality disguised donated lands.

Therefore, regarding the donated land disguised under the worship land act, we must consider it as privately owned land if the new land owner has it registered in his name. But, proof confirming the disguised donation must be produced.

There are two cases:

a. A living landlord who has established worship land: The worship land has been transferred under the name of the beneficiary on the land register, but it is considered as a donation only if the landlord who established the worship land is living and confirms once more by written declaration that he desires to donate his land to the beneficiary.

   The living landlord who established the worship land has the right to annul the act establishing the worship land and to use the land at his will.

b. A deceased landlord who has established worship land: The beneficiary of the worship land who has the land transferred under his name on the land register is considered as a landowner if he can give proof that it was a donation disguised as worship land. All the heirs of the landlord who established the worship land must certify that it was really a donation and now all of them agree that the beneficiary of worship land can have ownership of the excess over the fifteen hectare maximum fixed by the law.

In case the heirs do not agree, the excess over the fifteen hectare maximum shall be divided among them.

III. Regarding the regularizing of worship land after five generations.

According to the traditional customs confirmed by the civil code, after five generations the worship land of a branch (Huong Hoa) becomes common worship land belonging to the entire family community. Therefore, in this case the fifteen hectare maximum shall be included in the worship land of the family community and the excess over 15 ha. shall become regular unspecified land to be divided among the heirs of the ancestor landlord who established the worship land.

IV. Regarding worship land established by a landlord having no heir.

If it is not registered with this notation: "worship land and there is no heir" or, if there is no act specifying that the landlord has no heir and that he left the land as worship land, the land is considered as regular unspecified land.

V. Regarding worship land under rotative farming among the heirs.

Although there is worship land under rotative cultivation among the heirs the maximum area is limited to fifteen hectares. The excess shall become regular unspecified land to be divided among the heirs of the landlord who had established the worship land.

VI. Regarding the general procedures governing the regularization of worship land.

The interested parties must apply the following procedures for the regularization of worship land:

A. A living landlord who has established the worship land:

1. The worship land is on the land register still under the name of the landlord who had established the worship land.

Because the land is not yet registered under the name of the beneficiary it cannot be considered as disguised donated land. Thus, after the regularization of its status, the excess over 15 ha. shall become regular unspecified land privately owned by the landlord who had established the worship land. If the total of this excess added to the privately owned land of the landlord exceeds 100 hectares, the landlord is considered like other landlords owning more than 100 hectares and the excess over 100 hectares shall be expropriated under normal regulations.

2. The worship land is already transferred under the name of the beneficiary on the land register.

a. If the landlord who had established the worship land confirms by written declaration that there was a disguised donation, the beneficiary has the ownership right on the excess over the 15 hectare limit fixed by law. If the total of this excess and the privately owned land of the beneficiary exceeds 100 hectares, the new excess over 100 hectares shall be expropriated under normal regulations. For the regularizing procedures, either the landlord who had established the worship land (because he is living) or the beneficiary shall determine the 15 hectare maximum fixed by law. The beneficiary shall request the Land Registration Office to strike off the two words "Huong Hoa" (Worship land) on the land register. He is exempt of any fees for the transfer procedures because the land has been transferred under his name.

b. If the landlord who had established the worship land does not confirm that it was a disguised donation, the excess after determination of the 15 hectare maximum fixed by law shall become privately owned land of the landlord who established the worship land. Then he is able to use it as he likes. But, if the total area

owned by the landlord still exceeds 100 hectares, the excess shall be expropriated under normal regulations.

B. A deceased landlord who has established the worship land:

1. The worship land is under the name of the deceased landlord. If the worship land exceeds the 15 hectare maximum fixed by law, the beneficiary must:

   a. Draw up a declaration with all information from the land register (Dia Bo) and the cadastral files.

   b. Determine in this declaration the 15 hectare maximum fixed by law which shall be retained as worship land, and the excess which shall become regular unspecified land. This excess shall be divided among the heirs of the landlord who has established the worship land.

   In carrying out the procedures in the regularization mentioned above the interested parties are exempt from any taxes with respect to Land Registration and the Register Book and from any fees under the regulations presently in force.

   After the end of September 1959, if the heirs do not divide among them the worship land which will become regular unspecified land exceeding the maximum limit, the excess over 100 hectares shall be expropriated under normal regulations based upon the land register.

2. The worship land is under the name of the beneficiary. - It shall be solved as mentioned above if the heirs do not confirm that it was a disguised donation; the excess land is divided among them after the beneficiary has determined the 15 hectare maximum fixed by law. On the contrary, if the heirs confirm that it was a disguised donation from the landlord who has established the worship land, the beneficiary is authorized to retain as privately owned land the excess over 15 hectares. If the total of his privately owned land exceeds 100 hectares, the excess land is expropriated under normal regulations.

VII. Court's competency regarding the regularization of worship land.

"The Land Court renders final decision on all suits regarding the regularization of worship land which has been established before the promulgation of Ordinance No. 57 dated October 22, 1956."

Circular No. 3 dated January 9, 1960, regularizing worship land:

"1. No later than December 31, 1959, if the landlord does not give a starting date for the procedures regularizing the worship land,

the land shall be considered as privately owned. If the total of these lands added to the retention area exceeds 100 hectares, the excess land shall be expropriated.

2. Regarding the date of the establishment of worship land (before or after the promulgation of Ordinance No. 57), the National Council for Land Reform has decided that Circular No. 38 dated September 3, 1959 shall be modified as follows:

   If the worship land was established before the promulgation of Ordinance No. 57, the beneficiary is authorized to retain an area for worship over the one hundred hectare maximum retention limit for privately owned land. If there are several holdings of worship land, the beneficiary is authorized to cumulate these holdings as mentioned in Circular No. 38.

   If the worship land was established after the promulgation of Ordinance No. 57, the beneficiary is authorized to cumulate several holdings of worship land, but the total area of worship land and privately owned land together cannot exceed 100 hectares. In other words, worship land is included within the one hundred hectare maximum retention.

3. The declaration of worship land for regularization must be certified by the Village Administrative Council (now Committee) and registered before submitting to the provincial Land Affairs Office. The declaration is free of any charge.

4. A deceased landlord without a will and who has established the worship land.

   The beneficiary is responsible for the declaration regularizing the worship land and with the convening of the family council for division of the excess land. The worship land exceeding the retention limit must be equally divided among heirs, male and/or female, on the father's side and/or on the mother's side. If there are obstacles, the District Chief convenes the family council for equally dividing the excess land among the heirs of the landlord who established the worship land. In case a member of the family council is absent the present members choose the closest relative of the absentee to replace him. In case an heir is absent, the present members of the family council choose the closest relative of the absentee to replace him and to be responsible for the management of the divided portion of land until the absentee heir returns. This point must be put down in the family council's report which is certified by the Village Council or the District Chief, and registered at the Register Office and approved by the Civil Court. After these procedures the interested parties submit the family council's report to the Provincial Land Affairs Office for registration.

5. A deceased landlord who established the worship land, and there is a legal will concerning the worship land.

   A meeting of the great family council with all heirs of the landlord determines the 15 hectares of worship land to be retained. The excess worship land over these 15 hectares becomes regular unspecified land of the landlord and is divided among the heirs according to the will.

6. A living landlord who established the worship land.

   The will or the special act creating the worship land is reestablished or is amended in regularizing the worship land in accordance with the legal maximum 15 hectares.

   The excess of the worship land over 15 hectares becomes regular unspecified land privately owned by the landlord who established the worship land. After this change of use the excess land is divided among the heirs.

   If due to this partition an heir has a total area exceeding 100 hectares, the excess is expropriated under normal regulations. (According to Circular No. 38 dated September 3, 1959, the living landlord has the right to cancel worship land and to use the land at his will).

7. A deceased beneficiary of worship land, or an absentee beneficiary's whereabouts is unknown: A meeting of the family council convened by the family community's chief or by one of the heirs of the beneficiary of worship land is responsible in regularizing the worship land."

Circular No. 8 dated February 27, 1961:

"Although the Ministry of Land Affairs and Land Reform extended the term up to April 30, 1960, to allow landlord enough time to get documents relating to the determination of their 15 hectares of worship land as retention, many landlords still have not applied the formality accordingly.

"In order to put an end to this situation, the National Council for Land Reform authorizes the Provincial Land Affairs Office in such cases to proceed with the survey of the land and to retain 15 ha. as worship land for the landlords."

Circular No. 6 dated November 3, 1961, how to strike off the notation "Huong Hoa" on the land register:

"If the landlord does not himself fulfill the formalities to clear the records regarding the excess worship land which becomes regular unspecified land through change of use, the Provincial Land Affairs Office determines himself the 15 hectare retention for ancestor worship and brings the case to the Land Court which renders a decision approving the change

of use of the excess land which becomes regular unspecified land. Based upon this decision of the court the Provincial Land Affairs officer records this change of use of land on the Land Register."

ARTICLE 6. "The application of this Ordinance makes no distinction between private persons or legal entities, nationals or foreigners."

Legal entities, Catholic churches, vicarages having legal capacity, are allowed to retain 100 hectares if the owned area exceeds 100 hectares.

Foreigners and Vietnamese having foreign nationality are under the regulations of this Ordinance.

ARTICLE 7. "Lands recorded in the Land Register or Dia Bo under the name of one owner are considered as a single private property." (See Arretee No. 46, page 64, regarding renewal of records.)

This article is the basic principle in carrying out the expropriation under the provisions of Ordinance No. 57.

The total area of lands recorded in the land register under the name of one owner is considered as a single private property although the lands are located in different provinces. The excess over 100 hectares shall be expropriated according to Article 3 of Ordinance No. 57.

However, there are several special cases in which landlords produce documents regarding ownership, pledge and other mortgages truly dated prior to the implementation of Ordinance No. 57. From now on, carrying out of the expropriation is not based only on the land register, but the produced document must also be considered.

A term of 20 days from the date of this Circular is allowed for the landlords to produce those documents to the Provincial Land Affairs Office. After this time limit, the above mentioned documents shall not be valid with the expropriation under the provisions of Ordinance No. 57.

If a landlord produces documents truly dated as mentioned above, the Provincial Land Affairs Office must not start the land survey for expropriation. If the land survey is started the land affairs office must stop immediately. The documents shall be transmitted to the Province Chief who examines it and requests a decision from the Ministry of Land Affairs and Land Reform. (See Circular No. 7, page 65, determining formalities for proof of ownership right.)

ARTICLE 8. "When any landlord comes under the tems of the Land Reform law he may continue to collect his rent until the end of the crop season of the year during which expropriation has taken place."

See Arretee No. 134 dated November 25, 1957, page 64, expropriating land over one hundred hectares.

ARTICLE 9. "All certificates of ownership rights, real estate securities and mortgages which are not properly dated prior to the effective date of this Ordinance shall be considered invalid."

According to this article, the criterion in the examination of deeds regarding ownership, pledge or mortgage is the proper date, prior to the promulgation of Ordinance No. 57.

1. Following are the definitions of deeds with the proper date. Legally, there are 5 cases of deeds having the proper date.

   a. In the case of an authenticated deed established by a notary, the date of establishment is the proper date.

   b. In the case of a registered private agreement, the date of registration is the proper date.

   c. In the case of a non-registered private agreement, if a party who has signed is deceased, the date of the death is the proper date.

   d. In the case of a non-registered private agreement which is referred to by an authenticated deed, the date of establishment of the authenticated deed is the proper date.

   e. In case of a regularly certified deed, the date of certification is the proper date.

Note: Authenticated deed is a legal deed established by a notary.
Certified deed is a deed certified by local authorities such as the Village (now Village Administrative Committee) who must have a certification book in which deeds are registered with an order number.
Private agreement deed is a deed established by common consent, not authenticated, nor certified by an official.
Registered deed is any deed (private agreement, certified deed or authenticated deed recorded at the Register Office in the Register Book with an order number and the date of registration).

According to Article 9, any deed transferring, pledging, mortgaging, or donating lands with the proper date, prior to the promulgation of Ordinance No. 57, is valid.

However, regarding a certified deed, the interested party must give proof of payment of certification fees to the village budget. An investigation must be made if necessary, on the certification to see whether or not it is legal.

2. In summary, the procedures are as follows: the responsible agencies for the expropriation cannot consider only the criteria of land registration based upon Article 7 of Ordinance No. 57 if the interested parties produce deeds transferring, pledging, mortgaging, and donating lands having the proper date prior to the promulgation of Ordinance No. 57. These agencies must submit the deeds to the Province Chief who examines them and sends proposals to the Ministry of Land Affairs and Land Reform for a decision after a final examination.

Circular No. 49 dated September 24, 1957:

"An administrative investigation must be made if it appears that any antedated deed has been executed to avoid the application of Land Reform regulations."

Circular No. 1982 dated June 6, 1957:

"The time limit is 20 days after the receipt by the Province Chiefs of the Circular No. 23 dated May 1956, for the presentation of deeds having the proper date."

Communique No. 3329 dated December 31, 1958:

"From the promulgation of Ordinance No. 57 dated October 22, 1956 governing the distribution of expropriated land until now, landlords have had a sufficient time period of two years to produce properly dated deeds prior to the promulgation of this Ordinance to determine ownership rights, in order to make exemptions from expropriation or apportionment of the land.

"The Land Reform Program must be accelerated and a term is fixed for this achievement. Thus, the Ministry of Land Affairs and Land Reform cannot allow landlords to disclose these deeds for an indefinite term.

"The National Council for Land Reform on December 23, 1958 decided that from the end of January 15, 1959, the final term for disclosing documents - the documents relating to land ownership such as a will, donation document, apportionment, definitive sale established by notary, receipt of inheritance tax, and so on- though properly dated prior to the promulgation of Ordinance No. 57, will not be valid for expropriation exemption request under the provisions of this Ordinance and will not be examined by the Ministry of Land Affairs and Land Reform (now Agriculture)."

ARTICLE 10. "In the case of a transfer of ownership rights arising from death of the landlord after the promulgation of this Ordinance, the estate shall be considered as a single property subject to the provisions of this Ordinance."

This article concerns the case of a transfer of ownership rights arising from death of the landlord after the promulgation of Ordinance

No. 57 and there is no will properly dated prior to the date of the promulgation of Ordinance No. 57. This is called "succession ab intestat" (Latin term used in French Law). The heirs may retain only a maximum of 100 ha. to be partitioned among them. The excess is expropriated.

The provisions of Article 9 of Ordinance No. 57 are applied in case there is a properly dated will prior to the promulgation of this Ordinance.

In case the landlord's death is prior to the promulgation of Ordinance No. 57 and there is no properly dated will prior to this date, the heirs have the right to divide up the estate. If this partition is provided for by a written document properly dated prior to the promulgation of Ordinance No. 57, then, provisions of Article 9 of this Ordinance should be applied.

Chapter II - Beneficiaries of the Land Reform Regulations*

ARTICLE 11. "Eligibility for land distribution purposes shall include all Vietnamese, male and female, adult bachelors who are at least 21 years of age, or married and over 18 years of age, except the farmers who, profiting by recent events, have illegally occupied the land and who refused to sign lease contracts, or refused to pay land rents and taxes during the past years, and who refused to pay these back rents by March 31, 1957."

The distribution of land is applied to all Vietnamese citizens who are farming on the land and who bring to the government a written request to purchase land under the provisions of Ordinance No. 57.

A farmer who does not execute the legitimate tenant's obligations shall have his case examined. If there is proof of a farmer's excessive obstinacy, the Province Chief forwards a proposal to the Ministry of Land Affairs and Land Reform which renders a decision on taking back the distributed land. Based upon the priority determined by Article 12 of Ordinance No. 57 the Local Committee for Distribution of Expropriated Land selects another citizen to replace the farmer. (See Circular No. 56 dated November 21, 1956 census of farmers requesting land under the provisions of Ordinance No. 57 dated October 22, 1956.)

Circular No. 11000 dated December 15, 1965, confirmed by Circular No. 61 dated March 28, 1967:

I. To solve the confusion of farming and ownership rights:

Where insecurity has existed in the countryside the Viet Cong often have put into practice the confusing scheme of taking land and redistributing it to farmers appointed by themselves. The solution to the problem of confusion of farming and ownership rights is classified in three cases as follows:

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* Census of farmers requesting lands under provisions of Ordinance No. 57 dated October 22, 1956 (Circular No. 56 dated November 21, 1956)

A. Riceland cultivated by small owner-operators

1. Ownership: Land ownership of small land-owners is in accordance with written entries in the land register.

2. Right of farming: If the area cultivated by the small owner-operator has been entirely confused, and does not exceed 3 or 5 hectares, then the Village Administrative Committee shall reinstate the land to the original owner for cultivation. The Viet Cong appointed farmer shall receive other land such as expropriated land not yet distributed or communal land not yet allocated.

   If the area cultivated by the small owner-operator has been totally confused by the Viet Cong and exceeds 3 or 5 hectares, then the Village Administrative Committee shall reinstate not over 2/3 of the confused land area to the original landowner (however the minimum must be 3 or 5 hectares). The Viet Cong appointed farmer may continue to farm the remainder if he is landless and does not have any other land to cultivate.

However, if the small owner-operator has more than 3 or 5 hectares, and the Viet Cong have confused only a small portion not exceeding 1/3 of the area, the Village Administrative Committee shall permit the Viet Cong appointed farmer to continue farming the allotted portion of land.

The farmer who is allowed to continue cultivating the land must make an official farm contract with the land-owner.

B. Riceland rented by tenants for cultivation

1. In case the original tenant has made an official farm contract with the landowner, the tenant has the legal right to farm the land confused by the Viet Cong. The Village Administrative Committee must take back the land, return it to the original tenant and seek other land for the Viet Cong appointed farmer.

However, if the area confused by the Viet Cong is over 3 or 5 hectares, only 2/3 of the confused area shall be returned to the original tenant, and the remainder left to the present cultivator. Tenant farm contracts must be written in order to legalize the situation.

2. In case the original tenant did not make a farm contract with the landowner, thus not complying with the land regulations, he has no legal right to continue cultivating the land. However, if the landowner declared he has collected rent from the farmer, and the area confused by the Viet Cong exceeds 3 or 5 hectares, the Village Administrative Committee

should assign one half of the area to the present cultivator and the other half to the original tenant, and then require both of them to make a farmer contract with the landowner.

C. Expropriated land sold to farmers

Farmers buying expropriated land are granted definitive ownership rights as soon as they receive land. If such land has been confused, it will be settled in the same manner as with the land belonging to the small owner-operator. Only when the farmer in question does not want the land back or is unwilling to pay for it, then may the Provincial Committee for Land Distribution propose that the present cultivator purchase the land.

In the three circumstances stated above, when the decision is made for the land to be returned to the original farmer, one crop season as transferral time will be granted to the Viet Cong appointed farmer to make preparations.

The period for settling these disputes on confused land is three months. This period must be widely publicized and posted. All protests raised after this period will not be considered.

II. Collection of back rents:

In the past years, due to insecurity in rural areas, landlords have not been able to collect rent and tenants have not been able to cultivate the entire area they rented. With the present Rural Construction activities, many landlords return to their villages and request the local authorities to collect the back rents. However, farmers are generally poor, and unable to pay back rents.

This matter will be settled as follows:

A. Landlords are prohibited from collecting back rents accruing during the insecure period in those areas recognized by local authorities. In case the tenants have already paid rentals, the landlords are exempted from reimbursing them.

B. Landlords are exempted from payment of land taxes to the Government for the years in which tenants have been exempted from payment of rent. However, landlords who have already paid land taxes during the years of insecurity will not be reimbursed by the Government. If landlords have effectively been able to collect rents already, then they are also not exempted from taxes.

ARTICLE 12. "Land available for distribution shall be allotted in accordance with the following priority:

1. Agricultural people on the land as legal tenants, beneficiary tenants without contract and/or workers who have cultivated the land for over two years.

2. War veterans (see Circular No. 8379 dated August 12, 1967), spouses or direct relatives of those who died or were disabled in the liberation or pacification of the country.

3. Refugees or people returning to their village after pacification.

4. Unemployed.

5. Small landowners with more than 5 children, and who own less than 3 hectares of land; but such families may not be allotted land in excess of 5 hectares, including their own land.

6. Landless people."

Priority 1. - As stated in this article, some explanations must be given: "Agricultural people on the land" means people who are cultivating the land, such as:

a. Legitimate tenants who have drawn up a contract with the landlord.

b. People who are cultivating the land and who pay regularly the land rent although they have not yet drawn up a contract with the landlord.

c. People who are cultivating the land without contract and who do not pay land rent.

However, with respect to the last categories, if there is proof of excessive obstinacy in refusing the execution of the Government's Land Reform regulations the Local Administrative Authorities shall submit the case to the Province Chief who shall send propositions to the Ministry of Land Affairs and Land Reform for a decision on the taking back of distributed land. The Local Committee for Distribution of Land shall select another citizen to replace him, based upon the determined priority.

Priority 2. - See Circular No. 8379 dated August 12, 1967:

"Priority for the allocation of expropriated land . . . be granted to war veterans and relatives of the war dead.

"To help the war veterans who have made a great deal of sacrifices to the nation the National Council for Land Reform agreed that: The war veterans are classified under Priority 2 with regards to purchase of expropriated land as provided in Article 12 Ordinance No. 57 dated October 22, 1956; and etc."

Priority 5. - "Small landowners with more than 5 children and who own less than 3 ha. of land, may not be allotted land in excess of 5 ha." The maximum area of 5 ha. is the total area of land distributed under the provisions of Ordinance No. 57 including the privately owned land of the small landowner.

For example:

A tenant having more than 5 children owns	2.7 ha.
Land to be distributed to him	2.3 ha.
Total	5.0 ha.

Besides, there are some criteria:

1. Normally, the average area to be distributed as a unit is three hectares (3 ha.).

2. The maximum area to be distributed to each family is five hectares (5 ha.), whether there is transplanted riceland or broadcast riceland.

3. Each family may receive from 3 to 5 hectares. It depends on the area which is presently cultivated by this family.

For example:

a. A tenant's family having less than 5 children is cultivating 4.2 hectares, may receive all the 4.2 hectares.

b. A tenant's family having 6 children is cultivating 4.2 hectares, may receive all the 4.2 hectares plus 0.8 hectare if there is enough land. The total should be 5 ha.

It is specified that "more than 5 children" means 6 children and upwards excluding the adults of 21 years old and married children over 18 years of age if they have received in their name ricelands distributed under the provisions of Ordinance No. 57.

It is established in each province a committee in charge of the distribution of lands and composed as follows:

The Province Chief or his Representative	Chairman
A Representative of the interested Village Administrative Committee	Commissioner
The Provincial Land Affairs Officer*	Commissioner and Secretary

This committee is responsible for the distribution of land in the interested province according to the priority provided in this article and to all other instructions provided by this Circular.

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* Formerly there were three office chiefs: Cadastre, Land Registration, and Land Reform.

After distribution of land to the people who are cultivating the land, the remaining expropriated land shall be distributed by this committee to other citizens of the interested province according to the priorities stated above.

For example, a tenant of expropriated land is cultivating 8 hectares of land. The maximum he may receive is five hectares. Thus, it leaves 3 hectares which shall be distributed to other citizens.

Notice that if there are adults over 21 years old or married children over 18 years old in a family, the remaining land after the allocation to the family chief shall be allocated with a maximum of three hectares to each child. In this case, the children cited above shall not categorically be recipients of land distributed under the provisions of Ordinance No. 57.

If there is remaining land after distribution and there are no other applicants, the Province Chief must report it to the Ministry of Land Affairs and Land Reform.

ARTICLE 13. "The portion of the land intended for distribution will be transferred to the beneficiary at the end of the annual crop season in which this Ordinance becomes effective.

"Even though a portion of the expropriated land is encumbered by a mortgage or used as a guarantee, the expropriation is a legal act to clear the title of such land. The creditors shall be compensated by the same process as a landlord. The compensation to be paid to the landlord shall be reduced by the amount paid to creditors."

This article mentions that "the creditor shall be compensated by the same process as a landlord." "The creditor" mentioned in this article does not mean "all creditors." Only the registered creditors are eligible for compensation by the same process as a landlord. The Provincial Land Affairs Office (formerly Land Registration Office) is responsible for the establishment of a general census of the registered creditors with a list of the debtor landlords. The Province Chief has to forward immediately this general census in triplicate to the National Committee of Finances in charge of the implementation of Ordinance No. 57.

Circular No. 8 dated February 27, 1961, regarding creditors who are not recorded on the land register and who request to hypothecate the amount of compensation to expropriated landlords:

"Despite the fact that the loans are not registered on the Landlords Register, many creditors request lawyers to hypothecate the amount of compensation to be paid to expropriated landlords by means of a judicial order from the court.

"Article 13 of Ordinance No. 57, dated October 22, 1956, applies only to the loans which are clearly recorded in the Dia-Bo (old Land Register) or in the New Land Register. These creditors shall be compensated according to the procedures applying to expropriated landlords.

"The Ministry of Land Affairs and Land Reform is not authorized to hold up checks and bonds bearing the names of the expropriated landlords in order to give them to other persons.

"Realizing that the Directorate General of Treasury is a monetary distribution agency, the National Council for Land Reform decided that: "if creditors wish to hypothecate the amount of compensation for expropriated land, they should request the Court for authorization and the judgment should be forwarded to the Directorate General of Treasury for information as this is the monetary distribution agency."

Circular No. 2661 dated February 28, 1963, relating to enforcement of Article 13 of Ordinance No. 57 dated October 22, 1956:

"The expropriation under the provisions of Ordinance No. 57 is valid to clear automatically the status of mortgaged lands and land used as guarantee.

"The National Council for Land Reform recognizes that in this matter the provisions of Article 13 of Ordinance No. 57 are valid on a basis of priority; therefore, the Council makes the following decision: Everytime a decision expropriating lands or an addenda - listing expropriated lands - to such arretee is issued, if this arretee or addenda regards mortgaged land, the status of the land will be automatically cleared by the validity of the arretee expropriating land and the list of expropriated lands added to the arretee. This validity is very legal because the expropriating arretee is made under the implementation of Ordinance No. 57.

"Thus the cancellation of mortgages based on this legal point is very logical."

ARTICLE 14. (New Decree Law No. 020/65 dated October 8, 1965)

"Article 14 Ordinance No. 57 dated October 22, 1956, modified by Decree Law No. 8 of October 2, 1964, is now amended as follows:

"After distribution of the land, the Provincial Land Officer must immediately record the land under the name of the recipient. The new recipient owner must pay the sale price by annual installments within a maximum period of 12 years; the first payment starts after the harvest of the year following that during which the recipient receives the land.

"During the period in which a recipient has not yet completed the payment, the government can hold the land as a mortgage to guarantee the recipient's debt due. The mortgage will be automatically cancelled immediately after the presentation of a certificate documenting the completion of payments by the recipient.

"The sale price is the amount of compensation by the Government to the expropriated landlord, excluding the three per cent annual interest mentioned in paragraph 6 of Article 21 Ordinance No. 57 dated October 22, 1956."

A. Regarding the registration, Circular No. 9277 dated August 23, 1965, states in paragraph 2 that: "Article 14 Ordinance No. 57 will be modified as follows: Permanent ownership titles shall be issued to recipients of expropriated land immediately after land survey and land distribution, with an obligatory clause specifying that the Government holds the land as a mortgage to guarantee the recipient's debt due until the payments are completed.

"The issuance of permanent ownership titles is applied in accordance with the following procedures.

1. With respect to previously surveyed and distributed land:

   a. If the recipient has paid one or several installments, the land is transferred immediately to the name of the recipient in the land register.

   b. If the recipient has not paid any installment, the land is transferred after a survey showing that he is cultivating the land.

2. With respect to land not yet distributed because there is uncultivated land without applicants or former French Land, a permanent ownership title is issued immediately after the survey and the distribution, the land is transferred on the land register with a guarantee clause as stated above.

"Land registration and cancellation of mortgage are free of any fee."

B. Regarding the sale price of the land in Land Development and Resettlement Centers, paragraph 4 - 1 Circular No. 8379 dated August 12, 1967, specifies that "expropriated land under Ordinance No. 57 - is allocated free of any sale price payment up to three hectares to the farmers who are cultivating the land. For the excess over 3 ha. the recipients must pay the purchase value as provided in Ordinance No. 57."

C. Regarding the first payment, paragraph 2 Circular No. 3379 dated August 12, 1967, specifies that "war veterans and their relatives in direct line, the wife or husband of people killed or wounded in the liberation and pacification activities who purchase expropriated land under Ordinance No. 57 . . . are exempt from any purchase payment for the first five year period. After this term they must pay the purchase price in twelve annual installments like other unspecified purchasers."

D. Regarding the delay for annual payments Circular No. 4983 dated July 24, 1962, states: "With respect to new recipient owners of expropriated land now affected by flood or unavoidable circumstances who ask

delay in payment for this calendar year 1962, the National Council for Land Reform approves the request of the new owners affected by flood and allows them one year delay per installment remaining unpaid, provided that these new owners are honest and have paid regularly in the past years."

Circular No. 9277 dated August 23, 1965:

"Due to insecurity in the countryside farmers in many localities can not cultivate their land. Elsewhere their yield is even seized by force by the enemy (V.C.); so, the new recipient owners of expropriated land cannot pay purchase installments, although they really desire to pay.

"It is now approved to allow new owners a one year delay in the annual payment concerning the expropriated land they bought."

Circular No. 8379 dated August 12, 1967:

"A new term of one year is allowed, after the one year mentioned in Circular No. 9277 dated August 23, 1965, to the new recipient owners of expropriated land to delay the payment of annual installments."

ARTICLE 15. "Within one year from the date of taking possession of the land, the new owner must put under cultivation the entire area he agreed to purchase. In addition, he must participate in the agricultural development programs, cooperative extension, and other activities in the common interest. In case he fails to fulfill these engagements, the Government may take back the land. Also, the sanctions set forth in part IV shall be applied."

This article does not need explanation.

ARTICLE 16. "The land cannot be rented, mortgaged, resold, or seized to pay debts for a ten-year period."

Circular No. 13157 dated September 7, 1964, modifying Article 16, redetermination of the prohibition term for renting, pledging, selling or mortgaging of expropriated land:

"Along with the amendment of Article 14 of Ordinance No. 57 extending the term of payment by installment for expropriated land from 6 to 12 years, the National Council for Land Reform decides to amend Article 16 of Ordinance No. 57 as follows:

"The prohibition term for renting, pledging, selling or mortgaging of the land expropriated by Ordinance No. 57 is 6 years, starting from the day the tenant-farmer completes his payments - except when he pledges the land at the National Agricultural Credit Organization."

In consequence, when transferring the land to the new landowner's name the Local Land Service should record in the Land Register the following restriction:

"Must not rent, pledge, sell or mortgage (the land) within a period of 6 years, starting from the day . . .;" this day will be the day on which the recipient completes payments for the expropriated land."

ARTICLE 17. "Properties in the form of residence or farm buildings occupied by the beneficiaries under the Land Reform program shall continue to belong to the owners affected by this program. These buildings will be expropriated by the Government and sold to the tenants subject to the condition that the tenant pays the compensation within a 10-year period."

This article does not need explanation.

ARTICLE 18. "The sale price of the buildings mentioned in Article 17 above will be fixed at their current value, a deduction will be made for depreciation up to the time they are evaluated."

This article does not need explanation.

ARTICLE 19. "The buildings mentioned in Article 17 above may not be moved and the recipients may not resell them until payment has been completed."

This article does not need explanation.

Addenda to Chapter II

1. Circular No. 13157 dated September 7, 1964:

"At its XXX meeting on August 7, 1962 the National Council for Land Reform decided that the expropriation under Ordinance No. 57 must be carried out with the following principle:

'The accessory follows the principal.' Thus . . . drains, paths established by the landlord, marshes, ponds, . . . are expropriated and the recipient must purchase these accessories in the distributed land, if any, at the same time that he purchases the land.

"Up to now, there is no new recipient owner purchasing these accessories.

"The National Council for Land Reform approves the following proposals of the Ministry of Rural Affairs (now Agriculture).

"Scattered ponds, bogs, marshes, pools in the land, and drains, paths built by the landlords for agricultural activities will be expropriated

and included in the state owned land for common good. They shall then not be allocated to the new recipient owners.

"The landlord will receive compensation for such areas at the price rate of uncultivated land."

2. Circular No. 2236 dated March 10, 1965, redistribution of expropriated land given back by recipient farmers:

"After receiving expropriated land under provisions of Ordinance No. 57 dated October 22, 1956, many recipients move away or change their occupation. They request by means of written application to return the land to the Government or transfer it to a third party.

"The redistribution of returned land is carried out with the following procedures:

a. Upon receiving the request for turning back the land from the farmer, the provincial authorities make an investigation on the reasonability of the cause for the request. This investigation is to prove whether the farmer recipient is sincerely willing to return the land or it is a disguised sale, or it is a destructive act of VC to confuse the situation. Proper measures must be applied in these cases.

b. If there is reasonable cause for returning the land, the provincial authorities post a communique at the Administrative Office of the village and of the hamlet where the land is located, as well as in the neighboring villages. The duration of this posted communique is one month. If the posted communique is destroyed, it will be replaced by another communique for another 15 days so that the other farmers will be informed of it and make application for purchase.

c. After the notification term passes, the Provincial Committee for Land Distribution examines the farmers' applications and selects the beneficiary in accordance with the priorities stipulated in Article 12 of Ordinance No. 57 modified by Circular No. 8379 dated August 12, 1967.

d. The decision of the Provincial Committee of Distribution will be submitted for approval of the Ministry of Rural Affairs (now Agriculture). Then, the records must be made in accordance with the redistribution of land.

e. There are 3 cases regarding the farmers returning land:

1. If he has not paid any annual installment he must pay the land rent (in paddy) for the period he has cultivated the land. The land rent is computed with the minimum rental rate fixed by the law at 15% of the yield.

2. If he has paid one or two annual installments, and he does not introduce an alternative buyer, but he acts in good faith, he will be reimbursed after a new purchaser will replace him and after deducting the land rent computed with the rental rate of 15 per cent mentioned above. If the land rent in paddy converted into money is higher than the annual installments the farmer has paid, he must pay the difference in order to fulfill the due amount.

3. If the farmer has paid one or two annual installments, and he has introduced a third party who replaces him as purchaser, and if this is approved by the Provincial Committee for Land Distribution, the amount paid will be considered as paid by the new recipient who continues to pay annual installments."

3. Decree Law No. 2 dated February 15, 1966:

"Art. 1 - Farmers purchasing expropriated land are entitled to the exemption of land tax on their land during the period that payments are made on their land until payment is completed. The maximum duration for this exemption is twelve years starting from the date of receipt of land. (A new Decree dated October 9, 1967 clarifies Decree No. 2 dated February 15, 1966. Regarding the veterans, . . . war dead, see Circular No. 8379 dated August 12, 1967).

"Art. 2 - The above-mentioned farmers are also exempted from payment of any fee relating to the formalities in land registration, cancellation, and inscription in the register book."

Chapter III - Compensation to Landlords

ARTICLE 20. "Any landlord whose lands are expropriated by the Government under the terms of this Ordinance shall be entitled to a compensation from the Government in accordance with the current value of his land which will be determined by a special committee to be established by a decree.

"If the ownership and the usufructuary right on the land belongs to two different persons, the compensation paid to each of them will be fixed by the special committee mentioned above."

Considering this article, Decree No. 75 dated April 4, 1957, has established the Provincial Committee for determing the current value of riceland. This committee is composed of:

The Province Chief	Chairman
The Provincial Agricultural Officer	Commissioner
The Provincial Registrar	Commissioner

A Representative of Provincial Agriculturists' Union	Commissioner
A Representative of Provincial Farmers' Union	Commissioner
The Provincial Land Affairs Officer (Formerly Land Registration Officer, Land Affairs and Land Reform Officer)	Commissioner and Secretary

If there is no provincial offier for an office, the province chief designates an administrative officer from his office in place of the provincial technical officer.

Replacing a provincial technical officer by the technical officer of the neighboring province is not convenient because each province must have its Provincial Committee for the current value of riceland, and this committee must function permanently.

The conclusions of the committee for land evaluation are applied after approval by the National Committee of Finance. Thus, the established list of land evaluation must be forwarded by the Evaluation Committee to the Land Affairs Office which transmits it to the Ministry of Land Affairs and Land Reform (now Agriculture). This Ministry submits the land evaluation list to the National Committee of Finance for approval. If the ownership right and the usufructuary right belong to two different beneficiaries, this Committee must invite the two parties to give their thinking on the apportionment of the compensation. The agreement on the ratio of compensation to be allocated to each interested party must be indicated in writing. A report on the case is drawn up by this Committee and forwarded to the National Committee of Finance for approval.

Addenda

Circular No. 14 dated April 22, 1957 supplemented Decree No. 74 dated April 4, 1957 and established Local Subcommittees helping the Provincial Committee in the determination of the current value of expropriated riceland.

"This local subcommittee which gives informations and its opinion on this subject, includes at least the following in its composition:

1. Two members of the Village Council.

2. One Representative of the landlords.

3. One Representative of the farmers.

"The subcommittee will be established at the same time as the Provincial Committee's establishment.

"Determination of the current price of the land: The Province Chief shall ask the committees to establish a very accurate basic price rate for each village or each area according to:

1. The annual average yield per hectare which permits the classification in: upper class, first class, second class, third class and uncultivated riceland.

2. The actual price at the village. - These established price rates shall be forwarded by the responsible subcommittees to the Provincial Committee which examines it and gives recommendations to the Ministry of Land Affairs and Land Reform."

Circular No. 45 dated September 11, 1957, relating to expropriated land valuation:

"After several meetings between the National Committee of Finance and the National Council for Land Reform to discuss in detail the valuation of expropriated lands in South Vietnam, the National Council for Land Reform, in its session on August 21, 1957, has determined the attached price list. It is based on information received from various provinces, some adjustments have been made for the sake of realistic considerations.

"At the same time, the following basic principles must be followed in order to satisfy both landlords and tenants and to help tenants to pay for the lands they are buying.

1. Generally, valuation is determined by province; some exceptions are classified by district.

2. There are four categories of ricefields (A, B, C, & D) which will be classified according to the actual yield of last year (instead of 6 categories as stipulated by the land tax regulations).

   A - ricefield: production from 101 'gia' and more

   B - ricefield: production from 61 'gia' to 100 'gia'

   C - ricefield: production from 36 'gia' to 60 'gia'

   D - ricefield: production from 25 'gia' to 35 'gia.'

   (Uncultivated lands are valued at half of class D ricefields).

3. Two rice crop lands or one rice crop plus one secondary crop lands are valuated separately.

4. Floating ricefields are valuated separately.

5. There are 12 (new) annual installments paid by the recipients.

6. Each installment must not exceed one sixth (new) of the annual income of farmers.

I emphasize that the stated prices are fixed for expropriated lands only. Therefore, for non-expropriated ricefields valuation will be based on current market price.

I request you to broadly disseminate the attached price list among landlords and farmers to enable them to understand their rights and obligations.

Another circular will set the procedures with more details."

Arretee No. 114 dated October 19, 1957, established District Committees for the determination of land yield in each village with the aim of fixing the land value:

"Art. 1 - Composition

The District Chief	Chairman
The Provincial Agricultural Officer or his Representative	Commissioner
A Representative of Provincial Agriculturist's Union	Commissioner
A resident landlord of the village in which the expropriated land is located.	Commissioner
Two representatives of tenants which are cultivating land in the village	Commissioner
The Provincial Land Affairs Officer	Reporter
An employee nominated by the District Chief	Secretary (having no right to vote)

"Art. 2 - If there are not one or several Provincial Technical Officers enumerated in Article 1, the Province Chief names one or several other officers in place of them.

"Art. 3 - See amendments in Circular No. 58 dated November 11, 1957 below.

"The Committee decides by relative majority. If there is equal parts of votes, the chairman's vote is decisive.

"The Committee will determine the average yield for each village in which expropriated lands are located.

"The decision of the Committee must be approved by the Province Chief."

Circular No. 58 dated November 11, 1957, implementing Arretee No. 114 dated October 19, 1957:

"Especially for the nomination of two representatives as members of the District Committee, the Provincial Farmers' Union has the right to select a tenant as its representative. Therefore, landlords and tenants are equally represented."

Circular No. 63 dated December 4, 1957, concerning Arretee No. 114 dated October 19, 1957:

"The Province Chief, may select any landlord residing in the village in which the expropriated land is located. It is not obligatory to designate a landlord whose land is expropriated. He may also select any two tenants who are cultivating land in the interested village. It is not obligatory to name tenants who are cultivating expropriated land.

"Notice that a landlord residing in the village in which expropriated lands are located is different from a landlord whose lands are expropriated and who resides in the interested village.

"Besides, according to Arretee No. 116 dated October 19, 1957, private persons or legal entities will not participate in the sitting of the committee if they are not designated in accordance with the Arretee mentioned above."

Circular No. 68 dated December 11, 1957, amending Arretee No. 114 dated October 19, 1957:

"The Province Chiefs are invited to establish and convoke immediately the District Committee in charge of average yield evaluation in each province. These Committees must finish their tasks no later than December 31, 1957.

"Besides, if there is no member of the Farmers' Union in the interested village, the Provincial Farmers' Union shall introduce a tenant as its representative although this tenant is not cultivating land in the interested village.

"If a committee is established and the two tenants are cultivating land in the interested village but they are not members of Farmers' Union, the Province Chief will retain one of them as commissioner and the other as alternate.

"So we respect the right of the Farmers' Union in introducing its representative."

Circular No. 15 dated January 30, 1958, concerning Arretee No. 114 dated October 19, 1957:

"All present members must sign the report. If a member refuses to sign he must state the reason for his refusal.

"It is obligatory to mention in the report all opinions for or against, and all discussions.

"All members must be present. If a member is absent, particularly a landlord or a tenant, he must be replaced, or the meeting of the Committee must be delayed."

ARTICLE 21. "The compensation shall be paid as follows:

1. Ten percent of the value of the expropriated land shall be paid in cash.

2. The remainder shall be paid by registered non-transferable bonds guaranteed by the Government bearing an annual interest of 3 per cent and amortized over a period of 12 years, except the cases mentioned in Article 22 of this Ordinance (Decree Law No. 3 dated April 1, 1959)."

Circular No. 3379 dated August 12, 1967, concerning simplification of the procedures with respect to the delivery of checks and Land Reform Bonds and to the payment of compensation for expropriated land:

"In order to ease the delivery of checks and Land Reform Bonds, and the payment of compensation for expropriated land under Ordinance No. 57 dated October 22, 1956 to the landlord's heirs the National Council for Land Reform decided as follows:

1. An inheritance certificate issued by the District Chief appended with a genealogical act having the local authorities' certification on the signatures may replace the ownership certificate issued by the tribunal.

2. A delegating power act established in the Village Administrative Office and certified on the concluded terms is valid as a delegating act legally drawn up, witnessed and signed.

3. It is not necessary to register the genealogical act and the delegating power act.

4. The amount of the compensation may be divided among the heirs according to a legal apportioning act concerning the inherited land or by a decision of the court. The checks and Land Reform Bonds are drawn up according to this apportionment."

ARTICLE 22. "These bonds may be pledged and are legal tender for mortgage debts contracted with the Agricultural Credit Fund, for paying land and inheritance taxes on the expropriated lands, and for subscription to securities of any enterprises established by the Government within the framework of the national economic development program."

This article does not need explanation.

Addenda to Chapter III

Decree No. 500 dated November 29, 1957, modified by Decree No. 81 dated April 1, 1959 and Decree No. 28 dated January 6, 1960:

"Art. 1 - Carrying out the provisions of Articles 21 and 22 of Ordinance No. 57 dated October 22, 1956, the Minister of Land Affairs and Land Reform (now Agriculture) is responsible for compensation of expropriated land under the following procedures:

1. Issuance of checks for immediate payment of ten per cent of the value of the expropriated land. These checks shall be drawn from an account with credit and without interest at the Treasury in the name of the Land Reform Special Fund.

2. Issuance of registered bonds called Land Reform Bonds to pay the remaining value.

"Art. 2 - Bonds issued to each landlord are divided into twelve annual installments conforming to a specimen appended to this Decree and payable each year on the first day of July with three per cent interest, etc.

"Art. 4 - (New, Decree No. 28 dated January 26, 1960)

"All operations in the use of Land Reform Bonds, subscription of Land Reform Bonds to securities of national enterprises, and transfer of Government's stock certificates to landlords are exempt from any tax and/or tax which will be created, including stamps tax, personal property transfer tax, and income tax.

"Art. 5 - (New, Decree No. 81 dated April 1, 1959)

"The bearer of Land Reform Bonds may:

1. Be paid at each installment by the Treasury for the amount put down in the Bond plus the interest.

2. Subscribe to securities of any enterprise fixed by the Government.

3. An arretee shall fix the enterprises. (See Arretee below).

"Art. 6 - According to the situation of the Land Reform Special Fund, the National Council for Land Reform may decide the payment in advance to landlords for one or several installments relating to the delivered bonds.

"Art. 7, 8 - (New, Decree No. 28 dated January 26, 1960)

"The Land Reform Bonds may be:

1. Pledged to Agricultural or Industrial Credit Agencies of the Government which are presently functioning or which will be established;

2. Legal tender for mortgage debts contract with the National Development Agency (now Industrial Development Center);

3. Used to pay land tax or inheritance tax on the expropriated land by transferring the bond;

4. Used for subscription to securities of any enterprises determined by the Government.

The National Bank and private banks in Vietnam are authorized to operate the discounting of Land Reform Bonds which are held by the Industrial Development Center in transferring the Government's subscriptions to the landlords against Land Reform Bonds."

Arretee No. 335 dated August 11, 1959:

"Art. 1 - Landlords may exchange Land Reform Bonds against the Government's subscriptions in the following enterprises:

1. V.N. Industrial Paper Mill Company

2. V.N. Industrial Glass Factory

3. Vinh Hao Mineral Spring Water Company

4. Industrial Textile Company.

"The Industrial Development Center is authorized to add to the above list other similar enterprises which will be established in the future.

"Art. 2 - With respect to the transfer of Government's subscriptions (shares), the Industrial Development Center is responsible to determine and publish the procedures such as the total of Government's subscriptions in each enterprise which may be transferred to applicant landlords, the value of each stock certificate, the ratio of stock certificates reserved for each applicant landlord with respect to the Land Reform Bonds he has, and so on.

"The Industrial Development Center is responsible for the stated transfer of stock certificates and is authorized to receive from the landlords who become beneficiaries of subscriptions (shares) a commission of 5/1000 of the transfer value. This commission is to supply the expenditures of the agency in these operations."

Circular No. 2661 dated February 28, 1963:

"Formalities for transfer of Land Reform Bonds:

"Land Reform Bonds are a special type of bonds pertaining to a policy carried out by the Government in the field of land reform. Therefore, it is not necessary to apply the common procedures of registered bonds. For this reason, the National Council for Land Reform decided that transferring of these bonds may be made by endorsement as it has been done up to now. But the agencies related to the Land Reform Bonds must be informed of the Land Reform Bond transfer, if any.

"These related agencies are the Directorate General of Treasury, Agricultural Credit Office (now Agricultural Bank) and Industrial Development Center."

Circular No. 8 dated February 27, 1961:

"The National Council for Land Reform redetermines its concepts . . . and decides:

"Compensation should be made for the expropriation of uncultivated land. However the compensation shall be the last made."

Part III - Responsible Agencies for Land Reform Program

ARTICLE 23. "The ministry of Land Reform will be responsible for the implementation of the Land Reform Program."

This article does not need explanation.

ARTICLE 24. "A Land Reform Council will be established to supervise all operations carried out within the application of this Ordinance and to solve all matters raised by the agencies, committees, or concerned individuals while implementing this Ordinance."

The decisions of the National Council for Land Reform established in accordance with this article will be transmitted to Province Chiefs through Circulars of the Ministry of Land Affairs and Land Reform (now Agriculture, 1967).

Addenda

Decree No. 74 dated April 4, 1957, modified by Decree No. 217 dated June 18, 1964:

Art. 1 - It is now ordered to establish a Council for Land Reform to review critically all the activities in carrying out Ordinance No. 57 dated October 22, 1956, which regulates the Land Reform and to solve all

problems raised by the agencies and Committee provided for in Article No. 25 of this Ordinance or by interested people during the enforcement of the stated Ordinance.

Art. 2 - New, Decree No. 217 dated June 18, 1964

The composition of the National Council for Land Reform established by Art. 2, Decree No. 74 dated April 4, 1957 is hereby modified as follows:

Representative of the Prime Minister	Chairman
State Secretary of Rural Affairs (now Agriculture) or his representative	Member
State Secretary of Interior or his Representative	Member
State Secretary of Economy or his Representative	Member
State Secretary of Finance or his Representative	Member
State Secretary of Justice or his Representative	Member
State Secretary of Labor or his Representative	Member
Director General of Planning or his Representative	Member
Director General of Land Affairs	Reporter Member

An officer from the Directorate General of Land Affairs having no right to vote will be named as Secretary of the Council. The Chairman of the Land Reform Council can, when need be, invite one representative of the Union of Agriculturists (landlords) of Vietnam and one representative of Vietnamese Farmer's Union to participate in the meetings as consultants who will express the wishes of the represented group.

Besides, interested persons, representatives of agencies and/or groups related to the problems raised at the meeting may be invited as consultative participants of the meeting.

Art. 3 - The National Council for Land Reform convened by the Chairman of the Council, will meet every three months.

The chairmen of the Committees mentioned in Article 25 of Ordinance No. 57 dated October 22, 1956, can propose to the Chairman of the National Council for Land Reform to convene special meetings.

The vote of the National Council for Land Reform will be based on the majority. When the votes are equal, the Chairman's vote will be decisive.

At the meeting, the decision of the Council can only be made effective when the participants are four-fifths of the designated members of the Council.

ARTICLE 25. "A decree will be issued for the establishment of Committees and local subcommittees in charge of studying and proposing solutions relating to the following matters:

1. Elaboration of regulations for the implementation of the Land Reform Program.

2. Drawing up of a list of lands subject to the Land Reform Program.

3. Determination of the maximum area of the land to be retained for ancestor worship as provided in Article 5 above.

4. Supervision of the administration, expropriation, limitation of retention areas, and allocation of lands.

5. Forwarding notifications to persons involved in the implementation of this Ordinance.

6. Evaluation of compensation made in accordance with the provisions of this Ordinance.

7. Issuance of titles to new land owners.

8. Signing of contracts with new landowners receiving expropriated lands (Corrigendum No. 2807 dated November 3, 1961).

9. Submission of reports to the National Council for Land Reform each three months, etc."

Decree No. 76 dated April 4, 1957:

"Art. 1 - The following committees are established for the implementation of Ordinance No. 57 dated October 22, 1956 to regulate the Land Reform Program:

1. Committee for Elaboration of Regulations implementing the Land Reform Program.

2. Committee for General Census, Limitation of Areas, Supervision, Distribution of Lands and Issuance of Titles.

3. Committee for Finance.

"Art. 2 - The composition of these committees is as follows:

1. Committee for Elaboration and Determination of the Regulations implementing the Land Reform Program:

• Secretary of State for Land Affairs and Land Reform (now Agriculture) or his Representative	Chairman
• Representative of Interior	Commissioner
• Representative of Justice	Commissioner
• Representative of Agriculture	Commissioner
• Inspector General of Labor and Social Security	Commissioner
• Director General of Land Reform*	Commissioner
• Director General of Land Affairs*	Commissioner
• Director of Land Registration*	Commissioner

An officer of the Directorate General of Land Reform (now Land Affairs) is designated as reporter and another as secretary of the Committee with both having no right to vote.

The Chairman of the Committee can, when need be, invite a representative of the Vietnamese Agriculturists' Union (landlords) to participate in the meeting as consultant who will express the wishes of the represented group.

2. Committee of Census, Limitation, Supervision, Distribution of Land, and Issuance of Titles:

• State's Secretary of Land Affairs and Land Reform (now Agriculture) or represented by his Director of Cabinet	Chairman
• Director General of Cadastre (now Director General of Land Affairs)	Member
• Director of Land Registration (now Director General of Land Affairs)	Member

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* Now Director General of Land Affairs

An officer of the Directorate General of Cadastre (now Land Affairs) is named as reporter and another as secretary of the Committee with both having a right to vote.

3. Committee of Finance:

• State's Secretary of Land Affairs and Land Reform (now Agriculture) or represented by his Director of Cabinet.	Chairman
• Representative of Finance	Member
• Representative of Economy	Member
• Representative of Agriculture	Member
• Governor of the National Bank	Member

An officer of the Directorate General of Land Reform (now Land Affairs) is designated as reporter and another as secretary of the Committee with both having no right to vote.

"Art. 3 - The above-mentioned committees are responsible for studies and recommendations of all procedures relating to the following problems.

1. The Committee for Elaboration and Determination of Regulations in the implementation of the Land Reform Program is responsible for the elaboration of all regulations to carry out the Land Reform Program.

2. The Committee of Census, Limitation, Supervision, Land Distribution, Title Issuance is responsible for as follows:

   - General Census of land under the regulations of land reform.

   - Determination of the maximum limit of worship land area as provided in Article 5 of Ordinance No. 57 dated October 22, 1956.

   - Administrative supervision of the activities on land expropriation, area limitation, and land allotment, by:

     a. Giving notice to interested people for carrying out the regulations of Ordinance No. 57 dated October 22, 1956.

     b. Distribution of lands to recipients and issuance of titles to new owners.

     c. Drawing contracts with new recipient owners of expropriated land.

d. Forwarding reports to the National Council for Land Reform every three months.

3. The Committee of Finance is responsible for:

- Determination of compensation for expropriated land in accordance with the provisions of Ordinance No. 57.

- Direction and control of the Autonomous Fund provided in Article 32 of Ordinance No. 57.

"The said committees are in communication with the Provincial Land Reform Officers (now Land Affairs) through the Director General of Land Reform (now Land Affairs). This Directorate General is responsible for transmitting the decisions or instructions of the said committees to the Provincial Land Reform Officers (now Land Affairs).

"All articles approved by these committees are valid as decisions to be carried out."

ARTICLE 26. "There are established Land Courts which will preside in each province or several provinces, to examine violations of the law and to settle disputes arising from the implementation of this Ordinance. A decree will fix the composition, powers, and procedures of these Courts."

Decree No. 498 dated November 27, 1957, modified by Decree No. 558 dated December 5, 1958:

"Art. 1 - (New) At any place where there is a First Instance Court of Justice, there is now established a Special Land Court having the same scope of competency as this First Instance Court. The Special Land Court is responsible to judge infringements and disputes determined in Art. 26 of Ordinance No. 57 and all disputes related to the tenant farming regulations and to the Land Reform Program in general, if there is not official act specifying otherwise.

"The Special Land Court is under the Direction of the Ministry of Justice and of the Ministry of Land Affairs and Land Reform (now Agriculture.

"Art. 2 - The Land Court stands at the office of the First Instance Court, etc.

"Art. 3 - A Land Court is composed of a Chief Magistrate, two assessors, and two substitutes. The Chief Magistrate of the First Instance Court of Justice is concurrently Chief Magistrate of the Land Court, the Minister of Justice may name another Magistrate as Chief Magistrate of the Land Court, if necessary. He may set a higher number of assessors for the Land Court.

"Art. 4 - The assessors are administrative civil servants appointed by decision of the Minister of Land Affairs and Land Reform (now Agriculture.

"Art. 5 - The assessors participate in the sitting of the court. If an assessor is absent, he is replaced by a substitute according to the order fixed by the arretee naming them.

"If there is death or resignation during the calendar year, the replacement will be made by the same procedure.

"Art. 6 - A Government's Commissioner nominated by arretee of the Minister of Land Affairs and Land Reform (now Agriculture) is prosecuting Attorney of the Land Court.

"Art. 7 - The Minister of Land Affairs and Land Reform (now Agriculture) at the National level names a Secretary General of Land Courts and a Commissioner General with a team of four clerks helping them.

"In each Provincial Agrarian Court, there is a team of two or several Land Court Clerks.

"The Land Court Clerks are named by the Minister of Land Affairs and Land Reform (now Agriculture).

"The Secretary General of Land Courts is responsible for permanent liaison with the Provincial Land Courts. He submits to the National Council for Land Reform all files concerning each case with report on it and the decision of the local Land Court.

"The Commissioner General has the responsibilities of a Prosecutor General of the judicial court. He is selected among officers having the best knowledge in land tenure law and is responsible for reviewing every law-suit submitted by the Provincial Courts, giving the conclusion on each case according to the Government's policies by the National Council for Land Reform, etc.

"Art. 11 - The Land Court applies procedures similar to the ones applied by the Court of First Instance if there are no specific provisions provided in this Decree or in arretees and circulars of the Minister of Land Affairs and Land Reform (now Agriculture), with agreement of the Minister of Justice.

"Lawsuits before Land Court are exempt from judicial procedure fees and judgment costs. A sentence must be rendered within 40 days from the date a lawsuit is brought before the Land Court, if there is no valid reason for delay.

"Regarding all disputes about lands (Decree No. 558) in case there is neither a Village Agricultural nor a Contonal Agricultural Committee, or in case of for any reason this Committee does not settle the interested

person's request, the interested person has the right to bring his case to the Land Court after a term of 10 days from the date he submits his request to the interested Agricultural Committee.

"In these disputes, the tenant benefits automatically from the judicial protection.

"Art. 12 - The sentence of the Land Court are final decision. However, to be valid for execution the Court's sentence must have the approval of the National Council for Land Reform established by Decree No. 74 dated April 4, 1957.

"These sentences are submitted by the Secretary General of Land Courts to the National Council for Land Reform. The Commissioner General for land gives final conclusion prior to the decision of the Council.

"Regarding the review of the Land Court's sentences (Decree No. 558), if a Land Court's sentence is rejected, the National Council for Land Reform sends the file to another neighboring Land Court for re-examination of the lawsuit and will give suggestions on the policy and the measures to be applied.

"Art. 13 - The Secretary General of Land Courts forwards monthly reports to the Ministry of Justice and the Ministry of Land Affairs and Land Reform (now Agriculture) giving information on the progress of the work in the Land Courts such as total number of registered lawsuits, settled cases, conclusions, and so on.

"Art. 14 - Where there is no Land Court, the Local Court of First Instance with its composition performs the functions of the Land Court, and judges under the provisions of this Decree."

Circular No. 1 dated January 4, 1958, relating to the implementation of Decree No. 498 dated November 27, 1957, establishing Land Courts:

"In order to implement the Decree stated above, please forward to this Ministry a list of all employees who will be appointed Assessor, Commissioner of the Government and Secretary of the Land Court.

"These officials who will be appointed to the Land Court must be regular officials because they will be given only allowances but not regular salary.

"Besides, this Ministry believes it will be good if these officials are qualified in jurisdiction. If they are not, they must receive two weeks training at the clerical office of the Local Court, beginning from the day you formulate the assignment proposal.

"Finally, you must know that in accordance with Article 8 of Decree No. 498 dated November 11, 1957, Land Court officials must take the oath before the Court of First Instance prior to being on duty."

Circular No. 517 dated March 24, 1958, regarding Land Courts:

The Ministry of Justice and this Ministry have agreed that the establishment of a Special Land Court for every province is not necessary. All Courts of First Instance or Conciliation Courts with extended competency, in the provinces, can replace a Land Court to settle all land disputes, according to Article 14, Decree No. 498 dated November 27, 1957.

The Minister of Justice has notified the above principle to his Prosecutor General and Directors of Justice in Central and South Vietnam, by Circular No. 4054 dated March, 14, 1958:

"Special Land Courts will be established in the near future, depending on the demand of each province. While waiting for the establishment of such Land Courts, and in accordance with Article 14, of Decree No. 498 the actual Courts of First Instance and Conciliation Courts with extended power will provisionally replace the Land Courts to settle all infringements and disputes referred to in Article 1 of the said Decree. The composition of this Court will remain the same. The formalities to be followed will be the same as with civil courts. However, every settlement in relation to Land Reform policy and under the jurisdiction of Land Court must be free of judicial procedure fees and judgment costs. The Court will reserve special session to settle these suits and must establish separate records in order to facilitate the transfer to the Special Land Court once it will be established.

"May I request you to widely disseminate, in the country, specially in the farmer's sphere, the organization of Land Courts and the special procedures with the exemption of judicial fees and judgment costs on the land disputes as stated above."

Circular No. 6 dated March 3, 1959, fixing the maximum delay allowed for re-settling a suit by a neighboring Land Court:

"Decree No. 558 dated December 5, 1958 changed Article 1 and modified Articles 11 and 12 of Decree No. 498 dated November 27, 1957 relating to the establishment of Land Courts.

"According to Article 12 thus amended, any judgment rejected by the National Council for Land Reform will be brought up to a neighboring Land Court for another settlement.

"However, no time limit was fixed for the neighboring Land Court to resettle the case.

"In its meeting dated February 2, 1959, the National Council for Land Reform has adopted a delay of 40 days starting from the day the neighboring Land Court receives the file regarding the interested lawsuit. This file is transmitted by the Secretary General and the Commissioner General of Land Courts after the National Council for Land Reform has rejected the judgment referred to it."

PART IV - PENALTIES

ARTICLE 27. "All actions aimed at impeding or delaying the implementation of this Ordinance shall be liable to either an imprisonment term of 6 months to 2 years or to a fine of from 15,000 to 120,000 piasters."

This article does not need explanation.

ARTICLE 28. "Any landlord who opposes the implementation of this Ordinance by violence or other illegal means shall have the totality of his land expropriated. Besides, the amount paid for the expropriated land will be confiscated."

Notice that if a landlord does not execute the instructions given in the communiques of the Ministry of Land Affairs and Land Reform (now Agriculture), and if he does not produce the written declaration concerning his land within the fixed term, the Province Chief must warn him immediately by letter sent to the landlord's address or posted in the Administrative Office of the Village where the land is located - in case of unknown whereabouts.

The landlord has a term of 10 days from the posting in the Village Administrative Office or from the receipt of the warning letter, to produce the written declaration of lands after the stated term of 10 days, the Province Chief brings the case to Court.

Circular No. 1 dated January 7, 1957, Circular No. 5 dated March 21, 1957, and Communique No. 3093 dated September 9, 1959, declaration of the landlords:

"1. Landlords owning more than 100 ha. must submit a written declaration about their ricelands (ricelands under their name in the Land Register).

a. They are responsible for the truth on the declaration.

b. The declaration must include their ricelands not only from the province where they have their residence but also from any other provinces of South Vietnam (if they own lands in other provinces).

2. They have to indicate the number (on the Land Register) of each plot they have chosen for their 100 hectare retention.

3. They must list the farmers' martial status: wife, children 21 years old or older, and married and 18 years old which shall be expropriated after having reserved the lands chosen by the landlord as stated above."

Circular No. 8 dated February 27, 1961, absentee landlords with unknown whereabouts:

"Regarding absentee landlords with unknown whereabouts or landlords who did not make their declarations of property for the application of the Ordinance No. 57, the National Council for Land Reform authorizes the Provincial Land Services to determine the retention of 100 hectares for the landlord, and have the remainder of the land surveyed for expropriation, after having applied the following measures:

"• Sending a registered letter to invite the subject landlord to come to the Provincial Land Affairs Office.

"• Coordinating with the local Provincial Land Affairs Office to draw up a notice, and have it posted at District Village and Provincial Offices, and in Saigon to request the concerned individual to contact the Provincial Land Affairs Service within a period of one month."

Landlords who refuse to apply formalities to regularize worship land:

"Although the Ministry of Land Affairs and Land Reform extended the term up to April 30, 1960, so as to afford landlords enough time to get documents relating to the determination of their 15 hectares of worship land as retention, many landlords still have not applied the formalities accordingly.

"In order to put an end to this situation, the National Council for Land Reform authorizes the Provincial Land Services, in such cases to proceed with the survey of the land and retain 15 hectares as worship land for the landlords."

Circular No. 79 dated November 22, 1961, and Circular No. 3 dated January 4, 1962:

"Punishment for landlords who do not submit their declarations on riceland, do not give complete and detailed data of their ricelands, or submit false declarations on riceland.

". . . The former Ministry of Land Affairs and Land Reform has issued Circular No. 12 dated March 18, 1961, which, in accordance with stipulations of Ordinance No. 57 provides for the punishment of landlords who delay or do not submit their declarations or submit incomplete declarations on their ricelands.

". . . The Provincial Land Affairs officers are requested to examine each case, then to establish complete reference files to submit to the Directorate General of Land Affairs along with Provincial Land Affairs' suggestions."

Decree No. 359 dated December 10, 1964:

"Article 1 - A period of three months beginning from the day of signature of this Decree is now fixed as the final term for landlords individual person and/or legal entities owning over 100 ha. of riceland but who have not yet declared such excess holdings, to submit in accordance with the requirements of Circular No. 1 dated January 7, 1957 their written declaration of the amount of such land held to the Directorate General of Land Affairs or to the Provincial Land Offices.

"Article 2 - Beyond the term authorized above (three months) landlords who own over 100 ha. of riceland and do not submit their declarations of land will be punished according to the provisions of the penal articles provided in Ordinance No. 57 dated October 22, 1956."

ARTICLE 29. "Any landlord who attempts to decrease the fertility of his land, destroy the dependent installations, or impede the normal cultivation shall be liable to a fine of from 10,000 to 50,000 piasters or to an imprisonment term of from 3 to 6 months."

This article does not need explanation.

ARTICLE 30. "In case negligence is shown in the cultivation of the allocated lands which have not been wholly paid for, or of insolvency on the part of the new owner, the Government shall have the right to take back these lands without reimbursing the installments paid and without prejudice to other penalties provided for in Article 26 above."

This article does not need explanation.

PART V - FINAL PROVISIONS

ARTICLE 31. "All provisions set forth in this Ordinance are of a public security nature."

This article does not need explanation.

ARTICLE 32. "There shall be established an autonomous fund to finance expenditures for the administration and implementation of the Land Reform program. A decree shall be issued to determine the organization and control system for the autonomous fund."

Decree No. 2 dated January 4, 1957:

"Article 1 - In order to carry out immediately the Land Reform Program an Exceptional Fund* called the Land Reform Special Fund is established with the Treasury of Vietnam.

"Article 2 - The Minister of Land Property and Land Reform (now Agriculture) is in charge of the pay order of this Special Fund. He may delegate his power to the Director of Cabinet.

"The Secretary General of the Ministry is the liquidator of this Special Fund.

"Article 3 - This Special Fund receives:

1. Funds advanced by the National Budget.

2. Payments from tenants becoming new owners according to Article 14 of Ordinance No. 57 dated October 22, 1956.

3. Funds from Foreign Aid supporting the Land Reform Program.

"Article 4 - This Special Fund will pay:

1. The expenditures for supplies in carrying out the Land Reform Program considered as necessary by the Committee of Finance established under the provisions of Article 25 of Ordinance No. 57 dated October 22, 1956.

2. The expenditures for Personnel recruited in carrying out the Land Reform Program.

3. The compensation to expropriated landlords according to the provisions of Articles 20 and 21 of Ordinance No. 57 dated October 22, 1956.

"Article 5 - The Special Fund must have a credit balance.

"Article 6 - Exceptionally, the control procedures of expenditures and provisions of the Arretee No. 39 dated January 21, 1956 shall not be applied to the Special Fund.

"Article 7 - . . . . ."

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* Exceptional means over the National Budget.

Circular No. 8379 dated August 12, 1967:

"The sale price of former French land is deposited with the Special Land Reform Fund to compensate the loss due to the allocation free of charge of expropriated land under Ordinance No. 57 and located in Land Development Centers and Resettlement Centers."

Circular No. 6729 dated September 24, 1962, compensation payment for expropriated land in special places such as Land Development and Resettlement Centers and Agricultural water projects:

The National Council for Land Reform approves the application in such special areas as Land Development and Resettlement Centers, Agricultural water projects, and so on, of the formalities of compensation already carried out for expropriated land located in the Agro-Villes (rural agglomerations). Thus, the related agencies such as the Commissariat General for Land Development and Agriculture, the Directorate of Hydraulic and Rural Constructions will reimburse the Special Fund for Land Reform for the amount of compensation which the Ministry of Land Affairs and Land Reform has paid to landlords.

Circular No. 6 dated November 3, 1961, collection of rent on expropriated land where buyers are unavailable:

The National Council for Land Reform decides to apply the present process of rent collection on former French-owned land, which is to have collection under the temporary management of the provincial authorities. The income from the land will be divided: 40 per cent to the Province; 60 per cent to Special Land Reform Fund (Government).

ARTICLE 33. "The implementation procedures of this Ordinance shall be determined by a Decree."*

This article does not need explanation.

ARTICLE 34. "All ordinances, arretees, decisions, regulations and particularly Ordinance No. 21 dated June 4, 1953 which are in conflict with the provisions of this ordinance are superseded."

This article does not need explanation.

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* This decree was not prepared. Usually such a decree is prepared. There was just Circular No. 22 dated May 28, 1957, implementing the Ordinance No. 57 dated October 22, 1956, with decisions of the National Council for Land Reform.

ARTICLE 35. "This Ordinance shall come into effect from the date of signing and be published in the Official Gazette of the Republic of Vietnam."

This article does not need explanation.

Addenda

Arretee No. 134 dated November 25, 1957, expropriating lands over one hundred hectares:

Article 1 - Lands listed on the document annexed to this arretee are expropriated under the provisions of Ordinance No. 57 dated October 22, 1956. Those lands will be transferred under the name of the Government of Vietnam.

Article 2 - Owners of expropriated lands will be compensated as provided in Chapter III, Ordinance No. 57 dated October 22, 1956.

Arretee No. 46 dated March 21, 1959, carrying out the regulations provided for in Arretee No. 5156 bis dated April 24, 1948, to renew land records regarding lands which are located in villages having land registers (Dia Bo) which are lost or destroyed:

Article 1 - For the purpose of the implementation of Ordinance No. 57 dated October 22, 1956, fixing the regulations governing Land Reform, it is now ordered to carry out the formalities provided in Arretee No. 5156 bis dated April 24, 1948 in order to renew lands records with respect to land located in village having land register (Dia Bo) which are lost or destroyed.

Article 2 - Lands stated above in Article 1 will be published by lists annexed to this arretee.

Article 3 - A circular will determine the conditions for implementing this arretee.

Appendix E-5

Ministry of Land Affairs
and Land Reform

Circular No. 8/BDT/CC/PC/TT dated
February 27, 1961, Saigon

From: The Minister of Land Affairs and Land Reform
To: All Province Chiefs

This Ministry would like to inform you that in its XXVIth meeting on December 16, 1960, the National Council for Land Reform has discussed and decided the following matters:

1. The maximum area which the tenant farmer may be allowed to rent with tenancy contract (within the retention area).

The Council allows the landlord to rent freely his land without limitation of area.

2. Creditors request to hypothecate the amount of compensation to expropriated landlords (riceland which is not mortgaged).

Despite the fact that the loans are not registered on the landowners register, many creditors request lawyers to hypothecate the amount of compensation to be paid to expropriated landlords by means of judicial order from the court.

Article No. 13 of Ordinance 57, October 22, 1956, applies only to the loans which are clearly registered in the land roll or land register. These creditors shall be compensated by the same procedures as applied for expropriated landlords.

Besides, the Ministry of Land Affairs and Land Reform is not authorized to hold up checks and bonds bearing the names of the expropriated landlords in order to give them to other persons.

Realizing that the Directorate General of Treasury is a monetary distribution agency, therefore, the National Council for Land Reform decided that: if creditors wish to hypothecate the amount of compensation for expropriated land, they should request the Court for authorization and the judgment should be forwarded to the Directorate General of Treasury for information as this is the monetary distribution agency.

3. Compensation to Abandoned and uncultivated expropriated land.

The National Council for Land Reform redetermined its concept at the XXIth meeting on October 25, 1959, and decided that compensation should be

made for the expropriation of abandoned uncultivated lands, however, the compensation shall be made at the last.

4. Landlords who are absent with unknown addresses.

Regarding landlords who are absent with no addresses, or who did not make their declarations of property for the implementation of Ordinance 57, the National Council for Land Reform authorizes the Provincial Land Services to determine themselves the retention of 100 hectares for the landlor, and to survey the remaining land for expropriation, after having applied the following measures:

- Sending of a registered letter to invite the concerned landlord to the Provincial Land Service.

- Coordinating with the local Provincial Office to draw up a notice, and have it posted at District, Village and Provincial Offices, and in the Saigon to request the concerned individual to contact the Provincial Land Service within a period of one month.

5. Landlords who refuse to apply formalities to regulate hereditary land.

Although the Ministry of Land Affairs and Land Reform extended the time for declaration up to April 30, 1960, so that landlords may have enough time to get documents related to the determination of their 15 hectares of hereditary land for retention, many landlords still have not applied the formalities accordingly.

In order to put an end to this situation, the National Council for Land Reform authorizes the Provincial Land Services, in such cases to proceed with the survey of the land and retain 15 hectares as hereditary retention for the landlords.

6. To accelerate the collection of payments on expropriated land.

The Council decided to authorize the Provincial Land Service to assist the Village Administrative Councils (now Committees) in the collection of payments on expropriated land.

We request the Provincial Authorities to carry out the above-mentioned decisions of the National Council for Land Reform.

s/ HUYNH HUU NGHIA

Appendix E-6

Office of the Prime Minister Decree No. 217-CTNT dated June 18, 1964

THE PRIME MINISTER OF THE GOVERNMENT

Referring to . . . . . .

DECREES:

ARTICLE 1. The composition of the National Council for Land Reform determined by Article, Arretee No. 74-DT/CCDD of April 4, 1957, is hereby modified as follows:

- Representative of the Prime Minister . . . . . Chairman
- Secretary of State for Rural Affairs (now Ministry of Agriculture) or his Representative . . . . . Vice-Chairman
- Secretary of State for Internal Affairs or his Representative . . . . . Member
- Secretary of State for Economy or his Representative . . . . . Member
- Secretary of State for Finance or his Representative . . . . . Member
- Secretary of State for Justice or his Representative . . . . . Member
- Secretary of State for Labor or his Representative . Member
- Director General for Planning or his Representative . . . . . Member
- Director General for Land Affairs . . . . . Spokesman

A staff member of the Directorate General of Land Affairs shall be appointed as secretary of the Council (having no right to vote).

ARTICLE 2. The Secretaries of State for Rural Affairs, Internal Affairs, Economy, Finance, Justice, and Labor, and the Director of Planning are all charged with the execution of this Arretee.

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

Saigon, June 18, 1964
(Signed) Lt. Gen. NGUYEN KHANH

Appendix E-7

Ministry of Rural Affairs

Circular No. 13.157-BCTNT/HCTC.3 dated September 7, 1964, Saigon

From: The Minister of Rural Affairs
To: Messrs. The Chiefs of Provinces

Subject: Implementing the decisions of the National Council for Land Reform at its meeting on July 31, 1964.

Dear Sirs:

The Ministry of Rural Affairs respectfully informs you of the decisions taken by the National Council for Land Reform at its XXXVIth meeting on July 31, 1964, relating to the following land reform matters:

. . . . . .
. . . . . .

V. Redetermination of the prohibition term for renting, pledging, selling, or mortgaging of expropriated land.

Along with the amendment of Article 14, Ordinance 57 extending the term of payment by installments for expropriated land from 6 to 12 years, the National Council for Land Reform decides to amend Article 16 of Ordinance No. 57 as follows:

"The Prohibition term for renting, pledging, selling or mortgaging of the land expropriated by Ordinance 57 is 6 years, starting from the day the tenant-farmer completes his payments - except when he pledges the land at the National Agricultural Credit Organization."

In consequence, for transferring of name to the new landowner's, the local Land Service should record in the land roll the following restriction:

"Must not rent, pledge, sell or mortgage (the land) within a period of 6 years, starting from the day . . . .;" this day will be the day on which the tenant (new landowner) completes payments for the expropriated land.

(Signed) NGUYEN CONG HAU

Appendix E-8

Provisional Committee for Leadership of the Nation and Armed Forces

Decree No. 008-CT/LDQGQL/SL dated October 2, 1964

THE CHAIRMAN OF THE PROVISIONAL COMMITTEE FOR LEADERSHIP OF THE NATION AND ARMED FORCES

Referring to: . . . . . .

DECREES:

ARTICLE 1. Article 14 of Ordinance 57 - October 22, 1956, which determines the Land Reform Program, is hereby cancelled and replaced by the following provisions:

> ARTICLE 14 (new): "While awaiting for the definite transfer of title, the distributed land shall be temporarily registered under the name of the recipient, who must pay annual installments for a maximum period of twelve years. The first installment starts after the harvest of the following year which the recipient receives the land. During this 12-year period, the land remains under the name of the Government."
>
> "The value of the land shall be calculated in accordance with the amount which the Government pays to the expropriated landlord, excluding the 3 percent annual interest."

ARTICLE 2. The Premier of the Government, the Vice-Premier, Secretaries of State and Ministers, are all charged with execution of this Decree.

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

Saigon, October 2, 1964

(Sgd.) Lieutenant General
DUONG VAN MINH

Appendix E-9

National Leadership Committee
Office of the Chairman

Decree No. 020/65 of Oct. 8, 1965, Granting Definitive Ownership Rights to Farmers Purchasing Expropriated Land (modifying and supplementing Article 14 of Ord. 57 - Oct. 22, 1956, amended by Decree No. 008-CT/LDQGQL/SL of Oct. 2, 1964)

THE CHAIRMAN OF THE NATIONAL LEADERSHIP COMMITTEE

Referring to . . . . . .

DECREES:

ARTICLE 1. Article 14 of Ordinance 57 - October 22, 1956, modified by Decree No. 008-CT/LDQGQL/SL - October 2, 1964, is hereby modified and supplemented as follows:

The distributed land will be transferred immediately after the distribution to the name of the beneficiaries who must pay by installments annually within a maximum period of 12 years; the first payment starts after the harvest of the following year which the recipient received the land.

During the period in which the recipient has not completed the payments, the Government can hold the land as a mortgage to guarantee the recipient's debt due.

The mortgage will be automatically cancelled right after the presentation of the certificate showing completed payments by the recipient.

The value of the land shall be calculated in accordance with the amount which the Government pays to the expropriated landlord, excluding the 3 percent interest mentioned in paragraph b of Article 21 (Ordinance No. 57 of October 22, 1956).

ARTICLE 2. The Chairman of the National Leadership Committee and General Commissioners are all charged with execution of this Decree.

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

Saigon, October 8, 1965
(Signed) Lieutenant General
NGUYEN VAN THIEU

Appendix E-10

National Leadership Committee
The Chairman's Office

Decree No. 002/66 of February 15, 1966, Exempting Land Tax for Farmers Purchasing Expropriated Land

THE CHAIRMAN OF THE NATIONAL LEADERSHIP COMMITTEE

Referring to . . . . . .

DECREES:

ARTICLE 1. Farmers purchasing expropriated land are exempted from land taxes on their land during the period payments remain incomplete. The maximum duration for this exemption is twelve (12) years starting from the date of receipt of the land.

ARTICLE 2. The above-mentioned farmers are also exempted from payment of any fee for the procedures on land registration and cancellation, or tax for inscription in the Register Book concerning the purchase of expropriated land.

ARTICLE 3. Chairman of the Central Executive Committee, Commissions General, Commissioners and Under-Commissioners shall carry out this Decree as far as their respective duties are concerned.

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

Saigon, February 15, 1966

S/s Lt. Gen. NGUYEN VAN THIEU

Appendix E-11

EXCERPT FROM OFFICIAL GAZETTEER OF REPUBLIC OF VIETNAM

DECREE-LAW No. 38/67 dated October 2, 1967
modifying Article 1,
DECREE-LAW No. 2/66 dated February 15, 1966
regarding exemption of land-tax for recipients of expropriated land.

REASON FOR ISSUING THE NEW LAW,

Article 1 Decree-law No. 2/66 dated February 15, 1966 provides that "Farmers purchasing expropriated land are entitles to exemption of land tax on their land during the period that payments are made on their land until they are completed. The maximum duration for this exemption is twelve years starting from the date of receipt of land."

This provision is unjust regarding recipients who, by good will have completed their payments before the twelve year term limit and who must pay a land-tax while recipients who have not yet completed their payment still benefit from exemption of land-tax.

This decree law was passed for the purpose of suppressing the inequity mentioned above.

CHAIRMAN OF THE NATIONAL LEADERSHIP COMMITTEE.

Having considered the Constitution dated April 1, 1967;

Having considered Ordinance No. 57 dated October 22, 1956 amended by subsequent documents, particularly Decree Law No. 8 dated October 2, 1964 and No. 20 dated October 8, 1965 regulating Land Reform;

Appendix E-12

Decree-Law No. 022/67, Central Government: Expropriation of Private Property

THE CHAIRMAN OF THE NATIONAL DIRECTORY,

Considering the Provincial Constitution, dated 19 June 1965, supplemented by Decision #6-QLVNCH/QD, dated 6 June 1966 of the Armed Forces Council, Republic of VN Armed Forces;

Considering Decision #3-QLVNCH/QD, dated 14 June 1965, supplemented by Decision #7-QLVNCH/QD, dated 6 June 1966, of the Armed Forces Council, Republic of VN Armed Forces, establishing and prescribing the composition of the National Directory;

Considering Decree #001-a/CT/LDQG/SL, dated 19 June 1965, and subsequent documents prescribing the composition of the Central Executive Committee;

Considering the Decree dated 21 July 1925 prescribing new regulations for land;

Considering the Decree dated 15 June 1930, and Order #580-Cob/SG, dated 19 November 1951, determining the expropriation of land for works of public interest in the southern and central parts of South VN;

Considering Edict #32, dated 10 May 1955, prescribing the procedures for re-establishing land registers and other archives that have been destroyed, lost due to theft and other incidents;

Considering Law #17/59, dated 18 June 1959, amending the regulations for registration of mortgage and registration of judiciary mortgage;

Considering the recommendations of the Chairman of the Central Executive Committee;

After the discussion and decision have been made by the National Directory;

DECREES THAT:

ARTICLE 1. With regard to the real property that has been taken by the Government and used for the execution of public works, national defense works or works of public interest before the publication of this Decree-law,

the expropriation will be formalized in compliance with the following clauses:

Chapter I - General Clause

ARTICLE 2. The transfer to ownership of the property indicated in Article 1 above to the VN Government, local administrative and legal entities, or Government agencies will be executed by means of a contract of sale of the property or a judgment after issuance of the following document:

1. An Order has been issued by the Chairman of the Central Executive Committee authorizing the purchase of the property for the Vietnamese Government or Government Agencies, or by the Special Commissioner for Administration, authorizing the purchase of the property for local administrative and legal entities.

2. An Order has been issued by the Commissioner of the Commission (Ministry) using the property, or responsible for the control of the activities of Government Agencies; or a Decision has been issued by Province Chief confirming the details of the property and the offered price for purchase, if the Order indicated in paragraph 1 above does not mention these points.

ARTICLE 3. All the following acts regarding the part of property that has been expropriated will be null and void:

1. All registrations of preferential rights or special delegations made after the date of publication of the Order prescribing the details of the property and the offered buying price.

2. The contracts made after the above date for the purpose of transferring the ownership of the entire real property to any natural person or artificial person other than the legal personality using the property.

Chapter II - Administrative Measures

ARTICLE 4. An Order authorizing the purchase (of the property) accompanied with a plan drawn to an appropriate scale will be signed after consideration of a report submitted by the agency using the property.

ARTICLE 5. The Order or Decision confirming the details of the property with the offered buying price will be signed, based on:

1. The land registry certificate or cadastral record or other documents confirming the ownership as stated in Article 15 and 16.

2. The record prepared by the local appraisement committee whose composition will be determined by an Order or Decision of the local administration and must include a legal representative of the property owner.

In case of transfer of ownership of the Vietnamese Government, and Government Agencies, this document must be countersigned by the Office of the Commissioner in Administration and the Ministry of Finance.

In case of transfer of ownership to the local administrative and legal entities, the document must be agreed upon by the agency responsible for controlling the use of the local budget.

ARTICLE 6. The Order of Decision confirming the details of the property, the property owner's name, the area of the property etc., along with the offered price must indicate the year of expropriation of the property and the official authorized to sign the property purchase contract, and must be:

1. Published in the Official Gazette of the Republic of Vietnam.

2. Published in the form of a notice indicating summarized necessary information for two consecutive days in three newspapers authorized to publish legal notices.

   The notice should indicate that the public may consult the dossier designated in Article 7, specify the delay for announcing the preferential rights stated in Article 9, and reiterated in Articles 12, 27, and 28 of this Decree-law.

3. Province Chiefs, Capital City Mayor or City Mayors provide notifications for the Presiding Judge of the Court of 1st Instance or Court of Peace with Extended Jurisdictions, Chief of the Land Registry Service, and Administrative Agency in the area where the property is located.

The above notification will be posted for ten full days at the District Administrative Office, Provincial Administrative Office, Town Administrative Office, City Administrative Office, and Public Offices in the area where the property is located.

ARTICLE 7. As of the date of posting the above notification, a dossier consisting of:

1. A copy of this Decree-law,

2. The Order authorizing the purchase,

3. The Order or Decision confirming the details of the property along with the offered purchase price,

must be lodged for a 3 month period at the Provincial Administrative Office, District Administrative Office, and Communal Administrative Offices, in the area where the property is located, for consultation by the public.

ARTICLE 8. Province Chief must prepare a certificate stating that the procedures provided for in Articles 6 and 7 above have been throughly executed.

Chapter III - Transfer of Ownership and Consequences Related to the Right of Priority for Mortgage and to Other Real Property Rights

ARTICLE 9. Within a period of 15 full days upon expiration of the period for posting the notification stated in Article 6, all creditors having preferential rights (right of priority, mortgage, other real property rights) must provide notifications for the Province Chief or Mayor if they have not yet formally registered these real property rights in the land registry books.

The right of priority prescribed above is based on the land registry books in compliance with the current law. In case the books are lost or destroyed, it is based on the order of declarations, or on the evidence which creditors must produce to the Court.

Notifications on claims, if any, can be submitted by registered letters or non-registered letters which the individuals concerned must personally submit to the Administrative Office. The Official who receives the letters must issue receipts for them.

ARTICLE 10. Also within the above-mentioned delay, regarding all formally registered operations for establishing cultural estates, endowment funds, the Communal Administrative Authority or the Chief of the Land Registry Service must issue an extract from those registrations and give notifications to Province Chief or Mayor.

In case the land registry books are not yet established, lost or destroyed and are not yet re-established, the individuals concerned must make statements on the above operations again to the Communal Administrative Agency so that this Agency will notify the Provincial Administrative Office of it.

ARTICLE 11. Creditors having the above preferential rights can only request the appraisement of the property, not the increase of the purchase price.

If the individual concerned requests the redetermination of the price, he must declare in the notification stated in Article 9 that he will submit such a request in which he will have to indicate his remarks and demands,

with an obligation to pay all survey expenses, court fees, costs of justice, and to deposit a security the amount of which is determined by the Court.

The individual concerned can also request the reassessment of the price by indicating it on the notification itself. Thus, adequate details must be indicated on the notification, and accompanied with all documents relating to this matter.

ARTICLE 12. It the notification is not effectuated within the delay, that property will be regarded as free from any caution (mortgage, attachment, mention of restraint on alienation etc. . . .) or from whatever preferential right regardless of its nature.

It the notification is made but without any observation on the offered price, it is considered that creditors have agreed on this price.

ARTICLE 13. The procedures stiupulated in Articles 9 and 10 above will not be applied regarding expropriated pieces of property the price of which does not exceed 5,000 VN$.

In this case, the land owner or his assignee or representative should be responsible for settling his debts or for reinvestment.

The amount of 5,000 VN$ designated in paragraph 1 of this Article and the other amounts designated in the other articles of this Decree-law are the prices determined by the Appraisement Committee.

ARTICLE 14. Regarding expropriated pieces of property subject to preferential rights, special delegation, which are determined at more than 5,000 VN$, the Court will decide about the questions:

- Reinvestment case of inheritance, cultural estates destined to the celebration of the anniversary of the death of a person, property entrusted to a male descendant (huong hoa), property assigned to a descendant the income of which is to be used as offerings to ancestors (ky dien), or property offered for the benefit of a pagoda or temple (hau dien).

- Sharing between the creditors and the landowner, except that the individuals concerned agree to let the land owner or the rightful beneficiary receive the entire sum.

Chapter IV - Evidence of Ownership: Rightful Beneficiary Representing the Land Owner: Contracting Party

ARTICLE 15. The boundaries of the expropriated property will be marked based on the real estate register or land register.

ARTICLE 16. If the real estate register or land register held at the commune or the local Land Registry Agency is destroyed or missing;

1. The Communal Administrative Authority will have to certify that the expropriated property belongs to the person whose name is indicated on the title deed (in case the title deed is not lost) on condition that this person makes a statement to be fully responsible for any mistake in the title deed or for forgery.

2. The Communal Administrative Authority will have to certify that the expropriated property belongs to the individual concerned in case the title deed is lost and this will be based on:

   a. The actual fact, if the offered price of the property is less than 5,000 VN$.

   b. The actual fact and the statements of two witnesses, if the offered price is more than 5,000 VN$ but does not exceed 10,000 VN$.

   c. The actual fact, after posting up the name of the land owner and the plan of the property at the Communal Administrative Office for 15 full days without receiving any disproof, and if the offered price is more than 10,000 VN$ but does not exceed 20,000 VN$.

This procedure is applied instead of those provided for in paragraphs 1 and 2, and items a & b above, if deemed necessary by the Communal Administrative Agency.

ARTICLE 17. If the land owner is deceased or absent, or cannot appear, due to whatever reasons, the Communal Administrative Authority to produce the contract or present his observations, the Communal Administrative Agency will authorize the rightful beneficiary to represent the land owner to prepare the contract or present observations, and receive the money.

The Communal Administrative Authority s decision will be based on:

1. The actual facts, if the offered price of the expropriated property is less than 5,000 VN$.

2. The actual facts, and the statement of the Chief of the family council of the land owner if the offered price is more than 5,000 VN$ but less than 10,000 VN$;

3. The actual facts, and the report prepared by the family council of the land owner if the offered price of the property is more than 10,000 VN$ but less than 20,000 VN$.

This procedure is applied instead of procedures 1 and 2 indicated above, if deemed necessary by the Communal Administrative Agency.

The contracting party receiving the money should be fully responsible to other rightful persons. After the contract has been prepared, in case of disputes arising about the ownership of the property concerned, or about the amount of money that has been received, the other contracting agency will not be involved in the dispute, and whatever it may be, the above contract will remain available.

ARTICLE 18. If, due to some serious reason, the Communal Administrative Authority refuses to certify the ownership of the property or the capacity of the rightful beneficiary in accordance with the procedures stipulated above, or if the offered price of the expropriated property is more than 20,000 VN$ or if the total amount paid to each land owner or rightful beneficiary exceeds this sum, the individuals concerned are required to justify their rights or positions in compliance with the current law applied in civil matter.

ARTICLE 19. The following persons are entitled to exercise the rights that have been recognized for the property owner, excluding the receipt of the money resulting from the money resulting from the sale of the property in case the offered price is more than 5,000 VN$, this case will require a Court decision on reinvestment:

1. Usufructuaries, regarding cultural estates,

2. Wife, regarding dowry.

ARTICLE 20. The procedures stipulated in Articles 17 and 18 are also applied to certify the rights and positions of the usufructuaries.

ARTICLE 21. Regarding the category of public property not affected to the public use, the commune's private property, the Communal Administrative Authority is entitled to exercise all rights that have been recognized.

However, the Communal Administrative Authority must comply with the current law for reinvestment.

ARTICLE 22. The recognition of ownership, capacity of the rightful beneficiary representing the land owner, and of the usufructuaries in compliance with the special procedures indicated in this Chapter is only applicable to the expropriated part of property.

Chapter V - Procedures for Transfer of Ownership

ARTICLE 23. The transfer of ownership is carried out immediately after the property sale contract has been signed or after a judgment has been rendered in the place of this contract.

In case of disputes arising about the question of ownership of the expropriated property, the transfer of ownership will be executed only after a Court sentence has decided on the case.

ARTICLE 14. The property sale contract will be signed in the local area between:

- The representative of the Ministry using the property, or of the Government Agency, or of the local administrative legal entity, and;
- The land owner or the rightful person recognized by the current law or by virtue of special provisions stated in Chapter IV.

These persons are entitled to sign the sale contract without requiring an agreement of their spouse if the offered price of the property does not exceed 50,000 VN$.

The contract will be signed:

- After the delay for posting the notice indicated in Article 6 has expired, if the offered price of the expropriated property does not exceed 5,000 VN$.
- After the delay for the notification of preferential rights and special delegations has expired, if the offered price of the property is more than 5,000 VN$ and there is no request for the review of this price.

ARTICLE 25. The contract may be prepared in the form of an administrative deed or drawn up by a solicitor for all pieces of property in a commune which belong to one or several land owners.

Fingerprints or signatures by Chinese characters are also considered available with the present of a witness.

ARTICLE 26. In case of non-agreement on the offered purchase price, the rightful persons must submit a request by registered mail to the Province Chief or City Mayor.

They can submit their requests in person to the Provincial Administrative Office or City Administrative Office. In this case, the official who receives the requests must deliver a receipt to them.

The requests must be accompanied with necessary justificative documents, and must mention the statements, observations, demands, with an obligation to pay all survey expenses and costs of justice in compliance with Articles 37 and 38 of this Decree.

Upon receipt of the requests, the Province Chief or City Mayor must transmit them to the Court of First Instance or Court of Peace with Extended Jurisdiction for consideration.

ARTICLE 27. The delay allowed to the land owners or rightful persons to appear to sign the contract or to petition for review of the price is three months starting from the date of posting the notice indicated in Article 6.

In any case, this delay shall not be suspended or extended.

ARTICLE 28. Any land owner or rightful person who fails to appear to sign the contract or does not submit his request for review of the price within the prescribed delay will be regarded as agreeing to sell the expropriated property at the offered price and under the specific details.

The Province Chief will prepare a record to confirm the facts, and submit it to the Court to:

- Readjust the price, if the preferential creditors request it.
- Recognize the agreement, if there are no preferential creditors, or if they do not request the review of the price.

ARTICLE 29. The judgment of readjustment of the price or recognizing the agreement will substitute for the property sale contract.

ARTICLE 30. After the property sale contract or the judgment substituting for it has been registered, it will be transmitted to the local Land Registry Agency for registration in the real estate register or for entries in the land title deed register, and will be transmitted to the Ministry of Finance for registration in the public property register.

The transfer of title to the Vietnamese Government, Government Agencies, and local administrative legal entities will automatically be executed in reference to the above-mentioned contract or judgment, and will be exempted from registration to comple the payment to be made.

ARTICLE 31. If the expropriated property is a public property purchased by public funds, no procedures will be required other than the updating of the real estate register, either the numbers of the piece of land or of the public property.

The updating will automatically be executed, referring to the Order authorizing the purchase, and the Order or Decision confirming the details of the expropriated property.

Chapter VI - Trial Proceedings Concerning the Transfer of Ownership

ARTICLE 32. The dossier transmitted by the Province Chief to the Court for the purpose provided in Articles 11, 14, 26, and 28, above will consist of:

A. For all cases:

1. A copy of this Decree-law.

2. The Order authorizing the purchase.

3. The Order or Decision confirming the details and the offered price of the property.

4. The certificate indicated in Article 8.

B. For each particular case:

1. When the Court is requested to decide on the sharing, reinvestment (Art. 14): notification of preferential rights and special delegations.

2. When the Court is requested to readjust the price of the property (Art. 11 and 26): notification of preferential rights or request for readjustment of the price with indications as to the statements, observations and demands of the individual concerned, and with necessary justificative documents.

3. When the Court is requested to issue a sentence recognizing the agreement (Art. 28): record confirming that there has been no individual appearing to sign the contract or to request the readjustment of the price.

ARTICLE 33. If the dossier received is improper or incomplete, the Court will notify the individuals concerned of it within a delay of 15 days as of the date of receipt of the dossier, so that they will complete or to put into proper form within a one-month delay. Upon expiration of that time, the Court will decide according to each particular case.

In all cases, starting from the date the dossier is received or from the end of the time for completing the dossier, the Court will have to:

1. Readjust the price within a 3 month period.

2. Recognize the agreement within a 15-day period.

3. Decide on the distribution of reinvestment within a one-month period.

If several matters are to be decided upon, the attendant periods of time may be added together.

ARTICLE 34. For the readjustment of the price, the Court only takes cognizance of the requests aiming to change the price of the property.

The Court can deliberately designate one or many surveyors, or require that surveyors be designated, order that all measures be implemented, and have all necessary procedures executed.

ARTICLE 35. If it is necessary to require that surveyors be designated, the Court will notify:

- The individuals concerned (land owner, assignee representing the creditors having preferential rights, etc. . . .) who request for readjustment of the price.

- The local representative of the Ministry or Government Agency or the administrative legal entity who requests the purchase of the property and has been delegated to prepare the contract, so that each party will designate two surveyors, and inform the Court and the other party of this within a period of 15 days as of the date of receipt of the notification from the Court. This delay is also the time allowed for depositing the security.

The surveyors appointed by the individuals concerned who request for readjustment of the price are responsible for convening other surveyors for carrying out. However, they must previously inform the Court and other surveyors of that for at least 2 full days before the meeting.

The surveyors appointed by both parties will work together to estimate the price of the property. Their report must be submitted to the Court within 30 days, starting from the date of appointment.

ARTICLE 36. In case no surveyors are appointed within the prescribed period of time, it is considered that the individuals requesting the review of the price have agreed on the offered purchase price, and the Court will issue an order recognizing this agreement.

Any designated surveyor that fails to conduct the survey for whatever reason will be regarded as agreeing on the conclusion taken by a majority of other surveyors who have actually conducted the survey.

If the survey report is not submitted within the prescribed period of time, the Court will try the case according to the state of the dossier.

ARTICLE 37. If the price fixed by the Court is equal to the offered purchase price, the individuals requesting the review of the price will be charged with all expenses (court fees, law costs, survey charges).

If the price fixed by the Court is equal to the wanted sale price, all expenses will be paid by the budget of the agency purchasing the property.

If the price fixed by the Court is higher than the offered purchase price but lower than the wanted sale price, the Court will order each party to share the expenses in proportion to the balance between the price offered or wanted by each party and the price fixed by the Court.

In all cases, the expenses born by the individuals requesting the review of the price will not be higher than the price fixed by the Court. The balance amount will be covered by the public funds used for the purchase of the property.

ARTICLE 38. If all the rightful persons request the readjustment of the price, they will be dispensed from any deposit of security.

If among the preferential creditors, landowner or his representative (assignee), and other rightful individuals, some agree on the offered purchase price while others do not agree on it and request the review of the price, the Court will order the latter to deposit a security to cover incurred expenses.

In case of failure to deposit the security; it is considered that means withdrawal of the request, and they have agreed upon the offered purchase price, and the Court will issue a sentence recognizing this agreement.

If the readjusted price minus the expenses is still higher than the offered purchase price, the individuals who have not requested for readjustment are also entitled to take advantage of this balance amount.

If the readjusted price minus the expenses is lower than the offered purchase, only the individual requesting for readjustment will be charged with this balance amount.

ARTICLE 39. The judgment readjusting the price or recognizing the agreement is final in nature, and may only be subject to petition for review to the Court of Cassation.

The declaration of petition for review must be made at the Court Clerk's office within 3 days of the pronouncement of the judgment.

ARTICLE 40. Current law relating to trial proceedings will apply if they are not in conflict with the provisions set forth in this Decree-law.

Chapter VII - Payment

ARTICLE 41. The sum paid to the land owner or rightful beneficiary consists of the price of the property plus the interest.

ARTICLE 42. The price of the property is the price offered for the purchase and agreed upon by the land owner or rightful person, or the price adjudged by the Court.

This price will be equal to the price estimated at the time when the land is expropriated and the work intended has not yet started. All expneses resulting from the removal of houses, crops, vegetation, tombs, and equipment will be certified by the agency using the property.

The Appraisement Committee after examination of the case will pay compensation to each damaged person.

ARTICLE 43. The simple interest calculated on the price of the property is rated at six percent (6%).

The interest is computed on a one full-year basis, and the number of years for which the interest is paid is not limited. The year when the land is expropriated and the year when payment is made are calculated as two years.

ARTICLE 44. The price of the expropriated property will be paid in cash to the land owner or rightful person immediately after the contract is signed or after a judgment substituting for the contract is made available, if the property transferred is priced at no more than 5,000 VN$, or if the property is not subject to a promise of sale, or mortgage or any special delegation, or if there are only creditors having preferential rights and they all agree to allow the land owner or rightful person to receive the full amount of money.

ARTICLE 45. This Decree-law is to free expropriated pieces of property. Creditors will be paid compensation following the procedures concerning the land owner.

Concerning the payment of sums which are delayed and have not yet been made pending Court decisions on sharing or reinvestment (Art. 14) or due to the absence of the land owner without representative, they will be deposited at the "Deposit and Consignment Office."

All charges on the expropriated property will automatically be cancelled by the payment of the money or deposition at the "Deposit and Consignment Office."

Chapter VIII - Miscellaneous Clauses

ARTICLE 46. All sale contracts or judgments rendered in the place of which as well as decisions on the sharing or reinvestment of the sale price of property set forth in this Decree-law are exemped from registration tax and stamp duty.

If the land owner or the rightful persons has not requested readjustment of the price of the expropriated property, this property may be exempted from the succession tax.

ARTICLE 47. All judgments substituting for the sale contracts (not including those fixing the price) and all Court decisions on the sharing or reinvestment of funds produced from the transfer of property to the Vietnamese Government, local legal entities or Government Agencies are exempted from all fees and costs of justice.

ARTICLE 48. The above pieces of property are also exempted from registration tax, and other fees for delivery of real estate certificates.

ARTICLE 49. Regarding the expropriation for public interest executed under the Decree dated 15 June 1930 or Order #480-Cab/SG, dated 19 November 1951, the provisions of this Decree-law will also apply if the payment has not been made yet, but the land has been taken, and if the Commission using the property considers there is need to apply it.

In the above case, the clauses in this Decree-law will apply continuously, referring to the Order issued by the Commission using the property, and regarded as an Order authorizing the sale of the property (Art. 4):

1. Order declaring the expropriation as set forth in Article 2, Order #480-Cab/SG, dated 19 November 1951;

2. Law or Decree authorizing the carrying out of the public work stipulated in Article 1, Decree dated 15 June 1930.

ARTICLE 50. Regarding the property stated in Article 2 the purchase of which having been authorized by an Order in compliance with the current law, the Commission using the property can, as deemed necessary, issue an

Order to assimilate the above order to one or both of the following documents, according to the case:

- Order authorizing the purchase (Art. 2 and 4);
- Order confirming the details of the property and the offered purchase price (Art. 2 & 5).

Thus, the clauses in this Decree-law will apply continuously to the case.

ARTICLE 51. The Chairman of the Central Executive Committee will be in charge of the execution of this Decree-law.

This Decree-law will be published in the Official Gazette of the Republic of Vietnam.

Saigon, 14 February 1967

LT. GENERAL NGUYEN VAN THIEU

Appendix E-13

Circular No. 8379 dated
August 12, 1967, Saigon

From: Commissioner for Agriculture
To: Chiefs of Province

Subject: Carrying out the decision of the National Council for Land Reform at its meeting of June 30, 1967

We inform you of the decision of the National Council for Land Reform at its meeting of June 30, 1967 concerning the following problems:

1. To simplify formalities with respect to obligatory certificates to be produced for receiving checks and Land Reform Bonds and/or compensation payment regarding expropriated lands.

   To help the heirs of expropriated landlords operating under regulations of Ordinance No. 57 of October 22, 1956 to receive checks and Land Reform Bonds and/or compensation payment, the National Council for Land Reform decided as follows:

- An "heir certificate" established by the District Chief with a "genealogical chart" certified by local authorities concerning the signature may replace the legal title of property established by the Court.

- A "proxy deed" established in the Village Administrative Committee Office and certified concerning the agreed tenant will be valid as a "proxy deed" established by notary.

- The recording (in the Registry Office for Taxation) of the "genealogical chart" and of the "proxy deed" is not obligatory.

- The compensation amount may be apportioned in order to establish separate checks and Land Reform Bonds for each heir according to a legal document for inheritance apportionment or a judicial decision.

2. To give priority to veterans or relatives of war dead in purchasing expropriated land or former French lands.

   To help veterans - who suffer great sacrifices for the Nation - the National Council for Land Reform agreed:

- To classify veterans as Priority 2 in purchasing expropriated land according to Article 12, Ordinance 57 of October 22, 1956.

- To authorize veterans and direct relatives.

- Wife or husband - of persons killed or wounded in liberation or pacification operations who are purchasing expropriated lands or former French lands, to delay payment with respect to the first five years, and to pay in twelve annual installments like other recipients after this term of five years.

3. To expropriate land belonging to a couple having no "marriage deed".

   In the implementation of the Land Reform Program, the Land Affairs agencies are authorized to use as a basis any certificate or document confirming the marriage of a couple for expropriating land. The "marriage deed" is not obligatory.

4. To distribute expropriated land or former French land located in Land Development and Resettlement centers.

   The National Council for Land Reform decided:

1. Lands expropriated under the provisions of Ordinance 57 and/or former French lands located in Land Development and Resettlement Centers will be distributed free of payment up to three hectares to farmers who are cultivating the land. Areas over three hectares must be paid for by recipients as provided in Ordinance 57.

2. To deposit under the "Special Fund for Land Reform" the sale price amount of former French land. This is to compensate for the loss due to the free distribution of expropriated land under Ordinance 57 located in Land Development and Resettlement Centers.

5. To delay collection of the sale price for expropriated land.

   The National Council for Land Reform decided:

- To delay collection of sale price for expropriated land one year more after the last delay has expired.

Note: See circular No. 9277 dated August 23, 1965 authorizing delay for one year.

Appendix E-14

LAND EXPROPRIATED UNDER ORDINANCE 57
(Area in Hectares)

Year	Accumulated Area
1958	101,011
1595	152,671
1960	411,632
1961	422,431
1962	428,445
1963	430,206
1964	435,541
1965	440,676
1966	447,241
1967	451,481
July 1968	452,001

DISTRIBUTION OF EXPROPRIATED LAND UNDER ORDINANCE 57
(Area in Hectares)

Year	Accumulated Area	Accumulated Number of New Owners
1958	21,635	12,337
1959	55,603	28,464
1960	150,503	69,780
1961	243,615	114,149
1962	245,877	115,120
1963	246,166	115,321
1964	246,940	115,594
1965	247,774	115,912
1966	248,092	116,051
1967	266,863*	116,835
July 1968	266,878*	122,741*

* Includes land and owners in Land Development Centers.

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

Appendix E-15

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

Year	Accumulated* Expropri-ated (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	256,940	188,601
1965	440,676	247,774	192,902
1966	447,241	248,092	199,149
1967	451,481	266,863†	184,618
July 1968	452,001	266,878†	185,123

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

† Includes Land Development Centers and lands allocated pending final processing.

Appendix E-16

TABULATION OF EXPROPRIATED LAND BY ORDINANCE NO. 57
(By Province Up to Date July 15, 1968)

Order No.	Province	Area Expropriated and Compensated (ha.)	Area Distributed (ha.)	Area Undistributed	No. of Beneficiaries
1	An Giang	36,593	25,965	10,628	7,950
2	An Xuyen	36,820	19,978	16,842	7,330
3	Ba Xuyen	43,564	22,792	20,772	9,300
4	Bac Lieu	70,501	30,376	40,125	10,542
5	Binh Duong	236	189	47	170
6	Binh Thuan	148	146	2	134
7	Bien Hoa	1,475	751	724	460
8	Chau Doc	11,683	7,372	4,311	4,118
9	Chuong Thien	48,434	21,989	26,445	9,332
10	Dinh Tuong	13,084	8,534	4,550	5,697
11	Gia Dinh	2,952	1,537	1,415	1,007
12	Go Cong	4,285	3,833	452	2,298
13	Hau Nghia	3,282	1,226	2,056	923
14	Kien Giang	40,553	20,710	19,843	8,580
15	Kien Hoa	9,699	5,282	4,417	3,635
16	Kien Phong	32,212	15,952	16,260	5,868
17	Kien Tuong	2,947	580	2,367	121
18	Long An	7,835	5,085	2,750	3,710
19	Phong Dinh	29,828	18,002	11,826	9,326
20	Phuoc Tuy	122	104	18	37
21	Tay Ninh	1,127	1,071	56	645
22	Vinh Binh	33,052	22,976	10,076	13,921
23	Vinh Long	17,265	13,945	3,320	10,165
24	Sa Dec	4,304	2,168	2,136	1,576
	Total	452,001	250,563	201,438	116,845

Note: See Appendix B-11, Status of Expropriated Ordinance 57 and Former French Lands.

Appendix E-17

LAND REFORM: STATUS OF LAND EXPROPRIATED, REDISTRIBUTED, AND COMPENSATED UNDER ORDINANCE 57
1958 TO July 15, 1968

Land Area (ha.)	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	Total as of 7/15/68
Declared for expropriation	--	--	448,709	5,479	2,316	778	--	4,961	--	--	462,243
Expropriated	102,450	107,010	143,589	69,382	6,014	1,761	5,336	5,136	6,564	4,239	452,001
Redistributed	--	37,310	113,192	93,113	2,961	289	75	820	332	2,493	250,585
No. of farmers receiving land	--	28,464	41,316	44,369	1,232	201	12	318	139	784	116,845
Land area compensated	32,064	57,281	116,247	110,294	8,151	65,542	40,508	3,463	8,957	4,479	447,135
No. of landowners compensated	408	305	813	399	--	--	--	21	24	2	1,972
Compensation to Landowners (1000 VN$)											
Cash	19,797	22,558	57,644	59,591	2,804	12,413	8,520	1,907	5,262	2,337	193,363
Bonds (by yr.)	12,795	14,303	33,347	36,516	1,611	4,745	3,685	857	2,679	1,517	112,055
Bonds (12 yrs.)	153,540	171,636	400,164	438,192	19,332	56,940	44,220	10,284	32,148	18,204	1,347,420

Source: Activities of Land Reform Directorate dated July 16, 1968 (unpublished).
Status of Expropriated Ordinance 57 and Former French Lands, Appendix B-11.

Appendix E-18

STATUS OF LAND TITLES AND PAYMENTS WITH RESPECT TO DISTRIBUTED ORDINANCE NO. 57 LANDS
As of October 31, 1965

Provinces	Number of Titles Covering Land Distributed to Recipient	Titles Issued but not Distributed	Titles Distributed to Recipients of Land Distributed	Number of Recipients of Land Who Have Made One or more Payments	Percent of Recipients Making One or more Payments for Land Received
An Giang	7,248	274	6,974	4,365	62
An Xuyen	7,282	3,299	3,983	615	15
Ba Xuyen	9,274	5,441	3,833	3,833	100
Bac Lieu	10,540	5,704	4,836	2,821	58
Bien Hoa	760	53	707	408	57
Binh Duong	170	82	88	35	40
Binh Thuan	133	--	133	125	94
Chau Doc	4,111	19	4,092	1,191	29
Chuong Thien	9,332	6,012	3,320	1,504	45
Dinh Tuong	5,730	501	5,229	2,836	54
Go Cong	2,265	668	1,597	778	48
Gia Dinh	707	186	521	476	91
Kien Giang	8,448	4,410	4,038	3,154	78
Kien Hoa	3,596	317	3,279	1,294	39
Kien Phong	5,866	3,079	2,787	1,804	64
Kien Tuong	28	13	15	15	100
Long An	4,353	2,570	1,783	1,783	100
Phong Dinh	9,429	5,830	3,599	3,028	84
Phuoc Tuy	37	2	35	29	82
Tay Ninh	900	483	417	298	71
Vinh Binh	19,379	11,941	7,438	5,171	69
Vinh Long	6,127	1,979	4,148	3,373	81
Total	115,715	52,863	62,852	38,936*	62

*These people will be given priority in receiving permanent titles.

Source: Directorate of Land Registry, Ministry of Agriculture, Republic of Vietnam.

Appendix E-19

RENT FROM EXPROPRIATED BUT UNDISTRIBUTED ORDINANCE 57 LAND
By Provinces

(Piasters)
($000)

Provinces	As of 12-31-65	1966	Total
An Giang	VN$ 446	--	VN$ 446
An Xuyen	59	--	59
Ba Xuyen	876	VN$ 87	963
Bac Lieu	29	--	29
Chau Doc	33	55	88
Chuong Thien	125	18	143
Kien Giang	641	33	674
Kien Hoa	22	85	107
Kien Phong	102	73	176
Long An	1	--	1
Phong Dinh	1,087	240	1,327
Vinh Binh	3	--	3
Vinh Long	118	20	138
Total	VN$3,542	VN$611	VN$4,154

Note: (1) 60% of rent received goes into the National Budget.
(2) Components may not add to total because of rounding.

Source: Directorate of Land Registry, Ministry of Agriculture Rep. of Vietnam, January 1967.

Appendix F

FORMER FRENCH-OWNED LANDS

Appendix F-1

CONVENTION

ON THE OPERATIONS OF PURCHASING

FRENCH-OWNED RICEFIELDS

The Vice-President NGUYEN-NGOC-THO, representative of the President of the Republic of Vietnam, Chairman of the National Committee of Foreign Aid, on behalf of the Government of Vietnam,

and

His Excellency JEAN PAYART, French Ambassador to Vietnam, on behalf of the Government of the Republic of France,

have agreed as follows:

ARTICLE I. Desiring to contribute to carry out the program of agrarian reform of Vietnam, the Government of the Republic of France undertakes to contribute to expenditures involved by the purchase of ricefields belonging to French landowners and situated in VIETNAM, on the basis of an average price of 8,000 francs an hectare and within the limit of 1,490 million francs.

ARTICLE 2. Operations performed in this respect in conformity with the French Aid will be achieved by competent Vietnamese authorities under their cares, initiative, and diligence, according to conditions determined by the present convention.

ARTICLE 3. Will be subject to the aforesaid purchase, ricefields and eventually properties having had constructions or not, deemed necessary to a good exploitation of domains, belonging in full ownership since a date prior to October 22, 1956, to physical persons or body corporates of French nationality at the signature of the deed of transfer of property.

The determination of the nationality of physical persons will be made in application of the provisions of the Convention on nationality of August 16, 1955.

The French nationality will be recognized to body corporates of private law, corporations or associations, if they fulfill following conditions on January 1, 1957:

1) Have been established under French legislation;

2) Have had at least half:

   a. of associates, managers or administrators of French nationality;

   b. of a corporate capital belonging to French nationals.

As concerns especially capital corporates, the nationality will be determined by reference to the sheet of presence drawn up at the last general assembly held before January 1, 1957.

ARTICLE 4. Operations mentioned in Article 2 will be preceded by a general census of ricefields, classified according to their fiscal categories, belonging to French landowners.

A time-limit of two months will be allowed to interested landowners to afford a declaration to the purpose of asking for the benefit of the provisions of the present Convention.

ARTICLE 5. A special committee of Vietnamese and French members will set up a price tariff for ricefields. This tariff will have two categories of prices set correspondingly to the fiscal classification of land: the first category will relate to undamaged ricefields which have not been subject to any declaration for war indemnities, for war damages or by self-finance duly declared.

The second category will relate to ricefields damaged by war acts and not restored by their landowners.

The same committee will set up prices which will be really applied to each rice cultivator. On the one hand, these prices will result from the application of the scale of theoretical values set up in conformity with the precedent paragraph, and, on the other hand, from the principles fixed by Article 1 above relating to the average price per hectare as well as the maximum of the total expenditure.

The total area of lands, subject to the operation, will be fixed after the expiration of a two months time-limit granted to each French rice cultivator according to provisions of Article 4 above.

Interested landowners will receive notice of the amount of money which will be paid to them. They must, within a time-limit of one month, let know definitely their option for that regime. In the case of rejection of

the proposal or without any declaration of option, the regime of the Ordinance 57 will be applied to them.

Nevertheless, the price granted to landowners will be for the most part equal to the price which would result from theoretical values of the first paragraph of this present article.

If, in application of the above provisions, an available credit is left from the foreordained 1,490 million francs, this credit will be at the disposal of the Government of Vietnam according to clauses to be determined. This available credit will be devoted to the purchase of agricultural implements desired by the Government of Vietnam.

ARTICLE 6. The transfer of property will be proved by a certificate delivered by the Government of Vietnam in conformity with the annex 1 original of which will be conveyed to the Head of the French Mission of Ecomic and Technical AID in Vietnam.

A copy of that certificate will be delivered to the interested rice-cultivator who, to the purpose of getting the amount of money allowed to him, must provide beside that document the following ones:

- a justification of his nationality according to conditions fixed by Article 3 above;
- a duplicate of the declaration of property stipulated in Article 4 and of the definitive declaration of option stipulated in Article 5.

ARTICLE 7. The Government of France will look to the compensation of titles assigned to be paid in cash by the General Treasurer of the Seine which will be delivered to the interested rice cultivator.

ARTICLE 8. Deeds and certificates set up in application of the present Convention, as well as transfers of property to the benefit of the Nation of Vietnam, will be exempted from all stamps and registration taxes, and mostly, from all dues, taxes and fees occasioned by a transfer of an ordinary right.

ARTICLE 9. Transfers of property performed under this present Convention do not imply the transfer of eventual rights that interested rice cultivators may have by virtue of war damages legislation.

Done at Saigon, September 10, 1958

For the Government of Vietnam

NGUYEN-NGOC-THO

For the Government of France

JEAN PAYART

Part of F-1

Vietnamese-French Agreement dated September 10, 1958,
Relating to the Purchase of French-Owned Ricelands

Mr. NGUYEN NGOC THO, Vice President of the Reputlic of Vietnam representative of The President of the Republic, Chairman of the National Committee for Foreign Aid, acting on behalf of the Government of Vietnam,

and

Mr. JEAN PAYART, French Ambassador to Vietnam, acting on behalf of the Government of the Republic of France,

have agreed to the following:

ARTICLE 1. Desiring to contribute to the implementation of the Land Reform Program in Vietnam, the Government of the Republic of France undertakes to contribute to expenditures involved by the purchase of ricefields belonging to French landowners and located in Vietnam, on the basis of an average price of 8,000 francs per hectare and within the limit of 1,490 million francs.

ARTICLE 2. Operations performed in this respect in the framework of the French Aid will be achieved by competent Vietnamese authorities under their care, initiative, and diligence, according to conditions determined by this Agreement.

ARTICLE 3. Subject to the aforementioned purchases will be ricelands and possibly fixed property improvements, constructed or not, deemed necessary for good exploitation of domains, belonging in full ownership since a date prior to October 22, 1956, to physical persons or legal entities having French nationality at the time of signature of the deed for transfer of property.

The determination of the nationality of physical persons will be made in application of the provisions of the Convention on Nationality dated August 16, 1955.

The French nationality will recognize legal entities, corporations or associations, if they fulfilled the following conditions on January 1, 1957:

1. Have been established under French legislation;

2. Have had at least:

   a. One-half of the associates, managers or administrators having French nationality;

   b. One-half of the corporate capital belonging to French nationals.

Particularly with respect to capital corporates, the nationality will be determined by reference to the sheet of presence drawn up at the last general meeting of the assembly held before January 1, 1957.

ARTICLE 4. Operations mentioned in Article 2 will be preceded by a general census of ricefields belonging to French landowners and classified according to their fiscal categories.

A time limit of two months will be allowed to interested landowners to submit a declaration for the purpose of asking for the benefit of the provisions of this Agreement.

ARTICLE 5. A special committee of Vietnamese and French members will determine a price rate for ricefields. This rate will have two categories of prices set correspondingly to the fiscal classification of land: the first category will relate to undamaged ricefields which have not been subjected to any declaration for war indemnities, or to damaged ricefields which have been restored with war-damage indemnities or by self finance duly declared. The second category will relate to ricefields damaged by war acts and not restored by their landowners.

The same committee will determine prices which will be effectively applied to each landowner. On the one hand, these prices will result from the application of the scale of theoretical values set up in conformity with the preceding paragraph, and, on the other hand, from the principles fixed by Article 1 above relating to the average price per hectare as well as to the maximum total expenditure.

The total area of lands, subject to the operation, will be fixed after the expiration of a two-month time limit granted to each French landowner according to provisions of Article 4 above.

Interested landowners will receive notice of the amount of money which will be paid to them. They must, within a time limit of one month, declare their definitive option for that system. In case of rejection of the proposal or in case there is no declaration of option for the Vietnamese-French Agreement, the provisions of Ordinance No. 57 will be applied.

Nevertheless, the price granted to landowners will be at the most equal to the price which would result from theoretical values according to the first paragraph of this Article.

If, in application of the above provisions, available funds are remaining from the aforementioned 1,490 million francs, this money will be at the disposal of the Government of Vietnam according to provisions to be determined. These available funds may be devoted to the purchase of agricultural implements desired by the Government of Vietnam.

ARTICLE 6. The transfer of property will be proved by a certificate delivered by the Government of Vietnam in conformity with annex 1 of which the original, will be conveyed to the Chief of the French Mission of Economic and Technical Aid in Vietnam.

A copy of that certificate will be delivered to the interested landowner who, for the purpose of getting the amount of money allowed to him, must provide the following besides that document:

- A justification of his nationally according to conditions fixed by Article 3 above;
- A duplicate of the declaration of property stipulated in Article 4 and of the definitive declaration of option stipulated in article 5.

ARTICLE 7. The Government of France will look to the compensation of titles which will be delivered to the interested landowner and which will be assigned for payment in Cash by the General Treasurer of the Seine.

ARTICLE 8. Deeds and certificates set up in application of this Agreement, as well as transfers of property to the Government of Vietnam, will be exempted from all stamps and registration taxes, and from most all dues, taxes and fees occasioned by a transfer of a common right.

ARTICLE 9. Transfers of property performed under this Agreement do not imply the transfer of eventual rights that interested landowners may have by virtue of war damages legislation.

Saigon, September 10, 1958

For the Government of Vietnam

NGUYEN NGOC THO

For the Government of France

JEAN PAYART

Appendix F-2

Ministry of Land Affairs
and Land Reform

Arretee No. 293 - BDT/ND dated December 18, 1958, Concerning Establishment in Each Province of a Committee in Charge of a Reclassification of Ricelands Belonging to French Citizens

ARTICLE 1. A Committee is now established in each Province for the purpose of reclassification of ricelands belonging to French citizens.

ARTICLE 2. This Committee is composed of:

• The Province Chief or his representative	Chairman
• The Provincial Chief of the Tax Office	Member
• The Provincial Chief of Land Affairs	Member
• The Provincial Chief of Agricultural	Member
• The Chairman of the Village or Cantonal Agricultural Committee or the Village Agricultural Commissioner	Member
• A representative of landowners having French nationality	Member
• The Chief of the Land Bureau in the Provincial Administrative Office (having no right to vote)	Secretary

ARTICLE 3. The Committee in charge of reclassification of riceland is responsible for:

- Investigation of the present situation of ricelands belonging to French owners, the type of cultivation and the yield per hectare.
- Investigation of land taxes regarding the land during the last three years (1955, 1956, 1957). Were land taxes paid? If yes, at what classification?

ARTICLE 4. The work must be achieved before January 10, 1959.

Saigon, December 18, 1958

S/s DO VAN CONG

Appendix F-3

Ministry of Land Affairs
and Land Reform

Arretee No. 47 - BDT/ND dated March 21, 1959, Concerning Establishment in Each Province of a Committee for Revision of the Classification of Riceland Belonging to French Owners.

ARTICLE 1. A Committee is now established for the purpose of revising the classification of riceland belonging to French owners.

ARTICLE 2. The abovementioned Committee is composed of:

• The Province Chief or his representative (Having power to overrule)	Chairman
• The Provincial Chief of Land Affairs	Member
• Two representatives of landowners having French nationality (listed in the annex of this Arretee)	Member
• The Chief of the Land Bureau in the Provincial Administrative Office (Having no right to vote)	Secretary

The Provincial Chiefs for Tax and Agriculture and the Agricultural Committee may be invited to attend the meeting.

ARTICLE 3. The Committee will begin functioning between April 1, 1959 and April 15, 1959.

Saigon, March 21, 1959

S/s DO VAN CONG

Appendix F-4

Ministry of Land Affairs
and Land Reform

Circular No. 7-BDT/PK/TT dated February 12, 1960, Relating to Posting for Determination of Ownership Rights of French Owned Lands Located in Villages Having Lost "Dia-Bo" (old land registers) or "So Dien-Tho" (new land registers)

From: The Minister of Land Affairs and Land Reform
To: All Province Chiefs, Central and South Vietnam

The Director General of Land Registration and Mapping

The Director of Land Reform

Among those French lands already declared for sale to the Government of Vietnam according to the French-Vietnamese Agreement dated September 10, 1958, there are many lands located in villages where the Dia-Bo (old land registers) or So Dien-Tho (new land registers are lost.

In accordance with Arretee No. 46-BDT/ND and Circular No. 7-BDT/TT dated March 21, 1959, it is necessary to proceed with public posting in order to define the ownership of the subject involved. After this, the definite sale deed can be established.

However, in the particular case of French landlords, they have to produce old deeds or any other documents already registered in the mortgage registers which are the legal property books for Frenchmen.

In order to pseed up the purchase procedures, this Ministry, provisionally, accepts for consideration those documents presented by French landowners and will proceed to establish definite sale deeds with them.

But, to ensure the search for ownership and real estate rights relating to the ricefields located in villages where Land Registers (Dia Bo or So Dien Tho) have been lost or ownership rights have not been established, the public posting is still necessary.

This Ministry will forward to you all notices and annexes attached for posting.

Province Chiefs please instruct all Village Committees that upon receipt of a notice or annex, they must:

1. Immediately post the notice and make 3 copies of a report of the posting. One copy must remain in the village office and two copies are sent to the Provincial Land Service. This Service will forward one copy to the Bureau for Purchase of French Lands at the Ministry.

2. The duration of the posting is three months. After this period, the Village Committee will make a report regarding the closing procedure of the posting in which are reported:

   - Cases free of complaint
   - Cases where complaints have been amicably settled
   - Cases where the complaints have been brought to Court within the period of the posting.

3. In case of complaints, the letters of complaint must be forwarded to the Provincial Land Service in order to be transferred to the Bureau of Purchase of French Lands, but the Land Service must recommend an amicable settlement to the parties. If not, the plaintiff must produce proof that he has brought the case to Court within the period of posting. In case of delay beyond this time and if there is no proof, even though the plaintiff has brought the case to the Court, the complaint will not be considered.

The posting must be done at the office of the village where the land is located, at neighboring village offices, at the Provincial Land Service and the Province and District Office.

Saigon, February 12, 1960

S/s HUYNH HUU NGHIA

Appendix F-5

Ministry of Land Affairs
and Land Reform

Circular No. 009/BDT/HC/TT dated February 22, 1960, Concerning the Management of Lands Purchased from Former French Owners

From: The Minister of Land Affairs and Land Reform
To: All Province Chiefs

Dear Sirs,

Please be informed:

The National Council for Land Reform in its meeting on February 5, 1960, has decided to authorize your offices to temporarily manage the rice fields purchased from French owners until the decision concerning the utilization of these lands has been studied and finalized.

These purchased lands are considered as state-owned lands. On behalf of a representative for state-owned property, you are, each entrusted with the signing of contracts with tenants, supervising the cultivation, and collecting the rents.

The income shall be divided: 60 percent for the National Budget, and 40 percent for the local Provincial/Village budget so as to finance for the expenses on leasing, supervising, and collecting of rents.

The Land Affairs Services shall provide your offices with necessary documents relating to these rice fields.

The establishment of contracts should be accomplished before the coming rainy season.

On the other hand, your attention is requested for the study on the suggestions concerning the actual utilization of the rice fields purchased from French owners which are located in your provinces in accordance with the following directions:

- Establishment of agro-villes
- Allocation to soldiers' families
- Establishment of Land Development Centers

- Establishment of state-managed plantations
- Allocation for sale to farmers in accordance with Ordinance No. 57.
- Allocation for lease to farmers in order to get income for the National Budget.

Respectfully yours,

For THE MINISTER OF LAND AFFAIRS
and LAND REFORM

The Director of Cabinet

S/s NGUYEN XUAN KHUONG

Appendix F-6

Ministry of Land Affairs
and Land Reform

Circular No. 4693-BDT/CCDD/PC dated
May 23, 1960, Relating to the Lands
belonging to French Owners

From: The Minister of Land Affairs and Land Reform
To: All Province Chiefs

Subject: Execution of National Council for Land Reform Decisions

This letter is to inform you of the following decisions taken by the National Council for Land Reform in its meeting of April 26, 1960:

. . . . . .
. . . . . .

6. Regarding those French Owners Who Choose to Comply with Ordinance No. 57 Regulations and Continue to Collect Rent Until the Issuance of New Instructions.

The Council has authorized the French owners who comply with Ordinance No. 57 regulations to continue to collect rent until the issuance of new instructions.

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7. Regarding French Owners Who Do Not Comply with the Vietnamese-French Land Agreement, Requesting to Sell Directly Their Lands to the Actual Tenants.

The Council has authorized the direct sale of lands to tenants provided they furnish sale records conforming to regulations in force and complete definite sale procedures before March 31, 1961.

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. . . . . .

Saigon, May 23, 1960

Signed: HUYNH HUU NGHIA

Appendix F-7

Circular No. 6-BCTNT/DT/CC/TT dated
November 3, 1961, Saigon

From: The Minister of Rural Affairs
To: All Province Chiefs

Dear Sirs:

This Ministry has the pleasure of informing you that:

In its 28th meeting held on August 31, 1961, the National Council for Land Reform debated and made decisions regarding the following subjects:

1. COLLECTION OF RENT ON CULTIVATED FORMER FRENCH LAND WHERE BUYERS ARE UNAVAILABLE

The Council decides to apply the method to be carried out in the collection of rents on former French-owned land of giving temporary management to the provincial authorities. The income from the land will be divided:

- 40 percent to the province
- 60 percent to the Special Land Reform Budget (National)

. . . . . .

. . . . . .

Signed: TRAN LE QUANG

Appendix F-8

Ministry of Rural Affairs

Circular No. 4095-BCTNT dated March 25, 1964, Authorizing French Landlords to Directly Sell Their Ricelands to Tenants and Others

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V. FRENCH LANDLORDS REQUEST FOR DIRECT SALE OF THEIR RICELANDS TO TENANTS PRESENTLY CULTIVATING AND OTHER VIETNAMESE PEOPLE.

According to the currently enforced law, French landlords owning less than 100 hectares of riceland must request prior authorization whenever they want to sell their ricelands. From now on they are authorized by the National Council for Land Reform to sell their ricelands directly to the Vietnamese tenant and other Vietnamese citizens without necessarily requesting preliminary authorization.

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Saigon, March 25, 1967

S/s NGUYEN CONG HAU

Appendix F-9

Ministry of Agriculture

Circular No. 9277-BCN/HCTC.3 dated August 23, 1965, Saigon

From: The Minister of Agriculture
To: Messrs. Province Chiefs of Southern Vietnam, Binh Tuy, Binh Thuan, Ninh Thuan, Phu Yen and Khanh Hoa.

Subject: Execution of the Decisions Made by the National Council for Land Reform at the Meeting Held on July 28, 1965, Relating to the Implementation of Ordinance 57.

Dear Sirs,

This Ministry has the pleasure to inform you of the decisions of the National Council for Land Reform at its meeting of July 28, 1965, pertaining to the following land problems:

. . . . . .
. . . . . .

3. Allocation for Sale of Land Purchased from French Landowners.

Land purchased from the French landlords will be allocated for sale according to procedures similar to those followed with respect to land expropriated under Ordinance 57; first to the tenants who are presently farming it, and after that to other people as stated in Article 12 of Ordinance 57.

The area to be allocated for sale will depend on the locality and the density of population on the plantation (3 hectares maximum of transplanted riceland or 10 hectares maximum of broadcast riceland).

Payment for the land will be made in installments within 12 years. The price of the land will be based on the current yield and calculated in accordance with those prices fixed by the National Council for Land Reform for expropriated land.

Methods of Allocation

Allocation is dependent on the area of the plantation, soil conditions, and farming conditions, the appropriated one of the following methods will be applied:

1) Scattered Small Rice Plantations

   The land will be allocated according to the current situation of squatting farmers; and the only limitation will be when the area exceeds that already stipulated by law.

2) Large Rice Plantations Already Provided with Improved Irrigation Systems.

   The land will be allocated according to a plotting plan to adjust the boundaries and at the same time to group new landowners into agricultural cooperatives so that they will be able to maintain and improve existing structures (canals, dikes, dams).

3) Large Rice Plantations Without Improved Irrigation Systems

   The land will be allocated according to a plotting plan which is designed and determined in accordance with an established plan for improved irrigation systems.

These activities will be carried out concurrently with or after the distribution of land to farmers, depending upon the financial capability and facilities at the disposal of the Directorate of Agricultural Hydraulics.

Procedures of Implemention

The plan will be carried out by the Ministry of Agriculture with the close cooperation of technical services within the Ministry at the national as well as at the local levels.

There shall be established at Saigon a "National Committee for Rehabilitation and Distribution of Former French Rice Plantations" being composed of:

- A Representative of the Minister of Agriculture . . . Chairman
- Director General of Land Affairs . . . . . Commissioner, spokesman and secretary of the committee
- Director General of National Agricultural Credit Organization (NACO) (now Agricultural Development Bank, ADB) . . . . . Commissioner

- Director of Agricultural Hydraulics and Rural Affairs . . . . . Commissioner
- Director of Agricultural Affairs . . . . . Commissioner
- Director of Agricultural Machinery . . . . . Commissioner
- Director of Animal Husbandry . . . . . Commissioner
- Director of Fisheries . . . . . Commissioner

having the responsibilities of:

- Working out policy, plans, and programs for implementation.
- Examining and approving all plans and proposals submitted by local committees.
- Attributing duties and responsibilities to concerned Directorates.
- Managing and controlling local activities.

There shall be established in each province where French land is located, a "Local Committee for Study and Implementation of Programs of French Land Distribution" being composed of:

- Chief of province or his Representative . . . . . Chairman
- Chief of the Provincial Land Affairs Service . . . Secretary and spokesman

Chiefs of Provincial Services of:

- Agricultural Hydraulics — Commissioner
- Agricultural Affairs — Commissioner
- Public Works — Commissioner
- Reconstruction — Commissioner
- Animal Husbandry — Commissioner
- Cooperatives and Agricultural Credit — Commissioner
- Representatives of local villages — Commissioner
- Dignitaries — Commissioner
- Representative of the farmers — Commissioner

having the responsibilities of:

- Studying conditions of rice plantations, proposals for methods of allocation, and establishing programs with orderly priorities.

- Assigning duties and responsibilities to concerned Services which are related to the program during its study as well as its implementation.

- Coordinating Services and following up activities of implementation in order to make reports to the National Committee.

This Ministry respectfully requests Messrs. the Province Chiefs to instruct the responsible organs to execute the aforementioned decisions of the National Council for Land Reform.

Respectfully,

S/s LAM VAN TRI

Appendix F-10

REPUBLIC OR VIETNAM
MINISTRY OF AGRICULTURE
DIRECTORATE GENERAL FOR
LAND AFFAIRS

Saigon, September 22, 1965
No. 68-DD/CC/PP1

CIRCULAR

The Director General for Land Affairs

To: Provincial Land Office Chiefs in Southern Vietnam, and Binh Thuan, Ninh Thuan, Khanh Hoa, Phu Yen Provinces.

Subject: Plan for carrying out distribution of former French land.

Reference: Circular No. 9277-BCN/HCTC. 3 dated August 23, 1965 of the Ministry of Agriculture to the Province Chiefs with copies sent to Provincial Land Office Chiefs attached to transmittal slip No. 10997-DD/CC/PP.1 dated August 23, 1965.

By the referenced Circular, the Ministry of Agriculture has informed all Province Chiefs of the Decisions of the National Council for Land Reform Council regarding the distribution of former French land.

The Directorate General respectfully sends an explanation regarding carrying out the work, as a result of ideas expressed in the conference with Land Office Chiefs held at the Directorate General on August 24, 1965.

Depending on the local security situation and the distribution procedures chosen, Land Office Chiefs please implement the plan according to the following work procedures:

I. PREPARATORY PHASE

1. Education of farmers

Widespread dissemination of government decisions to hamlets and villages by using the following means: communiques, public notices, radio broadcasts, posters, etc., in order that farmers clearly understand their rights and support the program, and to counter VC propaganda.

2. Documentation

The Directorate of Land Reform will send to Provincial Land Office Chiefs a list of former French lands purchased under the Vietnamese-French Agreement and the Offices will recheck local registers, maps and actual administrative boundaries.

Provincial Land Offices will prepare maps of all plantations in the villages that have been surveyed and, according to our idea, will make a list classifying the former French plantations into the following categories for submission to a deliberation committee:

(a) Plantations without need of agricultural improvement work which could be distributed according to present occupancy.

Priority order of these plantations is to be based on farmers' desires and security conditions.

(b) Big plantations having existing agricultural improvement works (water control facilities).

Priority order is to be based on security conditions. Please comment on the status of the water control facilities.

(c) Big plantations without agricultural improvement works (no water control facilities) (over 500 ha.).

Need land improvement works before distribution.

3. Suggestion to Form a Local Committee to Divide the Work and Divide the Responsibility.

The Land Office will suggest the immediate formation of a local committee which should include in its composition representation by farmers and notables.

After that the Provincial Land Office will request a meeting of the committee to examine the proposal of the Land Office. Plantations that can be distributed now will be the responsibility of the Land Office for action. Regarding plantations needing water control facilities, the committee will divide up the work and responsibilities among itself to study and make work plans.

4. Work Plan

The resulting plans of the various specialist sub-committees (irrigation, public works, construction, cooperative, land affairs) will be combined into a general report submitted to the local deliberation committee and sent to the Ministry for review.

5. Execution

After the plans are approved by the Ministry, they will be sent to the local committee who will allot the work and supervise its execution.

II. IMPLEMENTATION PHASE

After the plans have been approved by the Ministry, they shall be carried out in the following order, depending on the distribution procedures chosen:

A. Distribution According to Present Occupancy

There are two kinds:

(a) Small plantations, scattered in the province, having no or not needing water control facilities.

(b) Big plantations having adequate water control facilities, where the occupancy pattern is acceptable and there is no need for reapportioning the land (however, the area occupied by each farmer must not exceed 3 ha. or 5 ha. for transplanted riceland and 10 ha. for broadcast riceland).

Order of processing:

1. Notify farmers of distribution and collect applications: Village Administrative Committee (application forms provided by Directorate General of Land Affairs).

2. Provincial Land Office review applications with regard to area claimed, convene farmers in order to explain the distribution procedures and advise them to reconstruct land boundaries: (District and Village authorities).

3. Check boundaries, monuments, draft sketches, add names of occupants and accurately survey: (Province Land Office or Special Survey teams).

If there is no accurate map, use approximate survey methods.

4. Yield evaluation: (District Committee, as in Ordinance 57).

5. Transmit all files and the yield evaluation report to Ministry (applications, list of applicants, maps).

6. Directorate General makes a technical check, duplicates and reproduces material for the maps, computes sale prices, prepares Minister's arretee, establishes titles and makes list of new owners.

7. Provincial Land Office records in the land register, organizes the delivery of titles to farmers, informs the Provincial Tax Office and Village Administrative Committees.

8. Agencies having the responsibility of financial and technical assistance to help out with the plan: Agriculture Reconstruction, Credit and Cooperative Offices.

B. Big Plantations Having Agricultural Improvement Works.

Big plantations having agricultural improvement works that may be in need of rebuilding or not, but being irrationally formed, have to have boundary adjustment and new reapportionment.

Order of processing:

1. Notification, explanation: (local authorities and Provincial Land Office).

2. Detailed ground surveys for the purpose of studying an agricultural improvement plan: (Provincial Land Office Survey teams).

It is recommended to establish permanent traverse monuments which will serve for future surveys.

3. Census of farmers and tenants, collection of applications: (Village Administrative Committees and Land Reform Cadres).

4. Survey water control facilities and make an improvement proposal: (Hydraulics).

5. Implement the improvement project after approved by the Ministry: (Hydraulics).

If such implementation is delayed for any reason, the Land Office must go ahead without waiting. In order to respect the land distribution schedule the Land Office must carry out the following steps.

6. Ground survey of the present occupancy in order to study new apportionment plan: (Provincial Land Office or Survey Team).

7. Yield evaluation: (District Committee).

8. Establish a project for a new apportionment and reconstruction of the plantation: (Land Affairs, Public Works, Reconstruction).

9. Convene farmers to explain the project and collect their opinions with regard to the project. Ask them to have marks for boundaries marking at the arrival of the survey team.

10. Amend the original apportionment project according to the farmers' suggestions and establish the list of actual occupants and new farmers qualified for the land remaining to be distributed. Submit the whole dossier to the Ministry for approval: (Provincial Land Office).

11. Boundaries marking according to the approved apportionment project: Provincial Land Office, with the presence and assistance of the Village Administrative Committee and local farmers. (A report of the work must be established).

12. Prepare Minister's arretee of land distribution to new owners according to the list forwarded by the Provincial Land Office: (Land Registration Directorate).

13. Using the file forwarded by the Provincial Land Office (see item 10), establish abstract from the arretee granting authority, compute sale price which shall be paid by the farmer, and establish the list of new owners: (Land Reform Directorate).

14. Recording in Land Register and organizing the delivery of titles to farmers: (Provincial Land Office and Local Committee).

15. Guiding farmers in organizing cooperatives or associations for community living and maintenance of agricultural improvements: (Cooperative Agencies or Farmers' Associations).

16. Technical and financial assistance: (Agriculture, Animal Husbandry, Fishery, Agricultural Credit Offices).

C. Big Plantations Having no Agricultural Improvements

Work schedule:

1. Notification, explanation (Local authorities and Provincial Land Office).

2. Detailed topographic survey to study a plan for irrigation project: Provincial Land Office or Survey Teams: Take care to put transverse monuments which will serve for ground survey and further apportionment).

3. Census to tenant farmers which are cultivating the land, collection of applications: (Village Administrative Committee and Land Reform Cadre).

4. Establish irrigation project and price estimate: (Hydraulic and Public Works Office).

5. Survey of occupancy (approximate survey): (Provincial Land Office or Survey Teams).

6. Yield evaluation: (District Committee).

7. Establish apportionment project and reconstruction plan on the Irrigation Plan Map: (Land Affairs, Public Works and Reconstruction).

8. Convene farmers to explain the plan and collect their opinions on the apportionment project. Distribute the remaining land to additional applicants by the lottery method.

9. Amend the apportionment project (if necessary). Establish list of qualified farmers.

Submit the dossier to Local Committee for signature and forward it to the Ministry for approval, including the Irrigation Project: (Provincial Land Office).

10. Implementing the Irrigation Project according to the plan approved by the Ministry: (Hydraulic Office).

11. Carry out the apportionment plan according to the approved project: (Provincial Land Office, Village Administrative Committee and Farmers).

Write report on boundaries marking.

Note: Not to wait. This work can be done before the implementation of the Irrigation Project.

12 to 16. Please refer to Part B above.

Administrative Distribution

The above work plan is to be used in secure areas and in some pilot projects.

However, to gain time and to carry out land distribution in insecure areas, the Ministry of Agriculture authorize a more simplified procedure in order to legalize the ownership of the farmers who are cultivating the land, this according to their own declarations.

The purely technical operations including surveying, mapping and agricultural improvement projects will be carried out later on, when peace is restored and means are available.

The simplified procedure will be carried out in consultation with a Village civilian and administrative committee called "Committee for former French land cultivation census" and composed of:

- Chairman of Village Administrative Committee	Chairman
- Economy and Finance Commissioner	Vice Chairman
- Hamlet Chief (In case there is no hamlet Chief, select an old village-security Notable who knows very well plantation)	Member
- One Notable residing in the village	Member
- Two Representatives of farmers in the plantation	Member
- One Land Office employee	Reporter

This Committee of cultivation census shall be responsible for:

- Examining the situation of the actual farming by each applicant on the land he occupies.
- Reviewing the declarations with regard to boundaries and areas declared.
- Adjusting areas, with the applicants, in accordance with Land Register information.

4. Convene the Committee for checking declarations with regard to name of applicant, boundaries and areas: (Village Cultivation Census Committee).

5. Check on the spot and confirm identity of applicants, cultivation status of the land and field check of boundaries: (Village Cultivation Census Committee. Make a sketch indicating the shape and size and location of the lands if possible: (Land Affairs Office).

6. Yield evaluation: (District Committee).

7. The Cultivation Census Committee finalizes the proposed list of qualified applicants and transmits it to the Provincial Distribution Committee for approval.

8. Provincial Land Office sends the whole dossier of distribution (applications, lists of applicants with sketches, if any) and Yield Evaluation Report to the Directorate General for Land Affairs.

9. Establish Minister's Arretee granting ownership, establish abstract of the land by installments and establish the list of new owners: (Directorate General for Land Affairs).

10. Recording the abstract of Arretee in the Land Register and distribution of titles to farmers: (Provincial Land Office and Provincial authorities).

Technical and financial assistance shall be furnished by local responsible agencies such as agriculture, Agricultural Credit, Cooperatives, Farmers' Associations cooperating together like in the normal procedure.

Above is the outline guidance established by the Directorate General for the work procedure. Please note that although the distribution of land is assigned to a Provincial Committee, the Provincial Land Office Chief, as Secretary and Reporter Member of this Committee, must strongly and actively guide the Committee in order to get the maximum efficiency and in the right way as planned.

Your office must consider local condition of each plantation and local security conditions to propose to the Provincial Committee a very convenient formula to distribute former French land, as fast as possible, according to the short term program of the Government.

Nguyen Van Trinh
Director General, Land Affairs

Appendix F-11

REPUBLIC OF VIETNAM
MINISTRY OF AGRICULTURE
DIRECTORATE GENERAL FOR
LAND AFFAIRS

Saigon, May 20, 1967
No. 22-DD/CC/PP1

CIRCULAR

The Director General for Land Affairs

To: Chiefs of Provincial Land Offices in Southern Vietnam and Khanh Hoa, Phu Yen, Binh Thuan, Ninh Thuan and Binh Tuy Provinces.

Subject: Distribution of former French and Ordinance 57 land.

Reference: Circular No. 68-DD/CC/PP1 dated September 22, 1965
Memo No. 14123-DD/CC/PP2 dated October 27, 1965
Circular No. 2848-DD/CC/PP2 dated March 13, 1967

In the 1967 Land Reform program, this Directorate is particularly emphasizing the two activities of:

1. Distribution of expropriated (Ordinance 57) land not yet allocated.

2. Distribution of former French land.

By the Circulars referenced above, the Directorate General has developed detailed work plans for distribution depending on the size of the plantation land and the local security situation:

1. Distribution with accurate surveys.

2. Administrative distribution with survey later.

The Directorate General recognizes the shortage of personnel, logistic support in your respective Offices and poor security conditions in many localities.

Therefore, in order to complete distribution of the remaining former French and expropriated lands in a short period of time, the Directorate

General has decided, beginning now to apply only the administrative method mentioned above in the two types of land distribution.

The technical part of the work including surveying, reallotment, agricultural improvement, etc., will be carried out after there are enough resources and security is restored.

In order that Provincial Land Offices can implement distribution procedures quickly and accurately, the Directorate General outlines below the necessary order of processing mentioned in previous Circulars cited above.

I. PREPARATORY PHASE

1. Conduct a widespread information campaign extended to hamlets and villages, of the Government decision to sell to the cultivators all former French land and Ordinance 57 land not yet allocated (in cooperation with the Provincial Information Service, the District Office and the Revolutionary Development Cadre Teams).

2. Send to Village Administrative Committees a number of purchase application forms for distribution.

3. Establish at each Village having land to distribute, a Village Cultivation Control Commission whose composition and mission are defined in Circular No. 68-DD/CC/PP1 (in cooperation with the Provincial Administrative Office, District and Village).

4. Prepare lists of tracts to be distributed and parcel maps relative to them (if available).

5. Convene the Village Cultivation Control Commission to explain their duties and the procedures to be followed.

II. ACTION PHASE

1. Post communiques at the Village and Hamlet in which the land is located and at neighboring Villages, in order to inform actual tenants who are cultivating the land and other farmers of the program of land distribution and the time-limit for them to file application (Provincial Land Office prepares communique which has to be signed by the Province Chief).

In the communique, you must specify:

Designation of all tracts to be distributed.

Maximum area to be allocated to each applicant (in order that farmers who are occupying too much land have time to regularize such occupation).

Priority is to be given first to the actual occupant who is cultivating the land.

Application forms are available at the Village Administrative Office and are free of charge.

Time-limit to file application and office in which application must be filed.

2. Request the Village Administrative Committee to convene a meeting of farmers who are cultivating the land stated above, especially the eligible farmers, in which the Province Land Office chief must brief them in person on the formalities for distribution and the sale procedures and answer the farmer's questions.

3. Collect applications, check identity and certify signature of applicants (Village Administrative Committee).

Applications shall be made in duplicate, one filed with the dossier, one filed at Provincial Land Office.

The applicant must be advised to add to the application a sketch and to describe the boundaries of the parcel of land.

4. When the time limit has expired, Provincial Land Office will cooperate with the Village Administrative Committee in reviewing applications and establish a provisory name-list of applicants.

5. Convene the Village Cultivation Control Commission to examine the applications, to verify the declarations and especially to determine if applicants have actually occupied the land and are cultivating it. In case of doubt, the Commission must make a field check.

6. The Village Cultivation Control Commission then makes a list of qualified applicants to be proposed as recipients. This must be made in two parts: one for actual occupants who are cultivating the land and the other for non-occupants who are proposed as recipients of land in excess.

7. Convene the District Committee for evaluating the yield of riceland which is to be distributed.

8. Post, for one month, the list proposed by the Village Cultivation Control Commission, at the Provincial Administrative Office, Provincial Land Office, and Village and Hamlet Offices in which the land is located. An opening report and closing report regarding the posting period must be made (refer to Circular No. 2848-DD/CC/PP/2A dated March 13, 1967).

9. During the posting period, the Village Administrative Committee and the Village Agricultural Committee must try to settle every dispute which may arise. Each settlement must be reported in writing and added to the file.

10. When the posting period is over, convene the Provincial Distribution Committee and submit to it the list of applicants by the Village Distribution Committee with all dossiers regarding disputes which are not yet settled in order that this Committee may decide which farmers shall be qualified or not (because of insufficient justification or the case is in dispute and not yet settled).

11. The Provincial Land Office uses the files which have been approved by the Provincial Distribution Committee to make a list of the recipients and forward it to the Directorate General for Land Affairs with the files.

The Provincial Land Office informs un-qualified applicants so that they can bring their case to the Court.

The dossier forwarded to Directorate General will include:

a. List of applicants with justifications:

- Applications	1 copy
- The report of the Village Cultivation Control Commission already approved by the Provincial Distribution Committee	1 copy
- The list of qualified applicants which were posted	1 copy
- Opening report and closing report on the posting period	1 copy each

b. Report on yield evaluation for each tract of land.

c. Excerpt from the land registers relative to each parcel of land involved.

12. The Directorate General shall check the dossier, compute the sale price for each recipient, prepare the Minister's Arretee for distribution, establish titles and make abstracts of new landowners.

13. The Provincial Land Office shall record information in Land Registers, organize distribution of titles, inform the Provincial Tax Office and the Village Administrative Committees.

14. Because of present conditions and the need to quickly distribute land, technical aspects are set aside for the time being. However, in order that farmers can receive the benefit of other Government programs to increase production, Land Office Chiefs, when distributing large tracts of land, please cooperate closely with the Agriculture, Credit, Cooperative and Irrigation Offices, and Farmers Associations in order to develop plans to help the farmers.

All previous instructions, if not in accordance with the present Circular, are superseded.

Nguyen Van Trinh
Director General for Land Affairs

NXK:KWS:9/21/68

Appendix F-12

Ministry of Agriculture

Circular No. 8379 dated August 12, 1967, Regarding Priority to Veterans and Their Direct Relatives in Purchase of Former French Lands, Free Distribution up to Three Hectares of Former French Lands Located in Land Development and Resettlement Centers, and Depositing of the Collected Amount of the Sale Price From Former French Lands Into a "Special Fund for Land Reform"

From: The Commissioner for Agriculture
To: Chiefs of Province

Subject: Execution of Decisions of the National Council for Land Reform in its Meeting Dated June 30, 1967.

You are informed of the decisions of the National Council for Land Reform in its meeting dated June 30, 1967 concerning the following problems:

1. To Simplify Formalities with Respect to Obligatory Certificates to be Produced for Receiving Checks and Land Reform Bonds and/or Compensation Payment Regarding Expropriated Lands.

To facilitate the heirs of expropriated landlords under regulations of Ordinance No. 57 dated October 22, 1956 to receive checks and Land Reform Bonds and/or compensation payments, the National Council for Land Reform has decided as follows:

- A "heir certificate" established by the district chief with a "genealogical chart" having the signature certified by local authorities may replace the legal title of property established by the Court.

- A "proxy deed" established in the Village Administrative Committee office and certified about the agreed tenor will be valid as a "proxy deed" established by a notary.

- The recording of the "genealogical chart" and of the "proxy deed" in the Register Office for taxation is not obligatory.

- The compensation amount may be apportioned in order to establish separate checks and Land Reform Bonds for each heir according to a legal document for inheritance apportionment or a judicial decision.

2. To Give Priority to Veterans or Relatives of War Dead in Purchasing Expropriated Land or Former French Lands.

To help veterans who suffer great sacrifices for the Nation, the National Council for Land Reform agreed:

a. To classify veterans priority number two in purchasing expropriated land according to Article 12, Ordinance No. 57 dated October 22, 1956.

b. To authorize veterans and direct relatives-wife or husband-of persons killed or wounded in liberation or pacification operations who are purchasing expropriated lands or former French lands to delay payments for the first five years, and to pay in twelve annual installments like other recipients after this term of five years.

3. To Expropriate Land Belonging to Couples Having no "Marriage Act"

In the implementation of the Land Reform Program, the Land Affairs agencies are authorized to use any certificate or document confirming the marriage of a couple as a base for expropriating land. The "marriage act" is not obligatory.

4. To Distribute Expropriated Land or Former French Land Located in Land Development and Resettlement Centers.

The National Council for Land Reform decided:

a. Lands expropriated under the provisions of Ordinance No. 57 and/or former French lands located in Land Development and Resettlement Centers will be distributed free of payment up to three hectares to farmers who are cultivating the land. Areas over three hectares must be paid by recipients as provided in Ordinance No. 57.

b. To deposit under the "Special Fund for Land Reform" the collected amount of the sale price of former French lands. This is to compensate the loss due to the distribution free of payment of expropriated lands under Ordinance No. 57 which are located in Land Development and Resettlement Centers.

5. <u>To Delay Collection of Sale Price Regarding Expropriated Land.</u>

The National Council for Land Reform decided:

To delay collection of money for sale of expropriated land for one more year after the last delay has expired.*

Saigon, August 12, 1967

S/s LAM VAN TRI

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* See Circular No. 9277 dated August 23, 1965 authorizing a delay for one year.

Appendix F-13

REPUBLIC OF VIETNAM
MINISTRY OF LAND REFORM
AND AGRICULTURE

TRANSLATION

Circular No. 2295 BCC DDCN/UCTC/3 concerning the distribution of former French land to tenant farmers and the application of rental payments towards the purchase price of the land, March 20, 1968

Minister for Land Reform and Agriculture
to
All Chiefs of Province in South Vietnam
Chiefs of Province of Binh Thuan, Ninh Thuan, Khanh Hoa and Phu Yen in C.V.N.

CIRCULAR

Subject: Land rent deposited by tenant farmers who have presented application for former French land purchase

Implementing the "Land-to-the-Tiller" program, the Government has decided to distribute former French land purchased under October 9, 1958's Convention to farmers who are now cultivating the land. The distribution is to be carried out under the provisions of Ordinance 57.

We realize that from the date of the application for land purchase to the date of receiving ownership title, the recipient farmer has to wait for a long length of time because of administrative and technical procedures. During this length of time if farmers continue to pay land rent of which the amount may be equal or higher than the annual installment they have to pay for land purchase, it will be an inequity compared to farmers purchasing expropriated land under Ordinance 57.

We have decided that farmers, who actually are now cultivating former French land, and who make application for land purchase, shall not pay land rent from the date of the application. The amount of land rent with respect to this harvest season, converted into cash at the official price of rice, shall be considered as an advance payment for land purchase.

Regarding the farmers who cannot qualify as recipients because of lack of qualifications this amount of advance payment shall be considered as land rent for the harvest season concerned.

The collection of this amount of advance payment, like the collection of annual installment, shall be under the responsibility of the village administrative committee according to the procedures determined for the collection of annual payments for expropriated land.

The Commissioner for Finance in charge of collection shall deliver a receipt when he receives the money and he must record the payment in the Fund Book. When he has collected ten thousand piasters, the Commissioner for Finance shall draw up a list of recipients having paid annual installments and forward it to the Provincial Land Officer who shall make a draft for "Order of Collection" for deposit in the Treasury.

The Chief of Province will have to sign this "Order of Collection." At the same time the Chief of Province shall issue an "Order of Payment" to the Village Commissioner in the amount of one percent of the collected amount to reward him for his service.

The Director General for Land Affairs shall furnish the Chief of Province the books which shall be used in this matter of collection, which shall be carried out in accordance with the directives of the Provincial Land Officer.

Please make general distribution of this decision to all farmers and please inform the agencies under your responsibility to carry out this Circular.

/s/ Ton That Trinh

Copy to:
Cabinet of Prime Minister
(1 Report)
Minister of Interior
(Information)
Other Chief of Province
(Information)
Director General of Land Affairs
(For Implementation)

Appendix F-14

REPUBLIC OF VIETNAM
MINISTRY FOR LAND REFORM
AND AGRICULTURE

Saigon, April 15, 1968
No: 2366-BCCDDCN/KH/HC

VERY URGENT

Minister for Land Reform and Agriculture
to
Province Chiefs in Southern Vietnam
(except Angiang)
Province Chiefs of Binh Thuan, Ninh Thuan,
Phy-Yen
Mayor of Cam Ranh

Subject: Collection of rent on former French land, for the harvest season 1967-1968.

Reference: Circular No. 2295/BCCDDCN/HCTC.3 dated March 20, 1968.

Dear Sir:

By the Circular referenced above, this Ministry has requested your good office to disseminate our decision that farmers cultivating former French land shall not have to pay rent from the date of application for purchase.

Before this Circular was issued, some provinces have already collected rent and probably there were promises of commission to the collector.

May I request you to instruct those Village Committees having collected such rents to report immediately the amount already collected to date, for the 1967-1968 harvest season. Your Office will report as soon as possible the total amount your province has collected and the rate of commission you have fixed for the money collectors. Then, my Ministry will inform you of the procedure for liquidating the commissions paid.

Regarding rent not yet collected, please continue to collect, but the said amount will be considered as advance money for land purchase in accordance with the provisions included in the referenced Circular and Circular No. 2532 - DD/CC/PP2 dated March 29, 1968 of the Directorate General for Land Affairs forwarded to Provincial Land Offices with copies to the Provincial Administrative Authorities.

TON THAT TRINH

Appendix F-15

FRENCH LAND

Ordinance 57 of October 22, 1956, fixes the Land Reform program which applies to all privately own riceland.

Article 6 of this Ordinance states: "In the application of this Ordinance, no distinction between individuals and legal entities and between Vietnamese citizens and aliens is made."

However, according to the Agreement of September 10, 1958 between the Vietnamese and French Governments; the French Government granted to the Vietnamese Government a fund of 1,490 million Old Francs to assist this Government in the implementation of the Land Reform program by purchasing the French-owned lands in Vietnam.

Most of the French-owned lands are big plantations directly developed by the owners with mechanical and hydraulic systems; therefore the allotment of land for sale to the farmers could hardly be done immediately. Moreover, at first the authorities at that time intended to give these lands to the villages to use as Communal Lands, and it was thus assigned to the General Commissariat for Land Development for direct farming.

However, after a few years of direct farming and having large losses, the lands were then divided up and rented to farmers for cultivation. The Province Chiefs' Offices were temporarily authorized to sign contracts with tenants, manage and control the development and rents. 60 percent of the income is given to the Special Land Reform Fund; 40 percent is given to the Provincial/Village Budget to cover the expenses in the renting, controlling and collecting of rents.

It was realized that renting the French 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.

Besides, the purchase of French lands lies in the framework of the Land Reform program, so these lands should be made available for sale to farmers according to the provisions of the Ordinance 57, October 22, 1956.

The subject was, therefore, brought up for discussion at the National Council for Land Reform in its meeting on July 28, 1965.

The Land Reform Council has approved in principle the suggestion of the Ministry of Agriculture for the selling of all the French ricelands to the farming tenants according to the expropriated land procedures of Ordinance 57, and the Ministry of Agriculture is assigned the responsibility for the establishment of projects and plans for the implementation.

The rice plantations of small size are to be distributed according to the current situation of squatting farmers; however, the maximum area allowed is limited to 3 to 5 hectares.

The large rice plantations with improved irrigation systems are to be distributed according to a plotting plan to adjust the boundaries and to group new landowners into agricultural cooperatives, so that they will be able to maintain and improve existing structures such as canals, dikes and dams.

The large rice plantations without improved irrigation systems are to be distributed according to a plotting plan which is laid out and determined in accordance with an established plan of improved irrigation and farming which will be done concurrently with or after the distribution of land to farmers, depending upon the financial capability and resources.

Summary by Director of Land Reform
April 1967

Appendix F-16

PRICES* OF DIFFERENT GRADES OF FORMER FRENCH RICELANDS
(As of August 19, 1959)
(Francs)

First Grade	
Special category	17,365
1st class	11,531
2e class	6,861
3e class	4,324
4e class	2,883
5e class	1,785
Not classified	1,098
Second Grade	
Special category	15,580
1st class	10,433
2e class	6,177
3e class	3,912
4e class	2,608
5e class	1,647
Not classified	961
Low Grade (charged with toxic elements)	
Special category	13,865
1st class	9,266
2e class	5,491
3e class	3,432
4e class	2,334
5e class	1,441
Not classified	824

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* Determined through the joint cooperation of:

Roger Kleinpeter Chief of Mission, USAID/VN, Economic/Technical Assistance	and	Do Van Cong, Minister of Land Reform, Republic of Vietnam

Source: Directorate Land Registry, Ministry of Land Reform, Republic of Vietnam.

Appendix F-17

FRENCH LANDS PURCHASED AND EXPROPRIATED UNDER ORDINANCE 57 - DISTRIBUTED AND UNDISTRIBUTED*
(Hectares)

French lands purchased under French-Vietnamese Convention of September 10, 1958	229,540
French lands expropriated under Ordinance 57	10,648
Total French lands acquired by GVN	240,188

* Directorate of Land Reform: Land Statistics Concerning the Agrarian Reform in the Republic of Vietnam, September 1968.

Appendix F-18

RENT FROM LAND FORMERLY FRENCH
(Piasters)
($000)

Provinces	Collected up to 12-31-65	1966	Total
An Giang	VN$ 7,975	VN$ 78	VN$ 8,053
An Xuyen	503	22	526
Ba Xuyen	10,929	1,925	12,854
Bac Lieu	158	122	279
Bien Hoa	6	--	6
Binh Duong	119	--	119
Binh Thuan	9	10	19
Chau Doc	140	281	421
Chuong Thien	564	79	643
Dinh Tuong	1,254	23	1,277
Gia Dinh	342	109	451
Hau Nghia	19	32	51
Khanh Hoa	15	--	15
Kien Giang	1,135	77	1,212
Kien Hoa	440	84	523
Kien Tuong	56	20	76
Kien Phong	829	553	1,382
Long An	4	15	19
Ninh Thuan	6,086	2,708	8,794
Phong Dinh	6,729	1,337	8,066
Phu Yen	131	--	131
Phuoc Tuy	18	--	18
Tay Ninh	24	126	150
Vinh Binh	1,599	--	1,599
Vinh Long	1,451	240	1,691
Total	VN$40,534	VN$7,841	VN$48,375

Note: (1) 60% of rent received goes into the National Budget.
(2) Components may not add to total because of rounding.

Source: Directorate of Land Registry, Ministry of Agriculture, Rep. of Vietnam.

Appendix F-19

DISTRIBUTION OF FORMER FRENCH LANDS
(BY SELECTED PROVINCES)

Provinces	Area Purchased by GVN	1966 Area (ha.)	1966 No. of Farmers	1967* Area (ha.)	1967* No. of Farmers	1968† Area (ha.)	1968† No. of Farmers
An Giang	7,708					2,913	222
An Xuyen	23,444	279	119			279	119
Ba Xuyen	36,427					87	126
Bac Lieu	29,984	260	159	92	95	352	154
Bien Hoa	80			7	2	7	2
Binh Duong	73						
Binh Tuy	74						
Binh Thuan	168			12	17	12	17
Chau Doc	6,384					209	86
Chuong Thien	30,399						
Dinh Tuong	7,288	497	95			497	95
Gia Dinh	1,635						
Hau Nghia	461						
Khanh Hoa	63						
Kien Giang	15,900						
Kien Hoa	21,161						
Kien Phong	12,029						
Kien Tuong	8,376						
Long An	693						
Long Khanh	10						
Ninh Thuan	3,545	929	668	968	581	1,719	1,149
Phong Dinh	31,748					2,850	618
Phu Yen	628						
Phuoc Tuy	128						
Sa Dec	2,401	874	448	58	63	932	511
Tay Ninh	144	68	65			68	65
Vinh Binh	4,764	358	231			358	231
Vinh Long	2,544	320	295	47	45	367	340
Total	229,259	3,585	2,080	1,184	803	10,650	3,635

* As of July 15, 1967.
† As of June 15, 1968.

Source: Appendix B-11, Status of Expropriated Ordinance 57 and Former French Lands.

Appendix F-20

List of French-Owned Lands Sold to the Government of Vietnam
Breakdown by Province
(As of December 31, 1965)

Province District/Canton/Village	Hectares	Total
AN-GIANG (LONG XUYEN)		
Chau-Thanh		
Dinh-Phuoc		
Vinh-Chanh		1,935
Huc-Duc		
Dinh-Phu		
Phu-Nuhan	164	
Thoai-Son	229	
Vinh-Phu	69	
Vong-The	841	1,303
Thot-Not		
Dinh-Phu		
Thanh-My	5,813	
Thanh-Hoa		
Trung-An (Hamlet)	248	
Trung-Nhut (Hamlet)	287	
Thanh-Quoi	3,118	
Vinh-Trinh	171	
Dinh-My	476	10,113
Total		13,351
CHAU-DOC		
An-Phu		
An-Phu		
Da-Phuoc	5	5
Chau-Phu		
Chau-Phu		
Chau-Phu	20	
My-Duc	48	
Vinh-Nguon	173	
Vinh-Te	137	
Tong An-Luong		
Hiep-Xuong	515	
Khanh-Hoa	1	
Vinh-Thanh-Trung	170	1,064

Province District/Canton/Village	Hectares	Total
CHAU-DOC		
Tri-Ton		
Thanh-Le		
Co-To	4,453	
Don-hau		
Tri-Ton	561	
Thanh-Y		
Tu-Te	58	
Vinh-Trung	115	
Ta-danh	104	
Phu-vinh	25	5,315
Total		6,384
AN-XUYEN		
Cai-Nuoc		
Hung-My	1,626	
Phu-My	985	
Tan-Hung	598	
Tan-hung-Dong	1,723	
Thuan-Hung	1,131	
Tan-hun-Tay	477	6,540
Dam-Doi		
Tan-an	489	
Tan-Duyet	5,554	
Tan-Thuan	300	6,343
Quan-Long		
Dinh-Thanh	89	
Tan-Uyen	455	545
Song Ong Doc		
Khanh-Binh-Dong	1,785	
Khanh-Binh Tay	297	
Phong-Lac	183	2,265
Thoi-Binh		
Khanh-An	539	
Khanh-Lam	748	
Tan-Phu	3,712	
Thoi-Binh	2,752	7,751
Total		23,445

Province District/Canton/Village	Hectares	Total
BAXUYEN (SOC-TRANG)		
Ke-Sach		
Dinh-Khanh		
An-lac-Tay	19	
Dai-Hai	2,945	
Ke-An	433	
Nhon-My	20	
Thoi-An-Hoi	23	
Dinh-Tuong		
Ba-Trinh	382	
Xuan-Hoa	14	3,836
Long-Phu		
Dinh-Hoa		
An-Thanh-Nhut	103	
Dai-Ngai	44	
Long-Duc	172	
Phu-Huu	181	
Song-Phung	26	
Truong-Khanh	190	
Hau-Thanh	49	
Dinh-My		
An-Thanh-Nhi	683	
Dai-An	990	
Long-Phu	829	
Tan-Hung	8	
Tan-Thanh	40	
Dinh-Phuoc		
Lich-Hoi-Thuong	54	
Lieu-Tu	628	
Trung-Binh	182	
Vien-An	299	4,477
My-Xuyen		
Nhien-Hoa		
Hoa-Tu	3,700	
Phu-My	15	
Thanh-Phu	1	
Nhien-Khanh		
Khanh-Hung	45	
My-Xuyen	7	
Nhien-Khanh		
Tai-Van	41	
Thanh-Thoi-An	1,289	5,098

Province District/Canton/Village	Hectares	Total
BAXUYEN (SOC TRANG) (cont.)		
Thuan-Hoa		
Thuan-My		
An-Ninh	131	
Phu-Tam	68	
Thuan-Hoa	761	
Thuan-Phu		
Long-Hung	415	
My-Huong	126	
My-Phuoc	1,651	
My-Thuan	428	3,579
Thanh-Tri		
Thanh-An		
Chau-Hung	1,810	
Chau-Thoi	1,056	
Gia-Hoa	461	
Thanh-Kiet	530	
Thanh-Tri	2,110	
Thanh-Loc		
My-Quoi	2,876	
Tan-Long	3,942	
Tuan-Tuc	2,986	
Vinh-Loi	3,636	
Vinh-Quoi	31	
Phong-Thanh-Tay	223	19,661
Total		36,651
BAXUYEN (BAC-LIEU)		
Vinh-Loi		
Thanh-Hoa		
Hoa-Binh	733	
Hung-Hoi	303	
Long-Thanh	110	
Vinh-Loi	66	1,211
Gia-Rai		
Long Thuy		
An-Trach	4,113	
Long-Dien	5,924	
Phong-Thanh	4,792	
Vinh-Hung	71	
Vinh-My	2,038	
-	773	17,711

Province District/Canton/Village	Hectares	Total
BAXUYEN (BAC-LIEU)		
Phuoc-Long		
Thanh-Binh		
Phuoc-Long	750	
Vinh-Phu	4,320	
Thanh-Yen		
Ninh-Thanh-Loi	948	
Phong-Thanh-Tay	2,513	8,530
Vinh-Chau		
Thanh-Hung		
Khanh-Hoa	2,049	
Vinh-Phuoc	262	2,310
Total		29,762
BIEN-HOA		
Cong-Thanh		
Thanh-Phong		
Tan-Dinh	10	
Duc-Tu		
Phuoc-Vinh-Trung		
Tan-Phong	3	
Long-Thanh		
Thanh-Tuy-Thuong		
Phuoc-Loc	30	
Nhon-Trach		
Thanh-Tuy-Ha		
Dai-Phuoc	10	
Thanh-Tuy-Trung		
Phuoc-Thien	19	
Quang-Xuyen		
An-Thoi-Dong	595	
Ly-Nhon	454	
Can-Gio		
Long-Thanh	9	
Phuoc-Loc-Cu	9	
Total		1,139

Province District/Canton/Village	Hectares	Total
BINH-DUONG		
Chau-Thanh		
Binh-Dien		
Phu-Chanh	5	
Ben-Cat		
Binh-Hung		
Chanh-Phu-Hoa	7	
Hoa-Loi	5	
Total		17
BIHN-TUY		
Ham-Tan		
Tan-Hiep	74	
Total		74
CHUONG-THIEN		
Duc-Long		
An-Ninh		
Hoa-An	108	
Hoa-Hung	3,931	
Hoa-Thuan	1,090	
Hoa-Luu	997	
Vi-Thanh	1,841	
Ti-Thuy	3,994	
Vinh-Thuan-Bong	76	
Vinh-Tuong	619	12,656
Kien-Hung		
Kien-Dinh		
Dinh-Hoa	40	
Vinh-Tuy	3,007	3,047
Kien-Long		
Vinh-Binh	413	
Vinh-Phong	4,251	
Vinh-Thuan	2,446	7,110

Province District/Canton/Village	Hectares	Total
CHUONG-THIEN		
Kien-Thien		
Thien-Hanh		
Loc-Ninh	336	
Ninh-Hoa	1,090	
Ninh-Quoi	332	
Vinh-Loc	918	
Trach-Thien		
Luong-Tam	686	
Vinh-Vien	1,526	4,889
Long-My		
Binh-Dinh		
Long-Tri	0	
Phuong-Binh	965	
Phuong-Phy	1,168	
Thanh-Tuyen		
Thuan-Hung	538	2,671
Total		30,373
DINH-TUONG		
Ben-Tranh		
Hung-Nhon		
Tan-Hiep	26	
Tan-Ly-Dong	66	
Than-Cuu-Nghia	8	100
Giao-Duc		
An-Phu		
My-Duc-Tay	540	
My-Loi	1,469	2,008
Khiem-Ich		
Loi-Hoa		
Ngu-Hiep	810	
Loi-Trinh		
Binh-Phu	117	
My-Hanh-Dong	695	
My-Hanh-Trung	90	
My-Phuoc-Tay	102	
Phu-Nhuan-Dong	48	
Tan-Hoi	7	

Province District/Canton/Village	Hectares	Total
DINH-TUONG		
Khiem-Ich		
Tan-Phu-Dong	9	
Thanh-Hoa	30	
Thanh-Phu	7	1,915
Long-Dinh		
Thuan-Binh		
Hung-Thanh-My	1,586	
Long-Dinh	360	
Thuan-Tri		
Thanh-Phu	394	2,340
Sung-Hieu (Cai-Be)		
Loi-Thuan		
Hiep-Duc	2	
Hoi-Cu	131	
My-Thanh	646	
Phu-An	104	
Phong-Hoa		
Hay-My	835	
My-Thien	458	2,176
Ho-so 373 Nghi-dinh mua so 151/BCTNT/ND/HCTC ngay 6.4.65		
An-Thoi-Dong	4	
An-Thoi-Trung	62	66
Total		8,606
GIA-DINH		
Hoc-Mon		
Long-Binh		
Tan-Thoi-Nhi	63	63
Thu-Duc		
An-Ninh		
Phu-Huu	119	
Binh-Trung	77	
Long-Vinh-Ha		
Long-Truong	5	
Long-Phuoc-Thon	71	271

Province District/Canton/Village	Hectares	Total
GIA-DINH		
Nha-Be		
Binh-Tri-Ha		
Long-Duc	61	
Phu-My-Tay	191	252
Total		587
HAU-NGHIA		
Phuc-Hoa		
Tan-Phu-Trung	437	
Binh-Hoa	115	
Duc-Hoa	25	
Total		577
KIEN-GIANG		
Kien-An		
Dong-Thai	768	
Tay-Yen	123	891
Kien-Binh		
Long-Thanh	13	
Ngoc-Chuc	3,749	
Thanh-Hoa	483	
Thanh-Hung	49	
Thoi-An	335	
Vinh-Thanh	47	4,677
Kien-Luong		
Binh-Tri	427	
Duong-Hoa	335	762
Kien-Tan		
Mong-Tho	2,675	
Tan-Hiep	2,029	
Tan-Hoi	1,111	
Thanh-Dong	1,671	7,486

Province District/Canton/Village	Hectares	Total
KIEN-GIANG		
Kien-Thanh		
Soc-Soc	293	
My-Lam	1,789	
Phi-Thong	2	2,084
Total		15,901
KIEN-HOA		
Ba-Tri		
Bao-Thuan		
My-Chanh-Hoa	174	174
Binh-Dai		
Hoa-Thinh		
Binh-Dai	805	805
Giong-Trom		
Bao-Loc		
Chay-Binh	61	
Bao-Phuoc		
Hiep-Hung	215	
Tan-Hung	116	
Bao-Thanh		
Thuan-Dien	21	413
Ham-Long		
Bao-Ngai		
An-Hiep	94	
Thanh-Trieu	127	221
Thanh-Phu		
Minh-Tri		
An-Thanh	56	
Thanh-Phu	180	236
Truc-Giang		
Bao-Huu		
Phuoc-Long	27	
Thanh-Phu-Dong	236	262
Ho-So So 4444		
Binh-Dai	50	50
Total		2,162

Province District/Canton/Village	Hectares	Total
KIEN-PHONG		
Cao-Lanh		
An-Thin		
Thien-My (Nhi-My)	3,529	
Phong-Thanh		
Phong-My	386	3,915
Hong-Ngu		
Hong-Phuoc		
Tan-Thanh	905	905
Kien-Van		
Bao-Dien		
Long-Hiep	775	
Phong-Nam		
My-Hoi	133	
My-Tho	781	1,689
My-An		
My-Duc		
My-An	3,658	
My-Quoi	90	3,748
Ho-so 61		
Nhi-My	495	495
Ho-so 321 bis		
Nhi-My	300	300
Total		11,051
KIEN-TUONG		
Chau-Thanh		
Loo-Hoa-Ha		
Tan-lap	385	
Loc-Hoa-Thuong		
Binh-Hiep	742	
Binh-Hoa-Thon	576	1,702
Kien-Binh		
Kien-Binh-Tay		
Nhon-Ninh	6,074	6,074

Province District/Canton/Village	Hectares	Total
KIEN-TUONG		
Tuyen-Binh		
Tuyen-Binh-Thuong		
Hung-Dien	590	
Vinh-Thanh	11	601
Total		8,377
LONG-AN		
Binh-Phuoc		
Thanh-Muc-Ha		
Thuan-My	14	14
Thanh-Duc		
Duong-Hoa-Ha		
Hiep-Phuoc	184	
Phuoc-Lai	31	215
Thu-Thua		
Cuu-Cu-Thuong		
Binh-Thanh	464	
Duc-Hoa	25	489
Total		718
LONG-KHANH		
Xuan-Loc		
Binh-Lam-Ha		
Gia-Rai	10	10
Total		10
PHONG-DINH		
Chau-Thanh		
Dinh-An		
Dong-Phu	236	
Giai-Xuan	47	

Province District/Canton/Village	Hectares	Total
PHONG-DINH		
Long-Tuyen	189	
Phu-Huu	262	
Phu-Thu	12	
Tan-An	45	
Dinh-Bao		
My-Khanh	24	
Nhon-Ai	64	
Nhon-Nghia	119	
Thanh-An	28	
Thuong-Thanh	3	
Thuong-Thanh-Dong	17	1,044
Thuan-Nhon		
Phong-Da		
Tan-Binh	817	
Tan-Hoa	3,727	
Thanh-Hoa	28	
Truong-Long	1,877	6,448
Thuan-Trung		
Phong-Thuan		
Thoi-Dong	1,931	
Thoi-Lai	5,740	7,671
Phong-Phu		
Dinh-Thoi		
Phuoc-Thoi	171	
Tan-Thoi	211	
Toi-An-Dong	150	
Thoi-Long	51	
Thoi-Bao		
Binh-An	33	
Thoi-Thanh	626	
Truong-Thanh	2,461	3,703
Phung-Hiep		
Dinh-Hoa		
Dong-Phuoc	465	
Long-Thanh	683	
Dinh-Phuoc		
Hiep-Hung	1,147	
Hoa-My	2,453	
Phung-Hiep	606	
Tan-Phuoc-Hung	1,070	6,425
Total		25,290

Province District/Canton/Village	Hectares	Total
PHUOC-TUY		
Dat-Do		
Phuoc-Hung-Thuong		
Long-My	1	1
Long-Dien		
An-Phu-Thuong		
Phuoc-Tinh	6	6
Long-Le		
An-Phu-Ha		
Long-Phuoc	6	
An-Phu-Tan		
Phu-My	35	
Phuoc-Hoa	22	63
Xuyen-Moc		
Nhon-Xuong		
Nhu-Lam	2	
Phuoc-Buu	48	50
Total		120
TAY-NINH		
Hieu-Thien		
My-Ninh		
Phuoc-Chi	31	31
Phuoc-Ninh		
Hoa-Binh		
Hoa-Hoi	29	
Truong-Hoa	79	
Ninh-Thanh	6	116
Total		145
VINH-BINH		
Cang-Long		
Binh-Khanh-Thuong		
An-Truong	200	
Huyen-Hoi	147	

Province District/Canton/Village	Hectares	Total
VINH-BINH		
Tan-An	346	
Binh-Phuoc		
Dai-Phuoc	77	
Phuong-Thanh	78	848
Cau-Ke		
Tuan-Giac		
Chau-Dien	39	
Hoa-Nghia		
Phong-Thanh	118	
Thanh-Phu	590	
Thong-Hoa	422	1,169
Chau-Thanh		
Tra-Nhieu		
Da-Loc	62	
Tra-Phu		
Luong-Hoa	77	
Song-Loc	594	
Thanh-My	496	1,229
Long-Toan		
Vinh-Tri		
Long-Vinh	50	50
Tieu-Can		
Ngai-Thanh		
Tap-Ngai	314	
Tieu-Can	73	
Hieu-Tu	10	398
Tra-Cu		
Ngai-Hoa-Thuong		
An-Quang-Huu	44	
Ngai-Xuyen	42	
Tap-Son	40	
Ngai-Hoa-Trung		
Don-Chau	36	
Long-Hiep	771	
Phuoc-Hung	50	
Thanh-Hoa-Thuong		
Ham-Giang	51	1,034

Province District/Canton/Village	Hectares	Total
VINH-BINH		
Tra-On		
Binh-Thoi		
Thoi-Hoa	8	
Xuan-Hiep	1	
Thanh-Tri		
Thuan-Thoi	267	
Tich-Thien	44	
Tra-Con	73	
Vinh-Xuan	224	
Huu-Thanh	210	826
Vung-Liem		
Binh-Hieu		
Hieu-Thanh	345	
Quoi-An	32	
Tap-Ngai	19	396
Total		5,950
VINH-LONG		
Binh-Minh		
An-Ninh		
Thanh-Loi	71	71
Chau-Thanh		
Binh-An		
Loc-Hoa	33	
Phu-Quoi	200	
Tan-Hanh	12	
Binh-Long		
Tan-Hoa	141	
Tan-Ngai	63	
Phuoc-An		
An-Duc	92	540
Duc-Thanh		
An-Khuong		
Phong-Hoa	282	
Tan-Hoa-Binh	21	
Tien-Nghia		
Hoa-Long	37	
Long-Thanh	1,098	

Province District/Canton/Village	Hectares	Total
VINH-LONG		
Ti-Thien		
Long-Hau	33	
Tan-Phuoc	4	
Tan-Thanh	6	1,482
Duc-Ton		
An-My-Dong		
An-Khanh	295	
Phu-Huu	16	
An-My-Tay		
Hoa-Tan	102	
Phu-Long	73	
Tan-Nhuan-Dong	3	490
Minh-Duc		
Binh-Thien		
Hoa-Hiep	13	
Thanh-Thien		
An-Phuoc	21	
Nhon-Phu	18	51
Sa-Dec		
An-Thanh		
My-An-Hung	36	
Tan-An-Trung	9	
Tan-Khanh	15	
Tan-My	27	
An-Thoi		
Tan-Duong	10	
An-Trung (khong tong)		
Tan-Vinh-Hoa	21	
Tan-Phu-Trung	347	466
Tam-Binh		
Binh-Dinh		
Binh-Ninh	122	
Loan-My	10	
Ngai-Tu	230	
Binh-Phu		
My-Loc	2	
Song-Phu	152	
Binh-Thuan		
Hau-Loc	0	
My-Thanh-Trung	148	
Tuong-Loc	14	677
Total		3,777

Province District/Canton/Village	Hectares	Total
BINH-THUAN		
Ham-Thuan		
Phu-Hoi	75	
Phu-Lam	13	
Phu-Xuan	80	
Total		169
KHANH-HOA		
Cam-Lam		
Tra-Long	63	63
NINH-THUAN		
Buu-Son		
Cong-Thanh	7	
Cha-Vum	10	
My-Thanh	14	
Phu-Thanh	292	
Tan-My	163	
My-Son	539	
An-Son	461	
Tan-Son	1,255	
Tri-Phuoc	782	3,523
Thanh-Hai		
Phuoc-Tien	14	
Phan-Rang	9	23
Total		3,546
PHU-YEN		
Hieu-Xuong		
Hoa-My	90	
Hoa-Phong	539	
Total		629

Note: Components may not add to total because of rounding.
Source: Directorate of Land Reform.

Appendix F-21

FRENCH-OWNED LANDS SOLD TO G.V.N.

(By Province-Situation up to 15 July 1968)

Provinces	Area Purchased (ha.)	Area Distributed*	Number of new Landlords
1. An Giang	7,708	2,913	222
2. An Xuyen	23,444	279	119
3. Ba Xuyen	36,427	87	26
4. Bac Lieu	29,984	352	154
5. Bien Hoa	80	7	2
6. Binh Duong	73	--	--
7. Binh Tuy	74	--	--
8. Binh Thuan	168	12	17
9. Chau Doc	6,384	209	86
10. Chuong Thien	30,399	--	--
11. Dinh Tuong	7,288	497	95
12. Gia Dinh	1,635	--	--
13. Hau Nghia	461	--	--
14. Khanh Hoa	63	--	--
15. Kien Giang	15,900	--	--
16. Kien Hoa	2,161	--	--
17. Kien Phong	12,029	--	--
18. Kien Tuong	8,376	--	--
19. Long An	693	--	--
20. Long Khanh	10	--	--
21. Ninh Thuan	3,545	1,719	1,149
22. Phong Dinh	31,748	2,850	618
23. Phu Yen	628	--	--
24. Phuoc Tuy	128	--	--
25. Sa Dec	2,401	932	511
26. Tay Ninh	144	68	65
27. Vinh Binh	4,764	358	231
28. Vinh Long	2,544	367	340
Total	229,259	10,650	3,635

* Does not include approximately 17,000 ha. applied for and in process.

Source: Appendix B-11, Status of Expropriated Ordinance 57 and Former French Lands.

Appendix F-22

SUMMARY TABLE OF FRENCH LANDS

Number	Province	Total Area (hectares)	Secure Area (hectares)		Insecure Area (hectares)		Area Distributed	Number of Farmers	To be Distributed in Secure Area	To be Distributed in 1968	Rental From Undistributed French Land Before 1967 (VN$)	During 1967 (VN$)	Total (VN$)
			Area Cultivated	Uncultivated	Area Cultivated	Uncultivated and Unidentified Yet							
1	An Giang	7 708	6,798	542	118	250	2,913	222	4,427	800	8,052,864.70	1,861,642.56	9,914,507.26
2	An Xuyan	23,444	2,392	2,351	5,336	13,365	279	119	4,464	0	525,805.37	32,496.00	558,301.37
3	Ba Xuyen	36,427	5,708	138	26,119	4,462	87	26	5,759	2,200	12,853,800.12	3,434,775.40	6,288,655.52
4	Bac Lieu	29,984	1,254	1,622	11,356	15,752	352	154	2,524	495	167,571.00	27,468.00	195,039.00
5	Bien Hoa	80	7	0	0	73	7	2	--	—	6,076.02	--	6,076.02
6	Binh Duong	73	0	0	0	73	0	0	--	—	118,933.04	--	118,933.04
7	Binh Tuy	74	0	0	0	74	0	0	--	—	—	--	--
8	Binh Thuan	168	12	0	0	156	12	17	--	—	19,140.00	13,176.00	32,316.00
9	Chau Doc	6,384	921	102	270	5,091	209	86	814	175	420,536.79	19,752.00	440,288.79
10	Chuong Thien	30,399	3,405	0	1,597	25,397	0	0	3,405	537	643,191.00	436,230.00	1,079,421.00
11	Dinh Tuong	7,288	1,200	0	3,314	2,774	497	95	703	810	1,276,525.90	274,770.00	1,551,295.90
12	Gia Binh	1,635	320	43	0	1,272	0	0	363	94	438,564.29	19,317.00	457,881.29
13	Hau Nghia	461	190	0	0	271	0	0	190	149	50,712.43	25,285.00	75,997.43
14	Khanh Hoa	63	21	42	0	0	0	0	63	—	14,578.80	--	14,578.80
15	Kien Giang	15,900	4,600	0	7,000	4,300	0	0	4,600	1,884	1,212,371.10	49,230.00	1,261,601.00
16	Kien Hoa	2,161	950	0	1,078	133	0	0	950	529	523,421.70	205,209.00	728,630.70
17	Kien Phong	12,029	1,620	685	2,710	7,014	0	0	2,305	514	829,258.50	--	829,258.50
18	Kien Tuong	8,376	800	0	3,402	4,174	0	0	800	446	75,936.00	--	75,936.00
19	Long An	693	0	0	329	364	0	0	--	—	4,333.80	--	4,333.80
20	Long Khanh	10	0	0	0	10	0	0	--	--	—	--	--
21	Ninh Thuan	3,545	2,296	949	0	300	1,719	1,149	1,526	—	8,794,130.95	1,036,886.68	9,830,017.63
22	Phong Dinh	31,748	13,000	80	12,020	6,648	2,850	618	10,230	9,280	8,065,861.86	755,748.00	8,821,609.86
23	Phu Yen	628	0	0	628	0	0	0	—	—	130,606.65	--	130,606.65
24	Phuoc Tuy	128	13	42	0	73	0	0	55	13	18,317.40	--	18,317.40
25	Sa Dec	2,401	950	50	372	1,029	932	511	68	377	—	160,992.00	160,992.00
26	Tay Ninh	144	68	2	0	74	68	65	2	12	23,873.42	--	23,873.42
27	Vinh Binh	4,764	840	175	1,134	2,615	358	231	657	200	1,599,196.83	7,920.00	1,607,116.83
28	Vinh Long	2,544	1,342	0	235	967	367	340	975	69	1,691,197.56	42,672.00	1,733,869.56
Total		229,259	48,707	5,823	77,018	96,711	10,650	3,635	44,880	18,586	47,556,885.23	8,402,569.64	55,959,454.87

Source: Status of Expropriated Ordinance 46 and Former French Lands, Appendix B-11.

Appendix G

CONCESSION LANDS AND SQUATTER LANDS

Appendix G-1

Ordinance No. 21 dated June 4, 1953, Stipulating the Reversion of Uncultivated Provisional Concession Land to the Regional Domain (Now State Domain)

THE EMPEROR BAO DAI,

Referring to:

- Ordinance No. 1 dated July 1, 1949, which provides the organization and regulation of Official Agencies;
- Ordinance No. 2 dated July 1, 1949, which establishes the status of Official Agencies;
- Arretee No. 49-CP dated June 6, 1952, which is completed by the ensuing supplementary Arretees determining the composition of the Government;
- The report of the National Committee of Land Reform which is established by the Arretee 517-CAB/MA dated on July 8, 1952, by the President of the Government;

and after a discussion by the Cabinet Council;

ORDERS;

Chapter I - Concession Land Reverted to the Regional Domain (Now State Domain)

ARTICLE 1. All lands regardless of size, lying within any concession area provisionally or definitively granted by the State in the past to juridical persons or individuals and left uncultivated until now are reverted to the Regional Domain by the concerned Regional Government.

ARTICLE 2. To enforce the present Ordinance in accordance with the above stated Article 1, any riceland or land which lies within the Government controlled area and which has not been developed or rented for more than two years without valid reason must be considered as "uncultivated."

ARTICLE 3. The reversion of these uncultivated lands definitively or provisionally granted as concessions by the concerned Regional Authority will be announced, in each case by means of an Arretee from the Prime Minister of the Government, issued after a discussion by the Cabinet Council, with reference to a report from the Governor of the concerned Region, within a maximum period of two years starting from the promulgation of this Ordinance.

ARTICLE 4. Squatters having no title on the squatted Regional Domain lands, whether these lands have already or not yet been granted as provisional or definitive concession are not allowed any right of ownership.

Nevertheless, lands such as those stated above which have been actually cultivated for at least three years can be granted to the farmers who are occupying the land at the date of promulgation of the present Ordinance, according to the provisions of an Arretee from the President of the Government and within the maximum area determined in the following Article 5.

Chapter II - Conditions and Regulations for Granting Uncultivated Lands of Regional Domain as Small Domainal Concessions

ARTICLE 5. Lands belonging to the Regional Domain and suitable for rice growing or others crops but left uncultivated or which have been reverted in accordance with the above stated Article 1, will be provisionally granted as small concessions according to the provisions of an Arretee from the President of the Government. The size of this small area is from one to six hectares per family, according to the locality and grade of the land. Land recipients must be Vietnamese citizens and heads of family, having applied for the land and agreed to farm the land themselves. The area of land granted can be increased by 25 percent per child beyond beyond the third child whom the family must support.

ARTICLE 6. The maximum period determined for achieving the development of small concession land provisionally granted varies from two to four years according to the grade of land and starting from the granting date.

In case the small provisional concession remains undeveloped beyond this period, its reversion to the Regional Domain will be announced, by an Arretee from the President of the Government at a Cabinet Council meeting.

ARTICLE 7. Provisional concession land cannot be transferred or sold. Even though the concession is definitive, it also cannot be transferred

or sold, within a minimum period of 10 years, from the day it is granted as a definitive concession.

In case of illegal sale and/or transfer of concession land, or in case the beneficiary of provisional or definitive concession does not develop the land, or ceases to cultivate the land himself, it will result in a reverting action back to the Regional Domain carried out by means of an Arretee issued by the President of the Government at a Cabinet Council meeting.

ARTICLE 8. The priorities for granting lands as provisional small concessions are as follows:

- Honest squatters stated in Article 4, Paragraph 2;
- Proxy of soldiers or civilians killed by the war;
- Disabled soldiers;
- Soldiers retired or discharged from the National Army;
- Veterans;
- Heads of family having to support four or more children;
- Physical persons or legal entities having no cropland and agreeing to develop the concession within the framework of agricultural cooperatives.

ARTICLE 9. All previously established provisions in conflict with those set forth in the present Ordinance are superseded.

ARTICLE 10. The Prime Minister of Government, the Minister of Interior, the Minister of Justice, the Minister of Agriculture and the Governors are charged with the execution of the present Ordinance.

S/s NGUYEN VAN TAM
Prime Minister

Ban Me Thuot, June 4, 1953

S/s CUNG DINH QUY
Minister of Agriculture

S/s BAO DAI
EMPEROR

Appendix G-2

Ministry of Rural Affairs

Arretee No. 705-BCTNT/ND/HCTC.3 of November 24, 1964, Authorizing Province Chiefs the Right To Approve Decisions on Granting of Definitive Ownership Rights Without Compensation to Squatters on State-Owned Lands

THE MINISTER OF RURAL AFFAIRS

- Referring to the Provisory Charter of October 10, 1964;
- Referring to the Arretee No. 006-QT/SL of November 4, 1964, fixing the composition of the Government;
- Referring to the Ordinance No. 17 of December 24, 1955, supplemented by Ordinance No. 57-a of October 24, 1956, reorganizing the administration;
- Referring to the Official Letter No. 814-TTP/TTK.1 of August 12, 1957, of the former Presidential Secretariat, concerning the authorizing the Ministry of Lands and Land Reform with the implementation and supervision of the domainal concession;
- Referring to the currently in force concession regulations;
- Referring to the Official Circular No. 16.601b-BCTNT.HCTC.3 of November 24, 1964, concerning regulation of the squatter situation by granting of definitive ownership rights,

DECREES:

ARTICLE 1. It is hereby authorized that Province Chiefs have the right to sign decisions concerning the granting of definitive ownership rights without compensation on the State-owned lands of 10 hectares or less.

ARTICLE 2. Drafts of the decisions and documents related to the granting of definitive ownership rights without compensation must be submitted to the Ministry of Rural Affairs (now Ministry of Agriculture) for concurrence prior to the Province Chiefs' approval. (Modified by Arretee No. 405-BCN/ND/HCTC.3 of July 28, 1965.)

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

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

Saigon, November 24, 1964

S/ NGO NGOC DOI

Appendix G-3

Ministry of Agriculture

Arretee No. 405-BCN/ND/HCTC.3 of July 28, 1965, Modifying Article 2 of Arretee No. 705-BCTNT/HCTC.3 of November 24, 1964

THE MINISTER OF AGRICULTURE

- Referring to the Decree No. 1a-CT/LDQG/SL of June 19, 1965, fixing the composition of the Central Executive Committee;
- Referring to the Arretee No. 985-CN of July 2, 1965, organizing the Ministry of Agriculture;
- Referring to the Ordinance No. 17 of December 24, 1955, supplemented by Ordinance No. 57a of October 24, 1956, reorganizing the administration;
- Referring to the Official Letter No. 814-TTP/TTK.1 of August 12, 1957, of the former Presidential Secretariat, concerning the authorizing of the Ministry of Lands and Land Reform with the implementation and supervision of the domainal concession;
- Referring to the currently in force concession regulations;
- Referring to the Arretee No. 705-BCTNT/ND/HCTC.3 of November 24, 1964, authorizing the Province Chiefs the right to approve decisions on granting of definitive ownership rights without compensation to squatters on State-owned land,

DECREES:

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

Instead of:

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

It is now modified as:

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

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

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

Saigon, July 28, 1965

Minister of Agriculture
LAM VAN TRI

Appendix G-4

Ministry of Rural Affairs

Circular No. 13157-BCTNT/HCTC.3 dated September 7, 1964, Regarding Regularization of the Squatter Situation

. . . . . .

. . . . . .

II. REGULARIZING SQUATTER SITUATION

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

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

After dicussion the Council decided:

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

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

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

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

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

. . . . . .

. . . . . .

Saigon, November 7, 1964

S/s NGUYEN CONG HAU

Appendix G-5

Ministry of Rural Affairs.

Circular No. 166016-/BCTNT/HCTC.3 dated November 24, 1964, Saigon, Regulating the Squatter Situation on State-Owned Privately Used Lands

From: The Minister of Rural Affairs
To: All Province Chiefs

Reference: Our Official Circular No. 13157/BCTNT/HCTC.3 dated September 7, 1964

Dear Sirs:

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

1. The Provincial Administrative Office shall:

- Inform the people regarding regulation of the squatter situation on State-owned privately used lands by granting of ownership rights within the limit of its existing means.
- Explain to the people about the Government policy to help the people become private owners.
- Have the village authorities distribute application forms for regulating the squatter situation and have the people mark the boundaries on their plot of squatted land.
- Fix the schedule and notify the village to gather squatters in the village so they may directly contact with the Survey Council.
- The composition of the Survey Council is as follows:

Chief of the survey team . . . . . Chairman

A member of the Village Administrative Committee . . . . Member

A representative of the squatters . . . . . Member

A member of the survey team . . . . . Secretary (having no right to vote)

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

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

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

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

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

2. The Provincial Land Affairs Service

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

The procedures for surveying and mapping shall follow those applied for the Land Development Centers (Official Circulars No. 78/DD/CC/DB/TT dated November 1, 1963, and No. 10675/DD/CC/DB/CT.1 dated September 11, 1963 of the Directorate General of Land Affairs).

3. The Ministry of Rural Affairs

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

Your attention is invited to the following:

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

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

3. Preventive measures must be taken against those people who profit by expanding the area squatted. You are requested to issue notices prohibiting all efforts for expanding the squatted area as well as refusing to consider any squatter case which may take place after the issuance of this notice.

4. The regulating of squatter situation in accordance with this Circular is only applied to those rural lands pertaining to the State-owned privately used lands where crops have been cultivated and buildings erected. This does not apply to the squatting of land devoted to State-owned public use, Village private use, Provincial, City, Capital, and provisory concession or definitive concession.

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

Respectfully,

S/s NGO NGOC DOI

Appendix G-6

STATUS OF OWNED SQUATTER-LAND BY PROVINCE
AS OF OCTOBER 1, 1967

Provinces	Number of Squatters	Overall Area (Hectares)	New Owners	Area Distributed (Hectares)
An Xuyen	5,599	137,867		
An Giang	410	2,396		
Bien Hoa	715	3,632	161	278
Binh Duong	110	991		
Binh Dinh	2,440	354		
Binh Thuan	1,182	944	148	22
Binh Tuy	373	763		
Chuong Thien	168	4,805		
Darlac	907	2,186	120	220
Dinh Tuong	27	11,811		
Hau Nghia	2	3	2	3
Kien Giang	2,843	71,832		
Kien Hoa	179	352		
Kontur	348	1,044		
Iam Dong	317	778	94	258
Long Khanh	7,363	9,667	1,134	597
Ninh Thuan	627	719		
Phong Dinh		Not Available		
Phu Yen	169	500		
Phuoc Long	181	496		
Phuoc Ihanh		Not Available		
Phuoc Tuy	4,111	4,177		
Pleiku	51	178	174	193
Quang Duc	23	1,582		
Quang Nam		Not Available		
Quang Ngai		Not Available		
Quang Tin	1,136	277		
Quang Tri	189	218		
Tay Ninh	500	1,050	591	154
Tuyen Duc	900	15,000	431	305
Thua Thien	2,898	765	22	6
Vinh Binh		Not Available		
Vinh Long	84	552	1	1
Total	33,852	274,939	2,878	2,037

SOURCE: Unpublished Date Directorate of Land Reform, October 4, 1967.

Appendix H

COMMUNAL LANDS

Appendix H-1

Ministry of Agriculture

Circular No. 9275-BCN/HCTC.3 dated August 23, 1965, Saigon

From: The Minister of Agriculture

To: All Province Chiefs

Subject: Implementation of Decisions Made by the National Council for Land Reform at its Meeting on July 28, 1965, Relating to the Allocation of Communal Land for Cultivation.

Dear Sirs:

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

I. BASIC PRINCIPLES

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

1. Beneficiary Tenant

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

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

- Disabled and wounded soldiers, and dead soldiers' families (wife, minor children, father or mother if the dead soldier is single).
- Families of war victims.
- Combat Youths.
- Veterans.

- Tenant-farmers residing right in the place where they lease the land through a bidding process or from the winning bidder.

- Landless people.

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

2. Area Allocated

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

The maximum area allowed for each person is:

- Central Vietnam 3 Hectares

- South Vietnam 5 Hectares

The area allotted on abandoned uncultivated land may be doubled.

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

3. Duration of the Rental Period

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

4. Rental Rate

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

II. METHOD OF APPLICATION

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

1. Village Committee for Distribution of Communal Land

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

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

This Committee shall have the responsibility to:

- Determine the area to be rented to each family, based on the situation of the population density and the availability of communal land in the village.
- Examine applications for tenure of land and establish a list of proposed farmers for the renting according to the afore-mentioned conditions and priorities.
- Examine the family situation of the farmers whose farm contracts term expires, and draw up proposals for renewal.
- Estimate the yeild and rental rates for the land to be rented.

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

- Collect farmers' applications for renting of communal land to forward to the Committee for Distribution of Communal Land.
- Establish farm contracts with farmers when the list of recipient farmers is established by the Committee for Distribution of Communal Land, and approved by the Province Chief.
- Supervise the cultivation of the farmers, and collect rent.

3. The District Chief

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

III. TERM FOR APPLICATION

The afore-mentioned procedures shall be applied progressively to those communal lands as the bidded renting term expires.

This Ministry respectfully requests Messrs. the Province Chiefs to implement the afore-mentioned decisions of the National Council for Land Reform.

Respectfully,

S/LAM VAN TRI

Appendix H-2

Ministry of Agriculture

Circular No. 5619-BCN/HCTC.3 dated May 27, 1966, Concerning the Procedures To Be Followed in Allocating and Renting Cultivatable Communal Lands under Applicable Rental Regulations instead of Following Bidding Practices, in Accordance with the New Policy Contained in Official Circular No. 9275-BCN/HCTC.3 of August 23, 1965, Issued by the Ministry of Agriculture

From: Minister Tri

To: Chiefs of Provinces

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

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

I. BASIC PRINCIPLES

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

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

However, direct allocation is applied only to those Communal Lands still remaining under bidding system, but those lands already justly (quan cap)* distributed to farmers will remain temporarily under former

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* Quan Cap: In the Central Lowland Provinces of Vietnam, there has been the tradition of utilizing 75% of the Communal Land in the Village to be equally divided among each person in the Village over the age of 18,

procedures. The direct allocation will be progressively applied as the terms of bidding contracts expire.

Besides, in several places the Communal Land is leased on a mutual agreement from both parties, from 1 to 3 years, with a rent which is higher than the legal limitation. In order to get uniform rental procedures everywhere, you are requested to enforce the Official Circular No. 9275-BCN/HCTC.3 mentioned above.

1. Beneficiary Tenant

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

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

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

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

- "Families of war victims."

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

- "Combat Youths."

- "Veterans."

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

However, if the Veteran is the son of a well-off family or is receiving material support for living, he will not be favorably considered.

- "Tenants residing right in the place where they lease the land through a bidding process or from the winning bidder."

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thus assuring a sense of equal benefits to all. The remaining 25% of Communal Land has been leased through bidding procedures.

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

- "Those people having no land for farming."

2. "Area Allocated"

3. "Duration of the Rent"

4. "Rent"

II. DETAILS REGARDING THE APPLICATION

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

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

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

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

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

2. Investigation of Communal Land

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

3. Establishing Committees for Distribution of Communal Land

The Village Administrative Council will propose and submit a list of members of the Communal Land Distribution Committee to the Chief of District

for ratification and the latter hands it over to the Chief of Province for approval.

4. Notice to the Public on the Reception of Applications for Leasing Communal Land

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

- Area, type and grade and locality of the Communal Land to be leased.
- When the reception of applications is to begin and when it is to be closed (the period may be one month).

5. To Examine Applications for Leasing Communal Land, and Determine the Area Leasable for Each Applicant and the Lot-Drawing Process

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

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

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

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

6. The Posting of the Names of Those Farmers Tentatively Proposed to Lease Communal Land

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

When the notice period is over, the Village Administrative Committee will give the list of beneficiary farmers proposed for leasing Communal

Land and protests, if any, to the Chief of District for examination and instructions. All these matters will be later addressed to the Chief of Province for approval.

7. The Posting of the Names of the Farmers Who are Officially Accepted to Farm Communal Land

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

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

8. To Determine the Yield and Rental Limit of the Plot of Communal Land Leased to the Farmer

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

9. Farm Contracts

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

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

10. Renewal of Farm Contracts

In paragraph 3 of item 1 of the Official Circular No. 9275-BCN/HCTC.3 it is provided that "the tenure of communal land lasts for 5 years. It can be extended when it expires if the extension is proposed by the Committee for Distribution of Communal Land and if no one else requests its use...". In order to enforce this stiuplation, the Village Administrative Committee needs to notify interested farmers 6 months before the 5-year period expires.

The notification should inform the former farmer of the fact that if he wants to release the land he should apply for it, so the Committee for Distribution of Communal Land will be able to examine the case and that the

farm contract will be renewed only if it is approved by the provincial authorities.

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

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

Sincerely yours,

S/S LAM VAN TRI

Appendix H-3

THE "CONG DIEN" COMMUNAL LANDS

The communal-owned lands called "cong dien" are composed of:

1. Lands cleared and recovered from the forests by a certain number of people gathered in the common interest of establishing a village.

2. Lands owned by deceased rebels, victims of disease or missing persons.

3. Public lands given by the Administration or by individuals (wealthy persons transferring their land to the village). It is noted that these transfers were not always voluntary. Under the Minh Mang regime the landowners were obliged to transfer a part of their lands in favor of the commune (village) for the purpose of "helping" the "needy". And the village had to allocate the usufruct of those transferred lands among the poor. This seemed to be the original reason for the shifting of these lands, that is, instead of using them for rental purposes, they were simply to be allocated amongst the needy.

In a decree under the Gia-Long regime: cong dien and cong tho properties owned by the village can be neither sold nor rented.

In cases of serious need, these properties are rented for the purpose of obtaining funds in the public interest and during the use of these lands (for three years), all debts, interests, and capital must be liquidated and the ricefields returned to the village where they will once again be shared by allotment. If at the end of the 3rd year the lessee refuses to return the property, both lessor and lessee will be punished depending upon the nature of their action, and the rice lands or lands rented will be returned to the village.

In case some villagers do not follow the customary practice and rule and arrange to sell these lands, the buyer, as well as the seller, will lose the money involved (in this fraudulent sale), and those who signed as witness, whether to a definite sale or a rental agreement, will be punished according to the seriousness of their faults (Annamite Code Article 87).

Source: Schreiner, Alfred: Les Institutions Annamities en Basse-Cochinchine, Avant la Conquete Francaise, Vol. 2, pp. 36-37, Saigon, 1901

Appendix H-4

STATUS AND DISTRIBUTION OF
COMMUNAL LAND IN SELECTED PROVINCES
(As of January 1967)

AN GIANG

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
13,961	13,961	-	5,097	5,097	3,766

Amount Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received from Leasing	Duration of Bidding
-	-	1 year

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Want Cancelled

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: According to instructions of the Directorate General of Land Affairs.

Loan Area: Maximum 5 hectares.

Loan Time: 1 year with option for renewal

Distribution Committee: Chrmn. of the Village Administrative Committee (Chrmn.), Hamlet Chief (Member), Land Affairs Worker (Member), Agriculture Cadre Worker (Member), remaining members as instructed by the Directorate General of Land Affairs.

AN XUYEN
Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated to All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
10,333	10,333	-	3,271	-	7,061

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To be Received From Leasing	Duration of Bidding
-	-	-

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Acceptable. Presents no problem.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: Priority to be given to long standing tenants.

Loan Area: Each to have 1 hectare.

Loan Time: 5 years with option for renewal.

Distribution Committee: Village Administrative Committee or Pacification Committee.

BA XUYEN
Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
21,634	11,213	-	5,964	-	5,519

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	-

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Acceptable. Presents no problem.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: Priority to be given to:

a. Families of soldiers in popular forces;
b. Fighting youth.

Loan Area: According to the instructions of the Directorate General of Land Affairs.

Loan Time: According to the instructions of the Directorate General of Land Affairs.

Distribution Committee: According to the instructions of the Directorate General of Land Affairs.

BIEN HOA

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated to All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
1,395	1,240	-	100	-	1,140

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	-

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Acceptable. Presents no problem.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: According to instructions of the Directorate General of Land Affairs.

Loan Area: Maximum 5 hectares.

Loan Time: 1 year with option for renewal.

Distribution Committee: Village Administrative Committee.

BINH DUONG

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated to All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
6,413	2,859	-	825	-	2,033

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	-

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Acceptable. Presents no problem.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: Present tenant: Family of war victim; Volunteer soldier; Local soldier or Administrative Committee or Village Pacification Committee members; Poor population in New Life Hamlets (with large families).

Loan Area: Maximum 2 hectares.

Loan Time: Public land - 5 years; Communal land - 3 years with opiton for renewal.

Distribution Committee: Village Administrative Committee makes distribution according to decision of the Village Council or the Village Pacification Committee which should be approved by the District.

BINH TUY

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated to All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Unculitivated
137	97	-	97	-	-

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	-

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Acceptable. Presents no problem.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: According to instructions of the Directorate General of Land Affairs

Loan Area: From 1 to 2 hectares.

Loan Time: 5 years with option for renewal.

Distribution Committee: According to instructions of the Directorate General of Land Affairs.

CHUONG THIEN

Area of Communal Land (Hectares)

Registered	Under Control And Use Of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Unculitivated
9,443	2,083	-	2,083	-	-

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	-

Province Chief and Provincial Land

Chief Opinions on Cancellation of Bidding: Acceptable. Presents no problem.

Province Chief and Provincial Land Chief
Opinions on the Distribution of Communal Land

Beneficiary: According to instructions of the Directorate General of Land Affairs.

Loan Area: According to instructions of the Directorate General of Land Affairs.

Loan Time: According to instructions of the Directorate General of Land Affairs.

Distribution Committee: According to instructions of the Directorate General of Land Affairs.

DINH TUONG
Area of Communal Land Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
10,390	2,683	-	721	1,961	-

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	-

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Acceptable. Presents no problem.

Province Chief and Provincial Land Chief
Opinions on the Distribution of Communal Land

Beneficiary: According to instructions of the Director General of Land Affairs. In addition those families with five or more children may get two hectares.

Loan Area: Maximum of three hectares cultivated land and five hectares uncultivated.

Loan Time: 5 years.

Distribution Committee: According to instructions of the Director General of Land Affairs.

GIA DINH

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
5,985	1,762	-	1,762	-	-

Amount Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	-

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Acceptable. Presents no problem.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: Those peasants having no land may request some hectares.

Loan Area: According to instructions of the Director General of Land Affairs.

Loan Time: According to instructions of the Director General of Land Affairs.

Distribution Committee: Chairman of the Committee for Distribution of Communal Land must be chairman of the Village Administrative Committee.

KIEN GIANG

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
11,602	11,602	-	6,708	-	4,894

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	-

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: Tenant.

Loan Area: From three to five hectares.

Loan Time: Five years with option for renewal.

Distribution Committee: Village Administrative Committee.

KIEN HOA

Area of Communal Land (Hectares)

Register	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
5,937	3,305	-	426	2,878	-

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
2,012	2,000	3 years

Province Chief and Provincial Land Chief Opinions on Cancellation: Want Continued.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: According to instructions of the Director General of Land Affairs.

Loan Area: Maximum five hectares.

Loan Time: Five years.

Distribution Committee: According to instructions of the Director General of Land Affairs (but wish to have a representative from the district level in the Committee).

KIEN PHONG

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
4,098	4,096	-	1,307	158	2,630

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	1 year

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary:
a. Family of war victim.
b. Family of volunteer soldier.
c. Family of fighting men.
d. Anti-communist farm family.

Loan Area: According to the area of public land available and number of people chose to benefit in village.

Loan Time: From one to three years with option for renewal.

Distribution Committee: Village authority.

KIEN TUONG

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
3,306	3,306	-	-	-	306

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	-

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: According to instructions of the Director General of Land Affairs.

Loan Area: Cultivated rice field: from one to five hectares.
Uncultivated rice field: from one to ten hectares.

Loan Time: Five years with option for renewal.

Distribution Committee: According to instructions of the Director General of Land Affairs with the suggestion that they have two dignitaries instead of one, and three farmer representatives instead of two, as members of the Committee.

LONG AN

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
11,412	8,000	-	170	700	7,130

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	1 year

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Distribution is only carried out when security has been restored completely.

Province Chief and Provincial Land Chief
Opinions on the Distribution of Communal Land

Beneficiary: -

Loan Area: -

Loan Time: -

Distribution Committee: -

LONG KHANH
Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
78	78	-	-	-	78

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	-

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Want cancelled.

Province Chief and Provincial Land Chief
Opinions on the Distribution of Communal Land

Beneficiary: According to distribution method.

Loan Area: According to distribution method.

Loan Time: According to distribution method.

Distribution Committee: According to distribution method.

PHONG DINH

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
6,163	3,271	-	3,271	-	-

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	-

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: According to instructions of the Director General of Land Affairs.

Loan Area: Farming: From one to five hectares.
Floating rice field: From one to 10 hectares.

Loan Time: Five years, after that Agricultural Committee assumes control again.

Distribution Committee: According to instructions of the Director General of Land Affairs with the addition of a Village Council representative (if available) as a member.

PHUOC LONG

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
200	200	-	93	-	107

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	-

Province Chief and Provincial Land
Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief
Opinions on the Distribution of Communal Land

Beneficiary: Only public land available for planting rubber and coffee, so distribution must go to those with enough capital and farming skill.

Loan Area: -

Loan Time: -

Distribution Committee: -

PHUOC THANH
Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
1,607	-	-	-	-	-

NOTE: Information not available on "Amounts Received (VN$)" or "Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land."

PHUOC TUY
Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age	Leased	Bidded Upon	Uncultivated
3,523	3,468	-	-	1,455	2,013

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
1,295	864	3 years

Province Chief and Provincial Land
Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief
Opinions on the Distribution of Communal Land

Beneficiary: According to instructions of the Director General of Land Affairs.

Loan Area: Cultivated rice field: From one to five hectares.
Waste rice field: Maximum ten hectares.

Loan Time: Three years with option for renewal.

Distribution Committee: Suggested composition: Chairman of Administrative Committee (Chairman), Village Council (Vice Chairman), Village Financial Commissioner (member), and Hamlet Chief or Deputy Chief (member).

TAY NINH
Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
907	670	-	146	147	377

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	1 year

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Want continued

Province Chief and Provincial Land Chief
Opinions on the Distribution of Communal Land

Beneficiary: According to instructions of the Director General of Land Affairs.

Loan Area: Cultivated rice field: From one to five hectares.
Waste rice field: From one to ten hectares.

Loan Time: Cultivated rice field: Five years with option for renewal.
Uncultivated rice field: From three to ten years.

Distribution Committee: Village Administrative Committee.

VINH BINH

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
3,669	3,667	-	2,024	19	1,623

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	1 year

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: According to instructions of the Director General of Land Affairs.

Loan Area: According to instructions of the Director General of Land Affairs.

Loan Time: According to instructions of the Director General of Land Affairs.

Distribution Committee: According to instructions of the Director General of Land Affairs.

VINH LONG

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
4,617	4,617	-	745	2,427	1,443

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
2,396	2,548	3 years

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary:

Communal Rice Land
a. Present tenant.
b. Family of war victim.
c. Wounded soldier.
d. Volunteer soldier.
e. Fighting man.

Communal Land
a. People who were born in village.
b. People who have done much for the nation.

Loan Area: Communal Rice Land: From 1/2 hectare to two hectares.
Communal Land: Maximum 1000 m^2.

Loan Time: Communal Rice Land: Five years with option for renewal.
Communal Land: Three years with option for renewal.

Distribution Committee: Communal Rice Land: District Chief is responsible for distribution.
Communal Land: Province Chief is responsible for distribution.

BINH THUAN

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
3,906	3,906	-	2,106	1,146	653

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
3,439	1,790	1 year

Province Chief and Provincial Land

Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief
Opinions on the Distribution of Communal Land

Beneficiary:

Loan Area:

Loan Time:

Distribution Committee:

According to instructions of the Director General of Land Affairs with the suggestion that people living in villages where there is only a small amount of communal land or none at all be authorized to farm in those villages having communal lands. Communal land procedures be fixed so as to reestablish the land records lost due to the war.

NINH THUAN
Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
4,265	2,513	-	-	2,513	-

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
2,731	2,725	3 years

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief
Opinions on the Distribution of Communal Land

Beneficiary:

a. Tenant with many children having no rice field or area too small to provide a living.
b. People who have no rice field.
c. Family of war victim.
d. Fighting man.
e. Wounded soldier.
f. Veteran.

Loan Area: From one to two hectares.

Loan Time: Assignable time.

Distribution Committee: Village Administrative Committee is responsible for distribution under the control of local district.

KHANH HOA

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
10,857	7,393	-	2,118	5,274	-

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
10,193	9,740	1 year

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: According to instructions of the Director General of Land Affairs.

Loan Area: Cultivated Rice Field: 15 sao to one hectare 50 sao. Uncultivated Rice Field: Can be three hectares.

Loan Time: Three years with option for renewal one more time. However any hamlet having a large population, option for renewal is impossible.

Distribution Committee: Hamlet sub-committee for Distribution of Communal Land with Hamlet Chief as Chairman. Village Committee for Distribution of Communal Land with Village Administrative Committee Chairman as its Chairman and Deputy Chairman, the Chairman of the Farmer's Association (if available), 2 dignitaries, 2 landlords and 2 tenant farmers as members. The Hamlet sub-Committee for Distribution of Communal Land gives its opinion and cooperates with the Village Committee for Distribution of Communal Land.

PHU YEN

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
8,635	-	-	-	-	-

NOTE: Information not available on "Amounts Received (VN$)" or "Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land".

BINH DINH

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
27,564	27,564	15,567	-	11,996	-

Amounts Received (VN$)

Amount Received From Bindding	Estimated Amount To Be Received From Leasing	Duration of Bidding
15,672	12,000	3 years

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: According to instructions of the Director General of Land Affairs.

Loan Area: Maximum one hectares.

Loan Time: Assignable time.

Distribution Committee: According to instructions of the Director General of Land Affairs.

QUANG NGAI

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
6,009	4,229	-	-	4,229	-

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
12,998	8,796	3 years

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding. Want continued.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: According to instructions of the Director General of Land Affairs.

Loan Area: According to instructions of the Director General of Land Affairs.

Loan Time: According to instructions of the Director General of Land Affairs.

Distribution Committee: According to instructions of the Director General of Land Affairs.

QUANG TIN

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated to All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
9,309	9,309	4,507	-	1,502	3,299

Amount Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	3 years

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief
Opinions on the Distribution of Communal Land

Beneficiary: According to instructions of the Director General of Land Affairs.

Loan Area: According to instructions of the Director General of Land Affairs.

Loan Time: According to instructions of the Director General of Land Affairs.

Distribution Committee: According to instructions of the Director General of Land Affairs.

QUANG NAM
Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
24,722	24,721	12,120	-	4,051	8,550

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
16,204	9,722	3 years

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief
Opinions on the Distribution of Communal Land

Beneficiary:
a. Poor farmer having house in hamlet at least one year.
b. Wounded soldier.
c. Administrative worker.
d. Fighting man.
e. Enlisted soldier and his family.
f. Family of war victim.

Loan Area: Maximum 5 sao (1 sao = 500^{m2}).

Loan Time: Three years with option for renewal.

Distribution Committee: Village Agricultural Committee and Hamlet officials.

THUA THIEN

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
46,547	25,943	19,115	4,705	2,123	-

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
9,553	5,095	3 years

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: According to instructions of the Director General of Land Affairs with a suggestion that those persons who have bid on land and are not cultivating it should be excluded for they are wealthy and do not put the land to use.

Loan Area: Cultivated Rice Field: From 0 hectare 20 sao to one hectare.
Uncultivated Rice Field: Maximum five hectares.

Loan Time: Following the law assigned.

Distribution Committee: Must be a Hamlet or Village Committee for Distribution under chairmanship of Village Major to keep administrative at village level.

QUANG TRI

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
23,873	19,294	18,908	-	386	-

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
965	675	1 year

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: Priority to:
a. Family of war victim.
b. Wounded soldier
c. Veteran.
d. Living by farm and having no rice field.

Loan Area: All farmers benefiting to share equally.

Loan Time: Five years with option for renewal.

Distribution Committee: Village Administrative Committee.

LAM DONG

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
783	782	782	-	-	-

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	-

Province Chief and Provincial Land
Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief
Opinions on the Distribution of Communal Land

Beneficiary: All of population in village having no land to work with have the right to ask for the benefit.

Loan Area: According to communal land area and the number of beneficiaries.

Loan Time: Three years with option for renewal.

Distribution Committee: The Chairman of Village Administrative Committee or Chairman of Village Pacification Committee (Chairman), Chairman of Village Council (member), Commissioner of Village Finance (member), Commissioner of Village Land Reform (member), a farmer's representative (member), and an employee of Village Committee (secretary).

PLEIKU
Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
936	24	-	19	-	5

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	-

Province Chief and Provincial Land
Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief
Opinions on the Distribution of Communal Land

Beneficiary:
a. Poor farmer living in village.
b. Family of war victim and wounded soldier.
c. Veteran.
d. Anti-communist farm family.

Loan Area: Six sao.

Loan Time: No limitation.

Distribution Committee: Province Deputy Chief of Administration acting as representative of Province Chief (Chariman), District Chief (Vice Chairman), Chairman of Village Administrative Committee (member), Administrative Commissioner (member), Commissioner of Village Finance (member), and District employee (secretary).

GO GONG

Area of Communal Land (Hectares)

Registered	Under Control And Use of Province	Equally Allocated To All Villagers (Abv. 18 yrs. of age)	Leased	Bidded Upon	Uncultivated
5,000	2,733	278	-	2,454	-

Amounts Received (VN$)

Amount Received From Bidding	Estimated Amount To Be Received From Leasing	Duration of Bidding
-	-	1 year

Province Chief and Provincial Land Chief Opinions on Cancellation of Bidding: Want continued.

Province Chief and Provincial Land Chief Opinions on the Distribution of Communal Land

Beneficiary: According to instructions of Director General of Land Affairs.

Loan Area: Cultivated Rice Field: From one to three hectares.
Uncultivated Rice Field: Maximum five hectares.

Loan Time: Five years with option for renewal.

Distribution Committee: Chairman of Village Administrative Committee (Chairman), Chairman of Village Council (Vice Chairman), Hamlet Chief (member), and two farmer representatives (members).

Appendix H-5

COMMUNAL LANDS
TABULATION OF CULTIVATED AND UNCULTIVATED LANDS
(By Province and District)

Province and District	No. of Villages/ Districts	No. of Villages with cultivated and uncultivated lands	Area in Hectares		
			Cultivated lands	Uncultivated lands	Total
AN GIANG	38	37	6,391	500	6,891
Chau Thanh	13	13	1,817	165	1,983
Cho Moi	12	12	1,147	212	1,359
Hue Duc	5	5	2,123	89	2,212
Thot Not	8	7	1,304	33	1,337
CHAU DOC	54	51	4,807	2,292	7,099
An Phu	11	11	560	958	1,518
Chau Phu	15	15	2,509	634	3,143
Tan Chau	8	8	431	367	798
Tinh Bien	8	8	367	290	657
Tri Ton	12	9	941	44	984
BA XUYEN	68	68	15,901	5,734	21,634
Gia Rai	5	5	3,791	1,148	4,939
Ke Sach	11	11	1,371	75	1,446
Long Phu	15	15	2,824	216	3,041
My Xuyen	10	10	2,352	212	2,563
Thanh Tri	10	10	1,459	181	1,640
Thuan Hoa	7	7	2,267	256	2,523
Vinh Cau (Chau)	5	5	994	1,741	2,735
Vinh Loi	5	5	842	1,904	2,746
PHUOC TUY	36	30	2,311	1,212	3,523
Long Le	8	7	313	523	835
Duc Thnah	4	3	71	21	93

Province and District	No. of Villages/ Districts	No. of Villages with cultivated and uncultivated lands	Area in Hectares		
			Cultivated lands	Uncultivated lands	Total
PHUOC TUY (cont.)					
Long Dien	6	6	975	417	1,392
Dat Do	8	8	619	178	796
Xuyen Moc	5	2	321	31	352
Vung Tau	5	4	13	41	54
GIA DINH	64	64	3,687	2,298	5,986
Binh-Chanh	15	15	1,214	287	1,500
Go-Vap	7	7	89	709	798
Hoc-Mon	12	12	678	269	948
Nha-Be	9	9	206	33	239
Tan-Binh	6	6	1,182	714	1,896
Thu-Duc	15	15	318	287	605
LONG AN	94	92	9,766	1,646	11,411
Ben-Luc	12	12	1,295	291	1,586
Binh-Phuoc	15	15	880	246	1,127
Can-Duoc	15	15	1,655	445	2,100
Duc-Hoa	10	10	1,694	118	1,812
Duc-Hue	3	2	74	5	79
Tan-Tru	12	12	1,557	123	1,680
Thanh-Duc	18	18	1,591	321	1,912
Thu-Thua	9	8	1,020	96	1,115
DINH TUONG	124	123	8,914	2,039	10,954
Ben-Tranh	15	15	907	139	1,047
Cho-Gao	13	13	163	200	363
Giao-Duc	10	10	390	41	430
Go-Cong	18	18	3,927	756	4,682
Hoa-Dong	13	13	1,778	456	2,234
Khiem-Ich	20	20	672	88	760
Long-Dinh	24	23	583	175	758
Sung-Hieu	11	11	494	185	679

Province and District	No. of Villages/ Districts	No. of Villages with cultivated and uncultivated lands	Area in Hectares		
			Cultivated lands	Uncultivated lands	Total
KIEN HOA	115	115	8,373	2,420	10,795
Ba-Tri	15	15	852	456	1,308
Binh-Dai	13	13	4,717	815	5,533
Don-Nhon	9	9	355	87	442
Giong-Trom	18	18	585	144	730
Ham-Long	13	13	282	151	433
Huong-My	12	12	484	56	540
Mo-Cay	12	12	450	132	582
Thanh-Phu	7	7	438	348	786
Truc-Giang	16	16	210	231	441
BIEN DUONG	41	37	819	3,578	4,397
Ben-Cat	10	10	357	1,395	1,752
Chau-Thanh	14	14	152	1,606	1,758
Lai Thieu	10	10	27	564	591
Tri Tam	7	3	283	13	296
BIEN HOA	66	55	502	893	1,395
Can-Gio	5	4	11	21	32
Cong-Thanh	12	10	91	83	175
Di-An	8	8	17	183	199
Duc-Tu	15	11	126	286	413
Long-Thanh	8	6	80	55	135
Nhon-Trach	14	12	49	253	302
Quang-Xuyen	4	4	127	11	139
KIEN TUONG	26	16	3,178	53	3,231
Chau-Thanh	5	4	1,502	27	1,529
Kien-Binh	7	4	1,112	17	1,128
Tuyen-Binh	8	3	30	3	33
Tuyen-Nhon	6	5	534	7	541

Province and District	No. of Villages/ Districts	No. of Villages with cultivated and uncultivated lands	Area in Hectares		
			Cultivated lands	Uncultivated lands	Total
PHONG DINH	40	38	3,774	197	3,971
Chau-Thanh	15	15	653	117	770
Thuan-Nhon	6	5	354	11	366
Thuan-Tring	4	3	1,475	1	1,476
Phong-Phu	9	9	607	64	671
Phung-Hiep	6	6	684	4	688
VINH LONG	81	80	4,210	406	4,617
Binh-Minh	6	6	706	47	753
Chau-Thanh	14	13	504	41	546
Cho-Lach	9	9	392	46	438
Duc-Thanh	8	8	275	21	296
Duc-Ton	7	7	282	14	296
Lap-Vo	7	7	210	39	249
Minh-Duc	8	8	250	27	277
Sa-Dec	14	14	574	93	667
Tam-Binh	8	8	1,014	80	1,095
BINH TUY	12	5	82	55	137
Ham-Tan	6	4	82	47	129
Tanh-Linh	6	1	0	8	8
TAY NINH	50	33	745	162	908
Hieu-Thien	15	10	398	48	446
Khiem-Hanh	4	2	1	31	32
Phu-Duc	5	5	216	42	259
Phu-Khuong	11	8	57	25	82
Phuoc-Ninh	15	8	73	16	89
PHUOC THANH	22	20	338	1,268	1,606
Tan-Uyen	14	14	140	484	624
Hieu-Liem	2	1	10	40	50
Phu-Giao	6	5	187	745	932

Province and District	No. of Villages/ Districts	No. of Villages with cultivated and uncultivated lands	Area in Hectares		
			Cultivated lands	Uncultivated lands	Total
PHUOC LONG	18	9	0	200	200
Bo Duc	5	4	0	32	32
Don Luan	5	1	0	5	5
Duc Phong	3	1	0	20	20
Phuoc Binh	5	3	0	143	143
LAM DONG	23	7	0	783	783
Bao Loc	12	4	0	415	415
Di Ling	11	3	0	368	368
THUA THIEN	506	430	22,476	24,071	46,548
Huong Dien	22	20	1,461	2,198	3,658
Phong Dien	60	46	2,665	2,920	5,585
Quang Dien	71	64	4,819	2,280	7,099
Huong Tra	69	62	3,456	2,612	6,068
Phu Vang	77	67	3,389	1,117	9,506
Nha Phu Thu	32	26	1,771	1,608	3,379
Huong Thuy	44	35	3,546	4,472	8,018
Vinh Loc	26	19	356	2,845	3,201
Phu Loc	85	71	936	3,393	4,329
Nam Hoa	20	20	77	627	704
QUANG NAM	141	111	9,563	15,158	24,722
Duy Xuyen	16	16	1,103	2,668	3,771
Dai Loc	9	9	1,170	865	2,035
Dien Ban	23	23	3,689	4,402	8,092
Duc Duc	11	10	592	1,086	1,678
Hieu Duc	14	6	377	344	721
Hieu-Nhon	9	9	430	1,102	1,532
Hoa-Vang	20	19	1,389	2,311	3,700
Que-Son	18	16	752	2,046	2,798
Thuong-Duc	21	3	62	333	396

Province and District	No. of Villages/ Districts	No. of Villages with cultivated and uncultivated lands	Area in Hectares		
			Cultivated lands	Uncultivated lands	Total
AN XYUEN	23	22	10,123	210	10,333
Cai-Nuoc	6	6	2,927	35	2,961
Dan-Doi	4	4	904	18	922
Nam-Can	2	1	0	5	5
Quan-Long	4	4	1,443	139	1,583
Song-Ong-Doc	3	3	2,024	5	2,028
Thai-Binh	4	4	2,825	9	2,834
BINH THUAN	56	39	1,442	2,464	3,906
Hai-Long	7	7	119	328	447
Hai-Ninh	6	0	0	0	0
Ham-Thuan	10	6	252	569	821
Hoa-Da	6	4	220	1,219	1,439
Phan-Ly	10	5	411	112	523
Thien-Giao	10	10	368	105	474
Tuy-Phong	7	7	71	131	203
NINH THUAN	28	23	1,304	2,962	4,266
An-Phuoc	4	3	499	376	875
Du-Long	4	1	13	30	43
Buu-Son	8	8	285	1,055	1,341
Thanh-Hai	12	11	507	1,500	2,007
PLEIKU	101	2	20	5	25
Le-Thanh	28	0	0	0	0
Le-Trung	63	2	20	5	25
Phu-Nhon	10	0	0	0	0
CHUONGTHIEN	39	37	7,098	2,345	9,443
Duc-Long	10	10	1,088	381	1,468
Kien-Hung	6	6	1,246	98	1,344
Kien-Long	5	5	1,396	31	1,427
Kien-Thien	7	6	833	759	1,592

Province and District	No. of Villages/ Districts	No. of Villages with cultivated and uncultivated lands	Area in Hectares		
			Cultivated lands	Uncultivated lands	Total
CHUONGTHIEN (Cont.)					
Long-My	7	6	571	60	631
Phuoc-Long	4	4	1,963	1,017	2,980
BINH DINH	167	102	24,009	3,556	27,564
An-Lao	20	2	493	48	541
An-Nhon	13	13	2,953	489	3,442
Binh-Khe	9	9	2,184	239	2,422
Hoai-An	15	7	1,932	67	1,999
Hoai-Nhon	12	11	3,077	610	3,686
Phu-Cat	11	11	3,797	477	4,274
Phy-My	15	15	3,894	280	4,174
Tuy-Phuoc	19	16	5,427	1,246	6,673
Vinh-Thanh	11	1	222	79	301
An-Tuc	32	17	31	21	52
Van-Canh	10	0	0	0	0
PHU YEN	55	50	1,843	6,794	8,636
Dong-Xuan	5	5	116	399	514
Hieu-Xuong	7	6	356	1,007	1,364
Phu Duc	7	7	26	1,173	1,199
Song-Cau	5	5	37	75	112
Son Hoa	7	6	30	27	58
Tuy An	14	12	168	116	284
Tuy Hoa	10	9	1,109	3,997	5,106
VINH BINH	74	69	2,244	1,425	3,669
Cang Long	9	7	132	27	159
Cau Ke	8	7	148	29	176
Cau Ngang	8	7	76	456	531
Chau Thanh	10	10	233	182	415
Long Toan	5	5	126	446	572
Tien Can	5	5	100	17	116

Province and District	No. of Villages/ Districts	No. of Villages with cultivated and uncultivated lands	Area in Hectares		
			Cultivated lands	Uncultivated lands	Total
VINH BINH (Cont.)					
Tra Cu	9	8	44	52	96
Tra On	11	11	627	147	774
Vung Liem	9	9	758	70	828
QUANG TIN	88	61	2,861	6,448	9,308
Hau Duc	14	3	50	3	53
Kiep Duc	13	5	19	7	26
Ly Tin	11	10	422	496	918
Tam Ky	16	15	514	442	956
Thang Binh	20	17	1,753	3,513	5,266
Tien Phuoc	14	11	102	1,986	2,089
KIENPHONG	58	52	3,776	2,411	6,188
Cao Lanh	12	12	829	145	974
Hong Ngu	11	10	611	167	778
Kien Van	7	7	305	19	324
My An	5	4	502	2	504
Thanh Binh	9	8	1,427	92	1,519
Tien Phuoc	14	11	102	1,986	2,089
KHANH HOA	92	62	5,148	2,472	7,619
Cam Lam	15	6	397	141	539
Dien Khanh	29	14	1,794	196	1,990
Khanh Duong	5	0	0	0	0
Ninh Hoa	20	19	1,824	1,130	2,955
Van Ninh	9	9	564	221	785
Vinh Xuong	14	14	568	783	1,351

Province and District	No. of Villages/ Districts	No. of Villages with cultivated and uncultivated lands	Area in Hectares: Cultivated lands	Area in Hectares: Uncultivated lands	Area in Hectares: Total
QUANG NGAI	158	89	3,896	3,758	7,654
Binh Son	24	22	710	404	1,114
Duc Pho	15	15	735	205	940
Mo Duc	12	11	786	1,042	1,828
Nhgia Thanh	8	8	353	295	648
Son Tinh	19	19	535	885	1,420
Tu Nghia	15	15	777	927	1,704
Ba To	24	UNAVAILABLE due to insecurity			
Minh Long	14	--	--id--	---	---
Son Ha	14	--	--id--	---	---
Tra Bong	13	--	--id--	---	---
QUANG TRI	84	61	16,511	7,363	23,874
Ba Long	7	2	4	215	219
Cam Lo	13	11	1,845	176	2,021
Gio Linh	6	6	1,774	1,152	2,927
Hai Lang	23	22	6,402	4,133	10,536
Huong Hoa	14	0	0	0	0
Trieu Phong	18	17	5,750	1,395	7,145
Trung Luong	3	3	736	290	1,026
PROVINCES AND CITIES:					
Darlac			NO COMMUNAL LAND		
Kontum			-	-	-
Phu Bon			-	-	-
Quang Duc			-	-	-

Province and District	No. of Villages/ Districts	No. of Villages with cultivated and uncultivated lands	Area in Hectares		
			Cultivated lands	Uncultivated lands	Total
PROVINCES AND CITIES (Cont.):					
Tyuen Duc			NO COMMUNAL LAND		
Dalat			-	-	-
Long Khanh			-	-	-
Hue			-	-	-
Da Nang			-	-	-
Binh Long			-	-	-
Con Son			-	-	-

Saigon January 3, 1966

Chief of Communal Land Section
Directorate of Land Affairs

NGYUEN VAN NHO (s)

Note: Components may not add to total because of rounding.

Appendix H-6

COMMUNAL LANDS AND RICEFIELDS IN THE WHOLE COUNTRY
(Hectares)

Provinces	Area of Each Province	Cultivated Area	Communal Lands And Ricefields	Communal Rice-fields	Communal Lands
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 Gian	682,830	241,300	16,051	13,455	596
Kien Hoa	215,520	193,413	5,937	3,713	2,224
Kien Phong	261,480	196,354	4,724	1,273	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
Darlac	1,280,840	12,500(*)	0	0	0
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 Ricefield, Republic of Vietnam, Report No. 5, December 1960.

SITUATION OF COMMUNAL LANDS AND RICEFIELDS IN THE PROVINCES

Provinces	Number of Villages	Villages Having No Communal Ricefields	Villages Having No Communal Lands	Villages Having Less than 10 ha. (land)	Villages Having Less than 50 ha. (ricefields)
An Giang	97	0	4	22	16
An Xuyen	23	2	3	17	0
Ba Xuyen	76	4	13	23	11
Bien Hoa	51	16	15	15	35
Binh Duong	56	26	12	9	21
Binh Long	54	54	54	0	0
Binh Tuy	10	2	4	2	4
Dinh Tuong	124	8	1	60	72
Gia Dinh	61	7	1	20	37
Kien Giang	55	2	3	31	5
Kien Hoa	119	5	1	79	85
Kien Phong	43	2	6	24	22
Kien Tuong	23	10	13	3	5
Long An	96	2	5	40	25
Long Khanh	16	15	15	1	0
Phong Dinh	31	3	8	31	23
Phuoc Long	19	19	19	0	0
Phuoc Tuy	44	7	3	11	14
Phuoc Thanh	30	2	0	11	22
Tay Ninh	49	17	25	18	26
Vinh Binh	74	18	9	51	44
Vinh Long	81	3	15	54	49
Quang Tri	86	7	7	13	9
Thua Thien	90	3	1	3	12
Quang Nam	240	27	41	38	87
Quang Ngai	199	1	0	35	50
Binh Dinh	167	0	3	15	11
Phu Yen	72	16	6	17	34
Khanh Hoa	103	34	35	15	14
Ninh Thuan	28	2	2	0	11
Binh Thuan	56	21	21	13	17
Darlac	62	62	62	0	0
Pleiku	112	120	117	0	1
Kontum	97	97	97	0	0
Lam Dong	14	24	24	0	0
Quang Duc	14	14	14	0	0
Dalat	27	27			
Total	2,633	677	684	688	762
Adds to:	2,599	679	659	671	

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

CENSUS OF COMMUNAL LANDS AND RICEFIELDS
(Status to December 31, 1960)

Provinces	No. of Villages in Each Province	No. of Villages Having Established Lists of Census According to Land Registers or Inquiries in Case of Lost Land Registers	No. of Villages Having Made Location Maps on 1/25,000	No. of Villages Having Asked for Delivery of Location Maps on 1/25,000	No. of Villages Having Colored Proportioning Maps	No. of Villages Having Made Inquiries about the Use of Communal Lands and Ricefields	No. of Villages Having Registers of Communal Lands and Ricefields	Remarks
An Giang		39	39		39	39	39	
Chau Doc	97	53	15		53	53	40	
An Xuyen	23	23	12	5	23	2		
Ba Xuyen		12	6	6	9	0	9	
Bac Lieu	76	23	23	10	23	23	23	
Bien Hoa	60	43	26			3	3	
Binh Duong	56	51	51			51	51	
Binh Long	31							Having no Communal Lands and Ricefields
Binh Tuy	10							
Dinh Tuong	124	123	40	23	7	80	38	
Gia Dinh	59	58	2		2	40	33	
Kien Giang	55	55	25		0	11	0	
Kien Hoa	115	115	5		5	111	3	Having no Communal Lands and Ricefields
Kien Phong	43	33	13		0	33	37	
Kien Tuong	23	23	0		0	23	0	
Long An	96	96	18		96	91	17	
Long Khanh	16							
Phong Dinh	51	50	12		12	50	0	
Phuoc Long	20	19	1		19	0	0	
Phuoc Thanh	30							

Provinces	No. of Villages in Each Province	No. of Villages Having Established Lists of Census According to Land Registers or Inquiries in Case of Lost Land Registers	No. of Villages Having Made Location Maps on 1/25,000	No. of Villages Having Asked for Delivery of Location Maps on 1/25,000	No. of Villages Having Colcored Proportioning Maps	No. of Villages Having Made Inquiries about the Use of Communal Lands and Ricefields	No. of Villages Having Registers of Communal Lands and Ricefields	Remarks
Phuoc Tuy		35	0	0	0	0	0	
Vung Tau	36							
Tay Ninh	49	43	43		1	43	43	
Vinh Binh	74	49	16	16	0	49	0	
Vinh Long		6	10		0	6	0	
Sa Dec	81	35	35	35	0	35	35	
Binh Dinh	169	45	.30		0	41	27	
Binh Thuan	42	15	0		0	15	0	
Darlac	62							
Khanh-Hoa	103	26	0		0	26	0	
Kontum	97							
Lam Dong	24							
Ninh Thuan	24	23	7	4	0	23	0	
Phu Yen	67	12	2	2	0	0	0	
Pleiku	113							
Quang Duc	14							
Quang Nam	238	135	5	5	0	135	20	
Quang Ngai	159	39	0		0	0	0	
Quang Tri	84	60	40	40	4	60	2	
Dalat (TD)	27							
Thua Thien	90	33	0		0	0	0	
Total	2,538*	1,372	476	136	293	1,043	420	
Adds to:				141				

* Including Villages having no Communal Lands and Ricefields

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

Appendix H-7

RENTAL CONTRACTS ISSUED FOR COMMUNAL LANDS
SELECTED PROVINCES IN REGIONS III AND IV
(1967)

Provinces	No. Farm Units Rented Under		Status of Rental Contracts						Est. Percent of Crop Delivered to Landlord As Ann. Rent	
	Bidding System	Convd. from Bidding Practice to Ord. 2	No. Regd. Contracts	Area in ha. Covered by Reg. Contracts	Avg. ha. per Con.	No. Contracts Renewed	Area in ha. Covered by Renewed Con.	Avg. ha. per Con.	Est. Range Max./Min.	Est. Avg.
Region III										
Binh Duong	--	--	3,084	3,224	1.0%	--	--	--	--	--
Long Khanh	--	--	--	--	--	--	--	--	--	--
Phuoc Tuy	--	431	493	700	1.5	62	121	1.9%	15%-NA	40%
Phyoc Long	--	--	--	--	--	--	--	--	--	--
Hau Nghia	--	--	149	149	1.0	--	--	--	15-40%	25%
Long An	--	--	28,364	60,372	2.1	113	284	2.5	5-30%	10%
Region IV										
Kien Giang	--	5,860	2,081	6,129	2.9%	2,001	6,140	3.1%	15-25%	18%
Bien Hoa	--	--	2,581	3,767	1.5	--	--	--	15-25%	20%

Source: CORDS Land Reform and Land Affairs Field Survey
Submitted August 8-23, 1967
(Data from Statistical Summary of Provincial Questionnaire Replies)

Appendix H-8

United States Operations Mission to Vietnam - Division of Agriculture

MEMORANDUM OF CONVERSATION

Subject: Communal Lands

Participants: Keith W. Sherper, Asst. Land Reform Advisor
Quan Tu Chau, Adm. Asst., ADAG Planning Branch
Vo Van Qui, Deputy Director of Land Reform, Ministry of Agriculture

Date: April 13, 1967

Place: Directorate of Land Reform, Saigon.

1. There are several types of Communal Lands in Vietnam. USAID was furnished with the following classification of these lands and the related areas: (in hectares)

   305,340 - Total area recorded in land registers.
   220,929 - Total area identified, and actually accounted for.
   71,279 - Quan Cap
   43,494 - Leased
   50,523 - Bidding
   55,632 - Abandoned

2. A brief description of each category, as related by Mr. Qui, follows:

   a. Quan Cap lands were originally lands given to the village by the emperor. The conditions of use are that every person in the village above the age of 18 years will receive an equal portion without any payment of rent. Accordingly, annual adjustments are made for equal subdivisions. Quan Cap Lands in South Vietnam are located in the Northern Coastal Lowlands.

   b. Leased lands are allocated by the Village Committee for Land Distribution and let under regular rental procedures as stated in Ordinance 2. They are located throughout the country.

   c. Bidding lands have been leased to the highest bidder who has been able to sublet or use himself. The GVN recognized the deficiencies of this system and decreed on May 24, 1965 bidding procedures will no longer be allowed. As of March 15, 1967 an area

of 13,871 hectares in 174 villages have been converted to conformance with Ordinance No. 2 rental regulations and the remaining area is being shifted to these conditions as bidding terms expire. These lands are located in the provinces throughout the country. Since the change from bidding to rental contracts, a considerable number of complaints have been voided by village authorities because of reduced village income.

d. Abandoned lands are not suitable for cultivation or are utilized for other public use.

Drafted by: (s/s)
Keith W. Sherper

UNCLASSIFIED
(Security Classification)

Appendix I

LAND DEVELOPMENT AND RESETTLEMENT CENTERS

Appendix I-1

Ministry of Rural Affairs

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

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

The National Council for Land Reform decides:

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

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

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

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

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

4. For those landlords who refuse the exchange of their lands under the above mentioned conditions the Government will negotiate with them in order to purchase these lands at the price of 800 piasters per hectare, but allowing the landowner to collect the harvest revenue of the year in which the definitive sale contract is made up.

5. The National Council for Land Reform entrusts the Province Chief of Kien Giang with the responsibility of carrying out this decision.

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

. . . . . .
. . . . . .

Saigon, March 25, 1964

S/s NGUYEN CONG HAU

Appendix I-2

National Leadership Committee
Office of the Chairman

Arretee No. 021/65 of October 8, 1965,*
Granting of Permanent Ownership Rights, without Compensation, on the State-Owned Land at the Land Development and Resettlement Centers

THE CHAIRMAN OF THE NATIONAL LEADERSHIP COMMITTEE

Referring to . . . . . .

DECREES:

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

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

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

ARTICLE 4. The Chairman of the Central Executive Committee, General Commissioners and Commissioners, are charged with the execution of this Arretee.

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

Saigon, October 8, 1965

S/ Lt. General NGUYEN VAN THIEU

* On March 20, 1968, Circular No. 2687 BCCDDCN was issued, implementing Arretee No. 021/65.

Appendix I-3

THE CURRENT SITUATION OF THE LAND-DEVELOPMENT PROGRAM IN VIETNAM

Prepared and Translated by
The Directorate of Land Development from The Ministry of Agriculture

THE ACTUAL SITUATION OF THE LAND-DEVELOPMENT PROGRAM

I. PURPOSES OF THE LAND DEVELOPMENT PROGRAM IN VIETNAM

The Land Development program has been under way in Vietnam since 1957 and during that time has been considered as a national policy with the following objectives:

1. On the economic field:

   - to re-cultivate the idle areas and exploit the zones of uncultivated land (Central Highlands region, South Vietnam East Zone, Ca-Mau and Dong-Thap-Muoi Zones).

   - to apply the new techniques of culture for a yield-increase extend the culture of industrial plants (rubber-trees, kenaf ...)and to manipulate the mechanical rural implements in the land exploitation and culture.

2. On the social field:

   - to raise the living standard of the countrymen without property before.

   - to scatter the overcrowded areas in shortage of land for culture (provinces in the middle of Central Vietnam).

   - to make the countrymen landlords (each family of settlers was granted from 3 to 5 ha of land).

3. On the strategic, political field and the security point of view:

   - to sow the fraternity spirit between Montagnards and Vietnamese by settling the combined land development centers for both Vietnamese and Montagnards or settling the ones for Montagnards near to the ones for Vietnamese.
     (Actually there are 9 combined land development centers and 8 Montagnards centers.)

- to place indicators in the wild regions and the communication spots where the Viet Cong may serve to attack Vietnam or pass in.

II. PRESENT SITUATION OF THE LAND DEVELOPMENT CENTERS

1. General situation:

There are in all 225 land development centers settled since 1957 till today gathering 52, 182 families consisting of 274, 945 persons. The Land Development program took more importance in the Highlands and in the South Vietnam East Zone than in the other regions.

Especially in Quang-Tri, Thua-Thien, Quang-Tin provinces the land development centers were places where local people were gathered (similar to the former strategic hamlets).

2. Organization and responsibility of the offices which undertook the Land Development work.

a) Since 1957 till the end of 1963 the office which undertook the Land Development program is the General Commissariat for Land Development. This Commissariat consisted of many Directorates, services among which was the Land Development Directorate actually called: Agricultural Extension Directorate under command of the Rural Affairs Department.

b) After the Revolutionary day November 1, 1963 the General Commissariat for Land Development was dissolved; the Land Development program was given no more extension, no new center was settled, only the ones settled before, up to 1963 were achieved. The different centers were ordered to be converted into regional villages from the Prime Minister Cabinet and the different works were distributed as follows:

- the work relating to agriculture: under supervision of the Agricultural Extension Directorate.

- the work relating to administration, population, security: under command of the provincial authorities.

According to principles, the different duties were distributed clearly but in reality, the command met many difficulties as:

- the lack of security caused disorder in many centers.

- in some provinces, the local authorities dissolved by themselves a certain number of centers with the so-called reason that there were not enough forces to keep

up security. They gathered the settlers in the town or in the districts without any program or plan of active help for resettling them in another new residence. That was the source of many complaints and all kinds of requests. (It occurred in Phuoc-Thanh, Phuoc-Long, Darlac, Phuoc-Tuy provinces.)

- particularly concerning the Agricultural Extension Directorate with its duty relating to the culture program, with insufficient funds it could not satisfy all the requests (sometimes with exaggeration) of the settlers as of the provinces with its local development centers.

3. Security situation.

Formerly, each Land Development Center was considered as a strategic spot relating to the national defence and security. So the Viet Cong did their best, by all means, to trouble and occupy the Land Development Centers.

Later, especially in the last months, because of the Viet Cong pressure, many centers were gradually and completely controlled by them after the withdrawal of the National Security forces.

According to reports and news at hand the actual security situation at the different centers is very critical and on the way to a very pessimistic phase:

- In the Kontum Province there are 4 centers relatively secure but often troubled by the Viet Cong.

- In the Pleiku Province there are 23 centers; the 5 neighboring the town are relatively secure, while the 18 others lose it completely.

- In the Phu-Bon Province there are 7 centers; 6 of them are relatively secure, the seventh one loses it completely.

- In the Darlac Province there are 30 centers; 7 of them are relatively secure, 23 lose it completely.

- In the Quang-Duc Province there are 9 centers but 1 center was dissolved, 4 are relatively secure and 4 are not secure.

- In the Phuoc-Long Province there are 26 centers; 7 of them were dissolved by lack of security, about 4 or 5 near to the province are partly secure, the others lost it entirely.

- In the Binh-Long Province there are 7 centers but none are secure, the center security force existing no more.

- In the Binh-Duong Province there are 4 centers; 2 are relatively secure, 1 center was dissolved by lack of security, 1 center has completely lost it.

- In the Phuoc-Thanh Province there are 8 centers; 3 of them are secure, 2 were dissolved by lack of security, 3 centers are partially secure.

- In the Phuoc-Tuy Province there are 3 centers but 2 were dissolved by lack of security, 1 center is actually under supervision of the V.C.

- In the Binh-Tuy Province there are 20 centers but only 2 are secure, the 18 others lost it completely.

The centers mentioned as losing security are the ones in which there is no more Government security force. The Viet Cong often appear there.

Our general remark is that the Vietnamese Government only controls about 20 to 30 per cent of the centers set up in the Highlands and the South Vietnam East Zone.

4. Situation of the settlers' culture and their activity in the centers.

a) Generally speaking the present culture situation in the centers decreased clearly:

- the surface of land cultivated with paddy decreased from 54,500 Ha at the end of 1963 to 43,000 Ha at the end of 1964; during that time the surface planted in field crops also decreased from 22,000 Ha at the end of 1963 to 20,000 Ha at the end of 1964.

  In the present season, the culture is on a progressive way, but according to the results seen the surface of cultivated area may be reduced about 40 per cent compared with that at the end of 1963.

- the surface of land planted in industrial plants especially rubber-trees, decreases gradually:

  - surface at the end of 1963: 26,749 Ha
  - surface at the end of 1964: 18,296 Ha
  - present surface: 15,882 Ha

  Only 10,000 Ha out of it are under care, the remaining surface stays idle.

Briefly, the settlers' culture decreases for many reasons

1. Many youths in the centers are under conscription or enrolled in the regional armed forces (militiamen, US special forces...) such are 80 per cent of youths in the centers in many provinces (for example Pleiku). So, the man power for culture becomes less and less important. In a great part of the centers, the remaining people consist of almost all children or old persons not apt for field culture.

2. Besides, by lack of security the settlers dare not go far from the centers for culture. They only exploit the part of land neighboring the center forces causing a decrease in the surface of cultivated areas.

3. In the centers where the national force exists no more the Viet Cong make a propaganda to the settlers for not planting industrial plants. They oblige them to cultivate paddy and field crops in order to share the production.

   So the surface of the careless land planted in rubber-trees increases gradually though a certain number of them are growing well and nearly sapped.

4. Before this bad-looking prospect, because of war and lack of security, the settlers do not believe much in their future so they only sow the fast-eaten-crops such as: paddy, potatoes and neglect the culture of industrial plants (rubbertrees, kenaf...) saying the last ones require much more time to produce though having a nicer future.

5. Besides, the surface of land planted in rubber-trees in the dissolved centers becomes disregarded and appears as uncultivated.

b) The activity of the settlers becomes less and less important for the following reasons:

- Formerly the settlers took part intensively in the defence of the centers, but in the recent past the local authorities have withdrawn all the armed forces from many centers to the county, town or districts. The centers are no more defended so the Viet Cong freely threaten the people and take off their food. The municipal committee cadres and the youths formerly taking part eagerly in the defence of the centers, escape for the town or district. The remaining part of the people, on account of their living, do not know where to go and

see themselves obliged to become attached to their facilities, houses and gardens acquired many years ago, but their mind is much troubled, all belief in the future gone away, thinking being shaken off by the government.

The culture for that reason becomes neglected, the yield reduced, and the settlers must pay their contribution consisting of paddy and other crops to the Viet Cong.

Besides, because of the lack of security, roads from centers downtown are cut off, the necessary foods (salt, fish-sauce) are obtained with difficulty and are expensive, the exceeding crops, if there are any cannot be sold, so the life already hard, becomes harder and harder.

III. PRESENT AND COMING ABILITY OF THE LAND DEVELOPMENT CENTER

1. Population situation.-From 1957 to the end of 1963, 225 Land Development Centers were settled throughout the country gathering 52, 182 families consisting of 274, 945 persons.

After November 1, 1963 up to the end of 1964 a number of settlers left their centers behind for new residences with many reasons:

- A handful thought that they would receive no more active help from the government once the General Commissariat for Land Development was dissolved. That is why they left the centers for other places or went back home.

- Others said: they were obliged to resettle by the former local authorities, so with the revolutionary spirit of November 1, 1963 they have the right to go back home.

- A number of centers having been set mainly because of the strategic point of view (no road for communication, in the remote zone, bad soil render the settlers' living difficult so they left behind the centers for other places.

- Besides, in a fresh past, because of the increasing lack of security, the withdrawal of national forces defending the centers, a certain number of settlers, above all, the municipal committee cadres, militiamen, faithful to the national cause, left the centers for an escape to the town or district.

This state, actually putting much disorder to the settlers' activities, occurs in many provinces such are: Pleiku, Darlac, Phuoc-Long, Binh-Tuy. These people (numerous) once leaving the centers for an escape to the town become jobless, living only on the temporary aid of the provincial authorities. These people

having no proper fund, cannot set up any program or plan to resettle those people in a suitable land gathering sufficient conditions for their culture and living. This fact causes much prejudice to the national economic basis (because when escaping they left behind entirely their facilities, gardens and properties) and to the order and security of the province.

By the reasons mentioned above, the population in the centers, decreases gradually according to the following figures (not very exact) because of the presence of many centers out of government control.

Number of settlers before November 1, 1963:

- Families 52,182
- Persons 274,945
- Centers 225

Number of settlers up to the end of 1964:

- Families 45,589
- Persons 242,766
- Centers 203

Present number of settlers:

- Families 40,472
- Persons 215,098
- Centers 194

Actually, there are a number of centers out of hand, so the present number of settlers may be reduced from 5 to 10 per cent.

2. Economic ability:

The total expenses for the Land Development Program from 1957 to the end of 1963 amounted to VN$2,381,000,000 exclusive of the foreign aid consisting of bull dozers, tractors and other equipments. Almost all those expenses came from the national budget.

With the Land Development Plan from 1957 to the end of 1964 the settlers have exploited 112,748 Ha of uncultivated land among the wild forests in the Highlands, the South Vietnam East Zone and the Dong-Thap-Muoi, Ca-Mau agricultural zone.

The statistics set up at the end of 1964 show that the settlers have harvested 50,000 tons of paddy, 47,000 tons of field crops with no count of the rubber-yield with its 15,882 Ha of cultivated surface, among which, some thousands of Ha may be sapped in 1967.

IV. REMARKS AND SUGGESTIONS

The Land Development Program realized in Vietnam 8 years ago, has recorded, as a large-scale program, shortcomings as well as good results like any other one.

Truly speaking, it has relatively harvested good results. Besides, the Government has spent over 2 milliards of Vietnam piasters for it. In the present time there is no new center, no new settlers, and no more resettlement, but with the present number of settlers in the centers facing the actual critical security condition, the Government has to perform some proper means to:

- protect the personnel, maintain the security and the strategy of the present centers.
- consolidate and achieve the above centers (on the economic point of view).

We beg to suggest the following program:

1. The Government has to check again the land resettlement policy and proclaim a clear way of conduct served as a criterion for the different offices. Then the settlers will become less and less excited to settle. Most of them have the anti-communist and settlement spirit.

2. To reorganize the defense system of the centers judged necessary to be protected. For some, out of hand for one reason or for another, we have to plan how to move the settlers out to other places gathering sufficient living conditions.

3. Parallely to the reorganization of the security system, it is better to study and sketch the plan of how to expand the economic side of the centers in order to be self-sufficient. These plans may be short time or long time ones, aiming at how to help the settlers with all the production equipment to be self-sufficient later.

We are studying the plan of consolidating the centers mentioned. This plan, as well as the consolidation measures of the centers mentioned, will be exposed to you in another opportunity. Any collaboration of ideas from you, gentlemen, for the realization of this program would be welcome.

Appendix I-4

REFUGEE SITUATION IN VIETNAM

Table 1

REFUGEES RETURNED TO ORIGINAL VILLAGE
(Regions)

Monthly	I	II	III	IV	Total
1965					
June					
July					
August					
September					
October					
November					
December					
1966					
January	20,967	1,448		49,620	72,035
February	41,923	2,881		49,620	94,424
March	65,163	4,379	1,349	52,221	123,112
April	65,163	4,379	1,349	52,221	123,112
May					
June	68,292	4,379	15,610	52,221	140,502
July					
August	70,154	54,011	26,458	81,052	231,675
September					
October	70,154	87,792	34,285	88,084	280,315
November	70,180	95,813	36,276	94,156	296,425
December	70,180	104,827	51,156	99,254	325,417
1967					
January	69,440	111,813	59,840	100,694	341,787
February	69,440	124,125	59,840	100,694	354,099
March	67,683	121,066	47,004	75,871	311,624
April	67,766	136,121	48,076	84,802	336,765
May	66,386	136,151	71,389	94,799	368,725
June	66,386	355,773	71,601	109,449	603,209
July	66,386	356,339	72,109	112,818	607,652
August	69,167	356,504	70,414	116,684	612,769

Source: William C. Luken, Reports Officer, Refugee Division/CORDS.

Table II

RESETTLED REFUGEES
(Regions)

Monthly	I	II	III	IV	Total
1965					
June					
July		106,502	7,716	14,366	128,584
August	66,466	106,502	7,716	22,614	203,298
September	56,138	105,951	17,765	41,509	221,363
October	42,082	98,019	32,943	85,203	258,247
November	42,097	88,214	31,734	97,548	259,593
December	40,584	91,440	36,012	114,155	282,191
1966					
January	45,190	100,695	41,466	82,443	269,794
February	56,605	109,758	54,220	95,511	316,094
March	56,729	111,746	53,531	98,976	320,982
April	57,891	111,746	54,874	101,035	325,546
May					
June	62,515	114,965	66,097	116,997	360,574
July					
August	73,859	116,127	110,745	186,222	486,953
September					
October	72,812	124,242	134,547	208,875	540,476
November	74,667	127,290	143,110	220,462	565,529
December	75,373	95,701	147,927	223,715	542,716
1967					
January	68,720	105,129	165,681	232,773	572,303
February	68,720	93,985	165,681	232,931	561,317
March	69,176	82,462	171,200	245,482	568,320
April	69,071	82,890	171,200	243,880	567,041
May	72,535	87,658	154,678	258,074	572,945
June	79,395	97,460	157,194	260,487	594,536
July	80,004	99,997	158,342	263,446	601,789
August	88,008	106,996	161,884	270,982	627,870

Source: William C. Luken, Reports Officer, Refugee Division/CORDS.

Table III

TEMPORARY REFUGEES
(Regions)

Monthly	I	II	III	IV	Total
1965					
June					
July		155,760	44,463	33,875	234,098
August	152,033	162,502	44,678	31,336	390,549
September	147,717	162,263	49,669	54,740	414,389
October	152,818	185,717	39,296	44,025	421,856
November	152,180	206,850	55,329	45,508	459,867
December	118,516	209,749	65,068	60,334	453,667
1966					
January	98,672	210,067	64,592	69,191	442,522
February	93,059	223,368	76,824	64,943	458,194
March	103,606	225,364	70,941	64,607	464,518
April	108,838	225,575	81,504	67,611	483,528
May					
June	125,947	230,479	79,086	65,220	500,732
July					
August	161,794	262,821	74,936	93,109	592,660
September					
October	188,979	320,586	75,268	101,464	686,297
November	200,413	358,637	79,033	116,626	754,709
December	200,973	663,825	104,763	137,395	1,106,956
1967					
January	275,973	366,136	63,703	136,463	842,275
February	288,117	373,828	70,421	141,276	873,642
March	321,509	390,033	84,542	125,722	921,806
April	329,146	394,931	86,565	127,424	938,066
May	332,770	403,414	89,743	123,573	949,500
June	331,146	186,424	89,964	115,544	723,078
July	337,006	191,792	90,147	117,018	735,963
August	369,543	194,743	89,058	114,115	767,459

Source: William C. Luken, Reports Officer, Refugee Division/CORDS.

Table IV

TOTAL NUMBER OF REFUGEES*
(Regions)

Monthly	I	II	III	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	246,754	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	467,983	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

* Includes those returned, resettled, and temporary.

Source: William C. Luken, Reports Officer, Refugee Division/ CORDS.

Appendix I-5

REFUGEE SITUATION IN VIETNAM
(February 1968)

REPORT OF TEMPORARY DISPLACED PERSONS AS OF 24 FEBRUARY 1968

Province	No. Refugees	Houses Destroyed	Civilians Killed	Civilians Wounded
I CTZ				
Da Nang	115*	136	13	19
Quang Nam	15,749*	841	193	713
Quang Ngai	2,190*	898	137	514
Quang Tin	3,936*	638	151	560
Quang Tri	11,835*	1,671	103	332
Thua Thien	44,000*	596	557	562
Total	77,825	4,780	1,154	2,700
II CTZ				
Dalat	20,435†	2,800	41	169
Binh Dinh	5,000	1,906	90	287
Binh Thuan	21,436†	4,019	60	262
Cam Ranh	0	0	0	0
Darlac	18,400	3,319	560	800
Khanh Hoa	3,192	600	33	124
Kontum	6,970†	696†	48	147
Lam Dong	0	0	0	0
Ninh Thuan	0	0	0	0
Phu Bon	0	0	0	0
Phu Yen	5,500†	600†	15	460
Pleiku	7,507†	888	117	275
Quang Duc	0	50		
Tuyen Duc	0	0	0	0
Total	88,440	14,878	964	2,524
III CTZ				
Bien Hoa	13,731†	1,054	113†	70†
Binh Duong	7,486†	1,642†	52	967
Binh Long	0	2	1	9
Binh Tuy	0	0	0	0
Gia Dinh	53,160†	4,000†	500†	
Hau Nghia	1,500†	664	49	126
Long An	2,160†	88†	25	215

Province	No. Refugees	Houses Destroyed	Civilians Killed	Civilians Wounded
III CTZ (cont.)				
Long Khanh	2,000†	191	16	19
Phuoc Long	1,432	400	18	50
Phuoc Tuy	3,302†	111†	40†	249†
Tay Ninh	4,800†	17†	20	52
Vung Tau	2,900†	0	4	39
Total	92,471	8,169	838	1,796
IV CTZ				
An Giang	17,528†	133	1	5
An Xuyen	104†	0	24	80
Ba Xuyen	1,668†	716†	82	173
Bac Lieu	6,805	958	22	83
Chau Doc	7,195†	1,263	67	162
Chuong Thien	766†	302†	29	52
Dinh Tuong	5,025†	5,039†	193	965
Go Cong	2,000†	30†	17	61
Kien Giang	2,139†	364	82	153
Kien Hoa	23,921†	4,582†	234†	2,005
Kien Phong	5,638†	954	13	65
Kien Tuong	1,200†	143	53	70
Phong Dinh	12,662†	2,106	118	145
Vinh Binh	738†	282	49	271
Vinh Long	16,943†	4,642†	112	1,000
Sa Dec	1,100†	314	28	73
Total	105,432	21,828	1,124	5,363
Saigon total	143,904‡	15,000‡	284§	5,108§
National total	508,072	64,655	4,364	15,491

* I Corps Refugee Officer for all I Corps figures (Thua Thien figures include 29,000 for the city of Hue and 15,000 at Phu Bai).

† Corps Refugee Officer

‡ MOH

§ MSWR

Source: William C. Luken, Reports Officer, Refugee Division/CORDS. All figures are from Province SITREP unless otherwise indicated.

Appendix I-6

REFUGEES IN VIETNAM BY AGE AND SEX*

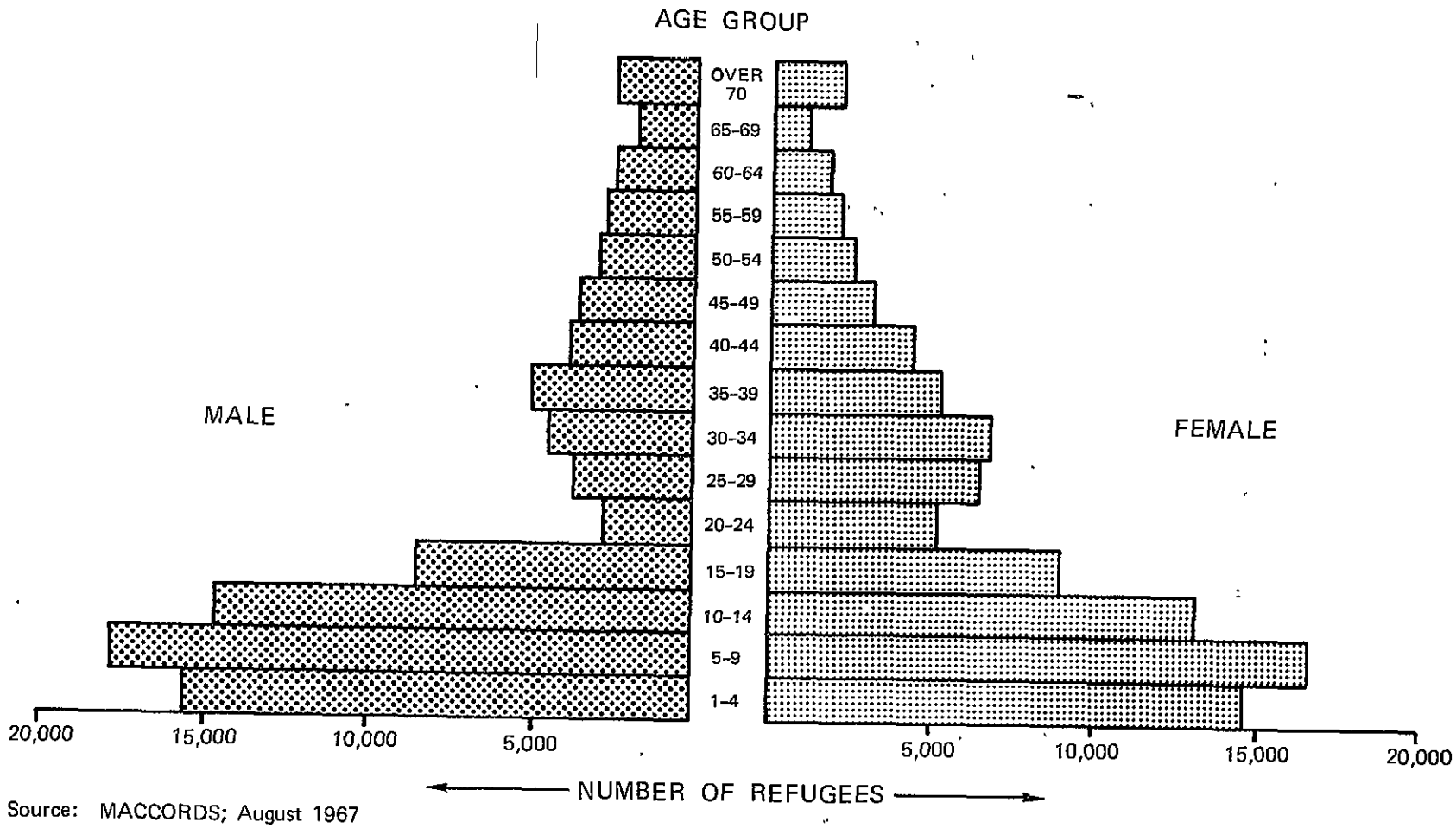
Age Groups (years)	Male	Female	Total
1-4	15,729	14,967	30,696
5-9	17,905	16,751	34,656
10-14	14,595	13,178	27,773
13-19	8,512	9,005	17,517
20-24	2,843	5,242	8,085
25-29	3,594	6,315	9,909
30-34	4,465	6,358	10,823
35-39	4,824	5,577	10,401
40-44	3,801	4,741	8,542
45-49	3,378	3,644	7,022
50-54	2,860	3,025	5,885
55-59	2,372	2,601	4,973
60-64	2,130	2,487	4,617
65-69	1,615	1,854	3,469
70	2,018	2,681	4,699
Total	90,641	98,426	189,067

* Based on sample registration of 189,067 refugees.

Source: MACCORDS, August 1967.

Figure I-7

AGE AND SEX STRUCTURE OF REFUGEES
REPUBLIC OF VIETNAM
Based on sample registration of 189,067 refugees



Source: MACCORDS; August 1967

Appendix I-8

REFUGEE EDUCATION*
(Male and Female Refugees by Age with Previous Schooling and Without Previous Schooling)

Age Group	Male WPS	Male WOPS	Male % WPS	Female WPS	Female WOPS	Female % WPS	% M-F WPS
4-9	7,478	14,392	34%	5,756	14,733	28%	31%
10-19	18,754	4,271	81	15,440	6,491	70	76
20-29	6,054	1,500	80	7,925	2,912	73	76
30-39	7,980	1,372	85	7,128	3,851	65	74
40-49	5,250	1,679	76	3,043	5,544	35	53
50-59	3,700	1,988	65	1,566	4,927	24	43
60-70	1,934	3,321	37	1,137	5,479	17	26
Total	51,150	28,523	64%	41,995	43,937	49%	56%

* Based on Survey of 165,605 refugees in Temporary Centers.

Source: MACCORDS, August 1967.

Appendix I-9

SITUATION OF REFUGEES FROM NONSECURE AREAS

(September 30, 1967)

TOTAL NUMBER OF REFUGEE SETTLEMENTS AND POPULATION THROUGHOUT THE COUNTRY

Regions	Number of Settlement Centers				Total
	TDC	KTN	CC	ATN	
I	32	67	4	5	108
II	31	26		47	104
III	34	84		69	187
IV	11	149	48	23	231
Total	108	326	52	144	630

Regions	No. of Families	No. of Persons
I	19,491	98,509
II	22,112	107,310
III	28,196	161,795
IV	16,805	125,472
Total	86,604	493,086

Explanation:

TDC = refugee center
KTN = group of refugees
CC = settled with local fellow citizen in "New Life" hamlet
ATN = refugee hamlet

REPUBLIC OF VIETNAM
Special Commission for Refugees
Directorate for Planning
Construction Office
Statistical Office

NUMBER OF REFUGEE SETTLEMENTS AND POPULATION BY PROVINCES IN REGION I

Province	Number of Settlement Centers				Total
	TDC	KTN	CC	ATN	
Da Nang	1				1
Quang Nam	15	16			31
Quang Ngai	14	2			16
Quang Tin		6		4	10
Quang Tri		34			34
Thua Thien	2	9	4	1	16
Total	32	67	4	5	108

Province	Population Settled	
	No. of Families	No. of Persons
Da Nang	658	3,913
Quang Nam	4,384	26,451
Quang Ngai	3,039	13,849
Quang Tin	3,433	16,857
Quang Tri	6,491	29,599
Thua Thien	1,486	7,840
Total	19,491	98,509

Explanation:

TDC = refugee center
KTN = group of refugees
CC = settled with local fellow citizen in "New Life" hamlet
ATN = refugee hamlet

NUMBER OF REFUGEE SETTLEMENTS AND POPULATION BY PROVINCES IN REGION II

Province	Number of Settlement Centers				Total
	TDC	KTN	CC	ATN	
Binh Dinh	5				5
Binh Thuan		11		1	12
Cam Ranh	1				1
Darlac		2		13	15
Khanh Hoa	6	7		1	14
Kontum	6				6
Lam Dong	9				9
Ninh Thuan	1				1
Phu Bon				3	3
Phu-Yen		6		16	22
Pleiku	3				3
Tuyen Duc				3	3
Quang Duc				10	10
Total	31	26		47	104

Province	Population Settled	
	No. of Families	No. of Persons
Binh Dinh	1,024	7,807
Bind Thuan	2,185	9,801
Cam Ranh	500	2,636
Darlac	3,551	19,336
Khanh Hoa	717	3,443
Kontum	1,013	3,856
Lam Dong	1,797	8,083
Ninh Thuan	127	649
Phu Bon	1,238	7,069
Phu Yen	4,239	19,245
Pleiku	3,560	15,362
Tuyen Duc	332	1,843
Quang Duc	1,829	8,180
Total	22,112	107,310

Explanation:

TDC = refugee center
KTN = group of refugees
CC = settled with local fellow citizen in "New Life" hamlet
ATN = refugee hamlet

NUMBER OF REFUGEE SETTLEMENTS AND POPULATION BY PROVINCES IN REGION III

Province	Number of Settlement Centers				Total
	TDC	KTN	CC	ATN	
Bien Hoa	12	20		1	33
Binh Duong		2		6	8
Binh Long		11			11
Binh Tuy	10			4	14
Gia Dinh		3		14	17
Hau Nghia	4	1		3	8
Long An	2	22		1	25
Long Khanh				21	21
Phuoc Long	2	8		12	22
Phuoc Tuy		12		2	14
Tay Ninh		5		5	10
Vung Tau	4				4
Total	34	84		69	187

Province	Population Settled	
	No. of Families	No. of Persons
Bien Hoa	4,644	26,581
Binh Duong	1,800	5,204
Dinh Long	1,237	6,032
Binh Tuy	3,919	17,690
Gia Dinh	3,354	19,461
Hau Nghia	2,083	11,012
Long An	1,656	25,901
Long Khanh	2,777	15,247
Phuoc Long	2,539	12,398
Phuoc Tuy	1,472	6,719
Tay Ninh	1,558	8,766
Vung Tau	1,157	6,784
Total	28,196	161,795

Explanation:

TDC = refugee center
KTN = group of refugees
CC = settled with local fellow citizen in "New Life" hamlet
ATN = refugee hamlet

NUMBER OF REFUGEE SETTLEMENTS AND POPULATION BY PROVINCES IN REGION IV

Province	Number of Settlement Centers				
	TDC	KTN	CC	ATN	Total
An Giang		22			22
An Xuyen		4			4
Ba Xuyen		42			42
Bac Lieu		1	2	1	4
Chau Doc		49		3	52
Chuong Thien	10			3	13
Dinh Tuong				16	16
Go Cong		4			4
Kien Giang			29		29
Kien Hoa	1	13			14
Kien Phong		3			3
Kien Tuong		3			3
Phong Dinh			17		17
Vinh Binh		4			4
Vinh Long		2			2
Sa Dec		2			2
Total	11	149	48	23	231

Province	Population Settled	
	Number of Families	Number of Persons
An Giang	2,566	14,742
An Xuyen	165	1,186
Ba Xuyen	1,308	32,987
Bac Lieu	306	1,991
Chau Doc	3,377	22,042
Chuong Thien	2,198	12,443
Dinh Tuong	613	4,224
Go Gong	148	789
Kien Giang	1,920	11,697
Kien Hoa	1,099	5,170
Kien Phong	-	-
Kien Tuong	545	3,499
Phong Dinh	1,855	11,856
Vinh Binh	653	2,762
Vinh Long	36	224
Sa Dec	16	130
Total	16,805	125,742

Explanation:

(TDC) Refugee Center
(CC) Settled with local fellow citizen in "New Life" hamlet
(KTN) Group of Refugees
(ATN) Refugee Hamlet

Special Commission for Refugees
Directorate for Planning
Statistical Office

Appendix I-10

SITUATION OF REFUGEES FROM VIET CONG CONTESTED AREAS
FROM 1964 TO SEPTEMBER 30, 1967
(Taken from unrevised provincial reports)
(By Regions and Provinces)

Region	Total No. Refugees	Population of Settlement (August 10, 1967): Returned to Village and Self-Help Settlement	Settlement with Support	Total
I	565,806	69,167	90,577	159,744
II	661,202	365,797	111,571	477,368
III	325,647	70,414	163,929	234,343
IV	510,305	132,622	272,351	404,973
Total	2,062,960	638,000	638,428	1,276,428

Region	Place of Settlement: Refugee Hamlet	Center in "New Life" Hamlet	Population of Temporary Settlement: Inside Camp	Out of Camp	Total	No. of Camps	Temporary Settlements Tents
I	5	103	189,482	216,580	406,062	140	7,698
II	49	57	72,201	111,633	183,834	132	7,718
III	69	118	32,396	58,908	91,304	50	740
IV	23	208	17,677	87,655	105,332	73	1,886
Total	146	486	311,756	474,776	786,532	395	18,042

REGION I

Province	Total No. Refugees	Population of Settlement (August 10, 1967): Returned to Village and Self-Help Settlement	Settlement with Support	Total
Da Nang	11,352	158	3,720	3,878
Quang Nam	184,449		26,501	26,501
Quang Ngai	227,997	62,809	16,418	79,227
Quang Tin	81,446	3,286	24,595	27,881
Quang Tri	27,266	83	11,503	11,586
Thua Thien	33,296	2,831	7,840	10,671
Total	565,806	69,167	90,577	159,744

Province	Place of Settlement: Refugee Hamlet	Place of Settlement: Center in "New Life" Hamlet	Population of Temporary Settlement: Inside Camp	Population of Temporary Settlement: Out of Camp	Population of Temporary Settlement: Total	No of. Camps	Temporary Settlements Tents
Da Nang		1	7,474		7,474	4	576
Quang Nam		31	75,907	82,041	157,948	49	2,324
Quang Ngai		16	31,107	117,663	148,770	51	3,932
Quang Tin	4	6	41,132	12,433	53,565	15	800
Quang Tri		34	15,680		15,680	3	16
Thua Thien	1	15	18,182	4,443	22,625	18	66
Total	5	103	189,482	216,580	406,062	140	7,714

REGION II

Province	Total No. Refugees	Population of Settlement (August 10, 1967) Returned to Village and Self-Helf Settlement	Settlement with Support	Total
Binh Dinh	307,521	239,498	14,232	253,730
Binh Thuan	11,666	754	9,102	9,856
Cam Ranh	2,884		2,730	2,730
Darlac	38,735	546	21,210	21,756
Khanh Hoa	28,043		5,076	5,076
Kon Tum	38,996	14,787	4,403	19,190
Lam-Dong	12,849	2,278	7,502	9,780
Ninh Thuan	2,192	250	1,217	1,467
Phu Bon	25,488	17,011	6,782	23,793
Phu Yen	127,582	77,566	5,676	83,242
Pleiku	36,524	11,389	14,999	26,388
Quang Duc	22,802	1,498	13,247	14,745
Tuyen Duc	5,920	220	5,395	3,615
Total	661,202	365,797	111,571	477,368

REGION II

Province	Place of Settlement: Refugee Hamlet	Place of Settlement: Center in "New Life" Hamlet	Population of Temporary Settlement: Inside Camp	Population of Temporary Settlement: Out of Camp	Population of Temporary Settlement: Total	Number of Camps	Temporary Settlements Tents
Binh Dinh		5	5,672	48,119	53,791	41	5,765
Binh Thuan	1	11		1,810	1,810	6	58
Cam Ranh		1	154		154	1	40
Darlac	13	2	13,349	3,630	16,979	26	
Khanh Hoa	1	13	948	22,019	22,967	3	
Kon Tum		6	19,065	741	19,806	17	
Lam Dong		9	2,505	564	3,069		
Ninh Thuan		1		725	725	2	50
Phu Bon	5		1,022	673	1,695	3	1,269
Phu Yen	16	6	13,091	31,249	44,340	10	483
Pleiku		3	10,136		10,136	14	
Quang Duc	10		6,259	1,798	8,057	6	53
Tuyen Duc	3			305	305	3	
Total	49	57	72,201	111,633	183,834	132	7,718

REGION III

Province	Total No. Refugees	Population of Settlement (August 10, 1967) Returned to Village and Self-Help Settlement	Settlement with Support	Total
Bien Hoa	32,025	5,357	4,116	9,473
Binh Duong	50,999	5,326	12,550	17,876
Binh Long	13,624	1,039	6,914	7,953
Binh Tuy	30,125	12,561	16,646	29,207
Gia Dinh	21,359		17,222	17,222
Hau Nghia	17,650	6,198	3,657	9,855
Long An	27,878	13,223	14,377	27,600
Long Khanh	39,800	9,809	27,517	37,326
Phuoc Long	24,115	10,420	12,398	22,818
Phuoc Tuy	15,415	2,543	8,064	10,607
Tay Ninh	43,701	3,938	31,784	35,722
Vung Tau	7,056		6,784	6,784
Saigon	1,900		1,900	1,900
Total	325,647	70,414	163,929	234,343

REGION III

Province	Place of Settlement: Refugee Hamlet	Place of Settlement: Center in "New Life" Hamlet	Population of Temporary Settlement: Inside Camp	Population of Temporary Settlement: Out of Camp	Population of Temporary Settlement: Total	Number of Camps	Temporary Settlements Tents
Bien Hoa	1	32	17,979	4,573	22,552	10	
Binh Duong	6	2	10,207	22,916	33,123	6	84
Binh Long		11		5,671	5,671	1	18
Binh Tuy	4	10		918	918		
Gia Dinh	14	3		4,137	4,137	6	
Hau Nghia	3	5	474	7,321	7,795	5	140
Long An	1	24		278	278	4	60
Long Khanh	21		2,474		2,474	6	30
Phuoc Long	12	10	847	450	1,297	7	90
Phuoc Tuy	2	12		4,808	4,808		
Tay Ninh	5	5	415	7,564	7,979	5	318
Vung Tau		4		272	272		
Saigon							
Total	69	118	32,396	58,908	91,304	50	740

REGION IV

Province	Total No. Refugees	Population of Settlement: Returned to Village and Self-Help Settlement	Population of Settlement: Settlement with Support	Population of Settlement: Total
An Giang	24,572	3,650	14,370	18,020
An Xuyen	29,267	506	23,637	24,143
Ba Xuyen	55,798	17,089	32,992	50,081
Bac Lieu	31,080		26,998	26,998
Chau Doc	25,484		23,707	23,707
Chuong Thien	29,213	12,572	12,883	25,455
Dinh Tuong	63,002	29,428	33,005	62,433
Go Cong	24,289	15,526	7,727	23,253
Kien Giang	80,693	4,476	38,031	42,507
Kien Hoa	31,712	7,992	18,190	26,182
Kien Phong	18,150	10,505		10,505
Kien Tuong	14,571	8,467	3,499	11,966
Phong Dinh	29,293	405	18,158	18,563
Vinh Binh	16,303	8,174	5,630	13,804
Vinh Long	33,633	13,832	13,524	27,356
Sa Dec	3,245			
Total	510,305	132,622	272,351	404,973

REGION IV

Province	Place of Settlement: Refugee Hamlet	Place of Settlement: Center in "New Life" Hamlet	Population of Temporary Settlement: Inside Camp	Population of Temporary Settlement: Out of Camp	Population of Temporary Settlement: Total	Number of Camps	Temporary Settlements Tents
An Giang		22	5,952	600	6,552	2	719
An Xuyen		4	47	5,077	5,124	1	14
Ba Xuyen		42		5,717	5,717		
Bac Lieu	1	3		4,082	4,082	4	115
Chau Doc	3	49		1,777	1,777	1	
Chuong Thien	3	10	725	3,033	3,758	13	120
Dinh Tuong	16		118	451	569	9	81
Go Cong		4	82	954	1,036	4	31
Kien Giang		29		38,186	38,186	9	250
Kien Hoa		14	1,178	4,352	5,530	10	250
Kien Phong		3		7,645	7,645		
Kien Tuong		3	693	1,912	2,605	2	50
Phong Dinh		17	106	10,624	10,730	7	140
Vinh Binh		4	2,499		2,499	1	16
Vinh Long		2	6,277		6,277	3	30
Sa Dec		2		3,245	3,245	7	70
Total	23	208	17,677	87,655	105,332	73	1,886

Note: Go-Cong: 14,836 persons temporarily settled before 1967 (settled by self-help).

NUMBER TEMPORARY REFUGEE SETTLEMENTS AND POPULATION
(By Provinces in Region I)

Province	Temporary Centers	Population in Temporary Centers: No. of Families	Population in Temporary Centers: No. of Persons
Da Nang	4		7,439
Quang Nam	49	730	77,943
Quang Ngai	51		31,107
Quang Tin	15		2,918
Quang Tri	3		516
Thua Thien	18	3,676	18,782
Total	140	4,406	138,705

(By Provinces in Region II)

Binh Dinh	41		47,554
Binh Thuan	6		1,865
Cam Ranh	1		96
Darlac	26		17,841
Khanh Hoa	3		1,387
Kontum	17		19,065
Lam Dong			
Ninh Thuan	2	136	714
Phu Bon	3		7,903
Phu Yen	10		13,029
Pleiku	14	2,082	10,136
Tuyen Duc	3		
Quang Duc	6		7,604
Total	132	2,218	127,194

TOTAL NUMBER TEMPORARY SETTLEMENTS AND POPULATION

Regions	Temporary Centers
I	140
II	132
III	50
IV	73
Total	395

Population in Temporary Centers

No. of Families	No. of Persons
4,406	138,705
2,218	127,194
	15,554
13	10,894
6,637	292,347

NUMBER TEMPORARY REFUGEE SETTLEMENTS AND POPULATION
(By Provinces in Region III)

Province	Temporary Centers	Population in Temporary Centers: No. of Families	Population in Temporary Centers: No. of Persons
Bien Hoa	10		
Binh Duong	6		7,141
Binh Long	1		
Binh Tuy			
Gia Dinh	6		4,137
Hau Nghia	5		549
Long An	4		301
Long Khanh	6		2,644
Phuoc Long	7		175
Phuoc Tuy			
Tay Ninh	5		607
Vung Tau			
Total	50		15,554

(By Provinces in Region IV)

An Giang	2		5,352
An Xuyen	1		76
Ba Xuyen			
Bac Lieu	4		371
Chau Doc	1		
Chuong Thien	13		4,103
Dinh Tuong	9		120
Go Cong	4	13	82
Kien Giang	9		
Kien Hoa	10		765
Kien Phong			
Kien Tuong	2		
Phong Dinh	7		25
Vinh Binh	1		
Vinh Long	3		
Sa Dec	7		
Total	73	13	10,894

Appendix I-11

AMOUNT OF LAND CLEARED FOR AGRICULTURE PURPOSES FOR REFUGEES

	Hectares	
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	951	
		34,046
CENTRAL HIGHLANDS		
Quang Duc	5,891	
Kontum	2,345	
Darlac	19,394	
		27,630
CENTRAL LOWLANDS		
Thua Thien	524	
Ninh Thuan	450	
		974
	Total	62,650

Notes: Areas mentioned above are taken from documents given by GVN Regional Forest Offices.
The question of whether these areas are being used or not is not known except in the Offices in Charge of Refugees in Provinces concerned.
In some places, people are only interested in wood instead of land.

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

Appendix I-12

LAND RESETTLEMENT CENTERS FOR REFUGEES BY NUMBER AND AREA

Decree of 9/25/52 created four resettlement regions with a total area of 149,535 ha.

After 1/11/63, a new census survey shows 134,760 ha. by region:

	No. Centers	Area (ha.)
Central Highlands	88	53,047
Central Lowlands	6	2,486
South Vietnam	77	79,227
Total	171	134,760

No. of Farm Center Resettlements:

Central Highlands	34	39,592
Central Lowlands	57	4,503
South Vietnam	131	69,949
Total	222	114,044

Source: Ministry of Agriculture, Republic of Vietnam.

Appendix J

MONTAGNARD LANDS

Appendix J-1

THE RESIDENT SUPERIOR IN ANNAM

Arretee dated July 30, 1923, Modified by Arretee dated August 25, 1939, Determining Regulations Governing the Acquisition of Lands Belonging to Montagnards of Annam by Lowland People

ARTICLE 1. In the whole territory of Provinces of Kontum, Haut Domai, Darlac and the Montagnard areas of Phanthiet, Phan-rang, Nhatrang (now Khanhhoa), Songeau (now Phuyen and Hau bon), Qui-nhon (now Binh Dinh), Quang ngai, Faifoo (now Quang-Nau and Quang-tim), Thua Thien and Quang-tri provinces, contracts between moi villagers, families or individuals and lowland people with respect to land are not valid, if they are not approved in written (in the contract) by the Chief of Administrative Circumscription in which the lands are located.

ARTICLE 2. New, August 25, 1939 In case the contract regards an area larger than 30 hectares, the approval must be given by the Resident Superior in the Protectorate Council, with agreement of the Minister of Finances of the Annam Government and upon a report of the Chief of Administrative Circumscription. Regarding land in Dalat city, the approval of the Resident Superior is obligatory for any area of land which is subject to transfer.

ARTICLE 3. New, August 25, 1939 The contract will be considered as null without need of sanction if there is no approval as stated in the above articles. Nevertheless agreements established prior to the present arretee are valid.

ARTICLE 4. The approval formality intends to protect the rights, the customs, and the interests of moi people and to assure welcome and development of the moi areas.

ARTICLE 5. Approving the contract. The Administration is not responsible with regard to one or the other party if the obligations of the contract are not executed.

ARTICLE 6. A copy of contracts established between mois and non-montagnards regarding land belonging to moi villages, families or individuals will be deposited at the residence (Chief of Province) or delegation (Chief of Circumscription) and recorded in a special register.

Appendix J-2

THE PRESIDENT OF THE REPUBLIC OF VIETNAM

Arretteé No. 513 a/DT/CCDD dated December 12, 1958, Establishing Regulations governing land transfer between Montagnards and Lowland People

Having considered existing regulations governing concession of land belonging to the National Domain; Having considered arretee dated August 25, 1939, modifying Articles 1 and 2 of Arretee dated June 30, 1923, relating to land transfer between Montagnards and low land people.

ARRETEÉS:

ARTICLE 1. An authorization from the President of the Republic is obligatory with respect to all operations in land transfer or land exchange between Montagnards and low land people, not considering the area (large or small).

ARTICLE 2. All previous provisions which are in conflict with the present arretee are superseded.

Ngo Dinh Diem

Appendix J-3

CHAIRMAN OF NATIONAL LEADERSHIP COMMITTEE

Decree-Law No. 034-67

ARTICLE 1. Montagnards are hereby invested with ownership on land for farming.

ARTICLE 2. Montagnards will receive permanent ownership rights on land they are rotatively farming. Maximum limit area to be allocated to each family will be determined by an arreteé of the Ministry of Agriculture.

ARTICLE 3. Land registration will be implemented in each buon (hamlet) after technical land survey. Tithes granting ownership will be distributed to Montagnards free of charge.

ARTICLE 4. Chairman of the Central Executive Committee will be responsible for implementing this law. The present law will be published in the Official Gazette of the Republic of Vietnam.

Saigon, August 29, 1967

Lt. Gen. Nguyen Van Thieu

Appendix K

RELIGIOUS LANDS

Appendix K

RELIGIOUS LANDS

DIEM GAVE NO RICE FIELDS TO CHURCH 8/14/67

By Father Patrick O'Connor
Society of St. Columban
(NC News Service)

SAIGON-Is the Catholic Church in South Vietnam a big landowner that "probably" received additional acreage from or because of the late President Ngo Dinh Diem, a Catholic?

Did he exempt the Church from the limit of 100 hectares (247 acres) imposed by his land reform decree of 1955 on other landlords?

A paragraph in a New York Times (July 17) dispatch datelined Phu Vinh, South Vietnam, would imply the answer is "yes". Like many another such paragraph, it calls for pages of data and analysis in reply.

The Catholics of South Vietnam, now estimated at more than 1.6 million, form the largest single body, religious or otherwise, in the country's population of 15 million or 16 million. According to the latest available statistics (1965), their institutions include 3 hospitals, 5 leper homes, 55 orphanages, 19 old people's homes, 1,158 primary and 178 secondary schools. Hundreds of thousands of non-Catholics, as well as Catholics, are served by these institutions, which exist in some 840 parishes and 14 district ecclesiastical divisions. These are 2 archdioceses and 12 dioceses.

"The contribution made by all the Catholic groups for various classes of needy persons is immense", Social Welfare Minister Nguyen Xuan Phong, a non-Catholic, told NC News Service. "In every province one finds Catholic social institutions that have been in operation for a long time--some of them for the past 100 years."

The work of the Catholic Church, religious, educational and charitable, is carried on by some 1,800 priests, 880 Brothers--mostly teachers--and 4,800 Sisters. The great majority are Vietnamese.

All these people must have their feet on the ground and must have ground to put their feet on. Furthermore, there must be places for those who are being trained and those who have fallen ill or grown old in service.

The manifold work of the Catholic Church in Vietnam is not self-supporting and cannot be. Few Catholics here are prosperous. Where communities receive income from paying pupils or patients, it is absorbed by their charities and the expenses of training their younger members.

Some dioceses, parishes and communities have acquired rice fields or buildings, from which they hoped to receive some regular income for their operating expenses.

The rice fields--the special topic of the New York Times article--owned by different units of the Catholic Church are, in many cases, a liability. The Catholic diocese or parish has to pay taxes on all of them, though much of the acreage lies in Viet Cong-controlled regions and has provided no income in years.

The archdiocese of Saigon and the diocese of Cantho would be glad if the government would expropriate some of their holdings in the Mekong Delta. The government won't, because it cannot send its surveyors and officials into the districts.

The largest holdings of riceland were acquired by the missions as a socio-economic enterprise, 30 to 50 years ago, when the Delta was underpopulated and underdeveloped. The French colonial government entrusted tracts of untilled land, infertile because of the inflowing salt water of the Mekong estuary to missionaries. The conditions were that the missionaries would undertake the task of de-salting and draining the land and settling farm families on it. It was one of those projects that missions are blamed for omitting if they do not undertake them, and criticized for attempting, if they do.

According to a government land reform official, who emphasizes that the statistics may not be strictly accurate, all riceland registered in the name of the Catholic Church amounts to 5,579 hectares (13,780 acres). A non-Catholic formerly connected with land reform estimates that about 10% should be added for land registered in the names of individual priests or bishops.

Add even 20% and the total would be less than one-fifth of 1% of all the riceland in south and central Vietnam.

Taken together, all the Church holdings--institutional sites and parcels of land--fall far short of being adequate resources, much less wealth, for the Catholic Church, an aggregation of many persons and many groups engaged in many works, in Vietnam. The Church is definitely poor. It has an abundance of willing workers, but it could not make the "immense contribution" of which the social welfare minister speaks, without help from Catholics in other lands.

According to the New York Times article, President Diem exempted the Church from the limit of 100 hectares which he set for other landlords. A former official of the land reform under Diem, now working for USAID, a non-Catholic, disagrees. No exemption was given, he says, only deferment. President Diem ordered that, where revenue from rice fields was devoted to charitable or educational work, the implementation of the expropriation (forced sale) decree was to be deferred. All the governments that have succeeded his have followed the same course.

Appendix L

CONFUSED LANDS

Appendix L

REPUBLIC OF VIETNAM
OFFICE OF THE CHAIRMAN OF THE
CENTRAL EXECUTIVE COMMITTEE

TRANSLATION

Saigon, March 28, 1967
Number 61 - TT/XD

THE CHAIRMAN OF THE
CENTRAL EXECUTIVE COMMITTEE

to

- Commanders of Corps Tactical Zones I, II, III, and IV concurrently Chairmen of the Rural Construction Councils in Crops Tactical Zones I, II, III and IV.

- Commanders of Corps Tactical Areas, Special Tactical Areas, concurrently Chairmen of Corps Tactical Areas and Special Tactical Areas Rural Construction Councils.

- Province Chiefs, concurrently Chairmen of the Provincial Rural Construction Councils.

- Sub-Sector Chiefs.

Subject: Solution to Confusion of Farming and Ownership Rights and Collection of Back Rents during Past Insecure Years.

Reference: Official Circular No. 11.000-BCN/KH/4G dated December 15, 1965.

Gentlemen,

The Rural Construction work is aimed at eliminating the old miserable life in order to build up a happier life for the people in the rural areas. Land Reform is one of the eleven basic objectives aimed at realizing a social revolution in the rural areas. All officers of military, civil and administrative levels must enthusiastically cooperate in correctly carrying out instructions of the Government to achieve the expected successes.

I. To Solve the Confusion of Farming and Ownership Rights:

Where insecurity has existed in the countryside the Viet Cong often have put into practice the confusing scheme of taking land and redistributing it to farmers appointed by themselves. The solution to the problem of confusion of farming and ownership rights is classified in three cases as follows:

A. Riceland Cultivated by Small Owner-Operators

1. Ownership: Land ownership of small landowners is in accordance with written entries in the land register.

2. Right of Farming: If the area cultivated by the small owner-operator has been entirely confused, and does not exceed 3 or 5 hectares, then the Village Administrative Committee shall reinstate the land to the original owner for cultivation. The Viet Cong appointed farmer shall receive other land such as expropriated land not yet purchased or communal land not yet allocated.

If the area cultivated by the small owner-operator has been totally confused by the Viet Cong and exceeds 3 or 5 hectares, then the Village Administrative Committee shall reinstate not over 2/3 of the confused land area to the original landowner (however the minimum must be 3 or 5 hectares). The Viet Cong appointed farmer may continue to farm the remainder if he is landless and does not have any other land to cultivate.

However, if the small owner-operator has more than 3 or 5 hectares, and the Viet Cong have confused only a small portion not exceeding 1/3 of the area, the Village Administrative Committee shall permit the Viet Cong appointed farmer to continue farming the alloted portion of land.

The farmer who is allowed to continue cultivating the land must make an official farm contract with the landowner.

B. Riceland Rented by Tenants for Cultivation

1. In the case where the original tenant has made an official farm contract with the landowner, the tenant has the legal right to farm the land confused by the Viet Cong. The Village Administrative Committee must take back the land, return it to the original tenant and seek other land for the Viet Cong appointed farmer.

However, if the area confused by the Viet Cong is over 3 or 5 hectares, only 2/3 of the confused area shall be returned to the original tenant, and the remainder left to the present cultivator. Tenant farm contracts must be written in order to legalize the situation.

2. In case the original tenant did not make a farm contract with the landowner, thus not complying with the land regulations, he has no legal right to continue cultivating the land. However, if the landowner declared he has collected rent from the farmer, and the area confused by the Viet Cong exceeds 3 or 5 hectares, the Village Administrative Committee should assign one half of the area to the present cultivator and the other half to the original tenant, and then require both of them to make a farm contract with the landowner.

C. Expropriated Land Sold to Farmers

Farmers buying expropriated land are granted definitive ownership rights as soon as they receive land. If such land has been confused, it will be settled in the same manner as with the land belonging to the small owner-operator. Only when the farmer in question does not want the land back or is unwilling to pay for it, then may the Provincial Committee for Land Distribution propose that the present cultivator purchase the land.

In the three circumstances stated above, when the decision is made for the land to be returned to the original farmer, one crop period as transferral time will be granted to the Viet Cong appointed farmer to make preparations.

The period for settling these disputes on confused land is three months. This period must be widely publicized and posted. All protests raised after this period will not be considered.

II. Collection of Back Rents:

In the past years, due to insecurity in rural areas, landlords have not been able to collect rent and tenants have not been able to cultivate the entire area they rented. With the present Rural Construction activities, many landlords return to their villages and request the local authorities to collect the back rents. However, farmers are generally poor, and unable to pay back rents.

This matter will be settled as follows:

A. Landlords are prohibited from collecting back rents accruing during the insecure period in those areas recognized by local authorities. In case the tenants have already paid rentals, the landlords are exempted from reimbursing them.

B. Landlords are exempted from payment of land taxes to the Government for the years in which tenants have been exempted from payment of rent. However, landlords who have already paid land taxes during the years of insecurity will not be reimbursed by the Government. If landlords have effectively been able to collect rents already, then they are also not exempted from taxes.

III. Mission of the Military, Cadre and Administrative Officers:

Besides its mission to eliminate the enemy, the ARVN also has the duty to directly support the Rural Construction Project. In any military operation, the commanding officers are strictly prohibited from helping the local officials or military personnel who have land for rent, to collect back rents accruing during past insecure years in areas which have been exempted from payment of land taxes to the Government.

The Province Chiefs, District Chiefs, Village Chairmen and Rural Construction Cadre working in the villages and hamlets have the duty of explaining to the people in the newly secured areas the concern of the Government toward the happiness of the people. The recovering of security is aimed at building a new life, and not for helping the landlords to collect back rents accruing during the insecure years created by the Viet Cong.

The Military, the Cadre and the Administrative Officers must strictly implement this directive. Under no circumstances should they assist the landlords in collecting back rents from tenants for the years which the authorities have defined that land taxes are exempted. Any contradiction to this will be punished severely.

S/s NGUYEN CAO KY

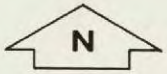
Translated by:
USAID/ADAG/Land Branch
May 1967

Appendix M

ILLUSTRATIONS

Figure M-1

DISTRIBUTED AND UNDISTRIBUTED ORDINANCE 57 LANDS AND ALL FORMER FRENCH LANDS IN AN GIANG PROVINCE



Distributed Lands

Undistributed Lands

Former French Lands

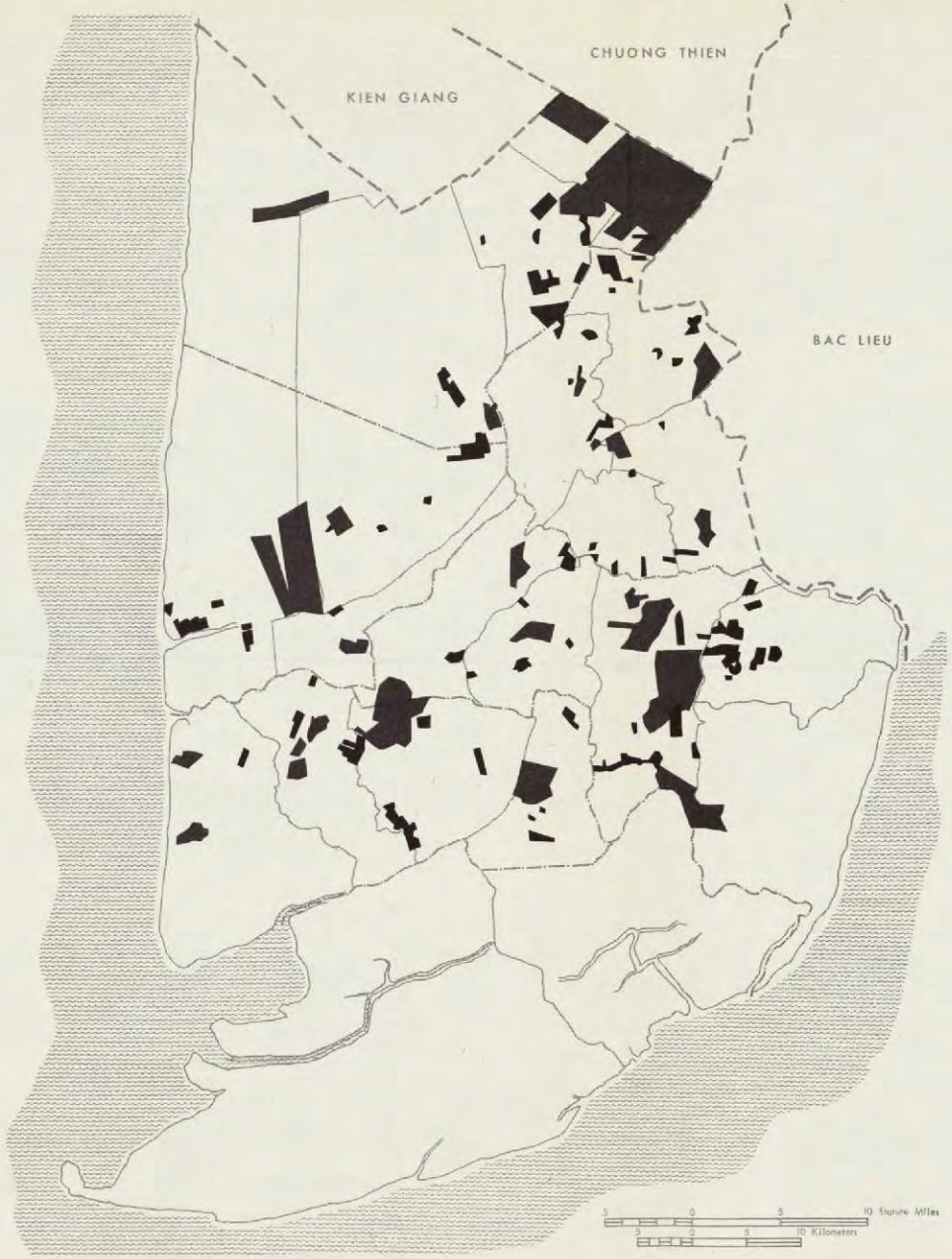
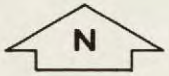


Figure M-2

UNDISTRIBUTED ORDINANCE 57 LANDS
AND ALL FORMER FRENCH LANDS
IN AN XUYEN PROVINCE



Undistributed Lands

Former French Lands

Figure M-3

DISTRIBUTED AND UNDISTRIBUTED ORDINANCE 57 LANDS AND ALL FORMER FRENCH LANDS IN DINH TUONG PROVINCE

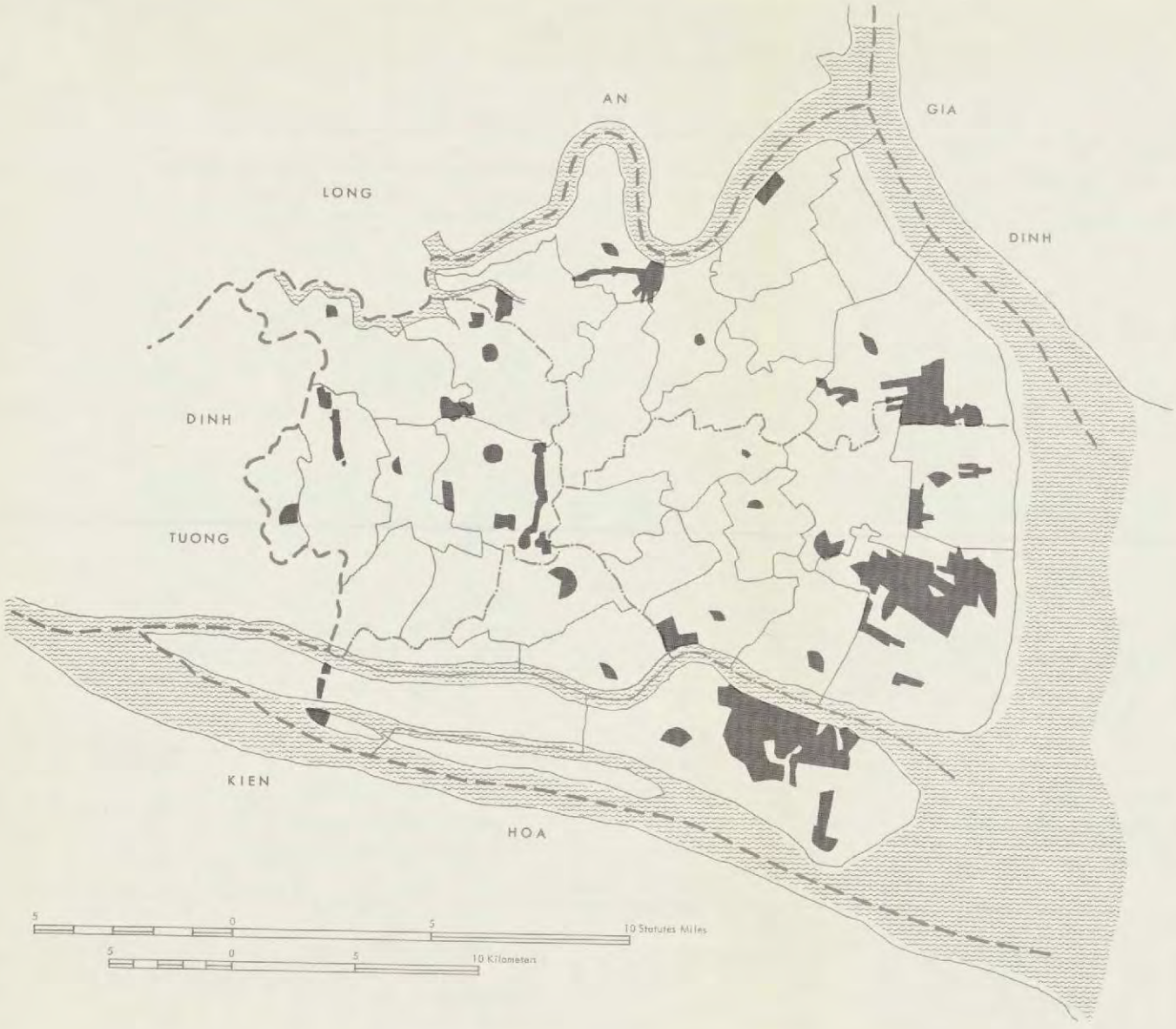


Figure M-4

DISTRIBUTED ORDINANCE 57 LANDS
IN GO CONG PROVINCE

N

Distributed Lands

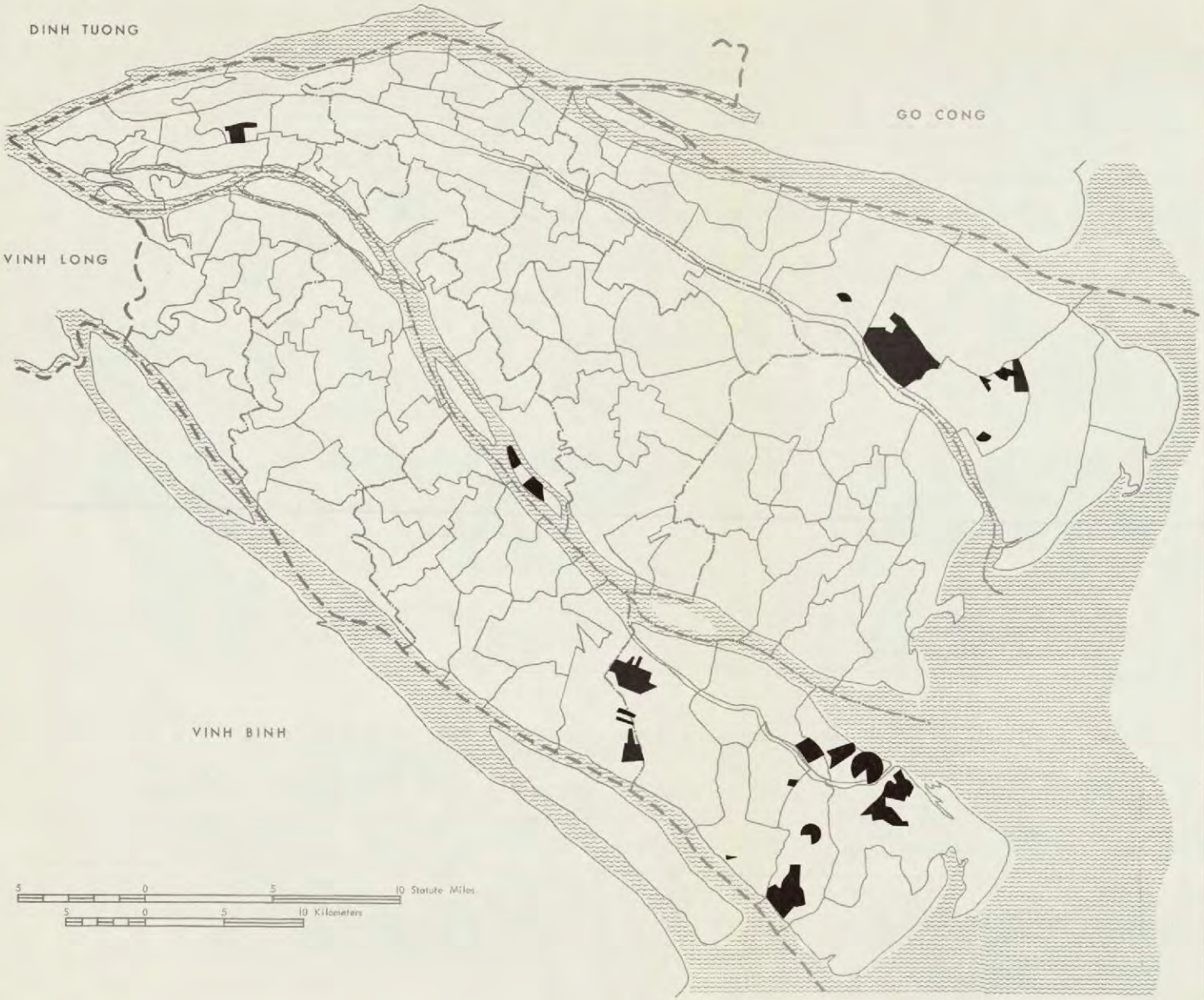


Figure M-5

UNDISTRIBUTED ORDINANCE 57 LANDS AND ALL FORMER FRENCH LANDS IN KIEN HOA PROVINCE

N

Undistributed Lands

Former French Lands

Figure M-6

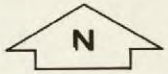
ALL FORMER FRENCH LANDS IN NINH THUAN PROVINCE

N

Former French Lands

Figure M-7

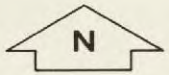
DISTRIBUTED ORDINANCE 57 LANDS
IN VINH BINH PROVINCE



Distributed Lands

Figure M-8

UNDISTRIBUTED ORDINANCE 57 LANDS AND ALL FORMER FRENCH LANDS IN VINH LONG PROVINCE



Undistributed Lands

Former French Lands