

LAND TENURE AND POVERTY REDUCTION FOR ETHNIC MINORITIES IN VIETNAM'S MOUNTAINOUS REGIONS*

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Introduction

Land is considered one of five important capitals¹ that directly impact the livelihood and poverty-level of a farmer (DFID, 1998). The level of impact of land on livelihood and poverty is not only dependent on farming techniques, but more importantly, on farmers' rights to land and the relationship between different types of land-use rights (Sikor, 2003). This means productivity of land is profoundly affected by related policies. Land issues are as vital for Vietnam's ethnic minorities in the highlands,² because their livelihood is also largely dependant on agricultural production. Thus far, however, studies on land tenure³ with regard to ethnic minorities in Vietnam's upland areas are scattered, focusing mainly on the socio-political

aspects of land tenure rather than its relation to poverty reduction (Vu Dinh Loi, Bui Minh Dao, Vu Thi Hong, 2000; Vuong Xuan Tinh, Bui Minh Dao, 2003). Some of the studies look at the benefits for ethnic minorities from allocation of forest land in pilot projects in a particular region, but deeper assessments are rendered difficult because these projects have only begun implementation recently (Tan Quang Nguyen, 2005).

To help illuminate the relationship between land tenure and poverty reduction among ethnic minorities in Vietnam's mountainous areas, this study seeks to: 1) Evaluate the current land tenure situation of ethnic minorities in three regions: the Northern Mountainous Region, the Mountainous area of the Central region and the Central Highlands under land policies introduced since the *Doi moi* process was initiated in 1986; 2) Consider the impact of the land tenure situation on poverty reduction among ethnic minorities in these regions; and 3) Provide recommendations on land policies for Vietnam's mountainous areas.

This study combines a literature review done in Hanoi and fieldwork carried out from June through October 2006 under

¹ Five capitals include natural capital, physical capital, human capital, social capital, and financial capital.

² To avoid confusion, some terminologies used in the article should be understood as follows: 1) Mountainous area refers to areas higher than delta, but that have valleys and mountains; 2) Valley: the lower areas between mountain ranges; and 3) Highland: mountainous areas higher than valleys.

³ In the context of the 1993 Land Law and the 2003 Land Law, only the state has land ownership; household and individuals only have land use rights. However, the term *land use* does not reflect the five rights to land of the household, individual (the rights to transfer, sell, lease, inherit and mortgage); therefore, this report uses the term land tenure with the intention to avoid the shortcomings of the above terms.

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the auspices of the World Bank's Vietnam Country Social Analysis (CSA)⁴ in the provinces of Dak Lak and Quang Tri, data collected in Ha Giang by the CSA research team, and data collected from the author's fieldwork for other research programs. The main methods used in the fieldwork include participant observation, in-depth interviews and group discussions.

1. Land Tenure in Vietnam's Mountainous Area: A Diverse Picture

Reforms in land policies in Vietnam since *Doi moi* have brought about profound, unprecedented changes in the farming sector. Particularly noteworthy is the variegated nature of these changes and the impacts they have had on the land tenure situation, especially in mountainous areas. This is reflected in the following:

1.1. Prolific Land Policies and Legislation

At no other time in the history of its construction and development has the Vietnamese State brought out so many land reform policies and laws as in the *Doi moi* period. During 1986-2006, starting with Contract 10, three major land policies have been introduced: the 1988⁵ Land Law, the 1993⁶ Land Law and the 2003⁷ Land Law. Besides, the 1993 Land Law itself was revised and amended twice in 1998 and 2001.

The above-mentioned laws have no provisions specific to ethnic minorities apart from some exceptions. Decree 64/CP (1993) of the Government – an implementing decree of the 1993 Land Law which places the land ceiling for perennial trees of households in mountainous areas at 30ha – in fact applies to ethnic minority areas. Article 9, Chapter 1 of the 2003 Land Law, defines population living in the same village, *thôn, làng, ấp, bản, buôn, phum, sóc*, sharing the same customs or lineage, who are allocated land by the state or whose rights to land, carries the same implication.

Apart from these laws, since 1986, there have been a number of Government Decisions directly related to land issues among ethnic minorities. In 2002, The Prime Minister issued Decision number 132/2002/QĐ-TTg on resolution of production and residential land for ethnic minorities in the Central Highlands. In 2004, the Prime Minister issued Decision 134 aimed at supporting poor ethnic minority households living in difficulties with land for production, housing and water. Among policies impacting land tenure for ethnic minorities are some programs, including Program 327, Program 556, Program 661 and Program 135.

1.2. Diversity in Policy Implementation

This section provides an analysis of the implementation of land and forests land allocation to ethnic minorities in mountainous areas under the 1993 and 2003 Land Laws, in relation to Contract 10 and other related programs and projects. Land

⁴ The Vietnam Country Social Analysis (CSA) examined ethnic minority development in the context of this group's access to assets, capabilities, and voice, WB, 2006.

⁵ *Land Law* 1988, Legal Publishing House, Hanoi.

⁶ *Land Law* 1994, The National Political Publishing House, Hanoi.

⁷ *Land Law* 2003, The National Political Publishing House, Hanoi.

and forest allocation in essence is the process of decentralization in the management of land and other resources in Vietnam. The State allocates land use rights to organizations, households and individuals.

In mountainous areas, Contract 10 has had major impacts in valleys where there are paddy fields and the cooperative movement is more developed, but little impact on highland areas – where people practice swidden farming. Beside the positive impact of improving productivity, Contract 10 has intensified differentiation in land tenure. With the reclaiming of ancestral land in the Northeast of the Northern Mountainous Area and increasing land transactions, there has been a high degree of differentiation in land holdings among village households. In some places, the difference between households with small and large land holdings can be as high as 4-5 times (Nguyen Van Huy, Vuong Xuan Tinh, 1993, 1975-1980; La Cong Y, 2001). Therefore, the allocation of land according to the 1993 Land Law in this area automatically recognizes such differentiation. In the Northwest, where no reclamation of ancestral land took place, the allocation of land to households (for 20 years) was rapid, based on average landholding per head. However, the allocation of land to ethnic minorities in some valley areas was not always welcomed. The Thai in Yen Chau, Son La province, do not accept this type of allocation saying that it is against their annual land allocation customs (Thomas Sikor and Dao Minh Truong, 2000, p. 33) and also because the streams crossing fertile fields usually change course during flooding

seasons, causing some households to lose land for a long period of time (Vuong Xuan Tinh, field note, 1998).

In the 10 years following implementation of the 1993 Land Law, large inequalities appeared in land use rights. It has been observed that children born after land allocation have no land; on the contrary, those who died after land was already allocated do not have to return their share of land. Some places continue the patriarchal system where households only allocate land to sons after they separate to set up a new household. These are factors that have led to differentiation in average land holding among households; although at the beginning, land allocation was equal. Those lacking farm land are usually newly established young households or those with many sons. An example is the Muong in Chien village, Nam Son commune, Tan Lac district, Hoa Binh province. In 1995, paddy fields in the village were divided at 400m² per head. After 10 years, in 2005, of the 337 persons in the village, 52 children had no land; and 16 out of 59 households had an average of 200m² (Vuong Xuan Tinh et al., 2006b).

In highland areas, allocation of land and forest land to households was tried out in 1996 among the Yao and Hmong living in the Hoang Su Phi district, Ha Giang province. Later, this was implemented in other highland areas nationwide. However, the implementation processes and consequent outcomes vary in the three regions: the Northern Mountainous Area,

the Central Mountainous Area and the Central Highlands.

It has been 10 years since the trial land allocation to the Hmong and the Yao in Hoang Su Phi, Ha Giang. However, land allocation has not been completed in all mountainous areas nation wide. In general, land allocation in the Northern Mountainous Area was more rapid. According to the Ha Giang Department Of Natural Resources and Environment (DORE), until mid 2006, the province had provided *land use certificates* (LUC) for agricultural and forest land to 123,600 households and individuals (with 96.5% of the total number of households receiving LUC, or the Red Book) receiving 142,817ha of agricultural land, and 364,512 ha of forest land. The ratio of ethnic minority households that have received the LUC was 88% (Ha Giang DORE, 2006).

In the Central Highlands, land allocation was started in some places in the late 90s, but until 2006, few LUCs had been given for residence, wet rice cultivation, land for coffee and other industrial crops; the allocation of LUC for hill land and forest land has also been limited. According to the Dak Lak DORE, during 1996-2005, 51,146 out of 63,923 ethnic minority households in the province were provided with the Red Book for a total area of 58,137ha. The land allocated was mainly for coffee cultivation (32,272ha), non agricultural crops (13,130ha), and wet rice (7,138ha); LUC for hill rice land are few (1,368ha) (Dak Lak DORE, 2006). The allocation of forest land was even (in slower progress) slower. According to the same report, between

1999 to 2005, the province only allocated 23,160ha of forest land to 5,002 households, of which 2,253 households were ethnic minorities. The delay in land allocation was due to a funding shortage and difficulties in mapping.

Although land allocation in the Central Highlands took place later than in the Northern Mountainous regions, land transactions here seem more dynamic, especially since the mid 90s. This has been due to the flood of migrants from the Northern provinces to the Central Highlands, particularly spontaneous immigrants. Another explanation for increasing land transactions is the increase in coffee prices. During 1990-2000, the coffee area in the Central Highlands increased from 50,000ha to 500,000ha (Eva Lindskog et al., 2005).

Land allocation in the Central Mountains was very slow. For instance, according to the report of the Quang Tri DOSTE, in the districts of Huong Hoa and Dakrong, only 2,288ha of forest land have been allocated to ethnic minority households. That means the forest area⁸ that the households have acquired the Red Book for is very small when compared to the total natural area of 237,418ha, of which 96,594ha⁹ already have owners. The delay in land allocation in the Central Mountainous region has been attributed to the lack of cadastral maps, the lack of funding to provide households with LUC, and people's inability to pay the fees by themselves

⁸ Most of the land in Quang Tri mountainous region is forest land and swidden fields. Only a small portion is wet rice land.

⁹ The owner of the forest here is the forest enterprise, the household and the village community.

(Quang Tri DOSTE, 2006). However, such explanations are not persuasive, because the 1993 Land Law had been implemented in some regions for over 10 years. The main reasons are perhaps: the poor quality of the land here (high inclination and the legacy of Agent Orange sprayed during the war); and more importantly, the paucity of evidence in the Central Mountainous Region of people having benefited from land allocation.

The process of land allocation in the highlands in the Northern Mountainous Area and the Central Highlands has led to conflicts between individuals, between individuals and groups, or between groups. The main causes for these conflicts are: the contradiction between traditional laws and the principles of land allocation; and changes in people's understanding of the value of land (Vuong Xuan Tinh and Peter Hjamdah, 1996). The *nguyen canh* principle, or allocating the land currently used by the household, has also created differentiation among households within and among villages. The principle of *nguyen canh* also led to integrated farming among households in the same or different villages. Integrated farming in the forest that belongs to another owner often creates fluctuations in land use (Dang Thanh Liem et al., 2001; Vuong Xuan Tinh, 2004). The allocation of land and forest without taking into account the historical boundaries between villages can also create conflicts (Vuong Xuan Tinh, 2003).

In the implementation of the 1993 Land Law, the allocation of forest land to the community in mountainous areas should also be mentioned. In fact, the village community is not among those to receive

land according to this law. However, recognizing the practical role of the community in land management, some provinces like Son La and Dak Lak¹⁰ tried to allocate natural forests to the village and to household groups. This provides a scientific basis for the supplementation of land allocation to the village community of the 2003 Land Law. But the allocation of forest land to the community has only been tried in poor forest areas and the area allocated thus far is insignificant (Nguyen Van Thuan, 2003; Pham Xuan Phuong, 2003; Nguyen Van Xuan, 2003; Tran Ngoc Thanh, 2003; Tan Quang Nguyen, 2005, p. 91-92). In short, due to the limited time for the trial allocation of natural forest to communities, a clear assessment of the impact of such allocation has not been possible. It was not until the introduction of the 2003 Land Law and the 2004¹¹ Law on Forest Protection and Development that the community was recognized as a valid recipient for the allocation of land and forests. However, thus far, relevant articles in these laws have not yet been put into practice.

Among policies contributing to changing the role of land tenure among ethnic minorities has been the Decision 134 (also called Program 134) which aims at providing support for production land, residential land, housing and clean water for ethnic minority households living in poverty and facing great difficulties. Due to the lack of census data on

¹⁰ Some places trying allocation of forest land to community used to belong to Dak Lak province but now fall in the area of Dak Nong province (village 6, Dak Rti commune, Dak Rlap district).

¹¹ The *Law on Forest Protection and Development* (2005), National Politics Publishing House, Hanoi.

the implementation of Decision 134, this article cites the examples of three provinces selected for the CSA survey. In Ha Giang province, according to the Department of Planning and Investment (DPI), 27 billion dong was allocated to program 134, although data is not available for each item under the program. According to a report dated August 17, 2006 by the Quang Tri People's Committee, up to mid-2006, 2,839 ethnic minority households have received production land (of the total of 4,739 households lacking land), accounting for 934ha (of the total of 2,241ha) (Quang Tri People's Committee, August 17, 2006). In the province of Dak Lak, according to the report of the Program 134 Steering Committee dated August 2005, up to July 2005, 4,653ha of production land (of the total of 10,890ha needed) was allocated to 8,518 ethnic minority households (of the total of 20,982 households lacking land for production).

Apart from the allocation of forest land and agricultural land, other initiatives allocating land to households, village communities or socio-political bodies for use and protection, including Program 327, Program 556 and Program 661, also have affected the land tenure situation among ethnic minorities in mountainous areas. Within the parameters of these programs, besides direct benefits from protecting and planting forests,¹² some places receive additional funding for land clearance for wet rice cultivation. Some localities have also allocated the forest area contracted out to households under Program 327 and

Program 556 in the process of forest and land allocation. This has led to inequality in the use of forest land among households (Vuong Xuan Tinh, 2002; To Xuan Phuc, 2002). Regarding Program 135, although infrastructure development is the main goal, many areas have started land clearance for wet rice cultivation and setting up irrigation systems.

1.3. Diversity in Land Users

As discussed above, the 1993 Land Law has made decentralization in land use in Vietnam more profound, especially in the mountainous regions. Prior to the adoption of *Doi moi* in 1986, the mountains, like other regions in Vietnam, only had two kinds of land tenure: state ownership and collective ownership. Since the introduction of the 1993 Land Law, land users in the uplands have become more diverse, including:

- *Agro-forestry enterprises, management boards of buffer forest and other state owned enterprises.* Recently, the area of land used and managed by these institutions has been decreasing. The main reason for this decrease is the State's plan to restructure agro-forestry farms in order to increase the productivity of the land, while increasing the land budget for ethnic minority households.

- *The Commune People's Committee:* In some regions in the highlands, the District People's Committee assigns the Commune People's Committee temporary rights to manage forest land if the area is not yet allocated.

- *Socio-political Institutions:* These are organizations such as the Farmer's

¹² The payment for forest protection is 50,000 VND/ha/year.

Union and the War Veterans Association. However, these organizations are more often involved in protecting and allocating forest land rather than engaging in production or other uses.

- *Private Enterprise*: This report does not include data on forest allocation to private enterprises. In some places with large land budgets like some provinces in the Central Highlands, provincial annual reports have not yet included information such as the number of private companies that have been allocated land and forest; the total area being used by these companies; And the largest amount of land being used by a company...

- *Household and Individual*: This is the main land user in mountainous areas at present. However, the land under household and individual control usually includes residential land, farm land and forest land (bare land or land with poor forest cover). In Dak Lak, until 2005, 51,146 of 63,923 ethnic minority households had been provided with land-use certificates, with 58,137ha of a total of 80,248ha being used and managed by households (Dak Lak DOSTE, 2006). In Ha Giang province, 88% of ethnic minority households were provided with land use certificates (Ha Giang DOSTE, 2006). In Quang Tri province, during 2001-2005, forest land and forests were allocated to 11,958 ethnic minority households. However, only 7,361 land use certificates were provided.

- *Community*: Community recipients of land and forest land include villages,

lineage or household groups. According to Ha Cong Tuan, until June 2001, of 258.634ha of bare land and forest land nationwide, 86,701ha of sacred forest and primary forests were managed by community (2001, p. 10-15).

- *Duplication of land owners*: This occurs when two users use the same land. This arrangement, while it may not be recognized by law, is accepted by traditional law. Such duplication is quite common in many places in the world, especially in areas that are under-developed but diverse in land-ownership, like the mountainous areas of Vietnam.

Diverse ethnicity of land users: Increasing ethnic integration implies increasing integration of land use methods (Khong Dien, 1995, p. 151-198). For example, ethnic groups in Northern Mountainous areas migrating to the Central Highlands maintain their farming traditions. Ethnic groups living in the lowland and practicing wet rice cultivation, like the Tay, Nung, Muong and Thai, usually look for places with environment that is identical to their homeland when migrating to the Central Highlands. Those coming from highland areas, like the Hmong, usually move into the forest and high mountainous areas to clear land for swidden farming. They do not forget their hunting tradition of using guns – different from the local ethnic group/s that use arrows. The Kinh, the ethnic majority, practice wet rice farming and growing gardens in the new land. Integration of land use methods present both positive and negative impacts. It increases the use value of land, diversifies production, and

develops the market economy. On the other hand, it destroys the ecological balance, intensifies illegal land transactions and contributes to differentiation in land use.

1.4. Differentiation in Land Ownership

Differentiation in land holding is an inevitable outcome of land policies during the *Doi moi* process and development of the market economy. For the ethnic minorities in mountainous areas in Vietnam, differentiation in land holdings has never been so profound.

The history of the development of ethnic minorities in mountainous region shows that land differentiation only happened in some Northeast lowlands prior to 1945 (Vuong Xuan Tinh, Bui Minh Dao, 2003; La Cong Y, 2001). However, at that point, due to a small population and abundant land, farmers who needed more land for farming could access it or migrate locally. Ethnic minorities residing in mountainous areas in the North, the Central North and Central Highlands living on swidden farming experienced no differentiation in land holding, at least until *Doi moi*.

Land differentiation among ethnic minorities in mountainous areas manifests thus:

- Difference in average land holding per head among the rich, average and poor household groups within a community. This is apparent in the Central Highlands and Northern Mountainous Area. In the Central Mountainous Region, differentiation is not yet clear due to the delay in the implementation of the Land Laws and the

fact that the land market is not as dynamic. Differentiation varies depending on the region and the land-type. For instance, the areas used by E-de households in Adrong village, Cu Pong commune, Krong Buk district, Dak Lak province, vary greatly. Such differentiation is due to various reasons, but mainly land transactions and settlement of debts. Thirty-five percent of village households have less than one ha of land; about 30 percent have between 1-2ha; and another 35 percent (15 households) have large land holdings, from 4 to 5ha. This means that those with large land holdings can have more than four times the land that the poorest households do. In Lung Tam Thap village (Lung Tam commune, Quan Ba district, Ha Giang province), poor households usually do not have land, only poor forest land for swidden farming; in rich households, each member has a minimum of one *sao* (360m²). Inheritance and increased land transactions are main causes of this differentiation.

- Differentiation in land type: In mountainous areas, especially the highlands, there are many kinds of land: wet rice land, garden, *na* (relatively flat land along rivers or by the foothill), swidden land, forest land, and so on. In areas where land types are diverse, rich households often own various land types, especially quality land that is good for cultivation: wet rice field, garden, *na* land (relatively flat land near water way or mountain foot), hill land, forest land, forests, and ponds. Poor households have fewer land types, and these are usually of poorer quality (swidden land, forest). In Adrong village of Cu Pong commune,

Krong Buc district, Dak Lak province, some poor households do not own wet rice fields or land for coffee (good quality land) but only swidden land. In Ja village, Bong Klang commune, Lak district, Dak Lak province, some poor households have no wet rice fields, but only *na* land. Studying the Hmong and Muong in northern mountainous areas, Vuong Xuan Tinh and To Xuan Phuc found, that rich households usually own many types of land: apart from wet rice fields, hill land and gardens..., they also own forest land, which many poor households do not have (Vuong Xuan Tinh, 2002; To Xuan Phuc, 2002).

- Differentiation in land use among ethnic groups: This differentiation is found in the Northern Mountainous Area and the Central Highlands. Since the implementation of land policies and laws in the *Doi moi* period, differentiation in land use among ethnic groups has intensified. Such differentiation is rooted in the claims to ancestral land following the implementation of Contract 10, and land transactions. The Kinh with money and business acumen often choose fertile land, convenient for cultivation or for trading. In the Central Highland provinces, where coffee production is popular, like Gia Lai and Dak Lak, the Kinh usually buy plots located near roads and water ways from local ethnic minorities to grow coffee. Differentiation in land use has also been due to the investment policies of the state and the process of urbanization. The Kinh residents often reside in urban centers, near big roads or areas convenient for farming. Once the Land Law recognizes land use rights as a transferable

commodity, land value in these areas is always higher than other places.

2. Land Tenure and Poverty Reduction among Ethnic Minorities in Mountainous Areas

2.1. Poverty among Ethnic Minorities

Ethnic minorities, especially those living in mountainous areas, belong to the poorest groups in Vietnam today.¹³ According to the 2006 GSO Household Living Standards Survey, poverty is more concentrated in mountainous areas, the Northwest accounting for 46.1%, North Central areas for 29.4%, and the Central Highlands for 29.2%. It should be noted that these areas are home to most of Vietnam's ethnic minorities. The Vietnam Development Report (2004, p. 26) suggests

¹³ Thus far, Vietnam has experienced four changes in poverty standards:

First change – in 1993 as follows:

- Household living in hunger: Average household head income in rice/month below 13kg for urban area and below 8kg for rural area.

- Household living in poverty: below 20kg for urban area and below 15kg for rural area.

Second change – in 1995, with the following adjustment:

- Household living in hunger: 13kg rice/head/month for all regions

- Household living in poverty: Rural mountainous and coastal areas: below 15kg rice/person/month; rural delta areas, trung du: below 20kg rice/month/head; and urban areas: below 25kg rice/person/month.

Third change – in 1997, further adjustment to the poverty standard:

- Household living in hunger: below 13kg rice/head/month or equivalent to 45,000 VND.

- Household living in poverty: mountainous rural areas, islands – below 15kg of rice/head/month (equivalent to 55,000 VND); lowland rural areas, midland: below 20kg rice/person/month (equivalent to 70,000 VND); urban areas: below 25kg rice/head/month (equivalent to 90,000 VND).

Fourth change – in 2005, as follows:

- Poor households in rural areas: below 200,000 VND/person/month.

that in 2002, the number of households living in poverty among ethnic groups was: the Hoa – 14%; the Tay – 51%; the Khmer – 53%; the Nung – 55%; the Thai – 73%; the Yao – 73%; the Muong – 79%; the Co-ho – 82%; the E-de – 83%; the Gia-rai – 90.5%; the Hmong – 93%; and the Ba-na – 97%. This poverty ratio was calculated for ethnic groups with a sample of at least 100 households in the GSO's 2002 Household Living Standards Survey.

Poverty among ethnic minorities in mountainous areas in Vietnam is presented in terms of food-poverty. According to GSO figures on household living standards, in 2003-2004, the ratio of households that lacked food accounted for half of the number of households living in poverty. For instance, the Northwest mountains accounts for 21.8% of households suffering from food shortage; the North Central region 12.2%, and the Central Highlands 12.3% (GSO 2006, p. 18). According to the Vietnam Development Report (2004, p. 26), the level of food poverty among a number of ethnic groups are as follows: Hoa – 4%, Kinh – 7%, Tay – 20%, Khmer – 22%, Nung – 22%, Thai – 48%, Yao – 30%, Muong – 48%, Co-ho – 50.5%, E-de – 70%, Gia-rai – 73%, Hmong – 68%, Ba-na – 87%.

Difficulties in Education is also a common manifestation of poverty among ethnic minorities in Vietnam's mountainous areas, where education is not carried out in their respective languages, road access is poor, and children usually attend school for a few years before dropping out. On the other hand, for many poor households,

children's labor has greater value than attending school. The long term benefit of education cannot compensate for losses in income in the short-run. Therefore, the ratio of children attending school in higher education is reducing. In 2002, the ratio of ethnic minority children attending primary school was 80%; secondary school, 48.0%; and high school, only 19.3%. Relative comparison with the Kinh and the Hoa (ethnic groups with higher development level) is 92.1%; 75.9% and 45.2% (Vietnam Development Report, 2004, p. 62).

Weakness in the health care system is also a manifestation of poverty. The 2002 HLSS reveals that in the event of sickness in the first four weeks, only 4% of the Kinh and the Hoa households are not able to pay for treatment. This ratio among ethnic minorities in mountainous areas in a similar situation is 8%, and the Central Highlands, 22%. Using clean water and toilets are important signs of health care conditions. According to the same survey, while 52.6% of the Kinh and the Hoa households have access to clean water and 27.2% have clean toilets, the ratio among other ethnic minorities is 12.8% and 4.1% respectively (cited in Rob Swinkels and Carrie Turk, 2004).

In short, poverty among ethnic minorities in Vietnam continues to be a challenge, especially in remote and mountainous areas. The World Bank predicts that by 2010, Vietnam will have 19% of households living in poverty, with ethnic minorities accounting for 42% of them (Swinkels and Turk, 2004).

2.2. The Role of Land Tenure in Hunger Eradication and Poverty Reduction among Ethnic Minorities in Mountainous Areas

Vietnam has adopted the market economy for two decades now, but for ethnic minorities living in mountainous areas, land continues to be the most important factor in their livelihood. Surveys from CSA sites show that household income is mainly from farming and husbandry; and some from forest products. Arable land is the most critical factor in ensuring household food security in the three ethnic minority villages in Vietnam's mountainous regions (Vuong Xuan Tinh et al., 2006). In the three villages studied, the Tho village in Nghe An, located by the main road is adjacent to the commune center, making it convenient for trading. However, due to land shortage, the ratio of households that live in poverty and are food-poor is higher than the Muong village in Hoa Binh province and the Yao in Bac Kan, which are located at distance from the main road and urban centers, but have more agricultural land (Vuong Xuan Tinh et al., 2006b).

Land policies in the past have impacted upon agricultural productivity and the income of local people. Allocation of agricultural land has strongly impacted investment by farming households. Productivity has increased 2-3 times for those living in valleys or mountainous areas with wet rice fields in the past 10 years. For instance, in Tan Lac district of Hoa Binh province, the average rice productivity of the Muong in 1986 was only 1.8 tons/ha/crop. In 2006, this figure is 5 tons/ha/crop (Vuong Xuan Tinh, field notes, 2006). In the province of Dak Lak, rice

productivity increased from 4.1 tons/ha/crop in 2001 to 4.8 tons/ha/crop in 2004 (Dak Lak Statistic Office, 2005, p. 43). Rice productivity in Dak Lak partly reflects wet rice cultivation among some minority groups. The Mnong in Ja village in Bong Krang commune, Lak district, who have a long tradition of growing wet rice, are able to harvest 4 tons/ha/crop.

Land policies have impacted the livelihoods of people living in the highlands through contracts for forest protection and land allocation. This means that hunger eradication and poverty reduction among people in the highlands is related to the use of swidden land and forestry activities. With swidden land, it is difficult to assess the impact of land allocation on investment and production. The Black Thai in Son La province, who shifted from swidden farming to corn cultivation, gained greater profit as compared with rice due to market conditions rather than land allocation (Sikor and Dao Minh Truong, 2000, p. 9-51).

There are six ways in which forestry activity can be said to have a bearing on hunger eradication and poverty reduction: the conversion of forest into agricultural land; use of forest as a source of wood; of non-timber forest products; paying environmental services; generating employment and other indirect benefits (Sunderlin and Huynh Thu Ba, 2005, p. 15-49). It is difficult, however, to assess the direct impact of land policies on the different ways in which forestry resources are used to sustain livelihoods, below, the report will consider each of the roles forests play in people's life in the highlands:

- *Supply of land for cultivation:* As discussed in 1.2, although the state has a

policy of restriction on clearance of natural and planted forests for swidden farming, local people continue to do so. In some areas, forest owners have to be flexible with local people, allowing them to clear land for swidden farming and wet rice planting in protected forest areas (Vuong Xuan Tinh, 2006a).

- *Wood supply*: The main source of wood for people in the highlands is natural wood. This type of forest is usually managed by a forest enterprise or other socio-political organizations. If people collect wood to build houses, they can seek approval from the forestry enterprise. However, in many places, local people generate income from illegal logging activities either by selling valuable wood to traders or by selling labor to traders engaged in illegal logging. According to the Kon Tum Forest Ranger, in 2003, there were 119 cases of illegal logging. Although not yet classified, according to the report, from 2000 to August 2004, there were 1,847 cases of illegal logging. Although explanations are not clear, it is predicted that most of it is used for trading (Vuong Xuan Tinh, 2004).

- *Non-timber Forest Products*: Collection of non timber forest products supplies 13.7% of income for rural households (Nguyen Sinh Cuc, 2003). The most common product is food. The Yao in Hoang Su Phi, Ha Giang province, can find over 40 kinds of vegetables, roots and fruits in the forest for food (Pham Quang Hoan and Hung Dinh Quy, 1998, p. 203). Considering the contribution of forests as a source of food (planted vegetables, meat, fish, egg, and beans...) for indigenous people in the Central Highlands, their use among ethnic groups is as follows: the Ma – 65%; the Co-ho – 51%;

the Ba-na – 46%; the Gia-rai – 32%; the Mnong – 32%; and the E-de – 29% (Vuong Xuan Tinh, 2005). Studies on the use of non-timber forest products of a village of E-de in Dak Lak, Pham Cong Tri (2002) show that people use up to 146 varieties of vegetables, roots and fruits as food. Apart from being a source of food, highlanders also use the forest for products like rattan, and herbal medicine. Like timber, non-timber forest products can also be used and sold.

- *Income from Environmental Services*: The forest also provides people with income from environmental services such as forest protection contracts (within the framework of the Program 327 and Program 661); from integrated conservation and development projects, and from ecological tourism. Beneficiaries of these programs are mainly people from the highlands. On benefits from forest protection, according to MARD (2001, p. 66), there are approximately 270,000 households participating in protecting 1.6 million ha of forest with an annual income of 50,000 VND/ha/year. Today, many places have discontinued protection contracts due to end of project funding. With integrated conservation and development projects in the highlands, the people also benefit from infrastructure and employment generation, such as providing ecological tourism services.

- *Employment*: Ethnic minorities can also be employed by the forest enterprises or become workers of these organizations. The main contracted activity here is planting trees. It is common that local people become workers in agro-forest enterprises in the Central Highlands (Vu Dinh Loi, Bui Minh Dao and Vu Thi Hong, 2000, p. 123-127).

2.3. Challenges in Land Tenure for Hunger Eradication and Poverty Reduction of Ethnic Minorities in the Uplands

While policies on land and socio-economic development in Vietnam have had positive impacts on the lives of ethnic minorities in mountainous areas, they have also posed various challenges to land tenure in these areas. Some of the main challenges include:

- *Cultivation area for the household decreasing; danger of increasing land shortage.* The statistics presented below are from report by the Departments of Science, Technology and Environment in the three surveyed provinces of CSA. In Ha Giang, the average area of cultivation for farming households is three ha, of which one ha is agricultural land; the rest are forest and residential land. On average, agricultural land per head of ethnic minority households is 2,100m² and that of forest land, 5,000m². In Quang Tri, average land holding of an ethnic minority household is 12,903m²; however, the report does not discuss the specific types of land. In Dak Lak, the average agricultural land of an ethnic minority household (among the 2,256 households that have been allocated land) is 1.23ha; residential land, 275m² and forest land, 4.6ha.

While it appears that on average each ethnic minority household has about 1ha of land, the absence of data on land types used by each household makes it difficult for a full assessment. For instance, if agricultural land good for wet rice cultivation accounts for a larger share in one ha of land, this will guarantee greater food security than one ha of swidden land.

According to report of the provinces, the number of ethnic minority households lacking land is great. In Dak Lak province, during 2003-2005, the province allocated 4,568ha of land to 8,213 households. Thus far, 13,579 households in the province lack arable land, a deficit of approximately 5,207ha. In Quang Tri province, of 4,739 households lacking land for cultivation, estimated at 2,241ha, the province has allocated 2,893 households with 934ha. In Ha Giang province, until 2005, the expenditure on Program 134 was 27 billion VND. Although there are no concrete figures on the number of households and the area of land allocated, the DORE reports that each household lacking land has been provided with an area of at least 5,000m² of land (or 2,500m² of paddy field for one crop; or 1,500m² of paddy field for two crops).

Although the Government of Vietnam has made efforts to address the land shortage for ethnic minorities, challenges remain due to the following reasons: i) limited provincial land budgets (even for a province like Dak Lak, where land is considered abundant); ii) continued increase in population, on average 2% annually; and iii) increasing land transactions creating differentiation in land holding.

- *Deteriorating Agricultural Land in the Highlands:* Cultivation on sloping land by people in mountainous area has become increasingly difficult due to shorter fallow time, and, in many instances, no fallow time at all. The cultivation of some tree species those are not good for the soil has also had an adverse impact. Irrigation systems in the highlands always face the danger of landslides in the rainy season.

- *Slow Access to Science and Technology in Land Use:* Most ethnic minorities in mountainous areas are slow in accessing new developments in agricultural cultivation, except in some places in the valleys for rice cultivation. A survey of rice cultivation among the Muong in Chien village, Nam Son commune, Tan Lac district, Hoa Binh province shows that apart from using new seeds, up to 80% of households in the village do not use either composts nor fertilizer, and 100% do not use pesticides (Vuong Xuan Tinh et al., 2006b). Other ethnic groups like the Ta Oi, Bru-Van Kieu in the highlands of Huong Hoa district of Quang Tri province do not use fertilizers as well. This is also true of coffee cultivation by the E-de in Adron village, Cu Pong commune, Krong Buc district, Dak Lak province. Due to the lack of investment in fertilizers, pesticides and irrigation, coffee production only reached 2-3 ton/ha, while the Kinh in the same village are able to harvest 5-6 ton/ha.

- *Dependence on Traders for Applying Technology in Cultivation:* In some places where more modern cultivation know-how is used, local people are dependent on traders for agricultural inputs or capital. In Adrong village, Cu Pong commune, Krong Buc district, Dak Lak province, most of the households engaged in coffee planting are in debt. According to local authorities, about 20 households have debts of over 50 million dong; and over 10 households have debts of 20-50 million dong each. These debts have accumulated from high interest loans taken from traders to pay for machines and fertilizers for growing coffee. In Ja village, Bong Krang commune, Lak district, most of the Mnong households have to borrow on high interest money for seeds, fertilizer and pesticides. The

monthly interest rate on 3-month loans taken from local traders or farm inputs to cultivate rice is estimated at about 22%. The main explanation for dependence on traders in order to apply science and technology in cultivation has been lack of capital. However, the lack of financial management skills can also account for such dependence.

Conclusion and Recommendations

Conclusion

Land tenure has a close relationship with hunger eradication and poverty reduction among ethnic minority people in mountainous regions where the main source of livelihood is agriculture and other exploitation of natural resources. Vietnam's mountainous regions have in the past two decades experienced fundamental changes to land tenure as a result of land policies: from land as a production factor that cannot be bought and sold to land as a commodity; from land being managed by the State to land being allocated to various users including SOEs and other socio-political organizations, private enterprises, households, individuals and communities. Land policies in Vietnam have paid attention to some specific characteristics of the mountainous and ethnic minority areas, while offering subsidies for those households lacking land.

The impact of land policies in mountainous areas has created a parallel process: dispersed land use and land concentration. While dispersed land use is the outcome of the allocation of paddy fields per head for an extended time-period, land accumulation is the result of land transactions and the implementation of *nguyen canh*; and accumulation of forest land and swidden land

by better-off users. Both processes have contributed to greater differentiation in land holdings among ethnic minorities in Vietnam's mountainous areas.

Differentiation in land tenure has also been an outcome of the relations between land users. The occupation of large areas by state organs and private enterprises in some places like the Central Highlands has impinged on the land holding of ethnic minority households in mountainous areas. This has also prevented local people, especially the poor, from accessing this natural resource in the region.

Differentiation in land tenure has profoundly impacted upon the rich-poor differentiation in each community and between ethnic communities. In the context of income of ethnic minorities coming mainly from farming and resource extraction, differentiation in land tenure has enabled large land holders to become richer while preventing poverty reduction among the landless or those with little land. This also means that while the farming sector in rural areas is yet to be diversified and urban centers have not been able to absorb extra labor from rural areas, those with insufficient land or landless are becoming increasingly dependent on large landholders through employment in farming, which does not offer any degree of stability in income generation.

Land policies during *Doi moi* have impacted upon investment and intensification in the valleys while having little effect in the highlands, especially in swidden farming, forest protection and a forestation. In other words, while not altering traditional farming systems in the highlands, land policies do not

protect them. This is one of the reasons why people in the area have not paid attention to land and forest allocation policies that impact their livelihoods.

In short, land policies in mountainous areas have had differential impacts on sub-regions and areas. Contract 10 and allocation of agricultural land in the 1993 Land Law only created changes in the lowlands. Policies to allocate forest land for protection have greater impacts in the highlands. Land policies have had far greater impacts in Northern Mountainous region and the Central Highlands, than the Central Mountainous regions. This difference is rooted in both natural conditions and in social and historical contexts specific to the region.

Recommendations

To reduce the negative impacts of land tenure on hunger eradication and poverty reduction among ethnic minorities in Vietnam's mountainous regions, we would like to present the following recommendations:

1. Adjustment of length of allocation of agricultural land in the 2003 Land Law: reduce the period from 20 years to 10 years; allow provincial and district administrations to set up more flexible regulations in providing land use certificates to simplify procedures and reduce costs in order to make them more accessible to poorer households.

2. Avoid using the same land ceiling for three mountainous regions (three ha of agricultural land and 30ha of forest land). Allow each province to define its own land ceiling based on the situation on the ground.

3. In the coming reallocation of agricultural land, increase land allocation to communities in order to limit market transactions of agricultural land.

4. Reduce area of land used by the State (agro-forest enterprises), by establishing regulations on appropriate ratio of land area used by these units in the total natural area nationwide. Depending on the actual situation, this ratio can vary from place to place.

5. Besides focusing on extension services for ethnic minorities in mountainous areas, assistance is required to reduce their dependence on traders. Such assistance should prioritize setting up community credit funds and capacity-building in financial management for households.

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