

DIVERSITY IN LAND TENURE IN MOUNTAINOUS AREAS IN VIETNAM: A CASE STUDY ON FOREST LAND USE OF THE TWO YAO COMMUNITIES IN HOA BINH AND PHU THO PROVINCES*

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1. Introduction

Forest land area in Vietnam has increased remarkably over the past years but forest quality has decreased. In order to protect and promote remaining forest resources, the Vietnamese Government authorized the 1993 Land Law, which allocated land by long-term contract¹ to individual households. Assigned households are entitled to five major land use rights: transformation, mortgage, leasing, inheritance and transfer. After the Land Law, the Government's Decree No. 02/CP, authorized in January 1994, provided guidelines on implementing the forest land contract² to individual households.

Though the land allocation to households has brought certain results for the protection of the remaining forest resources, there are issues that remain to be settled. In some places, the respective policies resulted

in few achievements mainly because they did not meet local requirements and because behavior of the people played a determining role in the success of forest protection.

The research on forest land policies in this article was conducted by comparative methodologies in two hamlets inhabited by Yao people: the Yen hamlet, Tan Minh commune, Da Bac district, Hoa Binh province and the Thanh Cong hamlet, Van Mieu commune, Thanh Son district, Phu Tho province. The data were collected mainly through in-depth interviews carried out with a number of both rich and poor households randomly selected in the two hamlets. The criterion of wealth was selected for analysis just after a primary survey of the hamlets. Household classification, which was based on evaluation of living standard conducted by the locals themselves, was divided into four levels: quite rich, average, poor and hungry. In addition, the data were also collected from secondary sources by using the semi-structural techniques to interview hamlet and commune cadres.

This research was implemented to answer the two following questions:

1. How have the policies on land and forest allocation been implemented in the two hamlets?

¹ 20 years for yearly trees and 50 years or more for perennial trees.

² Forest land is divided into three types: 1) Special use forest land which includes national parks and natural reserves. Provincial or district forestry units are responsible for their protection; 2) Protective forest land: places to protect water sources and prevent erosion and safeguard the ecological systems. This type of land cannot be for farming but assigned to households for management; and 3) Production forest land, which includes two types: forest-covering production land and empty land. The latter is given to households for management.

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2. What are the results of the policies in approaching and maintaining the forest resources among the households of the same hamlet?

The research results show that the policy implementation has lacked a critical factor to the success of the policies: actual participation by local people. The people in Yen hamlet were able to participate in the land transfer process, but their desires were not met. The Thanh Cong hamlet people's participation in the land transfer process was quite passive. Richer households, commonly those having a member working as a hamlet cadre, had better access to and use of forest resources than poorer ones.

2. Brief Introduction to the Research Sites

2.1. The Yen Hamlet

Established in 1944, the Yen hamlet is now one of the 10 hamlets of the Tan Minh commune, a 3rd Zone commune, in Da Bac district, Hoa Binh province. The hamlet is 32 km from the district centre and 123 km from Hanoi, located within the upper stream forests of the Da River – the area that sustains the ecological conditions of the population in the Northwest and the Red River Delta. At present, the hamlet is home to 45 households of 213 people including 5 richer households, 13 average, 24 poorer and 3 hungry ones. Road No. 433, the only road that runs through the hamlet, connects the Yen hamlet with other hamlets and communes. There is also a path, which people can merely walk on during the rainy season. Electricity and public health services are not available yet, but there is a primary

school. Lower secondary schooling is provided in the commune centre, which is 6 km from the hamlet, and upper secondary education is available in the district centre 32 km from the hamlet. Local education remains low with average local pupils leaving after year three and illiteracy being about 18%.

In terms of topography, the hamlet owns secondary forests on mountaintops, and lower slash and burn fields where people grow trees such as *xoan* (*Melia azaderach*) or bodhi.

The hamlet has the total natural area of 661.3 hectares including 449.2 hectares of forest land, 50.7 hectares of farming land and 135.9 hectares of bare land. Afforested land merely accounts for 49.6 hectares, and the rest is secondary forest mainly in the form of *Neohouzeaua* bamboo and palm trees. Wet rice land constitutes merely 2.9 hectares of the farming land and the rest are slash and burn fields.

Local Yao people have the tradition of slash and burn farming. Wet rice growing was started when the collective was formed in the 1960s and further developed when the government exercised the policy of going down the mountain for resettlement. Due to a population boom of 3.2% per year in the 1980s and the impacts caused by government policies, the locals acquired both farming methods: wet rice growing and slash and burn farming.

Due to food shortages from farming, the locals tend to experience two periods of hunger during the year (between February and April and from July to September)

during which they have to cut down trees in forests and collect non-timber products to trade for food.

2.2. Thanh Cong Hamlet

Established in 1966, the Thanh Cong hamlet, about 8 km from the commune centre, is now a 3rd Zone hamlet of the Van Mieu commune, Thanh Son district, Phu Tho province. It is only accessible through a path, which is only accessible on foot during the rainy season. There are now 38 households in the hamlet (6 richer, 20 average, 9 poorer and 3 hungry ones) with 179 people (including only 2 Kinh persons while the rest are the Yao Tien of 6 big families). Large social institutions notable in the group are the Farmers Association, the Veteran Association, Women's Union, Youth Union, and an Elderly Association. Added to those are a militia group and a forest protection group. Except the latter, all the other institutions play a very limited role in the community.

The hamlet farming production is basically for subsistence. More than 60% of the households experience food shortage from one to two months a year on average. To increase income, the households often collect forest products (firewood, bamboo shoots, and chit) or work for other people as hired labor, mainly by collecting tea leaves for a forest farm nearby. Livestock is almost all under-developed.

Thanh Cong has total natural area 790.5 hectares of which the farming land is merely 18.2 hectares (2.3%) and the rest is forest (753,6 hectares or 95.3%). Of the forestland, the 661 forest land area is 321

hectares or 42.6 % and the forestland under Decree No. 02/CP-ND and the already afforested land under Decree No. 02/CP are 405.2 and 27.4 hectares respectively.

Wet rice is farmed for two crops a year. Cassava is grown on hills where such industrial and forestry trees as tea, bodhi, *mo* (*manglietia insignis*) and *keo* (*acacia*) are grown. Those trees help bring income to the households. Additional incomes also come from collection of non-timber forest products such as bamboo shoots, chit and herbal plants from the contracted forest land under the Decree No. 02/CP. Households experiencing food shortage consider them as their major income sources.

3. The Implementation of the 1993 Land Law and Decree No. 02/CP-TTG by the Prime Minister in the Two Yao Hamlets

In order to protect land resources in general and forest resources in particular, the Land Law passed by the National Assembly in 1993 clearly stated that land is owned by the people and consistently managed by the State. It is regulated by law that the state allocates land to households by long-term contract (20 years as of yearly tree growing land and 50 years as of perennial tree land) and the State protects land users' legitimate rights and interests; contracted households may transform, transfer and mortgage their land use (Article 3). Each household is entitled to a maximum of 10 hectares of bare hill and more if they have shown land use plans (Article 24). The law also provides land user rights for: 1) being granted a right to land use certificate; 2) coming in for labor achievements and investment results on the

contracted land; 3) transferring the land use right as required by law; 4) coming in for benefits provided by construction of land protection and improvement; 5) instruction and help by the state on land improvement; 6) state protection in case of violation of legitimate land use rights; compensation of damages under land return; 7) contribution of land to business and production cooperation as required by the law for the land; and 8) complaints and denunciations against violation of legitimate land use rights and other violations of land laws (Article 43).

Decree No. 02/CP-TTg on allocation of forest land was issued by the Prime Minister in January 1994. The Decree classifies forestland into three types:³ *special use forest land*, *production forest land*, *protective forest land*. The Ministry of Forestry (now the Ministry of Agriculture and Rural Development) issued specific regulations on management and use of each type. The Decree also regulates the forest land that can be allocated to individual households in 50 years and regulates the allocation of bare land in longer terms.

To implement this Decree correctly, the Ministry of Forestry opened 8 training workshops on the allocation of forest land for 52 out of the 53 provinces. It also provided

contents, measures and procedures of the allocation of forest land in communes including institutional preparation and deployment procedures (i.e. establishment of a district level working committee on land allocation, meeting with locals and training of land assignment), preparation of technical aspects (i.e. careful preparation of clear boundary maps, and collection of people's requirements of land allocation). Requirements of external work were also made specific to include site survey, investigation of current forest land (type, area, and reserve), appellation of land use planning, plans of forest land allocation on maps, and organizing of land allocation on site. When receiving land on site, the household is given a land allocation procedure.

3.1. Implementation of the Policies on Land and Forest Allocation in the Yen Hamlet

Forest land was allocated to households of the Yen hamlet by the forestry unit under the authority of the district People's Committee in 1995. A forest land allocation group was then established with the membership of forest rangers and commune cadres headed by the commune chairperson. Before the allocation, local people attended a meeting held by the group to explain the purposes and activities of the allocation. The households reported to the hamlet chief of areas and locations they wished to be assigned to. The information was then collected and sent to the group. Land was allocated based on the situation of land use by households and in proportion to the number of existing laborers within each household. Assigned households had to sign in a land assignment paper upon their receipt

³ Three types of land: 1) *Special use forest land* which include national parks and natural reserves. Provincial or district forestry units are responsible for their protection; 2) *Protective forest land*: places to protect water sources and prevent erosion and safeguard the ecological systems. This type of land cannot be for farming but assigned to households for management; and 3) *Production forest land*, which includes two types: forest-covering production land and empty land. The latter is given to households for management.

of land in the witness of representatives of the hamlet, the commune People's Committee and the forestry unit.

By late 1995, the land assignment group had completed its work for the Tan Minh commune in general and the Yen hamlet in particular. Nearly 592 hectares of cultivated and protective forest land had been then allocated to 35 households of the hamlet including 229 hectares of cultivated land (39%) and 364 hectares of protective land (61%). Of the cultivated forest land, 179.3 hectares or 78% were bare land. The collective also received 36 hectares for management.

3.1.1. Practice of Slash and Burn Farming: Difficult to Change

After allocating land to hamlet households in 1995, slash and burn farming was strictly controlled by the commune but this practice has been retained up to now since small wet rice areas alone cannot support the communes. Locals even have to cultivate in the forest land of Phu Tho province. Before 1995, households were almost free to do slash and burn farming in forests of Phu Tho province. However, illegal farming by Yao people was then strictly supervised and limited by the Thanh Son District Forestry (Phu Tho province) after land having officially allocated the land. The households then returned to the hamlet forests to practice slash and burn farming. Many of them have been fined by the Da Bac District Forestry for this practice. For example, all the hamlet households were fined 40,000 dong each.

However, efforts made by the local authority cannot restrict the practice, which remains difficult to change.

The local authority gradually realized that its efforts to limit the practice would fail if people did not have alternative livelihood means. It then allowed households to cultivate terrace farming in certain areas and locations. Households must consult the local authority before practicing. However, as the allowed areas remained too small, the households cultivated even in livestock raising areas. Consequently, their slash and burns are regularly destroyed by cattle and even lead to conflicts among households.

In addition, many households keep doing terrace farming deep in protection forests, which is difficult for the local authority to control. Each family has a shed on their slash and burn field where they stay during the crop and harvest.

Forest in the Yen hamlet is conventionally viewed by the Yao as is common property of the hamlet people; every body can access this natural resource. As a result, they can do terrace farming anywhere they find suitable even though the land has been assigned to another household. This is done contrary to the local authority. Land allocation to households cannot protect forest resources and a land user right certificate cannot ensure sustainable protection of forest resources. Under this context, the Yao conventions, rather than the state laws, determine the use and protection of forest resources.

3.1.2 Exploitation of Wood and Non-timber Forest Products

Slash and burn farming has been the main livelihood of the Yao for a very long time. People practiced this in any place they wanted to. Slash and burn fields were therefore placed in jungles or fertile land and the yield was high. Normally, they would do farming in one place for 2 to 3 years then leave the place for 5 to 10 years for forest recovery. However, due to the population boom and the limited farming area, the state does not encourage slash and burn farming any more; in addition, the locals cut down trees in the forests for sale to private traders as urged by the market economy demanding wood. At present, the income from wood plays the most important role in the total income of the households. They will normally exploit wood in July – August, between periods of cutting grass on the farm, and before the lunar Tet holiday when they are in big demands of money. Due to over exploitation, the hamlet resource of precious wood has been exhausted recently. The households have turned to exploiting wood from forests in Phu Tho province.

Apart from wood, Yao households also collect non-timber forest products, which play an important role in their every day life. The products range from firewood, bamboo, bamboo shoots, vegetables, and medicinal herbs. The survey shows that bamboo, bamboo shoots, and vegetables for raising pigs are significant to their lifestyle. Bamboo can be collected throughout the year while bamboo shoots are mainly collected in May and June.

There is labor division within a household: men will saw wood as they are stronger, while women and children collect non-timber forest products because this work takes less effort.

3.2. Implementation of the Policies on Land and Forest Allocation in the Thanh Cong Hamlet

3.2.1. Limited Participation in Land and Forest Allocation

The land and forest allocation under Decree 02/CP was conducted in Thanh Cong in 1995, later than the overall progress of the commune. Before the allocation, the hamlet cadres held meeting with the locals but without attendance by commune cadres, land survey officers, and other related branches. The hamlet chief then presented the contents of the policy on land and forest transfer.

However, both the hamlet cadres and the people at the meeting did not know when the policy was conducted. Before the allocation, only three hamlet households knew about the plan: the hamlet chief's, the vice chief's and the Veteran Association chief's. The office of land administration was responsible for the allocation with assistance from the local government. Land was then allocated based on the existing survey map of the district⁴ and the hamlet map separated from the *364 map* by the commune land surveyor. Households were allocated the land nearby their houses. The assigned areas were estimated by the respective squares on the maps.

⁴ It was revealed by the commune land surveyor that the map is called *map 364* issued by the General Department of Land Survey in 1983. The map scale is 1: 10,000.

Not knowing the assignment plans and time, a number of absent households were not given any land; some were given the parts they did not want, or lost the areas on which they had grown trees. As the land was allocated based on the maps issued in 1983, forest areas and quality were not exactly reflected.

Hamlet cadres received large and fertile land pieces. The two cadres received two land use right certificates each for up to 20 hectares. A total of 26 out of 32 households received land allocation at that time and then land use right certificates in 1997.

The 2nd land allocation was conducted in 1998. The assigned land of this time was that provided by the Tam Cuu Farm and in the form of internal assignment as only some households knew. A total 6 households received a total land of 26.5 hectares this time and the land use right certificates in 1998.

3.2.2. *Consequences of the Land and Forest Allocation: Arisen Conflicts*

The land use right certificates given to the households only provided information on area and lots and section number in absence of clear boundaries. The on-site boundaries were made with big trees, which have been already cut down recently. As a result, conflicts often arose among households that have adjacent forestland areas but could not be settled because there are no such boundaries on paper as a basis for settling. When asked why the certificates did not give specific boundaries, commune cadres said

that the chart was kept in the district forestry branch and remained incomplete. The land survey agency only covered the certificates themselves and handed them to the locals when they completed them. Conflicts also arose among households over trees grown by a household on a piece of land, which is assigned to another household.

As mentioned above, before the land assignments, the households could practice slash and burn farming anywhere that they considered suitable. After the assignments, they continued such practice until 1998 even when restricted by the local authorities. However, the local government bolstered their restrictions of the practice in 1998. The hamlet, in turn, established a militia group for forest protection.

Under the limited terrace practice, the households turned to extensive water rice farming. All the households now use hybrid rice and chemical fertilizers bought from the commune or the market.

The policy on land and forest allocation has led to big changes in local forest land tenure: the land is assigned to households instead of being state-owned as before. In principle, the assigned households are entitled to the five basic rights - also known as the *theoretical rights*. They have practiced at least three of the rights:

1. *Leasing* (or sale of land in a certain period of time): the households let the local state-owned forestry farm hire their land at 200,000 dong/ha/eight years). The farm still wants to hire people's land and even forces

them to comply, thus causing conflicts between locals and farm officers.

2. *Mortgage*: more than 20 households have used their land use certificates as mortgages for bank loans.

3. *Inheritance*: many parents have transferred part of their assigned land to their children upon their marriage and moving out.

In short, the policies were conducted differently in the two hamlets. The Yen hamlet experienced a land assignment in line with the state regulation but the results do not reflect the purposes aimed at by the policies. Under the hamlet circumstance, it is the local conventions rather than the state policies that are determining the access and use of forest resources; land and forest are assigned to households so that forest resources are not sustainably protected. The pressing factors of the forest resources are population increase and the market pressure after the *Doi moi (Renovation)* period. These factors have been decreasing the forest resources of the hamlet.

The Thanh Cong hamlet showed no participation during the land assignment. For the locals, forest resources are their means of existence. Protection of land in general and of forest land resources in particular is mainly determined by the locals but they were not given any real opportunities to participate in the process. Theoretically, the state policies on land and forest assignment make land ownership legal and forest resources sustainably protected. However, actual practice has not been easy.

4. Access to and Use of Resources by Households

4.1. Access to and Use of Resources by Households in Yen Hamlet

4.1.1. Wet Rice and Slash and Burn Fields

There is a great difference between the areas of wet rice and slash and burn fields owned by the groups of poorer and richer families. All the five richer households selected for the survey had their family members working as hamlet/commune cadres or an intermediary of trade of forest products while only one household of the poorer ones selected for the survey had its member working as hamlet cadre. Each richer household owns an average wet rice cultivation area of 1,546m², and each poorer one 780m². The richer and poorer households have a similar number of members (as 5 compared to 6). The richer ones with a bigger farming area can support their own families while with a smaller area the poorer ones cannot.

The slash and burn field rice yield has recently decreased remarkably because the time between two crops are now shortened. Richer households do not do terrace farming any more but grow *dong rieng* (Cannaceae) instead for three reasons: 1) *Dong rieng* contributes remarkably to the household income; 2) It can often be harvested immediately before Tet when money is in high demand; and 3) It does not require excessive care.

Due to more limited wet rice cultivation areas, poorer households have to

continue slash and burn farming. Each household has 0.4 hectares of terrace rice, 1.4 hectares of *dong rieng* and 1.2 hectares of cassava. The slash and burn fields of a poorer households are bigger than those of a richer one. The dependence of a poorer household on forest resources in general and on forest land in particular is greater than that of a richer one.

4.1.2. Wood and Non-timber Forest Products

Although one locally assumes that hamlet households are equal in exploiting wood and non-timber forest products, the fact is not like that. Wood exploitation by a family depends on three factors: 1) availability of labor, 2) pulling power, and 3) financial ability of the family. Though the numbers of laborers in a richer and a poorer family are similar, the richer one has more financial ability and pulling power than a poorer one. As a result, richer households have better access to the wood resources than poorer ones. In addition, the poorer households participate more in collection of non-timber forest products as they depend more on forest resources. The statistics of the year 2000 shows that only 4 members of the richer households collect bamboo shoots while 16 from the poorer households do.

4.2. Access to and Use of Resources by Households in the Thanh Cong Hamlet

4.2.1. Protected Forest Areas

The richer and poorer households have different access to forest land (see Table 3).

Each richer household owns an average land area of 12.9 hectares or twice larger than that of a poorer household (6.5 hectares). Main laborers of richer and poorer households are similar (i.e. 2 persons each). Although the richer ones have more laborers, they have more dependents. This fact disproves the supposition that richer families have larger areas because they have more “human capital” (a term borrowed from DFID, 1998) in general or laborers in particular; on the other hand, land was allocated not based on the existing laborers of a family but in household terms. Of the five richer families, one household has two land certificates (one owned by the wife) and one has three certificates. All the five households own an area of more than 10 hectares each.

On the contrary, the five poorer families selected for the survey have limited access to the forest land resources. Two households were not assigned land in the first allocation as they were absent but were able to obtain land the second time. Due to financial difficulties, two households have let the forestry farm hire part of their assigned land (see Table 3). For poorer households, land is their only natural resource and income source for the family (through sale of firewood, bamboo shoots, and chit). Therefore, land lease means loss of part of their livelihood. Currently, a general trend is the transformation from a subsistence-based agriculture to a money-based one. The households turn to growing forestry and/or

industrial trees to replace slash and burn farming. The poorer households cannot avoid this general trend. Loss of income sources will make poorer households fall into a more risky situation where it is very difficult to overcome the “poverty trap.”

The land use is also different between the richer and poorer households. Having money, the richer ones invest more in growing tea trees and trees for wood such as bodhi and wattle. Each of the five richer families owns more than 7 hectares of trees on average while each poorer one merely 0.4 hectares. This shows that lack of money has limited land use investment by poorer families. In other words, the land use value of poorer households is less than that of richer ones.

4.2.2. *Forest Areas under the Decision No. 661*

The Decision No. 661/QD-TTg on afforestation of 5 million hectares was issued by the Prime Minister on 29 July 1998. The decision was mainly aimed to: 1) Afforestation and protection of existing forests to increase the forest coverage from 28% to 43%; and 2) Effective use of bare hills and empty land to help reduce poverty and resettlement of residence and farming, and increase of income for mountainous areas (Article 1). The decision also indicated that the state takes priority to allocate special use and protective forests to resettlement households, poorer ones, forest adjacent ones and those receiving them before (Article 7).

In 1994, Program 327 began its implementation in Thanh Cong but not all the households knew about it. A hamlet cadre received 100 hectares and arranged his relatives to protect the land at the rate of 35,000 dong per hectare per year. In 1999, the Program ended and Program 661 or the new 5 million hectare afforestation program began. The 100 hectares of natural forest assigned to the hamlet cadre before was reallocated to him. In addition, another 221 hectares of natural forest was assigned to three other households (which are all richer and hamlet cadres). Therefore, a total 321 hectares of protection forest has been allocated. The protection contracts were signed between the Bua River Project Management Unit and the four households became effective in January 1999 at the protection rate of 30,000 dong per hectare per year. The cadre protecting the 100 hectares kept all the contracts and arranged protection as well as divided the protection fees.

A forest protection group was established to protect this area. The members are all relatives of the four contracted households. The wages were evenly divided to the members based on their workday but the protection fees of the first 100 hectares are kept by the first cadre though the protection group has to cover the 100 hectares as well.

The Commune Chairperson revealed that the 321 hectares of natural forest in question are assigned to the hamlet, the

Veteran Association and the collective farmer association. 30% of the protection fees is given to the contracted households and the remaining 70% is given to the hamlet development fund. However, there are some variations to this. Some households have used their positions as means to gain their own benefits while limiting the access of other hamlet households. At present, hamlet households do not agree with the issue and some have complained to the commune authority though have not yet been answered. It can be seen that the unjust access and control of resources have triggered conflicts among hamlet households, especially between the poorer and the richer ones.

4.3. Common Features Found between the Two Hamlets

Common features in access and use of forest resources by the poorer and the richer households are found between the two hamlets. In general, the richer households are usually those whose members are commune or hamlet cadres favored with better access of forest resources than the poorer ones. This is partly because the richer ones have more assets of different types than the poorer ones. Table 3 describes the interaction between the assets and the two household groups in the same hamlet.

The richer households usually have more paddy fields that stably support food for their needs. After receiving the forest

land contract, the richer ones use forest resources better by growing wood and industrial trees. In addition, thanks to their own better finance and infrastructure, the richer households have more access to wood and non-timber forest products. Most of the richer households have better social capital than the poorer ones. This is because they take up social positions in the commune or the hamlet so that they can gain more knowledge and better access to technology, information and assistance programs from the government; they have stable incomes from government-funded salary and allowances or from services (rice peeling, shops, intermediaries, livestock...). On the contrary, the poorer groups do not have stable incomes. To maintain their living, they have to sell part of their land to the local forestry farm at low prices (in Thanh Cong hamlet) or continue to practice terrace farming (in the Yen hamlet) and face with possible risks. The poorer group has to accept poor material conditions. Their children have to drop out school early to provide labor for the families. On the contrary, the richer group live in better conditions. They have other valuable assets such as TV sets, and motorcycles, and can invest in their children's education. The next section of this study will provide conclusions based on the framework of *theoretical rights* and *practical rights*.

Table 1: Differences of household labor and farming areas

Household	Richer					Poorer										
	Main laborers	Dependants	Cadre	Paddy area (m ²)	Slash and burn field	Edible canna	Com kg	Cassava	Main laborers	Dependants	Cadre	Paddy area (m ²)	Slash and burn field	Edible canna	Com kg	Cassava
1	2	3	Y	2,000	-	1	-	-	2	4	Y*	1,000	0.5	1	4	1
2	2	2	Y	2,000	-	1	3-4	-	2	3	N	-	0.1	2	3	1
3	2	3	Y	1,813	-	1	3-4	-	3	1	N	2,000	0.5	2	4	1
4	2	2	Y	700	-	1	2-3	-	2	3	N	700	0.2	1	3	0.5
5	2	3	Y	1,000	-	1	1-2	-	3	4	N	-	0.5	1	6	1.2
Total	10	13		7,513	-	5	9-13		14	15		3,700	1.8	7	20	4.7

Y: Having a member as commune/ hamlet cadre; N: Not having such a cadre

Y*: The wife is head of the hamlet Women's Union.

Table 2: Differences of laborers, paddy areas and forestry land among households

Household	Richer					Poorer						
	Main laborers	Dependants	Cadres	Paddy area m ²	Forestry (ha)	Main laborers	Dependants	Cadres	Paddy area m ²	Forestry (ha)		
					Tree growing	Empty land	Total			Tree growing	Empty land	Total
1	3	5	Y	1,649	6	7.9	15.9		404	0.07	3.2	5.2*
2	2	5	Y	1,378	5	5.5	10.5		394	0.07	4.7	7.9**
3	2	5	Y	1,340	11	7.9	18.9		450	-	7.8	8.3
4	2	4	Y	2,480	0.6	13.4	14		612	-	5.7	5.7
5	2	4	Y	1,080	7.6	7.4	15		504	0.14	5.5	5.5
Total	11	23		7,927	30.2	42.1	74.3		2,364	0.28	26.9	32.6

* The household has a total of 5.2 hectares but has just lent 2 hectares to the local forestry farm

** The household has just lent the local forestry farm 2.1 hectares

Table 3: Differences between Capital and Assets among Households

Richer households

<i>Natural capital</i>	<i>Human capital</i>	<i>Social capital</i>	<i>Financial capital</i>	<i>Infrastructure capital</i>
Land, water, forest	Labor, dependants, health, knowledge	Friends, relatives, social relations	Incomes from livestock, forest products & savings	Houses, furniture, equipment, means of transport
<p>Large paddy areas</p> <p>↕</p> <p>Forest land</p> <p>↕</p> <p>Forest (wood & non-timber forest products)</p>	<p>Social standings, commune/hamlet cadre, intermediary</p> <p>↓</p> <p>Knowledge, skills, access to techno, information, gov. assistance</p> <p>↓</p> <p>Invest in children learning</p>	<p>Relations with local cadres, friends, relatives</p> <p>↓</p> <p>Relations with friends of high social standings (in and out of hamlet)</p>	<p>Salary, allowances, forest products, livestock</p> <p>↓</p> <p>Incomes</p>	<p>Livestock, houses, shops, TV set, other equipment</p>
Poorer households				
<p>Small paddy areas</p> <p>↓</p> <p>Little forest land</p> <p>↕</p> <p>Wood & non-timber forest products</p>	<p>Bare farmers: limited knowledge, skills, access to gov. assistance</p> <p>↓</p> <p>Invest little in children learning</p>	<p>Fewer relations (with hamlet friends, relatives)</p>	<p>Wood & non-timber forest products, no services & few livestock</p> <p>↓</p> <p>Limited incomes</p>	<p>Few/no livestock, rickety houses, poor conditions</p>

Conclusion

The recent forest protection policies have obtained big achievements in protection of forest resources in many provinces (Le Duy Hung, 1995; Hoang Xuan Ty, 1995). It is argued by Le Duy Hung that the policies have limited deforestation and improved the socio-economic life of people in many provinces. However, this is not always the case with the Yen and the Thanh Cong hamlets.

This study has shown that the implementation of the land and forest assignments in the two hamlets differed. The land and forest assignments in the Yen hamlet were in general in line with the state regulations though the results are not as desired. Instead of protecting the remaining forest resources, the households have continued to exploit them through practice of slash and burn field fields within the protected forests and overexploitation of wood and non-timber forest products. The land and forest assignments in the Thanh Cong hamlet violated the relevant procedures by using “shortcuts” in lack of participation. As a result, like in the Yen hamlet, the results were far from desires. This study reveals that results of policy implementation come from existing social relations and habits.

The common features found in the two hamlets are unjust access to forest resources by the richer households – those who have social understanding – and the poorer ones. The richer have access to information, better

understanding of market and policies (human capital); more access to and better use of forest resources (resource capital) than the poorer. Some richer households use their social positions and relations as means to have better access to forest resources while limiting the access of the remaining households.

The study shows that there is a big gap between theory and practice which fits the theoretical framework provided by Leach, Mearns and Scoones (1999) that states *practical rights* are always different from *theoretical ones* because of *institutionalization* at different levels.

In the context of Vietnam, those policies were issued to ensure sustainable development of forest resources. However, the target may not be achieved without equal access and control between assigned households - those who directly use forest resources as a major livelihood. Theoretically, the policies can ensure such justice. However, the study has shown that factors ensuring justice have been changed by local institutions, access to capital sources and information. Therefore, apart from good policies, the question is how to control those institutions to minimize barriers to policy contents.

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A village of the Khang ethnic group in Son La province, Vietnam.

Photo: Nung A Thao