

REVIEW OF RECOMMENDATIONS OF
THE REORGANIZATION OF THE DEPARTMENT OF
LAND REGISTRATION AND AGRARIAN REFORM

June, 1957

MICHIGAN STATE UNIVERSITY
Vietnam Advisory Group

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The MSUG report on the "Organization of the Department of Land Registration and Agrarian Reform" was issued on June 30, 1956 at which time Mr. Nguyen van Thoi was Secretary of State for Land Registration and Agrarian Reform. Simultaneously, Mr. Thoi was also Secretary of State in Residence at the Caisan project and most of his time and effort was spent in the supervision of that project. Accordingly, very little action was taken toward implementing any of the recommendations made in the report for some time after its submission.

On November 9, 1956, Mr. Do van Cong was appointed Secretary of State for Land Registration and Agrarian Reform and met with us soon after to review our recommendations. Despite the unfortunate incident at Ban Me Thuot which has kept Mr. Cong away from his office since that time a great deal has been accomplished.

Recommendation 1. It is recommended that the Department of Land Registration and Agrarian Reform be dissolved...

No action on this recommendation is likely within the next several years. "Agrarian Reform" is a political symbol of the government's concern with bettering the way of life of the Vietnamese peasant. The existence of a Department of State named "Agrarian Reform" helps make this more obvious to the population than a directorate of the same name in the Department of Agriculture. It is also true that the agrarian reform program will undoubtedly get more concentrated attention here, at this time,

exactly when it is most needed, than it would elsewhere. After a major portion of the land is distributed, when emphasis will turn to helping the new land-owner make the most of it, the program should be transferred to the Department of Agriculture, as recommended.

Recommendation 1A: ... a Directorate of Agrarian Reform be established...

A Directorate of Agrarian Reform was established in the Department of Land Conservation and Agrarian Reform by Arrete No. 26-DTC of February 18, 1957. The organization pattern and functions were developed by the Department with the assistance of USOM and MSUG personnel. It agrees, generally, with the organization pattern proposed in the MSUG report of June 30, 1956 (see Exhibit 9 of that report).

Recommendation 1B: Preparation of topographic maps, and all topographic service, (be transferred) to the National Geographic Institute of the Department of National Defense.

This recommendation was discussed by representatives of the departments concerned. The Department of National Defense asserts that it was unable to formally accept responsibility for civilian topographic work in Vietnam because of limitations of equipment and personnel. Since the Directorate of Cadastre and Topography will not be able to acquire equipment or technical personnel solely for topographic work during the next few years, it is

believed that the possibility of duplication of work between the two agencies, which resulted in the recommendation, will not take place.

Recommendation 1C: Consolidation of the Directorate of National Agricultural 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.

All agricultural credit activities of the nation have been consolidated in the National Agricultural Credit Agency established by Arrete 67 DTC/DD of April 1, 1957 within the Department of Land Conservation and Agrarian Reform. The bulk of the Agency's available funds will be used for some time to help new land-owners; retention of this function within the Department during this period seems sensible.

Recommendation 1D: 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.

The Department does not agree that this consolidation would be desirable, pointing out that one organization is concerned largely with engineering matters, the other largely with legal matters. A possible factor in this decision is the fact that the Cadastral and Topographic Directorate was formerly a part of the Public Works Department, and the Land Conservation Directorate formerly a part of the Department of Finance. In the report (p. 13, English edition) it was noted that such a change would probably not result in savings in technical personnel, but that there might be a smaller number of administrative personnel required. It was also noted that the work of the two directorates is so closely related that both might benefit from operating under a single plan and under single direction and that in a number of the provinces, the offices of the two directorates already operate as a single unit. It is suggested now that the Department review these operations in the light of this recommendation next year.

Recommendation 2A: Field agents be relocated on the basis of needs of the program rather than on the basis of a fixed number for each province.

The situation with respect to Agrarian Reform agents is somewhat confused and will likely remain so for some time. Shortly after our report was issued, all Agrarian Reform agents were transferred to the Civic Action Commission. Many resigned because their salaries were cut or for other reasons. The future status of the Civic Action Program is, at the moment, undetermined.

The Directorate of Agrarian Reform hopes that regardless of the future organizational location of the agents it will be able to closely supervise their activities. In such case it will assign them geographically on the basis recommended.

Recommendation 2B: A cut-off date for Phase I of the Program be set.

Phase I (Land Tenure activities) will be continued as an integral part of the program, but emphasis and effort has now shifted to the succeeding phase. Exhibit 2 of the report showed a total of 332,040 contracts of all categories in force as of the end of April 1956. At the end of May, 1957, the total number of contracts of all categories was approximately 650,000. This, the Department estimates, is two-thirds of the total possible.

Recommendation 2C: Usable land to which the government holds clear title be prepared for sale as rapidly as possible...

Order of Service No. 2920 TTP/VP issued November 24, 1956 established the Agricultural Economic Development Commission as part of the Department of Land Conservation and Agrarian Reform to develop usable land and make it available for distribution to landless farmers and others. As of May 15, 1957, 21,163 hectares of land had been distributed to 12, 108 farmers.

Recommendation 2D: Arrangements be made with the Department of Finance to meet the payrolls of agrarian reform agents promptly and that the travel allowance of the agrarian reform agents be raised.

1. As noted above, the agrarian reform agents are no longer on the payroll of the Department of Land Conservation and Agrarian Reform. However, the Department has made arrangements with the Department of Finance for the establishment of a revolving fund type of mechanism which enables it to pay all of its employees on time.

2. Per diem for current personnel has been raised varying amounts, depending upon the status of the employee. If the agrarian reform agents come back on the departmental payroll, their per diem situation will be reconsidered.

Recommendation 3A: A task-force ---- be established to develop and institute a statistical reporting program that, for each level of management, would provide adequate statistics on work-load, backlogs, accomplishment, fees earned, etc. to permit adequate policy and performance review.

The Department now has a statistical analyst on its staff and he will help the directorates develop necessary reports.

Recommendation 3B: A Field Supervision and Inspection Service be established to supervise field operations and insure adherence to program and accomplishment schedules.

Inspection staffs have been created in the Directorate of Agrarian Reform and the National Agricultural Credit agency.

Recommendation 3C: There be annual meetings of area chiefs of technical services for the exchange of ideas and discussion of mutual problems.

No plans have been made for holding meetings on a scheduled basis because of limitations of funds. Meetings will be held when special problems arise.

Recommendation 3D: Authority for final approval of Administrative actions (procurement, hiring, etc.) be placed at the Service level, subject to budgetary allotments and post-audits.

Such procedural changes must wait on changes in the policies of the Directorate of Budget, Fonction Publique, etc. By obtaining permission to operate on an "advanced funds" basis, the Department has been able to speed up its administrative procedures.

Recommendation 4A: A special task force---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 prepared Land Records Directorate.

This question will be submitted to the National Assembly.

Recommendation 4B: The present system of paying a portion of the fees received for land transfer services to employees of the Notarial Bureau and the Land Conservation Directorate be discontinued; that all government 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.

The Director of Cabinet is studying the problems involved in implementing these recommendations.

Recommendation 4C: 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.

Virtually no progress has been made in the survey or registration of land since the report was issued. (See Exhibits 7 and 8 of report)

No training course has been instituted for Land Registrars, although the need for in-service training for this type of work was brought to the attention of the National Institute for Public Administration and the Director of the Land Conservation Directorate offered his services as an instructor. The National Institute of Public Administration has agreed to establish such courses as soon as its proposed In-Service Training program is approved.

The Cadastre Directorate has itself trained about 100 auxiliary personnel (chairmen, etc.) but has been unable to obtain engineers and technicians. On July 20, 1956, the Secretary of State for Land Conservation and Agrarian Reform addressed letters to the Department of Public Works and the Department of Education asking that a separate section for cadastral technicians be established at the Higher School of Public Works and that accelerated courses be established for first and second year students. No action has as yet been taken by those agencies in response to this request.

Recommendation 4D: A standard contract 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.

The Directorate of Land Conservation has prepared such a standard land transfer contract form but lacks funds to print it and place it in use.

Recommendation 4E: Representations be made to the Government of France...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.

Recommendation 4F: Paper copies of Colonial Archives microfilms of land records be made for operational use.

No action has been taken on either of the above recommendations.

Recommendation 4G: An adequate supply of drafting equipment and supplies be made available to the Directorate...

In collaboration with USOM personnel, the Directorate of Cadastre and Topography has developed a list of equipment required, which it is hoped that USOM will supply.

Recommendation 4H: Two technicians of the proposed Land Records Directorate be given an opportunity to observe cadastral operations abroad.

If financing becomes available, and technicians for whom such a trip would be valuable can be spared, it may be possible to arrange for this.

Recommendation 4I: The microfilms of cadastral drawings now available be stored away from the original drawings, and that new records be microfilmed on a semi-annual basis.

Copies of all cadastral drawings are now stored physically distant from the originals. If microfilm cameras are made available, new drawings will be filmed as a security measure.

Recommendation 4J: The present instruction manual covering the cadastre function be brought up-to-date and issued in loose-leaf form.

This task is underway and is expected to be completed within the next three months.

Recommendation 4K: The cost of cadastre operations be studied to determine whether the present schedule provides for fees adequate to cover the cost of the work performed.

On October 6, 1956 the Directorate of Cadastre and Topography made such a recommendation to the Department of Land Conservation and Agrarian Reform and on May 16, 1957 that Department wrote to the Department of the Interior suggesting that these fees be raised. No action has as yet been taken by the Department of the Interior.

Recommendation 5A: A detailed study of present loan procedures be made to determine and remove the causes of the present unreasonable delays in approving loan applications.

The National Agricultural Credit Agency has moved to break the loan approval bottleneck as follows:

1. Established eight field offices serving eighteen provinces.

An additional eight offices will be established in the near future.

2. All personnel assigned to field offices are trained in Saigon before being sent to the field. So far, about thirty agents have been trained.

3. Some province chiefs have been given power to grant loans without reference to Saigon. Similar delegations of authority to other province chiefs will be made as their competence in this field is established.

4. A roving group of inspectors has been established to work on any problems that arise without reference to Saigon.