LAND REFORM IN VIETNAM
WORKING PAPERS

Volume II

Administration of Land Affairs

Prepared for:

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

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Volume II

Administration of Land Affairs

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Project Director: William Bredo
Field Director: Robert O. Shreve
Task Leader: Donn E. Seeley
Authors: Morris O. Edwards and Michael J. Aylward

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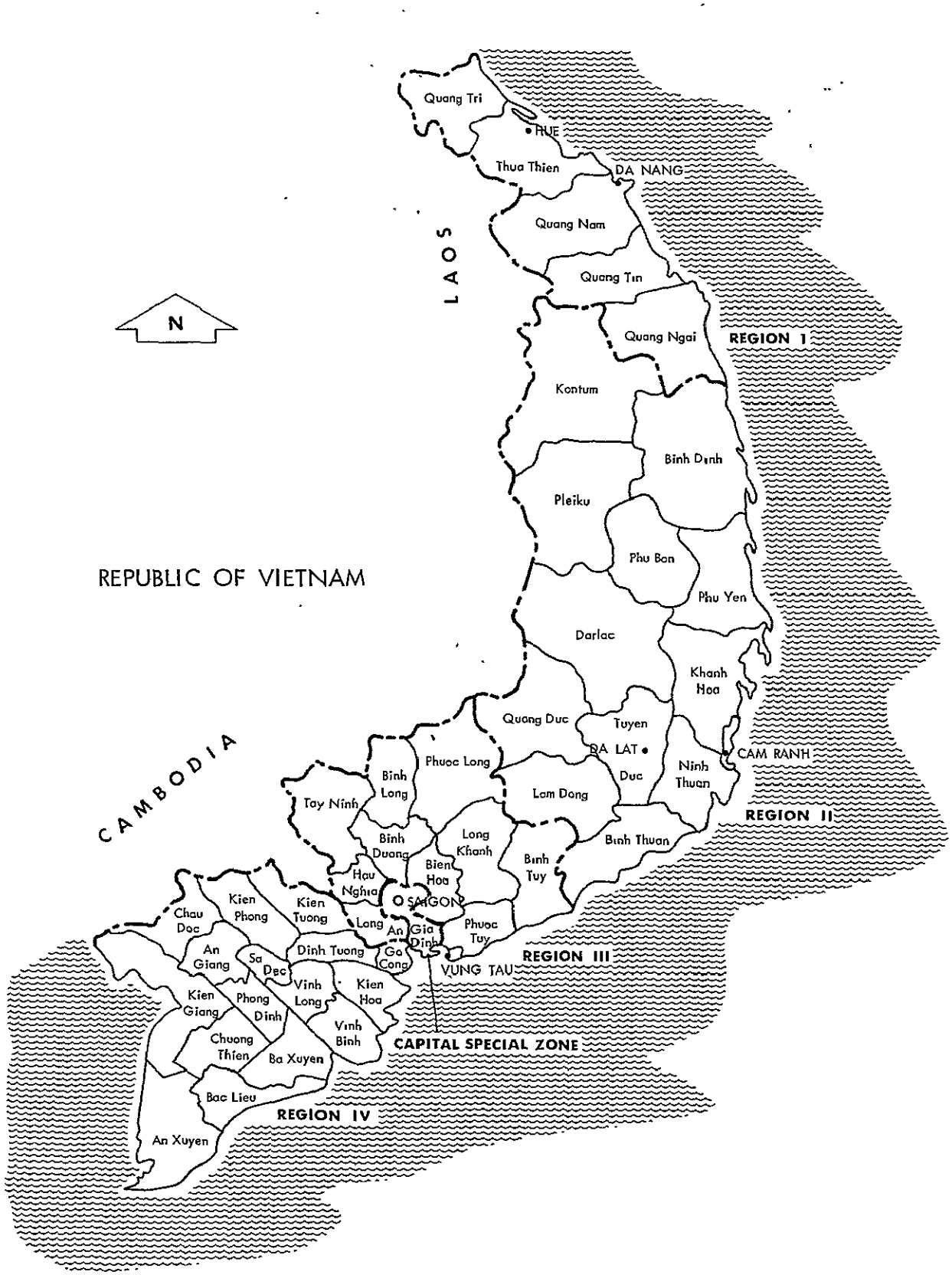
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Kontum
Binh Dinh
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Phu Bon
Phu Yen
Darlac
Khanh Hoa
Quang Duc
Tuyen Duc
DA LAT
CAM RANH
Ninh Thuan
Lam Dong
REGION II
Binh Thuan
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Phuoc Long
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Tay Ninh
Binh Duong
Long Khanh
Bien Hoa
Hau Nghia
SAIGON
Gia Dinh
An
Long
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VUNG TAU
REGION III
Chau Doc
Kien Phong
Kien Tuong
An Giang
Sa Dec
Dinh Tuong
Go Cong
Vinh Long
Kien Hoa
Kien Giang
Phong Dinh
Vinh Binh
Chuong Thien
Ba Xuyen
CAPITAL SPECIAL ZONE
Bac Lieu
REGION IV
An Xuyen

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Chapter 1

INTRODUCTION

Organization of Volume II

This volume is the second in a series of four Working Papers produced by Stanford Research Institute for the United States Agency for International Development under contract AID/VN-8. Volume II is addressed to Task B(iv) of the work statement.

> "Village Land Tenure Administration Capacity and Effectiveness--assessment of present village capacity to administer land tenure policies; consideration of possible adjustments in programs to the capacities of village administration; recommendations of measures to improve village tenure administration capabilities."

As used here the term "land tenure administration" is synonymous with the term "land affairs administration" and thus embodies two rather different but interrelated concepts: routine land administration and land reform.* Land administration includes the routine measures for identifying and measuring land and for recording, transferring, and storing documents showing entitlements to parcels of land. It calls for certain technical skills and is a routine administrative function. Land reform, on the other hand, also calls for certain technical skills, but it is concerned with the accomplishment of specified social, political, and economic goals through changes in the existing systems of land tenure. It generally calls for a sense of urgency, since changes are usually resisted and there are many difficulties and obstacles to overcome. Land reform is dependent on routine land administration; in effect, land reform superimposes additional demands on the system of land administration. Hence, to gain a good understanding of land tenure or land affairs administration, it was necessary to study both the land reform laws that established policy and the entire system for the administration of land in Vietnam. Thus the objective of Volume II is the analysis and evaluation of land affairs administration in Vietnam with a view toward

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* See Glossary at the end of this volume.

providing a foundation for decisions about the future implementation of land reform policy--with special attention to an assessment of village capacity and effectiveness.

To accomplish this objective it seemed desirable to: (1) review the laws, ordinances, decrees, and regulations that set out land affairs policy, including measures pertaining to both land reform and tasks of routine administration; (2) study the goals, procedures, needs, and shortcomings of the central administration and its relationship to the field administration of which the provincial and village government form a part; and (3) study directly the villages' capacity and effectiveness in land administration keeping in mind greater decentralization of administrative powers and functions from the central government.

The review and analysis of the legal framework for land reform is in Working Papers, Volume I (Chapter 2). It forms the basis for the analysis of the administrative system in this volume (see especially Policy Objectives and Administrative Performance). Also, this analysis relies largely on Chapter 3 in Working Papers, Volume I for data on the current status of implementation of existing land reform policy. The present volume contains a discussion and evaluation of the entire administrative structure as it relates to the land affairs, with particular reference to the role of the village administration.

Procedural Compared with Substantive Administration

In the United States, public administration is primarily considered the means for realizing the goals of public policy, while the setting of policy falls within the domain of politics. However, it is important to examine every administration in terms of its own specific environment. In Vietnamese society, the dichotomy between policy-making and administration is less marked than in the U.S. and Western practices.* Thus, while primary concern here is with procedural administration, it is necessary to pay some attention to substance to be able to evaluate the effectiveness of procedure. In Vietnam, many laws not only formulate policy, but also regulate certain details of administration. Thus, there are presidential decrees, departmental orders, decisions, instructions, and circulars prescribing increasingly detailed measures affecting administration. Also daily practices, composed of the actions and reactions of the administration, give the execution of governmental decisions a special character.

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* For an explanation, see Nghiem Dang, Viet-Nam, Politics and Public Administration, Honolulu East-West Center Press, 1966, pp. 13-73.

"From the entirety of these measures of substantive administration emerges a philosophy of public administration peculiar to each country".* To an extent, this philosophy of administration must be taken into account while focusing on the ways in which policies concerning land reform are put into effect with respect to organizational structure, planning, staffing, personnel, funds, management, coordinating, inspecting, follow-through, and reporting. At the same time, these elements must be examined in the light of policies to be implemented; and where they have not been carried out satisfactorily, it is necessary to consider all of the factors affecting the final results--whether they are procedural or substantive. For example, a highly complex law may present great difficulties for any organization to administer.

Method of Approach

As to method, chief reliance was placed on (1) five SRI surveys in the Southern Region--the Village Administrative Chief Survey,† the Provincial Land Office Survey,‡ a Records Information Physical Survey (supplementing the first two surveys),§ the Hamlet Resident Survey,** and the Absentee Landlord Survey;** (2) field visits by key members of the team, not only to the villages and provinces selected for the surveys, but also to others in the Southern Region, the Central Lowlands, and the Central Highlands; (3) in-depth interviews with key Vietnamese and U.S. officials in Saigon, Regions II, III, and IV, and the provinces; (4) procurement of special data and reports from various GVN officials to supplement regular reports; and (5) survey of other reports on the subject (e.g., those of the Michigan State University Vietnamese Advisory Group and the National Institute of Administration, as well as the open literature).

The in-depth interviews were particularly helpful in obtaining descriptive material and in highlighting problem areas. Attention was given to gathering as much information as possible on these problem areas from GVN officials, from the SRI surveys, and from the reports and records available. In some cases special field visits had to be made to gather more information and to check unclear data. In others, a number of

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* Ibid.; see also M. E. Dimock, A Philosophy of Administration, New York; Harper and Brothers, 1958, pp. 1-2.

† Appendix B.

‡ Appendix C.

§ Appendix D.

** Working Papers, Volume IV, Part 2.

follow-up visits had to be made or letters exchanged with key officials to fill gaps or to attempt to clarify data.

For the study of village administrative capacity, reliance was placed primarily upon the Village Administrative Chief Survey, the Provincial Land Office Survey, and the Records Information Physical Survey, augmented by the Hamlet Resident Survey and the Absentee Landlord Survey. The Village Administrative Chief Survey included visits to 37 villages in 15 provinces of the Southern Region. With one or two exceptions, one or more hamlets in each of the villages was included in the Hamlet Resident Survey. For the Provincial Land Office Survey, data were collected from 15 provincial land offices and interviews were obtained in 13. These were, of course, the same 15 provinces in which the Village Administrative Chiefs were interviewed because the former survey was intended not only to develop specific complementary information on the villages in which the Village Administrative Chiefs were interviewed, but also to present an overall view of other villages in the province in relation to the same factors.

To save interview time and to provide a means to cross check factual information, separate forms were developed for the physical collection of data and check of records that took place while the team chief conducted the interviews. The forms included in their basic design: (1) the elements of comparability to either the village chief or provincial land office questionnaires; (2) a cross-check between the questionnaires and the record forms; and (3) a cross-check between the same records kept both at the village and province offices.*

The general caution mentioned in other volumes of the Working Papers should be repeated here with regard to most of the quantitative data used. For the most part, the Village Administrative Chief and Provincial Land Office surveys were concerned with the relatively "secure" areas in Regions III, and IV of the Southern Region. Moreover, they are based on fairly small samples. However, they are believed to be fairly representative within the limitations stated and are considered useful for the kinds of judgments made.

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* For additional information as to methodology of surveys, see Appendix A and Volume IV.

Acknowledgments

Many GVN and USAID staff members (too numerous to mention individually) made substantial contributions to this report. Officials in both Saigon and the field contributed many hours to participate in the in-depth interviews and the surveys. Special mention must be made of the contributions of Mr. John L. Cooper, formerly Special Assistant to the Director (USAID) for Land Reform, Mr. Leland J. Fallon, his successor (as Land Reform Adviser), and Mr. Keith W. Sherper, Assistant Land Reform Adviser. Mr. Nguyen Xuan Kuong and Mr. Cao Thanh Chuong of the USAID Land Reform Adviser's Office were invaluable sources of information.

The cooperation and assistance of GVN officials and staff was most helpful. Mr. Ton That Trinh, the former Minister of Land Reform and Agriculture; Mr. Nguyen Van Trinh, former Director General of Land Affairs; Mr. Vo Van Nhon, formerly Director of the Technical Directorate and now Director General of Land Affairs; Mr. Tran Van Hoa, Director of Land Reform; Mr. Nguyen Van Xuong, Director of Legislation and Registration; Mr. Nguyen Hue Loc, Director of Administration Service; Mr. Le Van Toan, Chief, Legislation and Planning Service and General Secretary of Land Reform Courts; Mr. Pham Van Ich, Director General of Taxation; Dr. Nguyen Van Bong, Rector of the National Institute of Administration and Chairman of the Central Committee on Administrative Improvements; Dr. Nghiem Dang, his Vice Rector; and regional, provincial, district, and village officials were most helpful in expediting the work.

Special thanks are due to the SRI Vietnamese staff members, without whom the field work would have been impossible, especially Mr. Nguyen Thanh Toai, survey liaison specialist; Mr. Nguyen Thanh Thuan, survey specialist; and Miss Nguyen Le Chi, interpreter.

Special thanks are also due to Dr. Wesley R. Fishel, Michigan State University, for the loan of his collection of historical and analytical materials, including publications of the Michigan State University Vietnamese Advisory Group and of several Vietnam government ministries and related agencies pertaining to land tenure, land administration, and related problems.

This report has been compiled under the direction of Donn Seeley, Task Leader, and prepared by Dr. Morris O. Edwards and Michael J. Aylward, who directed the three surveys designed especially for this portion of the project: the Village Administrative Chief Survey, the Provincial Land Office Survey, and the Records Information Forms Survey.

Interviewers for the Survey Teams were provided by the Center for Vietnamese Studies under the direction of Mr. Nguyen Khoa Phon Ahn and Mrs. Nguyen Thi Huong. Mr. John Fasullo (CORDS), Mr. John Saunders (USAID), and Mr. Milton Spence (USAID) provided administrative and logistic support for the survey teams.

The Land Tenure Project, of which this volume is a part, was under the technical and administrative leadership and management of Dr. William Bredo, Project Director, and Robert O. Shreve, Project Field Director.

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

Chapter 2

ORGANIZATION FOR LAND AFFAIRS ADMINISTRATION

Historical Background--Civil Administration*

At the threshhold of history, Vietnam fell completely under Chinese domination. This was to last ten centuries, until AD 939. At that time, the Vietnamese people gained their independence and retained it for more than nine centuries. This period of independence was marked by the strengthening authority of the Kings of Vietnam, and by a slow but steady expansion which extended the southern frontier from about the 18th parallel of latitude as far south as the 8th parallel.

Toward the end of this advance to the south, the Vietnemese encountered the French, who were looking for a route to China. In the one-sided struggle which followed, the emperors of Vietnam lost successively the provinces of the South (1862 to 1874) (Cochin China) and those of the North (1874-1884). The French created the general Government of Indo-China to govern Vietnam, as well as two other states (Laos and Cambodia) over which France extended its authority. The French governed the six provinces of Cochin China (South Vietnam) directly as a colony, and set up a protectorate for the rest of the country, including North Vietnam (Tonkin) and Central Vietnam (Annam). This in part explains the origin of somewhat different cultural, legal and administrative systems in the South (Cochin China) and in Central Vietnam (Annam). Gerald C. Hickey, a leading authority on Vietnamese village society, suggested that a basic cultural and social distinction between the villages of the Delta and those of the older traditional areas of Vietnam was that the mandarin system was never established in the South.†

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* The following summary was derived from Dr. Dghiem Dang, op cit, Chapter 1, "The Formation of an Administrative Tradition."

† Gerald C. Hickey, "Problems of Social Change in Vietnam," the Proceedings of the Ninth Pacific Congress, III (1963), p. 213.

After World War II came the Vietnamese struggle for independence and the opportunity to determine independently its own administrative affairs. The country was divided after the Geneva Agreements (July 20, 1954) with North Vietnam under the domination and control of a Communist regime and South Vietnam retaining its independence--increasingly challenged thereafter both from Communist-controlled cadres left behind in 1954 and by direct intervention from the north.

Dr. Dang summarizes the chief historical influences as follows:

> "The present-day problems of public administration are affected by three fundamental facts, which correspond approximately to the historical divisions indicated above: (1) the great influence of Chinese culture--the result of ten centuries of occupation--in the formation of the traditional administrative philosophy; (2) the advance toward the south, the resulting contacts with countries which had absorbed a strong Indian influence, and the affirmation of the traditional administrative philosophy, and (3) the French conquest and the dualism of the colonial administration, of which certain elements remain in the present day administrative system.*

Historical Development of the Land Affairs Organization

It may suffice to note briefly the evolution of the organizations administering the two main land administration functions: the keeping of land records and the cadastral surveys.† (Land reform administration was added later.)

Land records, in one form or another, have existed in Vietnam since 1836 on a local basis. In 1894 the French established a Mortgage Office to handle land title work for French-owned property and agreed to respect the official character of existing land records with respect to land owned by Vietnamese. The Dia Bo were improved by arrêté in 1921.

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* Dang, op cit. p. 18.

† The following short summary was derived from Wesley R. Fishel and W. W. Node, Report on the Organization of the Dept. of Land Registration and Agrarian Reform, Michigan State University Advisory Group, Saigon, Vietnam, June 30, 1956.

As property moved from one "system" to another, complications as to the validity of title arose. By 1925, the situation was so confused that a single system covering all land had to be introduced. All transactions since that date are supposed to have been recorded under the new system, and some progress has been made in bringing the old system records into the new system. As indicated in Chapter 2, Volume I, a further decree was issued in 1962 seeking to unify and simplify the system.

In 1927, responsibility for carrying out the provisions of the 1925 act was placed in a new Land Conservation Service, where it remained undisturbed until 1942.

In 1942, responsibility for this work was placed in the Directorate of Registration of Land Titles and Other Documents in the Ministry of Finance where it remained until 1955 when it was transferred to the newly formed Department of Land Registration and Agrarian Reform.

The first organization with cadastral functions was formally established in Vietnam in 1869. Two years previously, a survey of Saigon had been made under the direction of the Bridge and Highway Service. In 1871, the Service was consolidated with the Service of Registration of Estates and Stamps, and the first topographic survey was made. In 1887, the Service was again made independent and the establishment of land records in the districts made part of its responsibilities. A reorganization in 1895 transferred responsibility for field operations to the Chiefs of Province, and in 1915 the Central Office was reorganized. In 1951, the Ministry of Plans and Reconstruction was made responsible for the technical direction of cadastral work, although administrative direction continued to be a responsibility of the Chiefs of Province. The following year the Service was again made independent. Then, in November 1955, this function also was placed in the newly organized Department of Land Registration and Agrarian Reform.*

At that time, the Department consisted of three operating Directorates, dealing with Land Conservation, Cadastry and Topography, and Agricultural Credit and Producers' Cooperatives. These were supported by two administrative service units, one for personnel, accounting, and procurement and one for procedures, records, and technical coordination. The latter was also responsible for implementation of the Agrarian Reform

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* Arrêté No. 24, dated November 16, 1955.

program. Although organizationally independent, the Directorate of People's Agricultural Credit and the Directorate of Control of People's Agricultural Credit were tied to the Department by virtue of the fact that the Secretary of State for Land Registration and Agrarian Reform was also President of the National Popular Agricultural Credit Committee, which was the policy-making body for the two directorates.*

In December 1959, a Directorate General for Land Affairs and Topography (Cadastral Affairs) was established under the Ministry of Land Registration and Agrarian Reform, grouping together the Directorate of Land Registry and the Director-General of Cadastral Affairs.† With the administrative reform of May 27, 1961, the Department of Land Registration and Agrarian Reform ceased to exist as a separate agency, and a number of its directorates, including those pertaining to routine land administration and land reform, were transferred to the Ministry of Agriculture.‡ To many observers, this step seemed to de-emphasize land reform, which in fact did happen as will be discussed later. Between May 1961 and May 1962 there was a Directorate of Land Reform separate from the Directorate General of Land Administrative Affairs. In 1962, this was changed, when the Directorate of Land Reform was put under the Directorate of Land Administration in the Ministry of Agriculture (Rural Affairs).§ This change brought together the land reform and the land administration functions essentially into the organization which exists today. The only change (December 1967) was to rename the functions as follows:

Directorate of Land Administration became
Directorate General of Land Affairs

Ministry of Agriculture became
Ministry of Land Reform and Agriculture

The title change to Minister of Land Reform and Agriculture is a seemingly minor step but one that could presage additional organizational changes, possibly again lending increased importance to the land reform function.

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* Fishel, op cit, pp 1-3.

† Decision 211, dated December 11, 1959.

‡ Final Report of the Michigan State University, Vietnamese Advisory Group, for the period May 20, 1955 to June 30, 1962, Saigon, Vietnam, June 1962, p. 9.

§ Arrêté 200-BCTNT/ND, dated May 8, 1962. Functions are set out in Arrêté 489, BCNT/HCTC. 3, dated August 27, 1965.

Present Organization (Central Government Level, as of July 1968)*

Within the Ministry of Land Reform and Agriculture, there are six divisions, for the directorate general level (Figure 1), of which one is the Directorate General of Land Affairs. At the national level, the latter is further divided into three technical agencies, as shown in Figure 1: the Directorate of Land Legislation, the Technical Directorate (also referred to as the Cadastral Directorate), and the Directorate of Land Reform. The Director General of Land Affairs is both a member and the executive secretary (i.e., spokesman) of the National Council for Land Reform.†

The responsibilities and functions of the Directorate General of Land Affairs are:

- "To study, organize and conduct (in a general sense) all activities related to the triangulation survey and other necessary (classical) surveys with a view to making maps, cadastral records (regarding administrative affairs related to land) and land documents (to secure land ownership);
- "To study and develop aerial photography in order to make maps;
- "To control the cadastral engineer's survey operations;
- "To print and reproduce maps; to duplicate cadastral and land registration records;
- "To control the application of regulations and legal statutes of land registration and cadastral management;
- To organize and control the establishment, maintenance and updating of land records;
- "To develop land documents for administrative, social and economic use;
- "To study land reform law;
- "To follow up the enforcement of farm contracts stipulated between landlords and tenants;

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* Arrêté 579, dated July 27, 1968.
† Decree 217, June 18, 1964.

- "To execute and accomplish all activities concerning the expropriation of big landlords and the distribution of expropriated land to farmers;

- "To solve all affairs related to land concession.*

It will be noted that in general, the emphasis of these responsibilities is on land administration per se and only the last four deal directly with land reform.

The Director of the Technical (or Cadastral) Directorate is charged with the following responsibilities:

- "To organize and regulate the work of other agencies/services under the direct jurisdiction of the Directorate of Cadastral Technics;

- "To work out technical documents;

- "To establish, regulate and control the mobile survey teams;

- "To carry out and/or control specialized survey work done on a large scale;

- "To file survey documents;

- "To repair and/or improve special survey machines and spare parts;

- "To coordinate the activities of mobile survey teams and that of the Provincial Services in making maps;

- "To check the cadastral engineer's operations;

- "To dispatch survey equipment.†

The Technical Directorate is composed of two services: the Land Survey Service and the Checking Mapping Service, as indicated in Figure 2. This is the largest directorate, consisting of 147 employees, a majority of whom are university or college graduates.

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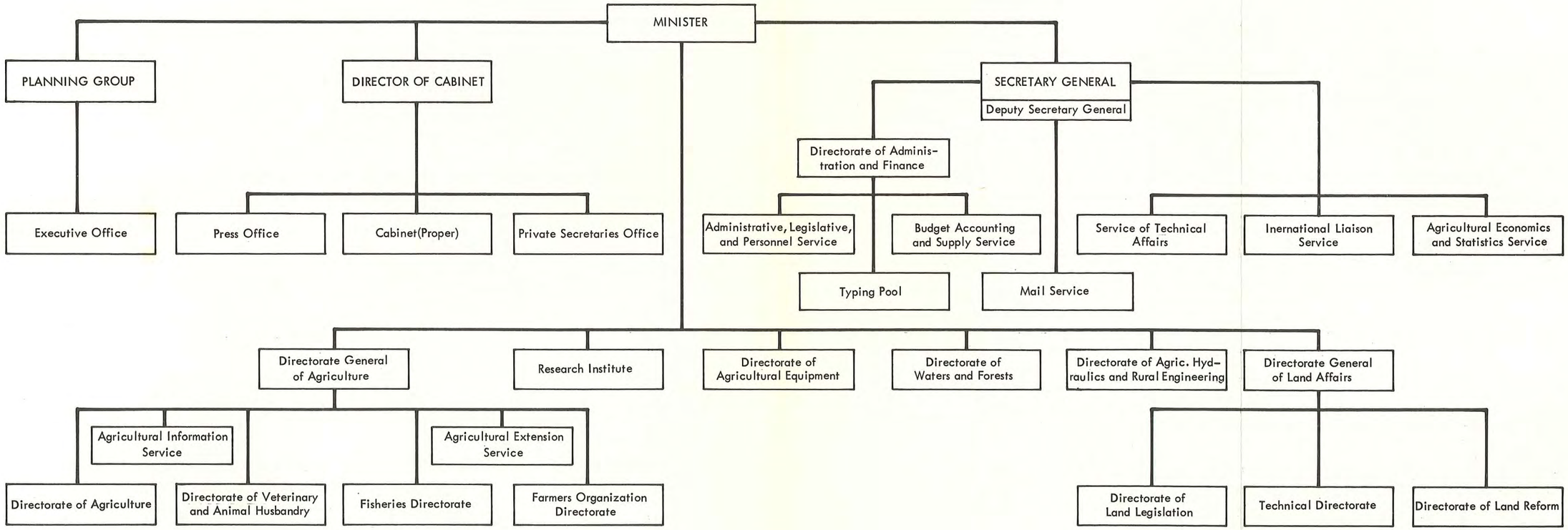
* Arrêté, 489, Article 1.

† Ibid, Article 7.

Figure 1

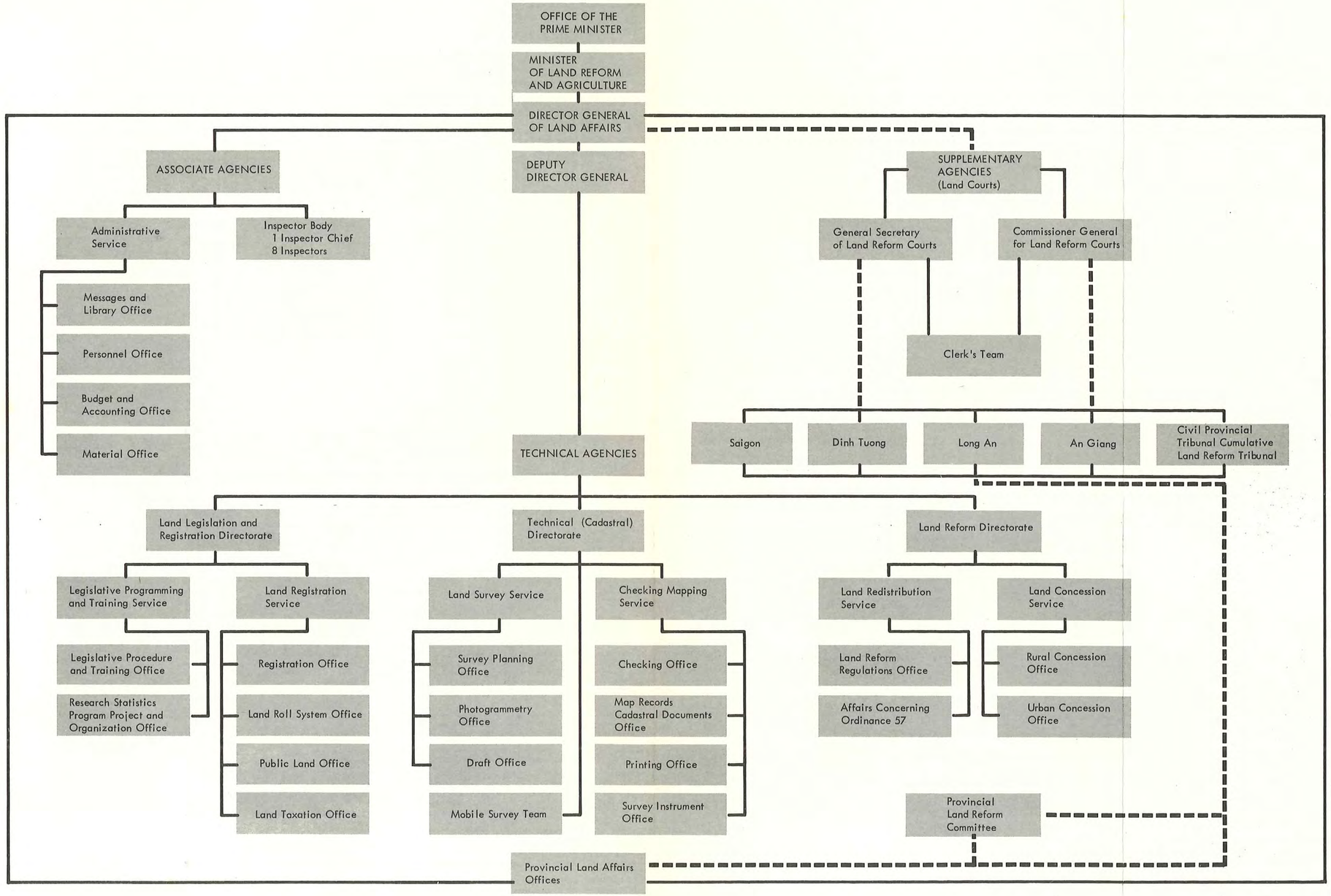
MINISTRY OF LAND REFORM AND AGRICULTURE - ORGANIZATION CHART



SOURCE: Organization according to Arrêté 579, dated July 27, 1968.

Figure 2

ORGANIZATION OF ADMINISTRATION OF LAND AFFAIRS



The Legislation and Registration Directorate has the following duties:

- "To do research, prepare legal drafts of papers which pertain to land policy and check their enforcement;
- "To build a useful and uniform land regime (policy);
- "To check land registration and establish new land rolls;
- "To control and conserve as well as update land documents at the province level.*

This Directorate includes two Services: the Legislative Programming and Training Service and the Land Registration Service (Figure 2). This Directorate has 62 employees, only three of whom are professional and the rest are clerical employees.

The responsibilities of the Directorate of Land Reform are as follows:

- "To monitor the implementation of land tenure law;
- "To study land reform law and regulations;
- "To process the expropriation of specified lands until completion;
- "To establish the documents of land transferred to farmers;
- "To process the purchase and sale of real estate and make land purchased and sale records;
- "To study and solve the problems relative to the distribution of land titles to the people living in the agrovilles, land development and resettlement centers;
- "To study and solve the land concession problems in the cities and villages.*

This Directorate includes two Services: the Land Distribution Service and the Land Concession Service (Figure 2). The bulk of its 61 employees is in the Land Distribution Service. A relatively small number of the employees are professionals, but the majority of the total have regular civil service status.

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* Ibid, Article 8.

† Ibid, Article 9.

The Associate Agencies (left side of Figure 2) include the Administrative Service and the Inspector Body. The former is in charge of general administrative affairs, personnel, budget, and accounting, having four offices. The Inspector Body is composed of one principal inspector and eight inspectors (seven assigned). Its duties are to inspect the provincial land services and the mobile survey teams, to inspect or investigate land reform and registration activities, to check land survey records, and to take care of special survey jobs.*

At the level of each administrative unit equivalent to the provincial level there is a land affairs service.† Its duties are:

- "To collaborate in making maps and land rolls;
- "To receive the land declarations (by the people) and process land transfer;
- "To conserve land records;
- "To update supplementary land records filed in the Provincial Land Service;
- "To control (upon receiving order from Central Office) cadastral engineer's survey operations;
- "To do other services requested by other administrative agencies and particularly by private persons;
- "To process land reform operations.‡

At present there are 46 such services with a total personnel strength of 979. Personnel matters are discussed in detail in Chapter 5.

Adequacy of the Present Government Land Affairs Organization

Two related issues will be discussed here: (1) the place of the organization in the government hierarchy and (2) the adequacy of the structure itself.

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* Ibid, Article 5.

† Referred to herein also as the provincial land office.

‡ Ibid, Article 11.

As to the first issue, a number of both U.S. and Vietnamese respondents felt that the hierarchical status of the land affairs administration was too low. Some felt that it should be re-elevated to its former ministerial status, and some stated that since land reform aimed at nothing short of a social revolution, it would not succeed unless placed directly under the vice president (as in Taiwan). Certain arguments tend to support this view. The lowering of the function in 1961 from a ministry to a Directorate General of Land Administration and a separate Directorate of Land Reform in fact coincided with a general decline in progress in land reform implementation, which did not pick up again until late 1966 and early 1967. However, many other factors may have contributed to the decline, including the unsettled political situation, the deterioration in rural security, and the lack of substantial outside financial and technical support. Some progress was made in 1967 and 1968 utilizing the existing organization.

Another argument for elevating the function has to do with one of the hard facts of life of any governmental organization--competition for scarce funds. Land administration is one claimant among seven or eight other units within the Agricultural Ministry (see Figure 2) for budgetary support. Unless considerable high level support is continually available, land reform may not get the funds, personnel, and political support that is required to make progress. In this connection, the attitude of the Minister and his immediate subordinates is very important, as well as the attitude of the President, Vice President, Prime Minister, and the Minister of Interior.

While many profitable changes can be made,* there would appear to be no sound reason, given adequate high level support and competent leadership, why the organization in its present configuration cannot implement the present program. However, the question can be raised as to whether the responsible minister in the present organization is in a

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* From time to time, suggestions have been discussed both for an independent land reform agency and for a joint U.S.-Vietnamese agency for land reform similar in scope to the Sino-American JCRR (Joint Commission on Rural Reconstruction). To date, neither seems to have generated a great deal of political support. For discussion of the JCRR, see John D. Montgomery, "Land Reform and Political Development"; John D. Montgomery et al., "Rural Improvement and Political Development: The JCRR Model"; and R. L. Hough, "The JCRR Experience."

position to generate the support needed for any far-reaching program. Since he is the key member of the Land Reform Council, there is no organizational impediment, but the answer depends on his influence in the government and how much he is supported by the President, the Prime Minister, and other key leaders of the executive branch of the government on this issue.

A related point has to do with whether the land reform organization should belong within a ministry other than agriculture. The former Director General of Land Administration suggested that his organization might well be placed under the Ministry of Finance, because of the reliance of both land reform and routine land administration on land records. Others have suggested that because land reform is both a temporary program and revolutionary in scope, it belongs in the Ministry for Revolutionary Development.* This view emphasizes the land reform function over the routine land administration function. Others have suggested the Ministry of Interior, because of its supervision of the province administration. However, it appears that there is insufficient convincing evidence that transfer to another ministry would be beneficial at this time.

In regard to the adequacy of the structure itself, there is a question as to whether it should be divided into two separate components corresponding to its two main functions--possibly each in separate ministries. The two functions of land reform and routine land administration were combined into one organization in May 1962. However, the two functions are essentially dissimilar--the one concerned with reform and the other with routine land administration. The fundamental purpose of land reform is to change the existing profile of land ownership and change the rules of land ownership and tenure. On the other hand land administration is normally concerned with an improvement of laws which protect the status quo. Nevertheless, land reform cannot proceed without land administration, and therefore it makes sense to group them in the same organization. It also makes sense, if land affairs administration is not to have a separate ministerial status, to leave it in the Ministry of Land Reform and Agriculture, since land reform as a program obviously requires the support of other agricultural functions.† The arguments for the status quo tend to be more convincing than any argument for change.

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* It may be noted that before the approval of the Constitution the Ministry of Agriculture came under the Commissioner General for Revolutionary Development.

† See discussion in Chapter 8, for elaboration of functions and services other than land reform.

A compromise solution on the issue of where to place the land affairs function in the administrative hierarchy was adopted by the present government late in 1967 with the addition of Land Reform to the title of the new Minister of Agriculture. It is understood that the former Minister had under study several plans for internal reorganization so as to give increasing importance to the land reform function within the ministry. One plan, for example, would be to have a vice minister or deputy supervising two Directorates General--one for land reform and the other for land affairs, including technical, legislation, and registration functions.* This plan apparently has not as yet obtained the support of the government.

Whatever solution is finally adopted, the Minister will always have an important leadership problem--how to infuse individuals concerned with the highly routine function of measuring, recording, and administering land affairs with a spirit of urgency and social accomplishment that must be associated with successful performance of a land reform program. This is not just an organizational problem. Because of the close interrelationship of routine land administration and land reform, it will exist wherever they are placed in the organization. However, close association of the former is essential for successful implementation of a land reform program.

The motivation problem, is, however, still basic. The increased importance accorded land reform as implied in the change of title and new leadership, may give the entire organization much needed emphasis. However, progress in extending land reform will depend greatly on solution of other problems besides organization at the central level, particularly on the amount of political support received by the Ministry for Land Reform and Agriculture from the top leaders of the government, including key legislators in the new Chamber of Deputies.

Present Local Organization.†

In general, the civil administrative system promulgated in 1956‡ is still in effect. The administrative divisions, in order of decreasing

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* This plan would divide the present three directorates into two.

† The present local organization is described herein; for discussion and evaluation see Chapter 3.

‡ Ordinance 57-a, October 24, 1956 (JO '56, p. 2708). This ordinance was implemented by Presidential Circular 115-2/TTP/VP dated October 24, 1956. Both are still in force, as modified by Presidential Circular Note No. 001-a, PTT/VP, dated March 1, 1968.

size, are the province (and the autonomous cities), the district, the canton (in some districts), and the village. However, as the 1967 Constitution makes clear, only the provinces, autonomous cities, and villages constitute legal entities.* The village is the lowest administrative unit, consisting of one or more hamlets.

Regions and Government Delegates (Corps Commanders)

Prior to 1956, there were three regional governments in the Republic of Vietnam, one in the north, one in the center, and one in the south. On January 1, 1956, these were abolished and government delegates, appointed by the President, were charged with inspectorate authority for a specified number of provinces. They were not responsible for the direction of local administration, their functions theoretically being limited to inspection, administrative assistance, and special investigations.† After the Revolution of 1963, the commanding generals of the four Army Corps assumed the function of government delegates. This was confirmed in 1965 when the Vietnamese Army was organized into four zones for tactical and logistical purposes and the civil regional authority was aligned to coincide with these military boundaries. Thus, the commanding generals of the four Army Corps also command the Corps Tactical Zones and concurrently exercise the function of Government Delegates (or regional-level government representative).

During the years of turmoil, the Corps Commanders gradually assumed increasing responsibility for general administration in their provinces. As a government delegate, each is provided with a civilian administrative assistant, appointed by Presidential decree, with a rank slightly above a director general, and a civilian cabinet, headed by an Army officer. Thus, since the province and district chiefs have all been military officers under the control of a senior army officer, a military administrative system has been overlaid on the civil administration.

Until recently, the province chiefs had to address all correspondence to the central government through the military commanders of their Corps tactical zones (who were also government delegates),‡ and it appears that the recommendations of the Corps Commanders carried great weight and even independence on frequent occasions in the appointment and replacement

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* Article 70 states "the principle of local separation of power is recognized for legal regional entities: villages, provinces, cities, and the capital."

† Ordinance 57-a, and Presidential Circular 001, op cit.

‡ See Dang, op cit., p. 131.

province chiefs (who are at present all military officers). Although the government delegates do not have the power to make formal regulations or decisions, they apparently could and did give the province chief instructions in the name of the President. This level of government is not provided for in the new constitution approved in 1967, and on March 1, 1968, in a move to separate the civilian from the military chain of command and assert increased Presidential control over the province chiefs, President Thieu has reaffirmed that the province chiefs are directly responsible to the central government. It was specifically pointed out that the government delegates were restricted to inspection, administrative assistance, and special investigations, and not direction of the provincial and village administration.*

The U.S. advisory pacification effort has provided for sizable U.S. staffs at the regional or Corps level. This level has no specific authority or responsibility for land reform or land affairs administration but since land reform is a key element in any pacification effort,† one U.S. staff officer in each region is charged with at least part-time supervision of this activity in the provinces of the region.

Provinces

At present, the Republic of Vietnam is divided into 44 provinces and 252 districts (plus six autonomous cities). Province chiefs and their deputies are appointed by the President of the Republic and are responsible to the President in their general capacity for the enforcement of law, to the Prime Minister for the execution of national policy and the programs of the government, and to the Minister of Interior for the general administration of the provinces. The province chief now corresponds directly with the Prime Minister, the ministers, and the directors of the central agencies (instead of through the Corps Commanders). He receives his orders directly from the Prime Minister; the ministers may give him directives only when they have been signed by them personally, and copies have been addressed to the Office of the President and the Office of the

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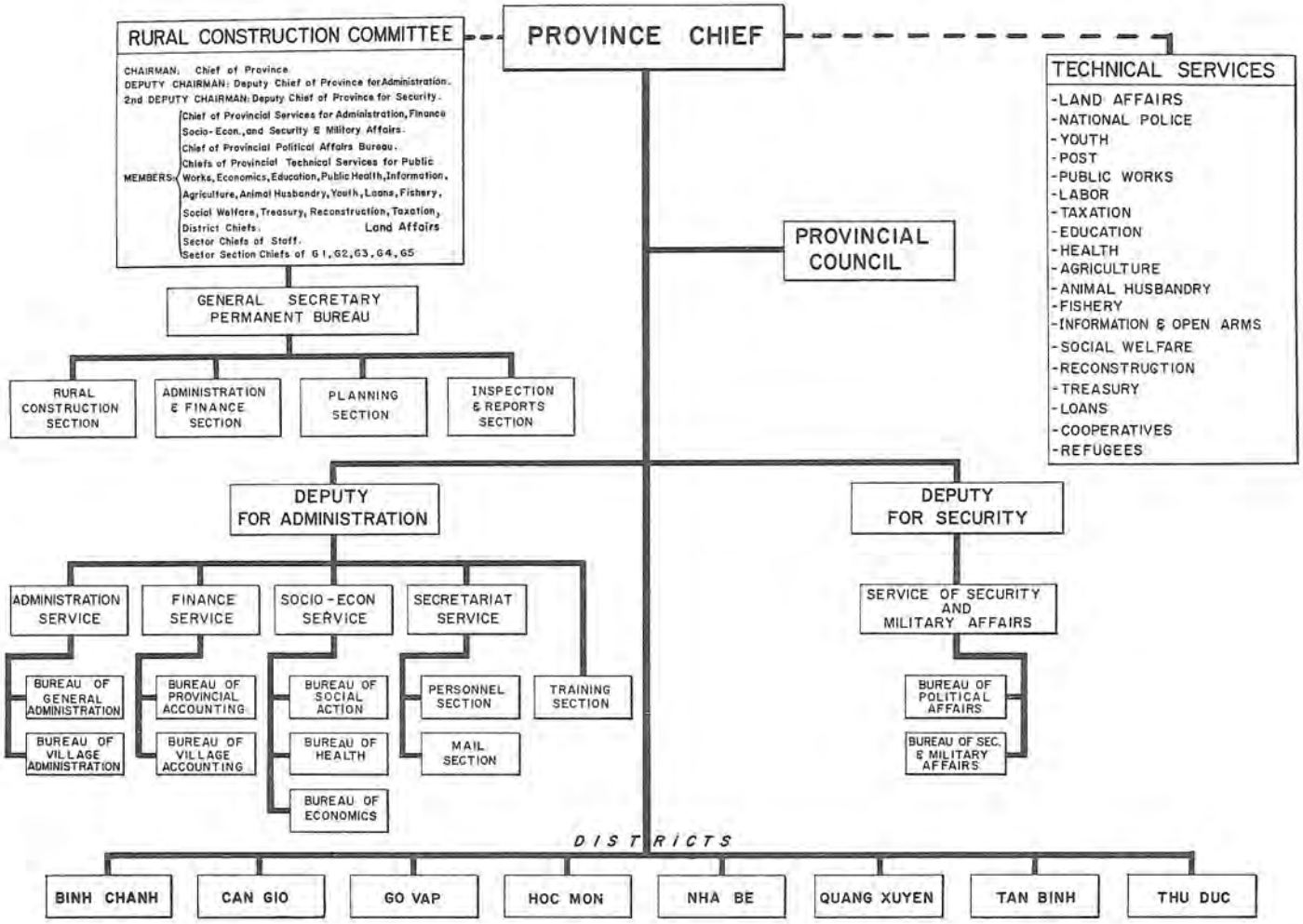
* Circular Note from the President of the Republic, No. 001 a/PTT/VP, dated March 1, 1968. President Thieu at the same time replaced two Corps Commanders and 12 province chiefs. (S. F. Examiner March 31, 1968, p. 25).

† See the President's opening address to the National Land Reform Conference in January 1968 (Airgram to AID/W A-4786, Subject: "Text of Presentations of the National Agrarian Reform Conference," dated February 15, 1968).

Figure 3

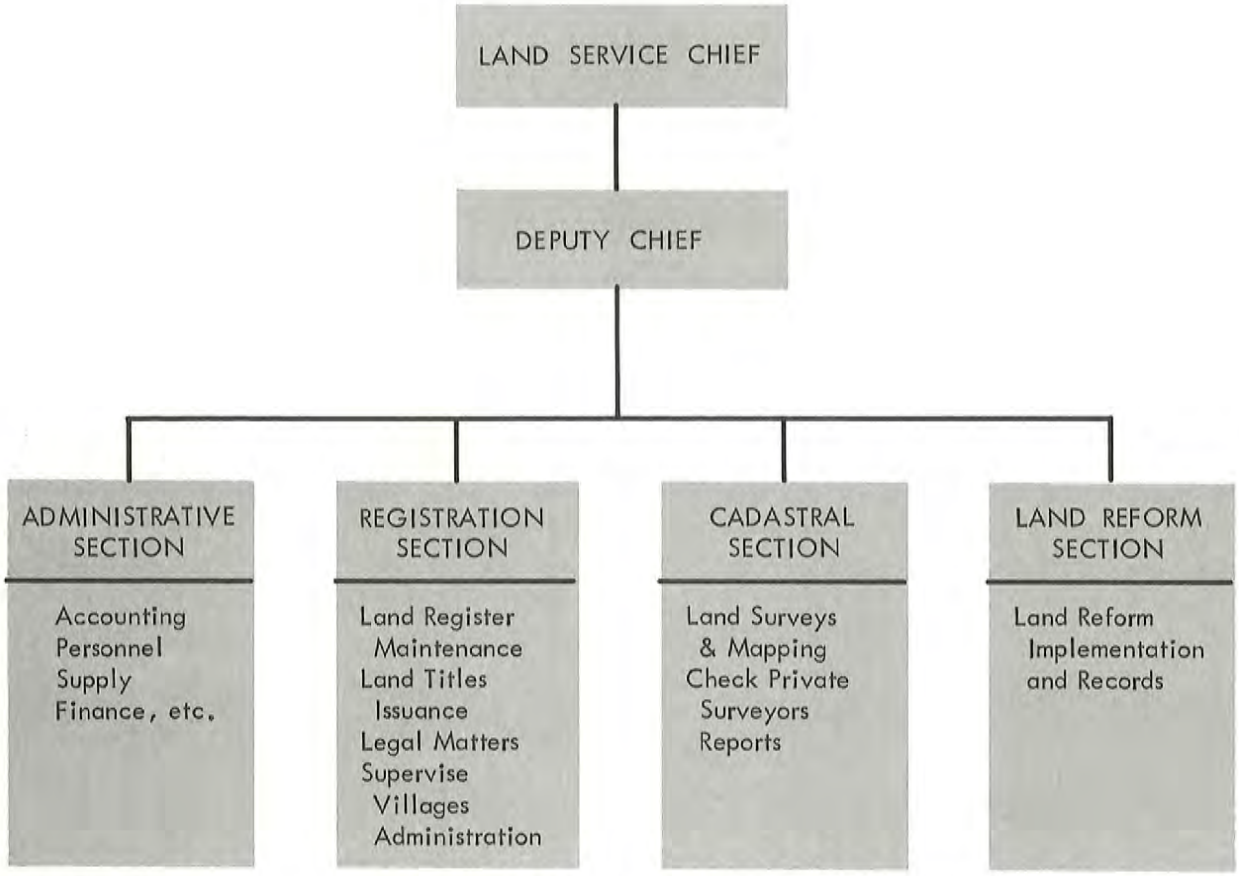
TYPICAL PROVINCE ADMINISTRATIVE ORGANIZATION



PAD/USAID/VIETNAM SEPT. 1966

Figure 4

ORGANIZATION OF PROVINCIAL LAND AFFAIRS SERVICE



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

NOTES:

One out of 13 provinces had just 2 sections: Administrative and Technical.

One out of 13 provinces had just 3 sections: Administrative, Registration, and Technical.

Of the other 11 offices, besides the 4 normal sections stated above, there were:

One with an additional Aerial Photo Section.

One with an additional Public Property Concession Section.

One with a special Equipment, Accounting, and Personnel Section.

Prime Minister. The administrative personnel in the provinces and the districts are under the jurisdiction of the Ministry of Interior. However, the province chief has under his administrative supervision many public servants working in field offices of ministries other than the Interior. (See Figure 3 for the organization of a typical province.) He is responsible for the general coordination of the technical services in the provinces, for their consideration, and for making reports to the Presidency, the Prime Minister, the Minister of Interior, and the other ministers on the activities of services under his jurisdiction or that of other departments.* The technical services have to report fully to the province chiefs on their activities and all correspondence up or down goes through the province chief.† The province chief is required to evaluate the service chiefs; he can object to new appointments and is consulted on transfers.‡ Hence, although the technical services chiefs get directions from and are under the direct control of their respective ministries, there are many practical reasons why they cooperate with the province chief.§ The President's March 1, 1968 Circular Note, while reserving to the ministries their administrative control over their programs and personnel, clarified and strengthened the province chief's authority to coordinate and control the technical services.**

Figure 4 shows a typical province organization of the land affairs technical service. The exact details tend to vary somewhat from one province to the next (and the strength of the staffs varies widely), but in general they tend to follow somewhat the same organizational breakdown as found at the central level (see Figure 2). It is at the provincial level that most of the land tenure and land reform field work and administrative work normally are carried out, including the necessary surveys in the villages, map making, registration of titles, collections of payments by new owners of expropriated land purchased from the government, and other land reform activities.

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* See Dang, op cit., p. 129; Circular Note March 1, 1968, op cit.

† Circular Note, March 1, 1968.

‡ Ibid.

§ For an excellent study on the problems and conduct of provincial government in Vietnam, see Jason L. Finkle and Tran-Van-Dinh, Provincial Government in Viet Nam--A Study of Vinh Long Province, Michigan State University-Vietnam Advisory Group and National Institute of Administration, Saigon (Report No. 4, Local Administration Series), August 1961.

** Circular Note, March 1, 1968.

The Constitution also designates as separate political entities the autonomous cities--at present Saigon, Dalat, Cam Ranh, Hue, Da Nang, and Vung Tau--each presided over by a mayor. These are comparable in many respects to the provinces, but they are administrative entities entirely distinct from the provinces, although their territory in some instances is in the territory of the provinces (i.e., Hue, Da Nang, and Dalat).

Districts

Districts are extensions of the provincial administration, each embracing a group of cantons or villages. The district chief is now appointed by the Minister of Interior, on the recommendation of the province chief, after the approval of the Prime Minister.*

The district constitutes the lowest territorial echelon of the national administration. The district chief is appointed by the central administration without consideration of any tie he might have with the district before his appointment; he is responsive to the province chief (who is a representative to the central government) and he can be given instructions or recalled at any time by the central government.†

At present all of the district chiefs (as well as the province chiefs and mayors) are career military officers. In addition, as in the provinces, the district chief is always assisted by a deputy, who is chosen from the regular cadres of the civil service and is preferably a graduate of the National Institute for Administration. The district chief is charged with the responsibility for execution of the laws and regulations in his district, particularly maintaining order and security, and he exercises supervision over the local villages, including the supervision of tax collections.‡ It should be noted that the constitution does not provide for the district as a legal regional entity; it is utilized as an extension of the province administration.

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* Circular Note, March 1, 1968, op. cit.; Ordinance 57-a, Article 15, prescribed appointment by the President.

† See Dang, op. cit.

‡ See Dang, op cit, pp 143-4. The land taxes in the past have been collected by the Village Administrative Committees for the National Treasury. Effective January 1, 1968, the villages are authorized to retain the land taxes for their own expenses. See discussion in Chapter 3.

Cantons

Although Ordinance 57-a of October 24, 1956 provided in principle for the canton, in many provinces it no longer exists or exists in name only, since the canton chief has become more of an adviser to the district chief. Moreover, he has never been considered an agent of the central government as he is always a member of the local population and has no civil service status. The elimination of this echelon has often been proposed,* and it seems likely that its omission as a legal regional entity in the 1967 Constitution will lead to its eventual elimination. At any rate, in most instances, it has no land administration functions at the present time.†

Villages

The village is the traditional basic administrative unit in most of Vietnam‡ and it is provided for in the Constitution as the lowest legal administrative unit.§ Beyond the extended family, which traditionally formed the basis for the rural society, the village has traditionally been the highest form of peasant social organization. However, many differences in structure have existed (and still do) between villages.

For example, the spatial structure of the village--size, shape, and settlement pattern--varies considerably with each community and between different communities. Figure 5 illustrates the great diversity in size of the villages in the Southern Region, both as to number of hamlets per

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* See Dang, op. cit., pp 143-4.

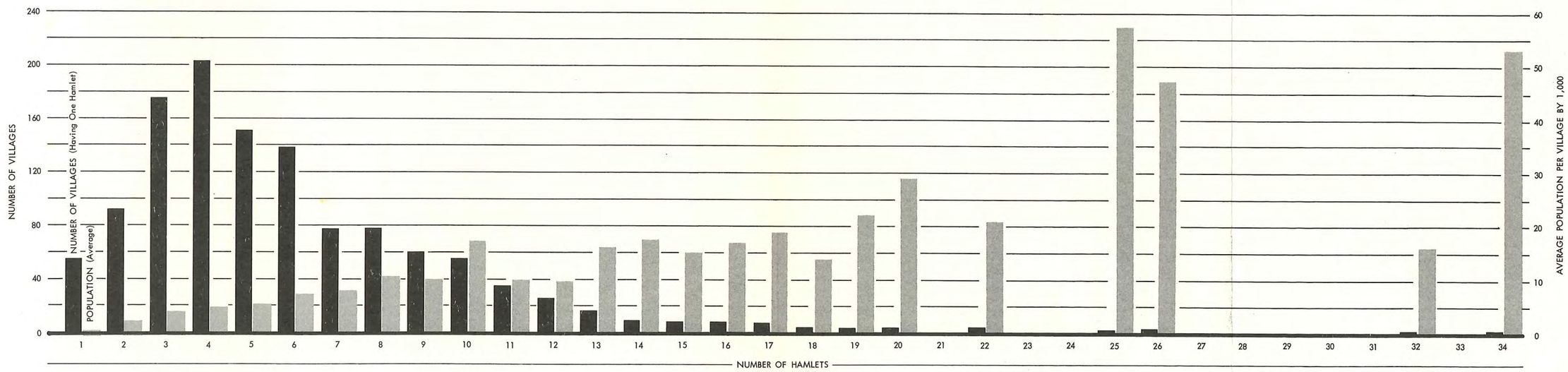
† In those areas where the province chief deems that a village agricultural committee is not necessary, cantonal agriculture committees may be established to examine and attempt to conciliate disputes, according to Circular 67, dated October 25, 1958.

‡ In some areas in Region I and II prior to the Viet Minh period the present hamlets were basic administrative units and were in fact called Xa or villages. (Notes by N. T. Thuan, dated March 23, 1968, on "Communal Land and Connected Problems.")

§ For a brief history, see Dang, op cit, pp 146-62. For a more detailed account, see Nguyen Xuan Dao, "A Survey of Historical Development," in Lloyd W. Woodruff's "The Study of a VN Rural Community--Administrative Activity," Michigan State Univ. VN Advisory Group. Vol II, May 1960. For a good comparison of the Viet Minh and GVN efforts to effect changes see R. M. Pearce, "Land Tenure and Political Authority," PhD Dissertation, Univ. of Washington, Seattle, Washington, 1968.

Figure 5

COMPARISON OF SIZES OF VILLAGES, SOUTHERN REGION
Republic of Vietnam



NUMBER OF VILLAGES (number indicated on left)

POPULATION (average population indicated on right)

village and as to population. The densely settled, well-defined villages of North and Central Vietnam stand in direct contrast to the dispersed and often vaguely demarcated villages of the Delta.*

The village council has always played an important part in the social structure of Vietnamese villages. As part of the village land tenure system, the village council provided the ceremonial and formal legitimization of the village land-holding system.†

The historical antecedent of the traditional Vietnamese village council was the Chinese model, which came to Vietnam along with many other practices during the thousand years of Chinese domination. On the arrival of the French in Cochin China in 1862, the evolution of the village council had resulted in a council of notables that had as many social as administrative functions in the village. Unlike the village council in the North (Tonkin) and Central (Annam) Vietnam, which were made up of distinct executive and deliberative bodies, those in the Mekong Delta consisted of only a single council of notables.‡

Initially, the village elders acquired their position, by customary right based on age, education, and experience. Later the emperors appointed the village mandarins but after the 15th century, it was the custom to have the village itself appoint the village chief. Later these elections or "co-optations" were subject to the approval of the province chief.§ Imperial Vietnamese rule had little effect on the functions of the village and the activities of the council of notables except in the matter of taxes and conscription. The freedom of the village from Imperial interference gave rise to the popular Vietnamese proverb: "The emperor's law bows before village custom."**

Initially, French penetration did not disturb the traditional political authority of the village councils, although in 1904 the colonial government formulated a law that attempted to standardize Vietnamese political institutions. The 11 members of the village council retained some functions of previous councils but were reorganized as an administrative body for handling village affairs. Also, in general, only landowners were eligible for appointment, and their pattern of promotion was fixed. This was modified in 1927 by broadening the base of eligible

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* Pearce, op cit, p. 44.

† Ibid, p. 68.

‡ Ibid, pp. 68-69.

§ Dang, op cit. pp. 150-53.

** Pearce, op cit.

villagers and making the system of promotion more flexible. However, the council remained the key instrument for the administration and maintenance of security and order until the violent upheavals that followed World War II.*

The Viet Minh formed administrative committees to replace the council of notables and provided for the election of village popular assemblies. Five to seven members were selected from the assembly as the executive body to replace the traditional council of notables. This enabled the Viet Minh to establish itself as the authority of sanction in the villages in lieu of the traditional legitimacy of the former council.†

The French introduced some changes into the village governmental structure in those areas where they were able to establish administrative control, though these were not as radical as those of the Viet Minh. They established a government of the Autonomous Republic of Cochin China, and in August 1946, this government issued an arrêté replacing the traditional council of notables by an eight member village council, to be elected by direct suffrage.‡ However, writers of that period report that most of the village councils were appointed by the province chief.§ As a result, for the first time, the village council became an integrated part of the central administration.**

When the Republic of Vietnam was formed under Emperor Bao Dai in 1949, the 1946 provision for popular elections of the village council was revoked, and the elected council was replaced with a six to eight-member council appointed by the government. This represented a complete break from the authority of the council-of-notables, which even the French had perpetuated through 80 years of colonial rule. It meant direct interference on the part of the central government into what had been an exclusively village affair.††

In March 1953, a government decree provided for a new village council selected on the basis of universal suffrage. Eligibility was to be open to all residents regardless of social position or economic status. The government attempted thereby to re-establish village administration as an extension of control by higher authorities while preserving some of the local customs.‡‡

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* Ibid, p. 75.
† Ibid, pp. 78-9.
‡ Ibid, p. 81.
§ Dang, op cit, pp 153-4.
** Pearce, op cit, p. 81; Dang, op cit, p. 151.
†† Pearce, op cit, pp 96-7.
‡‡ Ibid, p. 97.

In June 1956, largely as a step by President Diem to combat the Viet Minh and to bring home to the villagers a sense of national orientation, the village administration was reduced to its simplest expression, usually three persons, all appointed by the province chief (excepting the Youth Councilor who was elected by the young people of the village).* In 1963, the hamlet was recognized as a subdivision of the village, and provision was made for the election of the village council by the administrative councils of the hamlets.

In 1964, the village councils were replaced by two organizations, Village Citizens Councils and Village Administrative Committees. Simultaneously, hamlets were also to be reorganized and placed under the direction of the hamlet chiefs assisted by one or more deputy hamlet chiefs.† The Village Citizens Council was composed of 5 to 11 members elected by universal suffrage, direct and secret. Each hamlet as a constituency was to elect one member; the tenure of office was for two years.

The Village Administrative Committee consisted of a chairman, vice chairman, and from one to four members. The chairman and vice chairman were appointed by the province chief. The chairman was to represent the central government and was to be responsible for implementing laws, regulations, and government policy in the village.

In December 1966, another reorganization of the villages and hamlets was decreed.‡ The village councils, hamlet chiefs, and their deputies, elected in 1964, had completed their terms of office, and this decree sought to draw on that experience to restore much of the position of autonomy of the village through a direct election and to improve the village administration through unity of decision-making, rational use of personnel, adequate training, commensurate compensation, and increased staff.§

The Village Citizen's Council was established as the elected deliberative body, and the Village Administrative Committee was established as the executive body. The chairman of the latter is a member of the

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* Ibid, p. 119; Dang, op. cit, p. 156.

† Decree No. 203 d/NV, dated May 5, 1964, Office of the Prime Minister.

‡ Decree No. 198, SL/DUHC, dated December 24, 1966, Office of the Chairman, Central Exec. Committee.

§ Instruction 96, DUHC/NC/6, dated January 6, 1967, Spec. Commissioner for Adm. to Province Chiefs.

former and elected by the council members to direct the Village Administrative Committee.* See Figure 6.

Among the village commissioners provided for is one for agricultural affairs. He "handles problems concerning land administration and agriculture. He cooperates with the Deputy Chairman, concurrently Commissioner for Economy and Finance, in the administration of village public land and rice fields."† It would thus appear that the decree and implementing circular transferred the basic authority over village communal land to two members of the Village Administrative Committee, acting jointly: the Commissioner for Agricultural Affairs and the Deputy Chairman of the Village Administrative Committee.

Additional duties for the Commissioner for Agricultural Affairs are spelled out in the 1967 Instruction as follows: ‡

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

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

- to file and update maps and registers of land and rice-fields in the village.
- to assist the survey personnel in surveying and drawing maps.
- to provide to the Chairman of the Village Administrative Committee data necessary for him to certify real property papers.
- to assist the deputy chairman concurrently Commissioner for Economy and Finance in the administration of public land and rice-fields as well as the establishment of land tax rolls.
- to carry out all matters relative to land reforms and concessions for village properties.

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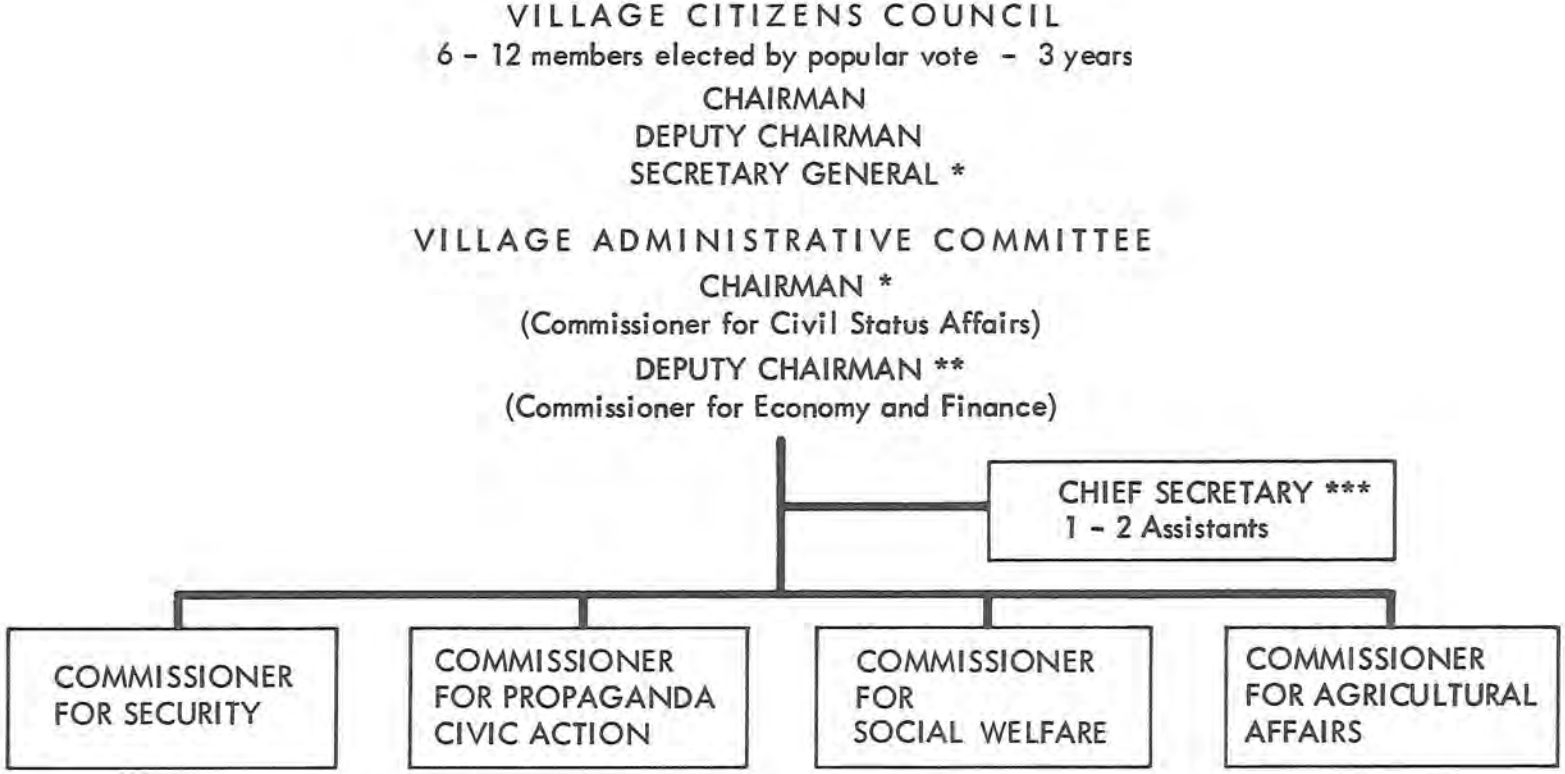
* In those localities where elections cannot be held, the province chief can establish Provisional Administrative Committees that assume the combined responsibilities of the Village Administrative Committee and the Village Council.

† Decree No. 198, op cit., Article 31.

‡ Instruction No. 96, op cit., Par. IV, B6.

Figure 6

VILLAGE ADMINISTRATION



* Elected by Village Council from among its members.

** Deputy Chairman and Commissioners appointed by the Chairman with concurrence of Village Council subject to veto of Province Chief.

*** Appointed by Province Chief on recommendation of District Chief.

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- to classify rice-fields and land in the village and establish statistical data on land affairs.

- to collect, keep and deposit the money resulting from the sale of expropriated rice-fields or the rental of Government rice-fields, as well as agricultural credits."

The 1967 Instruction goes somewhat beyond the scope of the 1966 Decree, and it is understood that it has not been fully applied as yet. Some officials in land administration at the central level doubt that Agricultural Commissioners can be found who will have the technical skills needed to carry out the duties defined by the Instruction. Certainly help from the province administration will be necessary. Consideration is being given to placing much more responsibility for land reform and land tenure administration on the village. This is discussed briefly later.*

Hamlets

The 1966 Decree also provided for the election of a hamlet chief and his deputy and for the appointment of certain assistants. The hamlet chief represents the village chief in his hamlet and is charged with carrying out the laws of the government and the directives of the local administrative authorities, maintaining order, supervising the Hamlet Management Committee, representing the hamlet in the Village Administrative Committee, maintaining the hamlet registers, and assisting the Village Administrative Committee in the collection of taxes. However, agricultural affairs, land reform, or land tenure administration by the hamlets are not mentioned, nor was it intended that the hamlets function as an administration echelon, although no doubt the hamlet officials must assist the villages in handling land tenure problems. This fact has created some problems in the current Revolutionary Development program, which is focused at the hamlet level. Land Reform is one of the key planks† of the pacification effort, and the Ministry of Revolutionary Development and those concerned with land reform in the provinces have sought to deal with the problem in a number of ways, as will be discussed later.

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* The January 1968 Land Reform Conference passed a resolution dealing with this question.

† In his address to the January 1968 Land Reform Conference, President Thieu stressed the importance of land reform as "an important and decisive Mission within the Nation's general policy." Department of State Airgram to AID/W A-4786, dated February 15, 1968.

Chapter 3

LOCAL ADMINISTRATION OF LAND AFFAIRS

Introduction

In the context of Vietnamese government, "local administration" means essentially "other than central government, i.e., Saigon" and especially refers to the provincial, district, village and hamlet levels. Since the district and hamlet levels are not officially concerned with land administration, this discussion will concentrate on the provincial and village levels.

All land administration functions are centered in the Provincial Land Affairs Service with certain implementing aspects assigned to the villages. This discussion selects the most important aspects of land administration (general at the province level and specific at the village level) on which information is available.

In keeping with the contract requirement for an "assessment of present village capacity to administer land tenure policies," this chapter discusses the administrative performance of villages in the land administration area. However, when necessary, the discussion is broadened to reflect the performance of other governmental levels that directly affect the village.

All of the material in this chapter is based on the following sources:

1. SRI Village Administrative Chief Survey (Appendix C)

2. SRI Provincial Land Office Survey (Appendix B)

3. SRI Records Administration forms, surveys and comments (Appendix D)

4. SRI U.S. and Vietnamese team members' interviews with Vietnamese land affairs and taxation officials at all levels.

5. Analysis of pertinent translated documents.

Land Reform

Two significant functions in land reform currently delegated to the villages are the Landlord-Tenant Relationship program or Lease-Contract program, and the handling of applications to purchase land under land reform programs.

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

The establishment of a new set of committees would seem a questionable procedure since provisions for numerous committees such as the provincial peoples' committee, village peoples' committee, village, canton agricultural committees, and land reform committees, among others, already exist. Some of these, such as the agricultural committees and the land reform committees already are assigned responsibilities that would overlap those of the suggested new committees. In addition, committee members may anticipate receiving payment for their services, thus causing a further drain on the already strained financial resources of local government.

The basic proposition of delegation of authority and responsibility in land reform and land administration to local authorities is sound if it is carried out within the framework of a policy of "delegation, not abdication," which requires training, guidance, and assistance from the delegating authorities in programs that are within the technical and administrative capabilities of village officials. Clear written instructions are a basic requirement if the village officials are to be of any assistance.

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

The chief reconstruction problem would appear to be in re-activating those village agricultural committees that have been allowed to become inactive. To assist in this task, as well as in the records reconstruction task, the formation of a provincial task force to work with village officials would seem to be useful. In addition to providing short technical training courses on land reform matters, these teams could give the responsible officials on-the-job training and help them reconstitute committees and records. They could move from one village to another as needed. This procedure, incidentally, would provide means to try out new programs on a pilot basis and revise them before introducing them generally.

Land Registration

The basic elements of the registration function at the provincial level are processing, checking, and recording transfer and transaction papers in relation to changes in status of land ownership for the maintenance of land registers in which all transactions and changes of land ownership are recorded. Approximately two-thirds of the village respondents indicated that it takes one month or more to process land transfer papers at the Provincial Land Offices.

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

When there is no record of land ownership, under present procedures it is necessary to rely on cadastral work to re-establish such records. Fewer than 10 percent of the missing records have been reconstructed during the past 22 years, and it appears that few "provisional registers" have been established to record transactions that took place after the destruction or loss of the records.

According to the Village Administrative Chief and Provincial Land Service Chief Surveys, approximately 50 percent of the village offices have no land registers. Although the average time of loss was between 11 and 18 years ago, less than 10 percent of the total number lost have been reconstructed. In many cases, reconstruction of the village land register requires only copying the material by hand from the Provincial Land Office land register.*

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* Appendix D.

As of February 1968, the situation of land registers was reported by the GVN as follows:

• Villages that have land registers	890
• Villages with land registers missing and not yet reestablished	849
• Villages with no land registers at all	843
	2,582*

Since the village land register is only an information copy, the village must rely on information received from the Provincial Land Office to keep it up to date. However, it is the responsibility of the village administration to post the information in the village register. Most of the villages indicated that they followed this procedure in processing land transactions, but three villages said that they changed the land register first and then notified the Provincial Land Office.

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

The approximate nature of the figures on records missing and the length of time for which they have been missing provides positive indication of the inability of the present land registration system to cope with the existing situation. Even where the rectification of the difficulty requires only a copy by hand of a land register, this has been achieved in fewer than 10 percent of the cases.

With one-third or more of the basic documents on which land registration depends missing or incomplete, it is not really necessary to

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

inquire further into the details of performance. Without such fundamental records, there can be no performance. Where there exists strong leadership backed by technical assistance, relatively successful programs are being conducted by village authorities in carrying out most of the land registration policies.

Land registration procedures are complex and slow--especially in their initial establishment. Some method must be devised to simplify establishment, reconstruction, and maintenance of land registration records. It may be only an interim step to ensure immediate impact while a more permanent procedure is developed but it is needed now.

A partial reconstruction could be effected by recopying some of the existing land registers to provide copies for the villages. Where no land records exist, it would be possible to use the present organization at the village level, reinforced and guided by the Provincial Land Office and central government personnel, to re-establish land records. Such a program could entail the identification of land on the ground by village officials and elders either on sketch maps, or where available, photo maps.* By technical standards, these results would not be adequate; however, they would provide some records where none now exist. This program could be accomplished in a relatively short period of time and would be usable almost immediately. A system fulfilling all technical requirements would require many years before usable results would be available on a widespread basis.

Such measures would provide only partial recovery, since even where land records exist, comments from Provincial Land Chiefs indicate that the old registration system, which is most prevalent in the Delta area (approximately 60 percent of the villages), has significant gaps in it. It appears that the original records were sometimes based on what an owner declared rather than on what actually existed.

Any program for reconstruction in the foreseeable future in land registration would have to be based on a principle of performing a rough measure first, followed by an accurate measure later, similar to the "distribution, measure later" land distribution program approved by the National Land Reform Conference. To guard against prejudicial error, provision could be made for appeals within a reasonable period of time--possibly including "circuit rider" appellate tribunals to hear and settle

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* See Chapter 6 for a brief description of a pilot project initiated in September 1968, in which this procedure was used successfully.

disputes. Also, the provincial task forces mentioned earlier could be of great help in training village officials and in helping them get their records into usable condition.

Cadastral Function

Evidence has been presented to indicate the amount of surveying that remains to be done with special emphasis on expropriated lands and former French lands. However, there are also other indicators of performance that describe the situation, such as the fact that in the sample survey, Provincial Land Offices reported that ownership maps for 45 percent of the villages were either missing or not changed when changes in ownership took place. One province indicated that it had no maps of ownership for villages in the province. Two Provincial Land Offices that had surveying teams or surveyors and draftsmen in their office indicated that they did not change maps when ownership changes occurred. Although limited responses were received on maps for concession and other GVN lands, more than 50 percent of those responding said that they did not change the maps.

The reasons usually given for this lack of performance are (1) the lack of trained personnel and (2) security, indicating that even where the personnel were available it was not possible to perform the function. The organization charts for 13 sample provinces indicate that approximately 40 percent of the technical or semi-technically trained personnel are assigned to units other than the cadastral section. Surveyors, assistant surveyors, chainmen, draftsmen, and assistant draftsmen are assigned to administration, accounting, registration, and land reform sections. With a shortage of trained personnel this may not be the best use of technical personnel.

It is possible that some drafting or map changing might be done by some of the draftsmen discussed above. The evidence is not concrete, and a detailed analysis of each office would be required to describe the situation accurately. However, there is distinct evidence in at least one province (one surveyor and four draftsmen in administration and accounting) that the inappropriate use of personnel may be a significant factor in the lack of performance.

Land ownership maps are used to delineate clearly the boundaries of individual plots. More than half of the village offices had land ownership maps but these maps were, on an average, 31 years old, and 90 percent of them were not changed when land was sold or divided. Since surveying teams are nonexistent at the village level and draftsmen would not normally

be found there, the situation could not be other than it is unless copies of maps that were kept up to date in the Provincial Land Offices were sent to the villages (an impossible task with present methods and equipment).

Under the present conditions, it would be unreasonable to expect to find at the village level an operable program of map revision and maintenance. However, it would be possible to teach the basic drafting skills necessary to maintain a simple set of maps.

The shortage of trained personnel might be relieved somewhat if peace were achieved and the army released former government employees. However, it is unlikely that this, even combined with increased training, could solve the problems facing the cadastral services. Attention must be directed toward a complete revision of the techniques used, not only in land measurement but also in the related identification and registration functions.

Photogrammetric processes seem to offer hope but as currently being tested, they appear to be too time consuming. To meet the time pressures of a far-advanced political war, the processes must produce immediate results in small, sometimes isolated, areas--the places where they are most needed for titling land and to clearly reflect a favorable image of the government's concern about helping the farmer to own his land.

A complete reconstitution of the mapping program is a virtual impossibility in the foreseeable future. It will no doubt require a complete change of the program, very possibly to one based on photogrammetry. Even with the advantages of the technical advancements possible through that method, a complete reconstitution would be many years off considering the needs of the Provincial Land Offices and the villages. However, it may be possible to use the results of existing photography for village registration programs and provide the villages and the Provincial Land Offices with reasonably accurate aerial photography. These can provide usable results even though they may not be within the error limits allowed by technicians in photogrammetric work. Here again the provincial task forces mentioned could be used to train village officials and to help reestablish useful maps for land distribution.

Lease Contract Administration

Approximately 40 percent of the villages visited did not have a lease contract register, which is the only record of lease contracts signed. (The Province Land Office receives only summary reports, which are tallied

from the village lease contract register.) In a sample of more than 7,000 lease contracts that were registered, over 75 percent of them were signed in 1962 or before which, considering the five year term of almost all of the contracts, indicates that unless renewed they may all be out of date. In that same sample of 24 villages, only 1,500 contract renewals were recorded (almost all in five villages). Although lease contracts are "tacitly renewable," this understanding was not widespread among the village authorities. Some indicated that they once had lease contracts around 1960 but now use verbal agreements only. Nine of 24 villages had fewer than 20 contracts registered between 1962 and 1967 and of those nine, four had no contracts registered during that period. Ten Provincial Land Service Chiefs said that slightly more than one-third of the villages in their provinces had no lease contract registers.

Both factual and circumstantial evidence point to the conclusion that this program has never been effective. For example, two-thirds of the villages either have no lease contract register or have one that is virtually useless, 20 percent of the villages never implemented the program, and 75 percent of the leases signed are out of date. Village chiefs and Provincial Land Service Chiefs have commented on key money, advanced and delayed rental payments, overstatement of expected production, and subleasing as some of the ills of the program. Thus there is little evidence of successful enforcement of this program by village, provincial, or central government.

In the words of one Provincial Land Service Chief, "Tenant status should be reconsidered, and when it is brought into action it should be seriously applied." The firsthand knowledge of this chief apparently prompts him to imply that this program to date has been generally unsuccessful in terms of its objectives.

Considering the numerous factors that work against the program's success such as landlord resistance, scarcity of good (and secure) land, reluctance on the part of tenants to move to other locations, demands for prepayment (which require the tenant to borrow at usurious rates), demands for postpayment (which require the tenant to absorb all storage losses), supposed enforcement by village officials who are often "official landlords" (in the sense that they control leasing of village-owned lands), and other extra-contract provisions, it is doubtful that an administrative structure could be developed that could actually administer and enforce a lease contract program under the conditions existing in Vietnam.

In the present environment this is not so much a failure of the administrative structure as it is the imposition on the administrative structure of an overly sophisticated program for a developing country.

The provincial reconstruction task forces could help villages not only in reactivating their agricultural committees but in establishing lease contract registers. However, serious consideration should be given to concentrating available resources on short range programs with more potential for success. Even if all available lands under current programs were distributed, many thousands of tenant farmers and farm laborers would still be landless.

Leasing Village Communal Lands

Most of the villages indicated that they charged rents within the legal limit for communal land but six out of 37 villages still use the bidding system, which was outlawed several years ago. Villages have traditionally administered their communal lands themselves, and in most cases the provinces apparently take little interest in this activity. Provincial Land Offices usually were unable to provide information on village communal lands beyond stating the hectarage and had almost no records on numbers of tenants, rental rates, or income.

As "official landlords," village authorities are placed in a position of having to decide between using the village communal lands to provide maximum benefit to the poor and needy of the village or to provide maximum income for the village. To use the lands to give maximum benefit to the poor and needy obviously means minimizing the income potential of the land. The village may also be placed in the position of having to share the income from lucrative properties as in two villages where two-thirds of the communal land rent are taken by the province.

Although not considered to be very important in the Mekong Delta area, rent from communal land in a 31-village sample averaged approximately 5 percent of the reported village income (range from 0.1 percent to 79 percent). This figure reflects a reduction by an uncertain amount due to insecurity. In the few villages on which information was available, the communal land income could possibly increase as much as 10 times if all communal land were secure and if the villages were able to collect revenues. In a few cases, communal land income has been reduced to virtually nothing because of insecurity.

The reliability of the responses in the survey on the possible replacement of communal land income is not completely beyond question. Seven village chiefs, for example, who said that they could not replace the communal land income gave financial statements that showed communal land income amounting only to 0 to 4.9 percent of the total village income. Also five out of six respondents whose communal land income amounted

to 5 to 9.9 percent of the total budget said that they could not replace that income. Eight villages reported that their communal land supplied more than 20 percent of total village income, with a few of those villages running over 40 percent. Obviously in such cases, the response "could not replace" seems quite justified.

These facts point out an inherent problem in the considered distribution of communal lands--that no one solution to the financial problems encountered in such a distribution would take care of all the villages.

There are indications, such as the bidding referred to above, that all communal lands are not used for the greater benefit of the poor and needy. This contention is supported by the fact that approximately 50 percent of the villages indicated that inheritance was an important factor in determining who would occupy communal lands. It appears that village officials generally have shown themselves quite capable of administering village communal lands, but that administration is not necessarily in keeping with the purposes of those lands.

The problem of communal land is clouded by considerations of custom, religion, and finances. The National Land Reform Congress convened by President Thieu in January 1968 at Saigon recommended further study of communal land in relation to land reform. If not carried on indefinitely, this study is a good suggestion and outright distribution of communal lands should be the major topic.

Village communal lands continue to be rented out essentially in the traditional manner where security permits and therefore a return to "normal" is dependent on security only. The question, however, is not of a return to "normal" but a possible deviation from traditional practices by distributing communal lands to worthy recipients for full ownership.

There is much to be said for this course of action, but judicious planning will be required to develop a successful program.

Land Taxation

It is the responsibility of the village office to make up the rice and garden tax book each year. Of the 37 villages visited, 22 percent had no tax books for 1966, and of those that did, 10 percent were made up by the Provincial Land Office. Of the villages without tax books, half of them reported using old tax books to collect the taxes and three of the remainder reported using methods that are understood to be illegal. Seventy-five percent of the villages without tax books indicated that this

was not the first year they have been without such a book. Although the land register is the only record against which a tax book might be compared, more than 60 percent of the villages indicated that they did not check that record when making up their tax books.

A number of village tax records show total hectarage for the village, which is considerably lower than the actual total hectarage that has been measured by survey. The Directorate General of Taxation indicates that it is quite possible that many village chiefs may have reduced the number of entries in the tax book by the number of those lands for which taxes are not collectible because of insecurity or other reasons. Removal of lands from the tax books is supposed to be done only by the Directorate General of Taxation in Saigon.

On the other hand, some village tax books recorded large amounts of land in the names of former owners from whom the land had been expropriated seven to ten years ago or in the names of owners who died, and the family councils had distributed the land to many heirs. In some cases, tax books carried large hectarages in the names of persons whose ownership had terminated 20 or more years ago.

Rice and garden land taxes retained for the village budget have, in the past, amounted to one-thirteenth of the total taxes collected. In a 30-village sample, this amounted to an average of less than 2 percent of the total village income reported (range from 0.1 to 43 percent with only five villages reporting over 6 percent).

Under the new tax regulation, the villages will now retain all rice and garden land taxes for the village budget, giving them a net increase of 13 times their present retention amount. Under this new law the average in sample villages may go as high as 19 percent (range from 0.5 to 5.6 percent with four villages exceeding their present total income). The net effect of this on the villages cannot be assumed directly from the above fact, since in the instructions on the collection of taxes, the villages are instructed to deposit the money in the Provincial Treasury and must get the approval of the Province before withdrawals may be made.

At this point, it is not known if these instructions are meant to be within the framework of the implementing Arrêté and Circular that describe the limits of expenditures that may be approved at the village level, the province level, and the central government. Obviously, if this new law is implemented as intended, it could make a dramatic improvement in the funds available at the village level.

It is not known, however, whether it is intended that all of the salaries of the new Village Council and Administrative Committee members are to be paid from the village budget. In the past some villages have received supplements from the Provincial Treasury, and it appears that the increased tax retention sometimes will equal or surpass (by many times in a few cases) these supplements.

In the past, there has been little consistency in relation to one of the most important village administrative functions. The village has retained only a small portion of the rice and garden land taxes collected, and it may be that the new law, which provides all such taxes are to be kept by the village, will provide an incentive for better administration of these taxes.

Because of the gross discrepancies that now exist between the land on which taxes are assessed and the actual ownership records that can be checked, the first step in a reconstitution program must be a complete reconstruction of all village tax books. The nature and condition of the records from which such information must be obtained make it, at best, a difficult task, one that would require considerable cooperation and coordination among the concerned village chiefs, provincial tax offices, and Provincial Land Offices.

Again, the reconstitution would only be partial since there are inaccuracies and omissions in the existing land records; however, even a partial recovery would be a vast improvement on the present situation. A further improvement may be made by tying such a program to the reconstruction of the land registers.

Collection of Absentee Landlord Rents

Although there is a legal procedure by which village officials are to collect rent for absentee landlords under the lease contract program, fewer than 10 percent of the village officials said that this was part of their function. Perhaps the most significant indicator is the fact that more than 50 percent of the village officials did not respond to this question ("No Response" usually was below 10 percent on similar questions). No conclusion can be drawn from this fact except that one may speculate that perhaps this is a subject that many Village Administrative Chiefs do not care to discuss. Present evidence provides no positive indication of administrative implementation of this program being successful at the village level.

Perhaps the lack of success of this program should be considered in relation to other recommendations that would have the villages collect other rents for transmittal to landlords or the government. The entire concept is open to serious question.

Settlement of Disputes

Over 85 percent of the villages in the survey indicated that disputes or differences of opinion about rent rates and land boundaries were settled within the village. Various officials are involved in the settlement of the disputes, but all are of the village level. Although a small number of responses were obtained on the numbers of disputes actually settled in the village and those taken outside the village, 25 percent of the disputes were appealed beyond the village, usually to the district or province level.

Current Proposals for Change*

The proposals of Montgomery,† Gittinger,‡ Ferguson-Owens§ and the National Land Reform Congress** all have as an underlying principle delegation of authority and functions to village administration. They vary in degree of specificity and scope but all four include some degree of proliferation of committees or revised organization at the village government level.

Given the lack of success to date of village governments in implementing programs that have been almost wholly delegated to them (e.g., lease contract program and leasing communal lands), without administrative reform

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* It is not the intent here to analyze and compare all of the proposals for change that have been made in recent years. This would require further detailed study. Rather the intent here is simply to point out the relevance of the previous discussion to enhanced capability on the part of the village administration.

† See John D. Montgomery, "Land Reform and Political Development, September 1967.

‡ See J. Price Gittinger, "Establishing the Powers and Responsibilities of Village Agriculture Committees, Draft Ordinance, October 23, 1967.

§ See Ben R. Ferguson and Edgar Owens, "Revolutionary Development in South Vietnam: The Next Step," January 2, 1967.

** See National Land Reform Congress, Subject VI: Transfer of Land Reform Responsibilities to Local Authorities, January 18, 1968.

there is little reason to anticipate that the villages can now successfully handle added functions or responsibilities on a wholesale basis.

When the shortage of administrative and technical proficiency is taken into account, it appears there is little choice but to make better use of existing resources in the development of new capability.

As is assumed in all the proposals, the villages have the potential to administer programs successfully, given proper support from the provincial and central governments, such as those suggested, with the possible exception of those delegating highly technical functions or "policy making" to the villages.

The tradition of "village self-government" referred to so frequently has seriously deteriorated during the more than 20 years of war and political and administrative turmoil. Much of the tradition was destroyed over the years or decayed substantially as a foundation for future action. However, a start has been made in reversing the trend, beginning with the reestablishment of village self-government by Decree 198 of 1966 and the subsequent 1967 election of village councils who are now in full charge of village affairs in all of the secure areas.

There must be strong leadership, guidance, and enforcement to ensure a moderate degree of success. Although the necessary skills and capabilities are not highly developed in the villages at the present time, they could develop quickly, given a high degree of responsiveness at the upper levels of government. There is some evidence that this may now be forthcoming.

The provincial task forces mentioned earlier could also be useful in helping to test new proposals that require additional village capability on a pilot basis before they are fully implemented.

Summary of Present Village Capacity to Administer Land Affairs

Strengths

Many village officials have handled complicated land programs successfully in the past, including collecting of taxes, settlement of disputes on land, administration of communal lands and evaluation of land for expropriation under Ordinance 57.

Generally village officials know the local land ownership situation. This seems to suggest that a system for land identification and cadastral description of rural lands can be worked out combining the use of aerial photographs and village committees.

Knowledgeable observers rate the Vietnamese rural officials far above comparable officials in other developing countries in native intelligence and capacity to manage their affairs and those of the community. Where there has existed strong leadership backed by technical assistance from the province, relatively successful programs are now being conducted by village authorities in carrying out most of the land reform policies.

The current emphasis in the GVN (especially the provision of funds for the provinces to hire land reform cadre men who will provide support to the villages and hamlets) should assist greatly the efforts of the Revolutionary Development teams with respect to land reform.

The 1967 tax law permitting the villagers (beginning January 1, 1968) to retain all rice and garden taxes collected should strengthen their local autonomy. Adequate procedures and controls which permit the villages to achieve this autonomy will have to be developed.

The GVN efforts to train newly elected village officials should also be of great help.

Weaknesses

Notables and landowners who generally tend to compose the village councils are most conservative and have the least motive and least interest in bringing about change.

Granting that the village officials whose land registers were destroyed (about half of those surveyed) could not help that, and granting, too, that the provinces had at least an equal responsibility to assist in the records re-establishment, still only a small number of villages apparently made any real effort to reconstruct them. Almost two-thirds of the villages either have no lease contract register or have one which is virtually useless.

Six out of 37 villages still use the bidding system for communal land which was outlawed several years ago. Approximately 50 percent of the villages indicated that inheritance was an important factor in determining who would occupy village lands. Thus, all communal lands may not be used for the greater benefit of those most in need.

Of the 37 villages visited, 22 percent have no tax books and of those that do, 10 percent were made up by the province office. Of those without tax books, half reported using old tax books to collect the taxes and three of the remainder used methods which are understood to be unlawful. Three-fourths of the villages without tax books indicated that this was not the first year they had been without them. Sixty percent of the villages indicated that they did not check the land register when making up their tax books. Many tax books are thus far from current.

Out of 37 villages, only 35 percent had a village agricultural committee.

The tradition of village self-government has been eroded by more than 20 years of war and political and administrative turmoil. It has been reported that some of the best men did not run for office in the last election, and many of those elected are new to government (as many as 50 percent reported in Region IV). Hence, although there is an intensive orientation program under way for these officials, there undoubtedly is a real shortage of administrative and technical proficiency.

Financial autonomy has not yet been achieved. Much depends on whether salary supplements from the central government are to continue, whether the village will, in fact, have control of the rents collected, and what the final solution will be to the disposition of communal lands.

Chapter 4

MANAGEMENT CONTROL REQUIREMENTS AND MECHANISMS IN LAND ADMINISTRATION

Planning and Budgeting Mechanism

Annual plans are centered around the preparation of annual budget estimates, and within the Directorate General for Land Affairs, the planning process is decentralized to the directorates. These plans or estimates are apparently based greatly on estimates received from the provinces, on past experience, and projections of personnel and other resources needed for the following year. Each directorate submits this to the Director General, who holds a meeting with all of the directors, discusses their proposals, and combines all of the plans into one. From this plan, funds needed for the personnel, equipment, and materials are computed and submitted in June to the Director General of the Budget. It may then be cut down and submitted to the newly formed National Assembly, which may trim it further. The budget for 1967 was VN$107,500,000; for 1968 VN$161,864,000 was requested based on a recommended increase in personnel. It was estimated, based on interim budget action, that a figure of VN$134,000,000 would eventually be allocated.* Planning is not objective- or program-oriented, and no attempt is made to break out the principal functions or programs expected to be supported during the year.

The Director General cannot recruit new civil service personnel except to replace those retired. If he has a special project, such as those supported or sponsored by the United States (e.g., the An Giang project) he must recruit for it on a temporary-hire basis.

There is a common budget for all central and local agencies. No separate allocations are made for the central or local agencies (provinces).†

What planning there has been appears to have been keyed entirely to the annual budget cycle. This, in turn, has been tied to the need to employ a certain number of employees based largely on how many were employed the previous year, etc. Many "objectives" now set are obviously not

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* Interview with the Director General, Land Administration.

† Interview with the Director, Administration Service.

realistic. They are either vague "continue the programs" or very optimistic "complete the programs" statements. Some attempt at setting priorities was made last year, and some progress was made in certain areas. However, in general the allocation of effort does not seem to have been geared to the accomplishment of specific goals.

Management and Supervision (Including Inspections)

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

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

In general, there does not appear to have been steady follow-through to see that programs are implemented in a timely manner. For example, the GVN decided in 1965 to distribute French lands. Two years later only a small start was being made (only 4,600 hectares were distributed by October 1967). The follow-through took a long time and tended to be relatively ineffective.

It is recognized that what is communicated is significant, not how. Nevertheless, a look at how may be useful. The Director General made 10 field visits in 1967 and the Director of Land Reform made 16 (a second director made three visits and the other none). The six inspectors then assigned* made a total of 98 visits (for an average of 16 visits each). This is a total of 129 visits to 44 provinces in a year. Some of the easily accessible provinces probably get quite a few visits, but it seems more than likely that some get very little attention. (The chief inspector was unable to say whether all provinces had been visited during the year, although his intention was to have at least one visit by an inspector to each province each month.) The use of air transportation would

* An additional inspector was added early in 1967.

help if it can be arranged. Also, improved telephone communication would assist. If motorbicycles or motor scooters could be provided to the provinces, that would add a great deal to the mobility of the cadres operating out into the villages and hamlets. (In many cases the country trails are too narrow for jeeps.)

Supervision has relied heavily on the six (now seven) inspectors from Saigon. It is difficult to evaluate their effectiveness without a much more intensive inquiry. An average of 16 visits per year seems low for inspectors who are supposed to devote full time to this task. Their reports over a period of time could be examined to see whether they were able to pinpoint specific bottlenecks and to see what action was taken on these. It could also be ascertained if they were visiting the provinces that were not making any progress, or only those that were most accessible. Also, checks with provincial land service chiefs as to time spent compared with estimated accomplishment might be revealing. All of the inspectors are reported to be ex-land service chiefs, but it would seem prudent not to depend on these inspectors alone. Personal visits by key officials should be encouraged. Also, since transportation is so difficult, it might be well to consider attaching at least one inspector to each region or a specific area of the country.

Records

Many land administration activities deal with the initiation and maintenance of records concerned with the description and ownership of land. Even if there were no land reform program, some government official would have to take care of this function to provide for the orderly proof of land ownership by registration of title, transfers of title, registering of mortgages, land taxation, etc. Land reform laws superimpose on the land offices additional demands for records to identify public and private lands of various categories, to facilitate the expropriation and distribution of lands, and to monitor other programs prescribed, such as landlord-tenant contracts.

Most of the actual work is performed at the provinces and villages, with policy, supervision, certain approvals, and storage of some records at the central level. Present concern is primarily with two types of land records, cadastral and ownership (a third type, for taxation, is based on the ownership records). There is also concern with a fourth type of land records that are concerned particularly with land reform, i.e., lease contracts, which are recorded in separate registers. It may

be helpful to examine how the various records come into being and what functions are performed on them by the various staffs.*

The Mechanics of Land Ownership and Recording Titles

Before June 1962, the systems of title recording that applied were:

1. For Central Vietnam, the area that was formerly Annam, a system of cadastral conservation and a local land book ("livre foncier"), pursuant to Decisions of May 29, 1931, and April 26, 1950.

2. For South Vietnam, the area that was formerly Cochin China, two systems:

   a. A Torrens-type system of land registration under the registration portions of the Decree of July 21, 1925.

   b. In the rest of the south, wherever the 1925 system was not adopted, the system was that of the Dia-Bo, old registers established by King Minh-Man and improved by the French administration, whose operation was detailed and confirmed by the Decision of February 18, 1921.

The Torrens system implies something approaching an adjudication, or detailed administrative determination, of title to land, following which the recipient of the registration certificate has a title that (1) is superior to the simpler type of recorded title in that it cuts off most kinds of outstanding claims that have never been publicly put forward and (2) is subject, in general, to fewer risks of impairment in the future (e.g., title by "prescription" or "adverse possession" normally cannot be gained against a Torrens-type title no matter how long a squatter or unauthorized persons stays on the land). While American scholars can be found on both sides of the question, it is generally conceded that the Torrens system (which is available in many states as an alternative to other recording procedures, but not as the sole available technique) has not been widely used, except for very large commercial transactions. This appears to be chiefly because (1) it is relatively cumbersome and

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* The following description was provided by the Director of the Land Registry Directorate DGLA in response to written questions. Additional information on the current status of records was obtained from SRI surveys and is referred to in Chapter 3.

expensive and (2) the risks it guards against are not sufficiently common occurrences to justify the trouble and expense.

Under a Decree of May 31, 1962,* only two systems were supposedly to apply thereafter: the 1925 Torrens system and, in all provinces where that did not apply, a simplified Torrens system. The Decree also was an attempt to permit owners to bring in title papers to re-establish titles memorialized in records that had been destroyed by the Viet Minh. However, a large number of provinces have continued to operate under the earlier systems and have wholly, or almost wholly, ignored the 1962 Decree.

A circular† aimed at implementing the 1962 Decree by setting priorities for the conducting of cadastral surveys suggests at one point the various records that were supposed to be available under the provincial land title systems:

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 are lost or destroyed.

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

In South Vietnam:

1. Places where maps and the land register have been established, but do not match 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 established.

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

The complete absence of the land records is possible where the Viet Minh have succeeded in destroying records physically located in province

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* Decree 124/CTNT, dated May 31, 1962.

† Circular 7289/CTNT/DD/PC, dated October 11, 1962.

capitals as well as duplicate records supposed to exist in the villages. Particularly in cases of deficient or absent records, the presence of local benchmarks is likely to be of much value. These benchmarks may be in the form of visible working boundaries or cleared paths surrounding plots of land, or better, built-up dikes or monuments. These provide a basis for application of concepts of boundaries established by "consent" or "acquiescence," as well as a solid basis of custom and habit by which those cultivating or owning land shape their actual, working concepts of "mine and thine."

Status of Records

There are 2,586* villages in the Republic of Vietnam. In principle, every village must have cadastral maps and land registers recording ownership rights on every parcel of land.

The establishment or re-establishment of land registers requires the close cooperation of the central and local authorities--a task that seems to require more attention.†

Initial Establishment of Records

The initial establishment of records includes cadastral surveying work and the preparation of land ownership records.

Cadastral Records. When surveying personnel go to the field to identify a plot of land, they record the following details:

- Cadastral technical details, aiming at fixing the location and the form, such as the coordinates of each basing point, the size of each angle, and the length and the width of each side.

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* Monthly Activities Report of Land Reform, June 16, 1968 to July 15, 1968. Note that this is four more than was reported in February by the GVN.

† For a discussion of the present poor state of records at the province and village levels, see Chapter 3.

- These details are recorded in a register and the controller checks them. Once approved, they will be used in the drawing of plot maps. This register is kept in the central archives with the original map (plan minute).

- Details concerning ownership and opposing rights on real estate. Those details are also recorded in a Book. After approval by the Provincial Committee for Control, they will be used in the establishment of the land register. This book is made in two copies; one is kept at the central level, and the other at the province.

Records on Land Ownership. The land register (Dia Bo, So. Dien Tho, or New Dia Bo)* established according to the above records represents the status of the land after a general survey (also called "identification"). The land register is kept at the provincial land service in the locality, and each village should have a copy of the entries pertaining to its land parcels. The tenure situation of the land changes from time to time due to sales, mortgages, and so forth. Every time the land service receives a request to publish a document concerning land sales, mortgages, and so forth, if the document conforms to regulations, the land service chief accepts it and is supposed to do the following:†

- Summarize the document and record it in a book called the register for documents deposit

- Update the land register (kept at the land service)

- Inform the village to update its copy of the land register

- Store the document in the archives to serve as proof.

The register for documents deposit is made in two copies. Once this register is completed, a copy should be sent to the Directorate General of Land Affairs since, in case the land register at the provincial service

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* Dia Bo refers to land registers kept under the system established by the French before the turn of the century. So Dien Tho is the land register kept under the 1925 full Torrens System. New Dia Bo is the register kept under the 1962 modified Torrens System.

† For an indication as to how much of this is done, see Chapter 3.

is destroyed or lost, one can refer to the documents kept at the central level to make a new Dia Bo.*

There is always control and supervision by the central agency on the matters of establishing and bookkeeping of land registers to see that they conform strictly with present legal provisions. It is not until the established documents are considered just (i.e., accurate) and are so approved that the registers can be put into effect and use.

Updating the Records

To update the records, land registers must be kept current and cadastral maps revised as required by changes and transactions.

Land Registers. The responsibility for updating the land registers rests with the provincial land offices within their local jurisdiction under the current supervision of the central agency.

When a transfer of ownership takes place (e.g., acquisition, selling, exchange, and inheritance), or a settlement of property rights (obligations on the land, e.g., mortgage, collateral) the interested parties must have a document established. This document in principle is first charged with registration fees (by and at the provincial tax office) and then presented to the provincial land office to be recorded in the land register.

Actual legal provisions mention that only on the specific request of an interested party can entries be made in the land registers. These entries establish rights vis-a-vis a third party.

For the land reform records, the lease contracts are recorded in separate registers at the village level only. The official decrees allocating land ownership to the farmers are recorded in the provincial land registers only after the farmers have received their land titles.

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* Provinces are encouraged to send in even fragmentary information to update records. For example, just recently, by Circular No. 05 dated February 16, 1968, the Directorate General of Land Affairs instructed the provincial land services not to wait until they completed the whole register for documents deposit, but from time to time take apart the different sections and send them to the central organization, which would take care of the classification and filing.

It is possible that some private land transfer documents might not be recorded in the land registers (possibly to avoid paying the 18 percent transfer tax or for other reasons). In peacetime the number of the unrecorded documents is not considered significant, not exceeding 5 percent for the Republic of Vietnam.* Among the documents presented for registration, some are rejected because they do not meet all the legal requirements.

Cadastral Maps. The responsibility for updating the cadastral maps rests with the provincial land offices and the Directorate General of Land Affairs.

Once the cadastral maps are established and approved, an interested party has to call on private surveyors or official land agencies to establish plot maps when that person wants to sell or partition his parcel of land into smaller ones. If the plot map is established by a private surveyor, the document becomes acceptable only after field checks and official approval by the provincial land office. This plot map is annexed to the selling or partition document and presented to the provincial land office for registration. After registration in the land register, the cadastral maps will then be corrected according to the new status of the land.

Actually, in less secure areas, the survey teams cannot perform measurements and establish maps in the field. The Directorate General of Land Affairs in 1966 authorized the use of sketch-overlays instead. However because of their low technical value, these sketches are not plotted on the cadastral maps.

Reconstituting Lost Records

Generally speaking, with present organizational methods, the Directorate General of Land Affairs keeps records that could and should be used to reestablish local registers and records when these documents are damaged, missing, or destroyed. (It would appear that if photocopying equipment were made available, this process could be expedited.)

Nevertheless, from 1945 to date, some documents at the central as well as at provincial and village offices have been destroyed, which is why some records cannot be readily re-established. In these cases, the

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* Memorandum from the Director, Land Registry Directorate, DGLA.

only way to re-establish records is to ascertain in the field, parcel by parcel, the ownership or property rights on the lands, according to the documents presented by landowners and by neighbors living in the surrounding area.

In the Southern Region (Cochin China), actual methods of survey (triangulation, and so on) date from almost a century ago. In using these methods, cadastral maps are established for the Saigon Prefecture areas on a scale varying from 1/2000 to 1/200 and for the countryside areas on a scale of 1/4000. The usefulness of aerial photography is currently being explored.

A few maps were established with information largely provided by aerial photos and are not considered accurate. They are used mainly for taxation purposes.

In Central Vietnam, before 1945, most of the cadastral maps were established with information provided by aerial photos. They are now all destroyed.*

Summary

To summarize, the following principal records† are normally kept at the locations indicated:

Lease contract register	-	village (only place where this register is kept)
Land Register (Dia Bo, So Dien Tho, or New Dia Bo under the 1962 Kien Dien law)	-	Provincial land office (original); central level (may have copy); village (may have copy).

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* Information supplied by the Director, Land Registry Directorate, DGLA.

† Note: Other special records are kept at some of the provinces and villages, e.g., cadastral records (maps), registers of concession and other public lands, communal land owned by the village, expropriated private lands, expropriated French lands, religious lands, squatter lands, and Land Development Center land. (See Village Administrative Chief Survey.)

Register for Documents Deposit	-	Provincial land service office (original); central level (copy).
(Used to record documents indicating changes, e.g., sales, mortgages; these in turn are used to update the land register)		
Land tax books*	-	Village (makes three copies by taking information from the land register, checked at the District for accuracy); District (copy); Province Tax Office (copy).

Final Approval Authority in Land Administration and Reform†

The provincial land office chief is given almost absolute autonomy in the administration of all the lands that come under the 1925 law. For other lands under old Dia Bo or new 1962 Kien Dien regimes, all the surveys have to be sent to Saigon for control and approval. They are then sent back to the provincial land office for official entry in land registers at province and village levels. Extracts of Dia Bo and Kien Dien certificates (equivalent to 1925 law land titles) are signed and issued, when claimed, by the provincial land office chief, but not before land is entered in the land register.

For land reform, Table 1 presents a list of active committees having various levels of authority. The general and recently "simplified" procedure (since 1966) for land distribution is as follows.

1. The Village Cultivation and Tenancy Census Committee (recommended by the district chief and appointed by the province chief--with one land specialist from the province as a member) gathers information about present cultivation and tenancy status of the

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* Interview with the Director General, Taxation, GVN, March 13, 1968.

† Sources are Mr. Bai Van Minh, Deputy Director General; Mr. Vo Van Qui, Land Distribution Service Chief; Mr. Tran Van Hoa, former Director of the Land Reform Directorate; and Mr. Le Van Toan, Legal Affairs Service Chief.

land to be distributed, seeks volunteers to apply for land purchasing, makes a sketch of the areas, and presents the completed dossier to the province chief.

2. The province chief then orders the district Output Evaluation Committee to assess the value of the land parcels.

3. With the above records, the provincial Land Distribution Committee meets and drafts a resolution to distribute the land.

4. The resolution is sent to the village for publication (normally posted on a public information panel) for one month.

5. If no claim of any sort from any interested party is made, a minute of recognition (of no claim about land distribution) is established and reported to the province chief.

6. The completed dossier at this stage is sent to the Directorate General of Land Affairs where it is checked and corrected as to size and price of land parcels and all other legal requirements.

7. The Directorate General of Land Affairs then drafts an "arrêté" legalizing the particular land distribution. This arrêté is issued by the Ministry of Land Reform and Agriculture.

8. After that, the Director General of Land Affairs prepares and signs the "extract of the arrêté" to be issued, through the province, to the individual recipients of land.

The "extract of the arrêté" is actually called a "land title" and printed in an official format (to please the recipient). There is no reason to suppose that the extract of the arrêté does not have the same legal value as the extract of the Dia Bo or the 1925 law land title. The extract of arrêté specifically (1) recognizes officially the farmer's new ownership and (2) provides the right to enter the land parcel into the land register. The term "land title" is only a popular term for the "extract of arrêté," and the recipients do think of this extract as a real land title. It does have weaknesses, since it is based on neither precise measurement nor publication as required in the 1925 law. Nevertheless, it does not hamper ownership right to the land, except for the restriction on resale of the land within a six-year period after payment is completed.

Table 1

CURRENT STATUS OF LAND REFORM COMMITTEES

Still active

Land Reform Council (central), meets quarterly.
Land Distribution Committee (province).
Output Evaluation Committee (district)
Cultivation-Tenancy Census Committee (village).

Mission completed (by 1957 or some time later):

The three committees at central level provided by Decree 76-DT/CCDD dated April 4, 1957.
The two committees dealing with former French lands (Arrêtés 47 and 293), provincial.
Ownership Investigation Committee (district, province).
Abandoned Lands Census Committee (province).
Land Compensation Evaluation Committee (province).

Sporadic activation

Agricultural Committee (canton, village)

Deactivated

Agricultural Committee (province, district)

Never Activated

Land Reform Committee (village, province)

Subsequent legislation

None establishing new committees
Mass of modifying texts relating to detailed points of procedure.
Referring to the last mentioned, there is an urgent need for additional well-trained village officials.

Source: Mr. Vo Van Qui, Land Distribution Service Chief, Directorate of Land Reform.

A fairly complicated records system has been established that would be difficult to administer even in a highly organized western administration. These records are in a confused state, and have been so for a long time.* It is apparent that in those villages where record books are nonexistent, not too much progress can be made in any land reform program that depends on accurate records until either the records have been reconstituted or other emergency provisions have been made.

As to the matter of final approving authority, there are opposing views. There would seem to be advantages to be gained by delegating final authority to the provincial land office chief for land reform cases in a manner similar to the administration of all lands that come under the 1925 law. However, it is the opinion of most of the responsible officials at the central level that because many of the chiefs are young and inexperienced, the provincial land service office cannot handle all of the legal and technical aspects of the land reform matters. They believe that on the administrative side there are many improvements that can be made at the local level. Exactly what they are remains to be worked out.†

From this discussion, it is concluded that (1) ways must be found to reconstitute essential records as soon as feasible; (2) urgent study should proceed to clarify and, if possible, simplify the legal and technical aspects of the land reform laws; (3) the administrative improvements at the local level described above should be made as soon as practicable; and (4) on the question of delegating final approving authority in land reform matters to the provinces, it could be tried on a pilot basis, with adequate supervision and control from Saigon to avoid the errors that may result from the youth and inexperience of some of the land office chiefs.

Reporting Mechanism

The Director General requires reports from the provinces semimonthly, monthly, quarterly, semiannually, and annually. Province reports are generally prepared by the land affairs cadres and from information obtained in the villages or from their own records. In at least one province--Vinh Long--biweekly reports are received from a cadre man stationed at the district level. Copies of the semimonthly reports generally go to the local province chief, and the monthly reports go to the region as well.

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* See Chapter 3, and also Reports of Provincial Land Service Chief Survey and Village Administrative Chief Survey (Appendixes B and C).

† Interview with Mr. Tran Van Hoa, former Director, Land Reform Directorate.

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

Voluminous reporting is required, and much miscellaneous data are available, but it is not clear either that the reports effectively respond to the need to indicate areas requiring corrective action by the province and by the central government or what action was taken or recommended to reallocate resources or efforts in areas of greatest need. A detailed study might show gaps in information needed, and other information now provided that is not needed.

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

Evaluation of Control Mechanisms

Although much activity has been conducted in each of the areas described above, until last year when a modest start was again made, money was spent for salaries, equipment, and facilities, but practically no progress was made in carrying out prescribed land reform objectives. The lack of security in some areas, the unstable political situation, and inadequate financial support undoubtedly contributed to this lack of progress, but it seems clear also that important administrative steps can be taken to do a better job in spite of these difficulties.

What seems to be lacking is a coordinated, planned approach to identify the management controls needed and the design of a system to implement them. Plans need to be program-oriented, rather than activity-oriented. First, there needs to be a realistic analysis of the problems--including "external" problems such as security and political stability, as well as "internal" problems. Clearly this analysis would include the possibility of a major revision in the substantive control of land reform programs to bring them more into line with existing security and administrative

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* See Chapter 8, Chapter 3, and Appendixes B, C, and D.

conditions. Some careful consideration, for example, might be given to the question of how far one might go in tailoring an extensive land reform program to existing security and administrative conditions. Second, the requirements of the routine land administration function need to be assessed as well as the requirements imposed by the land reform program. Third, as indicated in the discussion above under Records, an assessment needs to be made as to how much decision-making and administration can be delegated to provincial and village levels.*

There is also the need to set meaningful long term as well as annual goals based on this analysis to meet the policy objectives set out in the land reform laws.† Here close intraministerial as well as interministerial coordination is required. Specific priorities must be established not only among the several policy objectives but also by geographic areas, taking into account insofar as possible planned military operations and the pacification plans and capabilities of the Revolutionary Development teams. (Obviously the provinces should be part of this as well as the prior analysis.) Personnel and other resources can then be allocated to the various programs based on these established priorities. These requirements must be fitted into the budgeting cycle. If the funds needed are not provided in the budget of Ministry for Land Reform and Agriculture and external help cannot be obtained from other GVN sources, such as the Ministry for Revolutionary Development, or from U.S. aid programs, lower priority items will have to be cut back. These decisions may affect routine land administration as well as land reform activities.

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

Also records administration can be simplified insofar as possible, keyed to the needs of land reform, established or re-established where needed, and administered by the various appropriate levels. Where

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* See Chapter 3.

† This may have been the intent of the former Minister of Land Reform and Agriculture, but it would appear that the 1968 objectives, as stated publicly would benefit from a greater degree of specificity.

responsibility is delegated, adequate controls (including training and personal visits) must be established to see that the records are kept appropriately.

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

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

Chapter 5

MANNING AND SKILL REQUIREMENTS

Personnel Strength

The budgeted strength of the Directorate General of Land Affairs as of December 31, 1967 was given by the Administrative Service, DGLA, as 1,040 employees (365 in the central government and 675 in the land affairs office as the provinces). This included 204 employees financed from U.S. funds, some of the An Giang project and others for personnel working on land reform in other provinces.* It also included 48 in a Vietnamese special budget for Ordinance 57 work (for rent collectors and "floaters").

In March 1968 the Administrative Service provided a breakdown of personnel by province. This totaled only 838 (321 at the central level and 517 in the provinces). It was explained that these figures represented assigned strength, as opposed to budgeted strength. However, spot checks in the thirteen provinces visited in the Province Chief Survey† indicated that most provinces had more employees than was indicated. In June 1968 a Joint U.S.-VN Manpower Evaluation Project was authorized, with SRI providing the technical assistance for the purpose, among others, of conducting an inventory and evaluation of manpower, including an evaluation of the effect of military mobilization on the organization and evaluation of fiscal procedures.‡ One of the products of the project was a complete listing of all DGLA employees. From this, Tables 2, 3, and 4 were prepared, showing the actual strength as of July 31, 1968.

It will be noted that the total of all employees is 1,366 (387 at the central level and 979 in the land affairs offices in the provinces). Some of the increase can be accounted for by an actual temporary increase of personnel hired from a special fund provided in June 1968 by USAID to expedite the distribution of expropriated and former French land

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* See Chapter 6 for discussion of these projects.

† Appendix B.

‡ See Appendix G for a brief description of the report of the project together with its conclusions and recommendations.

Table 2

PERSONNEL STRENGTH OF THE GENERAL DIRECTORATE OF LAND AFFAIRS
(Actual Strength as of July 31, 1968)

Classification of Personnel	Central Agencies	Local Offices	Total	Military Service*
Cadastral Engineers plus Engineers of lower order	9	2	11	18
Administrative Specialist, Class A, and Administrative or Finance Specialist, Class B	8	2	10	0
Technical Assistant (or sub-engineer)	26	24	50	80
Surveyor	16	74	90	93
Assistant Surveyor	4	68	72	12
Draftsman	75	78	153	31
Chainman (office)	82	299	381	?
Chainman (field)	0	105	105	?
Clerk, Administrative Clerk, Clerk-Typist	83	106	189	9
Land Administration Clerk	31	55	86	12
Cadres†	0	103	103	?
Other (Accounting Clerk, Driver, Orderly, Laborer, Civilian Worker)	53	63	116	?
Total	387	979	1,366	255

* The Military Service statistics (total 255) are in addition to the total actual strength (1,366) of the DGLA.

† Cadres consist of the following: cadre, agricultural cadre (regular land cadre), land reform cadre (special USAID fund supported), and RD supported land cadre.

Source: Joint Manpower Evaluation Project draft report dated August 29, 1968, USAID-Directorate General of Land Affairs (Stanford Research Institute) project.

Table 3

PERSONNEL ASSIGNED BY PROVINCE
(As of July 1968)

Province	Skilled*	Unskilled†	Total	Province	Skilled*	Unskilled†	Total
An Giang	23	28	51	Kien Tuong	2	6	8
An Xuyen	2	13	15	Kontum	1	0	1
Ba Xuyen	4	16	20	Lam Dong	3	7	10
Bac Lieu	4	19	23	Long An	7	8	15
Binh Duong	3	7	10	Long Khanh	4	7	11
Binh Dinh	3	18	21	Ninh Thuan	8	15	23
Binh Long	1	8	9	Pleiku	7	17	24
Binh Thuan	6	21	27	Phong Dinh	15	21	36
Binh Tuy	1	4	5	Phuoc Tuy	3	9	12
Bien Hoa	9	18	27	Phuoc Long	1	3	4
Chuong Thien	1	10	11	Phu Yen	2	16	18
Cam Ranh	7	13	20	Quang Duc	1	2	3
Chau Doc	8	26	34	Quang Nam	11	30	41
Da Lat	14	32	46	Quang Ngai	5	18	23
Darlac	10	8	18	Quang Tin	4	20	24
Dinh Tuong	16	21	37	Quang Tri	6	16	22
Da Nang	6	20	26	Sa Dec	4	16	20
Gia Dinh	15	24	39	Saigon	14	9	23
Hau Nghia	1	5	6	Thua Thien	10	32	42
Khanh Hoa	8	12	20	Tay Ninh	4	7	11
Kien Giang	8	15	23	Vinh Binh	3	23	26
Kien Hoa	6	19	25	Vinh Long	14	26	40
Kien Phong	5	12	17	Vung Tau	1	11	12
Subtotal in Province					291	688	979
Central Level					171	216	387
Total					462	904	1,366

* Skilled personnel consist of following classifications: All Engineers; Administrative Specialist, Class A; Administrative or Finance Specialist, Class B; Technical Assistant (or sub-engineer); Surveyor; Assistant Surveyor in following Civil Service Status--Inner or Principal Cadre, Daily Salary Basis, Permanent Floater, Special USAID Land Reform Fund; Land Administration Clerk in following Civil Service Status--Inner or Principal Cadre; Draftsman.

† Unskilled personnel consist of following classifications: Chainman; Clerk; Administrative Clerk; Clerk-Typist; Accounting Clerk; Driver; Orderly; Cadre; Agricultural Cadre (regular land cadre); Land Reform Cadre (special USAID fund supported); and RD (supported) land cadre; Laborer; Civilian Worker.

Source: Joint Manpower Evaluation Project draft report dated August 29, 1968, USAID-Directorate General of Land Affairs (Stanford Research Institute) project.

Table 4

CADASTRAL PERSONNEL DISTRIBUTION BY PROVINCE
(As of July 31, 1968)

Province	Surveyor			Assistant Surveyor			Grand Total
	Permanent*	Temporary†	Subtotal	Permanent*	Temporary†	Subtotal	
An Giang	5	6	11	3	1	4	15
An Xuyen	--	--	--	--	--	--	--
Ba Xuyen	1	--	1	--	--	--	1
Bac Lieu	1	--	1	1	--	1	2
Binh Duong	1	--	1	--	--	--	1
Binh Dinh	1	--	1	--	1	1	2
Binh Long	1	--	1	--	--	--	1
Binh-Thuan	--	2	2	1	1	2	4
Binh Tuy	1	--	1	--	--	--	1
Bien Hoa	3	--	3	2	--	2	5
Cam Ranh	1	1	2	1	1	2	4
Chau Doc	2	1	3	--	--	--	3
Chuong Thien	--	--	--	1	--	1	1
Dalat	6	1	7	2	--	2	9
Da Nang	3	1	4	--	--	--	4
Darlac	1	2	3	1	--	1	4
Dinh Tuong	2	1	3	1	--	1	4
Gia Dinh	1	--	1	--	--	--	1
Hau Nghia	--	--	--	--	--	--	--
Khanh Hoa	1	--	1	2	1	3	4
Kien Giang	1	1	2	3	--	3	5
Kien Hoa	1	--	1	1	--	1	2
Kien Phong	--	--	--	--	3	3	3
Kien Tuong	1	--	1	--	1	1	2
Kontum	1	--	1	--	--	--	1
Lam Dong	1	--	1	1	--	1	2
Long An	1	--	1	2	2	4	5
Long Khanh	--	1	1	--	1	1	2
Ninh Thuan	2	1	3	1	2	3	6
Pleiku	--	--	--	3	1	4	4

Table 4 (concluded)

Province	Surveyor			Assistant Surveyor			Grand Total
	Permanent*	Temporary†	Subtotal	Permanent*	Temporary†	Subtotal	
Phong Dinh	1	--	1	2	2	4	5
Phuoc Long	--	--	--	1	--	1	1
Phuoc Tuy	--	--	--	2	--	2	2
Phu Yen	--	1	1	--	--	--	1
Quang Duc	--	--	--	1	--	1	1
Quang Nam	1	--	1	5	--	5	6
Quang Ngai	2	--	2	1	2	3	5
Quang Tin	1	--	1	1	--	1	2
Quang Tri	2	--	2	2	1	3	5
Sa Dec	--	--	--	1	--	1	1
Saigon	2	1	3	--	--	--	3
Thua Thien	1	--	1	1	1	2	3
Tay Ninh	--	--	--	1	--	1	1
Vinh Binh	1	--	1	--	--	--	1
Vinh Long	4	--	4	2	1	3	7
Vung Tau	--	--	--	--	--	--	--
Subtotal	54	20	74	46	22	68	142
Central Level	15	1	16	4	--	4	20
Grand Total	69	21	90	50	22	72	162

* Permanent consists of following: Inner or principal cadre; Daily salary basis; Permanent floater; Supported by Special Ordinance 57 fund; and Supported by Rural Development Fund.

† Temporary consists of following: Occasional floater and Special USAID Land Reform Fund personnel.

Source: Joint Manpower Evaluation Project draft report dated August 29, 1968, USAID-Directorate General of Land Affairs (Stanford Research Institute) project.

(168, including 21 at the central level and 147 in the province).* The remainder were apparently people who were seconded to the DGLA for long periods but who are not carried on records in Saigon and remain normally uncounted, for example cadres financed by the Ministry of Revolutionary Development, and personnel on loan to provincial land affairs offices from the province offices. One of the conclusions of the Manpower Evaluation Project was that the dispersal of administrative records results in an inability of the DGLA personnel office to produce a truly complete and up-to-date record or report of all personnel in the DGLA.

Nearly everyone interviewed by the SRI team, when asked about major problems, singled out the shortage of qualified personnel. This is not surprising since the condition is probably prevalent in other government departments as well. The Joint Manpower Evaluation Project addressed parts of this problem and its conclusions are of interest here.

With regard to mobilization, the project concluded that up to 50 percent or more of the present technical and field (as opposed to office) staff may be eligible for the draft, but that the office functions will be affected less, probably around 20 percent. Because of this, new land reform programs may well be substantially constrained by the mobilization. With regard to present programs, however, the project concluded that the loss would have "little effect on the present programs of DGLA because of the low level of accomplishment or productivity throughout the organization."† This last point appears to be a key conclusion of the report. It is discussed in some detail, and recommendations are made as to ways to make improvements. The general recommendations were as follows:

1. Increase the productivity of the present staff (primarily by evaluating the performance or productivity of organizational units, better use of inspection-training teams, requiring more high level personnel visits to the provinces, setting realistic goals against time frames, rewarding good performance, giving prompt management attention to problem areas, and enforcing the proper use of personnel.

2. Request the Ministry of Defense to detach and reassign to DGLA key drafted employees to do field work in high priority land reform programs.

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* For discussion of funds, see Chapter 6.

† See Appendix G.

3. Continue to attempt to obtain deferment for technical and field staff.

4. Recover the services of the more than 40 men, most of them technically trained, who are now on loan to other departments.

5. Compare work results with personnel assigned to assist in evaluating accomplishments and setting goals and objectives.

6. Make increased use of Revolutionary Development financed personnel and Revolutionary Development team cadres, recruit older men, make more extensive use of photography, explore the possibility of further delegation of land distribution functions to province and village officials, and continue to seek simpler methods and administrative procedures.

With regard to fiscal measures, the project focussed largely on per diem since any "general" salary increase though needed is a matter of total concern to the government. It pointed out that better use of per diem is thought by many as the best means of eliminating a major constraint to travel to the provinces or villages. The project points out the many shortcomings and abuses of per diem, including use by persons who never leave the office but receive per diem as a salary supplement; upper level people receiving full per diem while lower level people receive only limited amounts; collecting per diem for non-existent "chainmen"; no allocation to programs or organizations; no provision for advance payments; and slow payment of claims.

Three general recommendations were made on this point:

1. Reduce the apparent abuses of the per diem system

2. Relate per diem to program by allocating amounts to each program or unit and make the supervisor responsible for staying within the limit

3. Provide bicycles to field cadre wherever possible but concentrate on locations having high priority programs*

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* See Appendix G.

The Manpower Evaluation Project did not try to make a detailed assessment either as to overall adequacy of the personnel assigned or as to specific shortages. However, it did point the way to such an assessment and it did emphasize that the single most important action that needs to be taken is to increase the level of productivity of the present employees. This problem overshadows both current and projected shortages as mobilization syphons away employees.

It is obvious that province staffs vary widely--from one employee in Kontum to 51 in An Giang--without regard to program work loads. Nine provinces have 10 or less employees, while eight have 30 or more (Table 3). If it is found that some province land affairs staffs need building up, one ready source of support would seem to be in the Ministry of Revolutionary Development. In 1968, this ministry provided funds for 319 land reform cadremen* in the provincial land affairs offices to work with Revolutionary Development teams, village hamlets, and individual farmers. The actual number approved depends on justification submitted to the Ministry through the provinces.† As of February 1968, the DGLA reported that approval had been given for 67 cadremen to be hired‡ (although in the July 1968 inventory, even this number was not as yet carried on the rolls). Apparently, quite a few provinces, possibly some of those that need them the most, have not as yet prepared the necessary plans to justify to the Ministry of Revolutionary Development the need for such help. In other cases, the authorization may have been given but the province has so far been unable to recruit qualified individuals.

At least five provinces reported to SRI interviewers that they had no surveying teams.§ The former Director of the Technical Directorate stated that, security permitting, he needed to double the number of survey teams now available in order to complete what needs to be done under current programs. This would appear to be a very conservative estimate in view of the large amount of work which remains to be done and the fact that at present, registration and distribution of titles cannot

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* Information provided by the Special Assistant to the Director, USAID, for Land Reform.

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

‡ Interview with the Director, Administrative Services.

§ Although surveying personnel were carried on their organization charts. See the Village Administrative Chief Survey. See also Table 4 and the section on The Surveying Bottleneck in Chapter 7. According to Table 4, a number of the provinces have very limited capability (three with none and 13 with only one trained man).

legally proceed without at least some surveying work. (For discussion of this point, see the section on The Surveying Bottleneck in Chapter 7.)

This is not to suggest that the need for teams is uniform throughout the country. It would appear that the relative need and the opportunities to survey (because of the fluctuating security situation) vary greatly from one province to another. The Technical Director is in the best position, together with the provincial land affairs chiefs, to assess this need and to assign both the existing and new teams where they can best be used (possibly keeping some of them "in reserve" at the central or regional levels).

One may argue that it might be more appropriate to concentrate any additional funds into the application of the photogrammetric technique for making maps and identifying plots. This may well be true, but again the Technical Director and his staff, together with their U.S. advisors, are in the best position to make this judgment. The An Giang project will probably not be completed until the end of 1968, but sufficient data should be available shortly to facilitate necessary evaluations and recommendations regarding further work in this direction.

Thus, there seems little question that some of the provinces are seriously understaffed. Some provinces need all types of personnel, including land service chiefs, while others may need only survey teams. Some may even be on the overstaffed side, relatively speaking, considering deteriorated security situations.

With regard to the staffing of the Directorate General in Saigon, there seems to be no objective way, with the data currently available, to determine if it is understaffed or overstaffed. In January 1968, three Saigon respondents specifically mentioned shortages, as indicated below:

Respondent	Needs
Dir., Land Registration Directorate	20 more professional and 13 clerical personnel--an increase of 67 percent
Dir., Administrative Service	5 more personnel to establish a separate budget office
Chief, Legislation and Training Service	12 more personnel (however, these may be included in the 20 mentioned by the Director of the Land Registration Directorate)

The overall strengths of the three directorates are as follows: Land Registration, 62; Technical, 147; and Land Reform, 61.

The Land Registration Directorate seems particularly low on professionals (only three in February 1968) since so much of this work seems to be done in Saigon. The Technical Directorate is by far the largest with the greatest concentration of professional employees, but this includes about 20 men on the mobile surveying teams who work in the field. Also, possibly much of the work on map making and other technical matters is most satisfactorily done (or at least controlled) on a central basis. The Land Reform Directorate seems large enough for the present job required of it, although it also may be a little low on professionals.

In summary, aside from fairly minor adjustments and the exceptions noted, the number of employees assigned to the Directorate General in Saigon, seems generally adequate to implement the current program, but many of the provinces seem to be understaffed.

Quality of Personnel

Quality and technical competence of personnel appear to be quite uneven, varying from quite good to poor. Most officials interviewed made a distinction between the key personnel--usually long-time civil servants whose quality they classified as excellent--and the remainder, whose performances were usually described as not very good. Reasons cited were low salaries relative to those in other opportunities, a large number of young men (some trained) taken by the draft, and an inadequate pool of technically trained men (for technical jobs), especially in the provinces. Hence, productivity is low.

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

In summary, the quality of performance of certain key people in Saigon and in some of the provinces is very good, but for many of the others it leaves something to be desired. Some of the problems are common to other departments, e.g., low salaries and per diem abuses, numbers of men being drafted, low educational level, excessive routine paperwork, and preoccupation with bureaucratic procedures. All are quite important and certainly the Minister and the Director General, along with others in the GVN, are concerned and will no doubt take (or at least consider) steps to alleviate them. Most, however, call for fairly long range effort. It is understood that studies by the Government of Vietnam were under way before the Tet offensive to bring salaries more into line with the increased cost of living and to provide some equitable way to "mobilize in place" or otherwise retain key men subject to the draft.

One problem is to motivate employees to eliminate red tape, assume responsibility, and carry out jobs that to all intents and purposes are highly routine and apparently far removed from the war effort. Increased wages and better administration of per diem could certainly help morale and perhaps increase work quality (see Table 5 for current rates). Also helpful would be conferences (such as the National Land Reform Conference in January 1968) and a stepped-up education and training program to stimulate acceptance of responsibility by all of those in authority. Other steps that might be considered are vigorous leadership in jointly attacking and solving some of the long-standing administrative problems mentioned elsewhere in this report (e.g., elimination of excessive paper processing and multiple approvals, delegation of responsibility to the director concerned, provincial land service chiefs, or others), various incentive awards programs (for ideas on cutting down on the voluminous paperwork, increasing efficiency, and so on); arranging foreign training trips for key leaders to acquire skills needed to carry out the program; early retirement or transfer of uninspired administrators and promotion of younger men of ability; and frequent field visits by key officers, and periodic meetings in Saigon and elsewhere. These and many more need to be reviewed constantly to achieve a certain amount of "self-renewal" in the organization. If the Minister, the Director General, and others set a premium on the search for better ideas and innovations, the word will probably filter down and solutions will be found for difficult problems. The U.S. advisors can undoubtedly be of assistance, including not only the counterparts in land reform but also various specialists in public administration and other departments. Also, it will be of great importance to get the whole-hearted support of the province and district chiefs. In the past, when the province chief was interested, some progress

Table 5

PER DIEM ALLOWANCES FOR FIELD SURVEY PERSONNEL*

Duty Performed in a Locality Distant by 4 km and Above from the Normal Duty Station

1.	Personnel with salary index equal or above 430, Personnel under contract, class A Personnel with function allowances $600 monthly and above	VN$300/day †
2.	Personnel with salary index equal or above 220, but under 430, Class B Personnel under contract and personnel 'journalier' class B Direct-hire assistant-surveyors, class C	VN$200/day
3.	Floaters surveyors and assistant-surveyors	VN$140/day
4.	Chainmen 'journalier' class C and permanent chainmen	VN$80/day

For all personnel: Full payment for the first month; 1/2 rate for the second month; after 2 months, the employing agency has to consider whether to end the travel mission or to transfer the individual to the locality where he is on travel duty.

For all agencies: The total amount of per diem payments should not exceed the total amount of funds allocated to every agency annually.

Notes: (1) It is understood that maximum limits are placed on the amount that may be paid per month; (2) Also, at the end of every fiscal year, there may be a number of personnel on travel duty missions who will receive no per diem payment at all, due to premature exhaustion of funds. It would not be the best time to send people out on official duties.

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* Decree 706-BCN/HCTC/h/ND dated July 31, 1967, signed by the Ministry of Agriculture, modifying the ratings of per diem allowances for field survey personnel.

† Vietnamese dong or piasters.

resulted.* The former Minister of Land Reform and Agriculture apparently realized this, as indicated in his speech to the candidate province and district chiefs.†

Civil Service

About half of the Directorate General employees belong to the civil service.‡ The Vietnam civil service system is based on the French system of "cadres" or "professions." Theoretically anyone who meets certain qualifications is eligible to take the examinations. Once qualified, a person may progress in his cadre, his pay and allowance being dependent on his professional rank (i.e., for his specialized field, each civil servant has, as in the Army, a rank that corresponds to his class and cadre), regardless of his job assignment. This system differs from position classification in that it requires no detailed and impersonal description of each position, but a description of each cadre, for which a number of positions are reserved.§

Admission to the Technical College is also by examination and the number graduated annually is five engineers and ten technical assistants. All are eligible for assignment in responsible positions in the provincial land offices or in the survey teams.**

The Michigan State University Vietnam Advisory Group made several recommendations in the late 1950s to replace the cadre system with a position classification system, apparently without success. In its final report, the Group concluded: . . . "the archaic, ineffective civil service system remains perhaps the greatest single impediment to improved administrative efficiency in Vietnam."†† It is understood that the GVN experts on public administration are seeking to make improvements in its civil service system.

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* Interview with the Director General of Land Affairs.

† Address of the Minister of Land Reform and Agriculture at the province and district chiefs' refresher course on public administration in Saigon, March 13, 1968.

‡ Interview with the Director, Administrative Service.

§ Dang, op cit. pp. 176-82.

** Interview with the Director, Technical Directorate.

†† Michigan State University Vietnam Advisory Group, Final Report, Saigon, Vietnam, June 1962.

Training

A number of training activities are being conducted, some under the general direction of the Minister of Interior and some more specialized training monitored by the respective ministries. For example, of interest to the Minister of Land Reform and Agriculture are the general management improvement courses that are just beginning;* the village and hamlet officials training conducted by the provinces, the courses for candidate province and district chiefs started in 1968 at the NIA, the specialized training of the staff of the Land Administration and the provincial land affairs services (including those hired with Revolutionary Development support); and the special individuals earmarked as land reform "specialists" on the Revolutionary Development cadre teams.

Village and Hamlet Training

Elected members of the Village Council are given a three- to four-day seminar, which includes only an hour on land reform. The administrative committees, including the agriculture commissioner, are given up to two weeks of instruction in some provinces (including one hour on land tenure administration). It would appear that it would be quite important, in view of the desire to have the villages take on more of the burden for land tenure administration, to give all of the officials more training in land tenure administration and land reform, but especially the commissioner for agricultural affairs. To this end, it would seem quite important for the provincial training officer himself to have some understanding of land reform to be able to organize suitable training programs.

Courses for Candidate Province and District Chiefs

The chiefs will be given a short course at the National Institute for Administration† and in view of the key part which these individuals play in the program, it would appear that these courses offer an excellent means to gain the support of these key officials and to educate them as to what needs to be done.

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* A 30-hour administrative management course is now being prepared under a USAID contract with the Western Learning Corporation.

† The initial program was launched in March 1968 with an address by the President who made it plain that he was going to make a rigorous effort to suppress corruption at all levels. The NIA was also addressed by the Minister of Land Reform and Agriculture, who assessed the past difficulties of the program and outlined the government's objectives for 1968.

Specialized Training of the Staff in the Directorate General for Land Affairs

This staff has already been discussed somewhat both with respect to overall management competence and technical skills. Both would appear to deserve high priority if improved land administration is to be achieved. Management competence can be improved somewhat by overall management courses suggested by the Minister of Interior (supported by the USAID Office of Public Administration). However, the Minister of Land Reform and Agriculture will find it to his advantage to take a personal interest in this training as well as the crucial training of the technical staff (especially the cadastral people).

Provincial Land Service Staffs

As indicated earlier, it appears evident that many of the provincial land affairs staffs do not have enough qualified technical personnel. Moreover, much of the burden of training village employees (as well as RD augmentation cadremen provided by the RD Ministry to the provinces and land reform "specialists" on RD teams) will fall on the provincial land service chiefs. Therefore all of these chiefs should be able to instruct (or have available people who could) as well as to administer. In addition, survey chiefs should be able to train their own teams and possibly village employees. As indicated later in The Surveying Bottleneck, it appears to be highly desirable to develop simplified methods to be used to speed up the work. This would greatly facilitate this part of the training task.

National Training Center at Vung Tau

The Revolutionary Development teams are given 12 hours on land tenure and land reform at Vung Tau. Efforts are now under way to give additional training in land reform to at least one man for each team. There may also be some need to train at the NTC or elsewhere some or all of the RD augmentation cadres being added to the province land service staffs. It might be useful to explore the feasibility of using the NTC land reform instructors to travel to each province to train an instructor group there, possibly headed by the land service chief and including the chief surveyor.

Consideration might also be given to providing a special course on land tenure and land reform for provincial training officers either at the NTC at Vung Tau or the Ministry of Interior (since they are province officials falling under his jurisdiction).

As indicated above, quite a bit of training now is either under way or in the planning stage, but considerable effort will be needed to see that it is adequately carried out.

Chapter 6

GVN RELATIONSHIPS AND U.S. SUPPORT

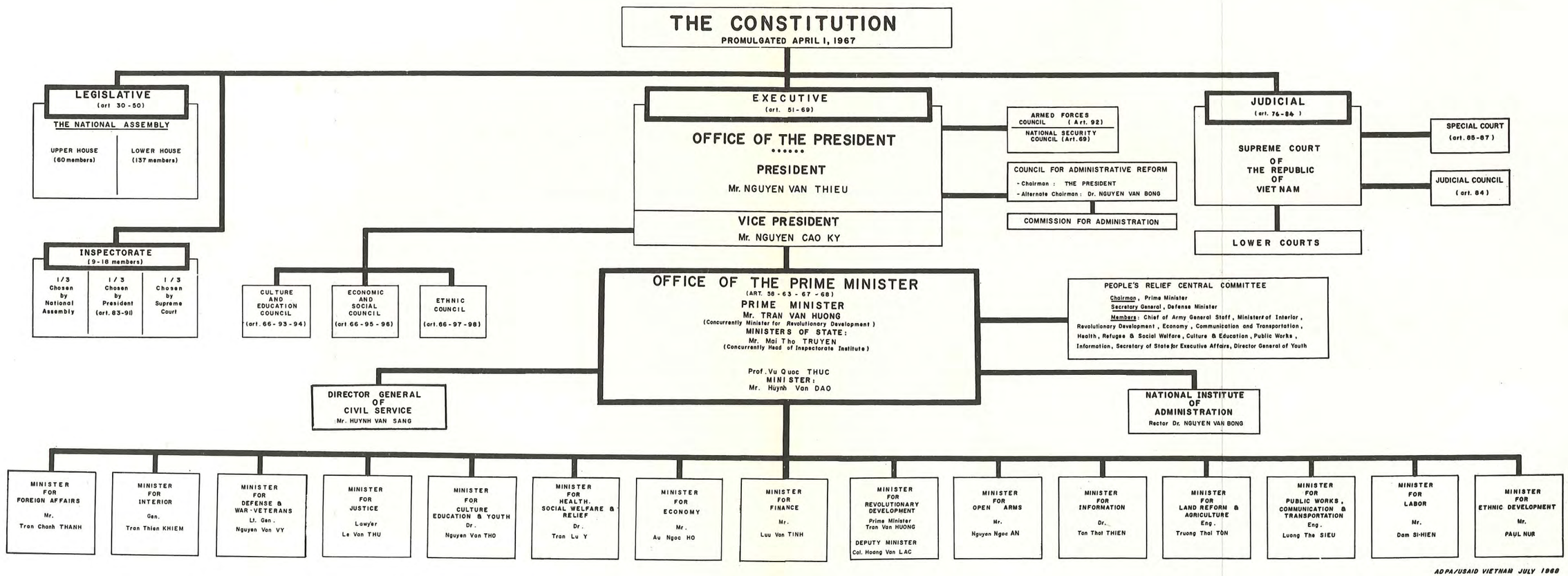
Relationships

At the central government level, there does not seem to have been a great deal of information exchanged between the Directorate General of Land Affairs and other agencies in the Ministry of Land Reform and Agriculture (Figure 7); at least it was not mentioned by respondents. The Director General maintains frequent contacts with the Director General of Taxation (in the Ministry of Finance), the Director General of Public Reconstruction in the Ministry of Public Works, and the Director General of Budget and Foreign Aid and occasional contacts with the Ministry for Revolutionary Development, the Ministry of Economics, and the Ministry of Interior (one would presume also with the Ministry for Refugees and Social Welfare, but this was not mentioned). However, insofar as could be ascertained, most essential inputs for use in land reform are generated internally in the Directorate General of Land Affairs and its subordinate agencies. There is some indication that the Directorate General of Land Affairs provides more information and services to other agencies than it receives--for example, it provides mapping and surveying to Public Works and land ownership identification information to the Director General of Taxation. The one exception might be the Ministry for Revolutionary Development, which supplies budgetary support for the hiring of provincial cadremen (see Chapter 6, Manning and Skill Requirements). However, justification for these must be developed locally and through the provinces, and there did not seem to be sufficiently close coordination evident at the national level.

As mentioned earlier (under Management Control Requirements, Chapter 4), the needed analysis, planning, and implementation of land reform should be closely coordinated with other key government agencies to achieve any measure of success. On the land reform side, the program must be closely tied into both the military and pacification efforts. This means a close relationship with the Ministry of Defense and the Ministry for Revolutionary Development at all levels. The latter can also be of help in training individuals at the National Training Center. Also, joint planning with the Ministry of Refugees and Social Welfare must be undertaken to help resettle as many refugees as possible on available lands.

Figure 7

THE NEW GOVERNMENT OF VIETNAM



ADPA/USAID VIETNAM JULY 1968

The Ministry of Interior is an important link with the provinces, both for implementation through line channels to the province chief and for assistance with training and other related programs. The Ministry of Finance is important not only because of routine budgetary problems but also because of the joint interest in local property tax assessment and collection and the collection of rents from government-held lands. The Director General of Planning and the Ministry of Economy and of Labor should be of great assistance in overall policy planning questions.

Information and services are provided to the Director General of Public Reconstruction in the Ministry of Public Works and consultation must go on with the Ministry of Justice on the handling of disputes. The Ministry of Ethnic Development should be of assistance in working out equitable solutions to the problems of land tenure among the highland tribes. Finally, close liaison must be maintained with all of the members of the Land Reform Council* to push forward policy changes when needed.

Time did not permit any detailed examination of this problem, but from the discussion and interviews held, it appeared that much more lateral coordination is needed, particularly at the central level--and especially with the Ministry for Revolutionary Development at all levels. It may be noted that the Director of Land Reform in his prepared address to the January 1968 Land Reform Conference referred to "lack of coordination between supporting agencies responsible for civic action, information, propaganda, and security" as one of the difficulties encountered in recent years hampering progress.†

U.S. Organization and Programs‡

U.S. Agency for International Development project assistance from 1955 to 1968, both in dollars and in counterpart funds, is shown in Table 6. United States assistance breaks down rather clearly into three periods, 1955-1960, 1961-65, and 1966-68.

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* Representatives of the Prime Minister, Agriculture, Interior, Economy, Finance, Justice, Labor, Directorate General of Planning, and the Directorate General of Land Affairs; Decree 74, dated April 4, 1957, modified by Decree No. 217, dated June 18, 1964.

† Address of the Director of Land Reform.

‡ Much of the historical information in this section was provided informally by the U.S. Agency for International Development Program,

Table 6

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

	Dollars (by fiscal year)	Counterpart Funds
Assistance 1955-60		
Administration of agrarian reform project	$ 282,000	$ 3,257,000
Land development project	4,582,000	6,794,285
Subtotal	$4,864,000	$10,051,285
Assistance 1966-68		
Land reform project	2,778,000	550,847
Total	$7,642,000	$10,602,132

Supporting Schedules

Year	Dollar Assistance (by FY)	Counterpart Support (VN$000)
Administration of Agrarian Reform Project (#430-11-120-089)		
1955	$ --	100
1956	70,000	23,632
1957	171,000	13,963
1958	16,000	40,170
1959	21,000	25,830
1960	4,000	(est)10,000
Total	$282,000	VN$113,695
US$ Equivalent		$3,257,428

Remarks: Dollar assistance includes $205,000 of commodities, ie., 17 jeeps, 275 motorbikes, 180 bicycles, surveying and drafting, equipment. Two advisers (Gittinger and Ladejinski) were financed as were travel grants to GVN officials to other Asian nations to observe land reform administration. Counterpart financed salaries and related costs of 700 field surveyors plus certain related GVN staff.

Land Development Project (#430-11-120-144)		
1957	$3,207,000	VN$ NA
1958	934,000	NA
1959	200,000	NA
1960	241,000	NA
Total	$4,582,000	VN$237,800
US$ Equivalent		$6,794,285

Remarks· $4,421,000 of the dollar assistance was for commodities, primarily construction materials, vehicles, and equipment.

Land Reform Project (#730-11-120-311		
1966	14,000	VN$ --
1967	$1,182,000	30,000
1968	(est)1,582,000	35,000
Total	$2,778,000	VN$65,000
US$ Equivalent		$550,847

Remarks. Virtually all the $1,196,000 obligated in FY 66 & 67 were for the technical services of (i) 3 advisers, (ii) EARI cadastral team, (iii) SRI research team. A small amount was used for transport for field staff and specialized equipment.

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

1955-60

During the 1955-60 period, two U.S. advisers were deeply involved in the development of land reform policies and programs of President Diem's administration. U.S. assistance underwrote a large proportion of their costs in the 1950s.

U.S. project assistance financed most of the costs of the 700-man expansion of the Vietnamese Land Service required to implement the land redistribution and tenancy improvement programs. Approximately 100 seven-man field teams of surveyors were established. Dollar assistance fianced their equipment, and counterpart funds paid their salaries through 1960. Nonproject assistance indirectly financed approximately one-half the cash compensation payments for expropriated land. Landowners received 10 percent in cash and 90 percent in 12-year bonds from the GVN.

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

	U.S. Dollar Assistance	Counterpart Support in U.S. Dollars
Redistribution programs	$ 282,000	$ 3,257,428
Tenancy improvement programs	4,582,000	6,794,285
Land development programs	$4,864,000	$10,051,713
Total		

Regarding advisory assistance by the United States, during the early part of the 1954 to 1960 period, two advisors were funded by ICA (first Wolf Ladejinski, who later became a direct advisor to President Diem, and then Price Gittinger). Land reform was a matter of high priority during this period in the United States assistance program.

Washington. Somewhat similar figures may be found in Land Reform in Vietnam, Twentieth Report by the Committee on Government Operations, House Report No. 1142, 90th Congress, 2d Session, Washington, D.C., GPO, March 5, 1968, and the Study of Land Reform in Vietnam, Report of the General Accounting Office (GAO), June 27, 1967.

1961-65

Little land reform work was done in this period in the Republic of Vietnam, largely because of deteriorating security and political instability. No U.S. funds were provided, and there were no U.S. advisors. However, beginning in 1964, a number of additions to Vietnamese land policy were made, as discussed in Working Papers, Volume I.

1966-Present

The U.S. Agency for International Development resumed project assistance in 1966 when improved security and political stability made resumption of land administration work feasible. A small staff of land tenure specialists in Saigon did its best to assist the GVN in developing policies and getting the program going again. In January 1967, a pilot program was initiated by EARI in An Giang Province to apply aerial photography and photogrammetry to replace the ground surveying required for land identification and title work.

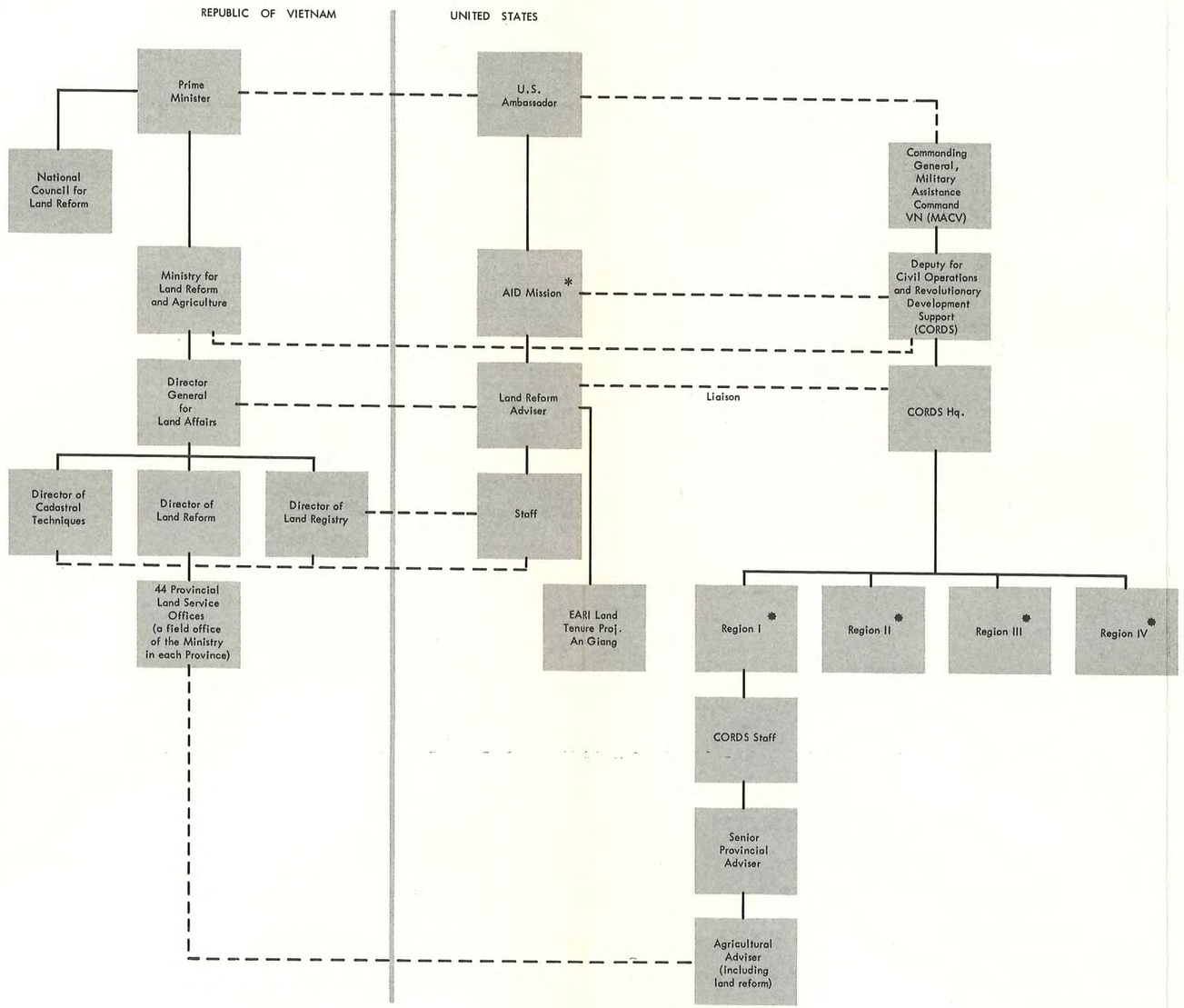
Virtually all of the U.S. dollars allocated ($1,196,000) in 1966 and 1967 were for the technical services of three advisors, the EARI project team, and the Stanford Research Institute research team. The VN$30 million counterpart fund was divided into two projects that will be discussed below. This program has been revised and is being continued in FY 1968.

During the period, the USAID internal organization fluctuated somewhat and the size of the land reform staff along with it. Early in the period, the USAID Assistant Director for Agriculture was responsible for land reform, with a Land Reform Advisor and a full time assistant to provide technical assistance. In 1967 the Land Reform Advisor became the Special Assistant to the Mission Director for Land Reform, and the staff was increased to four. Also available for assistance in 1967 and 1968 were the EARI Project Team working in An Giang and the Stanford Research Institute Team engaged in a land tenure and land reform fact finding study.

In 1968, after fluctuating from seven to two, the land reform staff was fixed at six persons for FY 1969. The Special Assistant again became the Land Reform Advisor, now reporting to the Associate Director for Domestic Production (ADDP). See Figure 8.

Figure 8

GVN - U.S. RELATIONSHIPS



* Not shown on the chart is the support provided by other elements of the AID mission -- for example, by Agricultural and other elements of the staff of the Associate Director, Domestic Production; the staff of the Assistant Director, Public Administration; and the Program, Local Development, and Economics Offices.

* U.S. Regional Advisory Staffs of U.S. Field Forces advise Vietnamese Tactical Corps Commanders who are concurrently Vietnamese Government Delegates. These have primarily inspection and investigation responsibilities with no staffs earmarked for land reform or other purely administrative functions.

AID Program (FY 1966 and 1967)

The An Giang Project

In November 1966, two project agreements between the U.S. Agency for International Development and the GVN dealing with land reform* were signed totaling VN$30 million (about $254,000 at the rate of exchange of 118 to 1). One for VN$16 million in An Giang province was designed to: assist the GVN to carry out all land tenure and reform; establish in each village a Village Agricultural Affairs Committee; help the EARI (Engineer Agency for Resources Inventory), U.S. Corps of Engineers, in collecting data, conducting surveys, and developing an integrated plan for agrarian development; and demonstrate, through the support of the EARI activities, the use of improved aerial photogrammetric techniques to expedite cadastral survey and title issuance procedures.

Work on the An Giang project has proceeded slowly.† According to the Director General, the work was 20 percent completed in January 1968, and about VN$10 million had been expended (the money not having been made available until mid-1967).‡ By the end of 1967, 20,245 hectares (or 50,000 acres) had been surveyed with GVN field teams providing on-the-ground verification of land identification and occupancy, and it was estimated that the project would be completed by the end of 1968.§

The "Other Provinces" Project

The other agreement, for VN$14 million, was designed to: provide advice, assistance, and material support to the GVN to carry out (by December 31, 1968) all land tenure and reform actions in specific priority areas; establish the position of Village Land Registrar in 60 villages and to establish or revive in these villages a Village Agricultural Affairs

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* Pro-AG agreements, both No. 430-11-120-311, on file in the Office of the Special Assistant to the Director (USAID) for Land Reform.

† From interviews with various GVN and U.S. officials concerned with the project (especially the Directorate General of Land Affairs; the Special Assistant to the Director, USAID, for Land Reform; and the EARI Director of the Land Tenure Project, An Giang).

‡ From an interview with Mr. Nguyen Van Trinh, then Director General, Land Administration.

§ From an interview with the Director of the Technical Directorate.

Committee; and implement a land tenure research study to ascertain and evaluate farmers' attitudes and reactions toward various land tenure relationships.

With regard to this project, it was reported that VN$11 million of the funds allocated to the project had been committed by March 1, 1968.* The money had been spent for salaries for employees† working on short term reform (draftsmen, surveyors, and administrative personnel to process expropriated land), equipment, office machines, supplies, and so forth.‡ Funds were used to supplement the ministerial budget to hire extra personnel in certain provinces. The remaining VN$3 million was earmarked for the Center for Vietnam Studies, in support of the SRI research project.§

Specific accomplishments are difficult to pin down because the additional personnel are not reported by province and even if they were, they could not easily be correlated with the project work done or not done. The Director General stated that the additional employees had been used to accomplish a census of tenant contracts--this was one of the key objectives of the 1967 program. The Director of Land Reform Directorate stated that some distribution of land titles had been accomplished under Ordinance 57, former French lands, and public lands.** Also, some progress was made on land identification in the provinces of Central Vietnam.†† In fact, some progress was made in each of these. It appears that somewhat more was done during 1967 than in previous years, much of it undoubtedly because of U.S. assistance, but it is impossible to state how much.

A spot check of performance in a few of the provinces specified in the agreement revealed that progress was made in some specific areas (e.g., survey and distribution of former French lands in the SAIT Plantation in Ninh Thuan and the establishment of 19 Village Agricultural Committees in the same province).‡‡

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* From an interview with the Land Reform Advisor.

† Some 204 employees were hired for both projects. A breakdown between the two was not readily available. Apparently as a part of the salaries, some of the money also was used to provide the customary Tet bonus.

‡ From an interview with the Director, Administrative Services, Directorate General of Land Affairs.

§ From an interview with the Land Reform Advisor.

** From an interview with the Director of Land Reform.

†† From an interview with Nguyen Xuan Kuong, USAID Land Reform Advisor's staff.

‡‡ From an interview with the Province Land Affairs Chief.

However, it is also apparent that other objectives specified in the project agreement were not attained, e.g., establishment of "the position of Village Land Registrar in 60 villages." In the latter case, the position of Village Agricultural Commissioner was established in December 1966, which covered the functions originally contemplated.*

FY 1968 AID Program

As was noted in Table 6, VN$35,000,000 was allocated for FY 1968. This was to support the accelerated distribution of expropriated and former French lands, training of village personnel and information and education programs for farmers.† Pursuant to an agreement reached in June 1968, an augmentation organization to accelerate the distribution of expropriated and former French lands was established (see Figure 9). A "Special Land Reform Fund Committee" was set up to administer the fund, consisting of the Director General for Land Affairs (DGLA) and the USAID Land Reform Advisor to the Associate Director for Domestic Production (ADDP/LR). During the summer of 1968, a pilot program was inaugurated in some of the villages of Chuong-Thien and Kien Tuong Provinces by USAID and DGLA officials. Until this time, no applications for former French land had been filed in the provinces. With the help of an air leaflet drop to farmers in the areas, and by working through the village governments, an excellent response was obtained. In one village, a remarkable 394 applications for former French lands were collected (about half the farmers in the village) and processed in a period of two months (including distribution of titles) by a special team using aerial photographs for identification. President Thieu and the Minister for Land Reform and Agriculture, Trung Thai Ton, participated in the title distribution ceremonies.

The GVN instituted mobile teams to train village and provincial officers to carry out the program. By September 1968 a total of 155 villages in 15 Delta provinces having former French lands had held training sessions for village and hamlet officials. By decentralizing the distribution process and using village committees, the GVN hoped to be able to distribute all of the cultivable former French land by 1970. As of September 1968, 168 employees had been hired (21 at the central level and 147 in the provinces and villages) for this effort to speed up the land distribution program.

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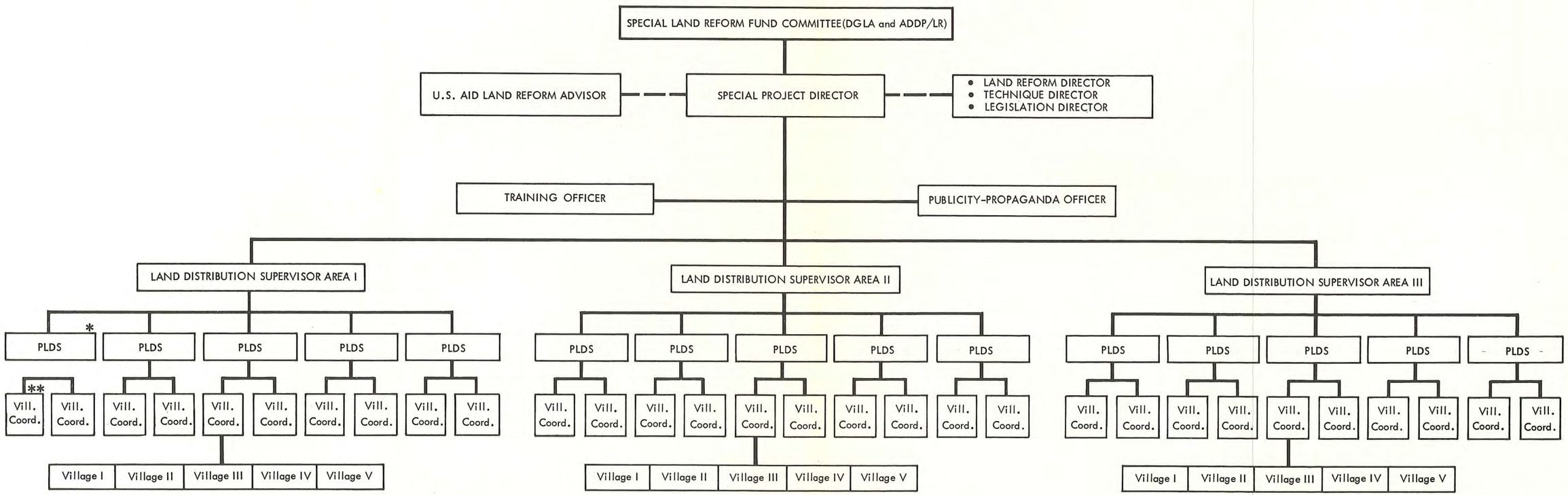
* Decree 198, op. cit.

† Information provided informally by the USAID Land Reform Advisor in September 1968.

Figure 9

AUGMENTATION ORGANIZATION 1968



* Provincial Land Distribution Supervisor

** Village Coordinator

CORDS Advisory Staff

Operating directly under the MACV (Military Assistance Command, Vietnam), CORDS now has full responsibility for the U.S. contribution to the revolutionary development (pacification) program, including revolutionary development cadre, public safety, new life (or rural) development, psychological operations, refugees, census grievance, chieu hoi (open arms), and research and development programs. Its field offices also exercise some advisory effort for land reform. Land reform advisory services at the province level are exercised either through the Agricultural Advisor or the New Life Development Advisor. It may be noted that at the CORDS regional level, there are no Vietnamese counterparts for land reform.

In mid-1967, a number of joint task forces were organized by CORDS to generate meaningful, coordinated programs for implementation of the entire pacification effort. Subsequently, a ten-point action program on rural development was generated jointly by USAID and CORDS, and although the land reform part of this program was not approved, it was agreed that the AID mission rather than the CORDS staff would continue to take leadership in the land reform program. Thus, the AID mission has central responsibility for planning, funding, and advising the GVN on land reform, but has no field staff (except as provided by the EARI team in the An Giang project). CORDS supplies the field staff for all other related programs and attempts to provide some part-time support for land reform at the province level.*

Evaluation of U.S. Organization and Programs

There has been a close relationship between the extent of U.S. support and the degree of progress in land reform programs. Obviously, other important factors also had a bearing on the situation, including the deteriorating security in the rural areas and an uncertain and fluctuating national political posture.

With improvements in political stability beginning about 1965, some improvements in the GVN policy area began to be made, such as decisions on: distributing former French lands; granting settlers in Land Development Centers title to their land; exempting tenants from paying back rents

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* From interviews with the former CORDS Liaison Officer to USAID Special Assistant to the Director, Land Reform and with the Political Affairs Officer responsible for local government at the U.S. Embassy. Also, field visits were made to two regional headquarters and three provincial headquarters.

and landlords from paying back taxes; regularizing and distributing of squatter-occupied lands; and so on. However, implementation had practically ceased; it was not until 1967 that some limited results again began to be evident. This coincided with the impact of increased U.S. advisory and financial assistance beginning with FY 1966. Thus, further substantial future progress will require continued and even increased U.S. advisory as well as financial assistance.

In addition to increased support in Saigon, it would be highly desirable to recruit and assign AID advisors to be deployed in the regions to assist with training programs for provincial and village land officials and otherwise advise and assist the provincial land service officials in implementing the land reform programs. In fact, it would be desirable to have a full-time U.S. land reform advisor in each province of the Southern Region and the Central Lowlands if they could be provided. These advisors need not be agricultural or even land affairs specialists. Since most of the problems of land reform are administrative, political, and legal, capable generalists would suffice.

Obviously, both land administration and land reform are GVN programs, and no progress in either can be made without the commitment of the key officials of the government (the central government, the provinces, and the villages) as well as by the entire land administration staff. It is understood that in informal discussions with USAID officials in March 1968, the Minister of Land Reform and Agriculture outlined his objectives for land reform and verbally requested U.S. technical assistance in (1) evaluating land reform policy alternatives and (2) getting present programs completed (i.e., distribution of various undistributed lands, land titles, etc., as promptly as possible).

Land reform is not solely a Vietnamese matter. The United States took an active role beginning in the mid-1950s with the basic GVN legislation on expropriation and land rental agreements. Also, the United States has a huge stake in the successful outcome of the pacification effort, in which land reform can play a key role, one way or the other. Therefore, it is very important, as the U.S. land reform advisor stated, for the United States "to take a position of firm backstopping leadership."*

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* Land Reform in Vietnam, (House Report) op. cit., p. 13.

Chapter 7

PROBLEMS AFFECTING LAND REFORM ADMINISTRATION

The Surveying Bottleneck

The surveying bottleneck is not a severe problem in some areas, but it is particularly acute in some (especially the Central Lowlands). Because of a rather tight legal system for registration of land; the lack of recent, accurate surveys; dependence on pedestrian methods, and shortage of trained personnel, unless the current procedure is changed additional progress in distributing lands will be slow.

Current Status

As of the end of July 1968, only 162 men were concerned with surveying work, with 142 men in the provinces and 20 in Saigon.* Normally, one surveyor and three assistants form a cadastral team, but apparently the number on teams available varies from time to time.

At the central government level the majority of the surveyors are older men and work in the different bureaus procuring documents and handling professional activities. There were only nine surveyors in March 1968 working for the cadastral teams in carrying out cadastral surveys in Saigon and Gia Dinh. Table 4 shows that in three provinces, there are no cadastral personnel reported and that in 13 others, there is only one man assigned.†

Moreover, even in those provinces where there is a surveyor (and the capability of organizing a team), there is other work to be done. The former Director of the Technical Directorate pointed out that every province needs personnel to do the surveying work for the province chief's

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* See Table 4, Cadastral Personnel Distribution by Province. The total strength dropped by 74, from 236 (198 in the provinces and 38 in Saigon), in four months--possibly due primarily to the mobilization.

† Out of a sample of 13 provinces checked by SRI in the III and IV Corps area, five provinces reported they had no surveying teams. However, surveying personnel were carried on the organization charts. It may be that in these cases, surveyors were used for other duties. (See provincial Land Service Chief Survey, also discussion in Chapter 3.)

office or allied agencies.* There is also the problem of sale or transfer of parcels of land.† Also, in many areas in the Delta, flooding will prevent field work for up to four months of the year. The net result of all of this, combined with uncertain security in many areas, is poor productivity.

In 1967, only 10,000 hectares were surveyed, and this figure was the average from 1962 to 1967.‡ The former Director of the Technical Directorate, reported that 907,681 hectares still remained to be surveyed to complete the various land reform programs broken down as follows:§

	Hectares
Survey of remaining unsurveyed expropriated Ordinance 57 lands for distribution (sale) to farmers	200,933
Survey development and resettlement centers	227,714
Survey to regularize squatters' lands	270,184
Survey of former French lands	208,850
Total	907,681

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* Memorandum from the Director of the Technical Directorate, dated March 19, 1968.

† In one province checked (Ninh Tuan), this was estimated to take from 10 to 20 percent of the time of the surveyors. In another (Vinh Long), this figure was given as about 40 percent.

‡ Memorandum from the Director of the Technical Directorate.

§ Ibid.

Evaluation of the Surveying Status

If the last six years were used as a guide, completion of the above surveys would take more than 90 years. The former Director of the Technical Directorate pointed out that the job could be speeded up in several ways. For example, assuming that the security situation was sufficiently improved, he estimates that the task could be performed in three years by: (1) training more land surveyors; (2) centralizing all personnel from the various provinces and concentrating them on the survey of lands to be distributed (this means either other activities would have to be largely ignored or other arrangements made to care for them; it also means salary and per diem would have to be improved to make the concentrated effort feasible); and (3) applying to an increasing extent the photogrammetric technique in the surveying. If the above three measures are not applied immediately, he feels that "the cadastral work of the Land Reform Program will drag on for several more years."*

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

The former Director of the Technical Directorate recommended changing from the customary or classical method of map making to the photogrammetric method, but stated that additional photogrammetric equipment, transportation, and training (including foreign training) will be needed. He has proposed more equipment for this year and next year and states that if photo maps could be made, land reform would be easy to carry out. The time to complete the job could possibly be shortened to one or one and one-half years and expenses could be reduced by 20 to 25 percent, according to him. This method incidentally, has the capacity to circumvent partially the security problem. Usually planes can fly over areas where land crews cannot operate freely. This is quite important since much of

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* Ibid.

† See Appendix G.

the land remaining to be surveyed and distributed lies in the more remote areas where the Viet Cong exercises some degree of control (at least in a negative way by denying free ground access to it). It might even be worthwhile to get the military to assist with aerial photos (one such attempt was made in Phong Dinh, and the Land Affairs Chief though it would be useful).* Although some ground checks would still be necessary, the scope of the problem would be greatly reduced.†

The Technical Director addressed the 1968 Land Reform Conference, and the Conference adopted three resolutions as follows: (1) requested the GVN to establish a special fund for purchasing photogrammetric equipment; (2) requested that qualified persons be sent abroad to study photogrammetry and geodesy, with simultaneous acceleration of in-country training in these subjects; and (3) recommended the establishment in the Directorate General of Land Affairs of a Topographic Directorate in charge of photogrammetry and cadastral surveys.‡ With regard to resolution (1) this method of land measurement and identification has great merit when compared with classical land measurement procedures. However, in seeking the technical improvement of such procedures it should be kept in mind that rapid implementation of the distribution program is the primary goal. It is assumed that the priorities outlined by the Director of Land Reform at the January 1968 Land Reform Conference will have to be followed, i.e., simplify the procedures for administration, based on administrative distribution first, followed by cadastral survey later, rather than the reverse.

The goals set out in resolution (2) are laudable if accomplished within the same framework.

Resolution (3) obviously requires further explanation. It is understood that at present there is now only a relatively small Photogrammetry Office with about eight people. This office undoubtedly needs to be expanded and perhaps be given increased importance to expedite the work. However, one should guard against any step that would separate it from the present Technical (or Cadastral) Directorate, which would apparently be responsible only for customary or classical land surveys if a coordinate directorate were created. Any change that would create duplication or conflict in functions certainly should be avoided.

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* From an interview with Provincial Land Affairs Chief.

† See Chapter 3 for further discussion of this problem, including the use of photography for village land identification programs.

‡ Airgram A-4786.

Other related steps that might be taken to alleviate the surveying bottleneck might be: (1) relax registration requirements so as to permit the provisional acceptance of plane table* or private surveys or the certificates of the village chief (or agricultural commissioner) to register titles (future rights could be protected by a built-in right to appeal within a given time); (2) a large build-up of trained personnel by special recruiting and training measures, recall or "mobilization" of qualified personnel from the Army, use of Vietnamese engineer troops, and "mobilization in place" of those already trained and now serving in land administration; or (3) planning immediate land reform steps (e.g., remission of rents on all GVN-owned lands, which would not require any new statutory authorization) so that surveying would not be required.

Incidentally, in addition to the points covered in the Conference Resolutions, the Technical Director also recommended the use of IBM machines (the law may have to be changed to provide for identification of land by rectangular coordinates, as well as by boundary markers, to facilitate legal changes by machine) for records of ownership to cut down on manual paperwork. As a long term step this would appear to make sense, although it would apparently require a change in the present law.

Consideration should also be given to reducing the unnecessarily high level of accuracy currently required in delineating property boundaries. This would facilitate the introduction of more economical cadastral procedures, such as the combined use of aerial photographs and village committees for land identification purposes.

Land Tax

Prior to 1956, when the Republic of Vietnam still had three regional governments, the tax was a regional levy, with an additional percentage of the regional tax beind added for the revenue needs of the cities, provinces and villages. After January 1, 1956, when the regional governments ceased to exist, the land tax became a central government levy, with the cities, provinces, and villages being given additional percentages of the central government tax for their revenue needs. As of January 1, 1968, the decision was made to increase local autonomy by giving the village a stronger financial base. Thus, Decree-Law 041/67 of 18 October 1967 was enacted, reserving the land tax receipts from riceland and mixed cultivation land for village budgets, and receipts from urban land for province or city budgets.

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* This has apparently already been authorized by the Director General.

Riceland is taxed on the basis of area, with lands graded by a province committee into six classes according to productive capacity. The tax rate is established by the province chiefs or mayors, in accordance with the economic situation and needs of the land budget, but within established minimum and maximum limits. Rate schedules must be approved by the Minister of Finance. Thus in Ninh Thuan, for example, the tax on rice fields runs from VN$25 to VN$170 per hectare. Riceland taxes are collected by the villages, and as indicated above, are now reserved for the village budgets. However, they must be deposited in the province treasury and can be withdrawn only with district and province approvals. Thus, although the 1966 Decree governing the reorganization of village and hamlet administration* apparently gives the villages authority to spend up to VN$50,000, in at least one province the villages were required by the province to get District Chief approval for expenditures in excess of VN$2,000, and province approval for expenditures in excess of VN$10,000.

Inheritance Tax

Laws of inheritance may, over the long run, represent an important background element in determining the direction and effectiveness of a particular land reform program. If the owner of land leaves no will, his surviving spouse acquires the use of the land for her life. On her death, the land goes equally to the children.

If the owner of land leaves a will, it must, with one exception, be observed. The South Vietnamese law does not contain severe restrictions, on the French pattern, as to what a man can dispose of by will. The exception is that a surviving spouse is still entitled to use the land for her life. Thereafter, disposition will be according to the will.

A graduated inheritance tax is applied to real property. For direct line inheritance, that is, from father to son or daughter, etc., the rates vary from 2.5 percent for values under VN$50,000 to 7.5 percent for values over VN$5 million. Rates are higher for other than direct line and highest for foreigners. For transfer of title under the instruction of a will, there is a 1.2 percent fee.

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* Decree 198, SL/DUC, December 24, 1966, Article 15.

Land Transfer Tax

There is a very heavy land-transfer tax applicable on land sales, amounting to about 18 percent of the value of the transaction together with two smaller taxes on the transaction, bringing the total burden to about 22 percent. This would lead to the expectation that the declared value is likely to be understated for all public purposes. Possibly some private land transactions actually are forestalled entirely by the knowledge that this tax must be paid, and perhaps many transactions may remain unrecorded.

In an effort to obtain data concerning the dimension of the heavy tax on the transfer of land, SRI requested the Director General of Taxation for some specific figures on its application. After directing the query to the provincial tax offices, the Director General provided some information, but pointed out that difficulties in communication with the provinces, resulted in replies from only 16 of the 44 provinces. Thus, the following information must be considered as a sample only.*

1. Number of transfers during the past year: 370 by inheritance and 5,392 by sale.

2. Amount collected last year from the transfer tax: VN$34,099,179 (including VN$702,192 from inheritance and VN$33,396,787 from sales).

3. Distribution of this income: all to the national treasury .

4. Number of violations reported - 230 (mostly in connection with sales; 2 of the 16 provinces reported no violations)

5. The following penalties were imposed, mostly for late or undervalued declarations (reported by only 2 of the 16 provinces):

   Phu Yen VN$26,964 (fines on sales)

   My Tho VN$ 7,048 (fines on sales)
   VN$17,640 (fines on inheritance)

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* For details, see Memorandum to SRI from Pham-Van-Ich, Director General of Taxation, dated May 6, 1968.

6. On the question of property transfer taking place without being duly recorded, the Director General said: "It is unbelievable there could exist real estate transfers (sale and inheritance) that may bypass the official tax registration (and thus may dodge the tax payment) because if the transfer document is not regularly registered, the new owner of the real estate cannot apply for recording of his ownership."

7. On the question of whether the tax may be inhibiting the transfer of land, the Director General stated: "Another reason which demonstrates the transfer tax may create an obstacle to land transfer (especially regarding agricultural farms) to a new owner, is the high rate; if the tax on the transfer is too heavy, this high rate may cause the number of real estate transfer cases to lessen."

8. On the question of overall collections of rice and garden taxes, for 15 provinces, the total was VN$12,894,687 (VN$8,612,112 for ricelands and VN$4,282,675 for gardens). As might be expected the amounts varied greatly by province (from VN$14,747 in Kien Tuong to VN$3,188,806 in An Giang).

Since the data are incomplete, it is difficult to draw any definite conclusions. However, it appears that: (1) transfers do take place despite the high tax, mostly by sale; (2) there seems to be little question that the high tax tends to inhibit such transfers; (3) although the tax generates income to the national treasury, it may be at considerable cost to the land reform objectives, i.e., only the fairly well-to-do can afford to purchase land and pay the high transfer tax; and (4) the entire matter merits more detailed study, with particular reference to its effect on land reform objectives.

Chapter 8

POLICY OBJECTIVES AND ADMINISTRATIVE PERFORMANCE

At this point, it would be helpful to review briefly the principal policy objectives of the various land reform programs as set out by the several laws on the subject (see Chapter 2, Working Papers, Volume I), summarize the current status of each (see Chapter 3, Working Papers, Volume I), and examine briefly the principal reasons for the failure to achieve greater progress toward these objectives.

Landlord-Tenant Relationships (Ordinances 20 and 2)

The current objective as expressed in laws is essentially to alleviate four principal problems facing tenant farmers by:

- Placing effective limits on rental charges.
- Providing the tenant with a greater degree of security of tenure.
- Providing for reduction or elimination of rental payments in the event of partial or total crop failure.
- Placing the tenant in a legal position to have the first right of refusal should the landlord propose to sell the land.

Some progress has been made toward this objective but enforcement has been poor, and there are also many gaps. Although records state that more than 700,000 leases have been signed since the initiation of the program in 1955, more than 75 percent of 7,000 leases sampled were out of date and only 1,500 renewals had been signed in that same group. More than one-third of the villages in eight provinces have no Lease Contract Register--which is the only record of lease contracts that exists. Two-thirds of the villages sampled either had no record at all of lease contracts or had a record that was virtually useless (e.g., no entries since 1961 or only two entries for a 12-year period). Of the sample villages that had no Lease Contract Register, one-half of them have never had such a record indicating that the program has never been put into effect.*

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* See Village Administrative Chief Survey, Appendix C.

Despite various efforts to enable tenants to become landowners, in 1961 more than 60 percent of the land was still farmed under tenancy arrangements of some sort. Out of possibly a million tenant farmers, the GVN has so far been able to distribute land to fewer than 200,000. Initially, considerable progress was made in registration of rental contracts (more than 798,170 covering 1,365,000 hectares were registered in 1960), but from about 1962 to 1967, much of the framework for the enforcement of rental controls and security of tenure was allowed to fall into disuse. Few rental contracts were registered or renewed, and the effect of initial registration is by now somewhat dissipated.* While the original village or cantonal agricultural committees are still carried on the books by the GVN, probably the majority of them are moribund.† Also, as indicated above, many, if not most, of the villages either have no record at all of lease contracts or have a record that is virtually useless.

While contracts were meant to be renewed automatically after the original five-year period, more than 90 percent are almost ten years old or older. Thus, two renewals (tacit or otherwise) are required, and the effectiveness of such contracts can well be doubted. In 1967, the then Prime Minister announced his support for a renewal of 500,000 of these rental contracts, but at the middle of 1968, only 60,000 had been renewed.‡

It is most difficult to control rents administratively, but these contracts in the past may have exerted a downward pressure on rents, although this conclusion is clouded by the extent of the influence of the Viet Cong (see Volume III). While legal regulations may have tended to lower rentals in excess of 25 percent somewhat,§ the SRI Hamlet Resident Survey indicated an average rental charge of 34 percent and that 61 percent of the tenants in the Southern Region paid rents in excess of the legal maximum. The extent of violation tended to be greatest in the most secure areas.

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* For detailed statistics, see Chapter 3, Working Paper, Volume IV, Part 1. For example, in answer to the question; "Do you rent under lease written contract or verbal agreement?," 63 percent indicated they rented under verbal agreements.

† Out of a sample of 37 villages, in January 1968 only 35 percent had a Village Agricultural Committee (Village Administrative Chief Survey).

‡ Monthly Activities Report for June 16, 1968 to July 15, 1968.

§ See Hamlet Resident Survey, Working Papers, Volume IV, Part 2, and Chapter 3, Working Papers, Volume I, Part 1, for comment by the official spokesman of the Vietnamese Federation of Tenant Farmers.

As indicated earlier (Chapter 2, Working Papers, Volume I), various aspects of these legal provisions need to be modified or clarified. Some of these are summarized below:

1. Renewal of rental contracts--The law states that these "will be tacitly renewable." Unfortunately, the language does not make it clear whether the "tacit renewal" can take place more than once. The Type A contracts originally signed are already more than ten years old (unless replaced by a newly signed contract). This point requires clarification.

2. Rent limitations--Legal provision apparently does not sufficiently protect the tenants from "key money," advance payment, and other forms of payment above the legal limit. This requires a substantive modification.

3. Settlement of disputes--A tribunal was to have been established in each province but so far only four have been established. Additional action is required (see Chapter 2, Working Papers, Volume I).

4. Security of tenure--If the lessor wishes to cultivate the land himself or through a lineal descendent after five years, he may do so by giving six months' notice. Apparently he may till the soil for a short time only, and then is free to rent the land to someone else (who conceivably may be more cooperative about "under the table" payments). This requires modification.

5. Criminal penalties for tenants--Currently, the law assesses criminal penalties against tenants as well as against landlords. This may add to the natural tendency on the part of tenants not to complain of unfair treatment. This point seems to require reconsideration.

These policies may place the tenant under contract in a somewhat better position, but they will not of themselves aid in making new contracts or enforcing existing contracts. On this point, the record of the administration has not been good. Much more certainly can and should be done, especially to revive moribund Village Agricultural Committees and to push vigorously for the renewal of contracts. However, it should be recognized that strict enforcement of contracts would require enormously increased administrative capability and political support at the village level.

Both village chiefs and provincial land chiefs have commented on the many ways of avoiding the provisions and intent of the landlord-tenant program. Even some of the village officials themselves in their capacity as "official landlords" of communal lands have violated these provisions by continuing a bidding system that was outlawed several years ago. A few of the sample villages in which there is strong leadership have what appears to be a moderately effective landlord-tenant program.* In general, however, there is no evidence of even a reasonable degree of success throughout the country in this program. The lease contract provisions are basically well-conceived except that they have the major failing--that they are difficult to enforce in this environment.

One expedient that has been suggested is to have the GVN act as an intermediary in the collection of rents. In the SRI Village Administrative Chief Survey, respondents were asked: "If the GVN started a new rent control program designed to prevent landlords from collecting rents which are legally too high, could the Village Council and the Administrative Committee, with additional staff, collect legal rents and send them on to the landlords?" Twenty-eight out of 37, or 76 percent, answered "Yes"; 6 or 16 percent said "No"; and three gave no answer. However, it should be noted that this procedure would introduce many additional opportunities for corruption in administration (see the section on Study of and Reduction of Opportunities for Corruption later in this chapter). Also collection by the village officials for absentee landlords, as currently authorized, has not been successful (see section on Uncultivated Lands later in this chapter and Chapter 3, Local Administration).

To summarize, it would appear that the following internal or administrative inadequacies (aside from lack of security and the inherent difficulties in enforcing this type of program) have contributed to the lack of greater progress toward the stated goals:

1. Inadequacy of Village Committees (either not established, inactive, or not trained) and failure to reconstitute records lost or destroyed.

2. Administrative failure (at the central level) to implement or clarify regulations and, where appropriate, to seek needed changes in the legislation.

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

3. Lack of timely supervision (both at the central and province levels in allowing the Village Agricultural Committees to become dormant and in not following up to see that contracts were promptly renewed and records re-established.

4. Shortages of funds and personnel. It may be noted that some of the funds supplied in the 1966-67 USAID program were used to hire employees to accomplish a census of tenant contracts,* and it may be assumed that without these funds, progress very likely would have been nonexistent.

Uncultivated Lands (Ordinances 7 and 28)

The current objective is recultivation of all lands not cultivated during the previous cropping season.

The discussion of landlord-tenant relationships applies equally well to the rental arrangements for uncultivated lands. For the lease arrangements on uncultivated lands (B and C type contracts), there is a provision that allows village officials to collect rents and forward them for safekeeping for the owners. In response to survey questions about such rent collection only 8 percent of the sample of 37 villages said that the village officials actually collect these rents, and over 50 percent of the villages gave no answer at all. The sizable "no response" category indicates distinctly that this is a subject about which village officials would rather not talk.†

Land Expropriation and Redistribution (Ordinance 57 as Amended)

The objective is expropriation of privately owned riceland above 100 hectares, or 115 hectares, including 15 hectares for ancestral worship, combined with government compensation and distribution (sale) to small farmers,‡ giving first priority to tenants (with or without a contract).

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

† SRI Village Administrative Chief Survey, Appendix C.

‡ Aiming at an average of three hectares or "three to five" hectares per family, depending on which part of the regulations one is looking at (see Chapter 2, Working Papers, Volume I, Part 1).

As of July 15, 1968, the redistribution of expropriated land in cultivated, uncultivated, uncultivable, and unclassified categories is shown on the left side of Figure 10. A breakdown by number of farmers and hectares involved is shown on the left side of Table 7. Redistribution of this land in terms of years, 1958 to 1968, is shown on the left side of Figure 11. Figure 12 shows redistribution by province (black area distributed, grey area undistributed). The net effect presented by Figure 10 is generally favorable--267,000 hectares of expropriated land (59 percent) have been redistributed. However, Figures 11 and 12 present a different picture. Figure 11 shows that expropriation and distribution of Ordinance 57 lands were effective up to 1962 (54 percent), but that only 1 percent was redistributed in 1963-1967, with the government doing a little better (4 percent) in 1968. Adding to this slowdown is the scattered, uneven effect, as shown in Figure 12; from the standpoint of some villages and provinces, the distribution and hence the impact on the population has been very uneven. Although some areas have experienced considerable progress, in others, there has been little or no progress (see maps in Appendix E).

With just 59 percent of the lands that were expropriated in past years distributed (81 percent of the cultivated land), this program could be considered, at best, only partially successful. Title distribution has been less successful, with less than 15 percent of those receiving lands having received permanent titles. Much of the undistributed expropriated land is apparently in areas that are under control of the Viet Cong. (See Volume III.)

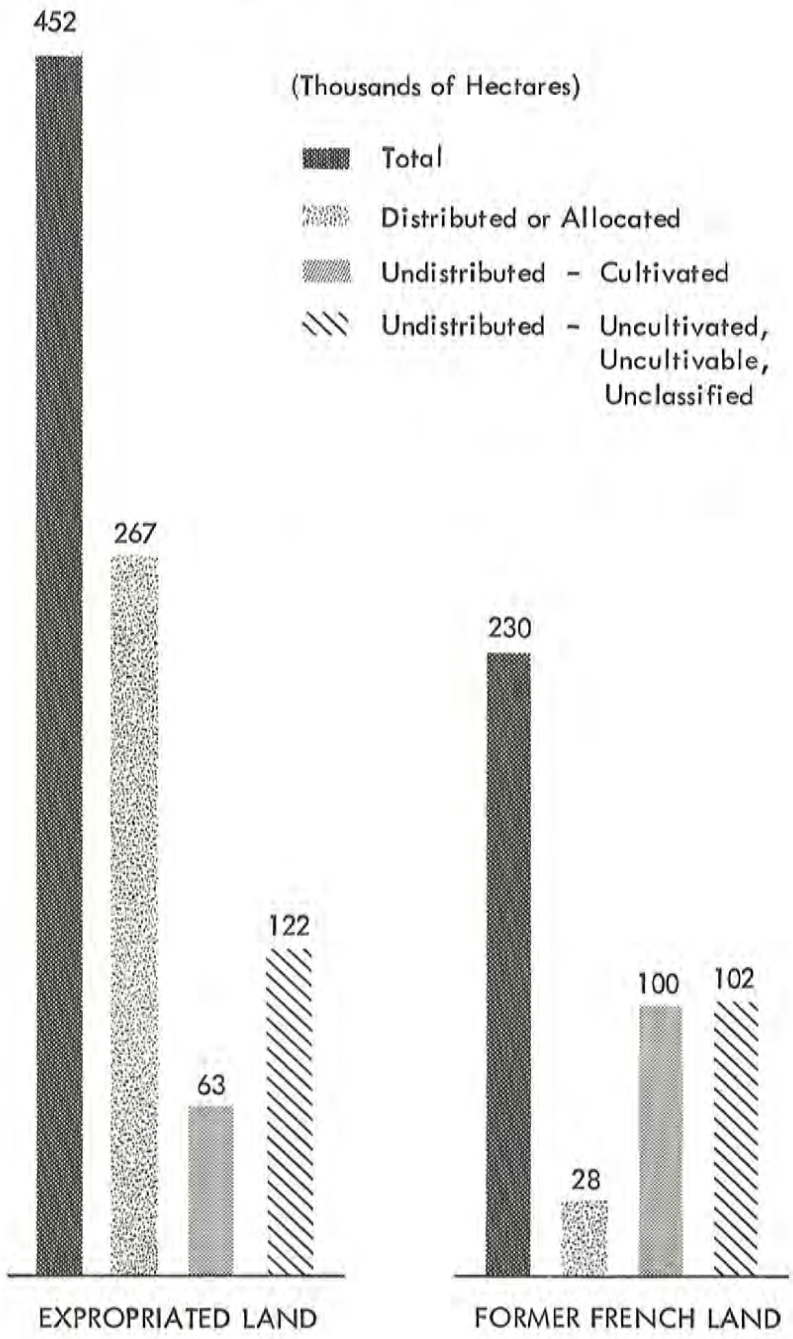
Retention Limits

Actual expropriation of lands under Ordinance 57 is thought by most people to be complete. However, several provincial land service chiefs have voiced the opinion that other lands should be expropriated but have never been declared. They say that because of (1) the condition of the records and the dispersion in more than one province of the holdings of any one individual; (2) land recorded as "combined nature" (rice, garden, residential, and worship), of which no one but the owner knows how much is in rice; and (3) lack of security, they have been unable to check undeclared holdings except in the case of very large landowners.

This matter was investigated in the Village Administrative Chief Survey and the Provincial Land Service Chief Survey by comparing information contained in the 1966 tax records with information in land registers. The Survey found many instances of owners who were recorded as holding more than 115 hectares of land (100 hectares plus a maximum of 15 hectares of worship land), and a special record made of these cases because of the possible violations of Ordinance 57 which the data might reflect.

Figure 10

STATUS OF DISTRIBUTION OF GOVERNMENT OWNED LAND
AS OF JULY 15, 1968



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

Table 7

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

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

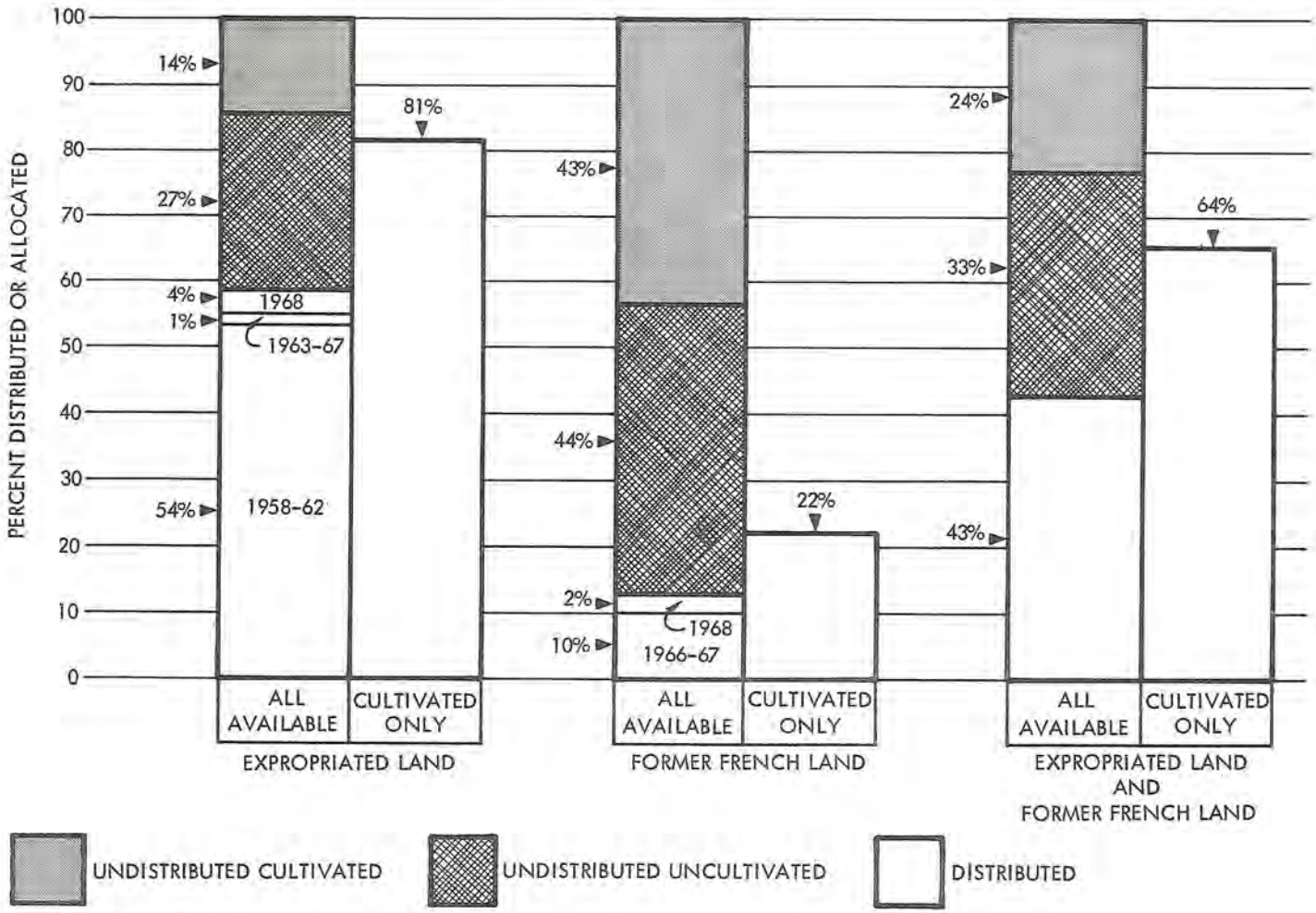
* Allocated means applications for purchase have been received, approved at Village level and being processed further.

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

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

Figure 11

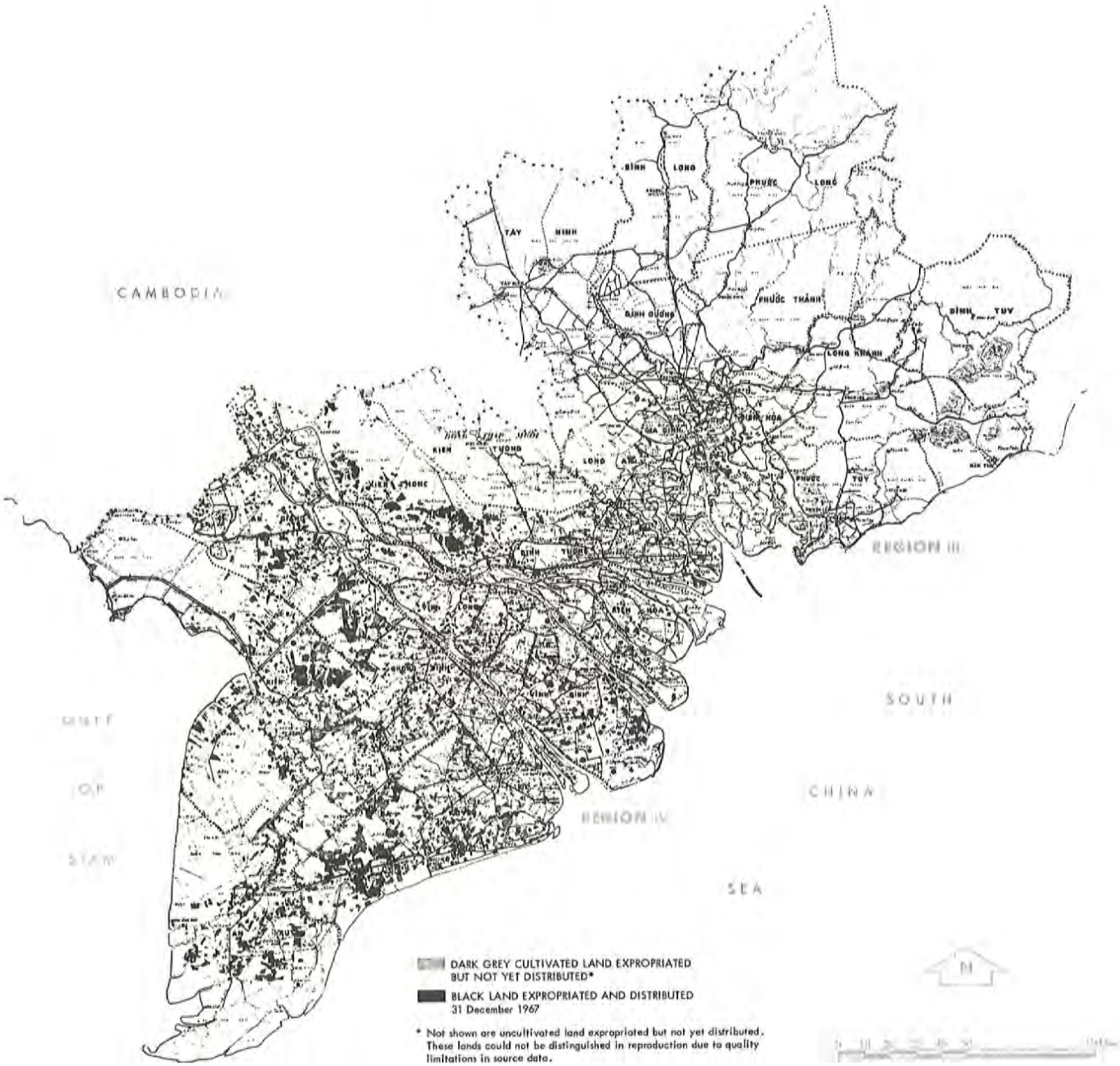
PERCENTAGE OF GOVERNMENT OWNED LAND DISTRIBUTED
AS OF JULY 15, 1968



SOURCE: Table 7 and Figure 10.

Figure 12

LAND IN REGIONS III AND IV EXPROPRIATED UNDER ORDINANCE 57
Republic of Vietnam



However, because of the legal complexities in implementation and many possible explanations, it was impossible to determine definitely from the statistics available whether the 100 hectare limitation is being evaded. Hence, the team made some spot checks in Bac Lieu and An Giang provinces to shed additional light on this situation. The tax records revealed quite a substantial number of cases of ownership in excess of 115 hectares. These cases were examined in some detail to determine the reasons for their existence and character of their status.*

Altogether in the two Delta provinces checked, 15 landlords had riceland apparently in excess of the retention limit. Only ten of these landlords had declared their excess lands for expropriation. Five had made declarations more than 7 years ago while five had made declarations less than one year ago. Whether these last five declarations are new cases is not known. The remaining five cases apparently were recorded in land registers with no mention of expropriation. The accuracy of the registers is not known. The land may in fact have belonged to more than one person not recorded in the register; there is the possibility of illegal retention, but this is not known.

Three cases where both husband and wife had retained 100 hectares were observed in land registers. These could, of course, be legal. Another three cases of excessive holdings were recorded where the heirs had died many years ago and the heirs awaited partition of the lands. These cases could also be within the law.

The team also sought information about the problem of large holdings in the Absentee Landlord Survey. In this Survey, nine landlords said that they owned between 116 and 300 hectares of riceland. Another seven landlords stated that they owned over 300 hectares of riceland. Of these, four stated that the land was under Communist control and had not been expropriated; four had converted their ricelands to growing other crops which were exempt from expropriation; three admitted that their land was not registered; two admitted that the husband and wife had managed to keep their ownerships separately (possibly in different provinces?) and these lands have not been expropriated under joint totalling; two said that they have unexplainedly managed to retain more than the prescribed 115 hectares including the category of "worship land." In addition, eight admitted that they had been able to transfer land to relatives before expropriation could take all they held in excess of the legal limits. How many cases of subterfuge occurred could not be determined. (For further discussion, see Working Papers, Volume IV, Part 1.)

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* See Appendix F for discussion of the cases found by SRI.

The surveys showed that there are unexpropriated holdings in excess of the legal limit. Some, or possibly most, of these may fall within one or another of the many loopholes provided in the law as implemented. The magnitude of the problem is unknown and its size will be very difficult to determine, but there is some indication that the problem does exist. It appears that administrative follow-up has been spotty, in some cases apparently quite slow, and that possible legal loopholes need to be reexamined.

The nature and condition of land ownership records in Vietnam are such that it is unreasonable to expect, under present conditions, that the government should be able to identify every landowner who has holdings in excess of the retention limit. This is not said critically, because to accomplish such identification would require of Vietnam a degree of sophistication in recordkeeping yet to be achieved in almost any other country, including the United States. For example, it is not possible to get a list of names of persons who own more than 300 acres in the state of California.

This does not mean that it is impossible to improve on the current situation or that improvements could not have been made in the past. One attempt at such an improvement was made in 1960 with a "name card" system that was established in the Provincial Land Service offices. The name cards were supposed to bring together in one place all of the holdings of one individual in one province. Field observation indicates that this program has not been well-implemented.

Redistribution

The distribution of expropriated lands was not encouraged by the policy of allowing provincial officials to rent out such undistributed lands to provide additional income for the government. It seems curious that lands that are secure enough to rent and collect rental income from are not secure enough to be distributed.*

Until recently, Ordinance 57 lands have been the chief source of lands for distribution to tentants. The initial progress and rapid decline in the program can be seen from the annual distribution figures tabulated below.

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* The amount of such land rented out is unknown. (See SRI Village Administrative Chief Survey, Appendix C for more details.)

Year	Number of Peasants Allowed to Buy Lands
1957	34,260
1958	23,738
1959	42,640
1960	5,725
1961	4,537
1962	2,191
1963	1,038
1964	843
1965	1,037
1966	318
1967	508
	116,835*

The progress in the first three years was followed by a sharp drop in 1960, a steady decline through 1964, a brief recovery in 1965, an all-time low in 1966, and a slight increase in 1967. As the Director of Land Reform told the January 1968 Land Reform Conference,

> In the early years of the implementation of Ordinance 57, owing to the security, facilities and abundant fields, the distribution of ricelands and land distribution certificates yielded good results.†

He pointed out some of the difficulties and obstacles encountered in recent years that have hampered progress, classifying them as "exterior" (insecurity, enemy sabotage, timidness of peasants, and so forth) and "interior"--with which we are more concerned here. Under this heading he listed six items: (1) technical matters, distribution facilities, operative procedures; (2) complicated techniques of surveying and distribution; (3) lack of a sense of urgency on the part of local administrative authorities in the provinces, districts, and villages; (4) lack of coordination among supporting agencies responsible for civic action, information, propaganda, and security; (5) diversion of provincial land services to other projects by the province chiefs' offices, with a consequent lowered output; and (6) shortage of funds, facilities, and personnel.‡

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* From address of the Director of Land Reform.

† Ibid.

‡ Ibid.

This appears to cover some but not necessarily all of the internal obstacles and difficulties. Apparently included under 5 above are not only routine land administration tasks connected with private sales and so forth but also extraordinary jobs assigned by the province chiefs such as construction of strategic hamlets before 1964 and electoral organization in 1967.*

Also, the list might be expanded somewhat if the responsibilities of the central agencies were included. Here there is an obvious overlap between problems discussed under other topics, e.g., lack of timely supervision and failure to implement or clarify laws and regulations mentioned above and in Chapter 4; organizational and procedural problems discussed in Chapter 2 and in the section on Records in Chapter 4 (also Chapter 3, Local Administration); personnel problems (including lack of adequate training) mentioned in Chapter 5; and inadequate external assistance, described in the section on U.S. Organization and Programs in Chapter 6. It is obvious from this discussion that lack of a sense or urgency as well as other related shortcomings extended to some extent to the central agency as well as the local agencies.

At the January 1968 Conference, the Director of the Land Reform Directorate sought to overcome some of these difficulties by directing immediate efforts toward the accomplishment of two urgent tasks (1) distribution to the peasants of the 187,830 hectares of cultivated and uncultivated lands then remaining and (2) distribution to the peasants personally of the accumulated 100,948 titles that had already been established and forwarded to the provinces (the provinces having distributed only 15,235 titles out of the 116,183). He outlined in some detail priorities and ways that each task should be done to adapt to "the present security situation and politics," e.g., to simplify to a minimum the procedures for distribution (based on administrative distribution first, followed by cadastral survey later, rather than the reverse, and on taking cultivated lands first, and then the more difficult uncultivated lands problem). For the title distribution, he suggested turning over the actual distribution to the local administrative authorities and having them assume the responsibility for the main part of this task.†

The 1968 Land Reform Conference took the following actions concerning Ordinance 57 lands:

1. Recommended the simplification of administrative procedures to accelerate distribution of prepared titles.

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* Notes by Nguyen Van Thuan, Survey Specialist, SRI, March 3, 1968.

† Address of the Director of Land Reform.

2. Resolved to entrust to the local administrative authorities the distribution of titles.

3. Approved the program and plans proposed by the Speaker, the Director of Land Reform, in his speech.

4. Resolved to entrust to the responsible provincial administrations the estimating of the remaining work load, the time required for each phase, and reporting to Land Affairs Central Office in accordance with the President's instructions.*

The first two actions relate to procedures to accelerate distribution of prepared titles and appear to be basically sound. The third and fourth actions are the most important in that the speech provides the basic outline for an entire program for land distribution as indicated above and the last outlines a procedure to get the work going.

Several observations should be made on the actions so far taken and those proposed. With regard to the land distribution task, it seems evident that the lack of progress in distributing land during the past six years cannot be attributed entirely to the lack of security. Only three points need to be noted here: (1) as the Director of Land Reform himself implies, much of the remaining land is and has been under cultivation by tenants who are and have been paying rents thereon; † (2) during those same six years an average of 10,000 hectares a year has been surveyed or 60,000 hectares‡ as against only 13,600 hectares distributed during that time; and (3) the Directorate General of Land Affairs has previously

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* Airgram to AID/W A-4786, op cit.

† Address of the Director of Land Reform (first priority in distribution is to go to cultivated lands where contact with the peasants can be made and land rents can be collected). The Director informally estimated that approximately 20 to 25 percent of all land remaining to be distributed are in secure areas (Interview, op cit); also, as noted in Chapter 2, Working Papers, Volume I, the November 1961 Circular allowing provincial authorities to rent out undistributed land and retain 40 percent of the rents may have countered any incentive on the part of the province chiefs to distribute the lands. As with former French lands, this may also have fostered corruption in village, district, and province administrations as indicated by the former Minister of Land Reform and Agriculture (see French lands, below).

‡ See the section on the Surveying Bottleneck, in Chapter 7.

specially authorized the use of plane table surveys or "sketch overlays" rather than strict cadastral surveys in an effort to deal with lack of surveys in poorly secured areas.*

The general plan presented appears to be reasonable, but the proposed changes in procedure may not produce a much higher rate of productivity unless accompanied by some other major improvements in the area of public administration not only at the provincial and village levels, but also at the central level, such as (1) a drastic simplification in the currently cumbersome procedures; (2) some increased decentralization of authority and responsibility; (3) a more dynamic leadership generating improved performance at all levels; (4) better control mechanisms; (5) improvements in personnel especially in quality (including training), in the problem of trained personnel being drafted each year, in allocation of personnel, and in per diem for mobile working groups; (6) increased funding for salaries; (7) more effective coordination among agencies at every level--especially with those of the Ministry for Revolutionary Departments; and (8) additional equipment, especially transportation, in the provinces and photogrammetric equipment to speed up land identification.

Former French Lands (Official Circular No. 9277-BCN/HCTC. 3, dated August 23, 1965)

The policy objective for former French lands was first to make them communal lands, then "temporarily" turn them over to province chiefs for management (rental), and finally in 1965 to allocate them for sale under procedures similar to those used for Ordinance 57 (maximum of three hectares of transplanted riceland or ten hectares of broadcast riceland).

The process of distribution and the status of distribution of former French lands are shown on the right side of Figures 10 and 11, and in Table 7. Figure 13 shows the location of these lands; for more detailed information, see maps in Appendix E.

A very poor record was attained with these lands until 1967 when a beginning was made (10 percent of the roughly 230,000 hectares).†

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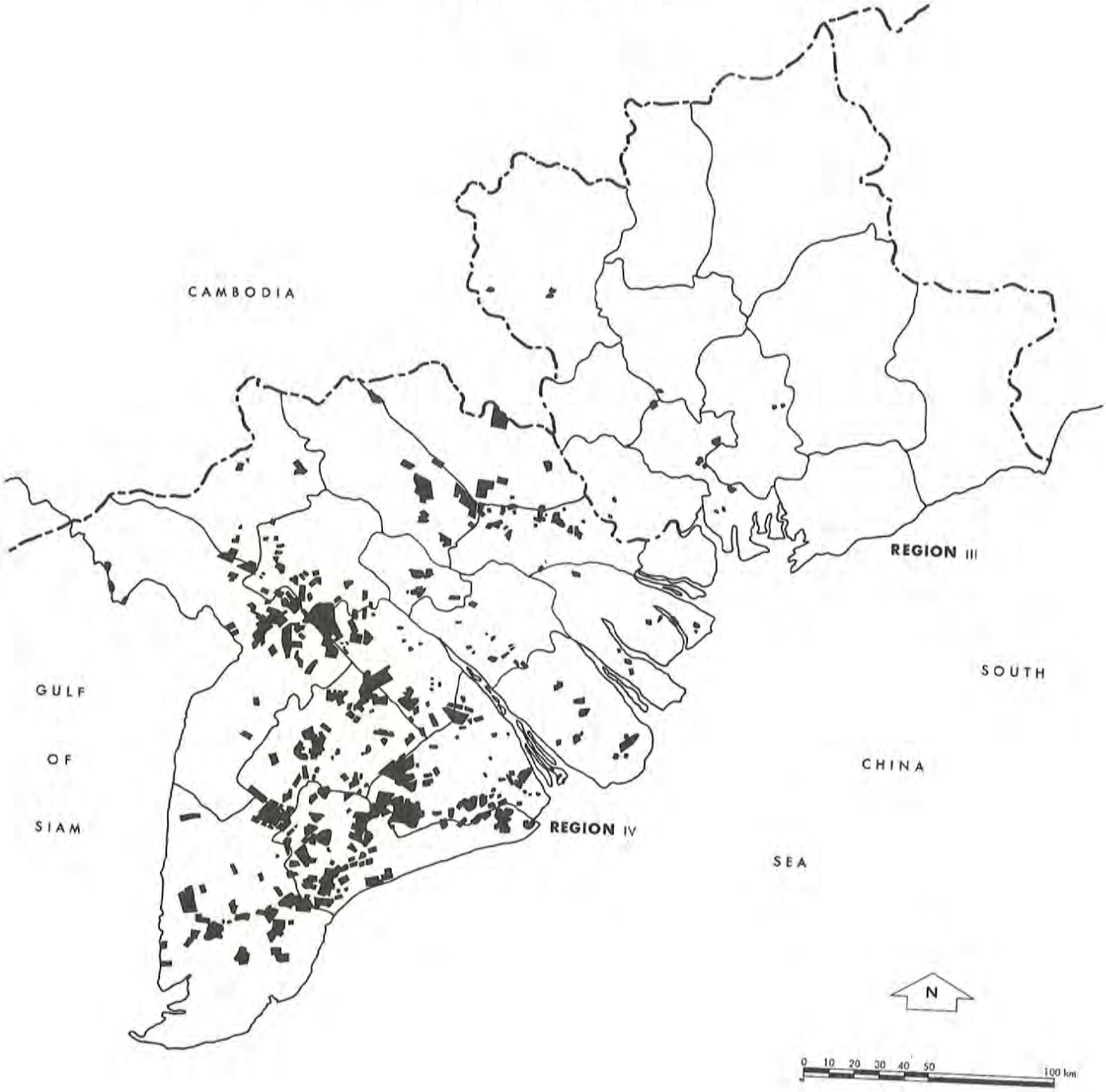
* Interview with the Director of the Land Registration Directorate.

† Address of the Minister of Land Reform and Agriculture to the National Land Reform Congress, January 18, 1968 (Airgram, unclassified, from Saigon to AID/W·A-4786, op cit.)

Figure 13

FORMER FRENCH LANDS IN REGIONS III AND IV
Republic of Vietnam



An additional 2 percent was distributed in 1968, making a total of 28,000 hectares distributed out of 230,000--12 percent (Figures 10 and 11). A large portion of these lands have also been in Viet Cong-dominated areas. Information from 10 provinces indicated that approximately 75 percent of these lands located in those provinces were in insecure areas. The aim for 1968 is "10 to 15 times higher than the one carried out in 1967 in case our Ministry should be provided with more personnel."*

Until the last two years, the chief difficulties have been in the policy area with the central government having difficulty in making up its mind on what to do with these properties. (See Chapters 2 and 3, Volume I.) However, even when it decided in 1965 to sell the land to farmers under the same procedures as for Ordinance 57 lands, very little happened for two years, and only a modest beginning was made in 1967.

The difficulties and obstacles described are very similar to those with Ordinance 57 lands (both external and internal). The bulk of this land lies in insecure areas, but more than one-third of the cultivated acreage is estimated to be in "relatively secure" areas.† Therefore, the deterioration in the security situation seems not to be the only reason for lack of progress--at least for an appreciable percentage of the lands (estimated at 36,000 hectares of which all but 6,000 is cultivated).† Rather the delay probably should be charged equally to the same administrative factors discussed earlier for Ordinance 57 lands. The legal

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* In a briefing address March 13, 1968, to officers being trained for administrative duties in the Southern Region, the Minister indicated a goal of complete distribution of undistributed former French lands and Ordinance 57 lands in 1968.

† The estimated breakdown given at the end of 1967 was as follows:

Of cultivated acreage located:

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

Of uncultivated acreage (poor, unreclaimed land) located:

• In relatively secure areas	About 6,000 hectares
• In insecure areas	About 95,000 hectares
Total	218,000

(Notes by Nguyen Van Thuan, SRI, on the discussions at National Land Reform Conference.) For further discussion, see Volume IV.
In figures released by the GVN as of mid-July 1968, about one-half (100,425) of the then remaining 202,000 hectares was listed as cultivated (Table 7).

provisions for permitting the provinces to rent such lands and retain part of the income may have been more of an inhibiting factor in this case than with the Ordinance 57 lands, because many of the French lands were in larger blocks and the land rentals are handled by the office of the province chief and not ordinarily by the provincial land service office.*

The resolutions that follow regarding former French lands were adopted by the 1968 Conference.† Comments as appropriate follow each resolution.

1. The former French lands will be distributed in accordance with the same procedures as those for Ordinance 57.

   See Ordinance 57 discussion above.

2. Exemption of rent for tenants who have submitted application for purchase. This exemption will be voted from the date this application is approved by the Provincial Land Distribution Committee.‡

   There has been little incentive for provincial officials to encourage the distribution of these lands while they were able to collect rents from them for the provincial and national treasuries. The resolution is, on the surface, a beneficial one and should assist in the distribution of these lands. However, one element in the resolution provides a loophole that could be used by provincial officials to delay seriously implementation of the program--that is, that the date that the land becomes exempt from rent is the date on which the application for purchase is approved by the Provincial Land Distribution Committee. This means that committee approval results in a reduction of provincial income.

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* Interview with Mr. C. T. Chuong, SADLR Office, March 16, 1968. In a March 13, 1968 speech the former Minister for Land Reform and Agriculture indicated that the decision not to distribute former French lands was a mistake and said "it created corruption in villages, districts and province levels." (Lecture at a refresher course, March 13, 1968.)

† See Airgram A-4187.

‡ This recommendation was implemented by Circular No. 2295 BCC/UCTC/3, Ministry of Land Reform and Agriculture, dated March 20, 1968. The amount of rent is to be considered as an advance payment for the land purchase.

The rent exemption should become effective on the date that the application is filed (obviously if the application is disapproved, the rent exemption would not apply).

3. Free distribution of unallocated lands or uncultivated lands to war refugees, widows, and orphans of former military, cadre, and administrative personnel and to able and disabled war veterans (priority to be determined) should be undertaken.

   This resolution, although admirable in intent, has one serious fault--the omission of any requirement that these people also be farmers. Without such a requirement, this sets up a group of landlords at the expense of farmers and leaves the latter still as tenants. It would be much better to reward or compensate these individuals in other ways such as the granting of house plots of land or an outright monetary grant rather than rewarding them in direct conflict with the intent of the land reform program.

4. It is not necessary to strengthen existing committees for control of cultivation because they are competent (presumably the Village Agricultural Control Committees).

   SRI's Village Administrative Chief Survey does not verify the assumption implicit in this resolution that the committees are all functioning. SRI's survey indicated that two-thirds of the villages did not have active committees.*

5. Ask the government to assist farmers to create agricultural cooperatives, farmers unions, and so forth, to maintain irrigation plants that exist on former French lands.

   This recommendation strikes at a very critical part of the overall development program that must accompany a land reform program--the development and encouragement of associations and groups that provide the farmers with the opportunity for organized action in their own behalf.

6. Request the cooperation of Revolutionary Development teams in the distribution of former French lands because land reform is a part of Revolutionary Development.

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* See SRI's Village Administrative Chief Survey, Appendix C.

This is an excellent suggestion that should be put into effect not only in relation to former French lands but also in the entire land reform program. However, on an operational level, it may be that difficulty will be encountered in the implementation of this suggestion in that the land reform program is implemented through the provincial and village levels of administration while the Revolutionary Development teams operate primarily in the hamlets, are supervised by the provinces and districts, and may not have the required control, supervision, or coordination with the village authorities.

Concession Lands Occupied by Squatters (Official Circular No. 16601b-BCTNT/HCTC.3, dated November 24, 1964)

The policy objective in this case is to give squatters who occupy government lands ownership rights free of charge (for up to 10 hectares).

Very little squatter-held land appears to have been distributed (only about 641 out of 275,000 hectares up to the end of 1967).* In 13 provinces, Provincial Land Chiefs could give little or no information on the amount of land held by squatters. The reason usually given was that they did not know about squatters until the squatters wished to regularize their holding by filing an application with the Land Office.

Little was done to regularize squatter-claims until 1963, and it was not until late 1964 that a procedure was promulgated under which squatters actually occupying government lands of up to 10 hectares would receive definite ownership rights. Out of 180,000 refugees occupying public and private land for the purpose of dwelling and raising crops, 33,668 have been identified as occupying 275,000 hectares of lands, including 90,668 hectares of cultivated lands.† Some or all of these farmers are apparently eligible to purchase land. However, by definition, a squatter is a person who is holding land without benefit of the legal formalities. Therefore, without a special continuing census of such situations and administrative help in submitting applications, it does not appear reasonable to expect that there will be accurate records on such persons.

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* See Chapter 3, Volume I; this figure was increased to 3,052 hectares in the July 15, 1968 Monthly Report of the Land Reform Directorate.

† See Chapter 3, Working Papers, Volume I, Part 1.

Most of the difficulties cited for the distribution of other types of lands apply here as well. At one time security should not have been much of a problem, since most of the squatters were refugees from the Communists and settled where they thought they were secure. However, this situation may have changed in the past year or two.

Very little of this land has been surveyed* and the administration and documentation prescribed are fairly complex.† Drafts of decisions and lists of squatters' names, after being approved by the province, must be forwarded to the Ministry of Land Reform and Agriculture for approval. It would appear that the "administrative" distribution procedures now applicable to Ordinance 57 and former French lands should also be considered for these lands.

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

Although the squatter problem was not given the same emphasis as the problem of former French lands, progress on both during the 1966 and 1967 years was approximately the same.

Land Development and Refugee Resettlement Center Lands (Arrêté No. 021/65, dated October 8, 1965)

The policy objective concerning these lands is to give to Vietnamese citizens located at Land Development and Refugee Resettlement Centers ownership rights to government-owned land that the citizens actually farm.

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* See section on the Surveying Bottleneck in Chapter 7. To the end of 1967, 8,019 plots consisting of 5,219 hectares had been surveyed, mostly in the Delta and the Central Highlands with only 489 hectares in the Central Lowlands. (Speech of the Director, Technical Directorate, January 1968, Land Reform Conference.)

† See Chapter 2, Working Papers, Volume I Part 1; also Appendix C, Working Papers, Volume I, Part 2, Arrêté No. 705, dated November 24, 1964, and No. 405, dated July 28, 1965.

About 14 percent of the land in Land Development Centers appears to have been distributed (about 21,000 out of 149,000 hectares). While the GVN still carries 220 Centers on its books, in reality it is only supporting one center, Cai San, located in An Giang and Kien Gian provinces.*

This program was highly ambitious and it had a good beginning, with 210 Centers established initially. The United States assisted up to 1962 with heavy land-clearing equipment.† However, success was dependent on the ability of the GVN to defend the Centers. Because of their remote location, they were made targets by the Viet Cong very early.

The Land Development Center idea appears to have good potential for development of land; however, the reasons for the failure of so many of them should be carefully studied for purposes of future planning.

On the subject of distribution of land to North Vietnamese refugees in Land Development and Refugee Resettlement Centers, the 1968 Conference resolved that: "It is highly important to expedite the issuance of titles to lands that are not in contest among lowland people and Montagnards. As to contested lands, further study to determine their just distribution is necessary.‡

This resolution recognizes the problem of lands of which the ownership is not clear because of the traditional ownership of the Montagnards. Urgent attention to this problem is needed. The Conference also endorsed the importance of expediting legalization of occupancy by both lowland people and Montagnards of lands that are not in contest.

With regard to recent refugees, the Conference resolved:

1. "Lowland Vietnamese: Distribute agricultural lands to genuine farmers and only sufficient land for housing to nonagricultural people.

2. Montagnards: Orient them from nomadism to more settled agriculture and assist them in adopting new practices.

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* Chapter 3, Volume I; to the figure for Land Development Centers should be added 62,030 hectares of land that have been cleared for agricultural use by refugees in refugee centers. How much of this land has been distributed is unknown.

† See section on U.S. Organization and Programs in Chapter 6.

‡ Airgram A-4786, op. cit.

3. In general, because of the temporary character of the new refugee settlements, it is not recommended to distribute full ownership during wartime."*

Distribution of agricultural lands to "genuine farmers" only is a strong point, which deliberately avoids the creation of small landlords. The recommendation to orient the Montagnards to a more settled agricultural existence is a continuation of the present GVN policy.

The third portion of the resolution, which recommends against the distribution of full ownership during wartime in the refugee settlements, is a point that could completely negate the positive character of the resolution. This is exactly the type of provision that the Viet Cong used so effectively in the past to undermine the psychological impact of the land reform program before it was decided to issue full titles to distributed expropriated land in August 1965.

Communal Lands (Official Circular No. 9273 - BCN/HCTC.3, dated August 23, 1965, Official Circular No. 5619-BCN/HCTC.3, dated May 27, 1966)†

The policy objective relative to these lands is to bring communal lands under the landlord-tenant controls of Ordinances 20 and 2, with the village as landlord (this would replace bidding for these lands with Type A contracts and make communal land available to persons in war-related activities in preference to any present pattern of use).

The guidelines of this action are very detailed but implementation has been spotty so far; 10,000 contracts covering 9 percent of the 221,000 hectares of identified communal land‡ have been made, but rents in many cases may have exceeded the legal limits.§

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* Ibid.

† Also see J. P. Gittinger, "Communal Land Concepts in Recent Vietnamese Policy," Center for Development Planning, National Planning Association, M-8727, May 1966.

‡ See Chapter 3, Volume I. This figure was increased to almost 21,000 contracts covering 10 percent of the lands in the July 15, 1968 Monthly Report of the Land Reform Directorate. Six out of 37 villages in SRI's Village Administrative chief survey still used the bidding system, which was outlawed in 1966.

§ See Hamlet Resident Survey, Working Papers, Vol. IV, Part 2.

Lands Where Government Authority Has Been Re-established ("Confused Lands") (Official Circular No. 11.000 - BC.KH/4G, dated December 15, 1965; Instruction No. 61-TT/XD, dated March 28, 1967)

The policy objective for these lands is to regulate the settlement of disputes over lands on which the Viet Cong has settled persons other than those claiming to be the ones lawfully entitled to possession.

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

In this case, the problem relates to both policy and administration. The confused lands problem is one of the most critical ones to be solved; however, it was not even on the agenda of the 1968 Conference. If it was discussed, no resolutions were taken on it.†

It is known that the Viet Cong has redistributed a substantial part of the land originally distributed by the GVN--some estimates range as high as 40 percent.‡ The Special Assistant to the Minister for Revolutionary Development stated that land reform efforts should be focused on the confused land areas; however, there is some evidence that when the GVN reoccupies an area, it seems to accept the status quo and does not try to disturb the pattern of occupancy established by the Viet Cong. Much more information is needed on this problem, but it seems to be an area where both policy and administration urgently need attention.

Montagnard Lands (Decree Law No. 034-67, dated August 29, 1967)

The policy objective for these lands is to define the basic rights of minorities and especially to respect the ownership rights of people of the Central Highland (Montagnards).

On August 29, 1967, the GVN issued the decree law defining the ownership rights of the Montagnards and it indicated that subsequent regulations would be issued. However, these have not been issued as yet.

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* See Chapter 2, Working Papers, Volume I, Part 1.

† Airgram A-4786, op cit.

‡ Notes by Nguyen Van Thuan, March 12, 1968.

The decree law stated that "the highlanders' land ownership right is recognized." It also confirmed the highlanders' ownership of lands they have settled, gave highlanders ownership of lands cultivated in rotation, pledged issuance of titles, and stated that the Ministry of Agriculture will fix the maximum area of rotative cultivation for each family.* Thus far, none of these has been implemented.

The Montagnard land problem was discussed at the 1968 Conference, but apparently no agreement could be reached at least on the rotative cultivation aspects. The Conference resolved: "To carry out the implementation of Ordinance 3467 granting cultivated lands to Montagnards. But on lands where rotative and nomadic agricultural practices are used, further investigations by a joint Cabinet Committee are recommended (interministerial), because there are different opinions on it."†

The entire subject of Montagnard lands has been in dispute for many years and unless an equitable solution is found shortly, circumstances may preclude such a settlement.

Measures to Develop Functions and Services Related to Land Reform

One of the resolutions of the 1968 Land Reform Conference dealing with former French lands requested the GVN to assist farmers to create agricultural cooperatives, farmers unions, and so forth, for the purpose of maintaining irrigation plants on Former French lands. The last subject considered by the Conference was a related subject, the establishment of a land bank. This resolution reads: "The NARC unaminously recognizes the necessity for efficient land reform support and requests the GVN to produce a clear and efficient agricultural credit policy to support land reform activities. If necessary obtain foreign assistance in this field."

The above resolution recognizes the necessity for developing related functions and services in addition to a strong land reform program. Perhaps it is appropriate to suggest that the Ministry of Land Reform and Agriculture encourage and take steps to ensure the development of overall agricultural improvement policy in all areas that would contribute to the success of a fundamental land reform program. Elements of agriculture

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* Decree Law No. 034-67, dated August 29, 1967; see also S. C. Lowman. formerly CORDS Liaison Officer to SADLR, Land Reform Position Paper, dated January 15, 1968.

† Airgram A-4786, op cit.

such as credit, cooperatives, seed improvement, fertilizer use, irrigation, and farmers' associations should be coordinated to help improve the situation of the small farmer, which is the goal of the land reform program. SRI's surveys disclosed that the availability of credit, for example, was a matter of great concern among Vietnamese farmers.*

The need to develop ancillary functions and services along with land reform is an argument for retaining the land reform function either within the Ministry of Land Reform and Agriculture or closely associated with it.

Reduction of Opportunities for Corruption

Collection of detailed data on corruption is virtually impossible, but the possible impact of widespread corruption on the administration of land reform programs must be mentioned. Unfortunately, it seems quite clear that the stories of generalized corruption are true; President Thieu himself has referred to corruption as a "national disgrace,"* and the new cabinet appointed in May 1968 was referred to by the GVN as an "anticorruption cabinet."

In this regard, the specific, affirmative acts that are required of administrative officials in a particular program of land reform must be identified to determine if there are means of ensuring that these acts do not become the occasion for requiring payments or other actions by the intended beneficiary of the program. As simple an act as filing an application to purchase former French-owned lands could become enmeshed in extra-legal official interests. Questions in this connection are: Does the applicant, who is very likely illiterate, have to pay a substantial "fee" to get the application filled out? Does he have to pay to have it "accepted" by the official charged with receiving such applications, or "approved" at higher levels? Does part of the process require his receiving a "title document," for which he may also have to pay? Is there a local official collecting "rent" on the land, rent that he may not even report to the central government? If a dispute arises (more likely in the landlord-tenant contract area), does the

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* See Hamlet Resident Survey, Working Papers, Volume IV, Part 2.

† An AID progress report distributed to Congressmen in 1968 to support its request for funds for the next fiscal year stated: "First, there is a shortage of skilled personnel in government ministries; second, there is widespread corruption." An unnamed U.S. adviser recommended at about the same time that AID abandon "weak-kneed and pussyfooting measures" and launch a strong campaign against corruption in South Vietnam.

disputant have to pay a fee to get his complaint written out, filed, or adjudicated fairly?

In cases where the recipient is supposed to pay for his land, is the collection of payments sufficiently regulated to assure that excessive payments are not collected and that all payments received are reported and properly credited? Do circumstances exist in which the recipient may have to apply for an official loan? If so, does he have to pay "fees" in connection with the filling out, filing, or approval of his application? Is the loan "discounted" beyond the proper interest rate?

Some of these practices were widespread in early U.S. history, and it would not be surprising if some of them were prevalent in Vietnam. Cumulatively, they could destroy particular programs of land reform or make those programs unavailable to all but wealthy farmers.

President Thieu has replaced regional, provincial, and district leaders in an effort to cope with the problem. Another important step would be a review of the procedural requirements of the land reform laws to make them either self-executing insofar as possible or based on minimal documentation. This step should have high priority on the list of anticorruption measures required, as should a step that would reduce the necessity for such a large and complex bureaucracy to administer the laws.

Other steps that would discourage corruption would be adequate salaries for officials to keep pace with inflation, and adequate sources of revenues for villages and provinces so that they would not depend on extra-legal procedures to provide requirements.

Chapter 9

MEASURES TO IMPROVE LAND ADMINISTRATION AND LAND REFORM

The current administrative structure contains many strengths and some of the usual weaknesses found in other developing countries, together with some unusual problems incident to the war and a complex, westernized system of land administration imposed on a somewhat undermanned, and partially inexperienced administration. Major strengths and weaknesses are discussed below.

Central Organization--Land Affairs

The central organization for the administration of land affairs has two major features related to the effectiveness of both routine and reform administration.

Place in the Hierarchy

There is some evidence that the current placing of the central land affairs organization may have limited its effectiveness somewhat; however, given adequate leadership and high level GVN and U.S. support, there is no real reason why it cannot successfully implement the currently planned program. The addition of Land Reform to the title of the Ministry of Agriculture may overcome some of the limitations inherent in the present placement in the hierarchy. If a more far-reaching program is contemplated, the placement of the organization should be reconsidered.

Adequacy of the Current Structure

Combination of the two essentially different functions of land administration and land reform in one organization is sensible since land reform is heavily dependent on land administration. It also is sensible, if the combined structure is not to have a separate ministerial status, to leave it in the Ministry of Land Reform and Agriculture, since both functions have obvious interrelationships with other agricultural functions.

Local Administration

The local administration has several functions and activities that need changing for better performance.

Effectiveness of Village Administration

As might be expected, there is a great disparity in the administrative performance of the many villages in Vietnam. Some have done well, especially when local leadership and technical support from the province have been provided, while others have performed poorly. However, this lack of effectiveness should not be construed as an inherent lack of ability of those in village administration. Village administration in Vietnam can do nothing but mirror the upper levels of government under the present organizational structure and stage of political development. Its functions, training, authority, programs, procedures, and control all come from the central and provincial levels. Thus, its effectiveness or lack of it is a direct result of the effectiveness or lack thereof of those levels of government.

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

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

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

The villages have a good capability for handling disputes. The villages seem to perform well in the settlement of disputes. Greater formalization of this function does not seem necessary at this point.

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

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

A highly practical way of initiating the rebuilding would be the formation of temporary provincial task forces that would go from one village to another as needed and give on-the-job training to village officials while assisting them in reactivating agricultural committees and reconstructing their records. This step would also provide a means to try out new programs on a pilot basis and revise them on the basis of actual experience before applying them country-wide. Additional village employees may be needed for the larger villages.

Village Organization

Although modifications might be suggested, there is nothing intrinsically wrong with the present organizational structure that would prevent the village administration from carrying out almost all of the programs discussed if the programs are appropriately designed and the central and provincial governments fulfill their appropriate roles in planning, training, technical assistance, guidance, and control. If the higher levels of government fail to fulfill their functions, village government cannot be expected to implement national or even local programs successfully.

Administration Reconstruction

A major barrier at present to the implementation of any land reform program is the condition of records at the province, especially at the village levels (this includes land registers, ownership maps, lease contract registers, and tax books). The inactive status of many Village Agricultural Committees is also a problem. The burdens of transient land reform programs, combined with the massive task of reconstituting an effective land administration, have been placed on a local administration that would in all likelihood be fully occupied in performing the routine tasks of land administration. It does not seem reasonable to expect adequate performance under these conditions.

Local Administration Finances

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

Cadastral and Land Registration Procedures

Although separate specialties, the close interrelationship of cadastral and land registration functions makes it desirable to consider them together. Successful land survey and registration programs at the village level for the whole of South Vietnam are not possible in the immediate future. The overall shortage of technically trained personnel in a developing country precludes any such program, and it is unreasonable to expect to develop such skills on the scale required in any reasonable period of time in the present context. (Consolidating and focusing these resources as well as other steps mentioned above could help materially.)

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

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

Lease Contract Administration

Except in a few isolated cases, the lease contract program has been generally unsuccessful, mainly due to the unenforceable nature of its provisions in the present environment. In one sense this program is ahead of its time in Vietnam, preceding the control mechanisms that are required for success.

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

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

Leasing of Communal Lands

Although successful in the sense that communal lands are rented out where security permits, the administration of the communal lands program does not always fulfill the intent of the communal land concept or the requirements of law (e.g., 6 out of 37 villages still use the bidding system). Control and enforcement by provincial and central government are required if the program is to be continued. The distribution of communal lands to tenants for ownership is currently being discussed in the

Government of Vietnam, and decision on the matter is urgently needed. The effects of loss of rental income on the village budgets should be taken into account in this decision.

Absentee Landlord Rent Collection

There is no indication of success in the absentee landlord rent collection program, and a general reluctance to talk about it was noticed at the village level (50 percent declined to respond to a question on this). This should serve as a warning in the case of similar proposals that assume adequate rent control administration.

Status of Implementation of Land Reform Laws

Except for the Ordinance 57 lands, all of the land reform projects were started in the last two or three years with the beginning of a degree of political stability. Up until mid-1968, progress was disappointing, with only a small percentage of lease contracts renewed, permanent titles issued for only 14 percent of the land in Land Development Centers (all in Cai San), 10 percent of the communal lands under rental contracts, 12 percent of the former French lands distributed, only 5 percent of Ordinance 57 lands distributed in the last five years (including 4 percent in the first half of 1968), 1 percent of squatter occupied land distributed, progress unknown in the settlement of confused lands, and no progress in defining the ownership rights of the Montagnard tribes.

Major Reasons for Lack of Progress and Implications for the Future

Causes of lack of progress in land reform may be grouped for convenience into five broad categories: (1) insecurity (including enemy sabotage and confusion caused by the war); (2) political instability; (3) the complexity of the laws themselves; (4) the administration of the laws (including organization, control mechanisms, manning, and coordination); (5) external financial, technical, and moral support.

Evidence is available to link each one of these factors to lack of progress in land reform. Probably no one of them alone could have caused the hiatus between 1962-66, but the combination of all five was overwhelming. The five factors are closely interrelated, but they are considered separately because of their complexity. The problems of insecurity are treated in Volume III. Political instability was particularly prevalent from 1963-65, but even before this, in the last two years of the Diem regime, there were problems. This factor certainly had an effect on land reform, but a detailed analysis of it was considered beyond the limits of the current study. The last three causes are summarized below.

Complexity of the Laws

Areas where laws and regulations require changes, clarification, or implementation or all three to permit effective administration are:

1. Confused lands policy: Such policy probably requires major changes, as well as clarification.

2. Landlord-tenant relationships: Clarification or modification is needed on renewal of contracts, rent limitations, security of tenure, and criminal penalties for tenants. Also new tribunals need to be established for the settlement of disputes. Possibly some new legislation is needed to obviate the need for extensive administration of a system of contracts.

3. Ordinance 57 lands:* Changes needed are (a) tailoring the law to existing administrative and security conditions and (b) simplifying administrative steps and making distribution based on minimal documentation (e.g., somewhat similar to programs under which squatter-claimed lands and Land Development Center lands are to be the subject of confirmation of title of the present cultivators and immediate application of rents are to be made toward the purchase price as soon as a tenant's application is filed.

4. Former French lands:* Changes needed are similar to those for Ordinance 57 lands.†

5. Concession Lands Occupied by Squatters:* The administrative process could be speeded up by delegating final approval authority to the provinces (if this is considered feasible) and by permitting administrative distribution, with the necessary surveys to follows.

6. Land Development and Resettlement Centers:* Same as for squatter-claimed lands.

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* These topics were included on the agenda of the 1968 Land Reform Conference, although not necessarily the actions mentioned here.

† As of March 20, 1968 farmers who are now cultivating former French land and who make application for purchase of land will have the land rent considered as advanced payment toward the land purchase (Circular No. 2295, BCC DDCN/UCTC3, Minister for Land Reform and Agriculture, March 20, 1968).

7. Communal lands:* The policy needs to be determined promptly on the disposition of these lands. It may be that the eventual solution will have to vary geographically according to the situations that are found in different localities.

8. Montagnard lands:* Existing decrees granting cultivated lands need to be defined and implemented without further delay.

Administration of the Laws

Administrative problem areas are described below.

1. Control: More effective control mechanisms are needed (problem analysis, program-oriented planning, establishment of priorities, project budgeting, personnel supervision and follow-through, records simplification and reconstruction, and reporting requirements focused on critical points).

2. Personnel: Some increases in personnel are required, especially cadastral personnel in some of the provinces. Also required are better uses or reallocation of existing personnel through more active leadership, motivation, increased subject matter training, better use of simplified techniques and advanced equipment, increased salaries and per diem, implementation of the draft law to permit the retention of trained men, greater use of women, elimination of excessive paperwork and the initiation of various self-renewal measures.

3. Coordination: Better policy and operational coordination between ministries would be desirable at the central level, especially with the Ministries for Interior, Finance and Revolutionary Development at all levels, and with the office of the Prime Minister, as well as better coordination within the Ministry of Land Reform and Agriculture.

4. Decentralization: Decentralization of authority and responsibility to provinces and villages would appear to be desirable consistent with the need to ensure compliance with the policies established. This required enlightened controls and meaningful training.

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* These topics were included on the agenda of the 1968 Land Reform Conference, although not necessarily the actions mentioned here.

5. Procedures: Simplification of documentation and administrative procedures under existing law is needed to accelerate the establishment of ownership rights and the distribution of titles.

6. Administrative support: Increased support of the province and district chiefs, the village administrative chiefs, and Revolutionary Development and other supporting cadres would be helpful in expediting land reform work.

7. Village committees: It is necessary to reactivate the Village Agricultural Committees, strengthening them with increased technical support from the provincial land affairs staffs and hiring additional village employees as needed (e.g., a village "land registrar" for the larger villages). The responsibilities of the various committees at the village level seem to overlap in some respects and need to be reexamined.

8. Records: Prompt steps are required to reconstitute missing, incomplete, or inaccurate land records at the village and province level.

9. Cadastral work: The system of retaining copies needs to be reviewed so that destroyed records can be rapidly replaced. To accomplish the remaining distribution under existing programs as expeditiously as possible under the limitations imposed by the lack of security, the following steps are necessary:

   a. To the extent possible, make administrative distribution first, followed by surveys.

   b. Concentrate personnel in the areas where they can best be employed but provide special allowances to move them when needed elsewhere (this means ignoring routine activities and it also means salary and per diem would have to be improved).

   c. Recruit and train more land surveyors as needed (depending on the security situation, this may range from zero up to double the present number).

   d. Apply to an increasing extent the photogrammetric techniques in surveying.

10. Unexpropriated holdings in excess of Ordinance 57 limit: Although its magnitude is unknown, the problem of unexpropriated holdings apparently merits increased attention. There exist unexpropriated holdings in excess of the legal limit, some declared and some not.

At least 20 such cases were found in a rapid and incomplete check of two Delta provinces. Because of the many loopholes in the law, many, if not most, of these probably have a claim to legality, but it is evident that the administrative follow-up of such cases has been quite slow.

External Financial and Technical Support

Some increased financial support for personnel and equipment (especially photogrammetric and transportation) will be required, as well as increased technical assistance and especially moral support to make possible many of the steps discussed above.

Design of Programs

Possibly the single most important element, exclusive of the persons involved, is the design or plan of a program for local land administration. The following suggestions are made with village administration and its present status in mind:

1. Security: Program design should be such that implementation can be carried out as security permits even if it means implementation in only 5 villages out of 50 in a province or 2 hamlets out of 10 in a village. Programs benefiting the farmers that are adjacent to VC-controlled or -influenced areas is the best advertising that the government can buy.

2. Flexibility: Flexibility must be a fundamental part of the design, not only in the security aspect mentioned above, but also of the procedures and, when necessary, the substance of the programs. Allowances must be made for the great variations that are found throughout the nation in administrative systems; the roles of hamlets, villages, and districts; local leadership patterns; and similar items.

3. Simplification: Procedures must be simplified to the greatest extent possible with the primary goal of producing a reasonable and workable result. Technical perfection is virtually unattainable under the best of circumstances and it must, in a situation requiring immediate and effective action, take a subordinate role to reasonable accomplishment.

4. Training: Well-planned training in the specific subject matter is an absolute necessity. This type of training should supplement, if not surpass, training in general administration and politics. Training should go hand-in-hand with simplification of procedures (as in the An Giang project).

5. Management Controls: Flexibility and simplicity do not imply a lack of necessity for control, but rather the opposite. They indicate the need for simple and direct controls that will quickly pinpoint accomplishment or lack of accomplishment.

6. Inspection: All directors and other key officials should be encouraged to visit several field offices each year. Inspection teams should be oriented more toward assistance in problem identification, problem solving, and training.

Measures to Improve Village Administration Capabilities

Measures to improve village administrative capabilities include immediate measures that will enable existing programs to be expedited, and long term measures that will relieve the total problem of land reform and administration.

Immediate Measures

Existing land reform laws should be implemented by rebuilding the administration at the province and village levels and simplifying the administration to the maximum feasible extent under existing law. The following specific steps are recommended:

1. Introduce strong motivation, leadership, and sense of urgency at the central level, reinforcing staff elements to provide the required support to the provinces.

2. Build up the province land affairs services, where needed, to provide guidance and technical support, as well as training and supervision of villages.

3. Implement the simplified programs spelled out by the Director of Land Reform--administrative distribution first, followed by cadastral survey later.

4. For a rapid system of land identification and cadastral description of rural lands, work out a method of combining the use of aerial photographs and Village Agricultural Committees.

5. Authorize the provinces to form temporary task forces to give on-the-job training to village officials while assisting them in reactivating agricultural committees and reconstructing their records. Reproduction equipment might be made available to quickly copy existing records at the central and province levels for distribution to the villages. Possibly additional cadre authorized by the Ministry for Revolutionary Development could be used together with the augmentation of employees recently authorized by USAID's Special Land Reform Fund. Additional village employees (e.g., a village land "registrar") may be needed for the larger villages.

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

7. Clarify and modify current laws that need it.

8. Encourage more consistent GVN budgeting for land affairs and land reform activities from year to year.

Long Term Measures

Land reform programs must be redesigned to meet the central issue of providing land to the tiller and permit easier administration. To do this, the following steps need to be taken very soon:

1. Initiate an urgent study of alternative proposals to provide land to the tiller (e.g., lowering the retention limit; voluntary sale; usufruct; varying the size of parcels according to geographic area; and using additional sources of land, such as communal lands, and uncultivated lands).

2. Insofar as possible, ease the administration of land reform by making the laws either partially self-executing or based on minimal documentation.

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Appendix A

VILLAGE ADMINISTRATIVE CHIEF AND PROVINCIAL LAND OFFICE SURVEYS--DESCRIPTION AND METHODOLOGY

Appendix A

VILLAGE ADMINISTRATIVE CHIEF AND PROVINCIAL LAND OFFICE SURVEYS--DESCRIPTION AND METHODOLOGY

General Description

Village Administrative Chief Survey

The Village Administrative Chief Survey was first conceived as a portion of the Hamlet Resident Survey and was to be conducted by the team leaders of the Hamlet Resident Survey teams. It became apparent with the amount of information required to be collected from this source and the amount of direct supervision required of the Hamlet Resident Survey Teams that it would be necessary to separate the two. The distinct "administrative" emphasis of this survey and the necessity of actually checking records in the village office made it desirable to have a special team of specially trained interviewers and data collectors who could work independently without causing conflict in transportation and supervision requirements. The primary emphasis of this survey was to collect factual information and, when necessary, opinions on which to base an evaluation of village administration, especially in relation to land administration. In addition to the classical elements of organization, staffing, training, experience, division of functions and responsibilities, and relationship with other levels of government, it was deemed essential that the greatest amount of time and effort be expended on developing information that would allow an evaluation of administrative accomplishment, that is, the actual results that were obtained.

Within the context of the project, this meant directing attention to the accomplishments of land administration at the village level. Since land administration proceeds by paper, people, and procedures, it was at these three elements that the attention of the survey was focused.

One of the most obvious measures of accomplishment in land administration is the degree to which the people, papers, and procedures have succeeded in carrying out the basic objectives of policies and laws through the development and maintenance of basic records of land ownership and tenure. Specifically the presence or absence, condition,

accuracy, and timeliness of basic land records provide not only positive indicators of success or failure of the system, but also strong indications of the general problems that might be encountered in any attempt to modify or even work within the existing system.

Provincial Land Office Survey

Considering the general approach to the administrative evaluation described above, it became apparent that an essential portion of such an evaluation must include complementary information gathering at the provincial level and in particular at the Provincial Land Office. Any attempt to collect data on land administration records would, of necessity, include the provincial level since it is this level that is basically responsible for the technical administration of land with only certain implementing functions delegated to the village administration. The Provincial Land Office Survey was intended not only to provide specific complementary information on the villages in which the Village Administrative Chief was interviewed, but also to provide a general overall view of other villages in the province in relation to the same factors.

Since this type of information, to the best of SRI's knowledge, has never been collected before on a systematic basis, information developed at the village level would be without parallel and completely lacking in a reference point for comparison. The Provincial Land Office Survey provides the only reference point known for much of the information.

Coverage and Time Period

These surveys required visits to 37 villages in 13 provinces of the Southern Region of Vietnam. Questionnaire development was initiated in early September 1967 and continued through late November. Testing and revision of the questionnaire was carried on in late November and early December. Actual field interviews began in late December and were carried through the last week in January, ending several days before the Tet offensive.

Interpretation of Results

Decimal points are not used in the presentation of the survey results. With the relatively small size of the sample, such precision does not appear to be warranted. The surveys contain a number of items such as the presence or absence of basic records that may be called

"gross indicators." Generally, the results on such items provide numbers of such magnitude that it is not necessary to become engrossed in refined interpretations between relatively small percentages. When the survey results indicate that approximately 50 percent of the copies of a certain basic land record are missing or are incomplete, the grossness of the problem indicated is such that concern about refined detail of the records would not be warranted.

Questionnaire Development

Information Collection Forms

Two basic types of forms were developed for the collection of information. The first was a usual questionnaire format used in interviewing both the Village Administrative Chief and the Provincial Land Officer. The second was a special set of forms developed to record information taken directly from land administration records.

Both questionnaires were designed with a liberal use of "filter questions" to avoid the necessity of asking unnecessary or irrelevant questions and to reduce as much as possible the necessity of the respondent referring to written records.

Vietnamese colleagues worked directly with the development of the questionnaires throughout, contributing significantly to the substance and format as well as to the areas of the influences of custom, tradition, protocol, and language. The Village Administrative Chief questionnaire was translated by the staff of the Center for Vietnamese Studies and checked by the Stanford Research Institute Vietnamese staff, while the Provincial Land Office questionnaire was translated and checked independently by two of SRI's Vietnamese staff members.

The materials developed were reviewed by both Vietnamese and American staff members of USAID. An indispensable part of the development of the information forms was conducting two field visits to provincial and village offices and a number of visits to the land affairs offices in Saigon to hold preliminary interviews with land administration and village officials and to observe and collect copies of the basic land administration records.

Village Administrative Chief

The Village Administrative Chief questionnaire represents a major focus on the administrative organization and procedures of the village office. In addition to questions on organization, staffing, experience, training, and functions of the various village officers, a significant portion of the questionnaire is devoted to a review of the various land administration records that are expected to be found in a village office.

An important part of the development of this questionnaire was the elimination of almost all questions that required the village chief to refer to written records to respond. Information of this type was placed in the record information forms to be collected directly from the records by data collectors. This allowed the village chief to answer perhaps more pertinent questions and usually assign another person to help the data collector find the appropriate record.

A significant section was devoted to the general security of the village and to Viet Cong activities. The potential sensitivity of these questions required that they be placed at the very end of the questionnaire. A number of questions covering many subjects that were complementary to those in the Hamlet Resident Survey remained in the questionnaire throughout its development and use.

Provincial Land Office Questionnaire

Designed to be essentially complementary to the Village Administrative Chief questionnaire, the Provincial Land Office questionnaire included several areas that were not applicable at the village level of administration. The entire emphasis of this questionnaire was on land administration.

Because of the technical background of the Provincial Land Service Chief, it was possible to include in this questionnaire a significantly greater portion of questions that required numerical answers. Since land administration is the specialty of the person who was to be interviewed it was expected he would know without reference to written records a large number of details about land administration in his province. This assumption proved to be correct.

Record Information Forms

The basic design of the record information forms was to eliminate, as much as possible, reference to written records during the interview process. In the preliminary interviews and the tests, it was found that questions that required reference to records consumed inordinate amounts of time. First the records were searched out by other people and brought to the respondent; then he poured over them looking for the appropriate figure for the response. The forms included in their basic design the elements of comparability with either of the questionnaires and cross-checks between the questionnaires and the data forms and cross-checks between the same records kept both at the village and province offices. In relation to the key records, the information forms were developed to obtain information on the presence and absence of records, their physical condition, dates, continuity, and comparability between the same or similar records in the two levels of government. A number of forms were developed to pick up specific information about particular parts of the land administration process such as expropriated lands, French lands, and concession lands.

Interviewers

General

The interviewing teams were made up of Vietnamese personnel who were employees of the Center for Vietnamese Studies. No Americans participated in interviews with Village Administrative Chiefs or Provincial Land Service Officers.

Team Composition

All interviewing and data collection was performed by three teams of three men each. The three team leaders performed all interviews and were men of considerable maturity. This factor contributed to the stability of the teams and developed a degree of rapport that might not otherwise have been possible. Generally, the Village Administrative Chiefs and the Provincial Land Service Chiefs were mature men with considerable experience in local government.

For each team, two younger men were designated as data collectors, and it was their function to use appropriate documents and records to obtain information for the record information forms.

Training

All training was conducted by Vietnamese staff members of SRI. The subject matter of the training concentrated on two particular areas. First, background information on land administration in general with particular emphasis on the rules and regulations and records that were of direct concern in the survey; second, interviewing and data collection techniques. Field testing trips in December were a continuation of the training in that Vietnamese and American staff members accompanied the teams for observation, instruction, and guidance.

Coordination

One mature Vietnamese staff member of the Institute provided field coordination for two of the teams by traveling with them constantly, dividing his time equally between the two and attempting to schedule their activities so that he could be present for the most crucial parts of their work. An American traveled with the third team while another American provided coordination for all three teams.

Sample Selection for Village Administrative Chief Survey

The Village Administrative Chief Survey entailed gathering information at province headquarters and at those villages that had been visited in the course of the HRS (Hamlet Resident Survey). After considering objectives and available resources, it was determined that the sample should be reduced to about two-thirds of the HRS selection. Thus, the Village Administrative Chief Survey would cover 16 provinces, including about 75 of the 112 villages originally slected for the HRS. This would ultimately provide about 32 villages after excluding those that were either nonurban or inaccessible.

By giving each province an equal chance of being included in the village survey, the inclusion probabilities for the villages would be proportional to their respective populations (since this was the original basis for their selection for the HRS). Since the number of sample villages per province varied, simple random selection of provinces would have had the unsatisfactory effect of losing control over the number of villages included. To stabilize the sample size and to ensure good geographic representation, the region was split into eight strata of three provinces each. Strata were set up so as to include provinces of geographic proximity and roughly equal populations.

Two provinces were randomly chosen from each stratum. The 16 provinces that were drawn included 76 out of the 112 villages in the original HRS selection, or 68%. There were 37 out of the 55 villages actually sampled under the HRS, or 67%. Apparently the stratification was effective in obtaining the target of two-thirds of the HRS sample.

Official Clearances

Interviews with provincial and village officals and, especially, access to tax and land administration records could not have been obtained without official clearance and permission from the Vietnamese Government. Letters of authorization for the visits were obtained from Mr. Nguyen Van Trinh, Director General of Land Affairs, and Mr. Pham Van Ich, Director General of Taxation. In addition, protocol and clearance visits were made to the appropriate Vietnamese Government officials and American officials in each province visited. When necessary, an introductory visit was also made at the district level before proceeding on to a village office.

In all cases and at all levels, both the Vietnamese and American officials were most helpful to the interview teams.

Field Operation Procedures

Security

For the interview teams, a very important consideration was that of the constant danger from Viet Cong activities in the areas to be visited. The safety of the interview teams was of overriding importance and the deciding factor in determining whether the chosen sample could be achieved.

Beyond the gross considerations of security conditions that could be obtained before the team entered the immediate locality, it was necessary for the team leader and coordinator to inquire locally of American and Vietnamese officials, bus drivers, police and local residents as to the immediate security conditions in the areas that they wished to reach. In spite of the best precautions, the teams several times found themselves within earshot of small arms fire and frequently uncomfortably close to artillery action. Fortunately, as a result of the good judgment of the team leaders and coordinators, no mishaps occurred. The diligence of the teams is best demonstrated by the fact that only 7 out of the 44 villages were not visited.

Transportation

The two teams that were not accompanied by an American traveled primarily by local ground transportation both between provinces and from the province capital cities to the villages. In the latter case, local buses or tri-Lambrettas were used exclusively. No American local transportation was used by these teams.

The schedule was arranged so that the one team that traveled through the least secure areas between provinces was accompanied by an American so that air transportation could be used with greatest facility. However, within each province the team arranged its own local transportation and did not use American vehicles.

Field Schedules

On arrival in a province the teams and, if present, the team coordinator made courtesy and information visits to the American local personnel and the Vietnamese provincial government personnel. Occasionally, in visiting the Vietnamese Government officials the team was accompanied by a local American official when he deemed it desirable. Appointments would then be made with the Land Office Chief and the Tax Office Chief for visits to their offices after the village work had been completed. When it appeared desirable, a visit was made to the district office before proceeding to the villages.

At the village offices, the Village Chief was interviewed and the appropriate records were viewed and pertinent information copied from them. After completing the selected villages in the province, the teams would proceed to the Provincial Land Office to interview the Chief or his representative and use the records to obtain information required. In the Provincial Tax Offices, no interviews were conducted, but the Village Land Tax Records were used to extract information on size of holdings. When its work in a province was completed, the team would then move on to the next province. Completed materials were returned to Saigon several times during the field work.

Compilation, Reconciliation, and Analyses

All work on the completed questionnaires was performed in Saigon. The free responses were translated by the Center for Vietnamese Studies staff and all tallying, reconciliation, and analyses were performed by

the Institute's American and Vietnamese staff. Because of the relatively small number of questionnaires, hand processing was the method selected, but it was performed in such a way that the results were compatible with data processing requirements.

Standard tally sheets were developed that were adaptable to more than 90 percent of the question responses for both the Village Chief and the Provincial Land Office Surveys. Each tally sheet contained the number of the question, the complete question written out, the responses (abbreviated but comprehensible), space for comments, and spaces for totals and percentages. Special sheets were required for some questions that were completely narrative or contained a large number of alternative responses. The data information forms were similarly compiled on the standard tally form, some in their complete array and some in a summarized format. Again, several of these required specialized tally sheets. Questionnaires and data information forms were then reviewed for obvious inconsistencies or errors before the hand tally was performed. The large amount of information and the significant number of questions that elicited the same or related information allowed a number of cross-checks for consistency and reliability of the information responses. In a number of cases reconciliation was necessary when inconsistency appeared between related responses. However, all reconciliation was performed in such a way as to provide the highest positive response in those questions where a negative response was considered undesirable. For example, in questions about the presence or absence of a basic land record, a negative response indicates an undesirable situation. Wherever there was reasonable doubt about the responses, a similarly conservative approach was used by neutralizing the response with a "No answer" so that it would contribute neither a positive or negative bias. This approach was made possible by the small number of questionnaires. The analysis, of which the reconciliation was one part, was conducted by American and Vietnamese Institute staff members. SRI's Vietnamese staff members reviewed all questionnaires and tally sheets reinterpreting, where necessary, comments and free responses and contributing substantive evaluation of the response patterns.

The report writing was done in Saigon with significant review and contribution by SRI's Vietnamese staff. Coordination with other sections of the report being prepared in Menlo Park was performed through the use of both written and taped material, and the final stages were performed in Menlo Park.

Appendix B

PROVINCIAL LAND SERVICE CHIEF SURVEY

Appendix B

STANFORD RESEARCH INSTITUTE

Tabulation and Comments-Provincial Land

Service Chief Questionnaire

Attached is a copy of the English version of the questionnaire used to interview Land Service Chiefs in III and IV Corps areas. The tabulation of the responses to each question has been typed in beside the questions.

Two points of caution are:

1. The sample is small and questions in which the usable responses fall much below 75% of the sample should be approached with extreme caution.

2. Many responses refer to number of "Provinces" but some refer to number of "Villages" and can easily be misread in this form.

Some information that will assist in understanding the tabulation follows:

1. All questions are typed normally without underlining or boxing.

2. All responses are underlined except in a few complex questions for which the responses have been placed in tabular form.

3. All comments are boxed except a few extensive ones on the longer questions.

4. Abbreviations used are:

   "N" means number of responses expected.
   "NA" means no answer--broadly used to include "no response;" "response unusable" because of obvious contradictions, irrelevancy, etc.; and "unintelligible response."
   "NR" means no record available.
   "DK" means don't know.
   "%" means % of "N".

5. Due to the extensive amounts of information contained on the cover page and in questions 1 and 2, "Addendum Pages" have been inserted.

PROVINCIAL LAND OFFICE

Province _____

Date _____

Interviewer _____

Data Collectors _____

Title of Person Interviewed N=13 Land Chief-8, 62%; Cadre-2, 15%:

Draftsman-2, 15%; Clerk-1, 8%

(See Addendum Cover Page A)

Time Started _____

Time Completed _____

Province Data: (See Addendum Cover Page B) N=13

	Books	Province Land Office
Population		3,004,580 DK=5
Area (ha)		2,887,235
Number of Villages		578
Number of Hamlets		766 DK=8 NA=3

Interviewer's Comments _____

Addendum Cover Page A

Title of Person Interviewed

1. Land Service Chief--8 out of 13, 62%

   The persons at whom the survey was directed were generally found to be quite cooperative in the interviews and knowledgeable in their function.

2. Cadre--2 out of 13, 15%

   In the absence of their Land Service Chiefs, these two senior civil servants responded in their stead. It is believed that these men provided completely satisfactory replacements for the intended respondents.

3. Draftsman--2 out of 13, 15%

   In the absence of their Land Service Chiefs, two men of considerable experience in the offices answered for their chiefs and provided adequate information.

4. Clerk--1 out of 13, 8%

   With all senior people in the office called away, a clerk attempted to provide information within the scope of her knowledge. Certain points were well and completely answered but many questions went unanswered.

Addendum Cover Page B

LAND OFFICE CHIEF SURVEY--FIELD COVERAGE

Province	Population		Area (hectares)		No. Villages		No. Hamlets	
	Land Office	Yearbook (1)	Land Office	Yearbook (2)	Land Office	Yearbook (3)	Land Office	Yearbook (4)
An Giang	480,232	491,710	195,344	190,300	38	38	254	257
Bac Lieu	257,154	259,795	243,477	246,000	19	17	DK	230
Chau Doc	DK	475,916	98,000*	205,200	57	57	DK	274
Chuong Thien	DK	248,965	225,804	255,800	35	35	DK	240
Kien Giang	DK	387,634	538,270	526,800	42	41	DK	238
Kien Tuong	DK	42,597	229,720	212,300	26	26	NA	82
Phong Dinh	DK	426,100	160,985	162,300	41	41	DK	285
Sadec	264,511	264,511	78,920	106,900	36	37	NA	120
Vinh Binh	404,118	379,280	271,170	257,900	56	56	512	623
Long An	480,665	334,499	140,347	150,600	81	81	DK	602
Phuoc Tuy	60,000	107,146	170,000	193,100	28	29	DK	127
Tay Ninh	280,000	307,186	380,100	384,500	46	46	NA	235
Gia Dinh	777,900	999,561	155,098	157,400	73	73	DK	338
Total	3,004,580	4,724,900	2,887,235	3,049,100	578	577	766	3,651

* Area for riceland in 1966 only

TOTAL FOR VIETNAM	FIELD COVERAGE PERCENTAGE						
Population 16,067,136		29.4%					
Area (ha) 17,380,900				18%			
No. of Villages-2,454						23.5%	
No. of Hamlets-14,163							25.8%

Remark: This table excludes Dinh Tuong and Go Cong coverage, where Land Office Chiefs could not be interviewed but where record data have been collected from Land Office, Tax Offices and Village offices.

Yearbook: Vietnam Statistical Yearbook 1966-1967. National Institute of Statistics-Vol. 13
(1) (3) (4): Table 295, Pages 388, 389, 390, 391, 392
(2): Table 296, Page 396

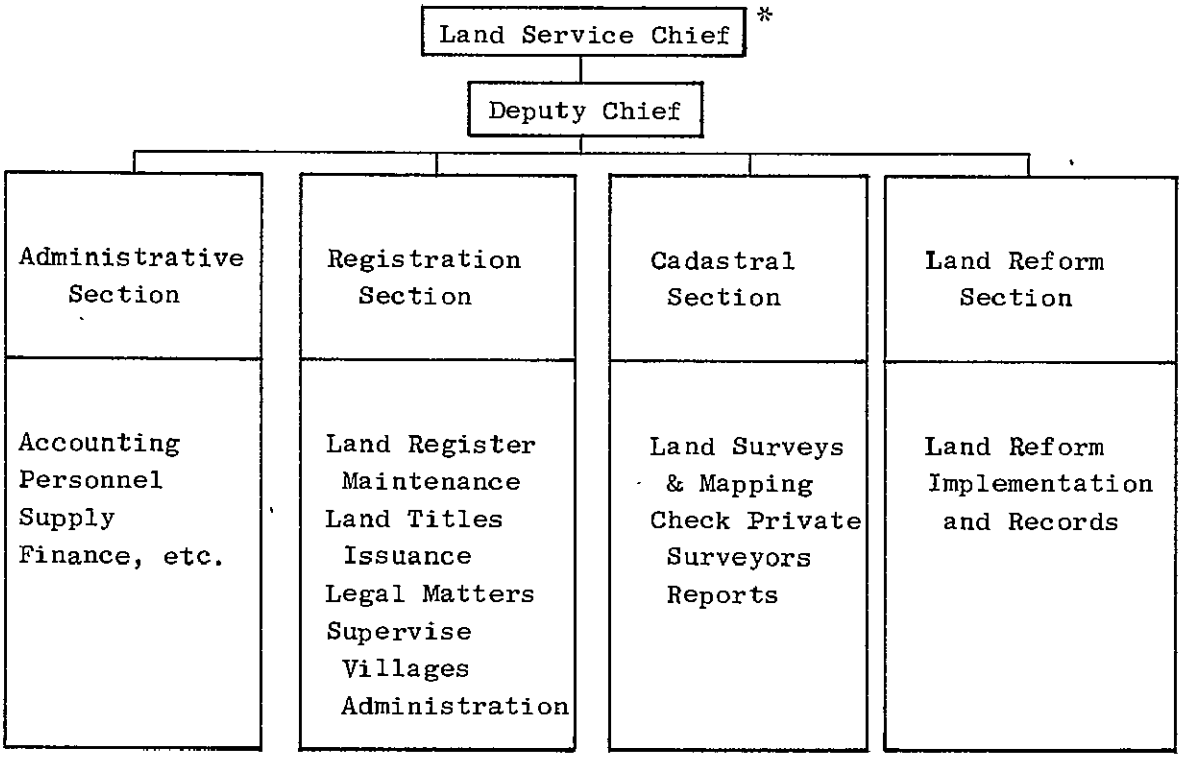
OFFICE STAFF

1. Do you have an organization chart of the Land Office? Yes (ask for a copy or quickly sketch on the back of this page the copy shown.) No (ask for explanation of Organization and make quick sketch on back of page.)
N=13 Yes=12 NA=1

COMMENT

I. Organization

A. Normal organization of Province Land Office is as follows:



* Staff augmented through GVN-U.S. financial agreement of July 8, 1968 to accelerate distribution of expropriated and former French lands.

Addendum C

LAND OFFICES--ORGANIZATION AND STAFFING

Question 1--Detail

Province	Management	Admin.	Registration	Cadastral	Land Reform	Other
An Giang	Chief Deputy Chief	2 Clerks	3 Clerks	3 Surveyors 1 Draftsman	1 Clerk 1 Ag. Cadreman 4 Land Reform Cadremen	Aerial Photo Surveyors 43 Draftsmen 9 Clerks 9
Bac Lieu	Chief Deputy Chief	← No Detail Staffing Response →				
Chau Doe	Chief Deputy Chief	2 Clerks 1 Orderly	7 Clerks	2 Surveyors 2 Assist. Surveyors 1 Draftsman 3 Chairmen	12 Ag. Cadremen	Public Property Concession 2 Clerks
Chuong Thien	Chief 1 Surveyor	NA	NA	NA	NA	NA
Kien Giang	Chief		(Head concurrently Deputy)	2 Surveyors		
		← No Detailed Staffing Response →				
Dien Tuong	Chief	5 Clerks Plus a Technical Section: 1 Draftsman, 2 Clerks land registration, 2 Surveyors (2 Sections only: Administrative and Technical)				
Phong Dinh	No Chief-Deputy Chief Acting as Chief	No Detail Available	3 Clerks 2 Orderly	5 Draftsmen 1 Surveyor 1 Chairman 1 Driver 1 Workman	5 Clerks 1 Surveyor 2 Assistants 8 Chairmen 4 Cadremen	None
Sadec	Chief	(1 Draftsman)	(1 Draftsman)	(1 Surveyor)	(1 Ag. Cadreman)	None
		(Not a Complete Response)				

Addendum C (continued)

Province	Management	Admin.	Registration	Cadastral	Land Reform	Other
Vinh Binh	Chief Deputy Chief	Admin. Plus Record Section	(1 Chairman)	(1 Surveyor)	No Detailed Response	Equip., Accounting & Personnel Section
Long An	Chief Deputy Chief	1 Surveyor Concurrently 2 Draftsmen 1 Assist. Draftsman 1 Orderly	2 Clerks 1 Typist	1 Clerk 2 Surveyors 1 Draftsman	2 Clerks 2 Cadremen	None
Phuoc Tuy	Chief	← No Detailed Staffing Response →				
Tay Ninh	Chief	3 Personnel	1 Clerk 3 Personnel	1 Surveyor Assist. 6 Personnel	3 Personnel 6 R.D. Cadremen	None
Gia Dinh	Chief Deputy Chief	1 Draftsman 5 Clerks 1 Driver 1 Orderly	2 Technical Assist. 3 Draftsmen 10 Clerks	1 Technical Assist. 1 Surveyor 1 Draftsman	None	None
TOTAL	12 Chiefs 7 Deputy Chiefs	1 Surveyor 4 Draftsmen 1 Draftsman Assist. 14 Clerks 3 Personnel 1 Driver 2 Orderly	2 Technical Assist. 4 Draftsmen 1 Chairman 26 Clerks 3 Personnel 1 Typist 2 Orderly	1 Technical Assist. 15 Surveyors 3 Surveyors Assist. 10 Draftsmen 4 Chairmen 3 Clerks 6 Personnel 1 Driver 1 Workman	1 Surveyor 2 Surveyor Assist. 8 Chairmen 8 Clerks 3 Personnel 14 Ag. Cadremen 4 Land Reform Cadremen 6 R.D. Cadremen 6 Cadremen	43 Surveyors 9 Draftsmen 11 Clerks

B. Comments

1. 1 out of 13 has just 2 sections: Administrative and Technical.

2. 1 out of 13 has just 3 sections: Administrative, Registration and Technical.

3. Of the other 11 offices, besides the 4 normal sections stated above, there were:

   a. 1 with an additional Aerial Photo Section.

   b. 1 with an additional Public Property Concession Section.

   c. 1 with a special Equipment, Accounting and Personnel Section.

II. Staffing

A. 1 out of 13 has no Chief.

B. 6 out of 13 have no Deputy Chief but 2 of these have Acting Deputy Chiefs.

C. Ranging from 11 to 34 personnel including Land Office Chief.

D. One Province has the usual 4 sections with a staff of 17 personnel, and an additional Aerial Photo Section using 61 extra personnel.

III. Use of Personnel

A. Out of 6 clear responses, 3 offices used a total of one surveyor, 4 draftsmen, and one assistant draftsman in the Administrative Section.

B. 4 draftsmen, 1 chairman and 2 technical assistants (in 3 out of 8 clear responses) have been used to man the Registration Section in place of Land Secretaries as normally found in other provinces.

FOR DETAIL OF LAND OFFICE--ORGANIZATION AND STAFFING
SEE ADDENDUM C FOR QUESTION 1.

2. (Obtain the following information on the "key" people in the office, that is, those who are responsible for instructing and checking the work of others.) N=13

Title	Time on Present Job			Specialized Land Administration Training Received Time and Subjects			Level of Education or Certificate
	Avg.	Range	NA	Have	Don't Have	NA	
Land Service Chief	5	1-11	3	9	1	3	
Deputy Chief	2	1- 5	7	5	1	7	
Cadastral Chief	3	1-10	4	6	1	6	
Land Reform Chief	5	1-10	3	7	2	4	
Registration Chief	6	1-15	6	1	3	9	
Administration Chief	3	1-10	7	2	3	8	

With the possible exception of the Land Service Chief and the Cadastral and Land Reform Chiefs, the number of "No Answers" on this question causes serious doubt as to the reliability of the information for predictive purposes.

Education level responses were spotty ranging from 3 to 8 out of 13 NAs for each job. Within the limited useful responses it would appear that the Land Chiefs generally attained a higher educational level than the others but further conclusions are not warranted by the data.

3. Do you have copies of the Land Register Books for the villages we visited? (Names of Villages) N=13

No. 9, 69% Yes 4, 31%

(Do not ask but observe and note the physical condition of the records) N=37

Good--Neat and clean, no torn or loose pages 2, 5%
Fair--Some pages torn but all present and legible 3, 8%
Poor--Many pages torn and loose, some not legible or missing 5, 14%
NR 16, 43%
NA 11, 30%

The 69% "No" response was confirmed in an actual check of the records (Data Sheet #7) and in questions 6, 8, 8b and 8d.

The large number of NR and NA responses on the "condition of records" portion of the question render a result somewhat less than significant except that if the "poor" condition responses are combined with the NR responses, it presents a general picture of approximately 50% of the records missing or in poor physical condition.

4. Do you have records (such as Land Register, Lists, and all other Documents) related to Village Communal Lands in all villages? N=13

All (Ask to see those for the villages where you interviewed the Village Chief and give to the data collector.)
(Go to 5) 9, 69%

Some (same instruction as above) 2

23%

None (Go to 4a) 1

NA 1, 8%

The 69% "Yes" response is modified by the incompleteness of the records as indicated in the Data Sheet #2 information. The latter shows province and village records differ on the amount of communal land in 19 out of 37 cases and the Land Offices responded DK or NR on all rental information in 23 out of 37 cases.

4a. Why are they missing? N=13 Because of events in 1945 - 1; Province took care of before 1960, after 1960, Land Office set up deposit register for use of whole province - 1: NA - 1

Results are insignificant, question discarded.

PROVINCE OFFICE LAND REGISTERS

5. How many of the Villages in this Province have: Total Villages 578
N=13

0. Old Dia Bo? 351, 60% Old Dia Bo & (1925) 3, 1%
1. So Dien Tho (New Regime or 1925 System)? 208, 36%
Not Identified 3%

There are three land registration systems in effect:

1. "Old Dia Bo"--dating back to the early French times.

2. "So Dien Tho" (New Regime or 1925 System)--a full Torrens system.

3. "New Dia Bo" (related to "Kien Dien" or 1962 System)--a modified Torrens system.

In question number 26, either 6 or 8 villages are mentioned as being under the 1962 system and may be assumed to be included in the "Not Identified" 3% of this question.

This discrepancy should not effect the overall reliability of the question.

6. Do you have a copy of the Land Register Book for all villages in the Province? N=13

Yes (Go to 7) 1, 8% No (Go to 8) 11, 84% NA 1, 8%

The results appear reliable. The one NA indicated that he "believed" the books were kept in other provinces from which his province was formed.

7. Are all of your copies of Land Registers: N=1

Up-To-Date? Yes 1 No 0
Completed? Yes (Go to 9) 1 No (Go to 10) 0

With only one expected response, the question is discarded due to insufficient information.

8. (The Provincial Office does not have all the copies of all the Land Register Books for all Villages.)

8a. For how many Villages does this office have complete Land Registers? N=11 349, 68% Range--0% to 97.5%
Total No. of Villages = 515

> In some cases, responses were inconsistent with responses to 8b, 8d and 8i. In such cases, reconciliation was achieved in a manner that gave the highest positive ("have" rather than "do not have") response.

8b. For how many villages are the Provincial Office Books of the Land Register:
Lost? N=11 127, 25% (villages)
Incomplete N=11 36, 7% (villages)

> "Lost" was interpreted as "all books missing or absent" while "incomplete" referred to the "lack of a complete set of books" for a village, e.g., there should be three books for one village but one of them is missing.

8c. Did you ever have books of the Land Register for those Villages: N=11

Yes 3, 27% No 3, 27% NA 4, 37% Some 1, 9%

> Additional comments from 3 of the 4 "No" or "Some" responses indicated only 6 villages never had land registers.

8d. For how many Villages are both the Provincial Office Books and the Village Office Books of the Land Register: N=11

Lost? 123, 31% (villages) Total No. of Villages=391
Incomplete 32, 8% (villages)

> Since there are only two copies of each land register, this question indicates the percentage of villages for which there is no basic land ownership record. Reconciliation was performed in such a way as to give the benefit of the doubt on the positive side.

8e. When both copies are lost or incomplete, are you reconstructing the Land Registers? N=7

Yes (Go to 8f) 2, 28% No (Go to 8g) 5, 72%

"Reconstructing" refers to reestablishing the land registers which, in the absence of all copies, requires land measurement and identification.

8f. How many have been completed or reconstructed in how long? N=2

No. of Villages 11 Time 5 years (Go to 8h)

Only two responses were expected, one of which was "none completed." Results insignificant.

8g. Why not? (Free response) N=6 Insecurity--3: Wait for land Identification--1: NA--2

The response "wait for land identification" refers to "Kien Dien" or the 1962 Land Identification program covered in questions 25 to 29. Results of doubtful significance.

8h. Approximately how many years ago were the Provincial copies lost? N=11 6 responses: average 22 yrs.: Range: 22 to 23 years.: NA--4: DK--1

The six usable responses are notable in their uniformity--22 or 23 years ago and match free comments on other questions about "the events of 1945."

8i. For how many Villages were the Provincial Land Office copies of the Land Register Books lost by: N=11

137, 88%	"War"-type action such as Viet Minh, Viet Cong, etc.
0	"Natural" disaster such as floood, fire, etc.
3	Don't Know 2 No Answer

The results appear reliable and consistent with other responses on the same subject.

EXPROPRIATED LAND

9. Was any Vietnamese-owned land in this Province expropriated by Ordinance 57. N=13

Yes (Go to 10) 13, 100% No (Go to 11) 0

The results appear reliable and consistent with other responses on the same subject.

10. Do you have the records on expropriated Vietnamese lands (Ordinance 57) for each village? N=13

All (Ask to see and give to the data collector) (Go to 11) 11, 85%

Some (same instructions as above) (Go to 10a) 1 15%

None (Go to 10a) 1

The results appear reliable and consistent with other responses on the same subject.

10a. Why are they missing? N=2 Filed in Saigon - 1; NA - 1

Results insignificant.

11. Were any French lands expropriated in this Province? N=13

Yes (Go to 11a) 13, 100% No (Go to 12) 0

The results appear reliable and consistent with other responses on the same subject.

11a. Do you have the records on the Former French lands? N=13

All (Ask to see the records and give to the data Collector) (Go to 12) 11, 84%

Some (same instructions as above) (Go to 11b) 0

None (Go to 11b) 1 8%

NA 1, 8%

The results appear reliable and consistent with other responses on the same subject.

11b. Why are they missing? N=1 Filed in Saigon - 1;

Results insignificant.

12. (Ask if the data collector may look at the land owner's name cards.)

Not a question but an instruction.

VILLAGE OFFICE LAND REGISTERS

13. Does every Village Office have complete copies of the land register books? N=13

Yes (Go to Q. 15) 0 No (Go to Q. 14) 12, 92% NA 1, 8%

The respondents, with one exception, were well informed on the general status of this basic land ownership document in the villages but question 14b indicates that at least four other respondents answered DK or NA about incomplete books. One such respondent commented "few contacts with villages."

14. (Not every Village Office has complete copies of the Land Register books.)

14a. How many Village Offices have no Land Register Books? 251, 45%
Range: 2% to 100% Total No. of Villages - 552

> With only one NA, this presents a reasonably accurate portrayal of the general situation. Again, reconciliation gave the benefit of the doubt on the positive side. One respondent indicated they "just keep rice land tax books" in about a quarter of the villages of that province.

14b. How many Village Offices have incomplete Land Register Books?
60, 11%; Range: 13% to 63%: Total "No." and "Incomplete" 311. 56%: Total No. of Villages - 552

> See also 13. Incomplete refers to one or more books missing from a set.

14c. Approximately how many years ago were the Village Office copies lost? N=12

Range: 3 to 22 years.; Average = 18.1; NA - 2

> The results here conform to the responses to 8h (Provincial copies of land registers) with a heavy (7 out of 10) emphasis on "22 years ago" or approximately 1945.

14d. For how many villages were Village Office copies of the Land Register lost by: N=12

266, 85%	"War"-type action such as Viet Minh or Viet Cong.
2, 1%	"Natural" disaster such as flood, fire, etc.
41, 13%	Unknown
2, 1%	Don't Know

> 8i (Provincial copies of land registers) yielded very similar results with the bast bulk of the responses indicating "war-type action."

14e. Is the Province Land Office making a new copy of the Books for the villages which now have no copies? N=13

Yes (Go to 14f) 5, 38% No. (Go to 14g) 6, 46% NA 2, 16%

> One respondent remarked "even at the Land Office we just use inaccurate ones."

14f. For how many villages has this been completed in how long? N=5

No. of villages 23 Time 1/2 to 5 mos. each (Go to 15)

> The small number of responses yield information of questionable value. Discard.

14g. Why not? (Free response) N=6 Not organized for - 1; Organized for but not responsible - 1; Insecure - 1; Lack of personnel - 2; No true record - 2; New province - 1 (Multiple response possible)

> Although the number of responses is too small to show a pattern, individual responses provide insight into some problems. One respondent indicated that his office had the records but his "office is not responsible to do it" (reconstruct village copies). Two respondents said, in effect, "how do you duplicate (records) when the Land Office doesn't have true copies?"

PROVINCE LAND OFFICE LEASE-CONTRACT RECORDS

15. Does the Province Land Office have a copy of any Lease Contract Registers? N=13

Yes 0 No 12 NA 1

> Provincial Land Offices are not required to have copies of lease registers. There is only one copy of the document which resides in the village office. Question 20a indicates that over 1/3 of the villages have lost their lease contract registers and no other copies exist. This deficiency may also be reflected in the paucity of information on communal land rentals in the Land Offices.

16. Does the Provincial Land Office receive reports from the Villages on lease contracts. N=13

Yes (Go to 17) 1, 8% No (Go to 18) 10, 77% NA 2, 15%

> Monthly reports are supposed to be sent to the Land Office but only one respondent indicates receiving them. However, question 18b indicates that almost all provinces send cadre to the villages when lease-contract information is required.

17. (The Provincial Office does receive reports on leases.)

17a. How often are the reports received? N=1 Once a month - 1

> One respondent indicated he sends cadre to the villages once a year. Another reports sending them once a month (to 19 villages), and a third said "cadre go for a mission every week" in a province where there are 57 villages. Obviously, these latter two are of somewhat doubtful accuracy.
>
> With only one response expected, the result is insignificant.

17b. When was the last report from all Villages? N=1

Due Data 25th each month
Received, Date 12/25/67

> One respondent remarked "the Land Office has to send cadre to the villages to pick up reports otherwise the villages would never send reports."

17c. What is the purpose of the reports? N=1 To know number of contracts, land titles and the amount of money obtained from expropriated land rents.

> With only one response expected, the results are insignificant, however the inclusion of "land titles" and "expropriated land rents" in the response appears to indicate a report of broad scope.

17d. (Ask to see the reports for 1966 and 1967 for the Villages where you interviewed the Village Chief and give to the Data Collector.)

18. The Provincial Office does not receive reports on leases.

18a. Would there be any value in receiving reports on leases and renewals from the Villages? N=11

9, 82% Yes Why? _____
1, 9% No Why? _____
1, 9% NA

> The one negative response was accompanied by a comment that "a complete census by the Land Office is needed."
>
> Most of the affirmative responses indicated a value in knowing the figures to report to Saigon without sending cadre to the villages. One respondent said it would help him know the security situation since there are no leases in areas controlled by the VC. Another respondent remarked: "Tenant status should be reconsidered; when it is brought into action it should be seriously applied."

18b. How does this office learn about the number of leases and renewals in the Villages? N=11 Send Cadre - 10, 91%; No Way - 1, 9%

> The one negative response said: "Without security, there is no way."

VILLAGE OFFICE LEASE-CONTRACT REGISTERS

19. Does every Village have a Lease-Contract Register? N=13

Yes (Go to 21) 4, 31% No (Go to 20) 8, 61% NA 1, 8

> The results appear reliable in presenting a general view of the situation. One "Yes" response was changed to "No" because one of the villages visited in that province had no lease contract register.

20. (Every Village does not have a Lease-Contract Register.)

20a. How many Villages do not have registers? N=8 169, 36%; NA - 1
Total No. of Villages - 552

> The number is not exact due to one response of "a few villages" which has been conservatively interpreted as "3" (out of 57 in the province).

20b. Approximately how many years ago were these Village records lost?
N=8 Range: 1 to 4 yrs.; Average = 2.3%; NA - 2

> Although the number of responses is relatively small, it is interesting to note the distinct difference in the average number of years ago (2 years) that the lease contract registers were lost and when the land registers (question 14c) were lost (18 years ago).

20c. Do you know how the Village Lease Registers were lost? N=8

166, 98%	"War"-type action such as Viet Minh or Viet Cong, etc.
0	"Natural" disaster such as flood, fire, etc.
3, 2%	"Lost during election change-over"
169	"Total Lost"

NA 1 Unknown 0

> One respondent remarked that the record was lost "because of the change-over during the elections" of 1967.

20d. Have any of them been reconstructed? N=8

Yes 2, 28% How many 5 villages By whom ____ Time ____
No 5, 72% Why? Insecurity - 3 Waiting for Forms - 1: NA - 1
NA 1

> The comment of one respondent was: "useless because of insecurity and have to save time for more important work."

MAPS

21. Does the Land Office have a map showing the land ownership in each Village? N=13 Total No. of Villages - 552

7, 53%	All (Go to 22)
4, 31%	Some How many 463, 84% (Go to 22)
1, 8%	None (Go to 23)
1, 8%	NA

> The results appear consistent and reliable.

22. (The Land Office has an ownership map for some or all Villages.)

22a. Are the maps changed when land is sold or divided? N=11

Yes (Go to 22b) 7, 64% No (Go to 22d) 2, 18% Some 2, 18%

The "No" response was followed with the phrase "not since 1945." The two "some" responses indicated 7% of the villages and 59% of the villages.

Combining the results of number 21 (to get the number of maps missing) and 22a (to get the number not changed) it appears that the maps for 247 villages (45%) are missing or out of date.

22b. What is the title of the person responsible for posting or changing the map? N=9 Draftsman - 6; Land Chief - 2; Cadastral Section Chief - 1

The responses "Land Service Chief" and possible "Cadastral Section Chief" may be influenced by the interpretation of "responsible for" as being in charge of" or "supervising" rather than "doing" as was intended.

22c. Where does (use title or name) get the information to tell him how to change a map (locations, measurements, etc.)? N=9
All indicate Surveyors Reports

The results appear reliable and are as might be expected.

22d. How are the maps used? (Free response) N=12

0.	Check plot size in land transfer	8
1.	Check plot size in rental	7
2.	Identify owners	9
3.	Settle differences of opinion	6
4.	Other (Indicate)	

Since almost all farm land rental is handled at the village level, it may be assumed that the "check size in rental" responses refer mainly to non-farm rentals or possibly appealed disputes in farm rentals. The latter, according to other sources, are fairly infrequent.

AGRICULTURAL COMMITTEES

23. How many villages have an active Agricultural Committee? N=13

All (Go to 23d) 1, 8% Some (Go to 23a) 7, 53%
None (Go to 23a) 4, 31% NA = 1, 8%

The results seem consistent and reliable.

23a. Did the villages ever have such a Committee? N=11

All (Go to 23b) 6, 55% Some (Go to 23b) 3, 27%
None (Go to 24) 1, 9% NA = 1, 9%

The results seem consistent and reliable.

23b. How long ago did they disband or become inactive? N=11

Average 5 years Range 3 to 7

The range of years reflects the period of declining interest and activity in land reform after the peak of activity seven or eight years ago.

23c. Why did they disband or become inactive? (Free response) N=10
(Multiple responses possible)

0. Lack of interest by members 0
1. Not enough work to do 3
2. Lack of money to accomplish work 1
3. "War" activity such as Viet Minh or Viet Cong 5
4. Other No allowance or pay = 5
NA = 1

Either of the two responses--"War activity" or "No Pay" were given by all ten respondents and other responses were in addition to these.

23d. How many members are usually on an Agricultural Committee? N=13

Average = 5 NA = 2

This is the suggested number, but it actually varies considerably as shown in the Village Administrative Chief Survey.

23e. Are they mostly landlords or tenants? N=13

All report equal numbers. NA = 2

The results are in keeping with the requirements for Agricultural Committees.

23f. How long have the Committees been active? NA = 3 N=13

The construction and placement of this question was such that it left room for doubt as to whether it was to refer to all villages or only those now having an Agricultural Committee. The results were confusing and unusable and are thus omitted.

23g. How many times doe the Committees meet in a year? N=12

Once/mo	When Nec.	NA
1, 8%	10, 84%	1, 8%

"When necessary" responses usually (6 out of 10) mentioned setting conflicts or disputes and one mentioned "to judge output of harvest."

23h. What are the usual subjects discussed or the reasons for the meetings? (Free response) N=11

0.	Determine rent rate for private land	7, 64%
1.	Determine rent rate for village land	0
2.	Assess damage (by flood, insects, etc.) to the rice crop	9, 82%
3.	Settle differences of opinion about rent rates, land boundaries, etc.	11, 100%
4.	Other (Describe)	0

The results here are not completely consistent with the comments of the previous question in which only one respondent mentioned something other than settling disputes. The question may have been other than "free response" in that it was read to the respondents. The responses might be interpreted as what the committees should or can do rather than what they actually do.

SURVEYING AND LAND IDENTIFICATION

24. How many surveying teams are in this office? N=13

Teams	Provinces
0	5
1	4
2	3
3	1

These results appear to be inconsistent with organization chart information; for example, of those that replied "no surveying teams:"

1. One shows 2 surveyors, 2 assistant surveyors and 3 chairmen in the Cadastral Section.
2. One shows a surveyor and assistant surveyor in the Cadastral Section.
3. One shows a Cadastral Section of one surveyor and 3 personnel and an Administrative and Accounting Section consisting of a surveyor, 2 draftsmen and an assistant draftsman.

The last case may provide a clue to bridge the gap between some of the responses--possibly survey personnel are assigned to other duties and do not perform land survey work.

Another inconsistency arises with number 24a in which a respondent who said "no surveying teams" said the Land Office surveys all public lands. Another said in number 24b that private surveyors do no surveying, but he also said there are no surveyors in the Land Office--which means either there is no surveying done in the province or "public" surveyors came from other provinces.

These inconsistencies would make it appear that there may be more surveying teams than reported and certainly raise questions about the reliability of the responses.

24a. Can they do all the surveying that needs to be done in the Province? N=10

Yes 2, 20% No. 6, 60% NA 2, 20%

One inconsistency with the previous question is mentioned above.

24b. Approximately how much of the surveying in the Province is done by private surveyors? N=13

None	1/4	1/3	1/2	2/3	3/4	All	NA
3, 23%	1, 8%	0	1, 8%	0	0	5, 38%	3, 23%

A possible inconsistency with question 24 has been mentioned above. Three respondents indicated that the Land Office does all surveying of public lands while private surveys do all private lands.

25. Has any land in the Province been surveyed and identified under the "Land Identificiation" program? N=13

Yes (Go to 26) 6, 46% No. 6, 46% NA 1, 8%

The results appear consistent and reliable.

26. What kind of land was "identified" and in how many villages? N=6

Kind	How Many Villages
Residential	6
Farm (Rice, garden, etc.)	8
Other (Indicate)	0

The small number of responses and the small amounts reported reduces the significance of the question except that it points out that relatively little land has been identified under this program.

27. How long ago was the work started? _____ years

28. How many years will be required to finish the entire Province?

_____

29. How many surveying teams were doing the work? _____

27, 28, 29 — N=6
2 or 3 responses indicate possible misunderstanding
NA = 3 or 4

> 27, 28, 29 — These three questions received very few responses and appear to have been misunderstood. For example, two responses indicate that the work began 1 to 3 years before the program was initiated. The results are insignificant and unusable.

30. Are there any Concession Lands of any kind in this Province? N=13

Yes (Go to 31)	No (Go to 35)	NA
6, 46%	4, 31%	3, 23%

> The results appear consistent and reliable.

31. Do you have a separate register or record for concession lands? N=6

Yes (Ask to see the records and give them to the data collector) (Go to 32) 2, 33%
No (Go to Question 33) 4, 66%

> The results appear consistent and reliable.

32. (The Land Office does have a separate register or record for concession lands) N=2

32a. Does this register or record show

• Lands for which definitive title has been given	Yes 2	No 0
• Lands for which provisional title has been given	Yes 2	No 0
• Lands which have been rented out	Yes 1	No 1
• Lands being used by villages or individuals under temporary authorization	Yes 2	No 0
• Lands available for concession but not yet given out	Yes 2	No 0
• Other (specify)	--	--

32b. For the categories for which you have answered "Yes," is the register or record

Complete?	Yes	No
Up-to-date?	Yes	No

32c. Does this register or record show public or government-owned lands in the Province other than concession lands?

All of them	Most
Some	None

32a b c	With only two responses, the results are insignificant.

33. Do you have maps for concession lands? N=6

Yes	(Ask to see the maps and give them to the data collector) (Go to 34)	4, 66%
No	(Go to Question 35)	2, 33%

The significance of the small number of responses is questionable.

34. (They do have maps for concession lands)

34a. Are these maps changed when concession land changes in status as follows: N=4

• When definitive title is given?	Yes 2	No 1
• When provisional title is given?	Yes 1	No 2
• When land is rented out?	Yes 0	No 3
• When lands are given out under temporary authorization?	Yes 1	No 2
• When lands are taken back from those holding them?	Yes 0	No 3
• Other (specify)	--	--
	NA = 1	

(if all question is answered "No," go to 35)

With only three responses the significance of the results is questionable.

34b. For the categories for which you have answered "Yes," are the maps N=2

Complete?	Yes 2	No 0	NA 0
Up-to-date?	Yes 1	No 1	NA 0

34c. What is the title of the person responsible for posting or changing the map? N=2 Draftsman

34d. Where does (use title or name) get the information to tell him how to change a map (locations, measurements, etc.)? N=4

Maps Available 1
Private Surveyors Reports 1
NA 2

34e. Do these maps show public or government owned lands in the Province other than concession lands? N=6

All	1
Most	0
Some	0
None	1
NA	4

34b, c, d, e } With only two responses the results are insignificant.

35. Do you have any kind of additional separate listing or record for the lands owned by the public or the government? N=13

Yes	(Ask to see the records and give them to the data collector) (Go to 36)	9, 70%
No	(Go to Question 37)	2, 15%
NA		2, 15%

Three of the "Yes" response comments are: "There is only a list, not a land register;" "All lands now in insecure areas;" "We fully have them for the province chief town only."

36. (They do have a listing or record of the lands presently owned by the land owned by the public or the government.) Is it:

Complete	Yes 7, 78%	No 2, 22%
Up-to-date	Yes 5, 56%	No 3, 33%
NA	1, 11%	

The results appear consistent and reliable.

37. Do you have any additional, separate maps for the lands owned by the public or the government? N=13

Yes	(Ask to see the maps and give them to the data collector) (Go to 38)	6, 47%
No	(End of interview)	5, 38%
NA		2, 15%

The results appear consistent and reliable.

38. (They do have maps for the lands owned by the public or the government)

38a. Are these maps changed when lands are acquired or sold? N=6

Yes	(Go to question 38b)	3, 50%
No	(End of interview)	3, 50%

The results appear consistent and reliable.

38b. What is the name of the person responsible for posting or changing the maps? N=3

Chief of Cadastral Section	1
Draftsman	2

38c. Where does (use title or name) get the information to tell him how to change a map (locations, measurements, etc.)?

Surveyors reports and bills of sale and transfer.
Official and private surveyor reports.
Land Office and Village Financial Office.

38b c	With only three responses, the results are insignificant.

Time Completed _____

Appendix C

STANFORD RESEARCH INSTITUTE

Village Administrative Chief Questionnaire with Responses and Comments

Appendix C

STANFORD RESEARCH INSTITUTE

Village Administrative Chief Questionnaire with Responses and Comments

Attached is a copy of the English version of the questionnaire used to interview Village Administrative Chiefs in III and IV Corps areas. The tabulation of the responses to each question has been typed in beside the questions.

Two points of caution are:

1. The sample is small and questions in which the usable responses fall much below 75% of the sample should be approached with extreme caution.

2. Many responses refer to number of "Provinces" but some refer to number of "Villages" and can easily be misread in this form.

Some information that will assist in understanding the tabulation follows:

1. All questions are typed normally without underlining or boxing.

2. All responses are underlined except in a few complex questions for which the responses have been placed in tabular form.

3. All comments are boxed except a few extensive ones on the longer questions.

4. Abbreviations used are:

   "N" means number of responses expected.
   "NA" means no answer--broadly used to include "no response"; "response unusable" because of obvious contradictions, irrelevancy, etc.; and "unintelligible response."
   "DK" means don't know.
   "Avg." means average.
   "P" means priority.

VILLAGE ADMINISTRATIVE CHIEF QUESTIONNAIRE

Village _____ Date _____

District _____ Interviewer _____

Province _____ Data Collectors _____

Hamlet in which Village Office is Located _____

Title of Person Interviewed N=37 Deputy Administrative Chief - 3, 8%;

Administrative Chief - 33, 89%;

Agricultural Commissioner - 0;

Council Chief - 2* (*Joint with Admin. Chief)

Other - 1, 3% (SEE ADDENDUM A, PART I)

Title or description of other persons present during interview N=37

Council Chief - 12, 32%; Deputy Administrative Chief - 12, 32%; Agricultural Commissioner - 9, 24%; Other (District/Village) - 0 (SEE ADDENDUM A, PART II)

Time Started _____

Time Completed _____

Book Data:

Population _____

Area (ha) _____

Interviewer's Comments _____

_____

_____

_____

Addendum A

Part I - Title of Person Interviewed

Administrative Chief - The Chief of the Village Administrative Committee which is the "Executive" body of the village government. Although about 2/3 of them were newly elected to this job in 1967, over 4/5 had previous local government experience (see question 48).

Deputy Administrative Chief - Also newly elected, these three are less familiar with village government operation since only one had any previous experience.

Other - A Secretary-General of the Village Administrative Committee who is a full time employee in charge of record keeping, etc., who was appointed early in 1967.

Council Chiefs - Chief of the Village Popular Council which is the "deliberative" body of village government. Two Council Chiefs jointly responded to the questionnaire with their respective Administrative Chiefs.

Part II - Other Persons Present

Included persons who "sat in on" the interviews but did not respond to the questions. It would appear that the persons who were present during the interviews should have introduced no undue bias to the responses. No District or Provincial officials were present during the interviews.

I. GENERAL VILLAGE INFORMATION

1. Are there enough people in this village to cultivate all farm lands effectively? N=37

Yes 28, 76% No 9, 24%

The responses appear consistent and reliable. One "no" response carried the comment "the youth are drafted."

2. Do farmers complain of a shortage of: N=37

0. Laborers for hire	Yes 10, 27%	No 27, 73%
1. Land to farm by renting	Yes 22, 60%	No 15, 40%
2. Land to farm by buying	Yes 20, 54%	No 17, 46%

The "laborers for hire" portion appears consistent with the responses to the previous question.

The other portions appear consistent and reliable. On the "land to buy" portion, one respondent remarked that they have land but the VC prevent the people from buying it.

3. Have any farmers in the village abandoned cultivation of some of their land in the past 3 years? N=37

Yes (Go to 3a) 12, 32% No (Go to 4) 25, 68%

The responses appear consistent and reliable. Although in other questions reference is made to inability to collect taxes or rents because of insecurity, such lands are not "abandoned" but continue to be cultivated.

3a. How many hectares of land formerly cultivated are now abandoned?
Total 26,206; Avg. 2,184; Range: 25 ha to 11,000 ha

Why? N=12 Insecurity - 9, 75%; Other - 3, 25%

The responses appear to be consistent and reliable.

(Data Collector)

(3. How many families have left this village within the past three years? _____)

(4. How many families have come to live here within the past three years? e.g., refugees, squatters, etc. _____)

II. LEASE CONTRACT REGISTER

4. Does the Village have a lease contract register? N=37

Yes (Ask to see it and give it to the data collector)
(Go to 6) 23, 62%
No (Go to 5) 14, 38%

The responses appear consistent and reliable. Two of the "Yes" responses have books with only three entries, five have no entries since 1963 or before, two have only communal lands (no private contracts) before 1963, one has 1967 only and another has recorded only 2 communal land contracts for 1968.

The presence of a lease contract register must be modified by the use to which it is put as indicated in record sample information reported separately.

5. (The village does not have a Lease Contract Register.)

5a. Did the village ever have such a record? N=14

Yes (Go to 5b) 7, 50% No (Go to 6) 7, 50%

It is significant that half of the villages which do not have this record never established one although it is required by law.

5b. Approximately how many years ago was the record lost? N=7
Total 48; Avg. 7; NA 1, 10%; Range: 3 to 12 years

The number of responses is small and ranges throughout the period during which the records could be in existence. The first lease contract registers were established about 12 years ago. The data do not point to any significant conclusions.

5c. Do you know how the record was lost? N=7

0. "War-type" action such as Viet Minh, Viet Cong, etc. 7, 100%
1. "Natural" disaster such as flood, fire, etc. 0
2. Unknown 0

The 100% response speaks for itself but is limited in its significance by the smallness of the number. Some comments accompanying the responses are: "VC forbade them from making contracts--everyone is afraid"; "village only controls 500 meters along each side of the road"; "just oral agreements since 1961"; "beginning today we will write tenants to establish first lease contracts."

III. COMMUNAL LANDS

6. Are there communal lands in this village? N=37

Yes (Go to 6a) 37, 100% No (Go to 7) 0

> Although all villages have communal lands, some of them have only "garden," "residential" or "public" (schools, temples) communal lands, not riceland.

6a. Is distribution of occupancy rights to village communal lands? N=37

0. Determined annually 8, 22%
1. Determined every three years 8, 22%
2. Determined long ago and occupancy rights now inherited 4, 10%
3. Other (specify) Every 5 years 8, 22%; Indefinite but continuous 5, 14%; NA 4, 10%

> Some of the comments accompanying the responses were: "in 1958, called for bids for 5 years--not called for again"; "Those who are cultivating continue to do so; due to insecurity, the village has not rearranged it"; "Renters continue to occupy and pay rent every year--that's enough. Contract made when they want to build big houses." "Establish permanent leases for highest bidder--heirs continue if they have no land."

6b. What principles (or priorities) now guide actual distribution of occupancy rights to village communal lands? (free response) N=30

		P1	P2	P3
0.	Inheritance 14, 50%	10 30%	3 10%	2 7%
1.	Need of applicant (e.g., widow, infirm, aged, handicapped) 15, 50%	3 10%	9 30%	3 10%
2.	Highest bidder for the land 6, 20%	5 17%	1 3%	0
3.	Applicant's political or religious affiliation 2, 7%	0	1 3%	1 3%
4.	Military veterans 16, 53%	11 37%	5 17%	0
5.	Other (specify) 2, 7%	2 7%	0	0

Although the "inheritance" response--50% said it is a consideration--seems to conflict with the response to number 2 in the previous question--10%--the fact is that many who said the distribution is determined annually, every 3 years, etc., then answered that inheritance is a consideration. The implication is that although occupancy rights may be reviewed or re-determined, inheritance is one of the factors considered.

The "highest bidder" percentage should actually be over 25% since two comments indicate that the "priorities" listed are used to select candidates for bidding.

IV. GENERAL RECORDS

7. Are separate records kept on: N=37

	Yes (Ask to See, Give to Data Collector)	Have Such Land But No Record Information Available	Do Not Have Such Land	NA
Concession lands	3, 8%	1, 3%	32, 86%	1, 3%
Expropriated private Vietnamese lands	13, 35%	8, 22%	15, 40%	1, 3%
Expropriated private French lands	5, 14%	5, 14%	26, 70%	1, 3%
Religious land	7, 19%	8, 22%	21, 57%	1, 3%
Squatters land	2, 5%	5, 14%	29, 78%	1, 3%
Communal land	21, 57%	15, 40%	0	1, 3%
Land Development Center land	1, 3%	0	35, 94%	1, 3%

Again, the presence of records must be modified by their condition and completeness as reported separately on data sheet information. In a few cases, "separate" records are not kept but the information is recorded in a regular land register.

V. EXPROPRIATED LANDS

8. Are there undistributed GVN lands (expropriated lands) or undistributed former French-owned lands in this village? N=37

Yes (Go to 8a) 8, 22% No (Go to 9) 29, 78%

The results of this question appear to be consistent with other questions on the same subjects, however, its effectiveness would have been improved by separating the two types of land into two questions.

8a. What principles (or priorities) guide actual distribution of occupancy rights to GVN lands (expropriated lands)? (free response) (MULTIPLE ANSWER POSSIBLE) N=6

		P1	P2	P3	P4
0.	Inherited rights of a tenant to occupy 5, 83%	3 50%	0	1 17%	1 17%
1.	Need of applicant (e.g., widow, infirm, aged, handicapped) 5, 83%	1 17%	4 67%	0	0
2.	Highest bidder for the land 0	0	0	0	0
3.	Applicant's political or religious affiliation 0	0	0	0	0
4.	Military veterans 2, 33%	1 17%	1 17%	0	0
5.	Other (specify) Those cultivating it - 1, 17%	1 17%	0	0	0
6.	NA 1, 17%				

Although of limited significance because of the small number of responses, it does afford some comparison with the same question (number 6b) on communal lands and 8b on former French lands. Inheritance, need and veterans show as the most important factors (with some variations) however bidding appears not at all in the responses on expropriated and former French land.

8b. What principles (or priorities) guide actual distribution of occupancy right to undistributed former French-owned lands? (free response) (MULTIPLE ANSWER POSSIBLE) N=6

		P1	P2	P3	P4
0.	Inherited right of a tenant to occupy 4, 67%	3. 50%	0	0	1 17%
1.	Need of applicant (e.g., widow, infirm, aged, handicapped) 3, 50%	1 17%	2 33%	0	0
2.	Highest bidder for the land 0	0	0	0	0
3.	Applicant's political or religious affiliation 1, 17%	0	0	0	1 17%
4.	Military veterans 2, 33%	0	1 17%	1 17%	0
5.	Other (specify) Those cultivating it - 1, 17%	1 17%	0	0	0
6.	NA 1, 17%				

Although of limited significance because of the small number of responses, it does afford some comparison with the same question (number 6b) on communal lands and 8a on GVN lands. Inheritance, need and veterans show as the most important factors (with some variations) however bidding appears not at all in the responses on expropriated and former French land.

9. Who collects rents for:

9a. Communal lands? N=37 Village Officials 33, 89%; Province Headquarters 1, 3%; NA 3, 8%

The one case of provincial officials collecting the rents is in a village where "all are now 'city' lands."

9b. Former French lands? N=7 Village Officials 4, 57%; Can't Collect 3, 43%; Province Headquarters 0; NA 0

The "can't collect" responses were not followed up but it may be the village officials would be the collection agents if they "could collect." The "N" is reduced by the number of villages which do not have such land.

9c. Absentee landlord lands? N=37 Landlord or Relatives 12, 32%; Village Officials 3, 8%; Can't Collect 2, 6%; NA 20, 54%

The most significant point here is the large "no answer" block which is not at all consistent with other sections of this question. No conclusion can be drawn from this except one may speculate that perhaps this is a subject many Village Chiefs do not care to discuss with strangers.

9d. Undistributed expropriated lands? N=7 Village Officials 4, 57%; Can't Collect 2, 29%; NA 1, 14%

See 9b.

9e. Other GVN-owned lands? N=37 Village Collects 2, 5%; NA/DH 35, 95%

The lack of other questions on the presence or absence of such land against which to cross check responses resulted in an inability to reconcile DH and NA answers. The results are not significant.

10. How is the rental income distributed (how much to collectors, village budget, district, etc.) for:

10a. Communal lands? N=37 Village 1/3, Province 2/3: 2, 5%; Village 100%: 30, 81%; No Revenue, Don't Collect: 3, 8%; NA 2, 6%

One of the villages which indicated the province gets the lion's share of communal lands rent said they are "now city lands." The other made no such comment. Communal lands are supposed to be for the benefit of the village.

10b. Former French lands? N=7 Village 40%, Province 60%: 2, 29%; Village 20%: 1, 14%; Can't Collect: 3, 43%; Other: 1, 14%

The "other" response was "4% to reward control personnel and Agricultural Committee, Village 16%, administration (common reference to provincial internal administrative organization) 20%, Tax Office 60%." The reliability of the other few responses--except perhaps "village 20%"--remains in question. The official distribution of the revenues in National budget-60% and Province (and village)-40%. The results are insignificant.

10c. Absentee landlord lands? N=25 Village 10%, Province 90%: 1, 4%; Village 40%, Province 60%: 1, 4%; Village keeps for Landlord: 1, 4%; Can't Collect: 2, 8%; NA 20, 80%

The "N" is reduced by the number who responded "landlord or relatives collect" to question 9c. Again the major point is the large number of "NA" responses which is not consistent with other sections of this question.

10d. Undistributed expropriated lands? N=7 Village 20%: 1, 14%; Village 40%, Province 60%: 3, 43%; Can't Collect: 1, 14%; DK 1, 14%; NA 1, 14%

The small number of usable response yields insignificant results.

10e. Other GVN-owned lands? N=30 Village 10%, Province 90%: 1, 3%; Village 40%, Province 60%: 1, 3%; NA 28, 94%

For the same reason stated for question 9e, the results are not significant.

VI. MAPS

11. Does the Village Office have a map of:

11a. The village boundaries? N=37

Yes 31, 84%
Date Avg. 15 years; Median 5; 1st Quartile 1; 3rd Quartile 12 yrs; Range: 1 to 61 years

No 5, 13%
NA 1, 3%

The "village boundry maps" observed in village offices were usually sketch or outline maps showing village and hamlet lines and were frequently lacking in scale measurements, dates and similar legend notes. The "age" distribution is distorted by five maps 35 to 61 years old while all the remaining 16 are 12 or fewer years old.

11b. The village communal lands? N=37

Yes 21, 57%

Date Avg. 23 years; Median 8; 1st Quartile 5 years; 3rd Quartile 32 years; Range: 1 to 63 years

No 16, 43%

The preceding comment on "legends" also applies to the communal land maps. The age distribution is somewhat less distorted than in the preceding question but shows the same tendencies for similar reasons.

12. Does the Village Office have a map showing the land ownership in the village? N=37

Yes (Go to 13) 21, 57% No (Go to 14) 16, 43%

The responses appear consistent and reliable but the implication of the presence of the maps are moderated by the information in the succeeding questions.

13. (The village has an ownership map.)

13a. What names and dates are shown on the map? N=21

Original Date Avg. 31 years; Median 27; 1st Quartile 11; 3rd Quartile 46 years; Range: 3 to 61 years

Name or Title of Maker Saigon 15; Other 4; DK 1; NA 1

Date of last change 1908 - 1; 1957 - 1; No Change 17; DK 1; NA 1

The age and lack of change are consistent with field observations and with the absence of personnel in the Village Offices who are trained draftsmen.

The "name and title of maker" responses were such that most could be identified as emanating from the central office in Saigon while a few could be either Saigon or provincial in origin.

13b. Is the map changed when land is sold or divided: N=21

Yes (Go to 13c) 1, 5% No (Go to 13e) 19, 90%
NA 1, 5%

The results appear consistent and reliable.

13c. What is the title of the person responsible for posting or changing the map? N=1 Agricultural Commissioner 1

With only one expected response, the results are insignificant. It is interesting, however, that Village Agricultural Commissioner would have the drafting skills necessary to make such changes.

13d. Where does (use title or name) get the information to tell him how to change the map (locations, measurements, etc.)? N=1
From Land Office 1

The results are insignificant although this is the anticipated response.

13e. How is the map used (free response)? (MULTIPLE ANSWER POSSIBLE) N=21

0. Check plot size in land transfer 17, 81%
1. Check plot size in rental 9, 43%
2. Identify owners 12, 57%
3. Settle differences of opinion on boundaries, etc. 15, 71%
4. Other (specify) _____

Considering the age and unchangeable nature of the maps, the actual value of the maps in these many uses is open to question although there is no factual basis on which to challenge the accuracy of the responses.

VII. LAND REGISTER BOOK

14. Does the Village Office have a land register? N=37

Complete (Ask to see them, give to Data Collector - Go to 14e) 17, 46%
Incomplete (Ask to see them, give to Data Collector - Go to 14a)
None (Go to 15) 18, 49%

"Complete-incomplete" refers to whether or not all the books in a set of two or more are present in a village. The responses are consistent and reliable.

14a. How many Land Register Books: N=2

are missing? 6 Books - 1; DK 1
should there be in total NA/DK 2

The small number of expected responses render the results insignificant.

14b. Is the Province Land Office making new copies of the missing Land Registers for the Village Office? N=2

Yes 0 No 2

See 14a.

14c. Approximately how many years ago were these copies lost? N=2
DK 2

See 14a.

14d. Do you know how the record was lost? N=2

0. "War-type" action such as Viet Minh, Viet Cong, etc. 1
1. "Natural" disaster such as flood, fire, etc. 0
2. Unknown 1

See 14a.

14e. How do you keep the record up to date? (free response) N=19

0. Post from information on instructions received from the Province Land Office 16, 84%
1. Post when a change in ownership takes place--before notifying the Province Land Office 3, 16%
2. Other (specify) _____

(Go to 16)

The prescribed procedure is to rely on documents approved first at the Province Land Office. Although the percentage not following the procedure is small, it indicates some problems may be anticipated in maintaining two identical records.

15. (The Village Office has no copies of the Land Register.)

15a. Is the Province Land Office making new copies of the record for the Village Office? N=18

Yes 0 No 17, 94% Unknown 1, 6%

This presents the Village Chiefs' view and is a fairly accurate representation of the general picture. In the Land Service Chief survey, it appears that less than 10% of the villages with missing land registers have received new copies from the Land Offices.

15b. Did the Village Office ever have copies of the Land Register? N=18

Yes (Go to 15c) 8, 44% No 3, 17%
Unknown (Go to 16) 7, 39%

Being an "historical" question, the number of "unknown" responses is not surprising considering the large number of new Village Chiefs selected in the recent elections.

15c. Approximately how many years ago were the Village Office copies lost? N=15

Years Total 80 years; 11 years avg.; Range: 4 to 23 years for 7 responses
Don't know 4, 22%
NA 4, 22%

The small number of usable responses results in less significant results than are found on similar questions. The comment on 15b is also applicable here.

15d. Do you know how the record was lost? N=15

0. "War-type" action such as Viet Minh, Viet Cong, etc. 6, 40%
1. "Natural" disaster such as flood, fire, etc. 0
2. Unknown 5, 33%
3. NA 4, 27%

With such a small response, this is best taken as a confirmation of--or not contradicting--similar responses elsewhere. The comment on 15b applies.

VIII. AGRICULTURAL COMMITTEE

16. Is there a Village Agricultural Committee? N=37

Yes (Go to 17) 13, 35% No (Go to 18) 24, 65%

Two of the "No" responses indicated that this function has been assigned to the district level. The responses seem consistent and reliable.

17. (The village has an Agricultural Committee.)

17a. How many members? N=13

Landlords	1 Member, 6; 2 Members, 5; 3 Members, 1; 4 Members, 1
Tenants	1 Member, 6; 2 Members, 4; 3 Members, 1; 4 Members, 1; 6 Members, 1
Total	3 Members, 4; 4 Members, 2; 5 Members, 4; 6 Members, 1; 9 Members, 1; 10 Members, 1

In one village, there are two landlord and three tenant members and in another there are three landlord and six tenant members. In all other villages, the number of landlord and tenant members is equal and varies from one to four each.

17b. How many times did the Committee meet in 1966: N=13

2 to 6 times: 5, 38%; 8 to 12 times: 6, 46%

When necessary: 1 time, 8%; DK 1, 8%

No particular pattern emerges with eight different frequencies distributed among 12 usable responses. It may be that the "when necessary" response could also apply to some of those that gave (properly) numerical answers.

17c. How many members of the Village Popular Council or Village Administrative Committee are also on the Agricultural Committee" (Go to 19) N=13

1 Member	9, 69%
2 Members	3, 23%
4 Members	1, 8%

The 9 "1 member" responses all indicated the Village Administrative Chief. The 3 "2 members" responses said the Village Administrative Chief and the Agricultural Commissioner (2 cases) or the Popular Council Chief (1 case). The "4 members" response called them "advisors to the Agricultural Committee" and included two Administrative Committee members and two Popular Council members.

18. (The village does not have any active Agricultural Committee.)

18a. Did the village ever have such a committee? N=24

Yes (Go to 19b) 7, 29% No (Go to 19) 16, 67%
Unknown (Go to 19) 1, 4%

The responses appear consistent and reliable.

18b. Why did it disband or become inactive: (free response) N=7

0. Lack of interest by members 0
1. Not enough work to do 2, 29%
2. Lack of money to accomplish work 1, 14%
3. "War" activity such as Viet Minh or Viet Cong 2, 29%
4. Other (specify) _____
5. NA 2, 28%

The small number of responses gives insignificant results.

19. What person or group does the following? N=37

The diversity of the responses in this set of questions appears too broad to be meaningful except when they are grouped into the two categories of "Village" and "Province" to distinguish the local or village participation in decisions as opposed to that more official "handing down" of decisions by the provincial authorities. It is interesting that no response mentioned the District level.

a. Determine rent rate on private land	Province 3, 8%; Ord. 57 - 4, 11%; Landlord/Tenant 14, 37%; Land Office 3, 8%; Agricultural Commissioner 1, 3%; Agricultural Committee 6, 16%; Other Village 4, 11%; DK 1, 3%; NA 1, 3%

The responses which said "Village" in some form were 11 or 30%. "Province" or "Ordinance 57" was mentioned by 10 or 27%. "Landlord/Tenant" might also be considered as "Village" since differences of opinion would probably be settled in the village (see 19d).

b. Determine rent rate on communal land	Village 6, 16%; Village Administrative Committee 10, 27%; Agricultural Commissioner 3, 8%; Village Council 3, 8%; Province 5, 14%; Village with Province Approval 3, 8%; NA 7, 19%

Grouping the "Village" responses provides a total of 25 responses or 68% while the "Province" nets only 5 or 14%. The NA response number is high but not particularly significant for it includes two "don't collect," one "fixed rate a long time ago," one "there is no rate," and similar responses which are generally consistent with communal land rental information.

c. Set tolerance rate for crop damage	Village 20, 54%; Village with Province approval 4, 11%; Landlord/Tenant 7, 19%; Province 2, 5%; NA 4, 11%

The combined "Village" responses are 24 or 65% while the "Province" responses are 2 or 5%. It seems reasonable to assume that if differences of opinion occur in the "Landlord/Tenant" group they would be settled as indicated in 19d.

d. Settle differences of opinion about rent rates, land boundaries, etc.	Village Administrative Committee 15, 40%; Agricultural Committee 8, 22%; Village Other 9, 24%; Province 2, 5%; NA 3, 8%

The "Village Other" responses include designations such as "Village Chief," "Village Chief and Security Commissioner," "settled by two notables" and various combinations of village officials. The total "Village" count is 32 or 86% while the "Province" has only 2 or 5%.

20. Who or what group determines the quality class (Special, A, B., etc.) of rice and garden land? (MULTIPLE ANSWER POSSIBLE) N=37

0. Village Council 7, 19%
1. Village Administrative Committee 18, 49%
2. Village Agricultural Committee 6, 16%
3. Other (specify) Custom 7, 19%; Province 14, 38%

The key point is the strong emphasis on the "Village" and a deemphasis of the "Province" with only five respondents saying both the village and province. Only three respondents mentioned a province-village committee--which is the method provided by government regulations. Two responses indicated district level involvement. In some cases, the "custom" referred to is the information in the land records.

IX. LAND TRANSACTIONS

21. During 1966 were there any transfers of private land (sale or inheritance) in the village? N=37

Yes 23, 62%	No. of sales 316; Avg. 13/Villages; Ranges: 0 to 55	
	Avg. price per ha rice land 23,678; Range: 3000 to 100,000	
No 9, 24%	No. of inheritances 89; Avg. 4/Village	
NA 5, 14%	Range: 0 to 24	

Due to the wide range in the type and quality of the "average" rice lands in the survey, no conclusions can be drawn from the "average" price. Some land prices are inflated because of nearness to large towns (potential residence-commercial use), potential sale to American military forces and other similar factors.

The number of villages having inheritance transactions is less than half the number of having sales transactions.

21a. Please describe the way in which land usually is inherited in this village (equal shares to all children; most to eldest son; varies with plot size, etc.) (MULTIPLE ANSWER POSSIBLE) N=37

	Love of Parents Determines Shares	Equal to All*	Most to Youngest	Sons More	Cultural Estates to Eldest & Youngest	Cultural Estates to Eldest or Youngest	Family Council†	DK
Total	4	15	1	6	3	1	11	3
% of usable responses	17%	65%	4%	26%	13%	4%		
% of total responses							30%	8%

* Most with variations on Cultural Estate distribution such as: (1) to youngest; (2) to oldest; (3) to oldest or youngest; (4) to oldest and youngest.

† Respondent described calling of a family council to decide on the distribution but did not define the method of distribution.

The "Family Council" responses were not useful in that some gave complete descriptions of how the council is called but gave no indication of a usual method of inheritance. The "Cultural Estates to Eldest and Youngest" responses were all combined with "Sons More" responses.

22. How long does it usually take to process the papers (agreements, declarations, etc.) for a transfer of land by sending the papers to the Province Office for approval and to have them returned? N=37

One week 3, 8%; 2 Weeks 4, 11%; 3 Weeks 2, 5%; 4 Weeks 3, 8%; 1 to 3 Months 18, 49%; 4 Months Plus 2, 5%; NA 5, 14%

Four respondents said, in effect, "its up to the eagerness of the buyer and seller." Five additional comments indicated that it takes from one hour to a week in the village. A total of more than 60% said it takes four or more weeks at the province.

23. What office makes up and issues titles to land? N=37

0. Village 0
1. District 0
2. Province 35, 95%
3. Saigon 0
4. DK 2, 5%

The results are consistent and reliable.

24. How many people in the Village received land titles (all types) in 1966 and 1967?

0. Private transfers of ownership. How many in 1966 210
Average 6
How many in 1967 139
Average 4

1. Expropriated land. How many in 1966 N=32 44; Avg. 1
How many in 1967 N-34 2166; Avg. 64

NA 1

The responses for private lands appear consistent and reliable.

The number of titles granted for expropriated land in 1967 is concentrated almost entirely in three villages reporting 1500, 306, and 200 titles issued with only six villages reporting the remainder (160 titles). In the 1966 reports, the title distribution was confined to four villages.

X. RECORD KEEPING

25. What is the title of the person who actually keeps (posts or write in) the Land Register, Lease-Contract Records and related papers? N=37

Agricultural Commissioner 21, 57%; Finance Commissioner 11, 30%; Chief Secretary 5, 13%

The Agricultural Commissioner is a newly created position in village administration.

25a. How did he learn to do this work?

0. On the job N=37 10, 27%
1. Special training (indicate type) N=37 27, 73%
   Type: N=27 Land 11, 41%; Agricultural Administration/ General 16, 59%
   How long N=27 2 Weeks 23, 85%; 1 Month 3, 11%; Over 1 Month 1, 4%
   Who gave the training N=27 Land Office 7, 26%; Service Chiefs 19, 70%; DK 1, 4%
2. Other (specify)

The number who have received specialized training is generally consistent with other training received information (question 48).

The length of the training is not consistent with question 48, mainly because of the large number of NA responses in that question.

The "Service Chiefs" response probably indicates that the training received was "General Administrative" involving most of the Provincial Service Chiefs rather than being specialized in agriculture.

26. When the person who keeps the Land Records and papers has questions or needs help about the proper way to keep the records and papers, what is the title of the person he asks? (MULTIPLE ANSWER POSSIBLE) N=37

Finance Commissioner 2, 5%; Chief Secretary 2, 5%; Village Administrative Chief 16, 43%; District Deputy Chief 2, 5%; District Land Cadre 1, 3%; Province Land Office 22, 59%

A common combination of responses was to name a village or district official first and then the Provincial Land Office.

26a. How did this person learn to do this work? N=37

NA 17, 46%

0. On the job 2, 5%
1. Special training (indicate type) 18, 49%

Type: N=18 Land 4, 22%; Agricultural Administration/General 13, 72%; NA 1, 6%

How long N=18 2 Weeks 13, 72%; 1 Month 3, 16%; Over 1 Month 1, 6%; NA 1, 6%

Who gave the training N=18 Land Office 3, 16%; Service Chiefs 14, 78%; NA 1, 6%

2. Other (specify)

The number of "NA" responses occurs here because of the respondents' lack of knowledge of such detail about district or provincial officials.

27. Do you have written instructions (order, manuals, handbooks) on how to:

0. Keep the land register
1. Process transfers of ownership
2. Maintain the lease contract register
3. Determine the rent rate for village land
4. Keep records on expropriated lands
5. Collect land taxes and keep the tax book
6. Keep records on village communal lands
7. Other (specify)

(Ask to see the "instructions" and give to the Data Collector to record the name, date and source or author of each.)

This question has resulted in a considerable amount of information on the identification of instructions, orders, etc., which requires translation and analysis before inclusion in the final report.

XI. LAND TAX RECORDS

28. Does the Village Office have a Land Tax Book for 1966? N=37

Yes (Go to 29) 29, 78% No (Go to 30) 8, 22%

The results are consistent and reliable.

29. (The Village Office has a Land Tax Book for 1966.)
(Ask to see it and give it to the Data Collector.)

29a. What office made up the Tax Book? N=29

Village 26, 90% Province 3, 10% Other (specify) _____

The "making up" of the books is the responsibility of the village office.

29b. Is the Village Tax Book checked (compared) with other village records (Land Register) as to names of owners and size of plots? N=29

Yes (Go to 29c) 17, 59% No (Go to 31) 12, 41%

The good "Yes" response is somewhat diluted when it is found that 6 of these villages do not have a land register--which is the only "record" the tax book could be checked against (other than an old tax book). This changes the results to Yes 11, 38% and No 18, 62%. The wording of the question and the desire of some Village Chiefs to "look good" may have contributed to this situation.

29c. What is done if differences are found between those records? N=17 (Go to 31)

Notify or ask Land Office 14, 82%; Notify or ask Tax Office 2, 12%; Village Rectify then notify Province 1, 6%

Of the six respondents referred to above, five of them replied "ask the Land Office" and one replied "ask the Tax Office." This does not disturb greatly the general trend shown. The response "rectify then notify province" is not in keeping with accepted procedures since the village land register is a semi-official or information copy.

30. (The Village Office does not have a Tax Book for 1966.)

30a. Why is there no Tax Book? N=8 Receipt Coupon 2, 25%; Not Enough People 2, 25%; Other 3, 38%; NA 1, 12%

The use of "receipt coupons" is understood to be illegal. The "other" reasons were: (1) Committee just elected, records burnt in 1964; (2) Financial Commissioner transferred, it couldn't be established; (3) Sent to Provincial Tax Service and was never returned. The small number of expected responses reduces the significance of this item.

30b. How does the village collect land taxes without a current book? N=8

Old Tax Book 4, 50%; Receipt Coupons 2, 25%; Other 2, 25%

"Receipt coupons" commented on above. The "other" responses were: (1) According to declarations of the Hamlet Chief; and (2) Based on land register and tax rate village receives from province at the beginning of the year. The significance of the results is reduced by the small number of responses.

30c. Is this the first year you have been without a Tax Book? N=8

Yes 1, 13% No 6, 75% How often has it happened? Long Time 2, 29%; Since 1957 1, 14%; Since 1964-1965 3, 43%; NA 1, 14%

NA 1, 12%

The significance of the results is reduced by the small number of responses.

XII. LAND IDENTIFICATION PROGRAM

31. Has any land been surveyed and identified under the "Land Identification" program? N=37

Yes (Go to 32) 4, 11% No (Go to 33) 33, 89%

The results are in keeping with the known limited application of the program.

"Land Identification Program" (Kien Dien) is a specific program of land measurement and identification started in 1962.

32. (Land has been surveyed under the Land Identification program.)

32a. What kind of land was "identified" and approximately how much? N=4

NA/DK 2, 50%

Kind	Approximate Area
Residential	169 ha
Farm (rice, garden, etc.)	5,418 ha
Other (specify)	

The small number of responses yields insignificant results.

32b. How long ago was the work started? N=4

Range: 3 months to 1-1/2 years

The small number of responses yields insignificant results.

32c. Is the work now: N=4

0. Complete? When completed? December 1967, 1, 25%
1. Still going on? 1, 25%
2. Na 2, 50%

The small number of responses yields insignificant results.

32d. How many surveying teams were doing the work? N=4

1 Team 4, 100%

The small number of responses yields insignificant results.

XIII. LANDLORD AND TENANTS

33. Have any disputes between landlords and tenants been brought to your attention in the last 3 years? N=37

Yes (Go to 33a) 16, 43% No (Go to 34) 21, 57%

The results appear consistent and reliable but their significance is modified by the small number of disputes reported in questions 33c and d.

33a. Who initiates complaints concerning rented land? N=16

0.	Landlord	Often	4, 25%	Seldom	7, 44%
		Never	1, 6%	NA	4, 25%
1.	Tenant	Often	6, 38%	Seldom	0
		Never	3, 18%	NA	7, 44%

No clear pattern develops within the relatively small number of usable responses, thus the results are not significant.

33b. Who is generally responsible for settling these disputes? N=16

Village 15, 94%; Province 1, 6%

Although the number of responses is relatively small, the results seem to confirm other information on the subject. The responses appear consistent with question 19 and again point to a strong village role in this activity.

33c. Last year (1966) how many disputes were settled in the village?
N=15 38; Avg. 2.6; Range 0 to 8

The relatively small response number is somewhat discounted by the narrow range reported (0 to 8 disputes) which provides an indication of a low incidence of disputes.

33d. Last year (1966) how many disputes were appealed outside the village? N=15 10; Avg. .7

Again the small numbers involved reduce the significance of the response but it appears that at least a quarter of the disputes were appealed.

34. Does anyone own more than 30 ha of land located in this village?
N=37

Yes (Go to 34a) 21, 57% No (Go to 35) 16, 43%

The percent of "No" answers seems slightly high when compared with size of holdings information obtained from Village Tax books in which a sample of 241 villages revealed 29% of the villages with no riceland holdings over 30 hectares.

It is possible that the question was understood by some respondents as "does anyone (who lives in this village) own more than 30 hectares?" but the general impression given by the results is probably fairly reliable.

34a. Approximately how many landholdings in this Village are larger than 30 ha? N=21 332; Avg. 16; Range 1 to 120

There are few figures to compare this with except our own sample of landholdings mentioned above in which 241 villages yielded an average of 19 holdings over 30 hectares per village. However, in the latter case, the range is from an average of 1 per village to 35 per village.

34b. Approximately how many of the owners of these holdings reside

in this village?	N=21	127, 38%
in this province?		52, 16%
outside province?		153, 46%

The percent of these owners living in the village may be assumed to be higher in our sample than in the general population because of our necessary sample bias toward the "more secure" villages.

34c. How many of these owners cultivate some of their own land in this village? N=21 39 out of 290, 13%; DK/NA 9, 43%

Some responses were removed in cases in which the respondent misunderstood and gave the total number of owners that cultivate some of their own land. The remainder make up about 3/5 of the total responses.

XIV. NEW PROGRAMS

35. If a new land distribution program were started, should the following be included as recipients of land? (If yes, which should be first and which should be last?) N=37

Recipients of Land	Yes	No	NA	P1	P2	P3
Owners with very small farms?	11 30%	21 57%	5 13%	0	0	11 34%
Tenants with very small farms?	33 89%	3 8%	1 3%	2 5%	30 83%	1 3%
Farm laborers with no land?	36 97%	0	1 3%	33 92%	3 8%	0

The pattern of responses shows very clearly and appears consistent and reliable.

36. If a new land distribution were started, should the following classes of persons be given a preference in receiving land if they are otherwise legally and economically qualified? (If yes, what is the order of importance?) N=37

	Yes	No	NA	P1	P2	P3	P4
Hoi Chanh	22 59%	8 22%	7 19%	0	1 3%	13 50%	6 20%
War veterans	36 97%	0	1 3%	4 12%	27 77%	5 14%	0
War widows	35 95%	0	2 5%	30 86%	5 14%	0	0
Other (specify)							

Again the pattern of preferences of the Village Chiefs is quite clear. Both this and the preceding question show a tendency for increased "NA's" on the lower priority item.

37. If a new program should give land to present landless farm laborers, would the recipients generally be able to operate it productively? N=37

All 30, 81% Some 6, 16% None 0 NA 1, 3%

If "some" or "none," would it be because of their lack of skill? N=6

1, 17%, inability to get credit? 1, 17%, other reasons (specify) NA 4, 66%

The first portion of the question appears well responded to but the second portion results are insignificant.

38. If the GVN started a new land distribution program could the Village Council make fair decisions among the applicants for land, i.e., which ones should receive land, and how much they should receive? N=37

Yes 34, 92% No 1, 3% NA 2, 5%

Many of the respondents used this question to comment again on their views of "priorities" and also to express their opinions on the amount that should be distributed to each family. The latter ranged from minimums of 3/10 a hectare to a maximum of 5 hectares (large family).

39. If the GVN were to carry out a land distribution program similar to that of Ordinance 57, could the Village Council handle the administrative problems of purchasing and redistributing land if the retention limit was: (Ask only until one "no" answer is received.) N=37

0.	75 ha?	Yes	No 3, 8%
1.	50 ha?	Yes	No 7, 19%
2.	25 ha?	Yes	No 11, 30%
3.	20 ha?	Yes	No 2, 5%
4.	15 ha?	Yes	No 1, 3%
5.	10 ha?	Yes	No 1, 3%
6.	5 ha?	Yes	No 2, 5%

NA 8, 22% All "Yes" 2, 5%

The comments of 17 respondents (46%) indicate that they were answering the question from the viewpoint of their opinion of a proper retention limit rather than considering the administrative problems that might be caused by such distribution.

Another possible influence on this question was a series of provincial land affairs meetings (prior to a national meeting) from which emanated a widespread rumor about a 30 hectare retention limit. This occurred around the time of our visits and may have contributed to the distribution of responses shown.

Due to these two factors, the results cannot be considered--with any confidence--to reflect responses to the intent of the question.

40. If the GVN started a new rent control program designed to prevent landlords from collecting rents which are legally too high, could the Village Council and Administrative Committee, with additional staff, collect legal rents and send them on to the landlords? N=37

Yes 28, 76% No 6, 16% NA 3, 8%

Some of the "Yes" response comments were:

1. Avoids disputes between landlords and tenants (9 responses).
2. . . . if the village had security and enough warehouses (3 responses).
3. Possible but if the GVN sets rates, landlords will take back lands and rent to relatives (1 response).
4. With more personnel (4 responses).
5. Landlords here don't charge high rents (1 response).
6. Capable but doesn't, afraid of suffering bad reputation toward people and landlords (1 response).

Some of the "No" response comments were:

1. Too difficult, complicated and untidy (1 response).
2. Complicated and displease the peasants (1 response).
3. It will cause discontent between landlords (1 response).
4. Not enough personnel and warehouses. Can't do it without security (1 response).
5. Tenants rely on VC. They pay if they want to and vice versa (1 response).

The comments on at least 9 of the "Yes" responses are qualifications which could be interpreted to nullify the positive and result in a negative response.

41. Has the new Village Council discussed the subjects of land redistribution and land reform? N=37

Yes 3, 8% No 33, 89% NA 1, 3%

If yes, did it reach any consensus on possible recommendations?
Yes ____ No ____ If there was a consensus what was decided?

The results of the first part of the question appear consistent and reliable. The second part--with only three expected responses--is insignificant.

42. Have you ever discussed land reform (e.g., land distribution or rent reduction) with the District Chief? N=37

Yes 4, 11% No 31, 84% NA 2, 5%

If yes, what were the results (specify)?

The four "Yes" responses were accompanied by these comments:

1. Village office presented to District but due to insufficient security not decided.
2. Land reform conference (Provincial) in January, 1968--Subject: Should rent be reduced under 25%; keep retention limit at 30 hectares and distribute to anti-communist refugees.
3. The District Chief promised to convince the allies to provide facilities.
4. Find means to help farmers dig wells, irrigate and cultivate.

43. If the GVN started a program to distribute village communal lands to farmers and give them private ownership of those lands, could the Village replace the lost rent revenue? N=37

Could 10, 27%; Could Not 25, 68%; NA 2, 5%

Arranging the responses according to the communal land income (as a percent of the total village budget), we have this result:

Percent of Budget	Could Replace	Could Not Replace
0 - 4.9%	6	7
5 - 9.9%	1	5
10 - 19.9%	1	4
Over 20%	0	8

(Some villages did not report income data.)

The comment "unable to collect rent anyway and village running OK so if distributed, no loss of revenue" very nicely describes the position some villages are now in due to security conditions. Some have already learned to get along without communal land rent.

However, one village which could not collect such rents was required to borrow from higher levels of government. In a few villages, this rental income was over 40% of total income.

XV. VILLAGE ADMINISTRATION

44. Were elections of Village Council held in this Village?

Yes N=37 35, 95%
- a. give month and year _____
- b. has Village Administrative Committee been appointed? N=35
  - Yes (Go to 45) 34, 97%
  - No (Go to 47) 1, 3%

No N=37 2, 5%
- Has a provisional Village Administrative Committee been appointed by the Province Chief? N=3
  - Yes (Go to 47) 3, 100%
  - No (Go to 49) 0

Most of the elections were held in April or May of 1967 with a few in June, July and December. Village Administrative Committees were appointed in all villages which had elections except one which had elections the month before our visit and was still operating under the province appointed committee.

45. Background: The number of Village Council Members varies from six to twelve, depending on the population of each Village; Up to 2,000 inhabitants, 6 members; 2,001 to 5,000, 8 members; 5,001 to 10,000, 10 members; above 10,000, 12 members.

N=35 (Total number of members 367)

Occupation or Profession of Individual Member of Village Council	(Members of Council Not To Be Identified by Name)											
	1	2	3	4	5	6	7	8	9	10	11	12
1. Owns farm land	In Vietnamese, line 1 wording had connotation of "big landowner" or "landlord," while line 2 wording implied "small farmer" or "owner-operator" . . . line 1 responses have been placed in line 3.											
2. Cultivates land himself	80 22%											
3. Rents farm land to tenants	24 7%											
4. Is a farm tenant-operator	89 24%											
5. Is farm laborer without farm land	6 2%											
6. Is merchant	106 29%											
7. Is fisherman	17 5%											
8. Other occupation or profession	62 17%											
9. Is member of Village Cult Committee	30 8%											

Farmers (Cultivators) = Line 2 + 4 + 5 = $\frac{193}{367}$ = 53%

Non-farmers = remainder = $\frac{174}{367}$ = 47%

The total of the percentages is more than 100% because of overlap in some categories, e.g., a merchant may rent out land and be a member of the cult committee. Little, if any, overlap is found between "farmers" and other occupations. The variation among villages is from no farmers to all farmers.

In these villages comments revealed that 3 members had resigned, 2 were dismissed, 5 had "died," one was drafted, one was a "deserter," one killed and one kidnapped by the VC.

46. If few or no farmers are members of Council, please explain. N=17
Few Farmers in Village 7, 41%; Security 2, 12%; Farmers have left farms for village work 2, 12%; Other 2, 12%; NA 2, 23%

The general impression obtained is that few farmers are Council members in villages that are relatively active commercial centers and where security conditions are poor.

Some of the comments on this question were:

1. Farmers less educated, no support. Those who run cannot sleep in "the countryside."
2. With insecurity people gather in the village and do work other than farming. Farmers don't run for office so they can go in and out of secure areas to take care of their lands and crops.
3. All those who are present just keep silent, they don't have any ideas.
4. Three members used to be farmers, now they're not.

47. Which of the following positions are now filled: N=37 Number of Hamlets is 299

0. Hamlet Assistant for Security 206, 69%
1. Hamlet Assistant-Propaganda and Civic Action 201, 67%

This 65 to 70% may have some correlation with security since appointments are usually not made in the least secure areas. However, this result has no particular relationship to the degree of activity that might be carried on.

48. Describe the Village Administrative Committee and all of the people regularly employed in the Village Office.

How long on this job? N=37

	Less 1 yr	1-3 yr	3-6 yr	Over 6 yr
Chief 36, 97%	24, 67%	2, 5%	4, 11%	6, 17%
Deputy Chief 32, 86%	25, 78%	3, 9%	2, 6%	2, 6%
Security Commissioner 32, 86%	25, 78%	3, 9%	3, 9%	1, 3%
Agricultural Commissioner 29, 78%	27, 93%	1, 3%	1, 3%	0
Soc. Welfare Commissioner 28, 76%	27, 96%	1, 4%	0	0
Prop. & Civic Action Commissioner 33, 89%	32, 97%	1, 3%	0	0
Chief Secretary 33, 89%	30, 91%	1, 3%	1, 3%	1, 3%
Assistant Secretary 30, 81%	26, 87%	1, 3%	1, 3%	2, 7%
Assistant Secretary 13, 35%	8, 62%	2, 15%	1, 8%	2, 15%

How long on other similar jobs? Time

	Vil. Chief	Vil. Dep. Chief	Vil. Commsr.	Hamlet Chief	Hamlet Other	Other	None
Chief N=36							
Years	11	24	0	10y2m	0	69	0
Average years	6	3	0	2	0	4	0
No. of cases (31-86%)	2	9	0	5	1	14	5
Percent	5%	25%	0	14%	3%	39%	14%
Deputy Chief N=32							
Years	0	3	0	8	0	87y4m	0
Average years	0	3	0	4	0	5	0
No. of cases (21-66%)	1	1	0	2	0	17	11
Percent	3%	3%	0	6%	0	53%	35%
Ag. Commissioner N=29							
Years	0	3	0	16	3	13	0
Average years	0	1	0	2	3	1	0
No. of cases (20-69%)	0	2	0	6	1	10	9
Percent	0	7%	0	24%	3%	34%	31%
Chief Sec. N=33							
Years	3	6	0	0	0	131	0
Average	3	3	0	0	0	6	0
No. of cases (24-73%)	1	2	0	1	0	20	9
Percent	3%	6%	0	3%	0	61%	27%

Special training received--time and subjects

	Have Training	2 Weeks	1 mo	2 mo	Over 2 mo	NA	Subjects
Chief N=36	33, 92%	14, 39%	3, 8%	3, 8%	3, 8%	13, 36%	All courses are in "general administration" or similar subjects, usually given at province headquarters
Deputy Chief N=32	27, 84%	12, 38%	3, 9%	1, 3%	2, 6%	14, 44%	
Agricultural Commissioner N=29	24, 83%	13, 45%	1, 3%	0	0	15, 52%	
Chief Secretary N=33	27, 82%	14, 42%	2, 6%	2, 6%	1, 3%	14, 42%	

Level of education

	P(I)	P	S_2	S_1	B
Chief N=36	4, 11%	25, 69%	6, 17%	0	1, 3%
Deputy Chief N=32	5, 16%	23, 72%	3, 9%	1, 3%	0
Agricultural Commissioner N=29	5, 17%	23, 79%	1, 4%	0	0
Chief Secretary N=33	0	24, 73%	8, 24%	0	1, 3%

Note:
P(I) - Primary (Incomplete)
P - Primary
S_2 - Secondary (Jr. High)
S_1 - Secondary (High School)
B - Baccalaureate (High School)

The sections "how long on this job?" and "how long on other similar jobs?" are best taken together for the former indicates a very large (67 to 97%) change over in the village administrative staff while the latter shows that most (65 to 86%) of the staff have previous experience in some phase of local administration.

The remaining sections show clear indications of most staff members obtaining at least two weeks general administrative training and the bulk of the staff completing their primary education (equivalent to sixth grade).

49. Did any Village or Hamlet official not receive his full salary during 1967? N=37

Yes 6, 17% No 31, 83%

Is this common 3, 50%, exceptional 3, 50% N=6

The responses to the first portion seem reliable. The small number of responses to the second portion yields insignificant results.

50. What kind of projects or public works have taken place in your village during 1967 and what part did the Village, District, Province or National Offices take in accomplishing that work? (free response) N=37

Project or Work (Total Responses/%)	Requested by: Vil 1	Prov. 2	Forgn. Asst. 3	Non-Govt. & People 4	NA	Led or Supervised by: Vil. 1	Prov. 2	Forgn. Asst. 3	Non-Govt. & People 4	NA	Nature of Contribution: Vil. 1	Prov. 2	Forgn. Asst. 3	Non-Govt. & People 4	NA
Roads,	21	5	0	1	10	19	8	0	0	12	7	9	9	1	12
Bridges	78%	18%	--	4%		70%	30%	--	--		27%	35%	35%	3%	
School	24	5	0	1	8	13	10	0	6	10	0	14	12	2	10
Buildings	80%	17%	--	3%		45%	34%	--	21%		--	50%	43%	7%	
Teachers	2	21	0	0	14	2	20	0	0	15	0	13	0	0	24
	9%	91%	--	--		9%	91%	--	--		--	100%	--	--	
Books	1	20	0	0	16	3	18	0	0	17	0	9	2	1	25
	5%	95%	--	--		14%	86%	--	--		--	75%	17%	8%	
Markets	16	3	0	0	18	15	0	0	1	21	4	6	6	1	20
	84%	16%	--	--		94%	--	--	6%		24%	35%	35%	6%	
Maternity	14	5	0	0	18	10	5	0	2	18	0	8	5	0	24
	74%	26%	--	--		59%	29%	--	12%		--	62%	38%	--	
Nurse	1	14	0	0	22	1	12	0	0	24	0	10	0	0	27
	7%	93%	--	--		8%	92%	--	--		--	100%	--	--	
Wells	11	2	0	3	23	9	2	3	0	24	0	5	4	1	27
(drinking)	69%	12%	--	19%		64%	14%	22%	--		--	50%	40%	10%	
Irrigation	1	1	0	0	35	1	0	0	0	36	0	1	0	1	36
	50%	50%	--	--		100%	--	--	--		--	50%	--	50%	
Fertilizer	5	2	0	0	30	5	0	0	0	32	0	6	0	0	31
	71%	29%	--	--		100%	--	--	--		--	100%	--	--	
Animals	8	10	0	1	18	2	14	0	0	21	0	7	2	0	27
	42%	53%	--	5%		13%	87%	--	--		--	78%	22%	--	

Percent (1-2-3-4) ÷ (N - NA)

The clear patterns of "local" initiative arise in the roads and bridges, school buildings, markets, maternity and drinking wells groups. The strong "province" response on teachers, books and nurses is not unexpected.

The pattern on the "Led or Supervised" section follows that of the "Requested By" section. It is quite possible that this section was misunderstood as referring to having "official" charge of or being "titular" head of which would result in a larger "village" response than is actually warranted by the intent of the question.

The "Nature of Contribution" section attempted to elicit information about the sources of money, man or materials. It is here that the "village" and "non-government" contributions diminish to an almost insignificant point.

51. What is the most important duty or responsibility of the following: (free response) (After he answers the most important, ask what is the second most important.)

P = priority
R = responses

Duty (priority responses and percent)	N=37 NA 5, 14% Village Council P1	P2	P3	Total R	N=37 Village Administrative Committee P1	P2	P3	Total R
Plan improvements for village (roads, schools, maternity, etc.)	19 59%	4 12%	1 3%	24	23 62%	6 16%	3 8%	32
Supervise Village Administrative Committee (records, activities, etc.)	1 3%	11 34%	2 6%	14	4 11%	9 24%	5 13%	18
Supervise village budget (income and expenditures)	1 3%	9 28%	10 31%	20	3 8%	7 19%	4 11%	14
Supervise land administration (communal land, ownership, rental etc.)	--	--	2 6%	2	--	1 3%	3 8%	4
Settle disputes (land, marital, business, etc.)	--	3 9%	1 3%	4	--	--	1 3%	1
Plan and supervise fairs, ceremonies, etc.	--	--	--	--	--	--	1 3%	1
Represent the village peoples needs and opinions to the govt.	8 25%	6 19%	7 21%	21	2 5%	5 13%	7 19%	14
Carry out orders and instructions of the Province and District Chiefs	--	--	2 6%	2	--	3 8%	8 22%	11
Other--Security	--	--	--	--	3 8%	1 3%	--	4
Other	3 9%	1 3%	2 6%	6	2 5%	4 11%	2 5%	8

Perhaps the most significant revelation of the Village Chiefs' opinions here is the parallelism of the responses which may reflect a lack of definition of responsibilities between the two bodies--at least in the minds of the Village Chiefs. The differences in magnitude do not appear to be great enough within the limited number of useful responses to draw any fine distinctions.

Among the "other" responses were:

Village Council

1. Electrical plant (1 response, 1st priority)

2. See that people have work (1 response, 1st priority)

3. Help people and defend their interests (1 response, 1st priority)

4. Hospitals (1 response, 2nd priority)

5. Help sick and poor (1 response, 3rd priority)

6. Liaison role between people and authority (1 response, 3rd priority)

Village Administrative Committee

1. Electrical plant (1 response, 1st priority)

2. How to increase output of land (1 response, 1st priority)

3. Trade training program--handicraft (1 response, 2nd priority)

4. Loans (1 response, 2nd priority)

5. Build hospitals, roads, water, electricity (1 response, 2nd priority)

52. What do you think is most needed by the people in this village? (free response) (Interviewer: indicate by number 1, 2, 3, etc. the order of importance.) (MULTIPLE ANSWER POSSIBLE) Note: Some placed two or more items at equal priority--some total more than 100%. N=37

Needed by Village	P1	P2	P3	P4	P4+	Total R
Peace and security	27	1	--	1	2	31
	73%	3%		3%	5%	84%
Better government	1	11	--	2	4	18
	3%	30%		5%	11%	49%
Reduced taxes	--	2	1	--	10	13
		5%	3%		27%	35%
Roads and bridges	--	9	8	7	7	31
		24%	22%	19%	19%	84%
Reduced rents	--	1	1	--	10	12
		3%	3%		27%	33%
More land ownership	--	1	--	--	14	15
		3%			38%	41%
More land to farm (own or rent)	--	2	5	2	10	19
		5%	14%	5%	27%	51%
Irrigation works	--	--	2	--	5	7
			5%		14%	19%
Education (schools, etc.)	3	3	5	8	8	27
	8%	8%	13%	22%	22%	73%
Health improvements	--	7	2	3	14	26
		19%	5%	8%	38%	70%
More available credit	1	1	4	2	18	26
	3%	3%	11%	5%	49%	70%
More fertilizer, pesticides	1	1	1	1	20	24
	3%	3%	3%	3%	54%	65%
Farm equipment	1	--	--	4	17	22
	3%			11%	46%	59%
Electric	3	--	--	--	--	3
	8%					8%
Water	1	1	--	--	--	2
	3%	3%				5%
Other	1	3	3	3	1	11
	3%	8%	8%	8%	3%	30%

Note: P = priority
R = responses

The "local administration" bias of the Village Chiefs shows through quite clearly in their emphasis on items which are of most general and tangible benefit to almost all people in the village, e.g., peace and security, roads and bridges, education, health improvements. Less "visable" items--which are also the more sensitive or controversial--such as reduced rents, more land ownership and reduced taxes ranked lower in importance.

Among the "other" responses were:

1. Punish soldiers--steal chickens (1 response, 1st priority)

2. Price of goods (1 response, 2nd priority)

3. Behavior of government cadre, they should be serious (1 response, 2nd priority)

4. Indemnity for rice damaged by tanks (1 response, 2nd priority)

5. Fish market building (1 response, 3rd priority)

6. More funds to pay village staff's wages (1 response, 3rd priority)

XVI. SECURITY

53. Has there been any fighting in your village between the Viet Cong and Government Military Forces? N=37 (MULTIPLE ANSWER POSSIBLE)

Recently 17, 46% During 1967 14, 38%
During the last 10 years 11, 30% Never 13, 35%
Do Not Know _____

The responses appear consistent and reliable.

54. What type of this activity, if any, has taken place in your village during this year? N=37 (MULTIPLE ANSWER POSSIBLE)

0. Accidental bombing, strafing or shelling of village 13, 35%
1. Accidental defoliation of village land 14, 38%
2. Large battles in village 6, 16%
3. Village or hamlet shot at by VC 23, 62%
4. Destruction of roads, bridges, or public buildings by the VC 18, 49%
5. Kidnapping or intimidation 24, 65%
6. Other _____

In addition, comments mentioned:

1. Propaganda activities (8 responses)

2. Recruiting (5 responses)

3. Forced labor (3 responses)

4. Tax collection (3 responses)

5. Assassination (1 response)

6. Requisitioning boats (1 response)

7. Collecting people's ID cards (1 response)

55. To your knowledge what government defense forces have operated in your village during the last year? N=37 (MULTIPLE ANSWER POSSIBLE)

0. Military forces 22, 60%
1. Civil Guard (or Popular Forces) 36, 97%
2. RD Cadre 21, 57%
3. Other _____

The responses appear consistent and reliable.

56. How many hamlets in your village have self defense groups such as "Fighting Youth" or "Self Defense Forces"? N=299 Total 83, 28%;

There tends to be an "all or nothing" aspect here--all the hamlets in a village have such forces or none have. In 9 villages all hamlets have forces, in 8 villages some hamlets are so protected and in 17 villages no such forces exist.

57. Is it safe for a stranger to stay in the Hamlets of your village? N=37

By Day	All 27, 73%	Some 10, 27%	None 0
By Night	All 10, 27%	Some 20, 54%	None 6, 16%

The responses appear consistent and reliable. One comment was "nothing's happened for a long time but who knows? It's not safe at night."

The responses appear consistent and reliable.

62a. Can the village office collect taxes on these lands? N=37

None 8, 22% Some 6, 16% All 18, 49% NA 5, 13%

62b. Can the landlords collect rent on these lands? N=37

None 10, 27% Some 5, 14% All 17, 45% NA 5, 14%

These two questions were misplaced in that they were supposed to be numbered 61a and b. The "these lands" phrase should have referred to land "under some VC control" but the misplacement caused it to refer to "VC redistributed" lands. However, the responses are not consistent (in a village-by-village comparison) with the new interpretation. Thus, it is not possible to tell exactly how the phrase "these lands" was understood by the respondents and both questions must be discarded.

63. Have the VC ever reduced or eliminated rents in the village? N=36

Yes 1, 3% No 32, 89% NA 3, 8%

Six respondents commented that the VC do not reduce but increase rental rates.

64. Have any landowners in the village whose land was redistributed by the VC returned to claim back their land? N=35

Yes 0 How many? _____ (Go to 64a)
No 33, 94% (Go to 65)
NA 2, 6%

The validity of the responses to this question is doubtful. The subject of "confused lands" (as recontrolled lands are called) is sensitive and in itself "confused." A complex regulation outlines the method of settling or redistributing lands which have been redistributed by the VC and then brought back under government control.

It is quite possible that the Village Chiefs interviewed did not wish to discuss this subject and knew (near the end of a long questionnaire) that a negative response would be the most likely way of avoiding discussion.

64a. Has this resulted in disagreements between the old landowner and the people who received land from the VC?

Yes (Go to 64b) No (Go to 65) NO RESPONSES

See 64

58. Do any of the Village or Hamlet officials sleep some where other than their homes for security reasons? N=37

Yes 29, 78% No 8, 22%

Two "Yes" respondents had previously said "all hamlets are secure." Comments included:

1. Almost all of them gather at Provincial town.

2. They sleep at military posts.

3. They sleep at military posts to tighten the union between people in the village.

4. They gather at village headquarters (2 responses).

59. Have you heard of VC presence in your village? (MULTIPLE RESPONSES) N=37

Recently 24, 65% During the past year 16, 43%
During the past 10 years 16, 43% (All--Go to 60)
Never (End of Interview) 8, 22%

The results appear consistent and reliable.

60. How many hamlets in your village do you consider to be currently under some VC control? N=299 Total 57, 19%

The meaning of this question was changed in translation by leaving out the word "some." Thus this result refers to hamlets which are completely controlled by the VC.

61. Approximately what proportion of farm land in your village do you consider to be currently under some VC control? N=37

None 21, 57% 1/4 5, 13% 1/2 5, 13% 3/4 4, 11%
All 1, 3% NA 1, 3%

As with the previous question, the word "some" was omitted in translation therefore the land mentioned here is under VC control.

62. Approximately what proportion of farm land in your village has the VC redistributed to the residents? N=37

None 28, 76% 1/4 2, 5% 1/2 2, 5% 3/4 1, 3%
All 1, 3% NA 3, 8%

64b. Were these disagreements resolved?

All (Go to 64c) Some How many? _____ (Go to 64c)
None (Go to 65) NO RESPONSES

See 64

64c. What person or group resolved these disagreements?

NO RESPONSES

See 64

65. Whether or not the landowner has returned, have any tenants of landowners whose lands were redistributed by the VC returned to reassert their tenancy rights? N=35

Yes How many? _____ (Go to 65a)
No 33, 94% (End of Interview)
NA 2, 6%

See 64

65a. Has this resulted in disagreements between the old tenant and the people who received land from the VC? No Responses

Yes (Go to 65b) No (End of interview)

See 64

65b. Were these disagreements resolved? No Responses

All (Go to 65c) Some How many? _____ (Go to 65c)
None (End of Interview)

See 64

65c. What person or group resolved these disagreements?

NO RESPONSES

See 64

Appendix D

SUMMARIES AND COMMENTS ON RECORDS INFORMATION FORMS FOR VILLAGE ADMINISTRATIVE CHIEF AND PROVINCIAL LAND OFFICE SURVEYS

Appendix D

SUMMARIES AND COMMENTS ON RECORDS INFORMATION FORMS FOR VILLAGE ADMINISTRATIVE CHIEF AND PROVINCIAL LAND OFFICE SURVEYS

Sixteen forms were developed on which to record information copied directly from records in Village Offices, Provincial Land Offices, and Provincial Tax Offices.

I. PRESENCE OR ABSENCE OF RECORDS

1. Number of Village Offices that have 1966 tax books: N = 37

   Have: 28-76%
   Do not have: 9-24%

   Comment

   Five villages had tax books for earlier years that were also used to obtain data for the survey.

2. Number of Village Offices that have land registers: N = 37

   Have: 18-49%
   Do not have: 19-51%

   Comment

   One of the "have" villages has the information in a school notebook.

3. Number of villages for which Province Land Offices have land land registers: N = 37

   Have: 20-54%
   Do not have: 17-46%

Comment

The Land Office copy of the land register is the "official" copy from which all other records of land ownership are derived.

4. Number of villages for which Province Land Offices have name card records: N = 37

Have:	13-35%
Do not have:	24-65%

Comment

The name cards are designed to be a single record (the only one) that shows the total ownership for one individual in one province.

II. FORM 1, COMPARISON OF RECORDS--Village Tax Books and Land Registers

A. Plot identification (land register page number, map number, etc.) in tax books

1. Number of villages in which tax books show: N = 37

All plots identified:	15-40%
Some plots identified:	11-30%
No plots identified:	7-19%
No tax book:	4-11%

Comment

Without plot identification, it is extremely difficult to trace the land in other records. One person may own several plots located in different hamlets in a village. The "no tax book" response is smaller than shown elsewhere because if the 1966 book was unavailable, books for other years were used.

2. Number of villages in which plot identification is: N = 26

Complete:	5-19%
Incomplete:	21-81%

Comment

This refers to whether the entries have all of the identification required or only part of it.

B. Plot identification (map number, etc.) in Village Office land registers

1. Number of villages in which land registers show: N = 37

All plots identified:	3-8%
Some plots identified:	15-41%
No plots identified:	3-8%
No land register:	16-43%

Comment

See A1.

2. Number of villages in which plot identification is: N = 15

Complete	3-20%
Incomplete:	12-80%

Comment

See A2.

C. Number of entries that show different areas in village tax books and land registers: N = 292 in 17 villages

Number of entries with differences: 9=3%

Comment

In the 5 out of 17 villages that showed differences, the errors constituted 10% of the total entries. The largest error was a 4% difference in the area. However, this includes only those entries in which the errors were unquestionable; when there was reasonable doubt, the entries were removed from the tabulation.

D. Date of land acquisition by present landowner recorded in the land register: N = 299 entries from 14 villages.

Acquired Years Ago	Number of Cases	Percent of Entries	Age Distribution* Percent of Population	Years Old
0-9	16	5%	36%	0-9
10-19	19	6	21	10-19
20-39	26	9	13	20-29
30-39	48	16	12	30-39
40-49	50	17	9	40-49
50-59	62	21	6	50-59
60+	78	26	3	60+
Total	299	100%	100%	

* Combination of three studies--total population over 1 million (copy sources from data sheet book)

Comment

The tabulation indicates that:

1. If the land was acquired at birth, 26% of the landowners are over 60 years old (4% would be over 80) compared with only 3% over 60 in the general population.

2. If the land was acquired at an average age of 10 years, 47% of the landowners are over 60 years old (4% would be over 90) compared with only 3% over 60 in the general population.

3. If the land was acquired at an average of 20 years, 64% of these land owners are over 60 years old (4% would be 100) compared with only 3% over 60 in the general population.

Six entries with acquisition dates ranging from 90 to 132 years ago were removed from the tabulation to insure a conservative approach.

The conclusion is obvious: in a very significant percentage of the cases, land ownership is not being transferred (officially recorded) when the owners die. It is possible that the large transfer tax has some bearing on this.

E. Physical condition of village land registers: N = 37

Good (copy description)	13-35%
Fair (copy description)	2-5%
Poor (copy description)	3-8%
No land register	18-49%
NA	1-3%

Comment

When taken as a percentage of the land registers that were seen, the "poor" condition books amount to 17%

III. FORM 7, COMPARISON OF RECORDS

Form 7 for the Provincial Land Office was designed to be a continuation of Form 1, which was used in the village office. The same owners names randomly sampled in the village were followed through the Provincial Land Office records. It served as means of assessing the provincial level records and also of comparing them directly with the village records.

A. Plot identification in Provincial Land Office land registers.

1. Number of sample villages in which provincial land registers show: N = 37

All plots identified:	4-11%
Some plots identified:	16-43%
No plots identified:	0
No land registers:	17-46%

Comment

Being the only "official" land registers, it would be expected that these would be in the best condition of all such records.

2. Number of villages in which plot identification is: N = 20

Complete:	11-55%
Incomplete:	9-45%

Comment

Even in the "official" record, identification information is complete for only half the villages.

B. Physical condition of provincial land registers. N = 37

Good:	2-5%
Fair:	3-8%
Poor:	4-11%
No land register:	17-46%
No answer:	11-30%

Comment

The small number of responses yeilds insignificant results.

C. Plot identification on provincial "name cards."

1. Number of sample villages in which provincial name cards show: N = 37

All plots identified:	0
Some plots identified:	12- 32%
No plots identified:	10-27%
No name cards:	15-41%

Comment

Less than 1/3 of the name cards were really usable.

2. Number of sample villages for which plot identification is: N = 12

Complete:	5-42%
Incomplete:	7-58%

Comment

Less than half of those usable were complete.

D. Different plot sizes recorded for the same plot on provincial name cards and land registers.

1. Number of sample villages in which provincial land registers and provincial name cards show different plot sizes for the same plots. Of 52 entries, only 2 displayed differences.

Comment

The results are insignificant due to the smallness of the numbers.

IV. COMPARISON BETWEEN FORM 1 (VILLAGE OFFICE) AND FORM 7 (PROVINCIAL LAND OFFICE)

A. Different plot sizes for the same plot in the Village Office land register and Provincial Land Office land register. Of 367 entries in 20 villages 45 (12%) showed different plot sizes.

Comment

Almost all of the differences were less than one hectare and most were very small fractions of a hectare.

B. Different names recorded for the same plot in the Village Office land register and Provincial Land Office land register. In 294 entries in 14 villages only 7 (2%) showed different names for the same plot in the different records.

V. FORM 2, COMMUNAL LAND RECORDS

A. Hectarage of communal lands

1. In 35 villages, total hectarage shows:

Total:	5,557 Ha.
Average:	159 Ha. per village
Range:	2 to 1,200 Ha.

Comment

12 (34%) villages have amounts above the average and only 5 (14%) villages have more than 250 Ha., while 16 (46%) villages have less than 60 Ha.

2. In 35 villages communal rice lands show:

Total:	3,001 Ha. - 54% of all communal land
Average:	86 Ha. per village
Range:	0 to 886 Ha.

Comment

More frequently than not, rice land comprises most, if not all, of the communal land in the villages. In 7 (20%) villages rice land is virtually the only kind of communal land.

3. In 35 villages, communal "garden and other" lands show:

Total:	2,409 Ha. = 43% of all communal land.
Average:	69 Ha. per village
Range:	0 to 1,176 Ha.

Comment

In 13 (37%) villages, "garden and other" communal lands makes up 25% or more of the total with 12 (34%) villages reporting 50 or more hectares in this category.

4. Security of communal lands in 35 villages is reported as:

Total Insecure:	2,114 = 38% of all communal land.
Range:	0 to 1,201 Ha.

Comment

No average is shown since 23 (66%) villages report no insecure communal land (three said "Don't know") and only 9 villages (25%) reported such land.

5. Rental areas reported for communal lands were:

a. Rice Land--Total: 2002 = 67% of total communal riceland
Average: 57 Ha.
Range: 0 to 257 Ha.

b. Garden and Other land--
Total: 892 = 37% of total garden and other communal land
Average: 25 Ha.
Range: 0 to 139 Ha.

c. Combined Rice and Garden and Other--
Total: 2894 = 52% of total communal land
Average: 83
Range: 0 to 257 Ha.

Comment

52% of the lands are rented out, 38% are insecure, and 3% are unaerable, leaving approximately 7% of communal land which is presumed to be for "public use" including village offices, schools, temples, etc.

6. Income reported from all communal lands in 32 villages was:

Total: 2,234,041 piasters
Average: 69,814 piasters
Range: 100 to 415,754 piasters

Comment

23 (72%) villages fell below the average while only 5 (16%) villages had an income of more than 100,000 piasters.

Overall, communal land income averaged approximately 5% of total reported income with a range of from 0.1 to 79%.

7. Comparison of village office and Provincial Land Office communal land records. N = 37

a. Presence or absence of records

(1) Record of Total Area:	Village	Province
Have record:	95%	81%
No record:	5%	5%
No answer:	-	14%

(2) Record of Insecure Area:	Village	Province
Have record:	78%	51%
No record:	8%	5%
No answer:	14%	35%

(3) Record of Rice Land Area:	Village	Province
Have record:	94%	73%
No record:	3%	5%
No answer:	3%	22%

(4) Record of Garden Land Area:	Village	Province
Have record:	92%	76%
No record:	5%	8%
No answer:	3%	16%

(5) Record of Rental Area:	Village	Province
Have record:	89%	21%
No record:	8%	65%
No answer:	3%	14%

(6) Record of Number of Tenants:	Village	Province
Have record:	87%	19%
No record:	8%	67%
No answer:	5%	14%

(7) Record of Rent Rate:	Village	Province
Have record:	78%	3%
No record:	11%	70%
No answer:	11%	27%

(8) Record of Rental Income:	Village	Province
Have record:	81%	1%
No record:	11%	70%
No answer:	8%	27%

Comment

The village offices generally have fairly good records of communal lands. The Provincial Land Offices, however, have few records beyond the amount of land (hectarage).

b. Differences between the same communal land records in Village Offices and Provincial Land Offices.

(1) Record of total area:

17 (58%) of 29 records displayed differences ranging from minus 95% to plus 124% of the amount shown in the village record.

(2) Record of insecure area:

3 (19%) of 16 records displayed differences but 12 of the 16 showed "zero" in both records.

(3) Record of communal riceland area:

14 (52%) of 27 records showed differences in which percentages ranges are meaningless due to discrepancies involving a zero in one record because the land was converted to residential but is carried as riceland on the other record.

(4) Record of communal garden land:

13 (50%) of 26 records showed differences, some similar to the one described immediately above.

(5) Record of communal land rental information:

The Provincial Land Offices had so few records on all communal land rental that meaningful comparison is impossible.

c. Communal riceland plot size and number of tenants:

		Total Rental Area (Ha)	Number of Tenants	Average Plot Size (Ha)
Total - 22 Villages		1,736	1,727	1.0
Average per Village		79	79	1.0
Range:	Maximum	230	421	3.9
	Minimum	0.7	2	0.2

Comment

Although the average is almost exactly 1 hectare per tenant, the ranges indicate the vast disparity in actual distribution.

Unfortunately, rent rate information was reported in three different ways--gia per hectare, piasters per hectare and percent of yield (without indicating yield)--which, no matter how they are equated, yield results of dubious value.

V. FORM 3, LEASE CONTRACT REGISTERS

A. Number of Lease Contracts Recorded by Year in 24 Villages. Total = 7,140 contracts.

Year:	67	66	65	64	63	62	61	60	59	58	57
Total:	643	580	166	137	149	725	527	1578	1048	1080	507
%:	9	8	2	2	2	11	7	22	15	15	7
Cumulative %:	100	91	82	81	79	77	66	59	37	22	7

Comment

These figures may include some renewals of contracts since some villages made no distinction in recording original and renewed leases. Almost all leases have a five-year term.

B. Number of Lease Contracts Recorded by Village in 24 Villages.

1957 to 1967

Number of Leases Recorded	Number of Villages
1 to 19	5
20 to 99	3
100 to 299	7
300 to 499	3
500 to 999	5
1,000 and over	1

1962 to 1967

Number of Leases Recorded	Number of Villages
0	4
1 to 19	5
20 to 99	8
100 to 299	7
300 and over	0

Comment

Again, the lack of recency is evident in these two tables as it is in the cumulative percentages of "A" above.

C. Lease Contract Renewals--24 Villages.

Between 1957 and 1967, these villages reported registering 1,498 renewals of contracts. However, 99% of them were recorded in 5 of the 24 villages. Some villages apparently had renewals but did not distinguish them when they were recorded.

D. Physical Condition of Village Lease Contract Register. N = 37

Good:	15-41%
Fair:	2-5%
Poor:	3-8%
No register:	13-35%
No answer:	4-11%

Comment

Of the 20 registers that were observed, 75% were in good condition.

E. Comparison of Village and Provincial Land Office--Lease Contract Records.

11 (73%) of 15 Provincial Land Offices had no records of lease contracts registered in the sample villages in 1966 and 67. The remainder provided information which generally could not be compared to the village records.

VI. LAND TAX RECORDS

A. Comparison of Village Office and Provincial Tax Office Tax Book Summaries.

1. Differences in the number of landowners listed.

12 (57%) of 21 records showed discrepancies ranging from minus 19% to plus 2% of the village record. However, 7 of the 12 differences were less than one percent.

2. Differences in the total area assessed (Hectarage).

12 (57%) of 21 records showed differences ranging from minus 45% to plus 10% of the amount shown in the village copy of the tax book.

3. Differences in the Total Riceland Assessed (Hectarage).

7 (28%) of 25 records show differences ranging from minus 46% to plus 13% of the amount shown in the village copy of the tax book.

4. Differences with the Total Garden Land Assessed (Hectarage).

6 (26%) of 23 records show differences ranging from minus 74% to plus 83% of the amount shown in the village copy of the tax book.

Comment

Tax books are made up by the Village Office and submitted for approval, after which one copy is returned to the Village Office for tax collection. Since the Village and Provincial copies are supposed to be exact duplicates, no differences should exist.

B. Total Area on which Land Taxes are Assessed compared to Total Village Area. N = 35

% of Total Area Assessed	Number of Villages	% of Villages
0-24%	3	9%
25-49%	5	14%
50-74%	2	6%
75-99%	13	40%
100%	11	30%

Comment

Almost 1/4 of the sample villages assess (no data was obtained on collections) land tax on 25% or less of the total village areas. "Security" is the reason most frequently given for this situation. A very questionable set of figures is that which indicates almost a third of the villages assess land tax on all the land in the villages. Normally, there should be some allowance for roads, canals and similar untaxed areas.

VII. VILLAGE FINANCES, INCOME RETAINED BY 36 VILLAGES

Type of Income		% of Total Income
Real Estate Tax and Rents--Total		11.7
Land Tax	1.5	
Residence Tax	3.1	
Communal Land Rent	5.1	
Other Land Rent	2.0	
Rural Tax--Total		8.9
Tax on Animals	8.9	
Commercial Taxes and Fees--Total		71.8
Market	46.7	
Business	5.7	
Ferry and Docks	8.8	
Water Ways	4.8	
Slaughter House	5.8	
Miscellaneous--Total		7.6
Administrative Fees	3.0	
Miscellaneous	4.6	
		100.0%

Comment

Not all sources of income were reported by all villages and individual villages vary greatly from the averages shown here, e.g., land taxes are 43% in one village and communal land rent is 79% in another.

Land tax, shown as 1.5% of total income will, under a new distribution system, increase by 13 times when all such tax income is retained by the villages.

Grants from districts, provinces and the national government have not been included in these figures.

VIII. FORM 6, GENERAL INFORMATION ABOUT THE VILLAGE.

A. Hamlets per Village for 37 villages.

Total Hamlets:	299
Average:	8
Range:	2 to 26

B. Kilometers to the Provincial Capital

Average:	
Range:	0 to 81 Km.

C. Population of the Village for 37 villages

Total:	610,346
Average:	16,496
Range:	3,124 to 105,857 with 9 villages above the average.

D. Number of Households per Village--37 villages

Total:	94,405
Average:	2,551
Range:	409 to 12,000 with 10 villages above the average.

E. Total Area of the Village--37 villages

Total:	156,050 Hectares
Average:	4,218 Hectares
Range:	616 to 28,847 hectares with 7 villages above the average.

F. Area of Riceland in the Village--37 villages

Total:	97,351 Hectares
Average:	2,631 Hectares
Range:	74 to 15,090 hectares with 8 villages above the average.

G. Number of Families that Left the Village in the Past 3 Years--30 villages.

Several villages reported the number of persons (total: 1,427) rather than families. Using a conservative average of 5 persons per family, this has been converted to 285 families.

Total:	2,556 families
Average:	85 families
Range:	0 to 800 with 11 villages reporting "none" and 6 villages above the average.

H. Number of Families that Arrived in the Village in the Past Three Years--30 villages.

Several villages reported the number of persons (Total: 2,662) rather than families. Using a conservative average of 5 persons per family, this has been converted to 532 families.

Total:	7,127 families
Average:	238 families
Range:	1 to 1,500 families with 8 villages above the average.

Appendix E

SELECTED PROVINCE MAPS OF LAND DISTRIBUTION

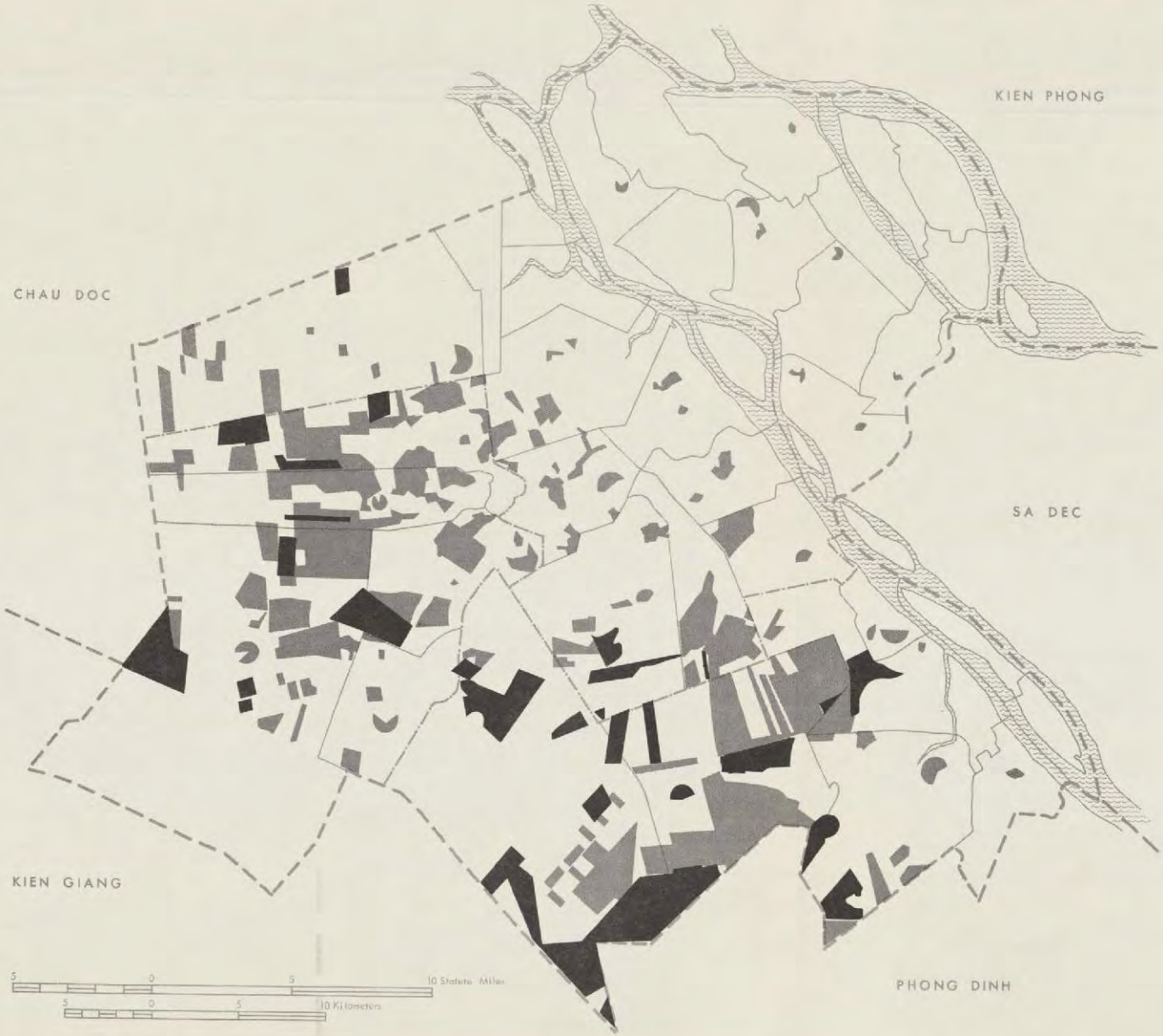
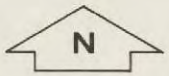


Figure E-1

DISTRIBUTED AND UNDISTRIBUTED ORDINANCE 57 LANDS AND ALL FORMER FRENCH LANDS IN AN GIANG PROVINCE



Distributed Lands

Undistributed Lands

Former French Lands

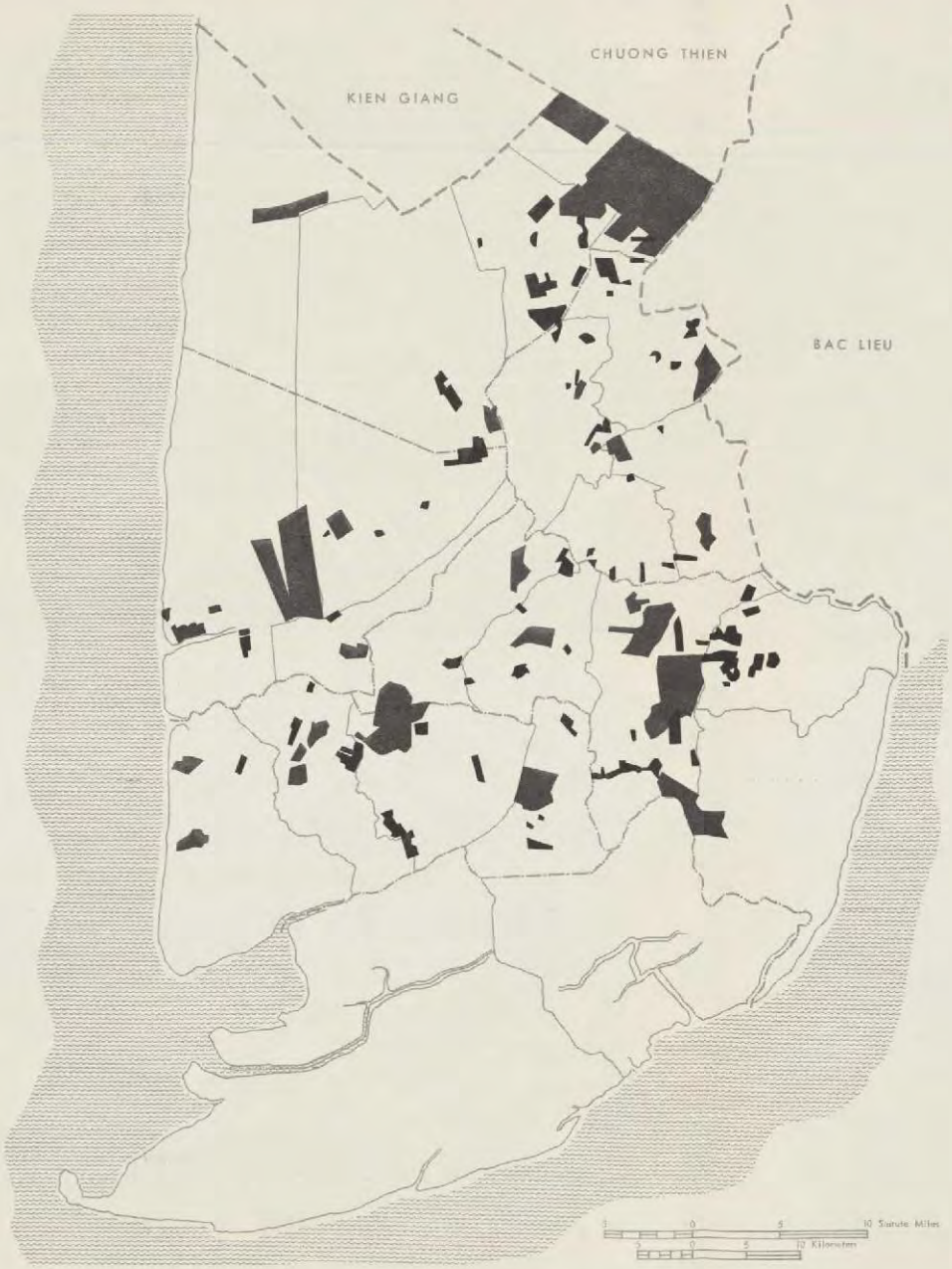


Figure E-2

UNDISTRIBUTED ORDINANCE 57 LANDS
AND ALL FORMER FRENCH LANDS
IN AN XUYEN PROVINCE

Figure E-3

DISTRIBUTED AND UNDISTRIBUTED ORDINANCE 57 LANDS AND ALL FORMER FRENCH LANDS IN DINH TUONG PROVINCE

N

Distributed Lands

Undistributed Lands

Former French Lands

Figure E-4

DISTRIBUTED ORDINANCE 57 LANDS
IN GO CONG PROVINCE

N

Distributed Lands

Figure E-5

UNDISTRIBUTED ORDINANCE 57 LANDS AND ALL FORMER FRENCH LANDS IN KIEN HOA PROVINCE

N

Undistributed Lands

Former French Lands

Figure E-6

ALL FORMER FRENCH LANDS IN NINH THUAN PROVINCE

N

Former French Lands

Figure E-7

DISTRIBUTED ORDINANCE 57 LANDS
IN VINH BINH PROVINCE

N

Distributed Lands

Figure E-8

UNDISTRIBUTED ORDINANCE 57 LANDS AND ALL FORMER FRENCH LANDS IN VINH LONG PROVINCE

N

Undistributed Lands

Former French Lands

Appendix F

OWNERSHIP OF LAND OVER 115 HECTARES

Appendix F

OWNERSHIP OF LAND OVER 115 HECTARES

An important part of the study was directed toward the question of determining the size of Vietnamese farms. Accordingly, this matter was investigated in the Village Administrative Chief Survey and the Provincial Land Office Chief Survey by comparing information contained in the 1966 tax records with information in land registers. The Survey found many instances of owners who were recorded as apparently holding more than 115 hectares of land (100 hectares plus a maximum of 15 hectares of worship land) and a special note was made of these cases because of the possible violations of Ordinance 57 which the data might reflect. Moreover, the validity of recorded excess holdings was important in the quantitative analysis of size of holdings. (Details concerning the size distribution of ownership may be found in Volume IV.)

Many factors join to complicate the implementation of Ordinance 57 and it was difficult to determine definitively from a statistical analysis that the 100 hectare limitation was being evaded. Confirmation of the existence of evasion would require detailed study at the village level. However, it is clear that the existing conditions provide a situation which makes detection of illegal holdings quite difficult.

As in many under-developed countries not all land has been registered following the 1925 Torrens-type system in which the recorded land status is deemed to be correct. Much of the land is still recorded under the old Dia Bo system wherein the information is not claimed to be accurate. The information in both systems is subject to additional errors because of the inability to record properly the land status in Viet Cong controlled areas or in certain confused areas.

Further complication in controlling retention of land beyond legal limits is inherent in the articles of Ordinance 57. Under Article 4, for example, a landlord could exceed the 115 hectare limit by shifting excess hectarage into production of industrial crops or livestock production. Circular 49 of September 24, 1957 further limited the 15 hectare maximum for worship land to riceland only thus permitting additional retention of garden land which is not considered to be part of the 15 hectare limit of worship riceland. Also, joint ownership is permitted beyond

the 100 hectare limit in which case each individual is permitted to retain the allowable limit (even in case of lands owned by a husband and wife before the wedding, when each party can retain 100 hectares).

Problems also arise in the case of a recorded land owner who died prior to promulgation and whose heirs hold the land jointly awaiting legal disposition. There are instances of long delays in effecting the expropriation process. In addition, the disposition of land in insecure areas has also necessarily been delayed.

As in most countries, Vietnam has no overall records of the extent of ownership of any one individual in a central file. Accordingly, when the land reform program under President Diem was initiated under Ordinance 57, the government made a public announcement asking all land owners having in excess of 100 hectares to make themselves known and to declare the extent of their ownership holdings. The government recognized the possibility that some individuals might not hear of the announcement or might evade the law. There was no simple way to find out if any one individual held more than 100 hectares throughout the various parts of Vietnam. The Provincial Land Office is expected to keep a record of the ownership of units held by any one individual at different locations within the province. However, there is no record at the national level which establishes the sum of all the holdings of an individual owned in more than one province. This matter is also very difficult to check upon, because of the fact that many names show up in extremely high frequency. For example, it is said that 40 percent of the people in South Vietnam may have the surname of Nguyen. Because of the high frequency with which ownerships over 100 or 115 hectares showed up in the land tax assessment records, a fact that could have considerable adverse implications with reference to the zeal and the effectiveness of land administration, it was decided as essential by the team to make some spot checks to find an explanation for this situation in Bac Lieu and An Giang provinces. The tax records revealed quite a substantial number of cases of ownership in excess of 115 hectares. These cases were examined in some detail to determine the reasons for their existence and character of their status.

Altogether in the two Delta provinces checked 15 landlords had riceland apparently in excess of the retention limit. Only ten of these landlords had declared their excess lands for expropriation. Five had made declarations more than 7 years ago while 5 had made declarations less than one year ago. Whether these last five declarations are new cases is not known. The remaining 5 cases apparently were recorded in land registers with no mention of expropriation. The accuracy of the registers is not known. The land may in fact have belonged to more than one person not recorded in the register; the possibility of illegal retention is also possible, but not known.

Three cases where both husband and wife had retained 100 hectares were observed in land registers. These could, of course, be legal. Another 3 cases of excessive holdings were recorded where the heirs had died many years ago and the heirs awaited partition of the lands. These cases could also be within the law.

The following short excerpts provide some indication as to the complexity of the problem involved.

The following cases were all recorded on Dia Bo records in An Giang province.

Case I - Mr. Ho Van Vinh was recorded as having 35.6 hectares in excess of the retention limit. This land is located in Thanh Quoi. The dossier was completed by the province and the Land Reform Chief was awaiting the decision from the Directorate General of Land Reform in Saigon to expropriate this land. This case is apparently slow in being processed but appears to conform with expropriation regulations.

Case II - Mr. Tran Huu Dung was recorded as owning an excess of 27.5 hectares in Hoa Binh. However, the dossier is still not complete. Apparently complications are involved and processing is slow.

Case III - Mr. Ta Trung Chanh and Mr. Phan Thi Sinh own an excess of 49.2 hectares in Vinh Hanh province. Their dossier has not yet been completed. Again the procedures appear regular but slow.

Case IV - Mr. Le Quang Trong had declared a total of 200.5 hectares of which 97.5 is subject to expropriation. Apparently transfer is delayed because of insecurity of land and inability to carry out necessary identification, survey, and land evaluation.

Case V - Mr. Huynh Quang Kien had on record a total of 187.3 hectares of riceland of which 87.3 hectares is now subject to expropriation. Apparently he had sold the surplus ricelands to the tenants for a price of 25,000 piasters per hectare. This was legal under provision of Circular 22 of May 28, 1957 which amends Article 3 of Ordinance 57. However, the tenants decided to cancel the arrangement and purchase the land for lower prices under provisions of Ordinance 57. Consequently, the expropriation of this land has been delayed well beyond a normal period.

The following cases of incompleted transactions were obtained from the Land Reform Office in Ba Xuyen Province.

Case I - Societe Anonyme du Trung Ky, a French society holds a total of 562.9 hectares with a request to retain 98.7 hectares. The society apparently owns about 200 hectares of riceland's scattered in small parcels all over the province of Ba Xuyen province. Four plots remain to be expropriated each amounting to 26.8 hectares. Indications are that these lands are being handled properly but are extremely slow to approach completion.

Case II - Mrs. Tranh Thi Hung owns a total of 145.0 hectares in Ba Xuyen including 9.8 hectares of garden and residential lands. Apparently the combinations of riceland with other lands had caused problems in establishing maximum retention limits. Currently Mrs. Tranh Thi Hung requests retention of 100.4 hectares including the non-ricelands. Expropriation is now delayed pending land surveys.

Case III - A husband and wife, namely Huynh Thi Tuat and Troung Dai Luong had apparently been refused individual allowances of 100 hectares so that action was underway to expropriate one limit of 120 hectares. It was estimated that expropriation would be completed in 3 months.

Case IV - Another man and wife team, Pham Thi Xuyen and Giang Van Co had enjoyed separate retention limits of 100 hectares. The husband had died but the wife refused to surrender her husband's land. She had been contacted for a fourth time to settle the problem. Apparently the problem was being handled gently which caused some delay.

Case V - A husband and wife, Tran Thi Hoa and Le Van Luu had both died and left their property to an heir, Mrs. Le Thi But. Because they had owned 110.3 hectares, Mrs. Le Thi But had requested retention of 100 hectares with the balance of 10.3 hectares to be expropriated. This was a new case.

It became quite clear that there was very little correspondence particularly in the upper size ownership ranges of the tax records and the ownerships recorded in the land register. In these two provinces, and probably in many other provinces, consistency between the two may be coincidental. In other words, the tax assessment records bear very little relationship to the information contained in the land register. In fact, the land register may tend to present a more accurate but not necessarily an up-to-date situation respect to ownership. The land tax assessment records on the contrary tend to reflect a pattern of ownership that existed undoubtedly many years ago and probably for the most part

antedate land reform regulations promulgated under Ordinance 57 in 1956. Any size distribution of ownership on the land tax assessment records probably tends to represent the situation that existed prior to the introduction of land reform by the Diem government.

In the Absentee Landlord Survey, the team also sought information about the problem of large holdings. Here results indicated 9 landlords said they owned between 116 and 300 hectares of riceland. Another 7 landlords stated they owned over 300 hectares of riceland. Of these, four stated the land was under Communist control and have not expropriated; four had converted their ricelands to growing other crops which were exempt from expropriation; three admitted that their land was not registered; two admitted that the husband and wife had managed to keep their ownerships separately (possibly in different provinces?) and have not expropriated under joint totalling; and two said they have unexplainedly managed to retain more than the prescribed 115 hectares under the category of "worship land." In addition, eight admitted that they had been able to transfer land to relatives before expropriation could take all they held in excess of the legal limits. How many cases of subterfuge occurred could not be determined. (For further discussion, see Section 4-b, The Landlord Survey, Vol. V).

The final date for declaring land for expropriation was 1965, yet land is still being declared. Provincial Land Chiefs tell of the difficulty of discovering any but the "largest" landholders because of small scattered ownerships in many villages and provinces, land recorded as "combined nature" (rice, garden, residential, and worship) on which no one but the owner knows how much is in rice, lack of security, and the general condition of the records. They also mention "temporary" concessions by the GVN of large holdings that have not been expropriated.

There are unexpropriated holdings in excess of the legal limit. Some, possibly most, of these may fall within one or another of the many loopholes provided in the law as implemented. Thus, the magnitude of the problem is unknown and its size will be very difficult to determine, but the problem does exist. Administrative follow-up has been spotty, in some cases apparently quite slow.

Appendix G

REPORT OF THE JOINT MANPOWER EVALUATION PROJECT

Appendix G

REPORT OF THE JOINT MANPOWER EVALUATION PROJECT
Directorate General of Land Affairs
With USAID (Stanford Research Institute)
August 29, 1968

I. INTRODUCTION

Perhaps the best brief description of the project is found in the letter of June 6, 1968, from the Director General of Land Affairs to key members of his staff. In it the project was described as follows:

"Subj: Land Affairs Manpower Evaluation Project

In the immediate future, the governmental policies on mobilization and general mobilization will drain important manpower from the Directorate General of Land Affairs. Therefore, it will have a very serious bearing on the current land programs.

To meet with this new critical situation, the Directorate General is conducting a 'manpower evaluation project,' with the following essential aims:

1. Inventory and evaluation of present manpower resources.
2. Evaluation of the effect of the military mobilization on present personnel.
3. Evaluation of the effect of current fiscal procedures (related to personnel) on land reform projects.
4. Develop and implement necessary organizational and fiscal procedural changes including a program for the recruitment, training and reassignment of personnel on land reform projects being implemented in the near future.

Although the project itself is concentrating on immediate-impact land reform programs, it is not to neglect completely the study of all other aspects of land affairs, such as cadastral and land registration.

This manpower evaluation project is conducted on the basis of joint operation with USAID, in which the Directorate General will play the major role. The time limitation to complete the project is 10 weeks.

On the Directorate General side, the following supervisory authorities are designated to join the project staff:

1. The Deputy Director General: General management, supervision, follow-through and coordination on the entire project.

2. The Administration Service Chief: Staff consultant on all aspects in the personnel field of the Land Affairs Agency; to provide all necessary data and documents related to personnel and to fiscal procedures.

3. M. PHAM-HUY-KHOT: The appointed representative of the Directorate General to work full time on the project joint staff.

From the USAID side, the following personnel are assigned to the project:

1. M. Michael J. AYLWARD, Public Administration Specialist, from Stanford Research Institute, as USAID representative for this project.

2. M. NGUYEN-THANH-TOAI, Researcher, from Stanford Research Institute.

3. Miss Claudia G. STOCKMAN, Administrative Aide, from Stanford Research Institute.

The joint staff office will be located in the Directorate General building for the Duration of the Project.

In view of the general benefit to the Directorate General of Land Affairs, your authorities are solemnly requested to give to the Vietnamese and American personnel working on this project their best help and cooperation."

It was originally anticipated that the main obstacle would be the short time period in which the project was to be conducted. However, several situations developed in such a way as to rate the classification "major obstacle."

Translation services could not be provided to the project on any regular basis due to a number of technical difficulties. Mr. Toai, who is the only member of the project staff with the bilingual ability necessary for successful communication, found the time available for his professional

duties was thus reduced by this burden. This also effectively reduced the project's communication with the Counterpart and the amount of material available for actual use of the project staff.

Although excellent cooperation was received from several major sources of information, the press of their regular work load prevented them from offering further assistance in extracting information from existing records. Most frequently it was necessary for the project staff to borrow or copy the records and extract the required data.

The bilingual nature of the project required that some materials be typed in Vietnamese language but the Directorate General found that it was not possible to free the Vietnamese typists from their routinely heavy work load to do such typing for the project.

These obstacles resulted in an accomplishment somewhat lower than originally anticipated in the letter of the Director General quoted above. The obstacles placed some limitations on the amount of information collected and evaluated but specifically prevented the development and implementation of a program as described.

The project staff is especially indebted to the Deputy Director General for setting the tone of the cooperation and helpfulness for the Directorate General's staff with the project. His guidance and direction has exerted a great influence on the progress and results of the project.

II. CONCLUSIONS AND RECOMMENDATIONS

Mobilization

Conclusions

1. Up to 50% or more of the present technical and field (as opposed to office) staff may be eligible for the draft but the office functions will not be so seriously affected with perhaps a 20% loss.

2. The loss will have little effect on the present programs of DGLA because of the low level of accomplishment or productivity throughout the organization.

3. New programs in land reform will be very drastically restricted by the mobilization.

Recommendations

1. Increase the productivity of present staff (see Manpower Inventory for details).

2. Request the Ministry of Defense to detach key drafted DGLA employees to do field work in high priority land reform programs.

3. Continue to attempt to obtain deferments for technical and field staff.

4. Recover the services of more than 40 men, most technically trained, who are now on loan to other departments.

5. Compare work results with personnel assigned to assist in evaluating accomplishments, and setting goals and objectives.

6. See "Mobilization" for further recommendations on: 1) Use of R.D. Financed Personnel; 2) Use of R.D. Team Cadre; 3) Recruit Older Men; 4) Use of Photography; 5) Village Officials; and 6) Work Reduction.

Fiscal

Conclusions

1. Per diem abuses are widespread, known to all and openly discussed. The amount actually used for travel would be difficult indeed to calculate.

2. Per diem is not related to program or accomplishment in any way.

3. Legitimate expenditures for per diem require one to three months to be reimbursed.

4. Local transportation is not available to field workers and reimbursement for such expenditures is sometimes not forthcoming.

Recommendations

1. Reduce the abuses of the per diem system. Only DGLA officials know the type, extent and how to prevent them.

2. Relate per diem to program by allocating amounts to each program or unit and make the supervisor responsible for staying within the limit.

3. Provide bicycles to field cadre wherever possible but concentrate on locations having high priority programs.

Manpower Inventory

Conclusions

1. Personnel records in the Personnel Office are generally quite good except that they are not complete--not all employee's records are kept there.

2. Some personnel records are maintained in the Accounting Office and others in the Technical Directorate.

3. Some people who work for DGLA for long periods are not carried on records in Saigon and are uncounted, e.g., R.D. financed cadre and Provincial Office loaned personnel.

4. A large percentage of "occasional" or temporary employees are actually permanent, working full time for many years.

5. There is a distinct lack of information on the actual work being performed--which may have little relationship to a person's classification.

6. The dispersion of records results in an inability of the Personnel Office to produce a truly complete record or report of all personnel in the DGLA.

Recommendations

1. Consolidate in the Personnel Office all basic personnel records for all personnel who work for DGLA in any capacity. The Personnel Office should work with the Accounting Officer and the Technical Director in developing the details of the transfer of records or information. The accounting and payroll function should remain in the Accounting Office.

2. The Personnel Office should consider adopting a more complete inventory form such as the one used by the project (which was developed with the Personnel Officer's advice).

3. Complete manpower figures be combined and compared with work results information for top management each month in a manner similar to that presented here.

GLOSSARY

General

Land Affairs. This term covers all matters pertaining to the administration of land, including both routine land administration and land reform. The term may be used in a specific sense, as the "Director General of Land Affairs," or in a generic sense, such as "the administration of land affairs." In the latter sense, the term land tenure administration is considered synonymous.

Land Administration. As used here, the term "land administration" has a restricted meaning, embodying the routine tasks for identifying and measuring land and for recording, transferring, and storing title documents showing ownership of land.

Land Reform. As used here, the term "land reform" includes the dictionary definition, "the more equitable distribution of agricultural land, especially by governmental action," as well as the more equitable regulation of landlord-tenant relationships. Land reform is generally policy-oriented and includes policy, laws, administration of land affairs and programs concerned with improving conditions of land tenure and creating a more equitable distribution of land.

Agrarian Reform. Often used synonymously with land reform (and used somewhat interchangeably in translations from VN documents), the term "agrarian reform" is usually used here in a broader sense to embrace all of the related actions beyond mere distribution of land to assure its comprehensive, beneficial use by the farmer, i.e., including such matters as seed, fertilizer, credit, and markets, and indeed rural development in the broader sense.

Land Registration System

Dia Bo. "Dia Bo" refers to land registers kept originally under the Vietnamese kings and improved by the French administration. The system was established by the French before the turn of the century.

So Dien Tho. "So Dien Tho" refers to land registers kept under the 1925 full Torrens system.

New Dia Bo. "New Dia Bo" refers to land registers kept under the 1962 modified Torrens system.

Kien Dien. "Kien Dien" refers to the 1962 land identification system.

Torrens System. The "Torrens System" refers to a very complete system of land registration entailing an adjudication or detailed determination of title to land. The system has been used in the Southern Region since 1925, and a simplified system was introduced in 1962.

Civil Service

Cadre. "Cadre" refers to positions for recruiting and employment. Under the Vietnamese civil service system all civil servants are grouped by skills into cadres.

Doc Su. "Doc Su" refers to administrative cadres or civil service officials, Class A (office and field administrators).

Tham Su. "Tham Su" refers to administrative cadres or civil service officials, Class B (senior clerks).

Local Administration

The legal administrative divisions are the provinces, the autonomous cities, and the villages. However, the regions, districts, cantons, and hamlets also are important and so all of the various territorial subdivisions are listed here in order of decreasing size.

Region. Prior to January 1, 1956, "Region" refers to the three regional governments, one in the North, one in the Central, and one in the South. Since that date, when these were abolished, it refers to the groupings of provinces, corresponding presently to the I, II, III, and IV Army Corps Tactical Zones. In each case the Corps Commander is also the Government Delegate and is charged with inspectorate authority for the provinces in his region.

Province. "Province" is the basic territorial and administrative subdivision of the central government (currently 44). It is a legal entity possessing an autonomous budget and public property and is governed by a province chief appointed by the president.

City. "City" (sometimes called "autonomous city") is a legal entity (currently six) having an autonomous budget and public property, each one governed by an appointed prefect or mayor and a city council.

District. "District" is an extension of the provincial administration embracing a group of cantons or villages.

Canton. "Canton" is a territorial unit (currently 177) that exists in some provinces (sometimes in name only, since the canton chief functions more as an advisor to the district chief); it is a group of villages within a district.

Village. "Village" (commune or Xa) is the lowest legal administrative entity possessing an autonomous budget and property.

Hamlet. "Hamlet" (or Ap) is an extension or subdivision of the village made up of a grouping of inhabitants united by a rapid and easy means of communication. It is the smallest territorial unit.

Laws

Ordinance (in Vietnamese, Du; in French, Ordonnance) is a law issued by the former King of Vietnam, between 1949 and 1956. Many are still in effect.

Law (in Vietnamese, Luat; in French, Loi) is a law issued by the former National Assembly of Vietnam between October 10, 1956 and November 1, 1963, and by the new National Assembly inaugurated November 1, 1967.

Decree (in Vietnamese, Sac Luat; in French, Decret-Loi) was an instrument issued by the Chairman of the National Leadership Committee (the Prime Minister) to appoint judges, to announce rewards or medals, to grant reductions of punishments, to pardon, to effect an amnesty, and for such matters requiring high authority to decide but being administratively uncomplicated. Since November 1, 1967 decrees are issued by the President.

Arreté (in Vietnamese, Nghi Dinh; in French Arreté. The closest equivalent in English is Departmental Order, but it is not used) was an instrument issued by:

---the Chairman of the Central Executive Committee (the Prime Minister) to effect routine matters,

---Commissioners (Ministers) to implement matters within their organizations or to implement ordinances, laws, decree-laws, their provinces.

Since November 1, 1967, the arreté is issued by the President, Prime Minister, and Ministers.

Violations of an arreté may be brought to prosecution by the Police before Justices of the Peace.

Source: The General Commission for Justice of Vietnam as reported in the USAID Public Administration Bulletin, No. 35, Vietnam, Feb. 1, 1967

ABBREVIATIONS

ADPA - Associate Director, Public Administration

ADDP/LR - Land Reform Adviser to the Associated Director, Domestic Production (USAID)

CINCPAC - Commander in Chief Pacific; Headquarters Joint U.S. Military Command, located in Hawaii, is charged with support of U.S. military operations in Vietnam and the Far East

CORDS (MACCORDS) - Military Assistance Command Civil Operations and Revolutionary Development Support (the overall organization for administering the pacification program under MACV)

DGLA - Director General of Land Affairs

DRV - Democratic Republic of Vietnam (North Vietnam)

EARI - Engineer Agency for Resources Inventory (a U.S. Army agency working on a contract in An Giang province)

GVN - Government of Vietnam (South Vietnam)

JCRR - The Sino-American Joint Commission on Rural Reconstruction (Taiwan)

JUSPAO - Joint U.S. Public Affairs Office. Includes U.S. Information Service, USAID Communications Media Division and MACV psychological warfare elements

MACV - U.S. Military Assistance Command, Vietnam. Includes all operational U.S. military units as well as all U.S. civil, police, and military advisory staff associated with the day-to-day counter-insurgency operations

NIA - National Institute for Administration (under the Office of the Prime Minister)

NLF - National Liberation Front of South Vietnam

NTC - National Training Center at Vung Tau

RD - Revolutionary Development

RVN - Republic of Vietnam

USAID - United States Agency for International Development

VC (Viet Cong) - Vietnamese Communist (pejorative of the term Viet Cong-San)

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