FARMERS WHO OWN THEIR LAND

AND THE LAND TO THE TILLER PROGRAM

(MR1 + MR3)

by

Henry C. Bush
and
Larry Newberry

Control Data Corporation

May, 1971

With the Assistance of
David A. Oot and C. Russel Kowalski,
Evaluation Officers, Pacification Studies Branch,
MR 1 and MR 3 respectively, and the Research Cadre
of the Pacification Research Program, CORDS,
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Sponsored by ADLR, USAID, Vietnam
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REASONS FOR THE INQUIRY

Under the Land to the Tiller Law, farmers who own rice land or secondary crop land may keep whatever they own and farm, up to 15 hectares. They may also keep it if their parents, spouses, children or other legal heirs are farming it for them. They may also keep it if they used hired labor to work it for them, provided they manage it themselves and do not merely own it (i.e., do not delegate all supervision and management of it to middlemen, tenants, or sharecroppers). In addition, those possessing family worship land may retain it, up to 5 hectares per family. Also, religious organizations may retain farm land they own. And former farmers who are in the armed forces or who are refugees, and whose land is still out of use, may retain whatever they own and formerly farmed, up to 15 hectares, for future cultivation. But they must declare the land they own and farm or once farmed. This is necessary to protect them against any risk that their farm land might be distributed to or claimed by others.[1]

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1. Article 5, Law No. 003/70, March 26, 1970; Article 6, Decree No. 072-SL/CCDD/PTNNN, June 5, 1970; Circular No. 7843-CCDD/HCTC3, July 27, 1970; and letters from the Minister of Land Reform, Agriculture, and Fishery Development to Province Chiefs and Mayors June 19, 1970 and to Province Chiefs June 25, 1970 (available in English from ADLR, USAID in Land Reform Memos Nos. 17, 20, 22, and 23).

Persons who own rice land or secondary crop land which they do not farm and which is being farmed by others must declare it. It is subject to expropriation. Title to it will be given to the tenant farmers, squatters or sharecroppers now farming it, and the owners will be paid for it. (See note 1 for legal requirements. See note 2 for procedures.)

This is an inquiry into how and why those who own farm land have declared their ownership of land to be retained,[2] in Quang Tri, Thua Thien, Quang Nam, Quang Tin and Quang Ngai provinces of MR 1 and in Bien Hoa, Hau Nghia and Tay Ninh provinces of MR 3.

From Hamlet Chiefs, it endeavors to ascertain whether landowners who have filed to retain farm land which they own, and which they say they are farming, are actually farming it. From those who own farm land and who have filed to retain it as direct cultivators, it endeavors to learn whether they have title to the land they farm and

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2. For the details of how landowners declare their land and how land declarations are verified, see the Land to the Tiller Implementation Plan, p. 39 ff. in the English version, Annex 11 for "Form A" on which landowners must declare land to be retained, and Annex 12 for "Form B" on which landowners must declare land to be transferred. (The English version is available at ADLR, USAID.)

claim to own, whether they want and need title to the land, and whether anyone told them not to declare their land.

RESEARCH DESIGN

Survey Locations: The survey was conducted in all five provinces of MR 1 and in three provinces of MR 3. In MR 1, sampling was restricted to the coastal rice-growing areas since these are the areas from which Form A declarations would be expected to have been filed. Thus, although interviews were conducted in 62 villages of 21 districts (see Appendix A for the complete list), sparsely-populated areas, Montagnard villages, refugee camps, urban areas, the demilitarized zone, and non-rice-growing regions were specifically excluded from the sample. In addition, to protect the safety of the interviewers, only relatively stable and secure Vietnamese villages were included in the sample (i.e., those rated A, B, or C on the Hamlet Evaluation System [HES] security scale).

In MR 3, interviews were conducted in 43 villages of 14 districts in Bien Hoa, Hau Nghia, and Tay Ninh Provinces. Constraints similar to those discussed in the preceding paragraph were also used in selecting the villages to be included in the survey for MR 3. In general, insecure areas and those regions where Form A applications

were unlikely to be found were intentionally excluded from the study. (Specific locations are listed in Appendix A.) The provinces of Bien Hoa, Hau Nghia, and Tay Ninh were selected because, in the judgment of CORDS regional land reform advisors, the problem of invalid or false Form A applications would be probably greater in these areas. This judgment was based upon their extensive field experience in MR 3.

Method: The Pacification Research Cadre of the Pacification Studies Group, Office of the ACofS, CORDS, conducted the field work under the supervision of Mr. David Oot and Mr. David Toyryla in MR 1, and Mr. Burt F. English and Mr. C. Russel Kowalski in MR 3. A list of randomly selected districts and villages to be included in the survey was provided for each province. Interviewers were instructed to go to each listed village, talk to village officials, and identify two hamlets from which 20 or more Forms A had been submitted. For each such hamlet, all Form A applications were thoroughly shuffled (to randomize selections), and the first 20 were listed on a checklist form that was provided to the interviewers. Next, interviewers went to the selected hamlet and asked the hamlet chief about each of the 20 names on the list, using a structured interview to ask the questions, and a checklist to record the responses. Following this, a number of interviews were conducted of the landowners who had filed

the Form A declarations. This interview also followed a structured format. (The questionnaires and instructions are given in Appendix B.)

The number of interviews varied from province to province. In each province the number of interviews conducted was proportional to the number of Forms A filed by landowners in that province. (The numbers of Forms A and Forms B filed by landowners in each of the provinces studied and the hectarage involved are given in Appendix C.)

Sampling: Two types of interview were conducted, one with hamlet chiefs, and one with the filers of Forms A.

Hamlet Chief Survey: In MR 1, the chiefs of 124 hamlets were questioned about 2,268 landowners who had filed Forms A to retain land in the hamlet chiefs' administrative areas. In MR 3, 86 Hamlet Chiefs were interviewed to obtain information about 1,483 Form A applicants. Taking both regions together, a total of 3,751 declarations to retain farm land were located, and 210 Hamlet Chiefs were interviewed about the validity of these declarations.

Survey of Filers of Forms A: In MR 1, the number of landowners to be interviewed in each province was based upon the proportion of Forms A filed in that province to the total number of such forms submitted in that region as of 15 December 1970. Individual interviewees were selected randomly at the hamlet level by the

interviewers, according to sampling instructions that were provided to them. In MR 1, the sample of landowners who had filed applications to retain their land consisted of 410 adult farmers. In MR 3, where similar sampling instructions were followed, 351 farmers were individually interviewed. It can be mathematically demonstrated that stratified random samples of this size yield a high degree of reliability.

In sum, 761 landowners in 2 regions, 8 provinces, 35 districts, and 105 villages were interviewed during this survey.

All interviews were conducted during February and March, 1971.

RESULTS

Landowners' Declarations: Valid or False? Forms A were sampled, by hamlet. Of persons thus identified as having filed to retain farm land, the Hamlet Chief was asked, in each case, whether the person farms there. If the Hamlet Chief verified that he does, the Form A was assumed to be valid. If the Hamlet Chief said he does not live there nor farm there, he was asked whether the person had formerly lived there. Of each person identified by the Hamlet Chief as a former resident, the official was asked whether that person's farm land is still out of use or is now being farmed by someone else. The Forms A of former residents whose farm land is still out of cultivation were assumed to be valid, whether or not the Hamlet Chief could verify that they had left their land because of insecurity or military duties. This may have produced some skew toward more valid Forms A than are really valid. Further, no attempt was made to ascertain from Hamlet Chiefs whether filers of Forms A to retain land for farming were filing to retain family worship land or privately owned farm land. The data and findings are as good

as Hamlet Chiefs' knowledge and records of the persons and families in their hamlets, no better.

Hamlet Chiefs indicate that most landowners' declarations of farm land they intend to retain are valid. Most really live and farm in the villages. See Table 1.

Table 1

Percentage of Forms A Which Are Valid, According to Hamlet Chiefs

Region	Province	N	% Valid	% Probably False
MR 1	Quang Tri	260	99%	1%
	Thua Thien	378	95	5
	Quang Nam	630	79	21
	Quang Tin	400	94	6
	Quang Ngai	600	100	0
	All of MR 1	2268	92	8
MR 3	Bien Hoa	548	67	33
	Hau Nghia	476	93	7
	Tay Ninh	459	88	12
	MR 3, above	1483	82	18

The Exception in MR 1: Quang Nam: In Quang Nam a large number of persons have filed Forms A to retain land they own but do not farm, land which probably should be distributed to others who are farming it. Quang Nam has had much insecurity and population displacement. More of its population are refugees than any other province in MR 1.[3] Most who fled their native hamlets and villages did so during 1965, 1966, and 1968. The greatest emigration took place in 1966. It is also true that few Hamlet Chiefs in Quang Nam were Hamlet Chiefs in 1964 or 1965. It is reported that many have been elected recently. It follows that Hamlet Chiefs' memories and records of former residents may be less than complete. Further, among those who fled years ago about two fled to other rural hamlets for every one who fled to the town or city--according to Hamlet Chiefs. Nevertheless one out of three fled to Danang, the security stronghold at the time and the city offering the best chances of some kind of employment. Many who have probably migrated permanently from their native village or settled down to working at occupations other than farming may have relatives in the large refugee and semi-settled, semi-refugee population at Danang. Danang is near

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3. Province Profiles, CORDS, RAD/R, issued irregularly (Confidential)

Hoi An, where the Province Land Affairs Service is located and where a landowner may legally go to file a Form A to retain his land. Many obviously did, because the interviewers had to go to the Province Land Affairs Service at Hoi An to find Forms A in sufficient number to do the specified research.[4] This suggests that possibly many refugee families who own land had relatives file Forms A to retain their land for them, and perhaps Hamlet Chiefs did not recognize the families by the names of the relatives who did the filing. Such are the explanations suggested by various land reform cadre in Quang Nam.

Nevertheless, Hamlet Chiefs, new to the office or not, are supposed to receive from their predecessors and are supposed to maintain--and field observation indicates that they do maintain--Hamlet Census Books, and need not depend on memory to identify either families now living and farming in the hamlet or families who formerly lived and farmed there. They can consult the records. Hamlet Chiefs were able, from records and personal recall, to identify former residents in most cases, and to identify former residents' lands as abandoned

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4. In all provinces sampled other than Quang Nam, the interviewers found Forms A in sufficient number in the villages.

or in use in most cases.[5] Further, it is the opinion of the Chief of the Province Land Affairs Service that many Forms A falsely declare that owners are or were farming land that actually is rented to others.[6]

The Exception in MR 3: Bien Hoa: In Bien Hoa a high percentage of persons have filed Forms A to retain farm land which they own but do not farm, land which probably should be distributed to others who are farming it. In Bien Hoa they have probably quit farming to live and work in town. In Bien Hoa 51% of the population are urban. (Compare that to Hau Nghia, where 91% are rural.)[7] When Hamlet Chiefs in Bien Hoa had identified persons or families (who had filed Forms A to retain farm land) as neither living nor farming there, they were asked whether they used to live there. In Bien Hoa only 34% used to. (Compare that to Quang Nam, where Hamlet Chiefs

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5. In Quang Nam, of 630 Forms A taken to Hamlet Chiefs, 262 filers neither live there nor farm there. Of these 262, 191 families were identified by Hamlet Chiefs as having formerly lived there. Of these 191, the farm land of 133 families was identified by Hamlet Chiefs as still abandoned (not being farmed by others).

6. See R. L. Hough, "Field Trip to Quang Nam Province, March 13, 1971" (ADLR, USAID).

7. HES Question Response Report, February 28, 1971, CORDS, RAD/R.

knew 73% of those not then living or farming there and stated that they are refugees who had fled insecurity.) In Bien Hoa when Hamlet Chiefs were asked where this 34% has gone and why, in 43% of the cases they said these families had moved to town or to the city. (Compare this to Quang Nam, where Hamlet Chiefs said only 13% of these families had moved to town or to the city.) In Bien Hoa, no families had moved to other rural hamlets or villages. (Compare this to Quang Nam, in which 27% had.) The inference must be that in Bien Hoa many families have falsely filed to retain land they own but do not farm, and further that many of those have migrated to the city and now probably work at things other than farming. It is possible that some of these families own the land and farm it by means of hired labor. In such cases a Form A to retain it is valid, provided (as pointed out on page 1) that the owner manages the land himself and does not merely own it and does not delegate all decisions about what to plant, when to have it planted, when to harvest it, and all supervision of it to middlemen, tenants, or sharecroppers. It also seems likely--indeed certain--that those who manage land and supervise hired labor to work it must identify themselves, and their reasons for being there, from time to time, to the Hamlet Chief. (It is common observation that even in urban areas as crowded as Saigon, where there is much

more coming and going than in rural hamlets, the ward chief (khóm trưởng) and the subward chief (liên gia trưởng) know not only who lives where but who runs each house and is responsible for it.) Further, the writers know of no evidence that the use of hired labor for farming is exceptionally high in Bien Hoa.

Hectarage Farmed: A Reason for Claiming Ownership? In the provinces sampled in MR 3 field interviewers also recorded the hectarage declared on each Form A sampled.

The Land to the Tiller Law states that tenants, sharecroppers and squatters farming rice land or secondary crop land may apply for title to the land they till, and receive it, free--up to the maximum of three hectares per family in MR 3 and MR 4. If the land presently tilled by the farmer exceeds the maximum area set by the law, the applicant has the right to designate the portion of his total farm holding to which he wants title. The excess area may be retained for farming by the tiller pending use or reallocation to others by the government, but the tiller may not apply for title to the excess.[8]

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8. Circular No. 7843-CCDD/HCTC3, July 27, 1970, Ministry of Land Reform, Agriculture and Fishery Development. See p. 12 of English version, Land Reform Memo No. 23, October 4, 1970 (ADLR, USAID).

Please see Table 2.

Table 2

Hectarage Farmed by Owners in Bien Hoa, Hau Nghia and Tay Ninh According to Forms A

	N	Percent Farming 3.00 Ha. or Less	Percent Farming 3.01-6.00 Ha.	Percent Farming 6.01 or More Ha.	Total
Farmers Who Filed Forms A in Bien Hoa	548	73%	16%	11%	100%
Farmers Who Filed Forms A in Hau Nghia	476	78%	15%	7%	100%
Farmers Who Filed Forms A in Tay Ninh	459	67%	25%	8%	100%
All Three Provinces	1483	73%	19%	8%	100%

It is the hypothesis of ADLR regional land reform advisors to MR 3 that probably many ex-tenants and squatter families who have not seen their landowners in many years, some of whom are the beneficiaries of past Viet Cong land distributions, regard themselves as owners. Further, it is their hypothesis that possibly many such farm families (legally tenants or ex-tenants long having paid no rent, or squatters) have filed Forms A as owners because their holdings are greater than three hectares, and because, were they to apply for title to their land under the Land to the Tiller Law, they would only receive title to three hectares. The data in Table 2 above does show that many owners farm more than three hectares in MR 3.

The Medium and the Message: Of farmers who were found and interviewed,[9] 99% in both MR 1 and MR 3 received the Form A from their village officials or Hamlet Chief and filed it at the village. Of those in MR 1, 82% heard about filing to retain their land from village and hamlet officials; only 5% learned of it from the radio and only 6% from any other means (e.g., by meetings, leaflets, or other local publicity). Of those in MR 3, 57% learned of it from village and hamlet officials; 17% by radio and only in Tay Ninh did a small percentage learn anything about it from any other publicity. The conclusion (other than that farm families in MR 3 are less poor than those in MR 1 and more have radios) is that village officials and hamlet chiefs get the message to farmers more thoroughly in MR 1 than in MR 3.

Why They Declare Their Land: When asked why they had declared their land, in MR 1 67% said because their local officials told them they had to. Only 25% said "because I want to keep my land." In MR 3, only 35% said because local officials told them they had to. 65% said "because

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9. It seems very probable that almost all farmers who were found and interviewed filed valid Forms A, and that none of those who filed Forms A which are probably false were found and interviewed. Those whom the Hamlet Chiefs knew do not live or farm in the hamlet were not to be found in the hamlet to be interviewed. (See instructions to interviewers, Appendix B.)

I want to keep my land." These two responses are not mutually exclusive. Nevertheless the differences between the two regions suggest that the authority of local officials is stronger in MR 1 than in MR 3.

Counter-propaganda Negligible: When asked whether anyone told them not to declare their land, 99% in MR 1 and 97% in MR 3 said no. In MR 1, only in Thua Thien did a few say that some had urged them to "wait and see what other landlords do." In MR 3, only in Hau Nghia (where much Viet Cong infrastructure is assumed to be intact yet) is there any evidence that enemy progaganda against the Land to the Tiller Law is having any effect. In Hau Nghia 9% of those interviewed (N=115) cited propaganda or arguments against declaring their land. More than half of these gave standard Viet Cong propaganda themes against the Land to the Tiller program.[10] The others indicate disapproval of it which is not identifiable as specifically Viet Cong. Examples:

Viet Cong propaganda themes against the Land to the Tiller program:[10]

> I was told that if I make a land declaration I must pay heavy taxes to the Government.

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10. By "standard Viet Cong propaganda themes" we mean themes repeated by clearly identifiable Viet Cong or pro-Viet Cong sources. See Principal Reports from Communist Radio Sources and Principal Reports from Communist Press Sources, since March 1970 (JUSPAO, issued daily).

If the declaration is made I will be expropriated to the benefit of another.

They said it was useless to make a declaration because the government is not likely to stay in power to assure the land to me.

Other:

I do not approve of the Land to the Tiller Law.

They say it is illegal.

In MR 1, Do They Have Titles to Their Land? When asked "Do you have a document (extract of land register, or title) which proves that you own your land?" most landowners in MR 1 say they do. See Table 3.

Table 3

Landowners Possessing Titles, Extracts, or Other Proof of Ownership, in Provinces of MR 1

Question: Do you have a document (extract or title) which proves that you own your land?

Responses	Quang Tri (N=42)	Thua Thien (N=52)	Quang Nam (N=136)	Quang Tin (N=60)	Quang Ngai (N=120)	All of MR 1 (N=410)
Yes	95%	100%	89%	95%	85%	91%
No	5	0	7	0	0	3
Other	0	0	4	5	15	6
	100%	100%	100%	100%	100%	100%

The responses of "other," which are numerous only in Quang Ngai, indicate that those landowners once had proof of ownership and have some kind of proof or document to which they attach hopes that ownership can be established. E.g.:

> I have an attestation by local officials. My extract (from the land register) was destroyed by termites.
>
> The extract was destroyed by war. I have only an attestation issued by village officials.
>
> The land I make declaration for was a property of my father named _____ who died long ago. Actually the papers were lost in the events of the war.
>
> I have an ownership certificate of my ancestors.
>
> I have only an attestation of private land. . . . The extract and other documents were destroyed by the flood in 1964.
>
> I have some papers. Some others were destroyed in the war. . . .

The responses of "yes" should also be read as meaning, in many cases, that the landowners have extracts from village land registers most of which no longer exist, other than in Thua Thien, and many of which may be special deposit registers or temporary listings of land ownership (<u>địa</u>-<u>bộ</u>-<u>tam</u>) by which the government certified that the alleged owner registered something, at some point in time, having to do with ownership rights created or extinguished at that point in time, but which are not clear title to the land. See Table 4.

Table 4

Villages in MR 1 for which Province Land Affairs Services Have Land Registers[11]

	Quang Tri	Thua Thien	Quang Nam	Quang Tin	Quang Ngai	All of MR 1
No. of villages	71	85	114	69	122	461
No. of villages having complete Land Registers	4	36	37	7	10	94
No. of villages having incomplete Land Registers	0	49	0	0	0	49
Percentage having complete Land Registers	6%	42%	32%	10%	8%	20%
Percentage having complete or incomplete Land Registers	6%	100%	32%	10%	8%	31%

In MR 3, Do They Have Titles to Their Land? Most in Bien Hoa do. Most in Hau Nghia do not. In Tay Ninh many do not. See Table 5.

11. Information from records of the Province Land Affairs Services. See M. J. Korin, "Report on I CTZ Field Trip April 13-27, 1970" (ADLR, USAID).

Table 5

Landowners Possessing Titles, Extracts, or Other Proof of Ownership, in Provinces Sampled in MR 3

Question: Do you have a document (extract or title) which proves that you own your land?

Responses	Bien Hoa (N=127)	Hau Nghia (N=115)	Tay Ninh (N=109)	All 3 Provinces of MR 3 (N=351)
Yes	90%	44%	71%	69%
No	8	56	29	30
Other	2	0	0	1
	100%	100%	100%	100%

In Hau Nghia, many who have no title mentioned that they have receipts showing they have paid taxes on the land. Others said that they have a bill of sale from a former owner but that the sale was never registered. Still others said they had once had documents proving title, documents no longer existing.

Do They Expect to Receive Titles? Except in Thua Thien and Quang Nam, most do, both in MR 1 and in MR 3. See Table 6.

Table 6

Landowners' Expectations of Titles under the Land to the Tiller Program

Question: Do you think that, because you have filled out a landowner's declaration, you will receive a title which proves that you own your land?

MR 1 Responses	Quang Tri (N=42)	Thua Thien (N=52)	Quang Nam (N=136)	Quang Tin (N=60)	Quang Ngai (N=120)	All of MR 1 (N=410)
Yes	62%	12%	35%	100%	93%	61%
No	5	17	6	0	1	5
Undecided/ Doesn't Know	33	71	59	0	6	34
	100%	100%	100%	100%	100%	100%

MR 3 Responses	Bien Hoa (N=127)	Hau Nghia (N=115)	Tay Ninh (N=109)	All 3 of MR 3 (N=351)
Yes	70%	75%	91%	78%
No	6	0	1	2
Undecided/ Doesn't Know	24	25	8	20
	100%	100%	100%	100%

Do They Want to Receive Titles to their Land? Except in Thua Thien (where land registers, whether complete or incomplete, do exist for all villages) and Quang Nam, most do. In Quang Tin and Quang Ngai

of MR 1 and in Hau Nghia and Tay Ninh of MR 3 demand for title to the land they farm and own or purport to own is close to total. See Table 7.

Table 7

Landowners' Desire for Titles under the Land to the Tiller Program

Question: Do you want the Government to issue a title which proves that you own your land?

MR 1 Responses	Quang Tri (N=42)	Thua Thien (N=52)	Quang Nam (N=136)	Quang Tin (N=60)	Quang Ngai (N=120)	All of MR 1 (N=410)
Yes, very much	45%	6%	10%	60%	87%	43%
Yes	7	4	30	40	5	19
No objection	41	52	27	0	4	20
No	7	15	4	0	1	4
Don't know	0	23	27	0	1	12
Other	0	0	2	0	2	2
	100%	100%	100%	100%	100%	100%

MR 3 Responses	Bien Hoa (N=127)	Hau Nghia (N=115)	Tay Ninh (N=109)	All of MR 3 (N=351)
Yes, very much	75%	66%	90%	76%
Yes	13	25	8	15
No objection	7	0	2	3
No	4	0	0	2
Don't know	0	0	0	0
Other	2	9	0	4
	100%	100%	100%	100%

There were few "other" responses. The following are examples:

> Yes I do, but there is only one person who makes declaration for ancestral worship land, and it is illogical that the ownership right be granted to this person, because the family has many children. (from Quang Nam)

> Under the First Republic I have made many declarations but no result has been obtained. Now I made it again in compliance with the officials' order, but I doubt that the title will be given to me. (from Quang Nam)

> Yes, I would like a title but this is family land and my relatives might persecute me if the land were given to me. (from Quang Ngai)

> My concern is that of this problem there has been too much talking for a long time, but no result is ever seen. (from Hau Nghia)

Desire for Titles among Landowners, and Recent Insecurity:

As Tables 6 and 7 show, in Quang Tin and Quang Ngai of MR 1 and in Tay Ninh and Hau Nghia among the provinces sampled in MR 3, almost all landowners expect that having filed a Form A they will be issued a title, and almost all want to receive a title. In all four of these provinces the enemy was in control of much or most of the land and countryside for many years, even for several decades, and in all four GVN control and security has

been markedly improved during the past several years.[12]

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12. Re Quang Tin and Quang Ngai (Quang Tin was part of Quang Ngai until 1962): The almost total collapse of GVN power and authority outside the cities of Quang Tin and Quang Ngai for many years and until recent years has been described by numerous friendly and enemy spokesmen. E.g., Wilfred G. Burchett, Vietnam: Inside Story of the Guerrilla War, an account by an Australian Communist of how the war went in 1963 and 1964 (N.Y., International Publishers, 1965), pp. 124-7, 141-5, 148-52 and 239; General Vo Nguyen Giap, People's War, People's Army (N.Y., Bantam Books, 1968), pp. 70, 73, 99, 165-6 and 177; Jean La Couture, Vietnam Between Two Truces (London, Secker and Warburg, 1966), pp. 52-3 and 155; Douglas Pike, The Viet Cong (Cambridge, Mass., The M.I.T. Press, 1966), note 10, p. 80; Robert Shaplen, The Lost Revolution, revised edition (N.Y., Harper & Row, 1966), pp. 183, 185, 338 and 347; and "The Quang Ngai Compatriots," in a broadcast by Hanoi radio in Vietnamese to South Vietnam March 11, 1971 (Principal Reports from Communist Radio Sources, March 15, 1971, JUSPAO).

    Re Tay Ninh and Hau Nghia: Until as recently as the successful Cambodian campaign of late 1970, Tay Ninh's geography left it subject to constant incursions by the enemy from nearby enemy bases and large parts of it were recurrently a battleground. Hau Nghia was for many years and until very recent years largely enemy-controlled. Like Long An, it was along the main route from the Ho Chi Minh infiltration trail to Saigon. Its rural areas were subject to Viet Cong land distributions, Viet Cong expulsion of landowners, and Viet Cong control. Its farm families probably include many ex-Viet Cong, many long subject to Viet Cong influence and control in past years, and even many beneficiaries of past Viet Cong land distributions, like Long An. (See Village Use of Communal Land in Long An Province, Vietnam, January 1971 [ADLR, USAID], and Jeffry Race, "How They Won," in Vietnam: Politics, Land Reform and Development in the Countryside, Asian Survey, Vol. X, No. 8, August 1970 [University of California, Berkeley, California])

Also, it is the opinion of CORDS regional land reform advisors in MR 1 and in MR 3 that in Quang Tin and Quang Ngai of MR 1 and in Tay Ninh and Hau Nghia of MR 3 there has been a great amount of change in land tenure in the rural areas (Viet Cong harrassment or ejection of landowners, Viet Cong land distributions, opportunities to squat on and farm vacated land for many years, even for decades) until, in recent years, the restoration of or marked improvement in GVN security and control.

CONCLUSIONS

Most Form A declarations of farm land to be retained are valid. Most persons who filed them, in most provinces sampled, really live in and farm in the hamlet and village they say they do. In Quang Nam and in Bien Hoa, however, sizeable numbers of Forms A, probably false, have been filed by persons who do not farm the land they own.

In MR 3, land holdings of farmers who claim to own the land they farm do, in many cases, exceed three hectares. This is especially true in Tay Ninh and Hau Nghia. The size of farm holdings in the relatively unfertile provinces of MR 3 and the fact that under the Land to the Tiller Law in MR 3 and MR 4 one may receive title to no more than three hectares per farm family may cause some to declare themselves as owners and to file Forms A rather than to apply as tenants or squatters for clear title.

The effects of Viet Cong propaganda against the Land to the Tiller program, specifically against declaring one's land, seem to be negligible, except in Hau Nghia.

Most landowners in MR 1 have something they think of as title to their land but, except in Thua Thien, many village land registers, to which such extracts are references, no longer exist.

There is a strong desire for titles under the Land to the Tiller program, both in MR 1 and in MR 3.[13] Most owners, both in MR 1 and MR 3, expect that, having filed Forms A, they will receive title to the land they till.

There is a particularly strong demand for titles in provinces of MR 1 and MR 3 in which most rural areas were under enemy control or enemy attack for many years and in which GVN control and security have now largely been restored for several years. Farmers who own the land they till (and, one must assume, many who perhaps do not own the land they till but who have been on it for many years in what was largely or recurrently enemy territory) want land registry under the Government of Vietnam.

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13. There is probably also a strong desire for titles under the Land to the Tiller program in MR 4. In 1967, in a "Hamlet Residents Survey" in 54 hamlets, all then secure, all in the delta, it was found that 65% of owners of farm land had titles to their land and that 89% of them wanted to receive titles. (Land Reform in Vietnam, 4 vols., report to the Republic of Vietnam and USAID, 1968, by Stanford Research Institute, Vol. 4, part 2, Tables 48 and 51)

APPENDIX A

PROVINCES, DISTRICTS, AND VILLAGES SAMPLED

Province	District	Village
MR 1		
Quang Tri	Gio Linh	Gio Le
	Hai Lang	Hai Que
		Hai Truong
	Cam Lo	Cam Hung
		Cam Hieu
	Trieu Phong	Trieu Thuan
		Trieu Tai
		Trieu Thanh
Thua Thien	Phong Dien	Phong An
		Phong Binh
		Phong Hoa
	Phu Thu	Vinh Ha
		Phu Da
		Phu Ho
	Phu Loc	Loc Bon
		Loc An
		Loc Tri
	Huong Tra	Huong Chu
		Huong Long
		Huong Can
	Quang Dien	Quang Phuoc
		Quang Phu
Quang Nam	Que Son	Phu Hiep
		Phu Thanh
		Phu Huong
		Phu Phong
	Hieu Duc	Hoa Luong
	Duy Xuyen	Xuyen My
		Xuyen Tra
		Xuyen Kieu
		Xuyen Chau
		Xuyen Quang
		Xuyen Hiep

APPENDIX A (cont'd.)

Province	District	Village
Quang Nam (cont'd.)	Dien Ban	Vinh Hoa
		Vinh Tho
		Vinh Xuong
		Vinh Phuoc
		Vinh Ha
Quang Tin	Thang Binh	Binh Nam
		Binh Trung
		Binh Nguyen
		Binh Tu
	Ly Tin	Ky Chanh
		Ky Sanh
	Tam Ky	Ky Bich
		Ky Huong
		Ky Trung
Quang Ngai	Duc Pho	Pho Binh
		Pho Trung
		Pho Trang
	Binh Son	Binh Sa
		Binh Van
		Binh Nghia
	Son Tinh	Son Huong
		Son Thanh
		Son Kim
	Mo Duc	Duc My
		Duc Quang
		Duc Vinh
	Nghia Hanh	Nghia Chanh
		Nghia Khuong
		Nghia Hung

APPENDIX A (cont'd.)

Province	District	Village
MR 3		
Bien Hoa	Duc Tu	Long Hung
		An Hoa Hung
		Phuoc Tan
		Buu Hoa
		Tam Hiep
	Long Thanh	Long An
		Tam Phuoc
	Nhon Trach	Phuoc An
	Cong Thanh	Loi Hoa
		Binh Long
		Dai An
		Thien Tan
	Di An	An Binh
		Hoa An
		Tan Hiep
		Tan Hanh
		Binh An
	Tan Uyen	Tan Ba
Hau Nghia	Duc Hoa	Duc Lap
		Tan Phu Thuong
		Hoa Khanh
	Duc Hue	My Thanh Dong
		Tan My
		Hiep Hoa
	Trang Bang	An Tinh
		Loc Giang
		Gia Binh
	Cu Chi	Phuoc Hiep
		Thai My
		Trung Lap

APPENDIX A (cont'd.)

Province	District	Village
Tay Ninh	Khiem Hanh	Ben Cui
		Thuan Loi
	Hieu Thien	Phuoc Luu
		Phuoc Trach
		Thanh Duc
		Hiep Thanh
		An Thanh
	Phuoc Ninh	Thanh Dien
		Thai Binh
	Phu Khuong	Phuoc Hoi
		Truong Hoa
		Hiep Ninh
		Cam Giang

APPENDIX B

FIELD INSTRUCTIONS FOR INTERVIEWERS

1. Your supervisor will tell you which villages you should visit for this survey. Go to each village and locate the Village Land Registrar. If the village does not yet have a VLR, locate the village official who has the responsibility for maintaining records pertaining to the Land to the Tiller law. Ask the village official to identify two hamlets in his village from which twenty (20) or more Form A applications have been received. For the first hamlet selected, take all the Form A applications and mix them up (such as shuffling a deck of cards). After you have done this, record the names of the first twenty (20) applicants on the checklist you have been given for this purpose. Also write the name of the hamlet on the checklist. Repeat this same procedure for the second hamlet that was selected, recording the 20 names and the name of the hamlet on a separate checklist. If none of the hamlets in that village submitted twenty (20) Form A applications, select the two hamlets that had the highest number of applications and record all of the names from the Form A applications on two checklists.

2. Go to the first hamlet you have selected, find the hamlet chief, and follow the instructions that have been provided with the checklist.

3. After you have obtained all the information from the hamlet chief, examine the completed checklist. Select the first * names on the list to which both questions 1 and 2 have been answered "yes" (that is, the first * people on the list who are both living in the hamlet and actively engaged in farming). Locate the home of the first man on the list who meets these two criteria, and administer the questionnaire with which you have been provided. After you have completed the interview, go to the home of the second name on the list which meets the two criteria, and interview this man. (Repeat this procedure until you have completed all * of these interviews your supervisor instructed you to complete.)

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* Province	N
Quang Tri	3
Thua Thien	2
Quang Nam	5
Quang Tin	3
Quang Ngai	4

If one or more of the interviewees cannot be located, record the reason why he is not available, and interview any other adult member of the family who is qualified, in your judgment, to speak for the family. If no qualified member of the family is available for interview, record the reason for this, and use the next name on the list which meets the two criteria. If you cannot complete the required number of interviews in each hamlet, record the reasons for this and proceed to the second hamlet, repeating each of these steps.

4. Proceed to the next village you have been instructed to visit, and repeat the procedure outlined in these instructions.

After you have obtained the names of about 20 persons who live in the same hamlet and who have filled out landowner's declarations, go to the hamlet. Find the Hamlet Chief or his deputy. Show him the list of names.

Then, using the form attached to this page, ask the Hamlet Chief or his deputy the following questions, of each name, and record his responses on the form.

1. Does this person or his family live in this hamlet?
   ___Yes
   ___No

2. If this person farming his own land in this hamlet at present?
   ___Yes
   ___No
   If he answers "yes," stop. Proceed to the next name.
   If he answers "no," ask question 3.

3. Did this person or his family formerly live in this hamlet?
   ___Yes
   ___No
   ___Doesn't know
   If he answers "yes," ask questions 4 and 5.
   If he answers "no" or "doesn't know," stop. Go to the next name.

4. Is his land abandoned and not being farmed?
   ___Yes
   ___No

5. When did he and his family leave this hamlet?
   ___Write in the year, or the number of years ago
   ___Doesn't know

6. Where are he and his family now? What is he doing for a living now?
   ___in the military forces
   ___moved to town, or to the city
   ___fled this area when it was insecure
   ___dead
   ___doesn't know
   ___other (write in response)_____

If "yes" check. If "no" leave blank. If "doesn't know" use a question mark.					_____Province		_____District				_____Village	
Names	Q1	Q2	Q3	Q4	Q5		Q6					
					Year	D. K.	In Army	In City	Fled	Dead	D. K.	Other
1.												
2.												
3.												
4.												
5.												
6.												
7.												
8.												
9.												
10.												
11.												
12.												
13.												
14.												
15.												
16.												
17.												
18.												
19.												
20.												

Of each of the persons you interview, ask the following questions:

1. Where did you go to get the form to declare your land?
   ___to the village authorities (or village office)
   ___to the Hamlet Chief
   ___to the Province

2. Who told you about, or where did you hear about, the need to complete a landowner's declaration? (MORE THAN ONE RESPONSE IS POSSIBLE.)
   ___friends and neighbors (or other persons in the village)
   ___I heard about it on the radio
   ___hamlet or village authorities
   ___other (write in answer)_____
   _____

3. Why did you fill out the form to declare your land? (MORE THAN ONE RESPONSE IS POSSIBLE.)
   ___because the Government authorities told me to do so
   ___because the hamlet or village authorities told me to do so
   ___because I heard about it from friends or neighbors or others in the village
   ___because I heard about it on the radio
   ___because I want to keep my land

4. Did anyone tell you <u>not</u> to fill out a landowner's declaration?
   ___yes
   ___no
   If he answers "yes," ask question 5.
   If he answers "no," ask question 6.

5. If yes, what did they say? What reasons did they give? (Write in the response.)_____
   _____

6. Do you have a document (extract or title) which proves that you own your land?
   ___yes
   ___no
   ___other (write in response)_____
   _____

7. Do you think that, because you have filled out a landowner's declaration, you will receive a title which proves that you own your land?

___yes
___no
___undecided
___doesn't know

8. Do you want the Government to issue you a title which proves that you own your land?

___yes, very much
___yes
___no objection
___no
___doesn't know
___other (write in response)_____

_____

APPENDIX C

LANDOWNERS' DECLARATIONS UNDER THE LAND TO THE TILLER PROGRAM AS OF 28 FEBRUARY, 1971[14]

Provinces	Declarations, Land to be Retained (Form A)	Hectarage	Declarations, Land to be Transferred (Form B)	Hectarage
MR 1:				
Quang Nam	30,000	13,026	337	342
Quang Ngai	19,800	11,746	641	434
Quang Tin	11,000	9,450	1,270	530
Quang Tri	11,300	4,800	110	118
Thua Thien	5,627	3,625	207	889
Provinces Sampled in MR 3:				
Bien Hoa	7,532	19,737	452	5,670
Hau Nghia	9,332	26,638	254	5,111
Tay Ninh	8,525	28,991	211	3,025

14. Taken from Report No. 526-DD/CC/VP, Directorate of Land Reform, Directorate-General of Land Affairs, Ministry of Land Reform, Agriculture and Fishery Development, 20 March 1971.