



Workshop Land of the Ethnic Minority Communities in Upland Vietnam

23 October 2012

Introduction

Vietnam is a country of multi-ethnic and multi-cultural nuances, in which most of them is ethnic minorities who live in mountainous areas with the subsistent practices, cultural and social features closely attached forest and forestland.

The policy on ethnicity has always been a very important part and indispensable in the system of the Party and State legal framework. Over the past 30 years, the State has made a radical change in the perception and practical application for socio-economic development in the ethnic minority areas.

As long as the results, the process of socio-economic development for the ethnic minorities over time also revealed a quite number of issues in particular land and forestland governance. The deficiency of production land (agricultural productive land and forestland) is a barrier in the process of ensuring and development of the livelihood and social stability in mountainous ethnic minority communities.

Paradoxically, the community of ethnic minorities in the Northwest, Northeast and Central Highlands of Vietnam where are remaining a numerous amount of rich forestland resources is struggling with the highest poverty rate. Resolving this situation, the State has issued policies i.e. Decision 134/2004/QĐ-TTg, Decision 146/2005/QĐ-TTg, etc. to grant residential and productive land of ethnic minorities. Yet, the results have not been as the ambition. Execution of the above policies faces the following challenges:

(i) The shortage of productive land of ethnic minorities is not yet overcome that increasingly tends to intensify. By 2011, there are still about 348 thousand of ethnic minority households lacking residential and production land. Some poor must transfer, pledge, and mortgage their land without the ability to redeem. This is an alarming situation, likely to cause unrest in the ethnic minority communities in upland areas;

(ii) The mountainous areas of Vietnam have a great potential of land resources. Yet, there is still deficiency of land for production of ethnic minorities. This due to: (a) limited agricultural land whilst the increasingly population pressure, seriously land acquisition for development projects i.e. constructions of hydroelectric dams and mining concessions; (b) most forestland is under the management of state and economic entities; (iii) the assessment and taking-back of land and forestland from state-agro forestry enterprises (i.e. Decree 170/2004/ND-CP and 200/2004/ND-CP) to reallocate to ethnic minorities (e.g. Decision 134/2004/QĐ-TTg and 146/2005/QĐ-TTg) face many obstacles; (iv) the land and forestland which have not been allocated (the withdrawal land managed by the Communal People's Committees) are under competitive pressure to other economic sectors as the market mechanism, which inclined to use the land for non-production development such as retaining and speculating land and forest resources. Many cases, land and forestland were allocated to economic enterprises for rubber plantations and commercial forestation. The state forest enterprises are converted into joint-stock entities whilst they are deficient in human resources; thus, they have to lease their land.

(iii) Governance of forest land is still insufficient. The main cause is due to the conflicts between land users, especially between the state forest enterprises, companies and local communities. The

allocation mainly taken place on the paper, lack of local consultation and disregard of the customary community governance caused the overlaps among forestland owners;

(iv) The government policies on supporting mountainous ethnic minorities are generally far less attention to forestland resources which longstanding attach to the livelihoods and traditional socio-cultures. The shortage of land, natural resource disputes, encroachments and rent-seeking in forestland management has not been definitively resolved promptly. These have caused several critical problems and the risk of social unrests.

Given the above context, the monitoring program in 2012, the Standing Committee of Vietnam National Assembly set up a Monitoring Team on "*The implementation of laws and policies on residential and productive land for ethnic minorities*" under Decree 438/2012/NQ-UBTVQH13. Report of the Monitoring Team will be submitted to the Standing Committee of Vietnam National to review and issue a resolution in September 2012. These report and resolutions will be debated in the Fourth Session of the Vietnam National Assembly in October 2012. Land for mountainous ethnic minorities is also a primary content in the process of amendment of the 2013 Law, which will be debated at the above agenda and adopted at the Fifth Session of the Vietnam National Assembly in May 2013.

For the purpose of having positive feedbacks to the legislative process, on the basis of achievements of the empirical research in ethnic minority areas, the Social Policy Ecology Research Institute (SPERI), Consultancy on Development Institute (CODE) and Culture Identity and Resources Use Management (CIRUM) co-organize a workshop on "*Land of the Ethnic Minority Communities in Upland Vietnam*". The workshop is an opportunity for local communities, forestland users, CBOs, CSOs, researchers, STOs, legislative making and implementation agencies at all levels and media to meet and share best experiences and lessons on forestland issues. Then, the workshop looks forward to have recommendations regarding forestland land policies to ethnic minorities toward sustainable use of natural resources, security of livelihood and environment in mountainous areas.

Objectives

1. To have information and evidences regarding the current status of governance and utilization of agricultural and forest land resources of ethnic minority communities in upland Vietnam;
2. To have best experiences and lessons on resolving issues related to agricultural and forestland resources of ethnic minority communities in upland Vietnam;
3. To have policy recommendations and methodologies to overcome the shortage of agricultural and forestland which contribute to ensure livelihoods, and efficient and sustainable use of natural resources of ethnic minority communities in upland Vietnam.

Contents

1. Assessment of the current management and utilization of agricultural and forestry land associated with the customary tenures of ethnic minority communities in upland Vietnam;
2. Experiences, lessons and methodologies in resolving disputes in management and utilization of agricultural and forestry land, and the deficiency of land in ethnic minority communities in upland Vietnam;
3. Roles of ethnic minority communities in upland Vietnam in management utilization of forest and land resources;
4. Analysis and assessment of the results, inadequacies and providing recommendations of policy amendments, as well methodologies to resolving issues on agricultural and forest land of ethnic minority communities in upland Vietnam.

Time: 23 October 2012

Location: La Thanh hotel, 218 Doi Can street, Ba Dinh district, Hanoi-Vietnam

Participants: The workshop expects 100 participants representing following representations.

1. Central Government: Office of the Central Communist Party (OCCP), Office of the National Assembly (ONA), the National Council of the National Assembly (NCNA), the Government Office, The Department of Ethnic Minority Affairs of the National Assembly, the National Assembly's Economic Committee, the Central Propaganda, the National Assembly's Committee for Science and Technology, Committee of Ethnic Minority Affairs (CEMA), Ministry of Agriculture and Rural Development (MARD), Department of Economic Cooperation & Development, Innovation and Enterprise Management Board / Ministry of Agriculture and Rural Development, Board Policy Forest Management Institutions / General Department of Forestry_MARD, Institute of Strategic Development, Forest Protection Department, Institute of Strategic Development, Policy & Legislation - The General Department of Land Management Department of the Ministry of Natural Resources and Environment (MoRE), the strategy and policy department of MoNRE, the Vietnam Fatherland Front (VFF), Central Department of Forestry, Vietnam Forest Inventory and Planning, Land Institute of the General Department of Land Management.

2. Provincial/ district/communal governments:

2.1. Lao Cai province: Department of Forestry, Fund of Forest Protection and Development, Department of Natural Resources and Environment, Simacai district People's Committee, Simacai district Office of Natural Resources and Environment, Simacai district Office of Forest Protection, Lung Sui Communal People's Committee.

2.2. Lang Son province: Huu Lung district People's Committee, Huu Lung office of Agriculture and Rural Development, Dong Thang Communal People's Committee.

2.3. Nghe An province: Department of Forestry, Department of Natural Resources and Environment, Department of Agriculture and Rural Development, Que Phong District People's Committee, Que Phong District Office of Natural Resources and Environment, Que Son and Ngoc, Hanh Dich and Ban Ve Communal People's Committees.

2.4. Ha Tinh province: Truong Son Forestry Collective in Huong Son district.

2.5. Quang Binh: Center for Indigenous Knowledge Research and Development (CIRD), RDRD, Cao Quang and Truong Son Communal People's Committees.

2.5. Kon Tum Province: Ho Moong Communal People's Committee.

3. Scientific Technology Organizations (STOs), Civil Society Organizations (CSOs), researchers and experts.

4. Forest and land users (state and economic entities): The Vietnam General Rubber Corporation, Vietnam General Mill Corporation, Vietnam General Forestry Corporation, etc.

5. International organizations: NPA, ICCO, Bread for the World, CCFD, Care, Dutch Embassy, Oxfam-British and Hongkong, Mcknight, CCFD, IUCN, CIDA Vietnam, GIZ, SNV, ActionAid Vietnam, UNDP Vietnam, WB, etc.

6. Media: VTV, VTC, E-magazine of the Central Communist Party, Government Inspection Report, Hochiminh Youth News, TTXVN, VOV.VN, State and Law News, the People News, VnEconomy, www.chinhphu.vn, New Hanoi Magazine, Thiennhien.net, Vn news, Tien Phong News, Rural Economic News, Financial Times, People's Army Newspaper, Saigon Economic Times, Law News, Literature on Weekly, etc.

Resources presentations / papers

- CODE: Overview of government policy on forestland and tenure dispute resolutions in ethnic minority communities in upland Vietnam.
- SPERI: Case study_ Forestland conflict resolutions and community based land allocation in Lung Sui commune (H'mong), Simacai district, Lao Cai province.
- SPERI: Case study_ Land right and community based forest governance in Hanh Dich commune (Black Thai), Que Phong district, Nghe An province.
- CIRU: Case study _ Resolving forestland conflict between local community and state forestry enterprise: Grassroots Collective Forestry in Cao Quang Commune, Tuyen Hoa district, Quang Binh province.
- Isee: Land Policy and Ethnic Culture.
- Dr. Vu Van Me: Policy and practices of forestland allocation for ethnic minorities in upland Vietnam.
- The Monitoring Team of the Ethnic minority Department of the Vietnam National Assembly: Implementation of the government policies and laws on land for ethnic minorities in Vietnam.
- CIRUM: Policies and Inadequacies in the Implementation of Forestland Allocation to economic organizations: Case_Dong Thang commune, Dinh Lap district, Lang Son province.
- Local response to deficiency of productive land: Case _ Ho Moong commune (resettled area of Pleikrong hydroelectric power plant), Sa Thay district, Kon Tum province.
- Local Reaction to the shortage of productive land: Case _ Black Thai community of Ngoc Lam commune (resettled area of the Ban Ve hydropower plant), Thanh Chuong district, Nghe An province.
- RPRD: Local response to the shortage of productive land: Case_ Reallocation of forestland from state forestry enterprise to Van Kieu community in Truong Son commune, Quang Ninh District, Quang Binh province.
- The Central Committee of the Vietnam Fatherland Front: the implementation of policies to support ethnic minorities in upland Vietnam.
- The Vietnam General Land Management: Land issues of ethnic minorities in the draft amended law on land.
- Presentation of WB on land right in development of ethnic minorities in upland Vietnam.

Further contact

Co-organizer: SPERI/CODE/CIRUM

Mr. Dam Trong Tuan

Email: dtuan@speri.org

Phone: +84-4-37715690 or +84-1235868202

Mrs. Nguyen Minh Phuong

Email: nmpuong@codeinter.org

Phone: +84-4-37711173 or +84-985713430

Mrs. Tran Thi Hoa

Email: tthoa@cirum.org

Phone: +84-983181288