

4

REPORT ON THE ORGANIZATION OF
THE DEPARTMENT OF LAND REGISTRATION
AND AGRARIAN REFORM

MICHIGAN STATE UNIVERSITY
Vietnam Technical Assistance Project
Saigon Vietnam

30 June 1956

Wesley R. Fishel
Chief Advisor

Walter W. Mode
Chief, Field Administration
Project

Albert A. Resenfeld
Nguyen-thi-An
Than-trong-Hue

REPORT ON DEPARTMENT OF LAND REGISTRATION
AND AGRARIAN REFORM

Table of Contents

Introduction (includes brief history of constituent agencies, scope of survey, methods).

I. Summary of Recommendations

II. Present Organization and Functions of Department

III. Discussion of Recommendations

Appendix A - Executive Roster

Arretes and Ordinances affecting the Organization and Operations of the Department of Land Registration and Agrarian Reform.

Appendix B - Exhibits

Introduction

This report is concerned with the management of the Department of Land Registration and Agrarian Reform, particularly with respect to organizational responsibilities assigned to its constituent units. We have also commented, in a few instances, on program and operational matters, where those were met in passing. Our time schedule did not permit a full scale review of program and administrative operations, although we believe that such a review would be profitable.

This report is based almost entirely on interviews with the principal personnel of the Department, although data from interviews with tenants and landlords was also used. After preliminary discussions with the heads of the principal organization units in the Central Office, personnel at the My Tho, Bentre, Thuathien and Quangnam provincial offices and regional personnel at Hue were interviewed. Subsequently, we discussed and clarified our findings with Central Office personnel. Discussions on pertinent matters were also held with the Chief of Cabinet of the Department of Finance, the Chief of Cabinet of the Department of Defense and a member of the Bar of the City of Saigon.

The Department consists of three operating Directorates, dealing with Land Conservation, Cadastre and Topography, and Agricultural Credit and Producers' Cooperatives. These are supported by two administrative service units, one for personnel, accounting and procurement, and one for procedures, records and technical coordination. The latter is also responsible for the implementation of the Agrarian Reform program. Although organizationally independent, the Directorate of People's Agricultural Credit and the Directorate of Control of People's Agricultural Credit are tied to the Department by virtue of the fact that the present Secretary of State for Land Registration and Agrarian Reform is also President of the National Popular Agricultural Credit Committee, which is the police making body for the two directorates.

The first organization with cadastral functions was formally established in Vietnam in 1869. Two years previously, however, a survey of Saigon had been made under the direction of the Bridge and Highway Service. In 1871 the Service was consolidated with the Service of Registration of Estates and Stamps and made its first topographic survey. In 1887, the Service was again made independent and the establishment of land records in the districts made part of its responsibilities. A reorganization in 1895 transferred responsibility for field operations to the Chiefs of Province, and in 1915 the Central Office was reorganized, basically as it is today. In 1951 the Ministry of Plans and Reconstruction was made responsible for the technical direction of cadastral work, although administrative direction continued to be a responsibility of the Chiefs of Province. The following year the Service was again made inde-

pendent and finally, in 1955, the function was placed in the Department of Land Registration and Agrarian Reform.

Land records, in one form or another, have existed in Vietnam since 1836, on a local basis. In 1884 the French established a Mortgage Office to handle land title work for French-owned property and agreed to respect the official character of existing land records with respect to land owned by Vietnamese. As property moved from one "system" to another complications as to the validity of title arose. By 1925, the situation was so confused that a single system covering all land had to be introduced. All transactions since that date have been recorded under the "new" system and some progress has been made in bringing the "old" system records into the "new" system, but much remains to be done.

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

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

The Directorate of National Agricultural Credit and Producers' cooperative was established early in 1954 within the Office of the Presidency to make loans to individuals and cooperatives engaged in agricultural or handicraft production and marketing. In October, 1954, the Directorate was transferred to the Department of Agriculture, and subsequently to the Department of Land Registration and Agrarian Reform. Meanwhile, a "competing" agricultural credit service, the Directorate of People's Agricultural Credit had been created to make loans to farmers settling on abandoned land. Government resources available for agricultural credit have been almost entirely channelled to the latter organization, we were told, as a result of which the activities of the Directorate of National Agricultural Credit and Producers' Cooperatives have come virtually to a halt.

The Directorate of People's Agricultural Credit was established in 1955 to make credit available to farmers settling on abandoned land. Although it is organizationally autonomous, it and a companion organization, the Directorate of Control of People's Agricultural Credit, operate as though a part of the Department of Land Conservation and Agrarian Reform and use the administrative service facilities of that Department.

CHAPTER I Summary of Recommendations

We recommend that:

1. The Department of Land Registration and Agrarian Reform be dissolved and its functions be distributed as follows:

- A. Supervision of the agrarian reform program to a Directorate of Agrarian Reform to be established in the Department of Agriculture.
- B. Preparation of topographic maps, and all topographic service, to the National Geographic Institute of the Department of National Defense.
- C. Consolidation of the Directorate of National Agriculture Credit and Producers' Cooperatives, with the now independent Directorate of People's Agricultural Credit and Directorate of Control of People's Agricultural Credit into a new Bank for Agriculture and Cooperatives to be affiliated with the Department of Agriculture. Pending establishment of the Bank, and as an interim organizational step thereto, the credit activities should be consolidated in an Agricultural Credit Directorate to be established in the Department of Agriculture.
- D. Consolidation of the remaining functions of the Cadastral and Topographic Directorate with those of the Land Conservation Directorate in a new Land Records Directorate to be located in the Department of Finance.

2. With respect to the operations of the proposed Directorate of Agrarian Reform, we recommend that:

- A. Field agents be relocated on the basis of the needs of the program rather than on the basis of a fixed number for each province.
- B. A cut-off date for Phase I of the program be set.
- C. Arable land to which the government holds clear title be prepared for sale as rapidly as possible, thus beginning Phase II of the program simultaneously with the continued operation of Phase I.
- D. Arrangements be made with the Department of Finance to meet the payrolls of agrarian reform agents promptly and that the travel allowance for the Agrarian Reform agents be raised.

3. With respect to each of the organization units herein discussed, we recommend that:

- A. A task force consisting of representatives of the Directorate concerned, the Department of Finance and the National Institute of Statistics be established to develop and institute a statistical reporting program that, for each level of management, would provide adequate statistics on work-load, back-logs, accomplishment, fees earned, etc. to permit adequate policy and performance review.
- B. A Field Supervision and Inspection Service be instituted to supervise field operations and insure adherence to program and accomplishment schedules.

- C. There be annual meetings of area chiefs of technical service for the exchange of ideas and discussion of mutual problems.
- D. Authority for final approval of administrative actions (procurement, hiring, etc.) be placed at the Service level, subject to budgetary allotments and post-audit.

4. With respect to the operations of the proposed Land Records Directorate, we recommend that:

- A. A special task force composed of representatives of the faculty of law of the National University of Vietnam, the National Institute of Public Administration, the Bar Association and the Departments of Justice and Finance be established to study present real property transfer procedures and determine whether the functions of the Notarial Bureau of the Department of Justice with respect to land title search, and the functions of the Bureau of Land Registration of the Department of Finance with respect to collection of transfer taxes should be transferred or delegated to the proposed Land Records Directorate.
- B. The present system of paying a portion of the fees received for land transfer service to employees of the Notarial Bureau and the Land Conservation Directorate be discontinued; that all governmental personnel concerned be put on a salary only basis; that the fees for all Land Records Directorate Services be standardized on a national basis, and that a National Land Title Insurance Fund be established as a substitute for the individual responsibility now carried by the provincial Land Conservation Chiefs.
- C. An accelerated program of land survey and land registration to place all land on the "new" records be instituted, including a training program to provide the technicians required.
- D. A standard contract form for use nationally in land transfer transactions be developed and placed in use in order to facilitate the work of the proposed Land Records Directorate.
- E. Representations be made to the Government of France or through an international organization, such as UNESCO, for the return of Vietnamese land records now held by the French Colonial Archives and that field offices resume the preparation of security copies of such records.
- F. Paper copies of Colonial Archives microfilms of land records for operational use be made.
- G. An adequate supply of drafting equipment and supplies be made available to the Directorate to permit technicians to produce a greater volume of work and for training the new technicians required by the accelerated program, and that the Central Office of the Directorate be equipped with new high speed reproducing equipment. When the volume of work justifies, and dependable electrical current is available, that area offices be equipped with similar equipment of appropriate capacity.

- H. Two technicians of the proposed Land Records Directorate be given an opportunity to observe cadastral operations abroad.
- I. The microfilms of Cadastral drawings now available be stored away from the original drawings, and that new records be micro-filmed on a semi-annual basis.
- J. The present instruction manual covering the cadastre function be brought up to date and issued in loose-leaf form.
- K. The cost of adastre operations be studied to determine whether the present schedule provides for fees adequate to cover cost of work performed.

5. With respect to the proposed Agricultural Credit Directorate, we recommend that:

- A. A detailed study of present loan procedures be made to determine and remove the cause of the present unreasonable delays in approving loan applications.

CHAPTER II Organization and Function of Department

The functions of the Department of Land Registration and Agrarian Reform are, basically, to make it possible for an increasing number of citizens to become owners of the land which they till, and to finance this operation.

To this end, the Department is responsible for the administration of all legislation and regulations dealing with the maintenance of evidence of private ownership of land, the transferring of title to land, the delineation of land acreage, the agrarian reform program, and the financing of small farmers and agricultural and handicraft cooperatives. The work of the Department is directed overall by the Secretary of State, assisted by his Director of Cabinet.

Organizationally, the Department is composed of the Office of the Secretary of State, the Office of the Director of Cabinet, the Office of the Secretary General, the Directorate of Land Conservation, the Directorate of Cadastre and Topography, and the Directorate of Agricultural Credit and Producers' Cooperatives. Two autonomous organizations, the Directorate of People's Agricultural Credit and the Directorate of Control of People's Agricultural Credit are, for administrative purposes, considered a part of the Department.

The Office of the Secretary General is responsible for all administrative functions of the Department. In addition, Central Office Agrarian Reform operations are handled by the Legislative, Procedural, Documentation and Technical Coordination Service, which is part of his office. Also reporting to the Secretary General is the Agrarian Reform Delegate to Central Vietnam.

The Direction of Land Conservation is responsible for the maintenance of records of privately owned land, including transfers, mortgages, etc. The Direction is planning the establishment of a Bureau of the maintenance of records of public property, but it has not yet been determined whether this function will be transferred to it from the Department of Finance.

The Director of Cadastre and Topography is responsible for all official surveys of public and private property and, in principle, of all topographical surveys. It has done nothing in the latter field in recent years, however, because of the lack of technicians and equipment.

The Directorate of National Agricultural Credit and Producers Cooperatives make production loans to farmers and loans to cooperatives. Due to a lack of funds for making loans, it is virtually in a position of being liquidated.

The Directorate of People's Agricultural Credit, and the Directorate of Control of People's Agricultural Credit, although nominally independent, operate as part of the Department. The former makes production loans to farmers settling on newly established farms; the latter is an auditing organization which reviews the financial operations of the former.

Only the Directorate of Cadastre and Topography and the Directorate of Land Conservation maintain field offices. There are 17 such Cadastre offices employing 83 persons. The Central Office of the Cadastre and Topographic Directorate employs 100 persons*. The Directorate of Land Conservation has 9 field offices with a total staff of 56 and has 7 employees in the Central Office. The Directorate of National Agricultural Credit and Producers Cooperatives had no field offices but does have 17 roving field employees. It has a staff of 14 in the Central Office.

The Directorate of People's Agricultural Credit has a staff of 5 in the Central Office and uses the staff of the Cadastre and Topographic Directorate in the field, plus volunteer committees. The Directorate of Control of People's Agricultural Credit has 4 controllers attached to the Central Office and expects to establish another controller at Hue.

* Includes technical staff employed in Saigon-Cholon Operations and staff of S.V.N. Regional Office.

In addition, each province has a staff of 6 Agrarian Reform agents who are administratively responsible to the Province Chief.

Agrarian Reform committees, representing tenants and landlord, with a government employee as chairman, have been established at the village, canton, district and provincial levels. These have played a small part in the program to date, their role being confined principally to adjudication of disputes between landlords and tenants. They should be given a bigger job to do.

CHAPTER III Discussion of Recommendations

I-A. Supervision of Agrarian Reform Program

We recommend that supervision of the Agrarian Reform program be transferred to a Directorate of Agrarian Reform to be established in the Department of Agriculture.

At present, no organization unit within the Department of Land Registration and Agrarian Reform devotes its time and energy to the problems of agrarian reform. In the Central Office, the Legislative, Procedural, Documentation and Technical Coordination Service supervises the program, but must also, of course, furnish certain administrative services to the other programs of the Department. In the field, employees of the Cadastral and Popographic Directorate supervise the program.

We believe that placing complete responsibility for the planning and execution of the program, both in Saigon and in the field, in the hands of a single organization unit will result in far greater progress than would be possible under any other arrangements.

An organization such as that proposed (see Exhibit No. 9) could, of course, be set up within the present Department or as an independent commission, similar to the Commissariat Generale aux Refugees. But attachment to a piece of land, whether by rental contract or by purchase, is only the first step in the individual's relationship with that land. The success he makes of working the land, and the return received for his labor depends upon many factors; proper seed, proper fertilizer, advanced agricultural techniques, credit facilities, etc. In almost all of these he will have to turn to the Department of Agriculture. If the agrarian reform program, too, is a function of that Department, it should result in a more coordinated and efficient relationship between the government and the farmer, at less cost to the government and with greater convenience to the farmer.

1.-B. Topographic Function.

Both the Directorate of Cadastre and Topography of the Department of Land Registration and Agrarian Reform, and the National Geographic Institute of the Department of National Defense are authorized to perform topographic work. The Directives, (3103 SAC/DAA, 5 October 1954 and No. 118-QP, 20 April 1955) place no limitations upon the type of topographic work each shall perform.

In recommending that this function be made exclusive with the National Geographic Institute, we are aware that there is a great need for topographic maps for civilian use. Against this, we must balance the fact that at this time there is a shortage of the equipment and technicians required for this work and that this shortage may be expected to continue for some years. It is our belief that under present conditions the needs of the Department of Defense are paramount and that all topographic equipment and technicians available should be made use by that Department until all its needs are met, or until the military situation will permit a relaxation of this proposal. Maps prepared by the Institute which are suitable for civilian use, and whose circulation need not be restricted for security reasons, should be made available to the public through the local office of the proposed Land Records Directorate and of the Department of Information.

1.-C. Agricultural Credit Organization.

We recommend the consolidation of the Directorate of National Agricultural Credit and Producers' Cooperatives of the Department of Land Registration and Agrarian Reform with the now independent Directorates of People's Agricultural Credit and Control of People's Agricultural Credit into a new semi-autonomous Bank for Agriculture and Cooperatives, of which the Secretary of Agriculture would, *ex-officio*, be the Chief Executive Officer.

In proposing that the agricultural credit function be integrated with those of the Department of Agriculture through common leadership, we are principally concerned with the work that must complement that of making funds available to farmers. If these funds are not used effectively, that is, to buy the proper seed, fertilizer, equipment, etc., neither the individual farmer nor the economy will receive the maximum benefits from the loan. The farmer will have to turn to the Department of Agriculture for this kind of advice, regardless of what organization makes the loan. If farmers, as a condition of the loan, are required to submit and follow a specific farming plan, certainly the evaluation of the plan, and its enforcement, could best be done by agricultural personnel.

In the organization proposed for carrying on the agricultural credit function (see organization chart, Exhibit 3) we are suggesting separate organizational units to make loans to Production Cooperatives, handicraft cooperatives, to individuals for production and to individuals for acquiring land. We believe that these activities are sufficiently distinct in character and type of client to justify separate organizational units. These operational units would be supported by an Administrative Service furnishing the usual personnel, finances, material, mail, and file service. We recommend that there be an Organization and Methods function included in the Administrative Service to simplify the paperwork inherent in an operation of this sort. We are also suggesting a program planning function, which will develop, arrange for the submission of and analyze the necessary operating statistics for the operating groups. Based on this analysis and the determinations of operating officials, this Service would also develop new regulations or legislation required by changing conditions. The proposed organization plan also provides for a Financial Audit Service which will carry on a continuing program of fiscal audit to insure that the Bank's funds are being properly handled.

1-D. Cadastral and Land Conservation Functions.

We recommend transfer of the cadastral functions of the Cadastral and Topographic Directorate together with all functions of the Land Conservation Directorate to a new Directorate of Land Records, to be located in the Department of Finance. A proposed organization chart is shown in Exhibit 4. The organization chart considers only the present functions of the two directorates concerned; it is possible that a review of Department of Finance responsibilities in this subject matter area will result in certain or all of the functions of the Directorate of Land Registration and Public Property of that Department also being assigned to the proposed new Directorate.

The work of the two directorates is very closely related. For instance, continuation of the work of transferring land records from the "old" system to the "new" system by the Land Conservation Directorate must wait upon completion of the surveys by the Cadastre and Topographic Directorate. The overall job would obviously benefit if both parts of the operation were done under one plan of operation and under the same direction. Generally, too, before a land title can be issued by the Land Conservation Directorate, a survey of the land must be made by the Cadastre Directorate. In certain provinces (Travinh, Sadec and Vinhlong) the two directorates already operate as a single unit. Where there is no Land Conservation office, but there is a Cadastre office, the Cadastre will generally attempt to perform both functions.

We make no provision in the proposed organization for the present function of the Bureau of Voluntary Land Registration of the Land Conservation Directorate. The Bureau now makes land title searches for citizens in provinces where there is no office located and issues official title guarantees in these cases. (Cadastral employees and provincial chiefs may arrange transfers but cannot issue title guarantees). With the establishment of the area offices contemplated by our report on the Department of the Interior, every part of the nation will be serviced by a Land Conservation office. Until these offices are established, this function can be performed by employees of the proposed Field Supervision and Inspection Service, who will be constantly in the field in any case.

We do not believe that there will be any overall saving in technical personnel as a result of the proposed change. However, the number of administrative personnel now employed by the two directorates separately (at the same level of operations). At this time, the Directorate of Cadastral and Topography does not have any technical group at the Central Office. We were told that the formation of such a group had been proposed and had been approved, but had not yet been organized. As shown on the organization chart, we are proposing such technical units.

We are also proposing the establishment of a Program Planning Service which would develop the types of statistical data that are necessary for top management to have in order to follow the progress of the program, determining the need for revision of current policies or developing new policies. It appeared to us that the statistical information that is now available at the departmental level is not fully adequate and that it is not submitted with, or for, an analysis of activity, progress and effectiveness of current policy such as would help top personnel do a more effective job of management.

Discussion of the functions of the proposed Field Supervision and Inspection Service is contained in Recommendation No. 3-B.

2-A. Allocation of Agrarian Reform Agents to Provinces.

If there is to be continued emphasis on Phase I operations of the Agrarian Reform program, we recommend that the number of agrarian reform field agents allocated to each province be determined on the basis of program needs.

Presently, each province has been authorized to hire six field agents. Such an arrangement gives no consideration to the factors which will determine the work-load in the province: size, potential number of tenents, etc.

A review of the program to date, the development of an estimate of the maximum number of contracts that will be signed in each pro-

vince, and a comparison of the two sets of data will reveal the magnitude of the work yet to be done in each province. Based on the size of this work-load, the date selected for stopping all propaganda operations under Phase I, and geographical and other obstacles peculiar to each province, a more scientific apportionment of agrarian reform agents can be made.

2-B. Completion of Phase I, Agrarian Reform Program.

We recommend that a final date be fixed for stopping use of government-paid personnel on Phase I of the Agrarian Reform program. The present Agrarian Reform committees should be continued as "watch-dogs" for violations.

Phase I of the Agrarian Reform program was necessary for amelioration of the lot of tenant farmers. To the extent that the present rental contract provisions are effective, and to the extent that contracts have been signed (see Exhibit 2) this has been accomplished. In the light of hindsight, we may wonder whether some conditions of the contract - the 15-25% rental prymt, for example, were the best that could have been used, but, we believe that it is too late to consider changes in the operation of this phase of the program. We believe that the overall program will benefit more if Phase I is allowed to coast on the momentum that it has gathered, and that all time and energy available be applied to succeeding phases of the program.

2-C. Government Owned Land.

We recommend that all arable lands suitable for agricultural operations to which the national or a provincial government hold clear title (not subject to usufruct rights) be prepared for sale as quickly as possible.

The bulk of the land which will be transferred to the now landless will have to come from that now owned privately. The problems of policy -- how much land to leave each landlord, what to pay the owner, what to pay to the owner, what to charge the buyer, etc. may take some time to resolve. But these problems are present to a much smaller degree in connection with government owned land and can be more quickly resolved. Moreover, sale of this land can serve to test administrative operations required for the larger job.

Sale of government owned land now will, therefore, serve several purposes -- as a token of the government's intention to carry through the agrarian reform program, as a pilot operation and to satisfy the land hunger of a small part of the now landless. This work should be undertaken immediately.

We were told that each province has a list of government owned land and that these could be made available in Saigon within 10 days. We have requested the Department of Land Registration and Agrarian Reform to obtain this data. An inspection of the properties reported, by a team composed of representatives of the Department of Agriculture, CDMIGAL and USOM could quickly, we believe, determine what has to be done to each property to make it agriculturally usable, how long it would take and what it would cost. During this period the appropriate officials could be making the necessary determination as to who will be eligible to buy, how much land to sell to each buyer, how much to charge and how to finance the operation.

2-D. Pay of Agrarian Reform Agents.

The success of the present phase of the Agrarian Reform Program -- the placing of all tenant-landlord relationships on a written contract basis -- is largely dependent upon the work of the Agrarian Reform agents in the province.

The pay of these agents is relatively low -- 2500\$ VN per month. We were told in several of the provinces that these men are not receiving their pay, or being reimbursed for their travel expenses when due; that in some cases the payrolls are four and five months late. Morale is correspondingly low and turnover among agents quite high. Arrangements should be made with the Department of Finance to insure that funds are available to meet these program expenses when due.

The rate of reimbursement for travel expenses, 30\$ VN per day, apparently does not meet actual expenses. The agents are, therefore, understandably reluctant to take trips away from the immediate vicinity of their official station. As a consequence, outlying sections of each agent's working areas receive relatively little attention. We recommend that the budget be reexamined with a view toward making adequate funds available for travel expenses of Agrarian Reform agents.

3-A. Departmental Statistical Program.

We recommend that a task force consisting of representatives of the Directorate concerned, the Department of Finance and the National Institute of Statistics be established. This task force would develop and institute a statistical reporting program that, for each level of management, would provide adequate statistics on the scope of program, work-load, back-logs, accomplishments, etc. to permit adequate policy and performance review.

There is a great variation between statistical operations of the constituent agencies of the Department. The Land Conservation

Directorate received good overall reports monthly on operations at provincial offices. On the other hand the Cadastral and Topographic Service also gets monthly reports, but of a very detailed character, not suitable to the existing decentralized operation. Such reports as the latter require more time to prepare in the field and more time to read and digest in the Central Office, time which both offices could more profitably use doing other things.

None of the statistics gathered by the directorate go routinely to Departmental officials -- specific data is requested each time that it is wanted. No analysis of the data is made to point up matters requiring attention. In connection with the establishment of the several organization units recommended in this report, we are recommending the inclusion of a Program Planning group which would have this function.

We are recommending the inclusion of representatives of the Department of Finance on the task force because of the importance of data on land ownership and utilization to the tax structure; it is possible that slight additions to the basic reports may make it possible for the Department of Finance to eliminate some of its own reports and use data collected by these agencies.

We are recommending inclusion of representatives of the National Institute of Statistics because their skills in statistical development and presentation will be useful, and because they probably will want to include some of this land and agricultural credit data in their series of economic statistics.

3-B. Field Supervision and Inspection Service.

We recommend that establishment of a Field Supervision and Inspection Service in the several organization units discussed in this report to supervise field operations and insure adherence to programs and to accomplishment schedules. This supervision and inspection program should seek to gain the following objectives:

1. To assist field offices in following the policies and procedures established by the Central Office.
2. To give the Central Office current and accurate information on how efficiently field offices are conducting their operations.
3. To stimulate improvement in operating practices.

We expect that there will be more and more decentralization of authority to field operating offices as field personnel become more

and more experienced. However, a Secretary of State does not shed his responsibility for an operation by delegating authority to another to manage the operations of a field office. He must establish controls that will assure him that these delegations of authority are being carried out correctly. Therefore, administrative decentralization and control by inspection go hand in hand,

However, we believe that the supervision and inspections function should be more than a "control" process, concerned solely with the detection of errors. We have emphasized, therefore, in the objectives listed above, the concept of assistance to the field offices in doing the job correctly and efficiently by analyzing errors and inefficiencies and helping the field offices to correct the causes of the errors.

In carrying on this operation, the inspectors would:

1. Review the official records of transactions of the field office.
2. Interview operating officials to determine and increase their understanding of the agency's policies and procedures.
3. Observe and record operational methods for review by the Central Office and revise standard operating procedures if necessary.
4. Give advice to operating officials on methods of doing their work,

In the case of the Land Records Directorate, the Field Supervision and Inspection Service would also carry on the functions of the present Bureau of Voluntary Land Registration, until adequate Land Records Offices were operating in all administrative areas.

3-C. Meeting of Provincial Technical Service Chief.

During the past few years no funds have been made available to finance meetings of provincial technical service chiefs for the discussion of common problems. The per diem allowance for travel (90\$) is too little to permit such meetings without special subsidy.

We believe that the rise in efficiency that would result from such meetings would result in cost reductions that would be many times greater than the cost of the meetings. Solutions to common problems would be more easily found by their discussion among the service chiefs. Technical devices and procedures found to be useful in the office would become available to all offices. Most important of all, the

provincial technical service chiefs would have an opportunity to learn more of the over-all program and of the importance of their own work to the success of the program, thus providing them with greater incentive to do a good job.

3-D. Delegation of Authority for Administrative Action.

At present all actions affecting the budget, as procurement of equipment, hiring of personnel, etc. must get approval by the administrative personnel of the Directorate, the Director, administrative personnel at the Department level and by the Secretary of State. This results in long delays in obtaining the material or personnel needed, is mostly because of the many people that handle the paper, and more important, requires the time of top personnel which could more profitably be spent in reviewing operations, planning future operations, etc.

We recommend that final approval of administrative actions, within budgetary limitations and any specific limitations as to size or amount imposed by the Secretary of State, be given final approval by the Chief of the Service concerned. After approval by the Chief of the Service there would be no further administrative review (for desirability, etc) but fiscal review only to determine that funds are available. The proposed change in the method of approval would not only result in administrative actions being processed much more quickly but could also result in elimination of the need for administrative groups at both the Departmental and Directorate level. This would be especially true in small Departments such as the present Department of Land Registration and Agrarian Reform, where, if the Department were to continue as an entity, we believe that the Personnel, Accounting and Material Service, under the General Secretary could with few, if any, additions to its staff, absorb the work of the Personnel and Procedures Bureau, and the Accounting and Material Bureau of the Directorate of Land Conservation, the administrative staff of the Directorate of Cadastre and Topography, the Accounting, Personnel and Correspondence Bureau of the Directorate of National Agricultural Credit and Producers' Cooperatives and the Administrative Bureau of the Directorate of People's Agricultural Credit.

What is risked under the proposed procedure? Only that the Chief of Service will show poor judgment in expending funds allotted to him. Actually, being closest to the operation, he is in a far better position to make more accurate judgments as to his needs than anyone else. The fact that he has reached the position of Chief of Service would indicate that he probably showed good judgment and ability in his technical operation. If the individual has shown skill and judgment necessary to satisfactorily perform the operating part of his work, there is reason to believe that he will quickly be shown, and appropriate disciplinary action can then be taken.

The risks, then, are so small relative to the gain that can be achieved by delegating more administrative authority down the line, that we urge that they be taken.

4-A. Study of Real Property Transfer Procedures.

We recommend that a task force composed of representatives of the Faculty of Law of the National University of Vietnam, the National Institute of Public Administration, the Bar Association and the Departments of Justice and Finance be established to study present real property transfer procedures and determine whether the functions of the Notarial Bureau of the Department of Justice with respect to land title search, and the functions of the Bureau of Land Registration of the Department of Finance with respect to collection of transfer taxes should be transferred or delegated to the proposed Land Records Directorate.

Real property law is complicated in every land; in Vietnam the situation is abnormally complicated because the French established their own system which until comparatively recently, operated in parallel with the existing Vietnamese system.

Several agencies play a part in land transactions in addition to the buyer and the seller: the lawyer who may draw up the contract of sale; the Notarial Bureau of the Department of Justice which searches title records (1) and the Land Conservation Office which notes the transaction on its books and whose Chief issues a title guarantee (2).

We believe that these title transfer actions could be considerably simplified by the transfer of the functions detailed above to the proposed Land Records Directorate, the use of a standard real property sales contract document (See Recommendation No. 4-D) and the establishment of a National Title Insurance Fund (See Recommendation No. 4-B). However, because of the legal problems involved, we would prefer to have the matter reviewed by a committee as suggested above.

(1). It should be noted that the Notarial Bureau operates only in Saigon-Cholon; elsewhere, land transfers are consummated without benefit of its services.

(2). Land transfer books in areas where there is no Land Conservation Office are maintained by the Chief of Province. However, he is not authorized to issue title guarantees; if a purchaser in such an area wants a title guarantee he must submit his case to the Bureau of Voluntary Land Registration of the Central Office of the Land Conservation Directorate.

4-B. Land Title Guarantees.

We recommend that the present practice under which the Chief of the Land Conservation receives a fee in consideration of his personally guaranteeing the validity of title of a piece of land to the purchaser be discontinued; that all employees of the proposed Directorate of Land Records be paid on a flat salary basis; that fees for these services be standarized on a national basis, that they be sufficiently large to cover the cost of services rendered and that a National Title Insurance Fund be established in the Department of Finance to take over the function of guaranteeing land titles.

Land title guarantees are now made personally by the Chief of the Land Conservation office involved for which he receives a fee of about 3/4 of 1% of the value of the land transferred. Sometimes this fee is shared with the employees of the Notarial Bureau and of the Cadastral and Topographic Service who had some part in determining the validity of the title. This guarantee is for a ten year period and permits the buyer to recover from the Chief of the Land Conservation office if he suffers damages as a result of the subsequent discovery of a flaw in the title. We have received varying accounts of the disposition of this fee, and cannot say definitely whether the Chief of the Land Conservation Office receives it immediately or whether it is held in the National Treasury for the 10 year period and then paid to the officer, but it appears most likely that the former is the case.

The personal guarantee is a pretty slender reed for the land buyer to depend upon. It would be normal for these fees to be considered regular income and to be used for living expenses, in which case the land buyer who sued would find few assets on which to collect. In practice, however, there have been very few cases of this sort. The head of the Land Conservation Directorate remembers only one case occurring during the last 32 years, in which the sum of 200,000 piasters was involved.

If the government is to have a hand in Land Title Insurance, it is desirable that the insurance premiums be paid directly to an official government organization and that this body also pay for damages resulting from faulty titles. For this purpose it is proposed that a National Title Insurance Fund be established in the Department of Finance, or as a government corporation, that premiums be established on an actuarial basis, and that profits of the Fund be used to reduce premiums or be transferred to the general funds of the Treasury.

It was argued that if the responsibility for the title guarantee was transferred away from the individual he would not have any incentive to do the work correctly. We do not agree with this contention. Experience in those countries which use the Torrens system of

land title insurance (see Exhibit 5 for an explanation of this system) or where land title guarantee is a function of privately owned corporations, as in certain parts of the United States, has shown that the technical employees do as good a job on behalf of their governmental or private employer as they would do for themselves.

Fees for this service are now established on a provincial or regional basis. After the area offices are established so that citizens in all localities will be getting the same service, fees should be established on a national basis. The service fee (as distinguished from the transfer tax) should be sufficient to cover the cost of this service.

4-C. Need for Land Conservation and Cadastre Technicians.

The ultimate success of the Agrarian Reform program will depend upon the speed with which land is transferred to the now landless. A basic requirement for this process is a determination of what land is available, and the partition of this land into salable sized units. A necessary preliminary to these tasks is the survey and registration of the land. This will be a task of considerable magnitude and one for which many technicians will be required. (1)

Of the almost 5,000,000 hectares of land in Central Vietnam, no detailed records are now available. Up to 1945 when all large scale land survey and registration operations ceased, this work had been completed on 725,000 hectares, but all of those records were destroyed or stolen by enemy forces, and the work will have to be redone. None of the 5 1/2 million hectares of land in the PMS have been surveyed or registered. However 3 1/2 of the 6 1/2 million hectares of land in South Vietnam have been surveyed. Thus of the 17 million hectares of land in Vietnam, over 13 1/2 million have yet to be surveyed and registered. Exhibits Nos. 7 and 8 show the volume of work to be completed in each province. (2).

There are at present not enough qualified technicians in Vietnam to do this job. Some sporadic attempts at training have been or are being made.

For instance, at Hué recently 50 men were given two weeks basic training in land surveying and have been sent out to sketch plot lines in rough. However, so far as we could determine, no action is being taken towards a large scale recruitment and training program. A high

(1) It should be noted that a similar task of roughly equal magnitude, in Taiwan, was completed within a 2 year period.

(2). All statistical data included in this section was furnished by the Department.

priority should be given to this task and the aid of the Civil Service Directorate enlisted in developing the program. The salary scales for the types of technicians involved should also be reviewed by the Civil Service Directorate, since apparently the current scale has proven a deterrent to the recruitment of competent technicians.

The needs of the program have been brought to the attention of the National Institute of Public Administration which will consider the possibility of instituting in-service training classes for Land Conservation technicians.

4-D. Standard Contract Form for Land Sales.

We recommend that a standard contract form for use nationally in connection with land transfers be developed and its use made mandatory.

At present, purchase contracts submitted to Land Conservation offices for recording must show the information required in many different ways. The clerk must read through the contract and analyze it to get information he needs to record.

If the lawyer or person preparing the contract were required to abstract this information e.g. names of buyer and seller, location, description, etc. and insert it in a standard format so that it could be posted to the land books without requiring reading and analysis of the entire contract document, the time required for each posting would be considerably shortened. The Committee discussed in Recommendation 4-A would seem well qualified to develop such a standard contract form.

4-E. Land Records in Colonial Archives, Paris.

Prior to 1945 all Land Conservation offices made copies of the records which they created and sent them to the regional archives for safe-keeping. Those copies were taken by the French when they left and now repose in the Colonial Archives in Paris.

Aside from the cultural value of these records and their value for research and study by Vietnamese archivists, historians and economists, these records are urgently required to replace those destroyed during hostilities. Without them it will require the use of many man-years of scarce technical skill to accumulate the data already available in those records. The program of the Department will be correspondingly delayed.

We were informed that the Government has already requested that return of those documents from the French Government, but that this request has been refused. Microfilm of the records of the Province of Bon-Tre were made by the Colonial Archives and sent to Vietnam

but were found to be unusable. We did not have an opportunity to look at the film or the equipment used to view them.

We recommend that

- A. The Colonial Archives be requested to furnish to the Vietnamese government paper copies, not smaller than 8 1/2" by 11" of the original documents, (see Recommendation 4-F) and
- B. That the Vietnamese Government enlist the aid of an international organization, such as UNESCO in further attempts to recover the original documents.

Meanwhile, all Land Conservation Offices should resume the procedures of making copies of their records for security purposes and deposit them in accordance with the regulations of the appropriate archival authorities.

4-F. Paper Copies of Land Records.

We recommend that paper copies at least 8 1/2 x 11 inches, in size, of land records held in the Colonial Archives, Paris, be obtained and used in connection with the restoration of land records.

It was noted above that copies of some land records, the originals of which have been destroyed by the events of recent years, are held in the Colonial Archives in Paris. Pending a determination as to their return, which may be delayed indefinitely, paper copies of those records should be obtained. These copies could save the proposed Directorate of Land Records many man-years of restoration work.

Although we were unable to locate them, we were told that the Colonial Archives had made microfilms of the records of the province of Ben-Tre. The Director of Land Conservation told us, however, that they were unable to work from the microfilm because the viewer they had was not adequate. If paper prints, at least 8 1/2" x 11" were made, this difficulty would be overcome. The savings in manpower, and its effect on speeding up the entire program would be so great that we believe that it would be profitable for the government to pay the cost of making these prints.

4-G. Drafting and Reproducing Equipment

We recommend that adequate stock of drafting and reproducing equipment and supplies be made available to the proposed Land Records Directorate. Exhibit No. 6 contains a list of the types of equipment needed.

We understand that the Directorate of Cadastre and Topography has not received a single piece of drafting equipment during the last 20 years. Our visits to the provincial offices seemed to confirm this.

In several of the offices, the sole piece of equipment was a ruling pen.

It is essential to the success of the agrarian reform program, as well as for the purpose of establishing a firm land tax base, that all agricultural land be delineated and placed on the land record books. To do this will require a considerable speed-up of activity by the present work force and the training of many new technicians (see Recommendation No. 4-C). For these purposes, additional drafting equipment and supplies are essential.

Present duplicating equipment of the Directorate of Cadastre and Topography consist of two old-type blue print machines with a speed of about 4 feet per minute. Blue print machines require that tracings be made of the drawings to be duplicated, using scarce technical personnel. Modern day equipment, such as Ozalid or Bruning white-line machines prepare positive copies directly from original drawings on translucent paper and operate at speeds of up to 40 feet per minute. A single machine of this type therefore has a capacity greater than the combined output of the two present machines and will release technicians for other tasks.

None of the provincial offices now have duplicating equipment. When duplicates are required, the originals must be sent to Saigon or drawn by hand. We recommend that when the volume of work in the new area office justifies, and dependable electric current is available, the area office be equipped with duplicating equipment of appropriate size.

Catalogues of these types of equipment are available in the MSU office for consultation.

4-H. Training of Technicians.

In order to restore the land records destroyed during hostilities and to continue the program of changing existing land records from the "old" to the "new" system, a large force of technicians will have to be recruited and trained. We believe that this training could be expedited and made more thorough if the men who are selected to do the training were thoroughly acquainted with the techniques and equipment used in this work in more industrially advanced countries.

We recommend, therefore, that at least two technicians of the proposed Land Records Directorate be sent abroad for a short period of training and observation of techniques and equipment used in this work. Upon their return, these men would train the employees who will go into the field to recruit and train the technicians who will be required by the Land Records Program.

4-I. Storage of Microfilm

The Cadastral and Topographic Directorate now has microfilms of a large number of the drawings held in the Saigon office. The microfilms,

however, are also stored in the same office, so that if a fire broke out there both the original drawing and the microfilm would be destroyed. We recommend that the microfilms be stored in one of the provincial offices to minimize the risk of both sets of drawings being simultaneously destroyed.

As far as we were able to determine, offices of neither the Land Conservation Directorate nor the Cadastral and Topographic Directorate are equipped with fire extinguishers. We recommend that large capacity fire extinguishers, carbon dioxide type to eliminate possible water damage, be installed as a means of controlling and extinguishing small fires which might otherwise get out of control.

4-J. Cadastre Instruction Manual.

We recommend that the present instruction Manual covering the Cadastre function be brought up to date and reissued in loose-leaf form.

The present cadastre instruction manual was issued in bound volumes in 1938 and 1944. New instructions and revisions of instructions are pasted in the book, written in the margin or just held loose. This practice makes it difficult to determine just what the current instructions on a given operation are, and tends to discourage changes. A loose-leaf manual can be kept up to date more easily and makes reference faster.

4-K. Fees for Cadastre Service.

We recommend that the cost of cadastre operations be studied to determine whether the present schedule provides for fees adequate to cover the cost of work performed.

The present schedule of fees was established in 1953. Since that time salaries and other costs have risen, but no change has been made in the fee schedule to reflect these increased costs.

5-A. Study of Loan Procedure.

Of 55,000,000\$ available for loans by the Directorate of Popular Agricultural Credit, it was reported to us that loans of 47,751,806\$ had been made. This was exclusive of loans made in the province of Vinh-Thuan and Binh-Dinh which had available 2,200,000\$ to loan but had not reported on the amount of loans made. (See Exhibit No. 11 for breakdown of loans by province). As of April 30, 1956, no start had been made on the distribution of an additional 32,700,000\$ made available to the Directorate for loans.

It is doubtful whether the loans made were effective to the extent that might have been expected. In our interviews with farmers, both tenants and landlords, we were told in almost 100% of the cases that the loans, if made, came too late to be of value. What the money was subsequently used for, and what effect, if any, this will have on the ability of the borrower to repay, has yet to be determined.

Authority to make loans had been delegated down to the provincial level. Despite this, approval of a loan, and payment of the money to the borrower, require a period of 2 months. We must assume that either further delegation is required or that the standards of procedure for approval and of distribution of loans is inadequate. We recommend a detailed study of the operation. Emphasis should be given to the development of specific standards for the approval of loans such that approval would be almost a mechanical process. We believe that because of the large number of loans made, and the small average size of each loan, the risk involved in processing loans on this basis would be small and worth taking.

APPENDIX A

ARRETES AND ORDINANCES AFFECTING THE ORGANIZATION AND FUNCTIONS OF THE DEPARTMENT OF AGRARIAN REFORM AND LAND REGISTRATION AND ITS CONSTITUENT

AGENCIES.

Departmental

1. Arrete No. 24/DTCC/ND of 16-11-55, creating the Department of Agrarian Reform and Land Registration.
2. Ordinance No. 28 of 30-4-56, defining the conditions under which uncultivated land will be taken by the government.
3. Circular No. 20/DTCC/TT of 16-5-56, giving a per diem of 30\$ per day to Agrarian Reform agents.
4. Ordinance No. 42 of 10-6-55, permitting sale of property seized from rebels.
5. Ordinanco No. 28 of 30-4-56, providing for exploitation of uncultivated land.

DIRECTIVES AFFECTING THE DIRECTION OF LAND CONSERVATION.

1. Arrete (unnumbered) of 21-7-25, setting up the "Land Book" based on "Torrens Act."
2. Arrete (unnumbered) of 12-2-27, creating the Land Conservation Service in charge of the application of the "Land Book" legislation.
3. Arrete (unnumbered) of 13-4-42, transferring the Land Conservation and Registration Service to the Department of Finance.
4. Arrete No. 28/DTCC/ND of 16-11-55, transferring the Direction of Land Conservation into the Agrarian Reform Department.
5. Arrete No. 35/DTCC/ND of 25-11-55, amending the above arrete.
6. Ordinance No. 43 of 29-11-54, establishing the Notarial Bureau of the Department of Justice.

ARRETES ON THE DIRECTION OF CADASTRE AND TOPOGRAPHY

- A. Ordinance of 12-7-1897 organizing the Cadastre Service in South Vietnam.
- B. Ordinance of 15-5-1915 establishing the organization and functions of Cadastre Service.
- C. Ordinance No. 596-CAB/56 of 23-11-1951 integrating the Cadastre Service in provinces into the Ministry of Plan and Reconstruction, from the technical point of view.
- D. Ordinance No. 155/2130 of 4-6-1951 transferring the Cadastre Service to the Vietnamese Government.
- E. Ordinance No. 34-CAB/SG of 29-4-1952 organizing the General Inspection of Cadastre.
- F. Ordinance No. 528-CAB/SG of 15-7-52 integrating the General Inspection of Cadastre into the Ministry of Finance and Economics.
- G. Arrete No. 314-CAB/SG of 29-4-1952 bringing the organization of the General Inspection of Cadastre and Topography under the authorities of the Ministry of Plan and Reconstruction.
- H. Arrete No. 3103-CAB/DAA of 5-10-1954 defining the authority and organization of the Directorate of Cadastre and Topography.
- I. Arrete No. 118-QP of 20-4-1955 establishing the National Geographic Service.

DEPARTMENT OF LAND REGISTRATION
AND AGRARIAN REFORM

Executive Roster

Secretary of State for Land Registration
and Agrarian Reform Nguyen-van-THOI

Director of Cabinet Trinh-van-HY

General Secretary Ho-van-HAP

Chief of Personnel, Accounting and
Material Service Vo-van-QUY

Chief of Legislative, Procedural, Documentation
and Technical Coordination Service Buu-DAI

Agrarian Reform Delegation to Center Vietnam Tran-ngoc-LIEN

Director of Land Conservation Le-quang-MUOI

Director of Cadastre and Topography Tran-van-NGOC

Director of National Agricultural Credit
and Producers Cooperative Ngo-quang-HUY

Manager, Directorate of People's Agricultural
Credit* Nguyen-van-DIEU

Controller, Directorate of Control of
Peoples Agricultural Credit* Nguyen-van-KY

* autonomous, but affiliated organizations

APPENDIX B

Lists of Exhibits

Exhibit No. 1 Organization Chart of Department of Land Registration and Agrarian Reform.

Exhibit No. 2 Progress of Phase I of the Agrarian Reform Program.

Exhibit No. 3 Organization Chart of Proposed Directorate of Agricultural Credit, Department of Agriculture.

Exhibit No. 4 Organization Chart of Proposed Directorate of Land Records, Department of Finance.

Exhibit No. 5 Brief Description of Torrens System of Land Registration.

Exhibit No. 6 Types of Equipment and Supplies Required by Proposed Directorate of Land Records.

Exhibit No. 7 Land Area Registered Under the Torrens System as of May 30, 1956 (Unchanged since March, 1945).

Exhibit No. 8 Progress of Land Survey Program to May 30, 1956 (Unchanged since March, 1945).

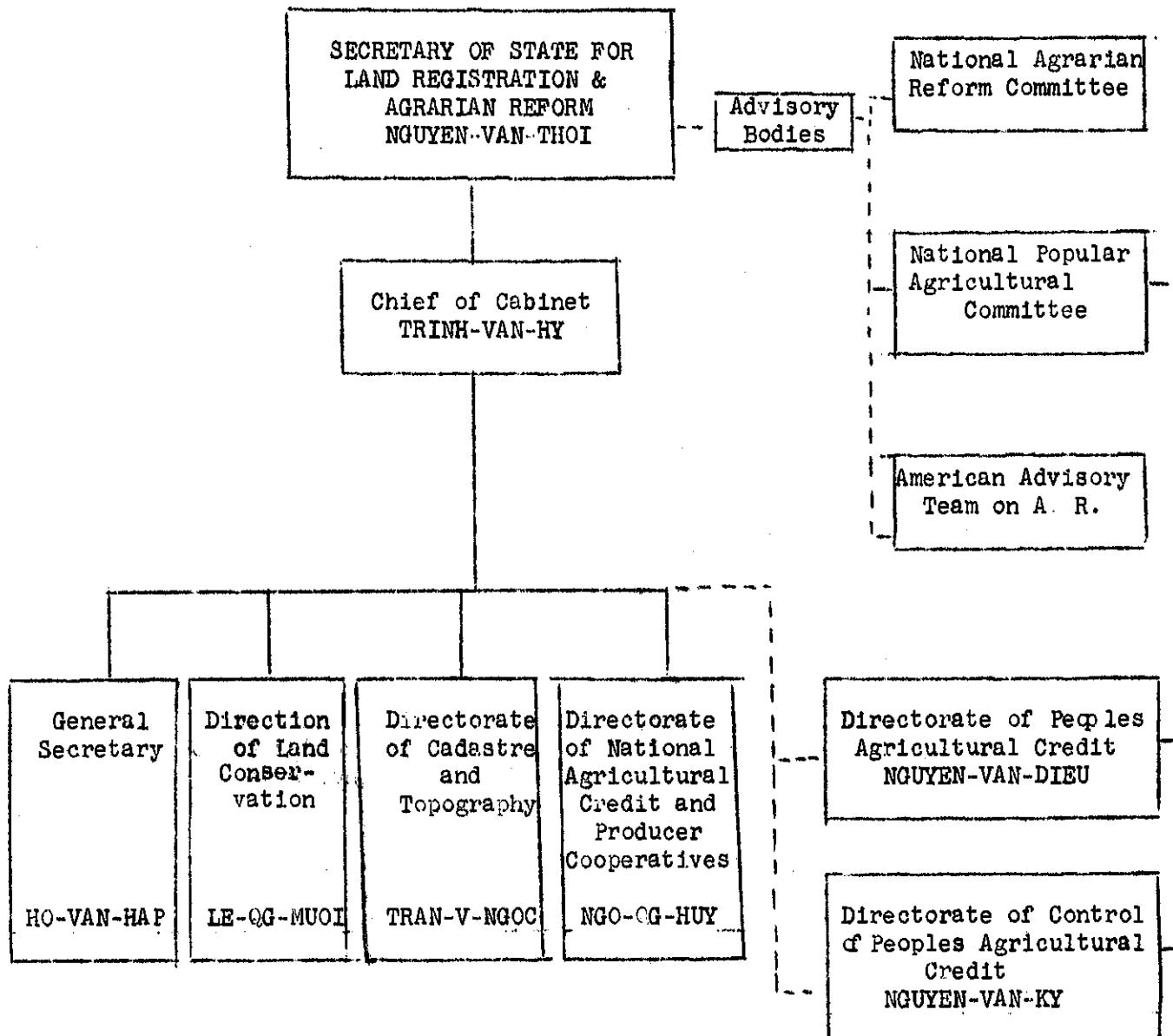
Exhibit No. 9 Organization Chart of Proposed Directorate of Agrarian Reform, Department of Agriculture.

Exhibit No. 10 Abandoned Land Placed in Use.

Exhibit No. 11 Loans Under Popular Agricultural Credit Program Phase I, as of April 30, 1956.

Exhibit No. 1

ORGANIZATION CHART
DEPARTMENT OF LAND REGISTRATION AND AGRARIAN REFORM



PROGRESS OF PHASE I
THE AGRARIAN REFORM PROGRAM

Province	No. of contracts, all categories, as of December, 1955	No. of contracts, all categories, as of March, 1955	Estimated total No. of contracts to be signed, all categories	Estimated date of completion of Phase I
Quang-Tri	393	405		
Thua-Thien	454	554		
Quang-Nam	12,581	13,556		
Quang-Ngai	1,730	1,730		
Binh-Dinh				
Phu-Yen	24,490	27,817	No estimate made	
Khanh-Hoa	2,072	1,111*		
Ninh-Thuân	300	380		
Binh-Thuân	2,300	2,820		
Sub-total Central Vietnam	44,320	48,373		
Kontum				
Pleiku				
Darlac				
Dông-Nai-Thuong				
Sub-total P.M.S.				

*We were unable to get an explanation of this discrepancy.

Source: Departmental Records. Data not evaluated.

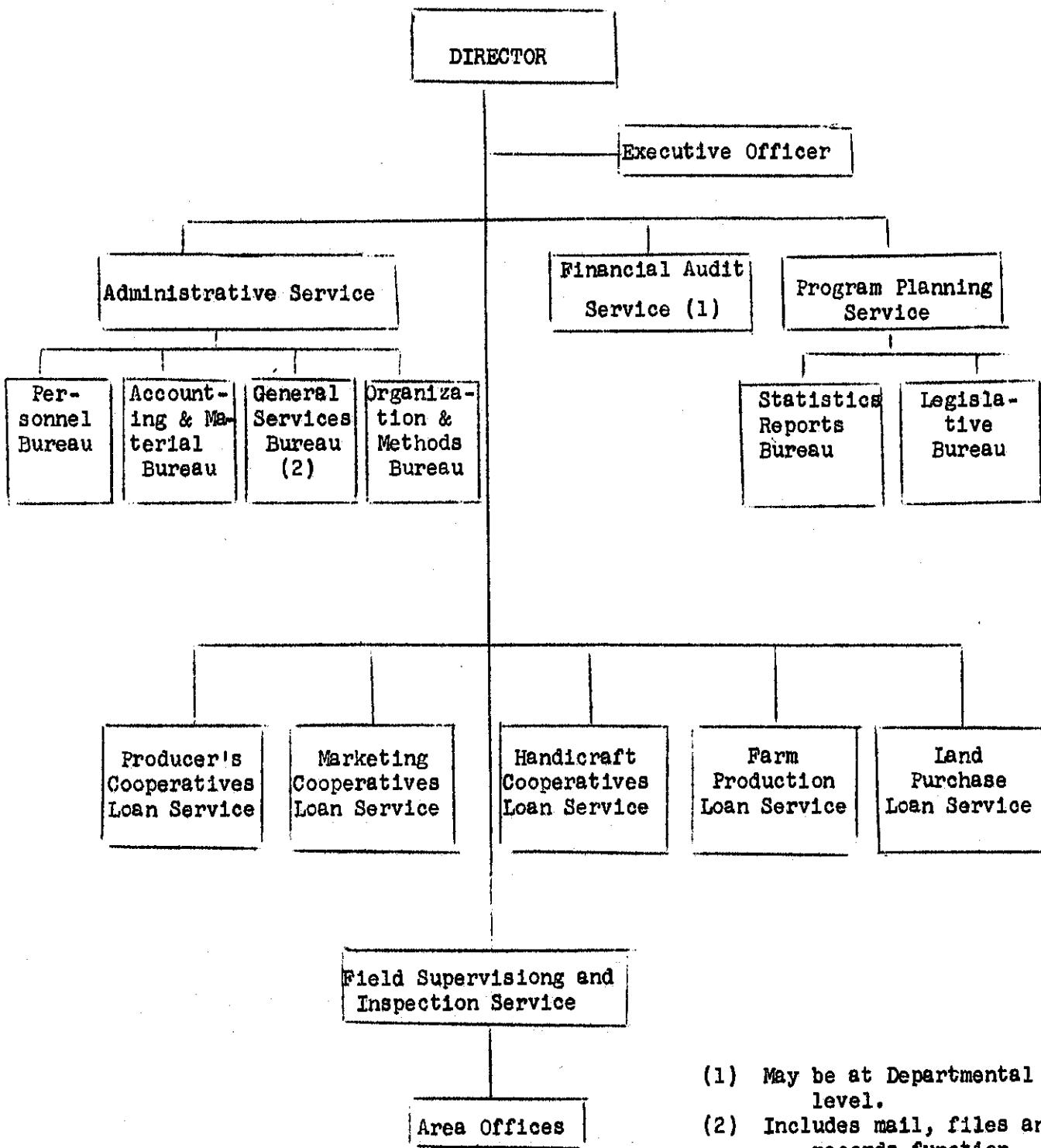
Province	No. of contracts, all categories as of December 1955	No. of contracts, all categories as of April 1956	Estimated No. contracts to be signed all categories	Estimate date of completion of Phase I
Biên-Hoà	1,168	2,307		
Bà-Rịa	390	502		
Vung-Tàu				
Thu-Dầu-Một	1,162	1,174		
Gia-Dinh	2,933	3,818		
Cholon*	7,626	11,875		
Tây-Ninh	1,340	1,836		
Tân-An	3,822	8,990		
Go-Công	7,619	7,914		
My-Tho*	26,034	36,939		
Sa-Déc	8,498	13,541		
Long Xuyên	27,685	30,454		
Châu-Dộc*	17,824	26,143		
Vinh-Long	28,554	33,730		
Bến-Tre*	8,349	9,467		
Trà-Vinh	6,829	10,192		
Can-Tho*	15,680	23,781		
Soc-Trang*	36,106	35,514		
Rach-Gia*	10,957	16,317		
Hà-Tiên				
Bac-Liêu*	16,863	17,377		
Phong-Thanh				
Mộc-Hoa				
Tam-Cân				
Cà-Mau				
Sub-Total South Vietnam	229,439	283,667		
TOTAL VIETNAM	273,759	332,040		

*Land Conservation Bureau

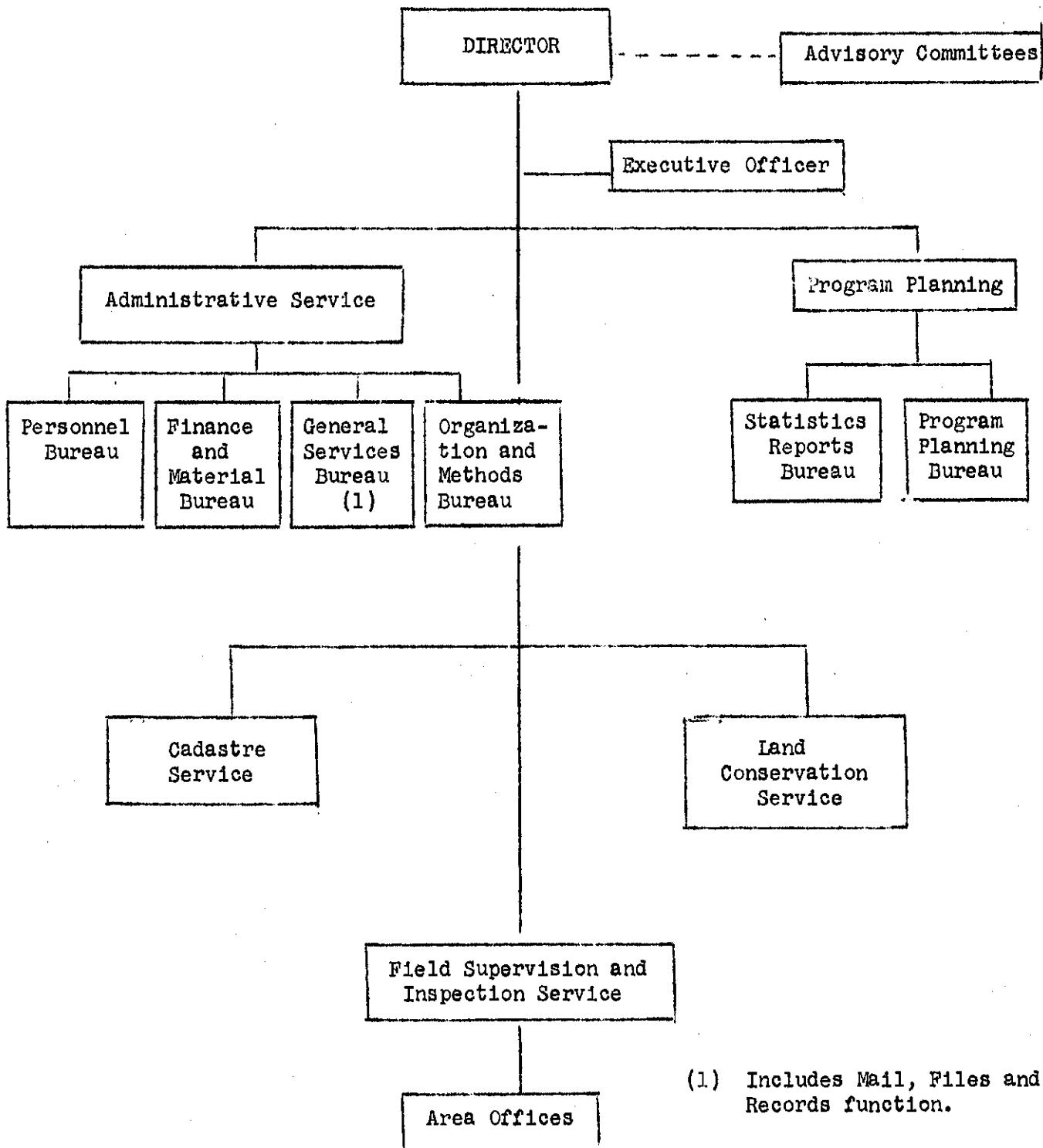
Departmental Records. Data not evaluated.

ORGANIZATION CHART

PROPOSED DIRECTORATE OF AGRICULTURAL CREDIT, DEPARTMENT OF AGRICULTURE
(Bank for Agriculture and Cooperatives)



ORGANIZATION CHART
PROPOSED DIRECTORATE OF LAND RECORDS IN THE DEPARTMENT OF FINANCE



THE TORRENS SYSTEM OF LAND REGISTRATION

The Torrens System of title registration devised by Sir Robert Torrens was first successfully used in Australia. The object is to make the transfer of landed property promptly and to do away with the necessity of repeated title examination. The system is operated through a bureau of registration, in charge of a registrar, and becomes effective on the first transfer of any property after the establishment of the system, all land transactions being registered in this office. A title may be registered as absolute or as possessory. Before registry the title is fully investigated by the registrar who receives from the owner all the documentary evidences of title, descriptions of boundaries, etc. When the registrar is satisfied that the title is perfect, he files away all these old papers and issues to the holder a certificate of ownership, a duplicate of which is filed in the registrar's office. Such certificates bear on their faces notice of all encumbrances on the property. If the estate is vested in fee simple, the title is known as "absolute" and the certificate is stated to be an absolute certificate. Should it appear that an absolute title to any land can be held only for a limited period or subject to reversions, then the registrar will except from the effect of registration any estate, right or interest, arising before the specified date or under the conditions named, all of which will be entered in the register and noted on the certificate, which is stated to be a qualified certificate. In the case of a possessory title, the applicant is registered as becoming owner on giving such evidence of title as may be prescribed, and the registration of any person as first owner with a possessory title only will not interfere with the enforcement of any estate, right or interest adverse to the title that may then exist or which may arise a later date. And this fact is noted on the "possessory" certificate issued to the owner. This examination and registration of title does not have to be repeated after a certificate with accompanying entry of that fact in the registrar's office completes the transaction. By this method, the transfer of a land title certificate becomes simple and inexpensive, as the transfer of a certificate of the title is absolutely free from the usual danger of land title transfers, such as flaws in the title, the neglect of obscure future conditions etc. Should any person suffer loss through misdescription, omission or any other error in the certificate issued by the registrar, he is indemnified from an insurance fund created for that purpose. This fund is provided by the imposition of a tax of one-fourth of 1 per cent on the value of the land at the time of the first certificate of title being granted, in addition to the registration fees. The registrar is the judge in all cases as to the liability of the fund of such compensation. The fees for registration under the Torrens system are very small, both for the first registration, and for the issuance of every subsequent certificate. The system has been vigorously opposed by title guaranty companies and by members of the legal profession who see in it an end to a fruitful source of fees since under it there is furnished State title insurance instead of private title insurance with nominal cost for conveyances.

TYPES OF EQUIPMENT AND SUPPLIES REQUIRED
BY PROPOSED DIRECTORATE OF LAND RECORD

A. Geodosec equipment -

- theodolites
- tacheometers
- alidad Kern
- strips bands of 20 meters
- strips bands of 50 meters

B. Reproduction equipment -

- ozalid or similar machines
- ozalid paper
- ozalid paper storage cabinets
- photocopy machines

C. Drawing equipment -

- pairs of compasses "Kern Aaran"
- proportion scales "Kern Aaran"
- reduction compasses
- line-drawing
- plexiglass flat-rules
- plexiglass square-rules of 60° and 45°
- protactors
- pantographs of high-precision
- rolls of first quality CANSON paper
- rolls of tracing paper

D. Calculating equipment -

- calculating machines
- adding machines
- planimeters (popaires compensateurs a loupe conductrice)

E. Recording equipment -

- 1 microfilm camera 24 x 36 mm
- 1 microfilm reader
- 4 basins for development in daylight
- 20 rolls of film of 50 meters

F. Miscellaneous -

- typewriters

Huê, May 7, 1956

The Director of the Cadastre
and Topography of Central Viet-Nam
NGO-TRONG-LU

Exhibit No. 7

LAND AREA REGISTERED UNDER TORRENS SYSTEM
as of May 31, 1956*

Province	Total Area	Registered	To be registered
Quang-Tri	390,400		390,400
Thuá-Thiên	461,400		461,400
Quang-Nam	1,207,700		1,207,700
Quang-Ngai	417,900		417,900
Binh-Dinh	591,000		592,000
Phu-Yên	436,500		436,500
Khánh-Hoà	415,400		415,400
Ninh-Thuân	332,800		332,800
Binh-Thuân	643,200		643,200
Only Tourane			
 Sub-total Central Vietnam	 4,897,300		 4,397,300
 Kontum	 1,714,600		 1,714,600
Pleiku	951,000		951,000
Darlac	1,888,600		1,888,600
Dông-Nai-Thoung	1,092,500		1,092,500
 Sub-total P.M.S.	 5,646,700		 5,646,700
 Saigon	 1,775ha	 1,775ha	 0ha
Châu thành Cholon	3,360	3,360	0
Côn-Nôn	6,364	none	6,364
Biên-Hoà	1,104,465ha	none	1,104,465ha
Bà-Ria	221,762	none	221,762
Vung-Tâú	61,497	none	61,497
Thu-Dâú-Môt	472,283	none	472,283
Gia-Dinh	122,787	10,906ha	111,881
Cholon	123,400	38,901	84,499
Tây-Ninh	472,293	none	472,293
Tân-An	368,748	29,463	339,285
Go-Công	58,092	58,092	0
My-Tho	218,028	65,204	152,824
Sa-Dé	171,083	none	171,083
Long-Xuyêñ	255,666	none	255,666
Châu-Dêc	266,570	166,355	100,215
Vinh-Long	103,354	none	103,354

*unchanged since March, 1945.

Source: Departmental Records. Data not evaluated.

Province	Total Area	Registered	To be registered
Bến-Tre	154,156	53,782	100,374
Trà-Vinh	198,733	none	198,733
Cân-Tho	227,850	83,855	143,995
Soc-Trang	233,365	27,919	105,466
Rach-Gia	661,104	448,127	212,977
Hà-Thiên	170,525	none	170,525
Bac-Liêu	716,217	140,623	575,594
Phong-Thanh			
Mộc-Hoa			
Tam-Cân			
Cà-Mau			
Sub-total			
South Vietnam	6,528,477	1,128,362	5,400,115
TOTAL VIETNAM	17,072,477	1,128,362	15,944,115

Source: Departmental Records. Data not evaluated.

PROGRESS OF LAND SURVEY PROGRAM AS OF MAY 31, 1956*

Province	Total Land surveyed	Land yet to be surveyed	Total land	% of completion	no. of cadastral employees
Quang-Tri			390,400	none	
Thua-Thiên	133,000**		461,400	none	
Quang-Nam	186,500**		1,207,700	none	
Quang-Ngai	156,000**		417,900	none	
Binh-Dinh	210,000**		592,000	none	
Phu-Yên	39,500**		436,500	none	
Khanh-Hoà			415,400	none	
Ninh-Thuân			332,800	none	
Bình-Thuân			643,200	none	
Sub-Total Central Vietnam	(725,000**)		4,987,300	none	
Kontum			1,714,600	none	
Pleiku			951,000	none	
Darlac			1,888,600	none	
Dông-Nai-Thoung			1,092,500		
Dalat			unknown	none	
Sub-total P.M.S.			5,646,700	none	
Saigon	1,775		1,775	100%	
Côn-Nôn		6,364	6,364	0%	
Biên-Hoà	27,350	1,077,115	1,104,465	***	
Bà-Ria	23,285	198,477	221,762	10%	
Vung-Tàu	12,965	48,532	61,497	21%	
Thu-Dầu-Một	15,943	456,340	472,283	3%	
Gia-Dinh	106,267	16,520	122,787	86%	
Cholon +					
Châu-Thàn	126,760		126,760	100%	
Tây-Ninh	9,943	562,350	472,293	***	
Tân-An	146,141	222,607	368,748	39%	
Go-Công	58,092		58,092	100%	
My-Tho	191,807	26,221	218,028	87%	
Sa-Déc	142,964	28,119	171,083	83%	
Long-Xuyên	253,490	2,176	255,666	99%	
Châu-Dộc	266,570		266,570	100%	
Vinh-Long	51,602	51,751	103,354	49%	
BếnTre	154,156		154,156	100%	

*unchanged since March, 1945.

**lands surveyed before 9 March 1945. Plans are all destroyed. To be considered as not yet surveyed.

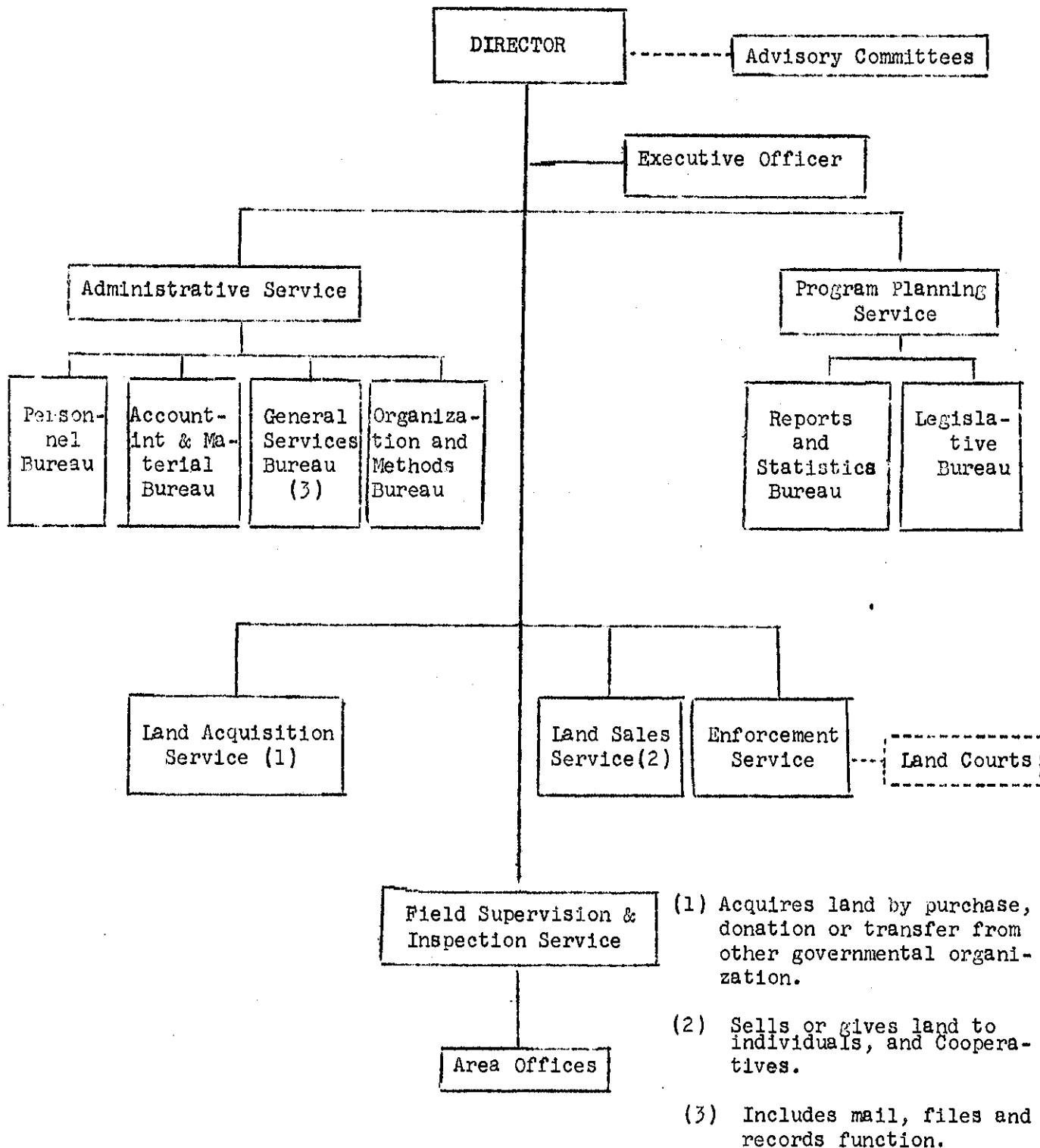
*** less than 1%

Source: Departmental Records. Data not evaluated.

Province	Total land surveyed	Land yet to be surveyed	Total land	% of completion	no. of cadastral employees
Trà-Vinh	177,614	21,119	198,733	8%	
Cần-Tho	227,850		227,850	100%	
Sóc-Trang	233,365		233,365	100%	
Rach-Gia	621,164	39,940	661,104	93%	
Hà-Tiên	45,907	124,618	170,525	26%	
Bac-Liêu	501,115	215,102	716,217	69%	
Phong-Thạnh					
Mộc-Hoa					
Tam-Cân					
Cà-Mau					
Sub-total					
South Vietnam	3,531,125	2,997,352	6,528,477	54%	
TOTAL VIETNAM	3,531,125	13,541,352	17,072,477	21%	

Source: Departmental Records, Data not evaluated.

ORGANIZATION CHART
PROPOSED DIRECTORATE OF AGRARIAN REFORM, DEPARTMENT OF AGRICULTURE



ABANDONED LAND PLACED IN USE

Province	Abandoned land (ha)	Rented (ha)	Percent abandoned Land Placed in Use
Quang-Tri	2,927ha	62ha	2%
Thuà-Thiên	6,201	1,982	32%
Quang-Nam	5,131	3,856	75%
Quang-Ngai	3,044		
Binh-Dinh	25,329		
Phu-Yên	9,553	3,702	39%
Khanh-Hoà	13,863	7,140	52%
Ninh-Thuân	5,446		
Binh-Thuân	6,005		
Sub-total Central Vietnam	77,499	16,742	21%
Kontum			
Pleiku			
Darlac			
Dông-Nai-Thoung			
Sub-total P.M.S.			

Source: Departmental Records. Data not evaluated.

Province	Abandoned land	Rented	Percentage
Biên-Hoà	11,709.24	2,050	17%
Bà-Rịa	1,427.47	454	3%
Vung-Tàu			
Thu-Dầu-Một	1,853.07	1,074	57%
Gia-Dinh	29,416.19	1,924	65%
Cholon	11,506.29	3,222	28%
Tây-Ninh	3,500.00	1,856	53%
Tân-An	95,630.18	542	5%
Go-Công	2,941.52	76	3%
My-Tho	31,288.88	9,818	31%
Sa-Dé	4,417.00	3,298	74%
Long-Xuyên	32,921.70	9,224	28%
Châu-Doc	15,540.00	7,664	49%
Vinh-Long	5,797.00	5,361	92%
Bến-Tre	11,880.57	1,528	13%
Trà-Vinh			
Cần-Tho	11,458.05	7,334	64%
Sóc-Trang	43,626.00	30,820	70%
Rach-Gia	55,493.00	26,546	47%
Là-Tiên	3,451.63		
Bac-Lieu	23,679.94	16,291	68%
Phong-Thanh			
Mộc-Hoa			
Tam-Cân			
Cà-Mau			
Sub-total South Vietnam	397,537.73	129,802	33%
TOTAL VIETNAM	475,036.73	145,824	30%

Source: Departmental Records. Data not evaluated.

LOANS UNDER POPULAR AGRICULTURAL CREDIT PROGRAM
Phase I, as of April 30, 1956.

Province	Amount Allocated	Loans		Available for Loans VN\$
		No.	Amount VN\$	
Quang-Tri	50,000		50,000	0
Thuà-Thiên	1,000,000		279,920	721,080
Quang-Nam	2,250,000		2,250,000	0
Quang-Ngai	1,500,000		514,050	985,950
Binh-Dinh	2,000,000		*	*
Phy-Yen	2,000,000		1,633,130	366,870
Thanh-Hoa	500,000		500,000	0
Ninh-Thuân	200,000		*	*
Binh-Thuân	500,000		500,000	0
Sub-total Central Vietnam	10,000,000		5,927,100	2,073,900
Kontum				
Eleiku				
Darlae				
Dông-Nai-Thuong				
Sub-total P.M.S.				

*no reports submitted.

Source: Departmental Records. Data not evaluated

Province	Amount Allocated 1944	Loans		Available for loans VN\$
		No	Amount VN\$	
Biên-Hoà	600,000	1,674	599,000	1,000
Bà-Rịa	445,000	342	581,700**	
Vung-Tàu				
Thu-Dầu-Một	1,400,000	937	1,400,000	0
Gia-Dinh	40,000	355	40,000	0
Cholon	2,000,000	2,047	1,989,550	10,450
Tây-Ninh	1,000,000	1,110	943,210	56,790
Tân-An	775,000	1,018	275,000	500,000
Co-Công	1,000,000	2,309	1,000,000	0
My-Tho	2,810,000	3,850	2,809,266	734
Sa-DéC	110,000	2,082	110,000	0
Long-Xuyên	1,340,000	2,856	1,340,000	0
Châu-Đốc	1,480,000	8,529	1,480,000	0
Vinh-Long	2,300,000	4,996	2,150,665	149,335
Rôn-Tre	2,000,000	2,692	2,000,000	0
Trà-Vinh	700,000	2,197	689,275	10,725
cà-n-Tho	4,000,000	6,101	3,911,665	8,335
Sóc-Trang	6,000,000	23,748	5,958,300	41,700
Rach-Gia	7,000,000	10,825	4,971,545	2,028,455
Hà-Tiên				
Eac-LiêU	10,000,000	9,862	9,575,010	424,990
Phong-Thạnh				
Mộc-Hoa				
Tam-Cân				
Cà-Mau				
Sub-total South Vietnam	45,000,000	87,530	41,824,786	3,232,514
TOTAL VIETNAM	55,000,000		47,751,886	5,306,414

**We were unable to get an explanation of this discrepancy.
Source: Departmental Records. Data not evaluated.