

Land Reform
1965 J-P

TOWARDS A WORKABLE NEAR-TERM AGRARIAN REFORM POLICY IN VIET NAM

J. P. Gittinger*

This paper briefly outlines some of the elements of a GVN agrarian reform policy which can be supported by the American mission. Such a program must have strong psychological warfare elements, be administratively feasible, and be in line with traditional Vietnamese land tenure concepts. Once a program is formulated with these elements--but not before--it must be modified to meet the test of political acceptability.

A program which is expected to be suitable for the present situation in Viet Nam should avoid the past pitfalls of land reform policy here, including administrative "elephantiasis" and excessive, Western-derived legalism.

It is widely agreed that in Viet Nam's present stage of development, land reform is not a pressing economic issue. There is little short-run need for agrarian reform to strengthen the incentive structure for farmers, provide a better basis for changing cropping patterns, and the like.

① In terms of the propaganda image of the GVN the most serious liability is the charge that when the ARVN pacifies an area absentee landlords

*Associate Director, Center for Development Planning, National Planning Association, Washington. Formerly Agrarian Reform Specialist, USOM/Viet Nam, 1955-59. This paper was prepared following consultations in Saigon in late May and early June 1965. The opinions expressed are the responsibility of the writer alone and are in no way to be attributed to NPA.

come back with them and begin collecting their rents. Should the Viet Cong succeed in establishing this in the minds of the peasants there would be a serious psychological setback. A minimum agrarian reform program may have to be mounted solely to counter this charge. With the exception of this question, agrarian reform does not appear to be a first priority propaganda issue today in Viet Nam.

There may be a political need for an American agrarian reform program to support the new GVN Secretariat of State for Agrarian Reform. If so, the costs of such a program need to be seen in the light of the political advantages gained. This paper outlines a suitable joint policy.

Some essential considerations of land tenure in Viet Nam

1. The Vietnamese peasants' view of the "oughts" of land administration. The absolute essential for any effective land reform program in Viet Nam is to be sure that whatever is done conforms with the view of the peasant farmer about what is "right" and "proper" in land administration. The programs formulated immediately after the Geneva accords and which are still on the books paid too little attention to this consideration. Among the elements which can be noted are:

a. The "proper" location for most land administration is in the village. From time immemorial peasants have turned to the village council to adjudicate both tenancy disputes and boundary disputes. Only when the village council cannot settle such disputes would a peasant farmer feel it "proper" for the district or provincial government to do so.

b. The peasant farmer looks to the village council to guarantee security of tenure. The village council knows with accuracy rooted in experience the boundaries of tenant holdings and of small ownership rights. With rare exceptions, Vietnamese farmers can tell you how much land they have. The village council is well-informed about who has the right to cultivate what land. It knows the average yield of each parcel. Central government administration is not generally looked upon to deal with such questions despite the existence of the cadastral service whose job it is to prepare maps of ownership and register titles. Evidence to support this contention is found in how few peasants--even in secure areas--trouble to register their land formally; they know it is the village which must, in the end, assure their right to farm. (In field interviews peasant farmers often volunteer the suggestion that the GVN should more strongly confirm and support village councils.)

c. It is absentee landlords who are the ogre of land reform mythology. When we speak of land reform we generally have in mind a "cruel" landlord, living in a distant city, and sending agents to collect high rents in the countryside. It is these landlords who are hated by peasant farmers, and it is these landlords that peasants are exhorted by Communist propaganda to identify with, the GVN. There are, of course, local landlords who are not resented to any great extent by villagers. These local landlords play a key role in the fabric of village life and administration. They are also among the most important supporters of the GVN for they have a high stake in

continuing government which recognizes their social status and property rights. To the peasant farmer, resident landlords play a legitimate role as village leaders, cult committee leaders, and the cultural representatives of the village. Hence, in our thinking we would do well to keep in mind the distinction between "big-L" absentee landlords and "little-l" local landlords.

2. Administrative feasibility. If a land reform program is to work, the administrative superstructure must be held to a minimum. Bitter past experience shows we cannot build and operate an elaborate land reform administration. There are two approaches toward administrative feasibility that we should take full advantage of:

a. Put as much of the burden of proof as possible on the backs of the landlords. Later on there are some suggestions about how we might start this.

b. Put as much of the administrative load as possible on the village council. It has been noted that villagers think the village council "ought" to handle much of the land affairs administration. We should encourage them to do so partly because this reduces the administrative burden on a creaking central government machinery. A good part of our concern about establishing the "credibility" of the GNV can be achieved at relatively low cost by confirming the village council in its legitimate responsibility. By doing this we at once picture the GVN as guarantor of what is "right" in the eyes of the peasant and relieve ourselves of a huge administrative liability which we have never been able properly to cope with.

3. Differing policies for differing regions. Viet Nam is an enormously varied country, and land tenure policy, of course, can be successful only to the extent we have differing programs for differing cultural, economic, and agronomic situations. At the present time it is suggested we divide our thinking about land tenure policy into four regions (although we do NOT need to support an active program in every area):

- a. Newly-pacified areas of the Mekong delta
- b. Continuously-administered areas of the Mekong delta
- c. Central Viet Nam highlands
- d. Central Viet Nam lowlands

Some program suggestions

1. Newly-pacified areas of the Mekong delta. It is in these areas that the most critical opportunity exists for a land reform program with real psychological warfare impact. The following major elements of a land tenure policy in these areas could be considered and can mostly be carried out without new legislation or with administrative orders only:

a. Confirm all tenants in their cultivation rights. This can be done by administrative fiat, yet will do much to establish the government as being on the side of the peasants. While it is true some hard core VC supporters may still be on the land, it is better to let them remain rather than try to correct the situation through land administration. Such people will have their come-uppance from local military and justice authorities. For us to try to do it through land tenure legislation seems inappropriate and gets us into the very difficult situation of trying to sort the sheep from the goats. It is sure to cause added dissention at a time when we want to repair

the fabric of village social life.

b. Offer to transfer to tenants all land from NON-RESIDENT landlords. This is the most sweeping of the suggestions in this paper. But is the one which can most clearly demonstrate the reality of GVN competence to rule the nation. This need not be too expensive, given the present realities about pacification rates, and landlord opposition can be reduced by offering payment in cash. The program would work by allowing tenants to initiate action. This automatically eliminates a vexatious question of landlords whom peasants like, and of Catholic lands where peasants do not feel it "right" for the land to be taken from the church. Payment to landlords would be made upon proof of ownership, and it would be the responsibility of the landlord to provide proof of ownership. This reduces the government's administrative liability. Land would be valued by capitalizing past rates of tax payment. This provides a simple criterion which would reduce the government's cash liability. (In reality, we might have to "pay off" some powerful landlords who hadn't paid taxes, but tax payments are a clear-cut responsibility of land ownership, even in Viet Nam today. I fail to see why we should reward tax evaders.) If too much opposition or corruption prevents using a tax-based valuation, land could be priced at some low multiple of the average yield as determined by the village council. Interim titles could be given to cultivators based on simple plain table survey and in reality depending upon the village council for their security. We could promise to give more formal title "later." Peasants probably

should be asked to make rather modest purchase payments in order to avoid too many people rushing to take advantage of the program and to head off a feeling of inequity arising among peasants not able to buy their land. These payments would doubtlessly prove difficult to collect later, but that is not important--they might even be assigned from the first to the village council to collect and to use for local purposes. Former French-owned lands would be disposed of under this program, too.

c. Confirm the village council as the GNV agent in local land administration. This will conform with the villagers' view of what is "right," can be done by fiat early in the pacification process, and reduces the administrative overhead. The GVN responsibility would be to back up the village council. In effect, the central government's responsibility would begin when villagers felt the village council had failed to give them justice and then they could turn to the GVN for fair treatment. Existing administrative forms might not be able to do this well, but it is more plausible than to suggest they shoulder the entire land administration burden.

d. Existing land reform legislation would be given lip service. For a variety of reasons it may be desirable for the GVN to reaffirm its adherence to existing legislation, but not to worry too much about enforcement.

e. Voluntary settlement of abandoned ricelands. The character of the newly-established Secretariat of State for Agrarian Reform seems to suggest that it may propose a program for resettlement of abandoned

riceland similar to that of the Cai San settlement area near Rach Gia in 1956-58. This may be worth supporting (i) as a means of securing the area from the Viet Cong if the settlers come from anti-Viet Cong groups such as the Hoa Hau, and (ii) to provide provincial governments with real development administration responsibilities. American support for this program should be related to these considerations. Settlement should be voluntary, and limited to some homogeneous group. At this time, the dangers of local friction are high in projects to resettle mixed groups of "foreigners" to the local population. Such considerations suggest a cautious approach to any proposal to settle CVN refugees on abandoned Mekong delta land, although they by no means rule out such a program.

2. Continuously-administered areas of the Mekong delta. The most awkward aspect of the program proposed for the newly-pacified areas is its effect on the continuously-administered areas. It is suggested that the same program be extended to the continuously-administered areas but that this approach be on a district-by-district basis to avoid building up too much opposition, reduce administrative limits to the cadre available (and also provide an opportunity to train cadres better and more deliberately) and avoid any inflationary problem that might arise. Again, the government could confirm the existing legislation, but without attempting any doomed program of enforcing tenancy contracts. The offer of transfer to tenants of all land belonging to big-L absentee landlords would be counted on to contain major discontent and pull the teeth of anti-GVN propaganda based on land discontent.

Certainly there is no denying the weaknesses of the suggestions above which would have to be hammered out. An obvious one is to avoid political opposition which means careful program formulation, but might not be a fatal flaw. There is the problem of phasing the program to avoid undue inflationary impact, but there seems already so much being poured in that the added amount wouldn't be too much. I would guess you might get in the neighborhood of 10 per cent of the tenants in newly-pacified areas, enough to lend credibility to the GVN program, enough to cut down discontent from land tenure to manageable proportions, and not too big a number to handle. Since land is reputed to be high-priced in newly-pacified areas as people with "hot" money search for investment outlets, there may be a valuation problem. Relating to past tax payments seems a sensible way to cope with this.

A marked weakness of this proposal is that it largely ignores the problem of unfairly high rents. It would appear on the basis of past experience that the established rental levels for resident landlords and Church-owned lands (and village-owned land in CVN) is not a source of real unhappiness among tenants. A later adaptation and modification of existing tenure legislation can probably deal with this problem if it becomes pressing. But there is no hint a rent control and tenure security program could be enforced at the present.

3. Central Viet Nam highlands. The principal land administration problem in the Central Viet Nam highlands is to provide a means to recognize montagnard tenure rights. This would appear to be principally a question of encouraging the GVN to be more flexible in its approach. The main elements should be twofold:

a. Legitimize corporate titles of montagnard villages. This could be done largely on the basis of the declared areas as stated by the village elders. They know rather well both the extent of their holdings in tribal law and the extent of their usufruct rights where these differ. Further attention needs to be paid to the question of

establishing usufruct rights and to the problems of tenure rights for resettled villages.

b. Transfer to sitting tenants individual title for paddy land.

Where individual montagnard cultivators have established paddy cultivation, the GVN should recognize existing tenancy as claim to ownership within the framework proposed by the village council. This would be more a statement of principle than an action program, since the ability of the GVN to survey and give interim title in these villages is limited. However, for the effect of demonstrating the bona fides of GVN concern, at least a few villages should have plain table surveys and interim titles of the order suggested for newly-pacified areas in the south. Indeed, this could be concentrated in any newly-pacified areas in the central highlands for maximum psychological warfare impact.

Another element in the central highlands tenure picture, although not so important as that dealing with montagnards, is settling title in highland Vietnamese settlement areas. Admitting that at some time it would be desirable to do this, it is suggested that what administrative cadres can be found for the Central Viet Nam highlands concentrate on the montagnard title problem which would appear to be both more widespread and potentially more explosive.

4. Central Viet Nam lowlands. The reason for separating out the Central Viet Nam lowlands is that this is an area which offers little prospect for a near-term land tenure program. The core problem in this area is crowding, and the big-L landlord problem is almost absent. The rent control law is impossible to enforce because of pressure on the land.

There would seem little point in allocating scarce resources to trying to elaborate a land transfer or rent control program in this area or for trying to enforce the existing legislation. A possibility might be to organize a voluntary resettlement program for people from the Central Viet Nam lowlands, moving them into newly-pacified or other riceland in the south. This would seem, however, to be a rather low priority program for the moment. Hence, the net recommendation for this area seems to come down to have a policy for the CVN lowlands but no program.

Some concluding comments may be made. The suggested line of approach in this memorandum is, of course, only very preliminary, and if it offers elements which seem to justify pursuing, they must be much more carefully worked out even before going to the GVN. Nonetheless, they do appear to be a means to squeeze from the land reform issue some propaganda and political value in the countryside without at least setting out from the beginning with a program that contains too many of the elements of failure in past land tenure programs. In particular, it would seem that the land reform program should avoid undue administrative complexity and undue legalism which characterized past efforts. It should make more of an effort to relate the land tenure program to the peasant farmers' view of the land problem. It is suggested that the thrust of these suggestions is in this direction.

On the GVN side, it would appear probable that the most difficulties will arise from landlord opposition to any program which does not re-establish the tired, old landlord-tenant relationship. There will also be problems with GVN officials whose initial lack of imagination has only been confirmed by a French-influenced education in droite. The cadastral service, in particular, may resist attempts to get it out of a rut. There will probably be some resistance on the grounds the program is too expensive--a question that can only be realistically discussed after some further probing around.

Finally, there is always the danger of corruption and malfeasance, but this is not unique to this program.

As a comment, it may be noted that by throwing as much as possible of the land administration to the village council, it will be easier for peasant farmers to exert their own, village-centered constraints on corruption or favoritism, and, in any event, the blame will not be passed on in a vague but damaging inference to the central government.