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End-of-Tour Report

THE LAND-TO-THE-TILLER PROGRAM
THE OPERATIONAL PHASE

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USAID/Vietnam

April, 1973

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THE LAND-TO-THE-TILLER PROGRAM
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PREFACE

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This End of Tour Report, which I am preparing in April, 1973 is a companion piece to the End of Tour Report prepared by Richard L. Hough¹, former Deputy Associate Director, USAID Office of Associate Director for Land Reform (ADLR). Mr. Hough's report covered some of the earlier land reform history in Vietnam leading up to the enactment of the Land-to-the-Tiller Law in March, 1970. He described the preparatory work during April-August, 1970 necessary before beginning actual land distribution and compensation. He then discussed selected aspects of the operational phase from September 1970 to December 1971, when he completed his tour. His excellent report described, analyzed and evaluated basic policies, organizational and staffing arrangements, certain broad procedures and the manner in which the program was managed by the GVN and supported by the USAID.

Mr. Hough's report was, in turn, preceded by two other End of Tour Reports on land reform which make very useful contributions to AID's memory bank on GVN and U.S. Government experiences with the Vietnam land reform program. The first of the earlier reports² was written by John L. Cooper, who served as USAID land reform advisor in Vietnam from January, 1966 through early March, 1968. He was special assistant to the Director from September 1967 until the end of his tour. Mr. Cooper's report provides interesting background regarding events which took place during 1966-1968 and helped lay the groundwork for LTTT. This report contains several recommendations which later were incorporated into the LTTT program. Mr. Riggs' fine report³ also documents some of the early history--particularly between 1968 and the time the law was enacted in early 1970. His report observes and comments on the preparatory stages for LTTT operation.

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and provides cogent comments on the early operational phase up to June 1971, with suggestions for future operations. Another document which provides excellent background on the development of the LTT Las and the early preparatory period was prepared by Keith Sherper, former Assistant Director for Land Reform, USAID/Vietnam⁴. He wrote this paper while doing graduate work at the Fletcher School

My follow-on report will cover the operational phase, mainly from December, 1971 through March, 1973, at which time the goal, announced by President Thieu exactly three years earlier, to distribute 2,500,000 acres (1,000,000 hectares) during the ensuing three years, was achieved

My report, like its companion piece, will cover in Part I some of the broader policy aspects of the program, as seen from my vantage point of approximately two and one-half years of operating experience (October, 1970 - April, 1973), and will provide comments on operational and procedural arrangements, the quality of GVN program direction and the nature of USAID support during the report period. I hope that Part I, particularly, of this report may be of some use in the years ahead to A I D or agencies of other governments contemplating land reform assistance to certain nations, and to writers and researchers trying to trace the experiences of South Vietnam's Land-to-the-Tiller program in its later operational phase

Part II will be in-house oriented and will discuss, selectively, current operational aspects of the program and offer some recommendations related to operations in the year ahead for the completion phase of the program

While our USAID/ADLR staff often has discussed most topics included in this paper, and individual staff members or groups of us have from time to time discussed some of these subjects with our counterparts at the DGLA or Ministry level, I have not tried to obtain a consensus on any of my comments or recommendations, the opinions expressed in this paper, therefore, should be considered my own

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PART I

When U.S. Ambassador Ellsworth Bunker addressed the American Chamber of Commerce in Saigon on January 21, 1971 he stated, "if asked to identify the single most important measure on the development front in 1970 it would, of course, be the Land-to-the-Tiller Program" Ambassador Bunker noted that more than 25 million acres would be transferred, reducing land tenancy from about 60% to near zero

Viet Cong strategy in South Vietnam--following Communist strategy in taking over mainland China and North Vietnam--was to target on the peasant population. Once the peasants were won over, the VC would have the cities surrounded and could take their time to control them. The most powerful appeal the VC made to the peasants was the promise of land. When the VC took over each village, they told the peasants the landlords would be chased out or killed and the tenant farmers would be given the land they till. The VC did not, of course, tell the tenant farmers that (1) they would give land only to those who actively supported them, (2) they would issue no title and that in event of the death of the tenant farmer while serving the VC, the land would not be left with the widow and children but would be taken away and given to another farmer friendly to the VC, (3) after an interval of, say, five to ten years, Phase II of the Communist land reform program would take place. Individual farmers would be required to surrender their lands to a commune, of which they would be a part.

South Vietnam had one of the world's highest tenancy rates prior to the beginning of the LTTT program in 1970. The GVN estimated it to be approximately 60% of all rice and secondary crop land. Professor Prosterman, who served as a consultant for the 1967-1968 Stanford Research Institute (SRI) study of South Vietnam's land tenure situation, noting that the study confirmed the continuing predominance of tenant farming, stated that, "In its percentage of landlessness, the Mekong Delta qualified as one of the five worst areas of the world" ⁵

Dr. Prosterman developed an "index of rural instability" by taking the agrarian portion of total population of a society (thus accounting for the weight the rural sector has in the entire society) and multiplying it by the proportion of that agrarian population which is landless (tenant farmers, sharecroppers, plantation laborers) to obtain the percentage of the total population which makes its living as landless peasants. He listed these findings⁶

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Landless Peasants as an Approximate Percentage
of the Total Pre-revolutionary Population of 7

Pre-1911 Mexico	62
Pre-1952 Bolivia	60
Pre-1941 China (rice region only)	35-45
Pre-1961 South Vietnam	42-58
Pre-1917 Russia	32-47
Pre-1959 Cuba	39
Pre-1936 Spain	33+

Prosterman further elaborated on this point with the following table ⁸

Landless Peasants as an Approximate Percentage
of the Total Pre-revolutionary Population of

Central Luzon (Hukbalahap country the average for the rest of the Philippines, where the Huks have not been active is under 25%)	50-57
Java (where the Communist PKI regularly won elections from 1955 until their abortive putsch of 1965)	50
Eastern India (including West Bengal, where the Communists elected past state governments and carried out waves of land seizures)	40+
Other areas with relatively high percentages include northeastern Brazil (where one out of six South Americans lives), Pakistan, Nicaragua, Guatemala, Honduras, Nepal, Ethiopia, and parts of the Middle East	

President Thieu announced, at the time he signed the new Land-to-the-Tiller Law on March 26, 1970 in a ceremony at Can Tho, that the GVN would distribute one million hectares (2.5 million acres) of land to tenant farmers within three years

How was the 2.5 million acre goal arrived at? The long dialogue on rural land status between GVN and the U S Government representatives in Saigon, waxing and waning through much of the middle 1960's, resulted in agreement in early 1967 for the U S Government to carry out a comprehensive study of the current status of land ownership, management and use.

was agreed that such a report should provide essential basic data needed to consider further possible courses of action in land reform. The U S Agency for International Development arranged for a Stanford Research Institute (SRI) contract team to carry out this study. Team members performed work in South Vietnam from August, 1967 to March, 1968. The four-volume report⁹ was issued in December, 1968. The study contains comprehensive statistical data extremely helpful as a background for planning purposes. Some of the basic data was obtained from DGLA, tested and refined. SRI reported that approximately 2.3 million hectares (5.75 million acres) of land were used for rice production. It was known also that over 100,000 ha of secondary crops were in production. In 1967-68 there was little double cropping. This excluded some lands which had been abandoned for security reasons. The study also reported that in September, 1968 landlord-tenant contracts covered 1,328,000 ha, exclusive of privately-tenanted public domain lands, which might add another 50,000 ha, and rented communal lands which DGLA reports at about 145,000 ha. These figures are fairly close to an MLRAFD/Department of Agriculture study prepared, with USAID/ADFA assistance, showing 2.5 million ha of cultivated land plus more than 100,000 ha of secondary crop land in 1970-71. These latter figures include an estimated 300,000 ha of double-cropped land.

The MLRAFD/DGLA have used a 60% estimated tenancy rate. This was based on several considerations:

- (1) the SRI study data and the 1961 census of land tenure, which was considered by some knowledgeable Vietnamese to understate the extent of tenancy,
- (2) knowledge that the SRI study was unable, for security reasons, to get into parts of certain provinces where high tenancy was believed to exist,
- (3) a ten-village sample tenancy study conducted by DGLA,
- (4) the fact that the SRI study did not include the Central Lowlands which, although they contain only around 5% of LTTT land, had many more tenants per ha of tenanted land than the Delta.

The true tenancy rate probably is somewhere in the 55%-60% range, and likely to be around the middle. If the tenancy rate was indeed 60% at the beginning of LTTT, then 2.6 million ha of cultivated land, less an estimated 0.4 million ha of double-cropping land, would leave 2.2 million ha X 60% about 1.3 million ha of tenanted rice and secondary crop land when the program began. Some of this might be too insecure to process, and religious and worship land would have to be deducted. These were factors Minister

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Than, the Director General of DGLA and their advisors considered in establishing the one million ha goal

The Land-to-the-Tiller program has been characterized as one of the most sweeping land reform programs carried out in the 20th century in a non-communist country. If the 2.5 million acres so far distributed under the LTTT program are combined with the approximately 750,000¹⁰ acres for which titles were issued under the earlier (1956-69) Ordinance 57 program, then the total area for which titles were issued subsequent to LTTT would be about 3.2 million acres, compared with Japan's 4.2 million acres and Taiwan's approximately 600,000 acres. Prior to carrying out Japan's land reform programs, roughly two-thirds of their land was tenanted, including some lands tenanted by farmers who also owned small parcels, and Taiwan's tenancy rate was about 50%.

The Ministry and DGLA made a conscious decision, supported by ADLR, to devote their limited managerial and technical resources at the outset of the LTTT program to getting the distribution phase operating smoothly before turning to the more complex compensation program. In retrospect, I still believe this was a sound decision. The first trickle of land distribution activity began in September 1970.

Key officials in DGLA's Directorate of Land Reform (DLR) were extremely busy during the September-December period in recruiting new staff and preparing and testing new procedures to help process a gradually-expanding volume of tenant farmer applications, which was expected to and eventually did result in title issuances covering an average of 33,000 hectares a month over the life of the program to date. DLR had to prepare and conduct on-the-job training programs for several thousand new employees and make the necessary adjustments to get the new distribution system operating smoothly.

This left little time for the head of DLR to enter into intensive sessions with the staff from the USAID's computer center, known as the Information Services Center (ISC) to develop the automated compensation program. Before the end of 1970, DLR began conferring with ISC regarding systems design requirements for the complicated automated compensation program and by January, 1971 the system design work actually was underway. ISC required approximately four months to develop the automated compensation system. The system has five sub-systems (e.g., check and bond activity) and the five sub-systems have a total of 32 active programs. Most of these are tightly inter-related. ISC required another 60 days to "de-bug" the system and have it fully operational. In the meantime, DGLA installed a temporary manual system for landlord

compensation First token payments were made in a ceremony presided over by the Prime Minister at Go Cong on December 2, 1970 During the following five months while the automated compensation system was being readied, DGLA paid 771 landlords for 8,876 ha

Mr Hough's report noted that

the LTTT program did not emerge new out of the vacuum of the early and middle 1960's The program planning and implementation experience gained over the 18-month period of distribution of government lands by both Vietnamese and Americans was integral to the evolution of LTTT For example, Circular 540 of May, 1969, which stipulated new distribution procedures was an important antecedent to the LTTT Implementation Decree and Work Plan The Circular also prescribed the use of aerial photography for land identification and automatic data processing for the production of titles and related registration documents 11

The LTTT program, with 2.5 million acres distributed so far through March, 1973 simply could not have been carried out in this time frame without the use of aerial photography I believe it is most unlikely that the volume of land title processing it handled could have been achieved without the use of automation, and it would have been impossible to have handled more than 70,000 compensation claims in this same time frame without the aid of a computer to print calculation sheets, proof and error listings, and an array of other documents in support of the compensation process, including a number of built-in controls and other procedures which support internal auditing I believe the most important innovation under LTTT was the decision to decentralize the program to village level The Implementing Decree provided in Chapter IV, Article 33, for the creation of a Land Distribution Committee in each village, with the authority to make substantive decisions as to whether a particular tenant farmer was, under the Law, indeed entitled to become the new owner of that land The VLDCs also were empowered to make substantive decisions regarding the compensation process, particularly determinations regarding true owners and plot yield levels Regarding lands for which no land registers and cadastral maps existed, VLDCs were required to confirm findings of VLRs and VALRCs regarding their investigation of ownership in order to determine the true landlord or heirs The typical province with 40 to 50 villages simply could not have handled this volume of distribution and compensation work within the 2.5 years operational time frame

As I draft this report in April, 1973, the GVN actually has printed titles for 2,517,000 acres, and distributed an estimated 85%-90% of these into the hands of farmers. Not all of the latter are yet recorded in the computer. The GVN had issued, as of March 31, 1973, 60,700 checks with a total value of \$VN14.8 billion and had issued 506,600 bonds with a total value of \$VN82.0 billion. For the pacification goal year March, 1973 - February, 1974, the GVN has established a target to distribute a total of 350,000 hectares of land, including privately-tenanted, village communal abandoned lands, which it hopes to recover and again make available for farmers. This goal also includes 100,000 ha of public domain land, which is not part of the LTTT program, and 50,000 ha of religious land. The latter is excluded in the new law from the LTTT program but brought in through the back door by means of a MLRAFD request approved by the National Assembly for funds to distribute and compensate for such lands. Thus only 200,000 ha of the 1973/74 pacification goal are strictly LTTT lands. Out ADLR staff considers this an extremely ambitious goal. This is discussed further in Part II.

MLRAFD, through DGLA, performed in an outstanding manner to achieve successfully its ambitious one million hectare distribution goal. In looking back over the past three years, I believe the following factors represented main areas of strength in successfully carrying out the program.

MAIN AREAS OF STRENGTH

1. Strong Government Leadership

Perhaps the most important element of strength in organizing and carrying out LTTT was the fact that the GVN had during the entire three-year period a strong, cohesive central government, and it had continuity. There existed a tight, quite responsive chain of command running both in the main command channel (Prime Minister, Province Chief, District Chief, Village Chief) and the civilian channel (Minister of Land Reform, Agriculture and Fisheries Development, Director General of Land Affairs, PLAS Chief, Controller, Team Leader, Land Registrar). Because officials at every point in the chain of command, in both channels, knew at all times that President Thieu, Prime Minister Khiem and Minister Than were determined that this program would succeed--and on schedule--they were responsive. Related to this, there was not strong landlord representation in the National Assembly, otherwise the draft law might not have emerged as well as it did, and efforts to amend the LTTT Law after its passage might have been more successful.

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Japan, Taiwan, Korea and Iran all had strong, able leadership during the period of their land reform programs. In any country contemplating land reform, government leadership from the President's or Prime Minister's Office down to the village level is an imperative for a success.

Throughout the life of the program three men were the overwhelming moving forces contributing to LTTT's success. President Thieu, from the date he signed the Law and announced the three-year goal, gave clear, unwavering support to LTTT.

As the distribution program progressed, President Thieu seemed to be increasingly strongly impressed by its political appeal. Until the time of the NVA invasion in late March, 1972, he participated frequently in title distribution ceremonies, and even did so occasionally after the invasion started. His assessment of its political value very likely was observed and felt by administration officials throughout government who were in positions in various ways to help grease the machinery of land reform.

Secondly, Minister Cao Van Than, generally regarded by western observers as one of the brightest, ablest Cabinet members, provided highly capable and hard-driving leadership during the entire three-year period. The fact that he is one of the Cabinet officers closest to President Thieu doubtless was helpful to him as he fended off deftly efforts by strong National Assembly leaders, powerful landlords and other interested individuals and groups to water down or gut the program. Finally, Director General of Land Affairs Bui Huu Tien proved from the outset to be a happy choice for his key role. He demonstrated that he is a natural leader and an excellent manager who works with unrelenting energy and inspires his staff to do the same. He repeatedly showed great courage in making hard decisions that often were bound to be in conflict with personal interests of powerful landlords and occasionally with those of key political leaders.

2 Sharp Focus on Two Main Tasks

From start to achievement of the million hectare goal, the GVN focused sharply on the task of getting land distributed and compensated. At no time did the Ministry or DGLA officials permit themselves to be drawn away from the two main tasks. USAID/ADLR at all times supported the sharp focus approach and concurred in the decision to get land distribution going smoothly before moving strongly into compensation. While there was some inequity in this latter approach, the country was fighting for its existence and land reform was believed to be able to help win that fight.

3 GVN Avoided Long "Tooling Up" Period

The GVN did not reach a decision to carry out a truly sweeping land reform program until almost the eleventh hour, as Mr. Hough pointed out¹². Once the decision was made, however, the GVN moved swiftly. They decided at the outset, very wisely, I believe, to move right ahead, utilizing the staff, facilities, land records and aerial photographs at hand, rather than go through a long "tooling up" phase. They could not afford the luxury Taiwan enjoyed of spending several years, after reaching a decision to carry out a land reform program, to put all land records and cadastral maps in excellent shape. The pressures to carry out expeditiously land reform programs in some other countries in the future may justifiably preclude, as was also the case with Iran¹³, taking time for complete preparation prior to distribution.

President Thieu, Minister Than and some other government officials saw in land reform the possibility to help win over the support of an estimated 800,000 farmers and their families by giving them title to the land. The Control Data Corporation (CDC) study by Dr. Henry Bush and his staff on the impact of the Land-to-the-Tiller program¹⁴ gives considerable evidence of the strong appeal of land reform to the rural population. The CDC study, which involved making observations and/or talking with representatives of nearly 1,000 farm families in 44 carefully-selected villages in the Delta, reported many instances where President Thieu's picture was seen framed and occupying a place of honor above the family altar. Farmers frequently volunteered expressions of gratitude to President Thieu for helping them to obtain ownership of their land under the LTTT program.

Howard R. Penniman, writing on the October, 1971 National Assembly and presidential elections in South Vietnam¹⁵, stated

By 1971 more persons were registered to vote in IV Corps than in any other region. This was directly related to pacification. Many of the villages and hamlets in the Delta were under government protection for the first time in years. It was also in the Delta, of course, that the land reform and other agrarian assistance programs were having their greatest impact.

4 Program Goals Helpful

I believe the use of goals in the LTTT program from the

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outset were a very helpful technique. After President Thieu announced in March, 1970 the one million hectare goal to be accomplished in three years, the Central Pacification and Development Committee (CPDC) established a goal of 200,000 hectares for the operational period of approximately six months, ending February 28, 1971. The CPDC assigned goals of 400,000 hectares for 1971-1972 pacification year and 400,000 hectares for 1972-1973. Each year DGLA developed recommended province goals, which the CPDC incorporated under their assigned national goals. Each Province's own pacification and development plan was required to include an Annex breaking down the Province land distribution goal for the year by village.

While both Americans and Vietnamese monitoring program operations over the past two and one half years often found VLRs who did not know the village goals, it appeared that a majority did know them after the first year of operation. Perhaps the main value of goals focused on Province operations. Province Land Affairs Service (PLAS) chiefs knew exactly their goals and were under constant pressure from DGLA and the Ministry to achieve them. They, in turn, knew the goals assigned to each village and they applied pressure for performance.

5 Strong Monitoring-Inspection Activity to Maintain Program Quality

From the beginning of the program there was excellent monitoring by DGLA officials and their ADLR counterparts. The vigorous Director General Bui Huu Tien spent a considerable amount of time in the field, observing operations and giving on-the-ground instructions to sharpen them.

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Most of the effective monitoring by the DGLA was carried out by approximately a dozen key officials. Unfortunately, only four or five of the DGLA Inspectorate's staff of 7 dozen officers, some of whom were close to or ready for retirement, appeared highly effective. That this well-known situation persisted may have been due at least in part to the Vietnamese cultural pattern, which provides that one employee does not criticize an associate, but mainly to the Civil Service tenure system.

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Mr Tien created positions of DGLA Regional Representatives, and stationed these able senior officers in the field to help serve as his eyes and ears. They normally observed, reported and advised PLAS chiefs and Mr Tien. They did not, with perhaps rare exception, give direct orders to take corrective action. This was a weakness. This latter function was given, properly, to the Inspectorate. Considerable effort was required to coordinate the Regional Representatives' monitoring trips to Provinces with visits by Inspectors so they would not duplicate or overlap. Our ADLR staff often pointed out to DGLA the limits of effectiveness of the Regional Representatives because they only monitored. Any future land reform programs wishing to add field staff to monitor should also, I believe, give them authority to take corrective action on the spot. The DGLA Regional Representatives would have been much more effective with such powers. Mr Tien decided, apparently for Civil Service technical reasons, and perhaps partly for reasons of jurisdictional and personality considerations, not to expand Regional Representative responsibilities.

MLRAFD officials, particularly Vice Minister Nguyen Than Qui and Dr. Tran Quang Minh, Director of Cabinet, did considerable monitoring. American Land Reform Advisors (part of ADLR staff ceiling but detailed to and stationed in the DEPCORDS Headquarters) probably spent on the average of two-thirds of their time in the field, visiting PLAS Headquarters and village activities. With one or two exceptions, our ADLR Headquarters staff from the most junior officer up to and including the Deputy Associate Director and the Associate Director ranged frequently to every part of the country where LTTT activities were being carried out. Like their American field counterparts, with whom they closely coordinated, they and their DGLA associates observed and reported on operations right down to the village level. As part of the MLRAFD/DGLA effort to maintain program quality, ADLR arranged for Keith Sherper, who had been a member of the ADLR staff from July, 1965 to July, 1970, to spend a month in Vietnam carrying out a joint survey with Mr. Phi Ngoc Huyen, Chief of the DGLA Inspectorate, on LTTT grievances.¹⁶ The study, carried out in August, 1972, which drew heavily on materials developed both in DGLA's Inspectorate and by Dr. Henry Bush and his CDC staff, concluded that the LTTT distribution program has been a quite "clean" operation. Of the total of 7,150 grievances, complaints and inquiries of all kinds received by DGLA during March, 1970-August, 1972, approximately 6,400 or 89% were not true grievances but complaints or requests for information or clarification, or simply indicating misunderstanding of certain aspects of the

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program The report distinguishes between serious grievances and complaints

Serious grievances need investigative or other major action and include disputes (between two or more parties) and abuses. Complaints, on the other hand, are of a less serious nature and do not necessitate investigative action, but instead require some explanation.

The report noted that " the total number of grievances received by the DGLA from all sources affect approximately one per cent of all tenants and landlords involved in the program" ¹⁸ The report broke down the 755 actionable grievances into the following six categories

Disputes between landlords and tenants not related to village or PLAS officials	131
Disputes and grievances regarding village personnel not carrying out their duties properly	255
Disputes and grievances regarding PLAS personnel not carrying out their duties properly	124
Grievances that landlords or military have hindered implementation of the law	70
Miscellaneous matters related to the LTTT program	98
Inspection of personnel grievances indirectly related to LTTT	<u>77</u> 755

Over 40% of these grievances were not yet settled as of late August, 1972. The apparent reason delay in completing field investigations. By March 31, 1973 the number of serious disputes or abuses had increased to about 1,404, of which all but 66, or under 5%, were resolved.

The report also concluded that grievances have been reasonably well-handled, although Province Land Courts tend to be biased in favor of landlords, and such courts have inadequate knowledge of LTTT Law and regulations. Tenant farmers have had

the opportunity to appeal to Village Conciliation Committees. If not satisfied with the outcome of such appeals, they could take them to Provincial Land Courts. All Land Court decisions are reviewed automatically in Saigon by the National Land Reform Council. Under this procedure the Commissioner General of Land Courts, a lawyer located in DGLA, would receive copies of all Land Court decisions. He would prepare a precis of each case and recommend whether a decision should be confirmed or overturned. During a sample study period, the Sherper-Huyen study noted¹⁹ that of 147 cases coming before the NLRC June and October, 1972 court sessions, 52% were confirmed and 48% were overturned. When a Land Court case is overturned by the NLRC, it automatically must go to a Land Court in a neighboring province where the Judge is required to follow the guidance of the NLRC in reaching a new judgement. In most of the overturned cases the Land Court had favored the landlord. Thus, the NLRC has been a strong protector of the rights of the tenant farmer.

The Sherper-Huyen report noted²⁰ what appears to be a fairly frequent but little-reported grievance problem in both the land distribution and compensation areas. It noted evidence of officials at various levels in government, and sometimes their non-official associates, demanding "tea money" to help insure that the land title compensation claim is processed with reasonable speed. Landlords sometimes volunteered such payments. This subject will be discussed in Part II of this report.

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During the spring and summer of 1972 ADLR, in cooperation with ADLD/LAB made a strong effort to get South Vietnam's Federation of Trade Unions (CVT), through its Tenant Farmers' Federation (TFF), to become involved in helping tenant farmers prepare grievances cases for presentation at village level or before Land Courts. Mr. Tran Quoc Buu, head of the CVT and one of Vietnam's most important political leaders, was prepared to enter into a project financed with A I D funds, to hire additional staff and train them to carry out grievances support functions in the field. When I presented this proposal to Minister Cao Van Than in July, 1972, however, he immediately took a negative view. He told me frankly that he was miffed that Tran Quoc Buu had come to his office in the past month claiming almost full credit for carrying out the LTTT program, and Mr. Buu indicated his intention to soon abolish the TFF because there soon would be no more tenant farmers. Secondly, the Minister's comments indicated that he much preferred to see any grievances arising

out of LTTT activities handled by his own staff. This immediately triggered a directive from him to DGLA to review the whole grievance procedure and make recommendations for strengthening it. When he rejected the proposed CVT-TFF involvement, I countered by suggesting a joint DGLA/ADLR study of the current status of grievances, including their profile, the manner in which they are being handled, with appropriate recommendations for improving the system. He agreed and the Sherper-Huyn study followed.

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The report discussed the situation regarding unreported grievances and concluded that these usually are of a less important nature and that serious grievances tend to get into the legal system.

The report contained a number of recommendations for corrective action, some of which were taken prior to the report's issuance, and others shortly afterwards. One of the outstanding tasks which DGLA should follow up on vigorously is to press the Land Court for forceful action and early settlement of the 373 false worship land declarations in An Giang Province. I urge ADLR to follow this closely until it is resolved.

6 Stanford Research Institute Study Valuable

The SRI study, which brought together a wealth of relevant, readily-available land tenure information and other current basic data on the land situation, including the Government's land policies at that time, and the manner in which the lands were being utilized and managed, proved very useful for MLRAFD officials and their USAID advisors on a continuing basis in planning and carrying out the LTTT program.

7 On-the-job Training Emphasized

DGLA, supported by ADLR, carried out a good LTTT training operation. ADLR included from the outset of operations a Training Office with two FSR-3-level Training Officers and several Vietnamese professional assistants. I believe they made a major contribution to the program by advising and assisting the DGLA counterpart Training Office to get organized, identify its role, get its own staff trained, and develop and carry out a clear-cut, sharply-focused program to upgrade the work capabilities of VLRs,

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village agriculture and land reform commissioners, team leaders, controllers and PLAS personnel. A limited amount of training was conducted for DGLA headquarters staff, mostly in the form of seminars. The GVN's prestigious National Institute of Administration was utilized to a limited degree to carry out management improvement programs.

ADLR supplemented the formal training carried out through the DGLA Training Office. The supplementary training went hand-in-hand with the ADLR field advisory role. The ADLR staff's ability to perform both the advisory and supplementary training roles was enhanced considerably as the result of a comprehensive and intensive six-week training program for American advisors--both field and headquarters staff--covering all main aspects of LTTT field operations. This program was arranged by Mr. Hough, who utilized key headquarters staff members as instructors. Field practical problems were included. At the end of this course, all American advisors had an excellent grasp of LTTT policies, procedures and some of the main types of problems village and Province staffs were likely to encounter. I would recommend that for future land reform programs with an important U.S. advisory role, the same type of in-house USAID training should take place prior to the beginning of operations. If possible, key counterparts at central and province levels should be given similar intensive and comprehensive training.

8 Publicity Was Quite Good

LTTT publicity throughout the operational phase of the program was quite good. Radio was the best medium to reach people in villages and hamlets, and the newspaper was the second best outlet.

During the first year, information passed orally by village officials and some of the first tenant farmers who received their titles contributed perhaps as much as the radio to informing the rural population concerned about the LTTT program. The TV programs prepared in Saigon and released through outlets in major cities each week contributed to making landlords and other city dwellers well aware of the program.

From the beginning of operations ADLR had a position for Information Specialist. For the first year of operations it was filled by JUSPAO officers serving first full-time and then part-time as their staff decreased. From May, 1971 through January, 1972 it was filled by an able young FSO. Posters were used fairly extensively, particularly before the annual Land-to-the-

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Tiller Farmers' Day, celebrated with much fanfare as a national holiday each March 26

In the early days of the program information tended to be more of the broad institutional type, describing the broad aspects of LTTT

However, at the very beginning of program operations in autumn, 1970, our imaginative and hard-driving young Land Reform Advisors in MR IV, in consultation with their counterparts, PSYOPS/MR IV, prepared and arranged to print attractive cartoon posters, each with eight panels describing the main steps a farmer needed to take to obtain his land title. The series included eight separate posters issued at intervals of about a month. Each poster was in a different color scheme. Each told essentially the same story, but with slightly different emphasis. Copies of these posters were sent to and utilized by Land Reform personnel in other regions. A total of about one million copies were distributed.

After the first nine to twelve months of operation, information emphasis shifted, partly upon ADLR's urging, to include more "how-to-do-it" information for tenant farmers and landlords. In mid-1972 an attractive, simply-worded cartoon-type brochure was prepared for tenant farmers with detailed instruction for applying. A similar brochure was prepared for landlords at about the halfway point in compensation work.

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9 A I D /Washington and USAID/Vietnam
Gave Program Strong Support

At the time I was requested by AID/W to take the assignment as Associate Director for Land Reform, Dr. Hannah told me both by cable and in a personal interview that there was no project A I D was supporting in Vietnam which he considered more important than the LTTT program. During the two and one half years I have been associated with this program, AID/W, with one exception, has given the program the strongest possible support and backstopping.

The one exception was AID/W's failure to take extraordinary action required at times to fill key vacancies. This was particularly true in the early part of the program when positions were being filled initially. In one case approximately one year's time was required to place under a contractual arrangement through

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an American university a former Land Reform contract employee whose contract, for technical reasons, could not be renewed About nine months were required by AID/W to recruit the key "compensation watchdog" position In the beginning AID/W did not adequately screen USDA/PASA positions Except for these problems, the Bureau for Supporting Assistance provided excellent backstopping on a timely basis

USAID Director John R. Mossler and his Deputy, Mr Stanley Siegel, repeatedly indicated that Land Reform was one of the top-priority programs in the Mission, and they acted accordingly They were always readily accessible, and supported the program in the strongest possible way Every reasonable request for support was approved--with perhaps one exception I made a strong request for funding to procure from TOPOCOM controlled photo mosaics, which could be made available for a substantial part of the LTTT geographic area for a fraction of the normal cost, because TOPOCOM had done much of this work for other purposes Mr Hough referred to this matter in his report, and I shall not repeat it here USAID funds were extremely tight at that time, and Mr Mossler believed that since DGLA had started the program with the knowledge that available photography could be used to do the job, we should proceed on that basis

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10 The Computer Role

From the beginning of operations, computer support was an area of both strength and weakness In balance it was extremely useful and indeed a clear-cut necessity It simply would not have been possible to carry out in the established time frame these massive distribution and compensation programs without utilizing the computer system The computer printed simultaneously title for tenant farmers and land register sheets for PLAS and village land record books The compensation system was highly automated All calculations for amounts due each landlord, including payments for bonds and interest due, year by year, for eight years following initial cash payment were calculated, and checks and bonds printed It stored easily for future reference information on claims for around 50,000 ha of land It provided regular (twice-monthly) and periodic reports covering details of operations in approximately 1,500 villages These were most useful management tools It was and continues to be invaluable for all these and many other functions, including its inestimable value for continuous internal

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auditing purposes. On the other hand, there were computer problems.

Members of our ADLR staff began to realize quite early in the program operations phase that the computer is not an unmixed blessing. It can serve beautifully for a program like ours provided the users of the automated system and their colleagues, the systems designers, thought of all necessary computer requirements during the design stage and the Government saw no necessity to make policy and related procedural changes during the program operation phase which would require changes in the automated system.

In the case of LTTT, while the basic design was quite well done, both DGLA and ADLR learned from operational experience that some changes would be necessary and others desirable. As indicated earlier in this report, the automated compensation system has five sub-systems (e.g., check and bond activity), and the five sub-systems have a total of 32 active programs. Most of these are tightly inter-related. Often a change in a single program must echo down through a number of the other programs. A separate information retrieval program must be designed, programmed and "debugged" before the simplest material can be retrieved. For example, if the Director General wanted to know today how many tenant farmers received plots between 1.5 and 3 ha in size, our computer center probably would require 30 to 60 days to go through the steps mentioned above to provide this information for him. It is virtually impossible to anticipate in advance all the types of retrieval material that will later be required for operational purposes over the life of the program. Our experience with computer system design for both distribution and compensation is well-documented in USAID/ADLR and ISC files and should provide helpful future guidance to other governments and their land reform advisors with regard to a check list of types of requirements to include in the automated designs. I am requesting the ADLR staff officers concerned to prepare for the USAID historical file on LTTT a list of all the main changes to both the distribution and compensation systems that have been made in this program to date. During and since the AAG audit referred to above, DGLA and ADLR have thought of several types of information in the computer memory bank which we would like to tap. In a number of cases we have thrown up our hands in despair, however, because we realize it would take four to eight weeks or more to retrieve it. We have, nevertheless, submitted a number of retrieval requests as a result of the audit.

Today we face the interesting situation where one system design specialist associated with our automated compensation program insists that no further design changes can be made or the

whole system will collapse. Another presumably equally-able systems design specialist disagrees and believes that further design changes can be made and the system can continue to serve effectively for the remaining life of the compensation program. To resolve this matter, we have initiated steps to bring in a highly-qualified automated systems evaluator to analyze our system and recommend whether or not to redesign parts of the system.

For the past year the system has been plagued with repeated breakdowns while some compensation program was being run. This has resulted in repeated delays in meeting report deadlines and has contributed to some degree to a slowdown in the compensation system. I believe that perhaps the main problem contributing to computer breakdown during operational runs is related to the fact that the USAID was attempting to service this highly complex and massive LTTT distribution and compensation system, along with other USAID programs unrelated to LTTT and, understandably, at the same time train Vietnamese in basic computer skills to take over operation of every aspect of the computer system. This was at least partially alleviated by ADLR's arranging to have an American with past experience in ISC in both systems design and programmer supervision tasks come on to ADLR's payroll and be detailed to ISC to oversee on a full-time basis all aspects of the LTTT program under general directions from the ISC manager and his deputy.

The GVN and USAID experience with the computer phase of the LTTT program strongly suggests that in any future land reform programs in other countries an effort should be made to avoid combining difficult operational programs with local staff training in the basic courses of programming and system design. Host-country nationals must be taught to take over all phases of any computerized land reform operation, the thing to avoid at almost any cost, though, is bringing in almost completely untrained people and then giving them on-the-job training in the basic elements of programming and systems design. Such basic courses should be taught outside a computer center involved in a complex and fast-moving operation such as a major land reform program. Furthermore, designers of future programs should devote maximum attention to trying to anticipate every possible policy or procedural change which may require an adjustment to the automated system over the operational life of the program. During the design stage they also should have every key user representative who will have any concern with the program try to anticipate fully specific retrieval requirements, including audit needs, so that these can be designed at the outset. Beyond this, designers should assume there will be unforeseen changes required, and thus design the system in a way that will provide some flexibility by

permitting additional or revised programs with minimum difficulty

11. LTTT Had a Good Research Unit

From the beginning of the program, MLRAFD/DGLA and ADLR were fortunate in that ADLR had established an excellent land reform research unit under a contract with Central Data Corporation (CDC). This unit, headed by a very able social sciences research officer, Dr. Henry C. Bush, carried out during the life of the program to date a series of quick reaction studies on specific current operational problems with which GVN officials and ADLR advisors had to cope. Each research project was specifically requested by the Associate Director for Land Reform or his Deputy and usually carried out within a one- to three-month time period. Some of these requests came directly from DGLA. There is attached as an Appendix to this report a complete list of all CDC reports prepared from the beginning of the program to date.

The usefulness of the short-term studies is illustrated by the study "Land Ownership and Tenancy Among Village and Hamlet Officials in the Delta", March, 1970. At the time this study was undertaken, the draft LTTT legislation was still before the National Assembly. Some opposition spokesmen expressed the view that the program could not be carried out successfully because a great majority of the village officials were landlords themselves and would thus be opposed to the program. The findings indicated that only 10% of village officials are landlords or part owner/operators and part landlords. This thoroughly-documented finding successfully torpedoed that opposition argument. Another example was a study carried out by a research unit regarding the attitude of the military toward land reform. A few vocal opponents of the program had helped create the impression that very strong opposition might be expected from the military, because many of them are landlords. The study showed that only about 2% of all landlords are in the military.

I have referred elsewhere in this report to the longer-term study carried out by CDC regarding the impact of LTTT in the Mekong Delta. This report presents persuasive evidence that the LTTT program is indeed accomplishing its purpose of winning over the goodwill and support of former tenant farmer families and even other "little people" in the country who may not be directly concerned with farming but note with respect the Government's action in carrying out a program of this type to help the people in the lower rungs of the economic and social ladder.

MAIN AREAS OF WEAKNESS

Looking at the shortcomings of the operational side of the program, the following impressed me as some of the main weaknesses that became increasingly apparent as the work progressed

1 Little Land Distributed in Central Vietnam

The LTTT program never really got well-started in Central Vietnam, except for some distribution of formerly rented communal lands during the past year. I believe the main reason for this is that the LTTT Law simply does not comfortably fit the Central Vietnam situation. Most people do not think of land reform as expropriating from landlords' holdings totalling five acres or less of rented land. A study of the situation of landlords in Vietnam, prepared by Dr. Henry Bush and his CDC contract staff in 1970, showed in a sampling that half of all landlords in Central Vietnam were renting to tenant farmers one hectare or less²¹. An additional 11% of the landlords sampled were leasing between one and two hectares. Only 19% of all landlords in the Central Lowlands (MR I and MR II) were leasing more than five hectares. Land here is not so fertile. Crops often yield only one ton per hectare using Vietnamese-type seeds. Considerable evidence was developed to indicate that perhaps the majority of landlords in Central Vietnam were little better off either economically or socially than the tenant farmers to whom they rented the lands. Individual tenant farmers often rented plots of one-quarter to one tenth hectare from landlords. Some supplemented their farm incomes by working part-time for wages or salaries in nearby villages or towns. Different from the Delta, landlords in Central Vietnam often live in the same village and hamlet with the tenant farmers to whom they are renting land. A close, friendly relationship sometimes exists. Landlords often are relatives. They sometimes help their tenants in emergencies. This situation, coupled with conditions described above, tend to inhibit tenant farmers from applying. Village officials in MR I, particularly, perhaps influenced by the days when they were oriented toward the old national capitol at Hue, seemed less responsive to Saigon officials than did those in the Delta. There is evidence of some carry-over of this attitude into the LTTT program.

Both MLRAFD and DGLA recognized fairly clearly, I believe, that in a program which has a political rather than economic development rationale, there may be more to lose in this greatly different land tenure environment than gain in pressing hard for land distribution.

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On the other hand, they never have been willing to clearly face up to this situation and make a firm decision to go ahead or write off this aspect of the program. During the three-day MLRAFD/DGLA/ADLR Land Reform Evaluation Conference held in a retreat atmosphere at Vung Tau in October, 1971, Minister Than made a strong, clear statement that he indeed intends to carry out vigorously land reform in the Central Lowlands. He stated with some feeling that the tenant farmers in the Central Lowlands have been more downtrodden by landlords than those in any other part of the country. During the subsequent year-and-a-half since that conference, he made no great effort to press for an effective land distribution program in Central Vietnam.

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Only a little over 5% of the one million hectare goal was allocated to the Central Lowlands. By March 31, 1973 in MR I and MR II, 159,311 titles had been printed for a total of 27,695 hectares. This represented approximately 3% of the national one million hectare goal. Approximately half of the land distributed, 13,203 ha, was formerly communal land. Indications are that about one-third of the estimated privately-tenanted land has been distributed in MR I and MR II.

2 Supervision of Aerial Photography

Some fairly poor quality aerial photography at village level plagued the program from the outset. From the vantage point of DGLA's operating experience to date, I am convinced that the GVN, with USAID advice, made a wise decision to proceed with the LTTT program by utilizing the existing photography flown by the U S military, which included both mapping quality and reconnaissance type. A study carried out for USAID/Vietnam by the U S Army's Engineering Agency for Resources Inventory (EARI) in 1967-1968²² indicated that there was no realistic alternative to the use of aerial photography for the LTTT program. EARI estimated that ground survey of the area to be covered under LTTT would require 50-100 years and the cost would be not less than \$100 million. The report further stated

Photogrammetry constitutes a workable alternative to ground surveys. Utilizing photogrammetry, ten years is sufficient time for the DGLA to reconstruct

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cadastral records for all portions of Vietnam where they once existed, and to start construction of original records for the remainder of the country. It should be possible to hold the total cost below the level of \$10,000,000.

The political necessity of moving ahead with the program as rapidly as possible once the Law was enacted, precluded flying new photography. The main operational problems during the past two and one half years have not resulted from using unrectified photographs but rather from the failure of DGLA's Directorate of Techniques to identify and replace expeditiously poor photography at village level when the requirement was identified. Members of my staff and I, often in company of our counterparts, visited hundreds of villages during the life of the program and saw photography ranging from excellent to poor. Some batches in the first generation distribution of photography to PLAS offices and villages throughout the country apparently utilized poor chemicals and inadequate processing procedures. Those factors, combined with deteriorating effects of sun and rain on photos repeatedly exposed during field work, caused cracking and bleaching. A small percentage of the aerial photo negatives in DGLA's photo lab simply were of poor quality. Beginning in late 1970, ADLR made a maximum effort to obtain from all military sources in South Vietnam and from all appropriate sources in Washington, D C, the best quality negatives available to replace poor photography in DGLA's photo files. This search was quite successful. Nevertheless, despite repeated reports to the Directorate of Techniques, they remained fairly unresponsive in providing replacement photography for PLAS offices, and particularly for villages. A fairly steady stream of reports from ADLR's photo identification advisor and his GVN counterparts, from DGLA Inspectors, field Land Reform Advisors and ADLR advisors traveling in the field, were directed throughout the life of the program to the photo lab. Equally important, the PLAS Chief, his Controllers and Team Leaders did not vigorously evaluate the quality of master overlays being made by individual Village Land Registrars and insist upon excellent quality work. The emphasis was on processing applications and compensation claims. The Directorate of Techniques staff in DGLA/Saigon, in turn, did not vigorously monitor the manner in which PLAS staff carried out this function. DGLA seemed to believe they could take care of much of this later.

3 Poor Quality of Field Statistics

Both the distribution and compensation aspects of the

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program were plagued continuously by the poor quality of statistics generated at village and PLAS levels for Saigon's use. DGLA required from each PLAS monthly reports on both distribution and compensation, summarizing by village such basic data as applications received, applications approved at village, titles distributed, total land available by village under the LTTT program and similar information. Mr. Jones, ADLR's Deputy Associate Director since February, 1972, whose many qualifications include those of professional statistician, labored mightily with his counterparts to help bring about improvement in the statistical reporting services. While considerable improvement has been observed, Mr. Jones believes they are still not highly dependable. The statistics generated in the field are known as "the manual figures", as differentiated from the bi-monthly computer reports on both distribution and compensation. The latter normally lag about two months behind the manual reports. The problem of the inaccurate manual statistics became particularly important each year during the two or three months prior to the end of the annual goal period. Both the DGLA and ADLR felt this problem acutely during the final distribution campaign of September, 1972 to February, 1973, when an all-out effort was being made to obtain and process enough applications to achieve President Thieu's three-year distribution goal. As the end of the goal year approached, most of the secure land and quite a bit of the fairly insecure land already had been distributed, as had lands for which land registers are available. This meant each PLAS Chief had to really dig, village by village, to identify areas where some land remained for distribution. Good statistical reports would have facilitated greatly the targeting of PLAS staff efforts on those villages where distributable land remained. This is a continuing problem which will require the further close attention of DGLA and their ADLR advisors during the completion of work at village phase.

4 The Lack of Adequate Land Records

The SRI report identified this as an important problem. SRI, after carefully reviewing the GVN land records situation, reported²³ that the three main records systems, after over 20 years of war, covered in the villages around one-third of all lands in use, and most of these records are badly out of date. The MLRAFD decided, I believe wisely, to go right ahead with the land distribution program despite this obstacle. In 1970 the GVN was fighting for its very survival, and the LTTT program, with its political justification of attempting to help win the good will, respect and support of the people in the countryside, would have "missed the boat" if the GVN had waited for three or four years or more.

to try to get all land records in excellent order. The GVN did cope adequately with this problem. There now remains, however, an important clean-up task. This subject is further discussed in Part II of this report.

5. No Independent GVN Audit

The GVN simply has no really adequate government-wide auditing system. Thus, while the MLRAFD/DGLA deserve praise for the manner in which they have carried out internal audits as well as inspection--with the cooperation of the USAID--there has been no GVN audit, independent of the Ministry, of LTTT compensation. There is not likely to be one unless the GVN reaches the decision to devote the major portion of the Censorate staff's time to this task. ADLR has urged that the Censorate get involved in an LTTT audit or inspection, but so far they have not. The GVN Censorate is not a direct counterpart of our GAO. Rather, it more nearly combines some of the functions of an Auditor General's office and a military Inspector General's office. The total censorate staff is well below 100, with few trained professional Auditors and Accountants. This subject is further discussed in Part II.

6. The Price of Single-mindedness

From the time that the Prime Minister signed the Montagnard Land Decree in November, 1970, following up on the earlier Decrees 033 and 034 of August, 1967, Minister Than and Director General Tien both announced firmly that the number-one work priority was LTTT. While ADLR agreed with this, we believe it sometimes resulted in paying less attention to the Montagnard program than it deserved during the past two years. Another aspect of the single-minded approach was that the Director General, although indicating at the beginning of the program that he desired USAID technical advice and assistance in developing a unified land registration system, continued to defer most proposals for action in this field until the distribution goal was achieved. I believe this was a fairly reasonable position, in view of staff shortages and the possibility of deferring this phase of work without real harm.

During the past three years suggestions were made at times that the GVN should become more deeply involved in titling squatter lands, resettlement and development centers in the highlands as started under the Diem regime and should get involved in a program to register all farmers who owned and operated their farms even prior to LTTT. Director General Tien was unswerving in his determination, supported by ADLR, not to let LTTT get

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sidetracked While strongly advantageous, this proved to have some disadvantages, they will be discussed later

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Perhaps the most important negative aspect of all in the single-minded pursuit of the land distribution goal was some inclination of village and Province officials to cut corners on established distribution procedures in order to process applications more rapidly as target deadlines approached each year. In the villages this mainly took the form of VLRs sometimes shortcutting in various ways the full field investigation required to insure that the land to be transferred to the tenant farmer was indeed tenanted at the time and to be satisfied as to the true tenant farmer and landlord. Another fairly common shortcut at village level was to fail at times to keep all aerial photo master overlay work on a current basis.

At Province level shortcuts at least occasionally used to take the form of inadequate technical checking of the quality of work performed by VLRs on applications submitted. One of the most common shortcuts was failure to double-check plot size measurements. Another was not to insist that the quality of master overlay work be kept up to established standards. On the compensation side, both villages and PLAS offices at times tended to shortcut established yield determination procedures. On the compensation side PLAS offices occasionally did not insist that full field investigation be carried out simultaneously with distribution investigation. Instead of doing a full field investigation, VLRs sometimes simply marked land with the symbol "CC", meaning that it was distributable but not yet distributed--presumably for security reasons or because tenant farmers could not be located for interviews.

These shortcomings were not widespread, they were the exception. Hard-driving Director General Tien and the best of his Inspectors and Regional Representatives, supported by American Land Reform Advisors, kept after field staff steadily to minimize or eliminate these shortcomings.

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Begin UnclassifiedOTHER OPERATIONAL ACTIVITIES OF SPECIAL INTEREST

For memory bank purposes it may be useful to record here and comment on several interesting aspects of the LTTT program which were important in efforts to achieve its purposes and goals

1 A "Blueprinted" Strategy for the Final Distribution Phase

A management technique which deserves attention here because it proved particularly effective was the DGLA's "Campaign Blueprint" to achieve distribution of the final 200,000 hectares during September, 1972 to February, 1973. In the first two years of program operations, there was enough land available so that steady pressure by PLAS staffs, through their Controllers and Team Leaders, on VLRs and VALRCs was sufficient, in most cases, to achieve provincial and village goals. By the summer of 1972, however, most of the secure land already was distributed. The remaining land was more remote from village headquarters, usually in considerably less secure areas, and usually was not covered by land registers and cadastral maps. Some of the remaining land had not been distributed because of strong landlord pressures or because "commuter farmers" lived in one village and farmed land across the border in the neighboring village. Such farmers were hard for the VLRs to contact in order to obtain information required for distribution. All of this added up to a really tough job for PLAS and village personnel during the final, crucial six months ending March 26, 1973.

It became increasingly clear that a special campaign would have to be mounted if the one million hectare goal were to be achieved on target. ADLR recommended in the summer of 1972 that DGLA establish immediately an "Operation Center" to coordinate a special six-month drive. We further suggested that ADLR's Planning Officer be detailed to counterpart the head of the Operation Center. These suggestions were readily accepted by DGLA. Under Deputy Associate Director Jones' leadership, ADLR staff members worked with their counterparts to help develop a comprehensive "campaign blueprint", which placed emphasis on identifying provinces, and villages within provinces, where the bulk of the undistributed land remained. Major DGLA staff time, with support from ADLR, was to be concentrated on those which held the greatest promise for results. Emphasis was placed on clearly identifying obstacles to distribution and devising on-

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the-ground to remove the obstacles. In accordance with the campaign blueprint there were established in most Provinces District Progress Review Committees. These Committees were chaired by the civilian Deputy District Chief for Administration and included the Controller, Team Leaders and, where available, the American District Senior Advisor. The blueprint also provided for monthly Province progress reviews and for periodic Province reviews by top officials from the Ministry and DGLA in Saigon with the Province Chief, PLAS Chief and key members of their staffs concerned with land distribution. The review sessions at Province level, particularly, turned out to be very effective. Under the co-chairmanship of the Province Chief and Minister or Deputy Minister of MLRAFD, and/or Director General Tien, they were hard-hitting, shirt-sleeves sessions. Hard questions were asked regarding the performance, problems and planned solutions on a village-by-village basis. The Minister or Vice Minister and Director General, accompanied by an ADLR officer, visited every key Province (where substantial quantities of land remained) at least once and some Provinces two or three times for such reviews during the campaign period. The Operation Center was tasked to identify on a day-to-day basis obstacles requiring the attention of the Director General or other key GVN or Ministry staff, and recommend action. The staff drafted telegrams for release by the Director General or Minister, recommended telephone calls to follow up on certain problems, suggested Provinces which should be visited on a priority basis, summarized statistical data for digestion by top officials, and took other action to help bring to bear command emphasis where it was needed most in the Provinces.

The "campaign blueprint" approach proved to be very successful. During the six-month campaign more applications were received and processed than during any other six-month period of the program. Considering that during five of the six months of the campaign the invasion was still on, this was a major achievement. The techniques may be worth examining by other governments which plan to carry out land reform programs in the future. Copies of the campaign blueprint details are in USAID/Saigon's historical files. Copies will also be sent to Washington for historical purposes.

2. USAID's Role was Advisory Throughout

ADLR has continued to adhere consistently to the position that LTTT is a Vietnamese program and they have to do the job themselves. Except for the USAID Computer Center, operational support and a staff job in LTTT research, our staff has continued to function in an advisory role. ADLR has continued, however,

with our counterparts to use the "Joint Working Group" structure referred to in Mr Hough's report²⁴ to develop major policy and procedural recommendations, for such tasks as the Sherper/Huyen Grievance Study, recommendations to the Director General and the Minister regarding the manner in which communal land should be compensated, "campaign blueprint" referred to above, and the development of proposals for modernizing land registration

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Our experience during the past 15 months since Mr Hough's departure continues to support strongly his observation that "the joint working groups facilitated an effective and timely assertion of our influence on major policy questions where we had a genuine stake in the decisions to be made "²⁵

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This has continued to be a most effective technique and one that should be studied carefully by other countries contemplating land reform activities

3 A Pause to Evaluate Operations After a Year's Experience

A little less than midway through the main distribution phase of LTTT, MLRAFD/DGLA and ADLR agreed to carry out a joint evaluation on the LTTT program. The conference lasted 2-1/2 days and was conducted in a retreat atmosphere at Vung Tau, with participation by Minister Than, Director General Tien and their top staff members along with key members of the ADLR staff. Mr Gerald Huffman, former USAID Associate Director for Food and Agriculture (which included Land Reform in the earlier days), was invited to serve as consultant. Mr Huyen, head of the DGLA Inspectorate, was assigned to counterpart Mr Huffman for this exercise. Prior to the conference, they jointly spent several weeks studying the current status of the program and experiences to date. Some of their main findings are summarized in an overview presented at the opening of the conference. Mr William Lefes, USAID Evaluation Officer, participated in the conference. A record was kept of main conference decisions. At the end of the conference follow-up action list was developed with actions assigned either to MLRAFD/DGLA, ADLR or to both. DGLA later had to submit reports

to Minister Than on the follow-up actions taken. The sense of the conference group was that it was a worthwhile exercise. Lessons learned during the first half of the program were utilized to make adjustments in policies, plans and procedures in order to maximize the efficiency of operations during the remainder of the program.

4 Roles of National Compensation Commission (NCC), Central Land Reform Commission (CLRC) and National Land Reform Council (NLRC)

Among the organizational arrangements for executing the LTTT program, entities about which very little has been written during the past three years and about which there has been perhaps too little discussion between ADIR and the Ministry/DGLA, are the NCC, CLRC and the NLRC. The LTTT Law does not mention either the Committee or the Council. The NCC was created under Article 23 of the LTTT Implementing Decree, and the CLRC under Article 43. The NLRC was created under the Ordinance 57 land reform program.

Article 23 provides that the NCC would be chaired by the Minister of LRAFD and would include four other Ministers, the Director General of Budget and Foreign Aid and the Director General of Land Affairs as the reporting commissioner. As it worked out, the Ministers other than the chairman almost never participated. Normally they were represented by officials at the Director General level or below. The Director General of Budget and Foreign Aid did not participate. He was usually represented by a director or a specialist. Since the Implementing Decree was approved by Prime Minister Khieu in June, 1970, the NCC has held a total of nine meetings. The great majority of these were held during the period August, 1970 through September, 1972. Main responsibilities of the Committee were to determine the rate of land compensation to the landlords based on information furnished by the VLDCs, and other GVN agencies such as the Province Economic Offices, determine compensation procedures and designate the "Agency" to actually distribute the checks and bonds. Lesser responsibilities included determining denominations and form of bonds along with procedures for their use in transfer, and the formula for dividing landlord compensation between the "bare owner" and the "usufructuary". Article 23 provided that decisions of the Committee would be valid for execution. Prior to these meetings, the Director General of Land Affairs would have prepared, based partly on economic data obtained from the Ministry and yield data from MLRAFD, papers with specific recommendations for price per hectare which should be paid in each Province. DGLA proposed to the Committee and it accepted a procedure for determining provincial and village

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average prices. The meetings were fairly perfunctory with participants asking few questions and generally showing readiness to accept the technical recommendations of DGLA. The NCC agreed that official published data by the MLRAFD's Agriculture Department on average provincial rice yield per hectare would be utilized. The Committee also accepted the Ministry of Economy's report on the average provincial price of paddy rice during March-April, 1970. ADLR participated with Director General Tien in preparing recommendations to the NCC. However, the procedure for breaking down provincial average prices by village and allocating them within villages was prepared entirely by DGLA and only reviewed by ADLR. We found their proposal acceptable. While the NCC performed in a seemingly perfunctory manner, I believe it served a useful purpose. The main GVN Ministries concerned were given full opportunity to express their views and make recommendations on landlord payments. Having participated, they were committed to support these official decisions regarding the manner in which landlord compensation would be administered.

The CLRC, according to the Decree, is chaired by the Prime Minister and includes the Minister for LRAFD as Vice Chairman and eight other Ministers. The Director General of Land Affairs is a reporting member. Article 43 of the Implementing Decree states that decisions made by the CLRC "are valid and final for execution". Its assigned responsibilities are to "solve difficulties and obstacles in implementation of Law #033/70".

The CLRC never met, apparently because the GVN decided, after its creation, that its role had been drawn too narrowly. The main problem was that it had no authority over the Provincial Land Courts, while the old NLRC, created under the earlier Ordinance 57 land reform program, did have authority to review administratively and set aside Land Court decisions. The LTTT Implementing Decree, Article 45, states that "existing Land Courts" will temporarily continue to work until a new organization for Land Courts is established. The GVN apparently reasoned that they could continue to use the NLRC since it was part of the Land Court review system, and that some Court review work remained to be done. Composition was almost the same as that for the CLRC under it, since remaining lands undistributed under Ordinance 57 at the time LTTT became operational would be blanketed under LTTT operations. The NLRC composition was almost the same as that for the CLRC. The former met only six times during the operational phase of LTTT through March 31, 1973.

The Prime Minister actually never chaired a single meeting of the NLRC. As with the NCC, the Ministers on the Council sent their representatives, usually at Director General

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or Director level. Under LTTT, the Council held six meetings. An overwhelming percentage of the Council's business since has related to the review and upholding or overturning of Land Court decisions. The record shows, as mentioned elsewhere in this report, that the NLRC has been a real friend of the tenant farmers, having upheld them in the great majority of cases reviewed. Examples of other topics which have been on the NLRC agenda are Discussion and decisions on land distributed under Ordinance 57, and regarding payments for holdings exceeding the 100 hectare limitation established by Ordinance 57.

5 How the Payment Price to Landlords Was Established

The recommendation for the pricing formula was influenced strongly by the Taiwan Government's experience. The formula seemed to fit well to Vietnam's situation. Another consideration was knowledge of the long-established rule-of-thumb in many countries, including many parts of rural America, that farm land is worth roughly ten times net annual income.

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At the time the LTTT Law was enacted, the pricing formula seemed reasonably fair for landlords. The typical delta farm using the local seed varieties produced an average of two tons per hectare. At that time paddy was selling for approximately \$VN25/kg. Thus the tenant farmer grossed about \$VN50,000/ton. The official rental rate prior to LTTT was a maximum of 25% of the crop. Thus landlords legally could receive an average of about \$VN12,500/ha as rent, and their compensation under the Land Reform Program would be about ten times that annual earning, or \$VN125,000/ha, exclusive of interest. The exchange rate at that time was \$VN118 \$US1. The black market rate at that time was more than twice as many \$VN \$US, and the exchange rate was adjusted to \$VN275 \$US1 in October, 1970. By 1970, however, crop yields had been rising fairly sharply for several years. Farmers were beginning to shift to the miracle rice varieties, use more fertilizer, pesticides and improved water supplies. Although these improved farming methods were used much more by owner/operators than tenant farmers, they did indicate the potential of the better rice lands to produce a volume three to four times greater than the 1965/66-1969/70 crop averages used as a basis for landlord compensation, i.e., 6-8 tons/ha compared with 2 tons/ha used in calculations. The combination of no maintenance of value provision for landlord payments, inflation and a 10% interest rate

on the unpaid balance rapidly changed what initially was at least a reasonably fair compensation rate to landlords in that war-time environment to one that today seems unfair. Defenders of the formula have pointed out that many landlords long ago had fled to Saigon and other towns and cities and had not received any rental income for a decade or more. Furthermore, most had bled the tenant farmers, and often their fathers and grandfathers before them, for all they could get. Beyond that, this nation, which had been at war for 30 years and was fighting for its very existence at the time the LTTT Law was enacted, might reason that this was a type of social tax on the landlord. According to the American Embassy's Saigon Joint Economic Office, inflation took place at the following rates (rounded)

1970 calendar year	30%
1971 calendar year	14%
1972 calendar year (invasion year)	24%

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6 The Policy of Giving Land to Tenant Farmers

Was it wise for the GVN to give land to tenant farmers without charge? I believe it was. Jack Riggs' end of tour report²⁶ gives an excellent brief summary of the background of events and considerations leading up to the decision.

President Thieu left wide open for his able, new young Minister, whom he had put into office specifically to carry out the land reform program, the manner in which it should be carried out. The President gave Minister Than very little guidance regarding the main policy elements of the program. After the draft Law was prepared, the Cabinet held one of its first special meetings to discuss land reform.

In 1966, U.S. Department of Agriculture Secretary Orville Freeman came to South Vietnam to review the entire agriculture program. He brought along a number of top-level technical specialists (six or eight), including Dr. Lawrence Hewes and Mr. Clifford Horton--now President of Michigan State University. Dr. Hewes wrote a report, with some input from John Cooper, then Land Reform Advisor. Hewes called for a sweeping land reform program, including giving land free and having no retention limits for landlords. Ambassador Komer was in those

days one of the strongest supporters of land reform. He had contacts directly with the White House.

When President Johnson met with President Thieu in Honolulu in 1968, the agenda included an item on land reform. It seems likely that Ambassador Komer may have got his proposal onto the Honolulu agenda.

7 The Contribution to Pacification of Increased Security Measures Combined with or Closely Followed by LTTT

In retrospect I believe that MLRAFD/DGLA and the Ministry of Defense did not pay nearly enough attention to developing on a continuing basis readings on improvement in security of an area related tightly to land distribution and increased military support by RF, PF, PSDF or a combination. The HES reporting system touched on this but did not attempt to isolate the two factors of land distribution and increased security forces in a cause and effect relationship. In Mr. Hough's End of Tour Report he recommended that the GVN " should be encouraged to seize every practical opportunity to combining land distribution with pacification so that the first steps of the former are more or less simultaneous in time with the latter period. "27 This was often done. Land distribution often followed quickly after the military secured an area. Dinh Tuong Province offered excellent examples of this. It would have been very difficult, however, to isolate the effects of land distribution alone. There were many evidences that land distribution along with strong security support were a winning combination. Dr. Bush's team study on the impact of LTTT reported fairly strong evidence that increased security and LTTT went hand-in-hand. 28

8 An Interested American Professor Contributed to LTTT's Success

An interesting and very helpful role was played by Dr. Roy Prosterman, a brilliant young Professor of Law at the University of Washington. He initially participated in an examination of the legal aspects of South Vietnam's land tenure and management situation. It would appear, however, that his most important role was to widely publicize in the United States the significance of a land reform program in South Vietnam. He testified before Congressional Committees repeatedly and helped develop strong understanding and support for LTTT by such important Senators as Jackson and Magnuson (D, Washington), Packwood

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(R , Oregon), Muskie (D , Maine) Professor Prosterman also attracted attention to and created a favorable climate at home and in other countries toward LTTI by writing articles in scholarly and popular journals. One result of his contacts with Congress was that the House group at one point introduced a resolution recommending that the Congress appropriate \$200 million in support of Vietnam land reform. Throughout the life of the program there was a very favorable climate in Congress toward LTTI. As the program moved into the operational stage, Professor Prosterman visited Vietnam on several occasions and made constructive suggestions to enhance the program's operational effectiveness.

The House Government Operations Committee was sufficiently interested in land reform in Vietnam by early 1968 that a Washington Post story on February 4, 1968 by Warren Unna reported, in part:

The House Government Operations Committee has chastised USAID officials in Vietnam for letting the Viet Cong make a greater appeal for countryside support through land reform than the U.S. - supported Government of South Vietnam is prepared to do.

In a report released yesterday, the Committee majority says that the Viet Cong, unlike the South Vietnamese Government, has eliminated landlord domination and re-allocated government and absentee landlord farm land to the landless, and to others who 'cooperate' with them.

"They have thus given the people living in areas under their control a stake in continued Viet Cong dominance and established a built-in popular resistance to the resumption of control by the government. Pacification will be difficult to achieve unless military victories over the Viet Cong are accompanied by immediate and meaningful efforts in the field of land reform." the Committee report warns.

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9. The Second Half of Land Reform

In July, 1972 Edgar Owens in the Bureau for Supporting Assistance's Local Development Division wrote a memorandum to Mr Fossum, SA/TCD, in which he stressed the need for more attention to be paid to what he referred to as "the second half of land reform"²⁹ He quoted the English land reform authority, Doreen Warriner, who said, "Any integrated type of reform requires continuity in execution, expropriation must be followed by quick redistribution, and the functional organizations must be set up immediately, so that a new structure at once replaces the old "

Mr Owens noted that the performance of the "functional organizations" is gradually improving. "The problem," he wrote, "is how to evaluate this kind of improving but still inadequate performance. In my own view, there are still major deficiencies in the policies and programs for what we normally call institutional development." He followed this memorandum with another to Mr Robert Gordon, SA/VN/OP, on October 26, 1972, with the subject "Land Reform in Vietnam." Copies of these two documents eventually landed on my desk in Saigon. I replied to them,³⁰ enclosing with my letter a memo from Dr Morris B Sorenson, USAID/ADFA/AG ECON dated March 6, 1973, in which he outlined some of the main types of follow-on support which the GVN is currently providing or planning to provide to former tenant farmers after completion of land distribution.

I am convinced that key USAID/Vietnam officials concerned and their GVN/Department of Agriculture counterparts are well aware of and convinced of the need for the type of follow-on support to former tenant farmers which Mr Owen described. As the USAID shifts increasingly in this post cease-fire period from main emphasis on stabilization to economic development, the problem will not be to convince either them or the GVN of the importance of "the second half of land reform", but to find resources within the GVN and from the U S Government and other donors to support such programs at reasonable levels.

10 Viet Cong Never Strongly Attacked LITT

From the time LITT operations began until the date the one million hectare distribution goal was achieved, the Viet Cong never did mount a strong and sustained attack against it with either propoganda or military weapons. There continued to be isolated, strong critical statements from the VC and occasionally from Hanoi. However, as Hough observed 15 months earlier, these acts appeared to be isolated and did not amount to much.³¹ It was purely

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harangue-type propaganda. A typical example is the following quote by Dr. Henry Bush and staff in their report³² on the impact of LTTT.

to destroy our peasants' dream which was realized through the victorious August Revolution puppet Thieu rigged up his "Land-to-the-Tiller" Law to legalize his grabbing of our peasants' ricefields and make them again live miserable lives as tenant farmers (Liberation Radio, clandestine, in Vietnamese to South Vietnam, 11 October, 1971)

11 LTTT Has Helped Win Rural Respect and Support for Central Government

When the history of U.S. assistance to South Vietnam is written from the longer perspective of some decades in the future, U.S. support to the GVN in carrying out land reform is likely to stand out as one of the best contributions made by our government.

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The written record seems to indicate quite clearly that it was indeed the U.S. Government which initially pressed and cajoled the GVN until they finally agreed to carry out the sweeping Land-to-the-Tiller Program.

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I believe it is not overstating the facts to say that the single biggest dissatisfaction of the rural population--farm tenancy in grinding poverty--has been defused. During the past three years tenancy has dropped from around 60% to about 10% and is rapidly fading to the vanishing point. One often hears Vietnamese say that the peasant in the countryside does not worry much about ideology. There are two things he wants: peace and prosperity. He will follow the group which is most likely to provide these. The Land-to-the-Tiller program was a strong step ahead in winning over the support of the rural population for the Government in Saigon. The findings of the CDC study on the impact of LTTT strongly support this assessment.

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PART II

OVERVIEW

While Part I of this report was written mainly with the hope that it might have some usefulness for A I D 's memory bank, Part II will be addressed mainly to the USAID and to those officials in AID/W's Bureau for Supporting Assistance who backstop the Land-to-the-filler program, or otherwise have an interest in the current situation, problems and the outlook for completing the program within a reasonable time span

Within a week after the LTTT goal achievement was announced at the lively celebration in Can Tho, President Thieu directed the name of the Ministry for Land Reform, Agriculture and Fisheries Development should be changed immediately to Ministry of Agriculture and Land Development. A few days after the Ministry was renamed, I asked the Minister what his intentions are with regard to the effort he and his staff will direct toward achieving the CDLD announced distribution goals for 1973/74. He replied unhesitatingly that his Ministry intends to continue the hard driving pace they have followed in the past three years. I can believe this, since the Minister and his staff had done almost exactly what they said they were going to do in each of the past three years. At best, however, the going will be tough. There is bound to be at least a slight psychological barrier with the main goal achieved and the President's announced desire to get on with other important programs. Beyond that, most of the registered and secure lands nearby are already distributed. Troop escorts will be required for VLRs and VALRCs to do field work in many of the remaining areas. Yet, with the determination the Minister, Director General and their staffs have shown in the past, and with a well-organized campaign, I believe they can and definitely should carry out a successful clean-up effort during the year ahead.

1 Distribution

How much privately-tenanted land remains undistributed? There is no precise data. MLRAFD's Agricultural Economic Statistical Service (AESS), with USAID support, developed data for the 1970/71 crop year showing a total of 2.5 million ha of cultivated rice land and about 150,000 ha of cultivated secondary crop land. These figures include double cropping, estimated at around 350,000 ha in 1970/71. They also include squatter lands and religious/worship lands. Assuming a tenanted rate of 60% at the beginning

of LTTT, and with one million ha already titled, there should remain around 300,000 ha of land subject to LTTT, after excluding squatter land, farm land inside urban boundaries and most of the tenanted worship land, which most landlords are not likely to give up voluntarily. This assumes that most religious land (around 40,000-50,000 ha) will be volunteered for distribution. I estimate that in April, 1973 not more than 100,000-150,000 ha are secure enough to be distributed. All the above figures relate only to cultivated land. To the extent that any of that portion of MLRAFD's estimated 558,000 ha of abandoned land which was previously tenanted can be made secure, the estimated amount of LTTT land which can be distributed in the year ahead can be increased concomitantly.

If there are indeed around 100,000-150,000 ha which can be titled to tenant farmers in the year ahead with reasonable effort by DGLA, they should be urged strongly to do it. This could provide land for 65,000-100,000 tenant farmers anxious to have their titles. The USAID has stressed heavily to MLRAFD/DGLA in the past the importance of maintaining program quality. To cut off the opportunity for these remaining farmers to get land they want would leave them disgruntled and feeling passed by--and it would thus lose some potentially good political impact.

Table I on the following page summarizes my estimates of land available by several categories, shows amounts of each type already distributed according to ISI reports, and the amount remaining which could be subject to LTTT. Some of it (religious/worship land) would have to be volunteered, and some land in each category may be too insecure to process.

The computer printout shown as Table II on page 40 reports the LTTT distribution status as of March 26, 1973. I estimate there are approximately 300,000 ha that remain potentially available for distribution under LTTT, including communal, religious/worship and privately-tenanted public domain land, and exclusive of some abandoned land which will eventually come back under cultivation. The GVN distribution goal of 350,000 ha for the year ahead included 100,000 ha of public domain land, outside LTTT. I believe the goal of titling 250,000 ha of LTTT land--exclusive of the public domain land, will be extremely difficult to achieve unless village officials resort, as they apparently did to a very limited extent during the past three years, to including some squatter land and other public domain land under the heading Privately-Tenanted Public Domain Land. Let's look at the individual categories.

TABLE I

ESTIMATED TOTAL CULTIVATED RICE AND SECONDARY CROP
AND
LAND REMAINING AVAILABLE UNDER LTTT (HA)

<u>Land Category</u>	<u>Estimated Total Cultivated Rice Secondary Crop Land March, 1970^a</u>	<u>Titles Already Issued Under LTIT Througn 3/31/73^b</u>	<u>Estimated Remaining Available Under LTTT 4/73^c</u>
Owner-operated Lands within Urban Boundaries	1,000,000	--	--
Privately-Tenanted Land	1,060,000	922,000	140,000
Privately-Tenanted (Leased/Rented) Public Domain Land	50,000	33,000	15,000
Religious/Worship Land (Tenanted)	70,000	--	70,000
Village Communal Land	<u>120,000</u>	<u>52,000</u>	<u>70,000</u>
Cultivated Total	2,300,000	1,007,000	295,000
Abandoned Land	<u>560,000^d</u>		
Total Cultivated and Abandoned Land	2,860,000		

^aExcludes double cropping.

^bSource USAID/ISC LTTT Report as of March 31, 1973

^cThese figures include some lands too insecure to distribute
See text for discussion on this point

^dSource Table prepared by Dr Fred Cook, USDA/ERS and
Dr Bill Bolton, USDA/ERS

TABLE II

LTTT DISTRIBUTION STATISTICS
FROM BEGINNING OF PROGRAM THROUGH 3/31/73
(CUMULATIVE)

<u>Applications</u> <u>Approved</u>	<u>Hectares</u>	<u>Titles</u> <u>Issued</u>	<u>Hectares</u>	<u>Titles</u> <u>Distr</u>	<u>Hectares</u>
910,915	1,067,512	867,592	1,007,217	680,136	792,491

Note This ISC report showed, within the figures above, titling for 51,893 ha. of communal land and 32,785 ha of privately-tenanted public domain land

Source USAID/ISC report as of 3/31/73

2 Privately-Tenanted Land (140,000 ha)³³

There is no practical way to develop a precise breakdown between those lands which indeed can be processed in the year ahead with reasonable effort by village officials and those which are simply too insecure or abandoned. Experience during the LTTT six-month campaign period ending in February indicates that a maximum of 100,000-150,000 ha are likely to be distributed in this category during the next year. Virtually all of this is distinct from village and hamlet centers, most of it will require support of forces, and virtually all of it will require field investigation. To the extent that abandoned land eligible under LTTT is recovered, this figure could be exceeded. On March 31 the computer report showed that of the 1,007,000 ha titled, there remained titles for 124,000 ha to deliver to farmers. I noted above that perhaps 85-90% of this land was in farmers' hands by March 31, but the second receipts were not yet recorded in the computer. Even with 90% delivery completed, this still would leave titles for 100,000 ha to hand over to farmers. ADLR should closely monitor delivery progress after March, 1973 and, if necessary, press the Ministry and DGLA to get all titles delivered and recorded with despatch.

3 Privately-tenanted Public Domain Land (15,000 ha)

Mr Nguyen Xuan Khuong³⁴ strongly believes all the land in this category is already distributed. Records of such leases by the GVN to farmers are kept at the Province Land Affairs Service (PLAS) and in Province Chiefs' offices. ADLR should encourage DGLA to obtain a current report on all known leases of this type. This will either confirm Mr Khuong's estimate or identify at least a small amount of privately-tenanted public domain land for distribution. The 15,000 ha figure used above is derived by starting with an estimated 50,000 ha of such land under cultivation, and subtracting from it the computer figure as of March 31, 1973 showing only 33,000 ha as titled.

4 Village Communal Land Estimated Remaining Available (70,000 ha)

DGLA records indicate there are approximately 145,000 ha of such land, of which approximately 95,000 ha are in the Delta, about 24,000 ha in MR II and the balance in MR I. DGLA does not know precisely how much of this 145,000 ha of rented communal land is either abandoned at this time or too insecure to distribute. Since village governments are being paid at the normal LTTT compensation rate for these lands, the Ministry and DGLA anticipated that village officials would be fairly willing to see the land distributed and compensated. Both DGLA and ADLR have been surprised to see that in the past year only about 50,000 ha were titled, according to computer data. I believe it would be helpful, in developing and carrying out a distribution strategy for the year ahead, for DGLA to instruct PLAS Chiefs to provide a village-by-village report of the status of rented communal land not yet distributed, unless the currently on-going CDC survey of the Central Lowlands picks up such data. Such a report should indicate the reasons for non-distribution and the village estimate of the amount which can be distributed in the year ahead. Without firm data available to DGLA and ADLR, I have estimated that 25,000 of the 145,000 ha of communal rented land is abandoned. Of the remaining land, I estimate that at least 15,000 ha are too insecure for distribution in the year ahead. I estimate a maximum of about 35,000-40,000 ha are likely to be distributed. In accordance with an agreement between the Ministers of LRAFD, Interior and Finance, 50% of all payments to villages for communal lands will be deposited into provincial branches of the Agricultural Development Bank (ADB). Such deposits will draw 1% interest, which will be made available to the village offices annually. The remaining 50% will be paid through Provincial Treasuries to Village Treasuries for various community improvement projects.

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I pointed out in Part I of this report that landlords today are not getting a fair price for their lands. It would not be surprising to see some village official rent highly-productive communal lands, stalling on the distribution because the village treasury could receive larger returns by retaining the lands--especially where the farmers have converted to miracle rice and are utilizing other improved methods.

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5 Religious/Worship Lands (70,000 ha)

Religious land, of which ADLR has in the past estimated to be around 40,000 ha, is excluded from distribution under the LTTT Law. However, some Catholic bishops have volunteered to blanket religious lands under the program. Minister Than, responding to such offers, requested in his 1973 annual budget and the National Assembly approved funds to compensate for 50,000 ha of religious/worship land. DGLA's experience during the past three years under this program indicates that very few landlords will volunteer any of their worship lands for distribution. I believe if DGLA makes an organized effort to arrange with Catholic leaders to distribute religious lands, they should be able to title most of it. An American Jesuit priest working with the Catholic Diocese in Saigon, told me recently the Bishop in Saigon said the Church stopped collecting rents on most religious lands many years ago. During a single visit to western An Giang Province in late 1972, I saw a single block of more than 2,000 ha of religious land which is controlled, I was told, by a bishop resident in Cambodia. In addition to the psychological benefit of titling tenant farmers on religious lands, they will develop new borrowing capability for improving their lands once they have title.

6 Abandoned Lands

These lands were excluded from lands considered available under LTTT when the one million hectare goal was established. The MLRAFD/USAID/ADGA jointly estimated 558,000 ha of abandoned land³⁵

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On April 3 Minister Than and Dr Minh, Director of Agriculture, spent several hours with the MR IV Corps Commander discussing, among other things, prospects for recovering in the year ahead some abandoned lands and having villagers return them. General Nghi is developing at least tentative plans for such action. I suggest that ADLR encourage DGLA to follow these developments closely, perhaps through their regional representative in Can Tho. As noted elsewhere in this report, substantial title distribution combined with military support can be a winning combination. To do this would not seem to violate the cease-fire agreement.

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7 Excess Lands

These are really a sub-heading under privately-tenanted lands, and are included above in the estimated privately-tenanted land remaining available under LTTT. The printout for March 31, 1973 shows 33,000 ha of excess lands. During the past year ADLR entered into discussions with MLRAFD/DGLA regarding a proposed policy for distributing these lands. The implementing decree provides that the present farmer may continue to use them until the government needs them. Holdings by individual farmers of excess lands range from a fraction of a hectare to more than 15 ha.

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ADLR recommended tentatively that MLRAFD should establish a policy of permitting present farmers to keep up to five ha. Above that they should be permitted to purchase land bringing their holdings up to 15 ha. Amounts higher than those which individual farmers holding excess lands wish to purchase should be given to secondary recipients. Before presenting this policy recommendation to the Director General and Minister, it was reviewed with USAID Director Mossler. He took a firm, clear position that between the five and 15 ha limits, the land definitely should not be given to the farmer. It either should be sold or given to secondary recipients. Since this change would require an amendment to the Law, the Minister decided to defer any action on the matter until after completion of the LTTI program. I believe the time has come to review again this whole matter with the Director General and Minister and

urge the latter to proceed with actions paving the way for early distribution of the excess lands. ADLR's main reasoning in recommending that present farmers should be permitted to purchase the difference between five and 15 ha was that these farmers should be permitted to enjoy the same maximum limits as former landlords.

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8 "CC" Lands

"CC" is the computer symbol for lands which are distributable but not yet distributed. From the outset MLRAFD/DGLA held the policy view that lands should be distributed before being compensated. This was based largely on the experience under the Ordinance 57 land reform program. Under that program the GVN paid in advance for land. It not only bought a lot of scrubby land that was not usable for agricultural purposes, but ended up as a large land holder of lands that could not be farmed for security or other reasons. MLRAFD/DGLA settled on the policy that at least 50% of lands claimed by the landlords for compensation should be distributed before they could be paid for. Thus if a landlord owned ten plots of two ha each and six of them had been distributed, with the remaining four undistributed because of security, a tenant farmer could not be located, or for other reasons, the remaining four plots would be coded on distribution and compensation forms as "CC". Later Minister Than made the decision that landlords would be compensated only for lands actually distributed. This decision, made as distribution approached the one million hectare mark, seems quite reasonable.

Dr. Archibald Woodruff, President of the University of Hartford, Vice President of the John C. Lincoln Institute and board member of the Taiwan Land Reform Training Institute, visited South Vietnam several times during the past few years to observe and comment on land reform activities. On one of these trips about a year ago he stated his belief, with which I strongly concur, that it was a very sensible decision by the GVN to go ahead with the LTT program without taking a long period of time for the preparatory phase. He noted the importance of getting the land distributed as rapidly as possible to tenant farmers and observed that some of the rough edges can be tidied up at the end of the distribution phase. This is consistent with the advice Dr. Wolf Ladejinski gave me during an evening I spent with him in New Delhi in early October, 1970. He suggested that the GVN should move as rapidly as possible on distribution, particularly

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during the first year of the program. The most important LTTT fact in the wartime environment of the past three years was the need to reduce tenancy as rapidly as possible from an explosive 60%. It now moves toward the vanishing point. The time is at hand--overdue in some aspects--for the important tidying-up work

SPECIAL TIDYING-UP TASKS

There are, I believe, four main tidying-up tasks on the distribution side, along with some lesser ones. The main tasks are to bring the master overlays at both village and PLAS levels up to an approved written standard, unify and otherwise improve the land registration system, carry out completion of work examinations village-by-village and make some necessary changes in the LTTT law to help consolidate the gains that have been made under this program.

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1 Improve Master Overlays

I have discussed in Part I of this report the fairly lackluster manner in which the Directorate of Techniques has supervised, through the PLAS offices, the master overlay work at village and Province levels. The need for increased attention to this problem has been stressed repeatedly to the Director General and his Director of Techniques over the life of this program. The Director General focused his attention so sharply on getting the land distributed and, later, compensated that he seems to have made the judgement fairly early in the program that his PLAS Chiefs would at least insure that the quality of master overlay work was such that individual distributed plots could be identified by aerial photo and plot number for titling purposes. Beyond this he would not press them to upgrade the quality of master overlays because it might detract from the main thrust of the distribution and compensation tasks.

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The Director of Techniques and the several key members of his staff have been working, with support from ADLR's Technical Services Division--mainly our Photogrammetrist--to help develop and activate a "blueprint" to bring all master overlays throughout

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the country, at village and Province levels, up to a written standard within six months. I recommend that DGLA carry this as one of the top priority items on their task list. Before any master overlay is finally approved under blueprint procedures, it would be desirable to check it against a computer listing, by village, of all titles issued (former tenant farmer's name, referenced aerial photo number, plot number and plot size)

It is quite clear that before this blueprint exercise can be carried out satisfactorily, it will be necessary to provide replacement aerial photos in some villages to facilitate the work of the VLR in correcting and updating master overlays. The photo lab has a set of 1 50,000 negatives of mapping quality covering most of the country. While these lose some resolution when blown up to 1 10,000, they are still normally very usable. The photo lab also has 1 25,000 aerial photo negatives, reconnaissance type, which blanket a substantial part of the Delta. An Giang, of course, has the EARI 1 10,000 negatives which are fully rectified. An Giang should be designated as a pilot province for refresher training of village and certain PLAS officials in the master overlay work as an early step in upgrading the overlays to DGLA's written standard contained in the blueprint. ADIR's photogrammetrist, Mr. Sadler, has arranged with TOPOCOM to replace some negatives in the photo lab with higher quality negatives. The best available U.S. negatives were provided earlier in the program to upgrade the initial supply of negatives. This will be another round of replacement. Regardless of the shortcomings of the photography used in carrying out the LTTT program, the photo lab has the capability to produce prints of adequate quality to permit positive identification of plots distributed to former tenant farmers. Even though the photos are unrectified and in many cases will not give the precise measurement of the land, they will indeed identify the specific plot of land titled to the farmer. Even though his title may show that he has 2.7 ha when a precise measurement would show that plot is 2.9 ha, the fact remains that he has the latter amount of land in his possession for use. When the present photography acquired from military sources is later replaced by controlled photo mosaics, the measurements and land area per plot can be adjusted.

I recommend that within the next five years the GVN should try, perhaps with U.S. Government assistance, to get a group of donors to sponsor jointly a project to photograph the entire country in order to prepare controlled mosaics at 1 10,000. These could then be blown up to 1 2,000 for use in the Central Lowlands. Further study of the peculiar problems of the Central Lowlands may even indicate the desirability of providing the new photography at the larger scale than 1 10,000. With the new photo

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mosaics, including built-in ground control points, the GVN can precisely measure all distributed plots and can describe them by coordinates in the process of improving titles. If the "blueprint" exercise for upgrading master overlays, described above, is carried out thoroughly in the next six to twelve months, the overlays will provide adequate foundation for land titles for the next five years or longer. These master overlays combined with related computerized title distribution lists and lists of yields, plot-by-plot and village-by-village, should serve as very useful fiscal cadastres for taxation purposes until the new photo mosaics become available.

2 Land Registration

During the past 2-1/2 years since LTTT became operational, the Director General held steadfastly to a decision made early in the program that he could not afford to devote much staff time at all to improvement of the land registration system until after the one million hectare goal is achieved. This project really goes beyond the "tidying-up" category. LTTT procedures have created a computer-printed set of land register sheets covering all titles distributed under this program both at village and Province levels. LTTT land registers are not kept at DGLA headquarters. ADLR should urge DGLA to assign high priority immediately to getting on with the task of unifying the land registration system so that the new LTTT system meshes smoothly with the rest of the land registration system. Some useful groundwork has been laid for this activity by DGLA with the assistance of ADLR's Technical Services Division and Deputy ADLR Wade Jones. A three-man team of bright, able young DGLA officers spent 3-1/2 months during 1972 in the U.S., Taiwan and New Zealand studying comparative land registration systems. A second team will carry out a similar program in 1973. These groups should form a solid nucleus for the development of a DGLA staff capable of designing, installing and carrying out the land registration modernization program in the years ahead. Since our Land Records Advisor will return to the Bureau of Indian Affairs in August, 1973, ADLR should arrange for a highly-qualified consultant to be available for 3-6 months at a time to replace her.

Related to this is the need for DGLA to move ahead during the coming year with its land reform documents microfilming program. During the 1971 Vung Tau evaluation exercise, Minister Than made the decision that he wants to install a modern microfilming program covering all essential documents. Such a program should not only provide quick retrieval of specific documents which need to be examined, but provide insurance against loss or deterioration of original documents, and permit the destruction or distant storage

of a large volume of documents, the original of which need not be readily available

3 Completion of Work at Village

DGLA has realized clearly the need for each village reporting completion of LTTT distribution to be inspected thoroughly by DGLA representatives, including PLAS staffs, before its participation in the program is officially concluded. The DGLA, with close support of ADLR, has developed a comprehensive "Completion-of-Work-at-Village" procedure. It is of utmost importance that this be carried out vigorously and with great thoroughness. Only two or three tenant farmers in each village who very much want title to the lands they have been farming but are denied them because of failure of village officials to carry out their functions properly or a combination of these, can do damage to the ultimate political effects of LTTT, and thus to the national image, grossly out of proportion to the number of cases involved.

The completion-of-work-at-village tasks will be made much easier if it is preceded in the months ahead by the development and use of computerized lists, broken down by village, which show lands compensated but not yet distributed. Such lists already have been printed one or more times. The lists prepared to date indicate that there are a few cases of lands which were compensated at least two years ago but have not yet been distributed. I know that ADLR plans to steadily encourage DGLA to bird-dog this type of situation to insure that all compensated lands which can be distributed are titled at the earliest possible date.

For the completion-of-work-at-village exercise ADLR also plans to encourage DGLA to print periodic computer listings, by village, of all plots distributed. This was mentioned above in the discussion of upgrading the quality of master overlays. Such lists should be most useful in completion of work monitoring and inspections at village level. I consider it extremely important that the provision in the completion-of-work-at-village procedures should include fairly intensive spot checks of at least 10% of all farmers in a particular village.

4 Need to Amend LTTT Law and Implementing Decree

Since the basic LTTT Law provides that tenant farmers in the Delta may obtain three ha and those in the Central Lowlands

one ha , it seems necessary to amend the Law to provide for distributing some of the excess hectareage to present farmers. When the Minister decided to proceed with distribution of religious/worsnop lands volunteered by the Church or present landlords, he resorted to the informal expedient of simply getting National Assembly approval to spend the money for this purpose. I would recommend against such an informal approach for other important changes. Amendments to either the Law or Implementing Decree appear necessary for a number of situations not provided for when the program began. The main adjustments required appear to be to accommodate for the following situations:

(a) Elderly tenant farmers who obtain land under LTTT but in a few years become too old to continue farming or are otherwise incapacitated. There is a 15-year time limit before sales are permitted of land acquired under LTTT, except in case of prior official approval. In these situations no change is required in the Law or Decree, but DGLA should prepare at an early date written criteria or guidelines to cover such exceptions.

(b) Former tenant farmers who proved to be poor managers get increasingly into debt which they are unable to repay.

(c) The need to avoid the further partition of what in many cases are already quite small plots through heirship.

(d) The possible need to make a special provision for distribution limits to farmers in the floating rice areas of the lower Delta, who could not earn a reasonable income from 3 ha of floating rice.

(e) When the present comprehensive survey of the LTTT situation in the Central Lowlands is completed and analyzed, it may indicate a need for amendments either to the basic Law or Implementing Decree. The Minister of LRAFD made the conscious decision, fully supported by ADLR, not to amend the basic LTTT Law until the one million hectare goal was either achieved or within sight. During the first half of the program's operational period, sometimes powerful and almost always highly-articulate landlords fought hard to gut the Law.

There is also a need to correct errors in the distribution system. There are a few cases where titles containing errors caught too late were issued. These need to be withdrawn and corrected titles issued.

COMPENSATION

The computer printout and DGLA manual reports for March 31, 1973 provided the following status report on landlord compensation.

LAND-TO-THE-TILLER--VIETNAM

Compensation Claims

March 31, 1973

<u>Claims Received in Saigon (Source-DGLA)</u>		<u>Checks Issued (Source-USAID)</u>		<u>Checks Distributed (Source-DGLA)</u>	
<u>Number</u>	<u>Hectares</u>	<u>No. Claims</u>	<u>Hectares</u>	<u>No. Checks</u>	<u>Hectares</u>
86,067	725,728	60,725	511,485	44,663	359,486
Value of checks issued		\$VN 14 812 Billion			
Value of bonds issued		\$VN 81 991 Billion			

The table above does not fully reflect compensation progress to date. In addition to the checks and bonds written for 511,000 ha, or about 50% of land titled to date, the computer "offline system" has neatly tucked away tapes recording the completed processing of additional claims for about 46,000 ha, which are waiting submission of landlords' ID numbers before checks and bonds are printed. DGLA's manual compensation records indicate that over 86,000 claims for approximately 725,000 ha had been received in Saigon by March 31, 1973. At least a small percentage of these are duplicates because they were double-counted when they were originally received, sent back to PLAS when errors were found in them, and then sent to Saigon a second time after error correction. About 20% of all claims were found to have errors or were incomplete and returned to PLAS offices for correction.

The figure of one million hectares of titles printed includes an estimated 100,000 ha. or more that never will have to be compensated by GVN for several reasons (a) Landlords are deceased and no heirs can be located (b) The figures include an estimated minimum of 50,000 ha. of privately-tenanted public domain land where the GVN has been the landlord (c) Some Ordinance 57 land was distributed under LTTT and not compensated, since landlords had been paid earlier. Thus, a more accurate picture of the current compensation progress would be to compare the 511,000 ha. for which checks/bonds were written, plus (a) an estimated 50,000 ha. of claims for which processing has been completed up to the Saigon level, but not sent to ISC as of March 31 (b) Claims in the ISC "offline" system totalling 46,000 ha., with about 900,000 of the one million ha. now titled land which must be compensated. With these adjustments, it would seem that close to two-thirds of all compensation work was performed by March 31.

I suggest that ADLR should encourage DGLA's Directorate of Land Reform to instruct personnel responsible for editing proof and error sheets in examining compensation verification sheets to examine the "missing ID" claims with unusual thoroughness. Some of these were submitted in the early days of the compensation program when some claims were permitted to come through with less than 50% of the hectareage distributed. Overall checking procedures have improved in the meantime, partly as a result of upgrading training and experience.

From the beginning of LTTT compensation activity, ADLR personnel concerned with this aspect of the work have been very sensitive to the need for both Minister and DGLA staff to take every reasonable measure to maintain work quality and system integrity.

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Like some of my American colleagues here, I have served in no other country where corruption is so pervasive. There are three weaknesses in the governmental structure which virtually invite corruption at all levels. First, the wage and salary structure is completely unrealistic. For example, a mid-career, professional cadastral engineer serving in an important assignment as head of Provincial Land Affairs Service office earns approximately \$US40 per month at current exchange rates. Secondly, the national accounting system reaching down into provinces and villages is extremely inadequate in many cases. Thirdly, there is virtually no national capability to do comprehensive auditing at any level.

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of government. In November, 1971 ADLR requested, and the USAID Director readily approved, a new position for a Financial Review Analyst or "Compensation Watchdog". AID/W initially took a quite dim view of this proposal. It was only after several months of correspondence that they reluctantly agreed and it was nine months after the initial request before the incumbent was on board at the Mission. AID/W's main concern was whether it was proper and reasonable for USAID to arrange for field auditing of LTTT compensation activities by American Land Reform Advisors in cooperation with AAG Auditors, since GVN was paying landlords from GVN-appropriated funds.

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American Land Reform Advisors working out of CORDS Regional Offices and Saigon indicated to us early in the compensation work phase that compensation procedures established in the LTTT Work Plan were proving adequate. They noted some duplication in data provided in land property lists, ownership investigation lists and lists of expropriated lands. After the compensation program had been operating on an automated basis for about five or six months, ADLR arranged with DGLA to carry out a Work Flow Study of land reform, working directly with the head of DGLA/ Directorate of Land Reform (DLR). Mr. Richard Ballard, an experienced O&M officer with strong background in financial analysis, was recruited on a TDY basis from USDA to work with ADLR's Betty Ryan, who has had extensive experience in systems analysis as well as some work in organization and methods. A suggested study design was prepared, at our request, by Dr. Ira Samuels, a State of California contract employee with USAID/ Public Administration Division. The study³⁶ was carried out during a period of approximately 45 days ending about December 20, 1971. Most recommendations were readily accepted by DGLA and carried out.

In early August, 1972 ADLR requested, with the USAID Director's approval, AAG/Saigon to carry on a comprehensive audit of LTTT compensation, with the participation of our newly-appointed "compensation watchdog", Mr. Fuller, who was due to arrive at post in a few weeks. One of Mr. Fuller's tasks was to obtain the agreement from the DGLA for the "comprehensive management review". ADLR suggested that this examination build on the work of the earlier Ryan/Ballard report and make an examination in depth of all aspects of compensation, including at field level. DGLA agreed and work began in September, 1972. The AAG final audit report was issued in March, 1973. I do not propose to discuss in detail each of the

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ten audit findings and ADLR's response to them. These documents³⁷ are in ADLR's files in Saigon and in the Bureau of SA/TD. Mr. R. O. Kennedy, Jr., Special Assistant to the USAID Director, stated in a letter of transmittal³⁸ dated March 27, 1973 to my office, "The Auditors believe that despite the several handicaps under which the program has to operate, a good monitoring job is being done by USAID's Land Reform Division in working with the GVN counterpart offices in administering what is essentially a GVN program."

The AAG Summary stated that, "This Mission-requested report, responding to a felt need to assess the adequacy of existing controls and procedures relating to the compensation phase of the Land-to-the Tiller program identified, within an overall, well-managed operation, a number of areas capable of increased effectiveness." The Summary portion then listed ten separate items, including suggestions for greater utilization of source data contained in the computer system, trying to shorten "in transit" for checks and bonds between time of issue and time of delivery to former landlords, improving the quality of storage of checks, bonds and other key documents, and the basic computer software programs, more attention to "yield data" and the suggestion that the GVN should get on with the industry divestiture program. ADLR discussed most of these recommendations with DGLA as the problems were identified. DGLA has been extremely responsive and actions on those within their jurisdiction were taken almost immediately.

I consider the following some of the main outstanding compensation problems which DGLA should address as rapidly as possible. Mr. Fuller, our Financial Review Analyst, concurs in these comments:

DGLA needs to pay more attention to the task of positively identifying true heirs of deceased landlords. Approximately 50% of all compensation claims are for heirs of deceased landlords. Positive identification function is extremely important because most land records are either out of date, incomplete, or missing. ADLR has urged both the Minister and Director General to insist that each PLAS office require a "B" declaration in cases where claims already have been processed but checks and bonds not yet issued. DGLA should insist on "B" declarations prior to beginning any new claim actions. Neither the Minister nor the Director General disagrees with our recommendations. Nevertheless, they seem reluctant to insist on the enforcement of this requirement--perhaps because they realize it could slow down substantially the compensation process. In partial response to our pressing on this point, Director General Tien issued an instruction to PLAS Chiefs in late 1972. After some discussions with Director General Tien,

ADLR sent a formal recommendation to him urging that the procedure, previously agreed upon between DGLA and Treasury, specifying the documents required by heirs, should be greatly strengthened³⁹. Mr Tien has taken some action to strengthen the documentation required. He is under pressure from the Minister to speed up compensation and he realizes that to do all ADLR suggested will slow it down. This is a perennial problem in LTTT compensation to strike the sensible balance between procedural requirements to maintain system integrity and moving the program along with dispatch.

1 Compensating Heirs

ADLR is not fully satisfied with the present procedure for compensating heirs. In the early part of the program the procedure was straightforward in that it required that heirs be located and identified prior to submission of the claim to Saigon. Because this cause "TK" claims to move very slowly, Minister Than and Director General Tien put very strong pressure on ADLR in the summer of 1971 to go ahead and process such claims before the heirs were actually located. Upon recommendation of ADLR, the USAID Director approved the DGLA request in an action memorandum in June, 1971. Under this revised procedure PLAS offices take material from an old land register as a basis for initiating the claim. After the VIRs and other village officials verify that the land is tenanted and check the yield, the claim comes to Saigon. The check is written in the name of the "heir of _____" followed by the deceased landlord's name. Only after the check and bonds arrive in the PLAS office does the PLAS normally begin to try to locate the true heirs.

Sometimes there may be a half dozen or more and all want separate checks. ADLR believes a much better procedure, and one which we should continue to press DGLA to utilize is to require the PLAS to carefully identify the true heirs before the application is submitted to Saigon. The fractionated interest of each heir should be indicated in the application form along with the name and ID number of each of the multiple heirs. There are several advantages to this procedure. It would avoid preparing checks for non-existent heirs. It would avoid the problem which sometimes arises when a single check is prepared under the present system and a number of heirs want separate checks. It would avoid the problem of administrative work in handling checks which flow down through DGLA through Treasury to the PLAS and then back to the DGLA and Treasury's Deposit and Consignment Account because heirs can't be located. DGLA is likely to continue to bridle at this proposed change because it will slow down the issuance of checks and bonds for heirs. Under GVN fiscal procedures, checks

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and bonds are shown as "disbursed" at the time they are written. Thus, a cosmetic effect is achieved for DGLA and the Ministry, even though some checks for heirs may never be delivered. If DGLA continues to resist strongly switching to the proposed revised procedure, ADLR should, as a minimum, try to persuade DGLA to strengthen the documentation procedure to establish true heirs.

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2 Development of a "Check Log"

For nearly a year ADLR carried on a dialogue with the Director of DLR regarding the virtual necessity to establish an automated check "log", which would trace each movement of a check from the time it was issued by the computer until it was cashed by the landlord and returned to the Treasury. It would also record any checks cancelled for various reasons and note those being sent to the Deposit and Consignment Account (DCO). The head of DLR consistently fought the proposal. He described it as requiring too much staff time. He argued that his limited manual log system was adequate. Last December we decided to go over his head and take the matter up directly with the Director General and his deputy, both of whom immediately saw the need for the system. It has been designed and will be programmed and tested in the near future. It should be in operation during May, 1973.

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3 The Policy to Compensate Only for Lands Distributed

In late 1972 when titles printed began to approach the one million hectare mark, Minister Than made the policy decision, following a series of discussions that had taken place between DGLA and ADLR and between them and the Minister, to henceforth compensate only for lands distributed. Prior to and subsequent to the Minister's decision, Deputy Director General Tran Van Hoa recommended to the Director General that landlords should be compensated after 80% of their total "mother plots" had been distributed. While the initial 80% proposal represented a sharp policy improvement over the 50% requirement which made sense in an earlier period before much land was distributed, I recommend that ADLR should continue to support the Minister's policy decision.

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Today, with more than one million hectares under title, any former landlords' land not yet distributed are likely to be, in most cases, in areas too insecure for VLRs to work. There probably remains a small number of landlord claims in which most plots have been distributed, with the remaining plots undistributed because either they are too insecure or tenant farmers refuse to apply. Such cases might be handled on an exceptional basis.

4 Need For More Thorough Editing

ADLR has reviewed in recent months with Director General Tien the need for his compensation staff to edit much more thoroughly than they sometimes have in the past the "proof and error sheets". Mrs. Ryan has emphasized the need to revise the compensation system design involving proof and error sheets so that instead of rejecting a claim after the first error is found, the computer would identify all errors at the same time. Under the present system a single error may be corrected during the editing period. The corrected sheet is then returned to the Computer Center and if a second, third and fourth error is located in sequence, the sheet would be returned a second, third and fourth time after each correction. I recommend that ADLR continue to monitor closely the quality of editing and urge the head of DLR to do the same.

5 Transfer of Computer Operations to GVN

Preparations have been under way for the past year by USAID/ADM to advise and assist the GVN in establishing a national computer center in the Office of the Prime Minister (OPM/CC). I have strongly recommended in the past that the land reform program should be one of the last automated programs to be transferred from ISC to OPM/CC. The new system is bound to require a shakedown period of some months. During that time we simply cannot afford to have the LTTT compensation program slowed down to any important degree because of this changeover. It seems sensible to let the OPM/CC cut its baby teeth on some of the simpler automated systems and pick up land reform after the operation is demonstrably capable of handling it smoothly.

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After OPM/CC is in operation, ADLR may find much less capability to monitor the compensation system and develop the rich lode

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of the computer bank various combinations of data to help with monitoring and auditing. I suggest that ADLR try to work out in advance of transferring the program arrangements for the future retrieval of this type of information.

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6 Don't Compensate For Abandoned Land

VLRs and other village officials, possibly with the knowledge of some key PLAS personnel concerned, have during the life of LTTT to date, initiated actions to distribute and compensate for some abandoned land. This is clearly contrary to Articles 30 and 32 of the Implementing Decree and provisions of the Work Plan. Monitoring by DGLA officials and their ADLR counterparts have turned up cases where some abandoned land has been distributed in Gia Dinh Province (three villages), Vinh Long, Kien Hoa, Phong Dinh and Kien Phong. ADLR presently knows positively that compensation for some of this land has been made only in Gia Dinh Province. ADLR should continue to urge DGLA to have titles cancelled for all abandoned land distributed in those Provinces and to insure that corrective measures are completed swiftly wherever such land has been compensated. At the request of ADLR, LR Advisors in MR IV and MR III have prepared provincial maps showing both abandoned land and lands not suitable for cultivation. Copies of these have been made available to the DGLA, with the recommendation that they use them in compensation review procedures to insure that no abandoned or non-arable land is compensated.

ADLR has recommended to both Minister Than and Director General Tien that all PLAS Chiefs should be instructed that no compensation should be made for land in "E" and "V" hamlets. While the LTTT Law and Implementing Decree do not forbid such payments, it is simply impossible as a practical operational matter for any village officials to go into "E" and "V" hamlets to work. Colonel Robert Channon, U.S. Army, former head of Territorial Forces in CORDS, described "E" hamlets as those in which the GVN either has not yet started trying or has given up trying. "V" hamlets are fully under VC control. Experience to date shows that generally hamlets in the "C" category, lower range, are difficult to work in and those in the lower range of "D" often require military units as escorts. In some cases village officials consider them inaccessible in any event. While the instruction to the field should be no compensation for "E" and "V" hamlets, DGLA should be prepared to, without publicizing the fact, waive this rule in

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those most exceptional cases where hard facts show that some "E" or "V" land was indeed distributed and was cultivated at the time by the farmer and verified on the ground by the VLR or VALRC

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7 Role of Landlords' Association

ADLR has maintained working contact with Mr Le Van Trong, President of the Vietnam Landlords' Association (Syndicate of Agricultural Landowners) since December, 1970. The main interest of the Landlords' Association, the membership of which has gradually drifted downward to approximately 200, has been to get paid as speedily as possible. Upon repeated urging from ADLR, Mr Trong and some of his associates have offered a few suggestions for improving the compensation process.

Since Mr Fuller came aboard he has developed a close and effective liaison with Mr Trong and some of his colleagues. Through Mr Fuller's efforts, the Association recently conducted interviews with approximately 100 of their members regarding their experiences in seeking compensation. The report, which we feel may be less than completely factual, indicates that very few landlords have been requested to provide a payoff to land reform officials at any level, and their main complaint is slowness in compensation.

Mr Fuller and I both believe that ADLR should continue to maintain close contact with Mr Trong and his colleagues and urge them to solicit legitimate grievances from landlords who are having difficulties being compensated. The Association should then press DGLA for remedial action.

8 Need to Get Censorate Involved

The GVN Censorate has no direct equivalent in the U S Government. The closest comparison would be the combination of GAO and our military Inspector General's Office if it were assigned also a civilian role. The Censorate is an independent high-level body with 18 members, six each being appointed by the Supreme Court, Office of the President and National Assembly. Its total staff is approximately 60, including clerks. It has virtually no professional auditors or accountants. It thus cannot begin to cope with the task of auditing the accounts of the central government scattered throughout the country. I have on three or four

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occasions urged Minister Than to get the Censorate involved in the LTTT compensation program. Each time he has responded in a mildly negative manner. He has stated flatly that the Censorate is incompetent, timid and ineffective. The Ministry of Finance performs a very limited auditing function, normally centered on the review of certain administrative rather than program expenditures. I recommend that ADLR should steadily encourage Minister Than and Director General Tien to encourage financial monitoring and auditing by the Finance Ministry within the limits of their capability.

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9 DGLA Monthly Compensation Reviews

Now that the one million hectare distribution goal has been achieved, Director General Tien should be encouraged to hold monthly compensation work progress review meetings with his Saigon staff. He should also invite to these meetings PLAS Chiefs from those Provinces where compensation work is not moving satisfactorily. The head of the DIR should prepare the agenda for such monthly meetings. ADLR should be able to provide a useful advisory function. Such meetings should confront PLAS Chiefs and their heads of compensation sections with specific types of errors their staffs are making, review the overall status of their compensation operations and discuss remedial action.

10 Recommend Follow-on AAG Audit

The last AAG Audit of LTTT compensation activities began in September, 1972 and was completed in January, 1973. This audit, as stated above, proved extremely useful in identifying the need for revision of existing procedures or establishment of certain new procedures. It resulted in the recommendation to DGLA by AAG/ADLR of a number of management improvements. Both the Director General and the Minister moved swiftly in most cases to make the recommended changes. Perhaps the most salutary effect of the audit has been to make village, Province level and Saigon officials realize that a bright spotlight is being turned on every aspect of the LTTT compensation program and will continue to illuminate it. The same officials are also aware that the computer has almost magical powers to identify types of mistakes which some of those officials may previously have believed might slip through unnoticed.

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Another valuable result of the audit was the installation of continuous pre-audit of each landlord's claim being paid, through use of the compensation verification sheets. The audit has sharpened the appreciation of both the DGLA and ADLR of the possibilities and strong desirability of tapping the rich computer memory bank lode. I strongly recommend that AAG and ADLR jointly conduct another "management review" in cooperation with DLR one year after the last audit commenced.

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11. A I D 's \$40 Million Contribution for LTTT

In the period of a year or more before the LTTT Law was enacted, A I D officials in Washington found many Congressional committee members receptive to U S support for land reform in Vietnam. In the Lower House Congressman John E. Moss, Chairman of the House Subcommittee on Foreign Operations, and ten other Congressmen urged in a letter to President Nixon dated May 4, 1970 that \$200 million should be appropriated for this purpose. The decision was reached in AID/W to commit \$40 million over the life of the program for the purposes of encouraging rapid distribution and compensation and to help dampen inflation caused by landlords' payments flowing into the economy. Following an exchange of ideas between AID/W and the USAID, agreement was reached that the \$40 million would be released over the estimated three-year period of the program when the initial heavy cash payments, including interest, were being made. ADLR informed Minister Than that the first release of \$5 million would be made when the first land titles were distributed and compensated. These would be token numbers of titles and payments to demonstrate that the program was indeed operational. First token distribution was made on August 28, 1970 at Bac-Lieu Province, and first token compensation on December 2, 1970 at Go Cong Province. Each additional increment of \$5 million would be released after distribution and compensation for an additional 130,000 hectares. Although this money is attributed in the LTTT Project Agreement to land reform activities, actually it is obligated under the Project Assistance Grant Agreement (PAGA) procedure. This money is not released from CIP for expenditure by GVN until distribution/compensation requirements are satisfied. It is then utilized exactly in the manner of any other CIP fund for the import of materials required for the economy.

In FY 1969 and 1971 AID/W asked Congress for a total of \$25 million specifically for support of the \$40 million commitment.

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for land reform. This was separate from and additive to the CIP requests. No additional funds were needed in FY 1972. In FY 1973, a separate request for \$15 million was made to Congress. No land reform funds have been proposed in the initial FY 1974 request to Congress. The final tranches of \$5 million each to be released by USAID/Saigon to GVN will come out of regular CIP funds and will not be additive. Tightness of appropriated funds is the reason for not requesting a separate item for land reform in FY 1974. The Congress does not, of course, appropriate such requests as separate line items. When the amount allotted to the USAID for DIP is less than required, it makes no difference in terms of aid to the GVN whether a \$5 million land reform tranche is then provided reducing CIP funds by \$5 million or, alternatively, allotting \$5 million less to the USAID at the outset while at the same time making a separate \$5 million allocation for land reform.

In 1969 AID/W allocated to USAID/Saigon \$10 million for land reform as part of the \$40 million commitment. This was obligated initially in the 1969 land reform ProAg. Later it was deobligated and reobligated to CIP under a PAGA. In 1971 an additional \$15 million were allocated by AID/W and obligated directly to CIP under PAGA procedures. By March 31, 1973 releases totaling \$20 million had been made and the fifth release of \$5 million is expected to be made in late April when claims compensated reach the level of 520,000 ha.

I believe that in the early days of the LTTT program operations, the \$40 million attribution arrangement actually was some stimulus for higher performance to Minister Than and Director General Tien and their staffs, because they understood the money indeed was additive. During the past year they have shown little interest in having each additional release made available, because I believe they have come to realize the money is not now additional CIP basic requirements, and if it were not attributed to land reform, it would go to CIP anyway.

If the same technique were to be applied again with USAID assistance to another country, I would recommend again basing the releases on distribution and compensation performance, making it truly additive, if possible, and justifying the allocation as a method of helping to stimulate performance and offsetting inflationary effects of landlord compensation.

After the planned April, 1973 release of \$5 million to CIP through PAGA, I estimate that the remaining releases will be made on approximately the following schedule:

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\$5 million	August, 1973	650,000 ha compensated (cumulative)
\$5 million	November, 1973	780,000 ha compensated (cumulative)
\$5 million	February, 1974	910,000 ha compensated (cumulative)

THE LAND COURTS BILL

The Land-to-the-Tiller program has inherited a Land Courts System which was a carry-over from land reform under the old Ordinance 57 program. The LTTT Law, Article 20, states that, "any law suit that occurs in the implementation of this law will be under the jurisdiction of the Land Court, composed of professional judges." The Implementing Decree, Article 45, states that, "existing Land Courts will temporarily continue to work until a new organization for Land Courts is established." In the spring of 1972, MLRAFD drafted and submitted through channels to the National Assembly's Lower House a proposed Land Courts Bill. ADLR was not consulted on this during the drafting stage. The Ministry gave us a copy of the bill only after it had cleared the Lower House and was before the Senate. ADLR's recommendations to MLRAFD⁴⁰ noted that the purpose of a special court was to provide some special expertise within that court system. We proposed that the PLAS Chief or his designee should serve as the prosecutor or, as a minimum, as the Court Assessor. The bill was voted on and approved by the Senate with minor amendments in July, 1972. Because of the Senate changes it was sent back to the House for reconsideration.

Later I expressed disappointment to Minister Than that as the bill emerged from the Senate it provided for no special court. The Land Courts would become, with very minor exceptions, no different from any other Provincial Court of Original Jurisdiction. The Minister explained that the Chief Justice had pressed hard to have the Prosecuting Judges be professional lawyers. Different from the U.S. court system, a Vietnamese Prosecutor is more like a staff assistant to the presiding judge and brings together facts and analysis for him, with the recommendation as to what the Government's position should be.

Minister Than added that the Chief Justice wanted no Assessors on any of the existing special courts such as the Labor Court, and hopes to abolish these positions at an early date. To date, the House has not reconsidered the Senate version.

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of the bill.

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PROJECT TO UNIFY BODY OF LAND LAW

The current body of land law in South Vietnam is a hodge podge. It is a patchwork quilt of separate laws, all based on the Napoleonic Code, dating back to the earliest decrees issued by French Governors General a century ago. It is broken up into three main parts, with one group of laws implementing decrees, regulations and arretces covering Tonkin China or North Vietnam. A second division covers Annam, or Central Vietnam, and the third group covers Cochinchina, or Southern Vietnam. Last year ADLR proposed and the Minister agreed readily to, a project under which Louisiana State University's School of Law would be invited to advise and assist Minister Than, Director General Tien and their staffs in unifying and modernizing the whole body of land law for South Vietnam. LSU was selected because of their three almost unique qualifications: (a) Louisiana's law is based on the Napoleonic Code, (b) Faculty members at LSU's Law School speak French fluently and (c) LSU's Law School already had gained several years' experience in Vietnamese law under another project carried out through USAID/PAD. Contractual arrangements were completed with LSU in late 1972. Dean Sullivan of the Law School made an exploratory visit to Saigon during early December, 1972. ADLR, in cooperation with the Ministry, brought together all the basic land laws and the main implementing decrees and other follow-on subordinate documents. Approximately 90% of these were written in French. They have been forwarded to Dean Sullivan, along with English translations of these laws, decrees and arretes. The English translation work is still in process. The remaining 10% of the material, in Vietnamese, is being translated under a contract and will be forwarded to LSU.

The follow-on meeting between MLRAFD/DGLA, LSU and ADLR was held in Hong Kong during April 6-8, 1973.

The Hong Kong discussion was designed mainly to provide the LSU specialists opportunity for testing preliminary conclusions based on their study of existing land legislation against the experience of senior Vietnamese officials in implementing land affairs programs. In addition to the Ministry's two immediate priorities--registration and concession lands--some attention was given the feasibility of unifying and simplifying Vietnamese land law in general.

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Deputy Associate Director Wade Jones represented ADLR at these meetings. He reported that excellent progress was made in discussing some of the main problems identified by LSU in preparation for meeting specific recommendations. Dean Sullivan and Professor Hargrave returned to the campus with fairly clear-cut guidance in taking the next steps related to preparing recommendations. Mr. Jones reported a considerable amount of time was devoted to discussion of problems related to the new concession land law enacted on December 24, 1972 and the proposed Implementing Decree(s) now being discussed by several committees within the Ministry and DGLA. With regard to the next steps to be taken and the timing of those steps, Mr. Jones stated after the conference

1 Registration

The discussion evidenced that

- (a) Given GVN desire to establish a Torrens system with simplified investigative procedures under which Government would guarantee absolute right in land, the basic problem is administrative rather than legal. GVN first must determine what procedures it practically can carry out. Then the legislative task is legitimating those processes.
- (b) New legislation is a necessary prerequisite to establishing a unified registration system. This may require a year or more. This poses no particular problem, though, since land distributed under LTTT cannot be sold for 15 years.
- (c) Until new legislation is available, computer printouts provide adequate evidence of ownership--even in case of succession or plots changed in size through expropriation.

LSU contribution to furthering simplified and unified land registration will be mainly in suggesting principles to guide the drafting of such legislation based on their present study and previous experience with developing Vietnam's recently-enacted Civil Code.

2 Concession Land

The discussion centered upon the draft of the Decree for Implementing Law 47/72, which aims to transfer to private ownership and productive use some 1-1.5 million hectares of

public lands In large measure an extension of policy and process discussions in Saigon over the past two months, the Hong Kong exchange of views

- (a) Contributed significantly toward finalizing positions on several key policy points
- (b) Strengthened the grievance resolution aspect of the Implementing Decree while simplifying procedures
- (c) Confirmed the adequacy in scope and overall content of the Implementing Decree and its consistency with respective aspects of the Civil Code

As for unification and simplification of Vietnam's Land Law as a whole, current consensus was that

- (a) This is too complex a subject to be dealt with meaningfully in a short-term study
- (b) Until the administration of land affairs is unified, unifying the legislation would do little to simplify matters
- (c) Codification would facilitate consistent application of the existing body of land legislation but would be expensive and time-consuming for possibly small benefit

It was left that LSU in particular would give further thought to the feasibility of making a contribution on this front in a longer time frame. Meantime, the central focus of the land legislation study would continue on the registration area.

While the concession land law is outside the LTTT program, it does control the entire public domain, which covers roughly two-thirds of the geographic area of South Vietnam and represents its greatest non-human resource. In April, 1973 I believe other concerned offices in the USAID (particularly ADFA and ADCCA) are not giving nearly enough attention to the work, in which they have been invited to participate, of advising the Ministry and DGLA on shaping the Implementing Decree(s) and follow-on regulations, policy statements and procedures. I urge that the USAID Director, ADFA and ADCCA or its successor offices concerned with forestry and agro-industry, participate fully in advising and assisting the Ministry in these tasks.

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FUTURE USAID/LAND REFORM STAFFING REQUIREMENTS

During March, 1973 AID/W requested USAID/Vietnam to carry out an exercise directed toward very sharply reducing the size of the USAID staff by December 31, 1973, and to recommend related project and organizational changes appropriate for the new staffing levels. I was requested, along with other Associate Directors, to submit specific staffing recommendations related to the activities with which our Land Reform office is concerned.

Mr. Jones, who will become Associate Director upon my departure from Saigon in late April, prepared in consultation with me the future staffing recommendations. These are still highly-classified within the USAID and thus will not be repeated here.

During the USAID's Spring Program Review in May, 1972, ADLR presented a phase-out schedule for our staff. It provided for rapidly reducing staff from 22 positions on June 30, 1973 to five positions working mainly on the Montagnard land program, 12 months later. If AID/W does not insist on adhering strictly to the target figure specified in the recent staff and program review, I would recommend only a slight speed-up in the phase-out schedule ADLR recommended last spring. I believe ADLR can soundly justify the importance of continuing to support selected LTTT activities over the next year in order to help protect the huge investment to date and to soundly consolidate these gains. I stated above that I share the views of many other western observers who believe land reform is one of the most important programs AID has supported in this country. It would be shortsighted, as we shift sharply toward emphasis on economic development in South Vietnam, to dilute to any important degree political gains under LTTT in order to get a few land reform advisors out of here six months earlier than planned. I believe that by June, 1974 almost the entire staff could be phased out, leaving only one senior advisor on LTTT and concession land matters, and three or four positions to help support the Montagnard land functions transferred to the Office of the Associate Director for Reconstruction and Rehabilitation. ADLR has proposed in the past two Spring Program Reviews that sometime during FY 1974 the remaining ADLR staff should be merged into ADFA. If AID/W insists on cutting to the target figure stated in the exercise I strongly recommend that the residual land reform staff be supported by specialists provided under contractual arrangements. This would be particularly necessary for a photogrammetrist to help on master overlay work and a land records specialist to assist with the substantial land records modernization task.

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