

Replicating the Model of
Land Administration under
the One Stop Shop (OSS)
Mechanism in Five Provinces
in the Central Region
of Quang Tri Public
Administration Reform
(PAR) Project

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Asia Department

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List of Abbreviations

LUR	Land Use Rights
LURC	Land Use Right Certificate
LTC	Land Tenure Certificate
OSS	One Stop Shop
PAR	Public Administration Reform
BOLUCS	Building Ownership and Land Use Certificates
SDC	Swiss Agency for Development and Cooperation
DUDP	Dong Hoi Urban Development Programme
MOHA	Ministry of Home Affairs
DONRE	Department of Natural Resources and Environment
Sida	Swedish International Development Agency
PC	Peoples Committee

Introduction to Report

To quantify how successful the project of replicating the OSS model of land administration had been in four pilot provinces the Ministry of Home Affairs commissioned a survey of the four provinces. The Swedish Embassy agreed to finance the evaluation survey and report which were carried out on behalf of Mekong Economics by Dr Adam McCarty, Mr Nguyen Van Dinh, Mr Do Duc Hao and Mr David Fallows.

To fully evaluate how successful the pilot scheme had been, the survey team conducted a two week long survey tour of the five provinces (including Quang Tri, the project coordinator) conducting primary qualitative research, interviewing key project stakeholders including provincial and district level PC, DOHA and DONRE personnel in addition to OSS staff. The team also carried out interviews and focus groups with households within the project districts so as to ascertain a comprehensive understanding of the project's impacts.

The teams fieldwork research was complimented by desk based research of past and present project and policy documents in addition to quantitative analysis of relevant statistical information

1 Executive Summary

As part of the ongoing process of land reform in Vietnam, Sida decided in 1999 to assist the province of Quang Tri in implementing the ‘One Door’ model of land service provision. Due to institutional constraints, the issuance of Land Tenure Certificates (LTCs) in Vietnam was occurring at a slow rate and the ‘One Door’ model whereby service users visit only one point of contact, was seen as an effective mechanism in increasing the speed and efficiency of the issuance of LTCs. The ‘one door’ pilot scheme ran from 1999 to 2004 and was extremely successful in streamlining the various administrative procedures involved in land administration, which was demonstrated through a reduction in the average time of deliverance for urban LTCs from 91 days to 23 days.

After the success of the initial phase of the project in Quang Tri, the project, of issuing Land Use Rights (LURs) through the One Stop Shop (OSS) mechanism, was piloted in four additional provinces (from 2003 to 2005) as part of the Governments overall program of Public Administration Reform (PAR). The projects’ aim was to increase the speed and efficiency of the issuance of Land Use Rights Certificates (LURCs) so as to allow more households to increase both their livelihoods and security through measures such as being able to obtain larger amounts of credit. In order to achieve this aim the project focused on the four main activity areas below:

- Increase staff capacity
- Logistical support- equipment and software
- Increase institutional capacity
- Increase public awareness

The project had positive impacts within the four activity areas (such as encouraging better inter-agency cooperation) which led to increases in both the volume and speed of LURC issuance in project districts. Improvements in staff and institutional capacity in addition to the equipment provided have proved long lasting and have improved efficiency beyond the duration of the project

However the government Decision 181 in 2003 to implement the OSS on a national scale (for a number of services, including land administration), coupled with a national campaign to encourage all households to obtain LURCs, significantly affected the influence of the pilot project. In other words, what was being piloted had become adopted already as national policy. Decision 181 essentially meant that the project was no longer a pilot but was in fact a project to both assist in the implementation and strengthen the capacity of the People’s Committee One Stop Shops. Whilst the impacts of the project as a pilot scheme were limited by the broader policy environment, the Sida OSS project positively influenced the nature and speed of the process of issuing LURCs, which is its principal impact and lasting legacy.

2 Project Overview

2.1 Background of Project

As part of the ongoing process of land reform in Vietnam, Sida (with the approval of the Prime Minister of the Government of Vietnam) decided in 1999 to support the province of Quang Tri with financial assistance in order to implement the ‘One Door’ model of land service provision within two pilot districts (Dong Ha and Cam Lo).

Whilst the 1993 Land Law had begun the process of reforming Vietnams system of Land Use Rights (LURs), the issuance of Land Tenure Certificates (LTCs) in Vietnam was still occurring at a slow rate due to institutional constraints such as confusion about issuance procedures, delays in the preparation of cadastral maps, boundary conflicts among land users and the low levels of commitment demonstrated by local officials. As a result households seeking to obtain LURs were unclear of the relevant procedures, having to repeatedly visit a variety of different offices over an extended period of time (increasing their chances of being subject to informal payments). On average, an urban household in Quang Tri was required to visit six different offices a total of twelve times in order to obtain a LTC (the whole process taking on average 91 days).

The ‘One Door’ model of land administration, whereby service users visit only one point of contact, was seen as an effective mechanism in increasing the speed and efficiency of both land allocation in addition to the issuance of LTCs. The pilot project ran from 1999 to 2004 and was involved with both reforming inefficient land allocation procedures (for example by creating a cross functioning working task force) in addition to increasing the technical capacity of the cadastral system (through training and technological transfer).

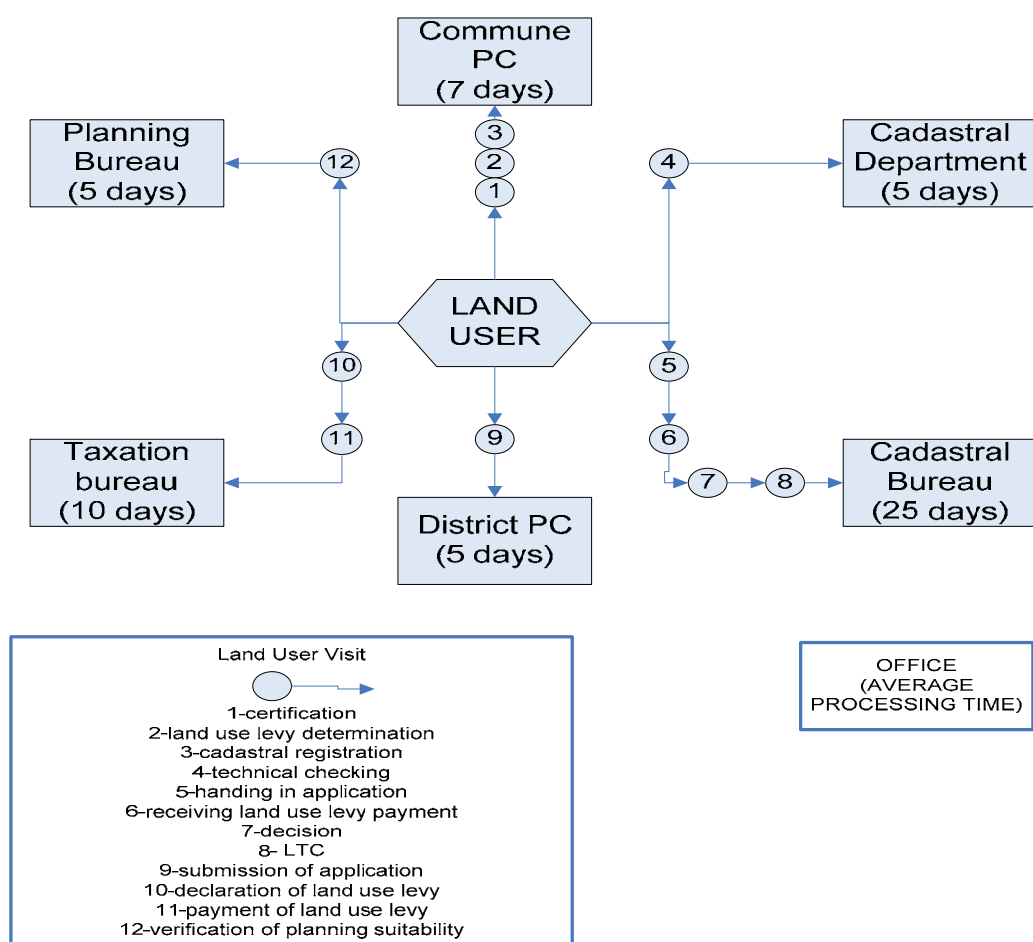
The ‘one door’ pilot scheme was extremely successful in streamlining the various administrative procedures involved in land administration, which was demonstrated through a reduction in the average time of deliverance for urban LTCs from 91 days to 23 days, for which households (on average) only had to make three visits to the one office. The success of the pilot project in Quang Tri had extensive institutional and policy consequences, confirming the potential of the One Stop Shop mechanism as an effective tool for Public Administration Reform.

2.2 Process Diagrams

To demonstrate the positive impact of the ‘one stop shop’ mechanism on the procedural efficiency of land administration services, the process diagrams below (using Vinh City, Nghe An as an example) highlight both the original process of LTC issuance in addition to the more streamlined process of LTC issuance after the implementation of the ‘one door model’.

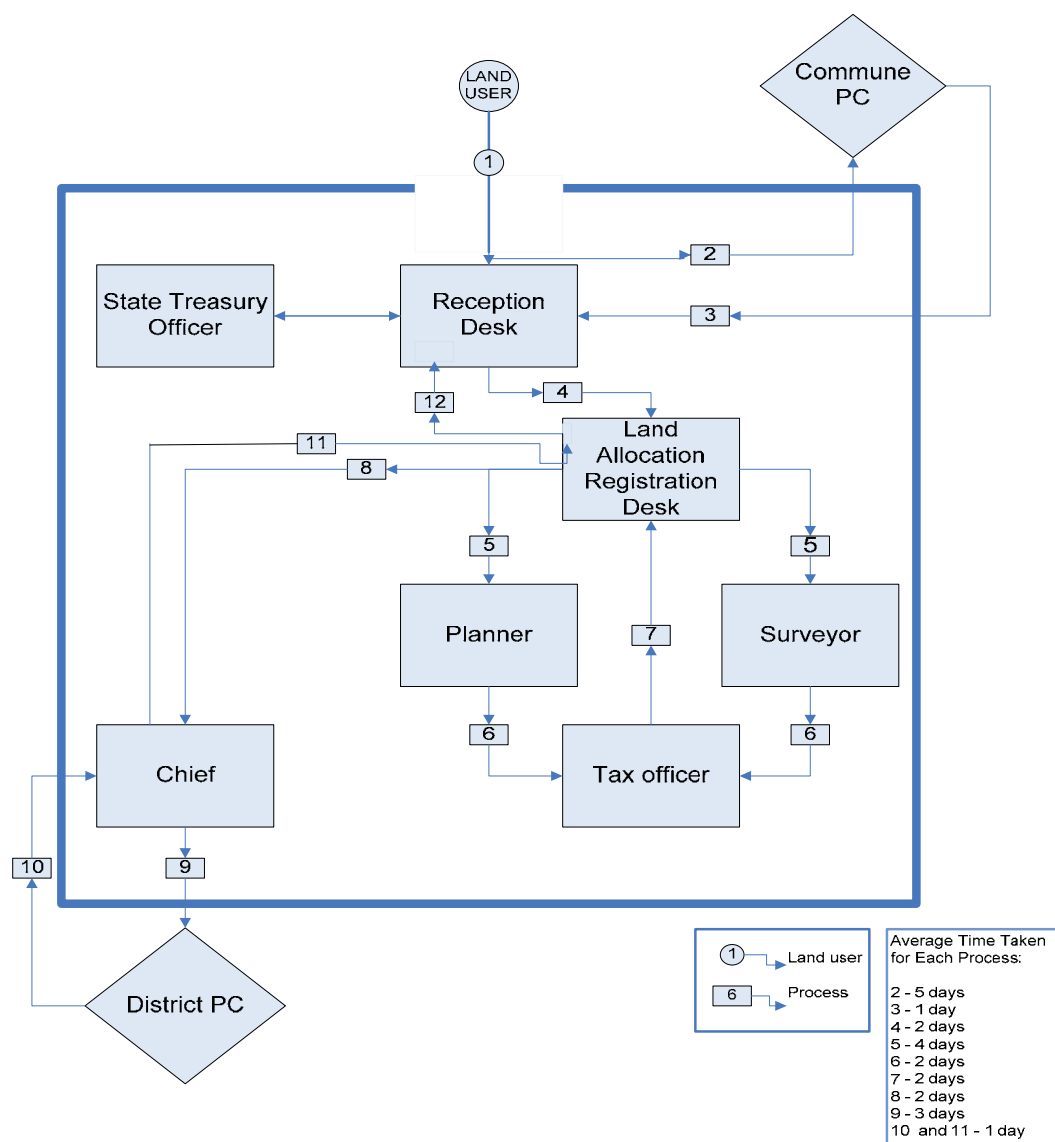
Before 2003 households in Vinh City wishing to obtain an LTC (on average) had to visit six different state agency offices a total of twelve times with the whole process taking up to 57 days. This cumbersome and uncoordinated administration process represented an inefficient use of both the various state agencies and in turn the household’s time. The process is highlighted below.

Previous process of land allocation before OSS mechanism using the example of Vinh City, Nghe An



Following the implementation of the OSS mechanism in Vinh City, households were only required to make one visit to the OSS office where there application would then be processed and internally forwarded to the correct department or agency. The service user would then collect there LTC with the whole process (on average) taking 23 days.

Land allocation procedure through the OSS mechanism, case study of Vinh City, Nghe An



Source: Provincial Peoples Committee of Nghe An Project Proposal

2.3 Overview and Aim of Project

Based on the success of the initial pilot scheme in Quang Tri, Sida and the Government of Vietnam made the decision to continue to provide funding to support Quang Tri province in replicating the successful model of granting land use certificates through the OSS mechanism in four further provinces.

2.3.1 Overall objective

The main aim of the second 4-province project was to successfully replicate the model of land allocation and land title granting procedure reform through utilising the one-door mechanism that had been so effective in Quang Tri. In addition the project aimed to contribute to the efficient realisation of the Government PAR Master Program so as to positively influence the socio-economic development of households within the project provinces in addition to creating an environment in which land users have the confidence to exercise their obligations and rights.

The Project was implemented from 2003 to 2005, using the Land Law as a framework. The total budget of US\$502,656 was split across the five provinces fairly evenly (see Table below), with Quang Tri in its Coordinating role receiving notably less.

These are the project funds as outlined in the proposal

Province	Sida contribution (USD)	Provincial contribution (USD)
Quang Tri	65,000	
Ha Tinh	111,164	16,500
Hue	100,164	16,500
Nghe An	115,164	22,650
Quang Binh	111,164	16,500
Total	502,656	72,150

2.3.2 Outcome Indicators

Suitable outcome indicators include the number of LURCs issued (within project districts before and after the project was implemented, and in comparison with non-project districts), and more:

- number of LURs issued
- speed of LTCs
- project staff still in employment in 2007
- poverty reduction figures
- number of bank loans
- number of new household business

The above indicators were mentioned in project documents, but data was not systematically collected throughout the project period. Consequently, the Consultant notes the unavailability of some of the above information which hinders full statistical analysis of the project socio economic impacts. Nevertheless, we have enough quality indicator data to reach firm conclusions.

3 Institutional Context

3.1 Policy Context

As mentioned above, land reform in Vietnam entered a new stage in 1993 through the introduction of the Land Law. Through administrative means, the 1993 Land Law strengthened land ownership rights amongst households within each commune by issuing the households with LURCs (otherwise known as red books) which provided them with official land titles, recognising their legal rights to use the land.

The reformation of the entire system of land use rights in Vietnam represented a complicated challenge for policy makers. The task required a blend of different policies and programmes, some more effective than others. For example the introduction of Building Ownership and Land Use Certificates (BOLUCs) in 1994, that combined home ownership with LURs for urban properties, were later deemed to be too complicated and subject to delays (resulting from inadequate documentation) and as such were replaced in 2005 through a new decree that introduced separated certification for buildings and land.

In September 2001, as part of Vietnam's ongoing reform of civil service procedures, the Government introduced the PAR Master Program to modernise, simplify and make cumbersome administrative procedures more transparent. The PAR program gave new impetus to land reform in Vietnam through programs aimed at increasing the efficiency of the provision of all land administration services including land allocation, LUR certification and the regulation of LUR exchanges and transfers.

In September 2003, based on the success of pilot projects such as Quang Tri (since the early nineties many localities had proactively piloted the application of the OSS or "one door-one stamp" model) the Government introduced Decision 181 (Decision No. 181/2003/QĐ-TTg dated 4 September 2003), which stated that the OSS mechanism be implemented for all public administration procedures in every province and district from Jan 2004 and in all communes from 2005.

As a result of ten years of sustained economic growth and development, the Government also decided in 2003 to amend the previous land law to ensure its relevance and suitability to Vietnam's current socio-economic environment. Land Law Number 13 (declared in 2003), was implemented in July 2004 and allowed land users with LURCs to exchange, transfer, inherit, donate, lease, and sublease land-use rights. The Land Law is seen as setting the foundation for a formal market for land in Vietnam as it permitted households to engage in private land transactions for the first time by granting them rights, such as the right to either exchange, rent, or mortgage (through the collateralisation of land to act as equity) their land. The 2003 Land Law also contained legislation that both male and female names of married couples be stated on LTCs.

3.2 Swiss Support

The Swiss agency for Development and Cooperation's (SDC) support for the OSS system began in 2000 with the establishment of a municipal OSS through the Dong Hoi Urban Development Programme (DUDP). In 2001 the DUDP aided in the creation of three further district level OSSs. SDC now provides support to the OSS system in nine provinces (eight of which are ranked near the bottom of the national poverty index), participating in the establishment and improvement of 107 of the 562 district level OSSs in Vietnam. SDC support to the OSS system focuses on three main areas, the preparation phase (preparing proposals and raising public awareness), the launch phase (providing training and financial support) and the operational phase (streamlining delivery processes).

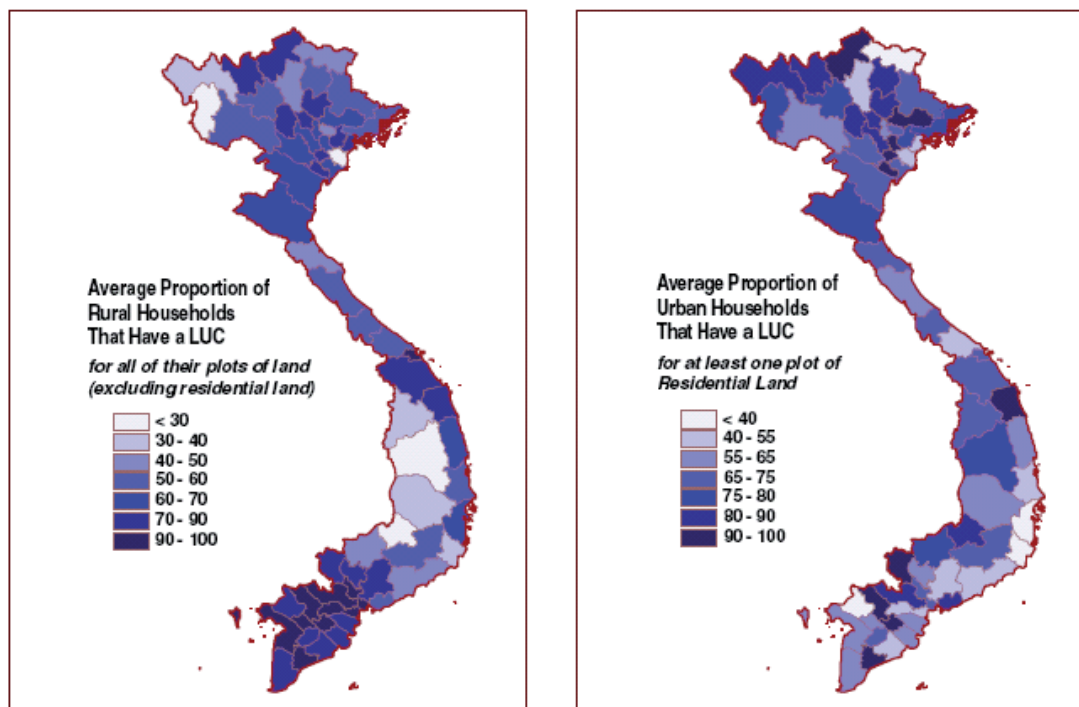
3.3 The Importance of Land Rights

The commitment demonstrated by both the Government and donors alike in reforming Vietnam's system of land rights is due to the importance of LURCs in encouraging equitable socio economic development. Providing a household with legal recognition of its use of the land is not only an important social right but is beneficial for both the individual household as well as the wider community. Some of the widespread benefits of an efficient and effective system of LURs include the creation of wealth, better environmental stewardship, a foundation for sustained and inclusive economic growth, and reduced social unrest and instability.

At the household level, LURs are important as they provide the household with security of tenure, meaning land can serve as either collateral (allowing access to larger amounts of secured credit) or be traded allowing the household to use its land as a means for wealth creation. Secure land rights also affect land use management practices, encouraging households to invest in their land on a more long term scale which promotes business creation in urban areas and agricultural investment in rural areas.

Whilst it is important for urban households to have LTCs as it provides them with access to secured finance and the opportunity to either create or expand businesses, land ownership and use-rights are central to maintaining the livelihood of rural households. Land is a crucial resource for food production and a key factor for in the provision of accommodation. Moreover, it performs important social functions being a measure of wealth, status, and power. Since approximately three-quarters of Vietnam's population still live in rural areas, land ownership and use-rights are key not only to the reduction of rural poverty (and thus overall levels of poverty) in addition to inequality in Vietnam but also to promoting the development of the country's economy as a whole. It is of central importance to issue the poor with titles to their land so they can then use it as a capital base upon which to build wealth in the formal sector.

Number of households with Land Use Certificates in 2004

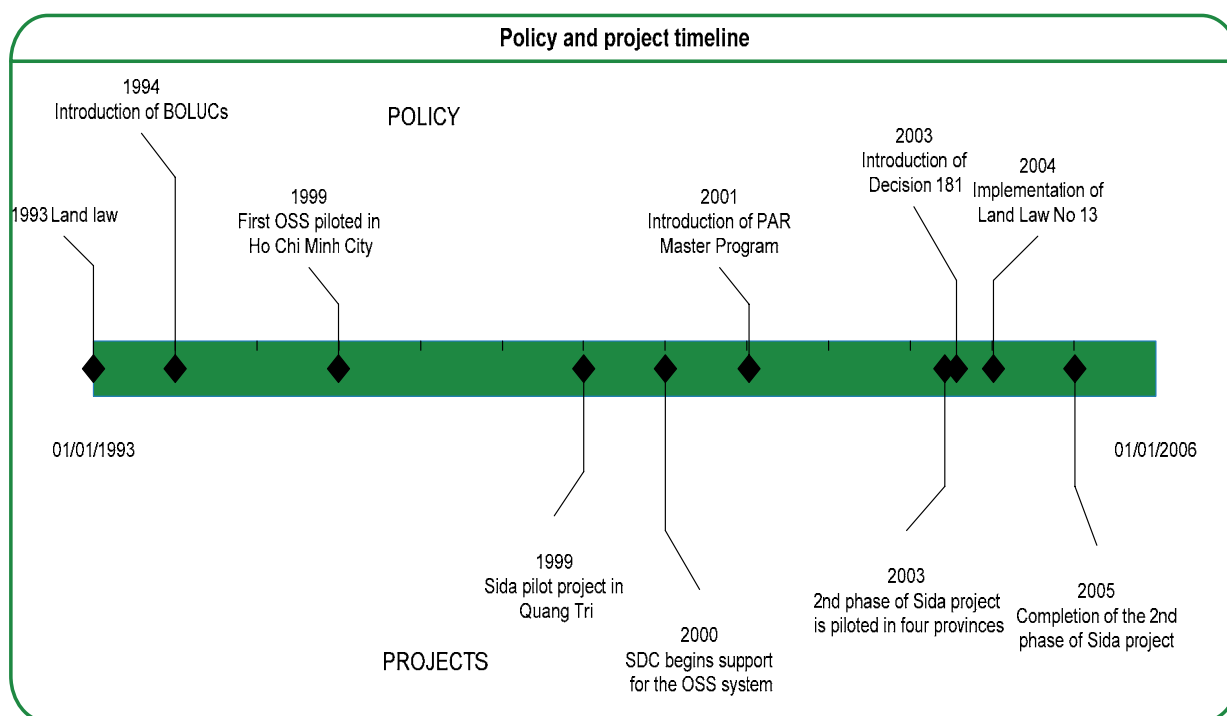


Source: World Bank

4 Project Implementation

4.1 Project and Policy Timeline

To provide an overview of both the policy environment in which the project was implemented in addition to the respective time and duration of project activities the timeline below highlights all relevant project activities and policies.



4.2 Project Activity Areas

To analyse the implementation of the project this section examines the four main activity areas, highlighting the specific activities and procedures that constituted each respective activity area (accounting for implementation issues and cross-provincial variations). The four project activity areas are:

- Increase staff capacity
- Logistical support- equipment and software
- Increase institutional capacity
- Increase public awareness

4.2.1 Staff capacity

The administration of land ownership and the issuance of land use rights require a wide range of administrative, legal and technical skills. Civil servants, in particular cadastral officials, require an in-depth knowledge of legislation in order to affectively carry out procedures such as examining and appraising land or regulating land transactions. To increase the capacity of civil servants to increase the efficiency of issuing LTCs and foster a more client orientated culture within the civil service, the project implemented the following:

- Study tours for staff.

Study tours involved staff from the project districts visiting Quang Tri province to observe and gain experience from the ‘OSS’ model for land administration already in place in Cam Lo and Dong Ha districts. Provinces such as Quang Binh, that sent ten members of their task force to Quang Tri, used the study tour as input to their technical training courses.

- Workshops and training courses.

In each province, workshops and training courses for staff were conducted at both the district and commune level. Staff received training concerning both land law as well as relevant procedures. Through five training courses, Nghe An province was able to train 400 members of staff regarding land law in addition to further topics such as accounting, project management and ethnic minority relations.

- Funding full time and part time OSS staff.

In selected districts, increasing staff capacity involved increasing staffing levels through allocating project funds to either employ additional members of staff, or to pay for existing staff to work overtime. This occurred in Phu Vang district (Hue province) where project funds were used to employ three additional members of staff to help process the greater demand for LURs (a consequence of the Governments’ LURs awareness campaign)

4.2.2 Logistical support

One of the main issues constraining the efficient issuance of LURs is the fact that maps and registration books are hard copies, making it difficult to collect statistics and to change records. Computers, whilst used at the provincial level, are seldom available at district and commune levels. Where computers are available, civil servants have received insufficient technical training to efficiently use software, which itself is often inefficient and out-of-date. To increase the technical capacity of land administration service providers to improve procedural efficiency and accuracy, the project involved the following:

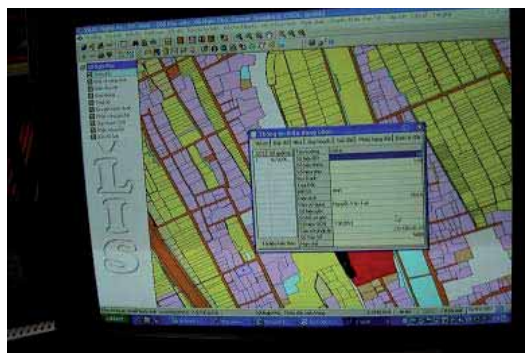
- Providing equipment

Project funds were used to purchase technical equipment such as computers and printers. In Phu Vang district, for example, the project funded the procurement of 6 computers.

- Providing software

The project involved implementing software for cadastral officers to use to create an electronic database of land maps and information which would also allow for on line mapping of new plots of land.

Software used to map plots in Vinh City



- Providing computer and software training to staff

In Nghe An province staff received twelve days of training in order to use the software used to map farmland.

4.2.3 Increase institutional capacity and cooperation

Land administration involves complicated procedures which require the input of a number of Ministries and Departments such as the Department of Home Affairs (DOHA), the Department of Natural Resources and the Environment (DONRE) and other agencies such as the treasury. The issuance of LURs also requires vertical co-operation between provincial, district and commune level People's Committee institutions. The project aimed to improve the working relationships between agencies and ministries to encourage more decentralised horizontal inter agency cooperation in order to increase the efficiency of the provision of land administration services by implementing the following:

- Working cross-agency task forces

Every province established a task force comprising of representatives (director/vice director or member of staff) of the departments for land, law, taxation and the treasury. The main aims of the task forces were to develop effective working partnerships and to disseminate information between agencies to increase procedural efficiency. Provinces implemented task forces at the provincial or district level and in some cases both. Quang Binh implemented a provincial level task force (consisting of the PC director and the heads of all relevant departments) that corresponded with their district level task forces, sharing relevant information, whilst Thu Thien Hue province implemented two district level working support groups that offered direct support to the OSSs.

- District level dissemination of knowledge.

Provinces such as Thu Thien Hue tried to increase the impact of the project by encouraging non-project districts to observe the Sida funded OSSs to gain experience and knowledge.

4.2.4 Increase public awareness

To increase the awareness of people of the improvements in service provision in addition to informing them of the benefits of LURCs the project implemented the following:

- Commune level meetings

To increase the public's awareness of the both the project in addition to LURs in general, a large part of project funding was allocated for organising commune level meetings. Commune meetings were mostly conducted by the project's district level task forces who provided communes with information and were able to discuss issues relating to land policy and project activities directly with the households that would be affected. In An Thuy commune (Quang Binh) taskforce members were able to arrange meetings with both OSS commune staff and village leaders to inform them about relevant issues and procedures.

- Media campaigns

Awareness campaigns were conducted in each province on a range of different scales. Most provinces implemented leafleting campaign at the commune level; however Nghe An (through significant state support) was able to conduct a mass media awareness campaign through using national radio and television.

- Subsidising cadastral and paper fees

In order to encourage households to obtain LURs, the majority of districts used project funds to reduce or remove the cost of both cadastral fees (65,000 VND) and paper costs (15 to 20,000 VND) in order to remove the disincentive of fees.

4.3 Choice of Pilot Districts

Within each Sida funded project province, each Provincial Peoples Committee had to decide in which districts to implement the pilot scheme. The choice of project district is important as it may provide some insight into the varying degrees of success the project achieved in each district. The reasons for each PC's choice of project district are explained below.

- **Quang Binh**

Chose districts to get a balance between rural and urban areas. Dong Hoi district, is a good example as it made up of both rural and urban communes which allows for comparison. It is also the provincial capital which means that the civil service in Dong Hoi is sufficiently capable of guaranteeing the success of the project and thus any potential replication of the pilot scheme in non project districts.

- **Ha Tinh**

The districts were chosen as one is an urban district and one is predominately made up of agricultural land. Districts were chosen as they had previously low levels of LUR issuance and the pilot project was needed to assist in processing the forecasted greater demand for LTCs (resulting from the Governments awareness campaign for LURs under Decision 181)

- **Nghe An**

The pilot project was implemented in Hung Nguyen district as the district had recently undertaken a programme of farm land reconstruction and as such needed to issue a large number of LTCs. Vinh City was chosen as it is the provincial town and has the necessary capacity to efficiently implement the pilot. The two districts also allowed for comparison between the issuance of LTCs to rural households compared with urban households.

- **Hue**

Phu Vang district was chosen as it had invested heavily in infrastructural projects for its new district town and as such did not have the necessary funds to adequately implement the OSS model in accordance with Decision 181. Sida funding was required to supplement the lack of available state funds and to ensure the district was able to meet Government targets for issuing LURs.

We should note that as districts were selectively chosen, statistical comparisons against other districts are not strictly rigorous. Nevertheless, comparisons can provide indications of impact, but should be treated with caution.

4.4 Quang Tri Project Coordination Role

Due the experience gained in effectively implementing the first phase of the OSS pilot scheme, the provincial PC in Quang Tri was given the role of project coordinator, to oversee the replication of the project in the four additional provinces. The role entailed providing support and technical assistance to the respective Project Management Units (PMU) of each project in addition to disseminating the knowledge they had obtained during the initial pilot to the administration and staff of the four chosen provinces.

The responsibilities and activities conducted by Quang Tri province in its role as project co-ordinator were:

- Providing technical assistance
- Conducting study tours
- Working with Sida and central agencies

- Assisting implementation
- Organizing training courses

In Nghe An, the Sida project represented the first PAR project implemented by the administration and as such Quang Tri provided them with ongoing support through assisting in writing the proposal, sharing approaches and methodologies, and training project staff from Nghe An. Quang Tri also utilised its knowledge to provide technical assistance to Thua Thien Hue, that had only relatively little experience of using technical equipment and software.

5 Impact of the Project

This section provides an assessment of the impact the project had on stakeholders. The reports analysis is comprised of the following information:

- Data analysis:
Analysis of key indicators such as number of LUCs issued and speed of delivery in order to provide a basis of comparison to establish how successful the project districts were in issuing LUCs compared to before the project was implemented as well as in relation to non-project districts.
- Qualitative research:
Interviews with stakeholders such as government officials, OSS staff and service users.
- Quantitative research:
Research of relevant project and policy documents.

By highlighting how the project directly and indirectly affected both service providers and service users alike, this section aims to identify the extent to which the project was able to benefit the socio-economic situation of provinces (e.g. what impact the project had on poverty reduction and gender equality).

5.1 Data Analysis

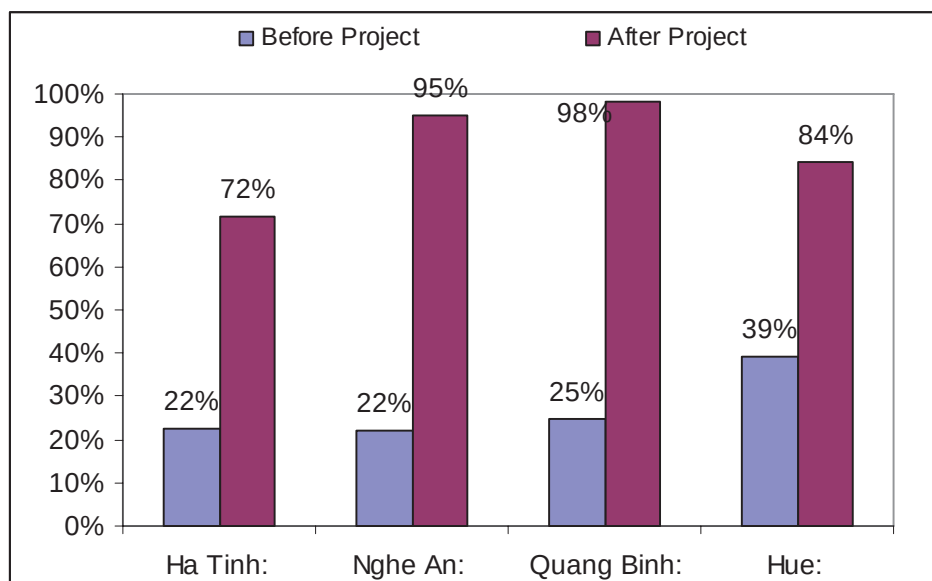
Before the implementation of the Sida project (June 2003) the average percentage of LTCs issued in each of the four provinces was 27.2%. The overall impact of the project on the volume of LUR issuance in each province is highlighted in table 5.1. and graph 5.2. below.

Table 5. Percentage of LTCs issued before and after the project (2 years)

Province	Before Sida Project (June 2003)		After Sida Project	
	%	No. of	%	No. of
Ha Tinh:	22	4,872	72	15,646
Nghe An:	22	4,036	95	17,428
Quang Binh:	25	1,898	98	7,439
Hue:	39	4,123	84	8,862

Source: Replicating the model of Land administration under OSS mechanism Project Final Report

Graph 5.2 Percentage of LTCs issued before and after the project

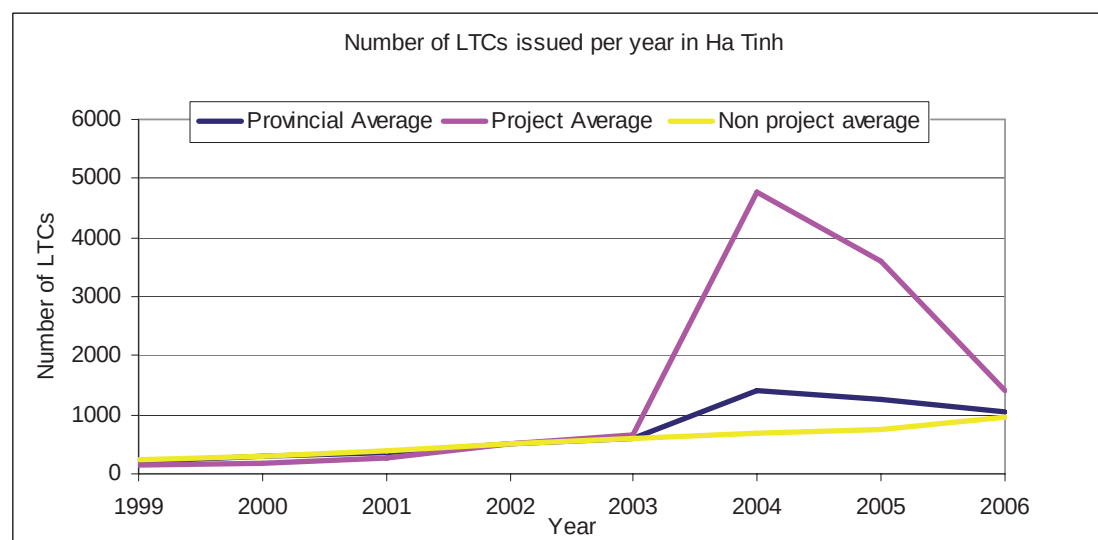


Source: Replicating the model of Land administration under OSS mechanism Project Final Report

To allow for comparative analysis the graphs below outline the number of LURs issued in both project and non project districts within each province before and during the project.

- Ha Tinh

Table 5.3



Source: Report from Ha Tinh PPC

Chart 5.3. shows that the average number of LURs issued by the two project districts in Ha Tinh rose sharply at the start of the Sida project, while the average across non-project districts rose only marginally. By 2005, the numbers were declining in the project districts as the percentage of those already with LURs increased. The contrast of the two averages clearly suggests a strong project impact on the speed of LUR registrations

- Nghe An

Table 5.5 provides an overview of the project impact in three wards within Vinh City. The Sida project was successfully implemented by the civil service in Vinh, which is highlighted by the impressive percentage of LTCs issued over the duration of the project.

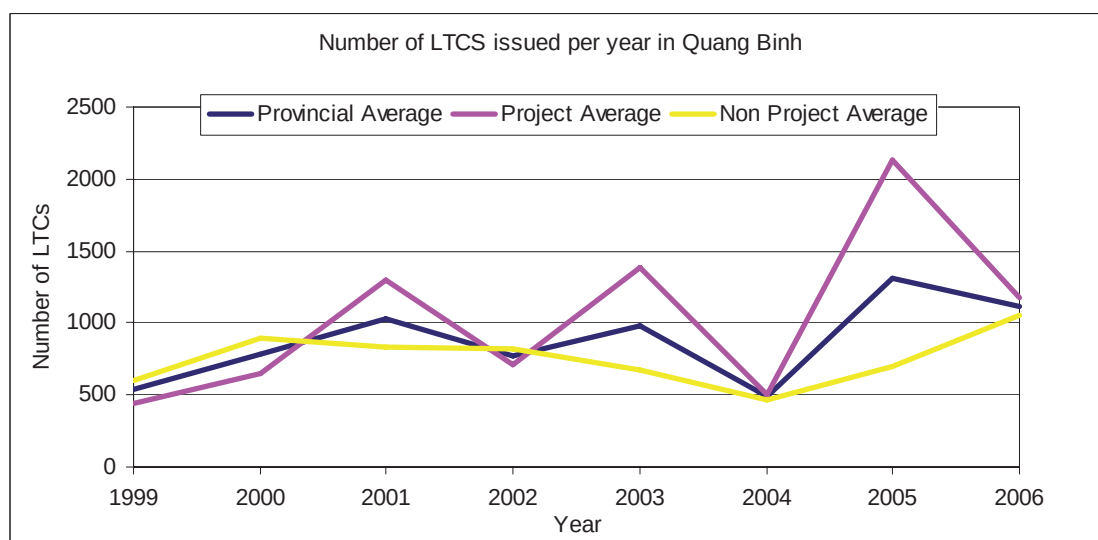
Table 5.5 Issuance of LTCs in Vinh City

Wards	Before project (up till 12/2002)		During project (from 01/2003)	
	No. of	%	No. of	%
Hung Binh	2600	50	4889	95
Le Mao	900	41	1950	90
Trung Do	960	38	2215	89

Source: Report from Nghe An PPC

- Quang Binh

Graph 5.6.

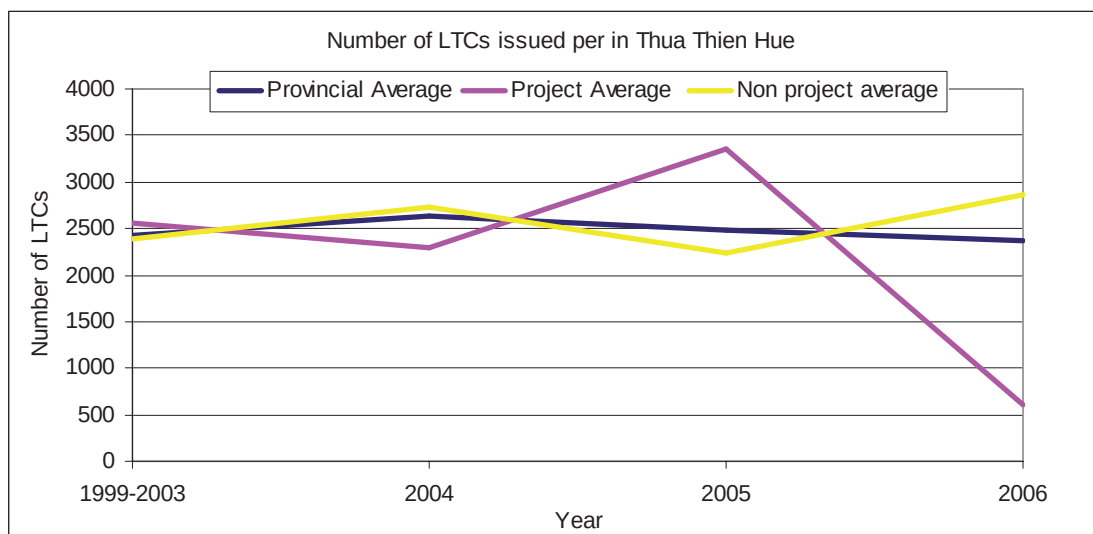


Source: Report from Quang Binh PPC

The issuance of LTCs by project districts in Quang Binh shot up in 2003 (although it had already been higher than non-project districts in 2001). Then it fell to the province average in 2004, before shooting up again in 2005. This pattern may be because campaigns in these districts produced once-off increases in particular years.

- Thua Thien Hue

Graph 5.7.



Source: Report from Thua Thien Hue PPC

Chart 5.7. highlights that, similar to other provinces, the project had a recognisable impact on the number of LTCs issued in the project districts in comparison to those districts which received no support. The peak of LTC issuance by project districts was in 2005, and a year later the non-project districts “caught up”. The project district numbers declined in 2006 after the project. PC officials commented that this is because project districts have been so successful in issuing LTCs that few households still required them in 2006.

5.2 Impact on Service Providers

To provide an insight into what impact the project had on the institutions and personnel responsible for the issuance of LURs, this section will categorise the project impacts under the activity areas highlighted in section four.

5.2.1 Impacts on staff capacity

Given the high levels of technical and legal expertise required to effectively issue LTCs, one of the main activities of the project was to increase the capacity of those civil servants involved in providing land administration services. Through project activities such as vocational training programmes and study tours, the project had the following impacts on staff capacity:

- Raising staff awareness

Training programmes provided OSS personnel with information regarding relevant policies, procedures and legislation thus increasing their knowledge base.

- Increased capacity to offer additional services

The benefits resulting from higher staff capacity are not only confined to the process of administering LTCs. Provinces such as Nghe An and Thua Thien Hue both found that skills used in the issuance of LTCs such as land mapping are transferable with other land administration services such as in the regulation of both land allocation and land leasing. As such, improvements in staff capacity helped increase the capability of civil servants to offer other land-related services.

- Reallocation of staff

Many project trained staff are now working in PC OSSs as well as in other departments and agencies. This occurred in Nghe An province where, after the Sida project had finished, a number of project trained staff were either promoted or relocated (some OSS staff now work in non-project district working groups) to work in other areas of the civil service ensuring the gains made by the project in increasing staff capacity remain beyond the duration of the project.

5.2.2 Logistical impacts

To increase the speed of issuing LURs it is integral to improve the efficiency of the processes and procedures used by the civil service in the administration of land related services. With this aim, the project provided technical assistance to OSSs in order to modernise out dated practices such as the collation of information in hard copy format. The logistical assistance provided through the project had the following impacts:

- Technical equipment

Providing project districts with technical equipment such as computers, printers and photocopiers had the obvious impact of increasing process efficiency. Both OSS staff in addition to cadastral officials were able to utilise the equipment in procedures that had previously being conducted manually, such as data collection or land mapping.

- Development of software

Two computer programmes, micro station and farming software were developed in Quang Tri and introduced in the project districts. The software allowed hard copies of information to be converted into electronic databases. The impact of the software was cumulative as the software not only created an easily accessible database of information but also increased the efficiency and accuracy of all land administration services such as the computer based creation of land plots.

5.2.3 Organisational impacts

Given the number of departments and agencies involved in administering land related services an additional area on which the project focused was the strengthening of the working relationships between the institutions and individuals involved in the issuance of LURs. The institutional and structural impacts the project had are:

- Dissemination of information

Information and knowledge was disseminated to non-project districts, staff of which came to project districts to observe and receive training. Phu Vang district encouraged staff from non-project districts to visit their OSS to gain experience, whilst in Nghe An province the project encouraged the authorities to develop formal channels through which relevant information could be shared between both districts and departments.

- Increasing the commitment of the administration

Sida funding coupled with Government legislation (Decision 181) helped raise the profile of LURs which had previously not been considered a priority issue thus increasing the commitment of local government to the issuance of LTCs.

- Developed inter agency/departmental working relationships

In order to effectively implement the pilot projects, departments and agencies developed working relationships through the establishment of cross working task forces. Personnel from different agencies were encouraged to work together at both the provincial and district levels. In Thua Thien Province a working group involving official from DOHA, MOHA, the Treasury and the departments concerning construction and taxation, formed to provide assistance to project OSSs, is still in

place and is used not only to discuss LURs but also land administration as a whole. The project also assisted in developing working relationships between provincial institutions and personnel.

- Increased decentralisation to district and commune levels

Whilst the decentralisation of land administration services from the provincial to both the district and commune level was led by Government policy, within the pilot provinces the project assisted in the process. Project funds aided the process of decentralisation by ensuring district and commune institutions and personnel had the necessary capacity to effectively carry out new responsibilities. In Nghe An, the project encouraged the cooperation between PC officials and district level functional heads of department, with commune level OSSs to develop better vertical institutional support systems.

5.3 Impacts on Service Users

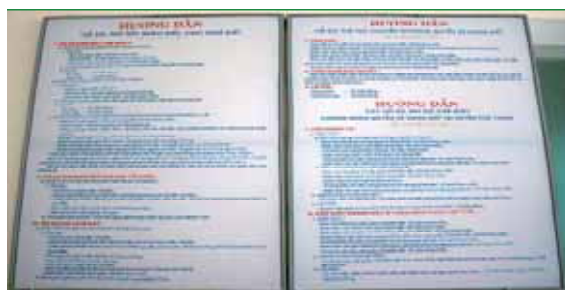
- Democracy

The project has indirectly strengthened democracy by encouraging increased transparency and accountability within the civil service with regard to land administration which is an important objective of the Vietnamese grassroots democracy policy. In helping households obtain LTCs, the project has contributed to the creation of a democratic system of land use rights whereby households are entitled to compensation for any state reclamation of land.

- Transparency

The project has increased transparency through simple yet effective measures, such as the highlighting of all the costs and procedures involved in the issuing of LTCs through notice boards in OSSs. According to qualitative surveys, this has made households fully aware of what the process of obtaining LTC involves and removed opportunities for informal payments. The use of notice boards is now common practice within all PC OSSs.

Notice board highlighting procedure and costs



- Increased awareness

Whilst the main influence in raising public awareness regarding the importance of LURs was the Government's national awareness campaign, as in other activity areas, provinces were able to use project funds to strengthen their capacity to better implement government policy. With regards to raising awareness, this involved project provinces embarking on media campaigns of various scales, using television, radio and leafleting. Nghe An province (which also received substantial funds from the government for the project) was able to invest in television and radio campaigns in order to raise higher levels of awareness. Other provinces simply distributed leaflets at the commune level.

The project-sponsored awareness campaign assisted in increasing public demand for LTCs through informing households of the benefits of obtaining official land titles in addition to reducing disincentives by highlighting the increases in procedural efficiency due to both Decision 181 and the project itself. Table 5.8 highlights the activities implemented as part of the project in order to raise public awareness.

Table 5.8 Overview of project activities

Province	Training Classes		No. of study tours	Seminars		Meetings with the public		No. of brochures distributed	No. of news-letters distributed	Number of LURs issued	Percentage of LURs issued
	No. of	Attendees		No. of	Attendees	No. of	Attendees				
Quang Binh	5	66	6	8	350	31	1,240	21,000	12	7,439	98%
Hue	6	210	6	12	688	43	8,294	50,000	32	8,862	84.5%
Nghe An	6	430	3	32	860	37	4,950	40,000	7	17,428	95%
Ha Tinh	10	784	7	10	824	32	9,617	63,000	22	15,646	71.8%
Quang Tri	12	368	3	6	240	73	10,000	50,000	12	41,928	98.6%
Average	8	372	5	14	592	43.2	6,820	44,800	17	18,261	89.6%
Total	39	1,858	25	68	2,962	216	34,101	224,000	85	91,303	

Source: Replicating the model of Land administration under OSS mechanism Project Final Report

As discussed in Section 3.2 above, the legal recognition land rights is important for the socio-economic development of the household, as LURs allow access to a variety of both livelihood improvement and coping strategies. This section outlines how households who obtained LTCs through Sida funded OSSs have since utilised their land titles, and in turn how their use of LTCs has benefited their respective situations. The table below provides an overview of a range of indicators that provide an insight into some of the socio-economic impacts of the project.

Table 5.9 Socio economic indicators

Province	No. of households (HHs) applying for Job creation bank loans			Poverty reduction levels	
	No. of HHs	Total (USD)	No. of jobs	2004	2005
Quang Binh	2,410	12,600	500	10%	10%
Hue	476	4,441	965	37%	37%
Nghe An	500	10,500	200	20%	N/A
Ha Tinh	7,561	6,600	505	62.9%	79.5%
Quang Tri	7,560	24,038	12233	39%	39%
Average	3,701	11,366	2791	33.8%	41.4%

Source: Replicating the model of Land administration under OSS mechanism Project Final Report

- Access to Finance

Households that obtained LURs are able to collateralise their land as equity to gain access to secured finance. With secured finance, households are able to borrow larger amounts of money at more favourable interest rates. Without a LTC, households are restricted in obtaining credit as the maximum unsecured loan at VBARD is VND 5 million. With a LTC a household can borrow up to 70% of the value of their land. In Quang Binh (according to official statistics) more than 60% of households that obtained LTCs through the Sida-funded OSSs used their red books to apply for finance, whilst in Thua Thien Hue it is reported that 7,561 recipients of LTCs (through Sida OSSs) applied for a total of 353 billion VND of secured finance (see Table 5.8.) Households used the finance for a variety of purposes such as:

- financing home improvements allowing households to improve their living conditions
- financing children's higher education fees. Allowing households to send children to university both in Vietnam and abroad
- mobilizing capital to either open or expand businesses

- funding modes of transport to decrease special exclusion for isolated household
- to fund seeking employment abroad
- **Business**

LURs support the establishment of a sustainable and profitable business sector. Households and landowners require the titles to their land to formally register as a business. Land rights also provide land owners with the confidence to make long term investments on their land, such as infrastructural improvements. Households can use LTCs to mobilize capital, through either obtaining secured credit or through selling or renting land in order to open new or expand existing businesses.
- **Increased security**

Land titles increase household security, providing the landholder with the legal rights to the land. This is beneficial to the household for a number of reasons, firstly landowners are able to receive adequate compensation for any state reclamation of their land. This is becoming increasingly important as the State is recovering large amounts of agricultural land for residential, commercial, infrastructural and industrial purposes. This occurred in Phu Vang district where households whose land had been reclaimed for the building of the district town were compensated with new plots of land allocated through system of casting lots.

Households consider LURs important as they allow land to be easily transferred to descendants in the form of inheritance. Land titles also allow health emergencies to be financed by formal loans rather than the sale of land or high-interest informal loans.
- **Poverty reduction**

Secure land rights allow poor households the opportunity to improve their living standards through all the above mentioned factors. The majority of poor households in Vietnam are located in rural areas and dependent on agriculture for their income. Given the importance of land to poor households it is essential for the alleviation of poverty that rural households have secure rights to their land.
- **Gender**

From our qualitative research it is apparent that it is mostly men that deal with obtaining LURs. That means that time savings to obtain LURs were mainly to the benefit of men. However, the project impact on staff and institutional capacity meant that the law was better implemented and therefore that LURCs included both the man and woman's name (typically before it was in the male Head of Household name).

Household Case Studies

Household A

Household A obtained their Land Use Right certificate in 1998 in order to ensure their land use rights and to qualify for a bank loan to potentially expand their business in the future. Both husband and wife's names are on the certificate.

They originally obtained a Land Use Right certificate in the 1980s but applied for a new one in 1998. Each time a Land Use Right certificate was issued, the measurements of their land varied.

The procedure was very complicated and so took a long time to acquire all the necessary documents and to apply for the Land Use Right certificate. The total time taken to obtain the required documents, apply for and receive the Land Use Right certificate was around 1 year.

The Land Use Right certificate has enabled them to get a loan which was used to purchase a second business (17 Mai Hac De, car furniture).

The biggest factor deterring them, and other households, from applying for a Land Use Right certificate is the tax costs.



Household B

Household B obtained their Land Use Right certificate in 2001 which is in the wife's name only as the husband was not permanently registered in Vinh City at the time of application.

They applied for a Land Use Rights certificate so that they would be eligible for a bank loan to expand their business (Truong Nguyen Cafe), and because there was a commune campaign at that time, urging people to get Land Use Right certificates in order to ensure their land rights.

Due to the complexity of the Land Use Right certificate issuance system pre-OSS, the application procedure required them to go to the commune level issuance office, the district level office and then to the province level office in order to get their certificate signed, making it very difficult for them to obtain their Land Use Right certificate.

The total time from application to issuance was around 6–7 months.



Household C

Household C acquired their Land Use Right certificate in 2005, after encouragement from a commune campaign urging people to apply for Land Use Right certificates. The LUR was used to secure a loan against their property which was used to expand their business.

Previously attempted to obtain a LTC (2001) but procedure was too complex and after visiting the district people's commune, they couldn't find the correct agency so were unsuccessful.

In 2005 they applied for a LTC, the process was a lot simpler as they were only required to go to the OSS and the procedure took only 21 days. They had to pay a one off payment land use fee equal to VND 5000/ per sq m. The household used the loan to obtain secured finance.



6 Project Evaluation

6.1 Efficiency

The data analysis confirms that in every pilot district the project had the impact of increasing the volume of LTCs issued. Stakeholder analysis also confirmed that in general the project had a positive impact on processing times, leading to significant decreases in the time taken for LTC issuance. Thus, it can be said that the project effectively fulfilled its intended purpose and hence was efficiently implemented within each project district.

However given both the complicated nature of land administration coupled with the varied socio-economic situation and institutional capacity of each pilot district it is unsurprising that there are a number of areas within each province where the project could have been better implemented.

Firstly, provinces had to overcome a number of initial implementation issues. Provinces such as Nghe An had little prior experience of implementing a PAR project and as such took time to obtain an initial understanding of the project activities. Rural districts in had to contend with initial constraints such as lower staff capacity and technical knowledge, which first had to be strengthened to a basic level through training programmes before the process of streamlining administrative procedure could begin

Different levels of technical capacity also limited project implementation, as provinces such as Nghe An that had accurate hard copies and extensive land mapping databases, were able to convert the information into electronic form to create digital maps. Districts in Quang Binh and Ha Tinh where existing information was inaccurate, were unable to create digital maps and thus unable to use the digital mapping software. As a result issuance time was lower as cadastral officers with no access to electronic information or software would have to go to sites in person to measure land and then have to enter the details manually.

Human resource management proved another area which possibly constrained the comprehensive implementation of the project. In Phu Vang District (Thua Thien Hue) where despite a reduction in demand for LURs in 2005 resulting from most households already obtaining them, the OSS still had to be fully staffed in order to remain open at all times, meaning staff were underemployed. This issue is obviously specific to each district depending on demand and capacity but clearly requires effective management to ensure human resources are efficiently allocated.

6.2 Cost Effectiveness

Through analysis of the respective provinces project proposals and reports it is apparent that the majority of costs have been fully accounted for and that all intended objectives and activities were effectively financed and implemented. (Table 6.3 highlights budget expenditure) The projects two main objectives, to increase both the volume and speed of LTC issuance were in general both met within the allocated budget, so in that respect the project can be considered to be cost effective.

The main areas of budget allocation were improving human capacity, increasing technical capacity as well as information dissemination (to the public and between agencies). A large proportion of the budget was spent on training programmes and study tours designed to improve the capacity of project staff. In cases where staff still remain employed as civil servants, in either the OSS itself or within either other departments or agencies the initial outlay for training can be considered as highly cost effective as the benefits to human capacity have proved long lasting. This is similar to the case of technical capacity improvements where computers, printers and software are still being used for the issuance of LTCs but also for other land administration services.

Table 6.1

Province	Budget contribution to supplement land fees (VND)		
	2003 (mil.)	2004 (mil.)	2005 (mil.)
Quang Binh	397	1716	1731
Hue	9953	11425	2690
Nghe An	26688	70109	28444
Ha Tinh	5569	14342	27047
Quang Tri	70000	136122	73286
Average	22521	46743	26640

Source: Replicating the model of Land administration under OSS mechanism Project Final Report

Table 6.1 shows the amount of money allocated for the supplementation of paper and cadastral fees. The table also highlights the issue raised at district level in Quang Binh, that they were unable to supplement user fees

Table 6.2.

Province	Budget and expenditure (VND)		
	Funds allocated (mil.)	Funds spent (mil.)	Percentage of LTCs issued
Quang Binh	1704.28	1403.77	82
Hue	1706.11	1337.7	78
Nghe An	1706.77	1675.7	98
Ha Tinh	1703.19	1567.62	92
Quang Tri	1065.14	1013.08	95
Average	1577.1	1339.57	89

Source: Replicating the model of Land administration under OSS mechanism Project Final Report

6.3 Institutional and Policy Consequences

In analysing the efficiency of the project it is important to assess the influence of the project on both relevant institutions and government policy. Regarding institutional and policy consequences this report has ascertained the following:

- The project was able to influence institutions involved in the process of issuing LURCs such as DOHA, DONRE, and the treasury and taxation departments through the creation of inter agency task forces and the development of more efficient working relationships. The project also encouraged better provincial co-operation encouraging
- It is apparent that the promulgation of Decision 181 turned an extension of a pilot activity into assisting in implementing agreed national policy. The extension to four provinces therefore lost its purpose as a demonstration, despite being effective in supporting rapid implementation of Decision 181 in those project districts.

6.4 Project Sustainability and Replication

This section provides analysis of the sustainability of the project by highlighting the lasting impacts of the project. It also assesses the need for either the extension or replication of the project in both project and non project districts by identifying the reasons why households do not have or require LURs.

Lasting impacts of the project

As fore mentioned with regards to cost effectiveness, a great deal of the impacts the project had in improving staff and technical capacity have proved long lasting. A large number of civil servants that were trained by the project either still work in OSSs, using there knowledge and experience to offer other land administration services and to assist newer staff whilst other project staff have moved to work in different provincial and district level departments and agencies. The positive impacts of the projects technical assistance can be seen beyond the duration of the project as the electronic equipment and software provided is still being used to improve procedural efficiency.

Is the project still required in:

- Project areas:

Whilst the project had a number of lasting impacts, the end of the project has meant a reduction in the capacity of previously supported OSSs as the provincial government is no longer able to financially support activities such as supplementing paper and cadastral fees. However the slight reduction in capacity has been offset by a reduction in public demand for LTCs in project districts, Table 6.3 shows that on average project districts have issued 89% of households with LTCs, meaning that OSSs in project districts are no longer required to operate at full capacity. The main issue in stating whether or not project districts require additional support is assessing why the remaining 11% of households do not have LTCs. In the case of Quang Binh and Ha Tinh it can be said that if they were able to increase their technical capacity they could possibly issue more LTCs as they could utilise electronic information and software. However the general consensus of opinion that the survey team obtained from all stakeholders is that is impossible to have a 100% of households with LURs. This is due to a number of practical reasons that project support would not be able to solve, such as land being used for planning as well a land being transferred or disputed. Other issues such as that some landowners neither need (do not need to obtain finance) or want (do not want to pay land use fees or land tax) LTCs are not due to neither procedural inefficiency nor a lack of awareness.

- Non Project areas:

Other provinces would clearly benefit from project support such as equipment or staff training. However, considering that a large percentage of households have already been issued LTCs as a result of both Decision 181 and the National Land Rights Campaign only districts that demonstrate a significant lack of human and technical capital (and are unable to independently issue LTCs) would warrant such support

Through policies such as Decision 181, the Government, with support from donors including Sida, had been largely successful in encouraging the majority of Vietnamese landowners to obtain LTCs. Improvements in procedural efficiency and increased public awareness have meant that most districts (on average) have issued approximately 90% of households with LTCs. While there may be a case for some districts receiving additional training and technical support to allow them to issue more LTCs, in general it can be said that the one off task of encouraging all Vietnamese landowners to obtain LURs has essentially been accomplished (as due to fore mentioned reasons, there will always be a percentage of landowners whose land is not registered).As a result, it is recommended that efforts be made to strengthen the capacity of the OSS mechanism to offer other important land administration services.

As Vietnam continues to develop and urbanise there will be a greater demand to convert agricultural land into residential, industrial and commercial land. Civil servants and cadastral officials will require institutional support to improve their legislative and technical capacity so as to efficiently implement the process of registering agricultural land for other purposes as well as to offer further administrative services such as facilitating land transfers and resettlements as well as settling land disputes. As such, it is recommended that the MOHA in collaboration with supporting agencies and donors continue to aim to increase the human, technical and institutional capacity of district and commune level OSSs through the implementation of activities (that were introduced through the Sida project) such as study tours, training programmes, cross agency taskforces as well as the encouragement of increased cooperation and information sharing both between and within provinces

7 Conclusion and Implications for Future PAR Reform

7.1 Conclusion

Based on the both the qualitative and quantitative research conducted, this report makes the following conclusions:

- That the project had a positive impact on improving both the volume and speed of issuing LURCs in project districts (see charts 5.3 to 5.6 above). Improvements in staff and institutional capacity, in addition to the equipment provided, have proved long lasting and have improved efficiency beyond the duration of the project
- Based on the success of the initial phase of the project in Quang Tri, the decision to pilot the project in four additional provinces was taken (in early 2003) so as introduce the OSS system to increase the chosen districts capacity to efficiently and quickly issue LURCs. However Decision 181 later in 2003 to nationally implement the OSS programme for a number of services, including land administration, in every province and district of Vietnam from 2004 and in every commune from 2005, coupled with the national campaign to encourage all households to obtain LURCs, removed the role of the project as a pilot activity. Decision 181 meant that the project was no longer a pilot but was in fact a project to both assist in the implementation and strengthen the capacity of the People's Committee One Stop Shops (and non-project districts were able to learn from the project districts).
- Further Sida assistance to the OSS system for issuing LURCs in Vietnam is not a priority. During the implementation of both phases of these pilot projects, the OSS mechanism was embraced, legalised and implemented throughout Vietnam. The Sida OSS project positively influenced the nature and speed of that process, which is its principal impact and lasting legacy.
- Future Sida assistance is best targeted to develop the full land management services required of a market economy (such as computerised central registers and links to banks to enable central mortgage register). The "ongoing technical tasks" are described below. Sida can also support the full development of the OSS services in provinces to enable smooth and consistent processes and regulatory framework. Achieving that requires better coordination across Departments, and the introduction of regulatory review systems (to remove contradictions and unwarranted controls and requirements). These are also discussed below.

7.2 Future PAR Reform

1) The ongoing technical tasks

Through policies such as Decision 181, the Government, with support from donors including Sida, had been largely successful in encouraging the majority of Vietnamese landowners to obtain LTCs. Improvements in procedural efficiency and increased public awareness have meant that most districts (on average) have issued approximately 90% of households with LTCs. While there may be a case for some districts receiving additional training and technical support to allow them to issue more LTCs, in general it can be said that the one off task of encouraging all Vietnamese landowners to obtain LURs has essentially been accomplished.

As a result, it is recommended that efforts be made to strengthen the capacity of the OSS mechanism to offer ongoing important land administration services. As Vietnam continues to develop and urbanise there will be a greater demand to convert agricultural land into residential, industrial and commercial land. Civil servants and cadastral officials will require institutional support to improve their legislative and technical capacity so as to efficiently implement the process of registering agricultural land for other purposes as well as to offer further administrative services such as facilitating land transfers and resettlements as well as settling land disputes. As such, it is recommended that the MOHA in collaboration with donors continue to aim to increase the human, technical and institutional capacity of district and commune level OSSs through the implementation of activities (that were introduced through the Sida project) such as study tours, training programmes, cross agency taskforces as well as the encouragement of increased cooperation and information sharing both between and within provinces.

In particular, this should involve supporting development of curriculum for short-course training to be delivered on a sustainable basis by existing providers. Training courses might include dispute settlement procedures or resettlement policies and implementation.

One area that could be targeted for Swedish support is the software related to land administration. Software was developed and proved useful under this project. It remains in use in the project provinces. Vietnam, however, has reached a stage where national land administration software needs to be developed and tested as part of an improved cadastral system. Sida could play a role in that by building on the experience of this project to identify software options for Vietnam (with MONRE), possibly linked to the recently initiated World Bank loan in this area.

2) A more comprehensive OSS system

Building the present one-stop shops into more comprehensive services, to support not just farmers but also businesses and foreign investors, is a challenging task. Common complaints are:

- Insufficient guiding documents concerning proper procedures and requirements
- Weak coordination between relevant agencies
- The time frame for project appraisal is too short (Decree No. 1080/2006/ND-CP)
- The wording of some documents is unclear and allows different interpretations
- Some documents are clear but contradict each other

It would be of value if Sida was to identify some “ready for change” provinces and districts and worked with them to clarify local regulations and establish a new model of highly effective outcome-focused OSS that offers a wide range of services.

3) Supporting Regulatory Review Processes

Another valuable intervention would be to support some provincial-level efforts to test and establish systems for regulatory review processes. Best practice in that area can be adopted for Vietnam. The purpose is to have a system to evaluate regulations (costs and benefits) in an objective manner for consideration by policy makers, and also, of course, to identify and suggest solutions to contradictory or unclear wording and documents.

Jacobs and Associates have developed an applied methodology for rapid appraisal of regulatory systems and particular regulations. That approach, however, forgoes careful measurement of impact in favour of quick analysis of justification and apparent costs and benefits ().

Another approach is a “Red Tape Study” where attention is given to precise measurement of impact – both specific to farmers and firms, and in general upon the economy. Developed countries pay much attention to such analytical work, and can be seen as providing a “gold standard” for emulation by countries like Vietnam. A good example is the Australian Government *Office of Best Practice Regulation* “Business Cost Calculator” model (). Such a methodology is being tested in Lao PDR under an ADB project (Kbird@adb.org Kelly Bird). It must be rigorous, quantitative, and yet not too complicated – an “appropriate technology” version for use by Vietnam and other LDCs with fewer resources and capacities.

Sida could scope out the possibilities for supporting these provinces to establish system to objectively review their regulatory frameworks as a follow-up to the LURC OSS project, and this would also assist in building of a more comprehensive OSS system in these provinces, and ultimately across all Vietnam.

4) The policy lessons from this project

The Quang Tri initial one-stop shop pilot was an outstanding “policy success” as it influenced the policy outcome of Decree 181. The second replication project was in the context of supporting the implementation of the new decree. In both cases, therefore, projects were aligned with legislative actions by the Government. Of course, we cannot expect pilots such as Quang Tri to necessarily cause legislative outcomes – but such pilots should be carefully chosen so that, if successful, a legislative outcome may be “reasonably expected”. Future PAR interventions need careful and critical evaluation of the probability of successful pilots changing policies. Similarly, for projects like the replication to other provinces, their timing immediately after the policy reform is important to maximise impact. In PAR then, “timing is everything” – or at least very important – as interventions can facilitate a change in process, but they cannot force them.

Annex 1 Overview of Legislation

Decree No. 172/2004/ND-CP dated September 29, 2004 by Government

Prescribing the organization of the professional agencies under the People's Committees of the rural and urban districts as well as provincial capitals and cities

Decree No.171/2004/ND-CP dated September 29, 2004 by the Government

Prescribing the organization of professional agencies under the People's Committees of the provinces and centrally-run cities

Government Resolution No 08/2004/NQ-CP dated on June 30, 2004

On continuing to strengthen governance decentralization from central to provincial government and centrally-managed cities

Prime Minister's Decision No 181/2003/QD-TTg on 04/9/2003

On the issuance of the Regulation to implement the 'One-Stop Shop' mechanism in local administrative agencies.

Prime Minister's Decision No 178/2003/QD-TTg on 03/9/2003

On the approval of the Advocacy Project for the Public Administration Reform Master Programme 2001–2010

Project on the renovation of the management modality and modernisation of the State administrative system, Phase I (2003–2005)

Promulgated together with the Prime Minister's Decision No.169/2003/QD-TTg of August 12, 2003

Government Decree No 30/2003/ND-CP on 01/04/2003

Regulating the functions, duties, authority and organisational structure of Government-affiliated agencies

Government Decree No 79/2003/ND-CP on 07/7/2003

On the issuance of the Regulation on democracy implementation at the commune level

The Public Administration Reform Master Programme 2001–2010

Government Resolution No 09/2003/NQ-CP on 19/06/2003 on the modification and amendment of Government Resolutions No 16/2000/NQ-CP on 18/10/2000

On staff down-sizing in administrative agencies and public service delivery agencies on 30/6/2004

Prime Minister's Decision No. 57/2000/QD-BTC on 20 April 2000 issuing fee levels for civil status registration

Government Decree No. 83/1998/ND-CP dated 10 October, 1998 on household registration

Resolution No 38/1994/ND-CP dated April 5, 1994 on the reform of administrative procedures regarding the handling of dossiers submitted by citizens and organizations

Government Decree No. 60/1994/CP dated July 5, 1994 on home ownership and land use rights in urban areas.

Annex 2 Terms of Reference

For the evaluation of the “replicating the model of Land administration under OSS One Stop Shop (OSS) mechanism to four provinces in the Central region” of Quang Tri Public Administration Reform (PAR) project.

I. Background

The Swedish International Development Cooperation Agency (Sida) in Embassy of Sweden has supported Quang Tri province through a PAR TA (Technical Assistance) project regarding land allocation and granting of land user certificates. The project started in October 1999 and was extended in 2002 until 2004, when it came to an end. In 2006, in consultation with MoHA, Sida conducted an evaluation of the Quang Tri project to learn more about which factors determined the results of the project.¹ The evaluators concluded the project was successful in meeting its outputs by piloting the one door model (or One Stop Shop model). In 2006 at least 80% of the households in the province had land use certificates, compared to only 5% in 2000.

In August 2003, at the request of the Quang Tri Provincial People’s Committee, and with the approval of the Prime Minister of the Government of Vietnam, Sida decided to support Quang Tri province to replicate the successful model of Granting Land Use Right Certificate and Land Allocation through a sub-project in additional provinces in the Central region. It was agreed to apply the OSS mechanism to the four provinces of Nghe An, Ha Tinh, Quang Binh and Thua Thien Hue.

The objective of the sub-project was to contribute to effective implementation of the PAR Master Program, and respond to the need for local socio-economic development, and improved livelihood of local people, by replication of the model of land allocation and granting of land certificates under the OSS mechanism. The total duration of the sub-project has been 2,5 years, from August 2003 to March 2006.

In April 2007 the MoHA and Embassy of Sweden in Hanoi decided to conduct a post-evaluation in all five pilot provinces, to learn primarily from the experiences made in the four additional provinces, but also to learn from possible new, more recent experiences made in the first pilot province of Quang Tri.

The MoHA shall have the overall responsibility for the evaluation, its results and implications. The Embassy of Sweden has agreed to finance the costs of the evaluation.

II. Objective of the Evaluation

The objective of the evaluation is to provide the Government of Vietnam and PAR stakeholders in Vietnam with insights on the results, outcomes and impact of primarily the sub-project “Replicating the model of Granting Land Use Right Certificate and Land allocation under the OSS mechanism to 4 provinces in the Central region” from the Quang Tri PAR project, and secondly to observe any additional experiences made in Quang Tri province since the 2006 Sida evaluation there.

The evaluation results are intended to serve as inputs for: (i) the Government of Vietnam to make decision on institutionalizing and replicating the model to other provinces in Vietnam; and (ii) stakeholders in PAR for their future mobilization and preparation of support to the PAR process in Vietnam.

¹ Comparative Evaluation of the Personnel Management Project at Central Level and the Pilot PAR Project in Quang Tri Province, Yeow Poon, Vo Kim Son, Sida Evaluation 06/51, Asia Department, Sida, Stockholm, June 2006.

III. Expected Output

The findings of the evaluation consultants shall be presented to MoHA in an evaluation report written in one (1) English and one (1) Vietnamese language version. Both versions shall be delivered in digital format. The report should be in the range of 20–50 pages (excluding attachments).

The report shall contain the findings and analysis of the outputs, outcomes and impacts of the project in relation to the objectives of the program. The report shall also inform about the impacts on the effectiveness of PAR, on the socio-economic development and poverty reduction in the 5 selected provinces. It should also include recommendations to the Government for documenting, institutionalizing and replicating the model, and suggestions for continued stakeholder support (ODA and National) to the PAR process in Vietnam.

IV. Specific Tasks

The evaluation team of consultants is expected to:

- assess the outputs and outcomes of the sub-project in relation to its objective and expected results
- assess the relevance, effectiveness and sustainability of the interventions related to various elements of the project.
- assess the institutional set up for the implementation of the sub-project in Quang Tri and the other 4 selected provinces.
- assess impact of the sub-project on the PAR implementation of the 5 selected provinces, especially the quality of public service delivery in the area of land administration in the piloted units.
- assess the impact of the sub-project on the poverty reduction of the piloted units of Quang Tri and the other 4 selected provinces.
- assess the impact of the sub-project on democracy, transparency and accountability and gender equality in the system of public service delivery of Quang Tri and the other 4 selected provinces.
- indicate the most important factors that determine the results (expected/unexpected/positive/negative) of the sub-project.
- assess the cost effectiveness of the model.
- based on the analyzed findings and lessons learnt from the sub-project, make recommendations to the Government for documenting, institutionalizing and replicating the model “Replicating the model of Granting Land Use Right Certificate and Land allocation under OSS mechanism” to other provinces.

V. The Main Stakeholders’ Roles and Tasks in the Evaluation

The MoHA in Hanoi will:

- be responsible for the procurement of the evaluation team of consultants using Sida’s Procurement Guidelines, as stated in the *Specific Agreement between the Government of the Socialist Republic of Vietnam and the Government of Sweden on the Consultancy Services Fund, October 2005–June 2010*,
- be the primary contact point for the evaluation team of consultants,
 - be responsible for communicating with the Embassy of Sweden,
- provide the evaluation team members with the following key background documents prior to the start of the evaluation team’s assignment;

1. Letter of intent between all five provinces and development partners regarding the replication of the model.
2. The individual project proposals from the four provinces of the sub-project.
3. Progress reports from the four provinces of the sub-project.
4. Final synthesis report of the replication in the four provinces (of the sub-project).
5. Comparative Evaluation of the Personnel Management Project at Central Level and the Pilot PAR Project in Quang Tri Province, Yeow Poon, Vo Kim Son, Sida Evaluation 06/51, Asia Department, Sida, Stockholm, June 2006.
6. Etc.

The Quang Tri DoHA (Department of Home Affairs) will:

- provide logistic support to the evaluation team. The Quang Tri Department of Home Affairs will arrange schedule/meetings in the province and in the four (4) other selected provinces as from the final plan of evaluation worked out by the team, based on the recommended schedule,
- provide the evaluation team with necessary documents as requested by the team, and nominate staff to accompany the team to relevant agencies and provinces during the evaluation period.

The Embassy of Sweden in Hanoi will

- provide the MoHA and/or the evaluation team with any documents required for the purpose of the evaluation,
- assist to arrange meetings with Sida's own or partner staff if needed, and
- provide funds for the evaluation (see item IX. Budget).

Additional documents and information from other key PAR stakeholders may still need to be collected by the evaluation team of consultants as part of the assignment.

VI Tentative Time Schedule of the Evaluation

Prior to contract signing tendering consultants shall as enclosures to their tenders present a draft evaluation plan, including methodology of work, itemized budget, time schedule, and reporting format to MoHA. The MoHA will compile and discuss the any shortlists, tenders with budgets, the process of evaluation of tenders and draft contract with the Embassy of Sweden prior to awarding the evaluation to one of the tenderers. Before MoHA signs the contract, the Embassy of Sweden shall give its no objection.

The evaluation team assignment will take place during a maximum of 35 working days in the period June–July 2007. The evaluation should be completed no later than 15 August 2007.

The 35 working days of the evaluation shall tentatively be allocated as follows:

- Study of and analysis of key project documents (desk review); collection, study and analysis of additional documents; general briefing meetings with MoHA and Sida (and other key stakeholders) in Hanoi:
3–6 days;
- Working in Quang Tri, Nghe An, Ha Tinh, Quang Binh, Thua Thien Hue:
15 days;
- Meeting with MOHA and Ministry of Natural Resources and Environment:
1 day;

- Teamwork and de-briefing with MoHA and Sida in Hanoi:
1 day;
- Write and finalize evaluation report:
12 days.

VII. Profile of the Consultants

An evaluation team of maximum four consultants shall be procured by MoHA, consisting of; one team leader and two to three additional team members. The team may be complemented by additional specialized expertise.

1 Team leader profile

The team leader:

- is responsible for elaboration of evaluation plan, schedule, action plan and task assignment for team members,
- is responsible for communicating the evaluation plan, schedule, and action plans with the MoHA and Quang Tri DoHA for proper evaluation coordination and preparations,
- should be independent of the evaluated activities. The team leader is responsible for ensuring objectivity, impartiality, transparency and credibility of the evaluation,
- should have good knowledge and expertise on PAR in Vietnam, and have strong experience as a member of previous evaluation missions, particularly as a leading consultant/team leader,
- should be fluent in English language.

2 Team member profiles

The team members should:

- have good knowledge and expertise on PAR in Vietnam,
- have strong experience as members of evaluation mission/s. He/she should have relevant experience of team working and team mobilization,
- have working experience from ministerial and/or provincial levels, and/or from international organizations/projects, and/or country PAR experience from other country/countries,
- Ability to work in English and Vietnamese is seen as an advantage.

VIII. Methodology

- Desk review: read and analyze relevant documents, reports...
- Questionnaires: questionnaires will be developed by the evaluation team. To be filled by beneficiaries and stakeholders.
- Interviews: semi-questionnaires will be prepared by the evaluation team. Shall serve as basis for interviewing stakeholders and/or beneficiaries.

IX. Budget

The total costs of the evaluation will be funded by the Embassy of Sweden.

The MoHA shall be responsible for the procurement of the evaluation team consultants. The Embassy of Sweden shall however be consulted by MoHA prior to the actual selection of consultants.

The *EU Guidelines for financing of local costs in Development Cooperation with Vietnam* (issued November 1st, 2005) shall apply for the evaluation, as stipulated in the *Specific Agreement between the Government of the Socialist Republic of Vietnam and the Government of Sweden on the Consultancy Services Fund, October 2005–June 2010*.

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