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Research title:

**Case study on Customary law and Gender in Resettlement program for
Ma Lieng ethnic group in Chuoi village, Lam Hoa commune, Tuyen Hoa
district, Quang Binh province, Vietnam**

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Part 1

Introduction

In 1990s, Vietnam has launched several programs aimed at hunger eradication and poverty reduction. Various actors have been involved in the process, such as government agencies (resettlement, agricultural extension departments), NGOs (both international and local ones). Development agencies have disbursed a considerable amount of investment, especially focused on seriously poor mountainous areas, with concentration of various ethnic minority peoples.

One of important things concerned by Vietnamese government, foreign donors, local NGOs relating to development, especially in remote ethnic groups is how to improve people's quality of life and also keep good traditional values, including traditional laws. In addition, to improve gender equality in the ethnic community in the context of its harmony with cultural value reservation and development takes a very important role for any development activities.

There have been studies trying to answer the mentioned questions along with several debates on which development approach would be better for application in specific situation. This research also focuses on the topic through drawing out lessons from factual and practical development activities under Quang Binh provincial resettlement program. The project was carried out in Ma Lieng minority group at Chuoi village, Lam Hoa commune, Tuyen Hoa district of Quang Binh province, in the Central region of Vietnam since 1995.

Dimension of the research

The type of this research paper is explanatory, the analysis of traditional social institutions and its changes due to development intervention with the focus on customary law and gender in specific.

For customary law, the paper will try to answer how importance customary law should be considered and mobilized in a development program. For gender aspect, the

paper will be limited to envisage with analysis of the linkage between gender relations and the need of gender awareness in rural development.

The paper will deal with Ma Lieng ethnic group in Chuoi village, Lam Hoa commune, Tuyen Hoa district, Quang Binh province, Vietnam. Many changes (including changes in customary laws and social structure) happened during 1990s because of Resettlement intervention. This will be concentrated point of the paper to discuss and argue on the ways of intervention. The paper will focus on recognition of development workers and policy makers on the value of traditional institution, especially customary law and gender aspects in rural development.

The control group is Ke village, i.e. another village has similar situation to Chuoi village which was not affected by the intervention of Resettlement program. Although there was hardly financial or material support from government, as no resettlement activities carried out, Ke villagers have tried their best to subsistence. People in Ke village still keep their traditional belief and values. They seem to be stronger, more confident with their own development.

Objectives of the research

To find out better understandings and suitable development approaches to different groups and cultures related to changes in traditional institutions (especially customary law and gender relations), and herewith to create discussions for staff and agencies (especially Vietnamese ones) to improve rural development.

Research questions

1. How is gender situation and women's participation in rural development in Ma Lieng group, especially in Chuoi village before and during intervention?
2. How has customary laws, social structure and gender changed in Chuoi village?
3. What is the relation between customary law and gender: how does customary law shape gender relation, how does gender relation change in response to customary law change?

4. To what extent women should be involved in a development project, to ensure success.
5. How is the importance of traditional institution (focusing on customary laws and traditional organizations) in rural development, especially in ethnic minority group.

Methodology of the research

Traditional laws and gender issues in Chuoi and Ke village are analyzed in the view of close relation to various support activities by Resettlement program, TEW¹ and CIRD², such as local capacity building, hunger eradication, infrastructure building, workshop, field studies.

TEW vision and development strategy is essential for the explanation of the research paper. Reports, results, documents from TEW and CIRD staff during their work and research at the field will provide factual view for this research paper.

The research paper uses data and related facts from various kinds of research and project implementation in some ethnic villages, which has been influenced by the government resettlement program.

The paper also refers to literatures from publications of the RPP course and findings from library relating to institutional change, focusing on gender, laws in rural development to build up theories on institution, gender and customary laws in rural development.

Main contents of the paper

Part 1 - the introduction of the paper presents the objective, methodology, reasons and dimension of the discussion in the paper.

Part 2 – consists of 3 chapters. First chapter involves theories on “institution” in rural development, focusing on customary law and gender aspects. Second chapter

¹ TEW: Toward Ethnic Women, a Vietnamese NGO headquarters in Hanoi, which supports capacity development of women and people in remote areas to develop themselves.

² CIRD: Center for Indigenous Knowledge Research and Rural Development, a sister organization (previously operate as a field office) of TEW, headquarters in Quang Binh province, Vietnam.

introduces case study of Ma Lieng group in Chuoi village in Lam Hoa commune, Tuyen Hoa district, Quang Binh province in the central Vietnam. Third chapter refers to Ke village, which involved in another style of intervention. The case studies will prove the importance of traditional and local social structure for development.

Part 3 - the conclusion will round up the link between theories and reality for recommendations and choices for the sake of rural development, especially in remote and ethnic minority groups.

Limitations of the research paper

There are not available original project proposals of Resettlement program and consistent data relating to the project from resettlement side due to the author's limited of time and relations to Resettlement bureau to access to desired documents. To deal with this, the author use studies conducted by CIRD, which included observations of factual situation in the project sites and the interviews of resettlement staff, who was working direct in Chuoi village as well as interviews of Chuoi and Ke villagers.

Part 2

Theories and Case study

Chapter 1

THEORIES

This chapter will help to create a theoretical framework for later analysis of the case study. The content of the chapter will make clear the concepts of institution, customary law, some understanding and comments on gender aspects in rural development.

1. “Institution” in rural development

1.1. Concepts

Many scholars have tried to define institution in their own mentioned contexts. According to Goldsmith and Brinkerhoff, institutions include rules or procedures that shape how people act, and roles or organizations that have attained special status or legitimacy (1990: 12). They also pointed at specific aspects inside institution: “the institutional-human dimension looks at knowledge and skills, organization and management, training, implementation capacity, social relations, politics, communication, motivation, participation, local government, public-private sector linkages, culture and values, historical experience, and so on” (ibid., p.7).

The mentioned concept is so large that it is useful for this paper to look closely into some specific aspects. This research paper will choose relevant aspects to deal with (1) customary law and its effects in rural development; (2) some of gender relation in rural development; (3) relationship between gender, customary law and social arrangement.

1.2. Understanding of institution in rural development

People's participation in rural development is discussed and appreciated in several development studies. Particularly looking at institutional setting in a certain context, if participatory institutions are not set up, or do not evolve along with the initial investment, this investment will not lead to the initiation of a process of sustained development (Chopra et al. 1990: 140). Participation institution should be set up in rural development to encourage people's contribution and accelerate suitable technology. The existence of an efficient technology together with highly participatory institutions would ideally maximize the carrying capacity of a village economy and ensure sustained development over a period of time (ibid.: 141).

Discussing whether old institution is considered good and useful for development process, Scoons and Thomson (1993: 24-5) indicated that "rather than create new local institutions that recreate the hierarchy and development rhetoric of 'the project', work with existing groupings, for instance village networks based on kinship, affinal, gender, other common interest ties. Rather than have the research and extension team initiate the process, allow it to be demand-led so external support is drawn in on local terms" (cited from Sikana 1990, 1992).

In a number of cases, changes in living and production condition cause the transformation of some aspects of institution. For instance, "population pressure necessitated an intensification of agriculture thereby requiring the transformation of common land into privately-owned land. The land accumulation rule is an institutionalized arrangement to transform common unimproved land into private irrigated rice fields" (Lorelei and Gaer 1997: 21). In their discussion on "the nature of customary tenure", Cleary and Eaton noted that "The land itself becomes essential to the identity of the group and its members; loss of the land may lead to a loss of this identity, psychological trauma, social alienation, and economic marginalization" (1996: 47). Similarly, in the case of resettlement, when people are removed to a new area, living and cultivating conditions would be changed, the whole economic and social arrangement would be unavoidably changed. Any supporting agencies must consider this phenomenon thoroughly, so that to keep away from too "radical"

intervention, i.e. imposing new things without respecting traditional factors, and its outcomes as social and economic chaos.

2. About customary law

2.1. Concepts

According to some of the Vietnamese scholars, the meaning of customary law is broader than the western conception of law. “Customary law regulates traditional practices as well as morality and behaviour. In recent years, a number of scholars have begun to study *adat* in Indonesia. Unlike western law, *adat* governs law, morality, conduct, character, and behaviour” (Nhat 2001: 57).

In his discussion on the nature of customary law, Nhat concluded that, the customary law of ethnic minority groups has the following common characteristics: There is no organization, which specializes in doing customary law but all the people create it. Moreover, customary law is an intellectual product of many generations; people continuously renew and supply it on the basis of needs and desires of the whole community in order to have a more convenient and complete “code”. At that time, law in society with ruling class and the governing state, is made by representatives of the class for its own right, and it propagandizes its positives factors to all people to abide by (2001: 63). Customary law therefore exists for a long time, roots deep into heart and mind of people and becomes a part of cultural values, which helps to keep peaceful and stable life of a certain group.

According to Think (2000: 22), amongst the currently-existing forms of customary law, we can distinguish three types:

- Customary law codified in oral poetry
- Customary law recorded in written forms
- Customary law realised in social practice.

2.2. Customary law and State law

There is a Vietnamese saying, which reflects popular relationship between two forms of law in the past and partly at the moment. The saying “*phep vua thua le lang*” is translated differently by a various Vietnamese scholars - “*King’s legislation is second*

to village regulations” (Tri 2000: 93) or “the king’s rules are defeated by village customs” (Thin 2000: 34). The saying talks about the relationship between the feudal government and the *huong uoc* [village regulations] of Viet [Kinh majority] villages from the perspective of village communities (ibid.: 34; words in [] is added). Customary law has its own strong points, which are never or hardly obtained by the statutory one. The values of customary law, if compared with State laws, will not only be in the replacement role but also in their ability to supplement and assist State laws. State laws however perfect they are, can not predict all specific situations (Huong 2000: 89). Customary law exists and is reformed in order to suit to specific situation in specific location not only due to the needs of local people, but also the needs and acceptance of the ruling government. In this sense, evolution of customary laws seems to be natural in the perception of both inside and outside agents.

2.3. The importance of customary law in rural development

In the discussion on relation between tradition and economic growth, Hoselitz noted that “traditional norms may become a powerful impediment to social and technical change, but may also perform an important stabilizing function in a society in which economic development is associated with far-reaching tendencies of social disorganization” (1961: 99).

Customary law reflects and helps to maintain the community’s long-lasting belief and practices in a peaceful manner. The conciliation includes harmony between community members and between the community and nature, where the spiritual power can be found (in praying, there are always invocation to the spirits of mountains, rivers, streams, rain, wind, thunder, and so on) (Nhat 2001: 65). Customary law influences many aspects of life. Importantly, customary law not only is advice, but also has an organizing mechanism to train, encourage, reward or punish people. Therefore, it has its effectiveness in general education as well as in social management (ibid.: 77).

Discussing on social reconciliation and developing village cultural life, Thin suggested that, the perpetuation and mobilisation of traditional law relies on the

principles of “*gan duc khoi trong*” (sorting out the advantages) and eliminating negative aspects that are unsuited to the social situation today (2000: 33).

From the above analysis, it is obvious that, customary law exists in the nature of a certain community, parallels to statutory one. It accelerates active community participation in their own decision of development process. Therefore, maintaining and improving customary law is essential and necessary to ensure local capacity building for the sake of sustainable rural development.

3. The requirement of gender awareness in rural development

Women make a portion of approximately 50% population, yet they have less opportunity to access to and control over resources and to decide their own and their community development. Addition to workload, they suffer from inherent bias, which prevent them from chances to develop. For example, they have been traditionally considered to be mothers and housewives, if they do not fulfil their traditional tasks, they are blamed to be “bad”. If a woman is compelled from this kind of bias, and if there is no chance for her to escape from this, it will be difficult to promote her participation and her empowerment as well.

Theoretically, undeniable statement is that, women have rights to take an active role in development process. It is much more essential and complicated as well to transform the adoptive understanding and behavior into practice. The matter is how and to what extent policy makers and development staff understands and is willing to support women’s participation. This should be considered as responsible commitment from related authorities and staff. Arguing on gender, livelihoods and the structures of constraint, Kabeer and Van Anh remarked that “gender has not featured systematically in the general literature on household livelihoods, but where it does, the emphasis has been on the constraints that women face – cultural norms, childcare and household responsibilities; unequal access to education, land and capital – and hence on the low returns to their labour. Consequently, this literature tends to treat women largely as a disadvantaged group, and their participation in household livelihoods as a matter of “coping or “survival” strategy” (2000: 4).

Besides the above fairness and rational perception, women’s participation help to recognize and try to meet specific needs of women in particular as well as the whole

community. If women are busier with fetching water, then it is rational to encourage them to decide where and how to build a well or a water tank in a sanitation program. Women in many places are very good at saving, but it is difficult for them to save individually because the husband favors spending the left small money for drinking or smoking. In this case, an interest saving group for women is necessary to encourage women's participation as well as mobilize their saving and credit capacity. "Attempt to enhance women's livelihood opportunities by providing them with access to credit may increase the scale of their activities, but not necessarily the range... Credit programmes for women in such contexts are thus often accompanied by social mobilization strategies that seek to encourage participation in more public forms of activity" (Kabeer and Van Anh 2000: 6).

4. Relation between customary law and gender

Customary law contributes to regulate relationships between different factions and individuals of a community, in which gender relation is not an exception. Customary law defines how and to what extent men or women should involve in a specific affair. For example, old men are considered to be representative of a village or a family to take care of worshipping or communicate to super natures while women are supposed to take care of housework...

Berg and Gundersen while discussed on customary law and gender issues, noted that, "with the wide discretionary power given to the lay judges, customary law will to a large extent subsists in the local popular tribunal. The intention is for its content to be transformed in line with the principles of equality and emancipation. Rules and customs that are discriminatory are not to be applied, but customary norms and values can be taken into consideration as long as they do not contradict the Constitution" (1991: 257). Customary law can effect strongly to people's thinking and behavior. It would be effective and popular to apply customary law if it is still accepted by the people for the sake of community stability. It will become a dilemma when the customary law seems favor men's interest while women suffer from loss and disadvantages. In this case, gender awareness and changing in people's perception about women and men's role will step by step improve and replace unsuitable customary aspects.

In the new development context, one cannot conserve bias against women's involvement in social work. Many women have shown their good capacity to run community work when they are offered needed opportunity. It is useful for pointing out and trying to meet women's specific needs, and community's needs as a whole, if an intervention assures woman's participation in discussion and decision making relating to her family and community development. For example, it is easier for a woman to show which kind of food to be healthy for her child's nutrition, or how to process food in the best way. Supporting agencies can get valuable ideas from women, for better arrangement of suitable trees to be promoted or suitable meal processing machines or stoves.

Chapter 2

CASE STUDY ON MA LIENG ETHNIC GROUP IN LAM HOA COMMUNE, QUANG BINH PROVINCE, CENTRAL VIETNAM

1. Description of the area and the people

1.1. Social, economic situation

Ma Lieng group consists of approximately 400 persons living in Chuoi, Ke, Cao villages of Lam Hoa commune and Ca Xeng village, Thanh Hoa commune of Tuyen Hoa district, Quang Binh province and Rao Tre village, Huong Khe district of Ha Tinh province in the Central Vietnam.

Local people used to practice slash and burn cultivation on the slope land. Their crops depend on the weather, which make their income unstable. In unfavorable condition, e.g. drought, villagers suffer from hunger because of the lost crops. In the past when forest and natural resources were available for a small population, people could do hunting or gathering things from forests or streams to survive. This situation no longer exists whenever the population growth due to both inside growth and migration from lowland. Life and production of villagers was getting more and more difficulties when natural resources were being degraded. "Bush fallow is characterized by cultivation of a plot of land for two to six years followed by six to ten years of fallow. The period of fallow is too short to allow forest regrowth... The transition to grass fallow occurs at population densities of around 16- 64 persons per square kilometer" (Pingali and Binswanger 1988: 53). Sooner or later, it is required that, in order to improve living condition of Ma Lieng people, integrated technologies should be considered, in which the combination between indigenous knowledge and experiment of new techniques would be thoroughly accelerated.

Living in a unpleasant condition of long hot dry season, local people preserved social arrangement, indigenous knowledge such as community coherence, cultivate on slope land, methods to find out and catch bee honey, or the use of herb medicines, in order to cope with and harmonize with their own environment.

To help local people to overcome such a difficult situation, it is a good idea to think of experiment and integrate new technologies to indigenous knowledge and techniques rather than impose biased techniques by the outsiders.

1.2. Customary law and social structure of Ma Lieng group

There are some similarities between customary laws of different ethnic groups, and the Ma Lieng is not an exception. An outstanding feature of customary law is the role of the old-aged head of a village (*Gia lang*); Head of a tribe (*Truong toc*) and Head of a lineage. They are prestigious, experienced persons in social behavior treatment, in production and in solving the problems within their communities (Ly 2000: 97). Customary law of all ethnic minority peoples confirm the roles of the Head of village, Head of tribe and Head of lineage... On the contrary, they apply customary law in solving problems, contradictions or disputes that occur among their communities. In other words, they are one of the factors that maintain the survival and the development of customary law (Tri 2000: 97).

Traditionally, the elder of a Ma Lieng village is also a good healer to treat illness, a respected person, who represent all villagers to carry out worshipping Heavens for collected forest production, crops and peaceful life. Important decisions relating to the whole village, such as village resettlement would be agreed amongst villagers, in which the elder's idea was very important because of his insight indigenous knowledge and experiences. The villagers select the village elder among those, who obtains a certain old age, is knowledgeable, and respected by the villagers.

Settlement and resettlement of a Ma Lieng village is a very significant work, which traditionally need involvement of all villagers and active directive role of village elder to discuss and decide among villagers. Historically Ma Lieng villager in Cao and Ke village changed their living places when a serious infectious illness harmed and threatened people' life, or when an outsider died in the village. There was a worshipping ceremony to be carried out at the old village, which required at least one big pig as the offering. The village elder would be the main person to practice rules on choosing new settled place and the removal would be strictly follow traditional customs.

Ma Lieng people keep deeply in mind their belief on multi-sacredness. They think that every entity has its own soul, therefore people should live in harmony with respectful nature, one should not harm anything created by nature. The village elder traditionally played an important role in representing the whole villagers to carry out village ceremony to thank Heaven and the Earth for their offering good crops, good gatherings and peaceful life to people. At household level, it is essential for an independent family to set up the family's altar (worshipping place, where it is believed that the past ancestors of the family locate, then take care of the descendants' life). If one like to form the altar, he has to follow a very strict rule: the whole family members are supposed to stay in the house for 5-7 days successively while the *thay cung* (shaman) carry out ceremony. During the ceremony, there is a sign with a branch of a tree in front of the house to indicate that no outsiders can enter the house. It is believed that if someone enter the house that time, the spirits of the altar do not accept and the ceremony failed. Traditionally, villagers aware and respect the customs, otherwise the violating person has to pay for the other ceremony instead.

1.3. Language and cultural values

There are some hypothesis trying to prove that Ma Lieng people used to live in lower land some hundreds of years ago. They had to move uphill because of certain reason, e.g. war and they got used to the new situation. Social scientists found out several evidences and facts to prove their hypothesis, of which, Ma Lieng language is an interesting to discuss. Discussing on languages of the Ma Lieng and other groups, Loi (2000: 49) concluded: "other languages like A Rem, Krih, Ma Lieng in Ha Tinh and Quang Binh provinces still retain many words that are "dead" in other languages, a phenomena which provides linguistic data about the Viet-Muong". He added: Languages distributed from Nghe Tinh, north of Truong Son, to Tay Nguyen developed mainly by following a divergent tendency. As a result, in this region we find a few ethnic groups which preserve the ancient characteristics of their languages and cultures. They include languages belonging to the Viet-Muong group, like... Ma Lieng in ... Ha Tinh, Quang Binh provinces (Loi 2000: 50).

It is worthy and necessary to preserve the existing values of Ma Lieng people, because in a number of countries, the state has a policy to preserve the ethnic minorities with under-50-thousands inhabitants (Isaev 1991; Kondrashkina 1994; Mikhailchenko 1994, quoted from Loi 2000: 51). Preservation of Ma Lieng culture will help to conduct further studies to understand more ancient Viet-Muong group, which interests many Vietnamese and foreign social scientists.

Legislation of Vietnam also supports to preserve languages and cultural values for different ethnic groups in Vietnam. The Constitution of the State of the Socialist Republic of Vietnam (1981) stipulated that “The State of the Socialist Republic of Vietnam is the unified state of all nationalities living on Vietnam land, enjoying equality of rights and duties... all nationalities have the right to make use of their language, their writing, to preserve and develop their good customs, habits, culture traditions and cultures (Article 5, quoted from Loi 2000: 50).

2. Description of resettlement intervention in Chuoi village and its effects

Chuoi village – formally known as Cao village is located in the northwest mountainous region of Quang Binh province, 170 km far from Dong Hoi provincial town and 75 km far from Dong Le district town. Resettlement program declared their objective to improve isolated ethnic people’s living standard and “spiritual life” and started project since 1995. They removed 22 Cao households from a higher place surrounded by forest and streams down to a new place, four kilometers far from previous one, set up a new village named Chuoi, which is nearby Kinh majority group, near national road. In implementation, they focused more delivery materials (building houses, leveling wet rice field, making road, school) with the viewpoint and according to the values of Kinh (majority group).

Removing ethnic people to a totally different situation have made them difficult to adapt in such a short time. The Resettlement and local staff thought that, by learning Kinh’s life style and production, Ma Lieng people could happily and rapidly develop. The project tried to level 6.5 ha for wet rice field and made a dam for irrigation. The staff were not sure whether villagers need that kind of rice, because there was no insight study on villagers customs and needs. Villagers would rather continue to live

in the same place with some modified techniques, which allow them to improve crop and life. Resettlement staff did not understand that Ma Lieng people need to continue their crop on slope land, so that they can harvest in the tenth lunar month and maintain their custom of worshipping for the new crop at that time. Besides, it would take a long time for people to adopt and adapt new techniques required by wet rice. Therefore, one cannot criticize people not to use supported things effectively.

The resettlement program neglected traditional aspects and tended to set up new system to replace the old one. Villagers become passive to receive things from outsiders, they were not encouraged to think of using their own traditional resources to solve problems themselves. Resettlement staff thought that people need cows and buffaloes for traction to cultivate as Kinh people. In fact Ma Lieng people – if they adopt new type of cultivation – need more time to get used. Buffaloes and cows offered by resettlement were not actually in need of villagers at the beginning time. That is the reason they did not care much of making use of the new traction type. People do not deserve criticism for unavoidable result of their selling out the buffaloes and cows, when they suffer from hunger due to such a new strange, ineffective type of production.

People in Chuoi village lose more and more traditional belief when the elder's role diminishes and government administrative system at communal and village levels are emerging over traditional one. The younger generation seemed to be more rapid to learn new techniques, to adopt new types of production whereas the older ones are more difficult to adapt to the new situation. Transition of village leadership went along with resettlement intervention when the son of the village elder and resettlement staff replace the elder's inherent role. Some of the people do not know where and who to place their belief and confidence on³.

Because people did not feel stable spiritual life, they did not cared much in promoting their production in new resettled area. They seemed to depend more on material supports from outsiders rather than trying to adapt to the new situation. Material support can never last forever, if it is time to reduce and finish support, people cannot sustain “development” without their good capacity to sustain the operation. Then it is

not surprising that project goes away with all of its supplies in the context of crisis in both spiritual and material life. Unexpected, unavoidable result of the program is that, some of the villagers have tried to come back the old living area to continue their old life style. The rest 11 households, who still stay in the new village can not subsist from the new cultivation and have to depend on food aid and other supplies from government. It is difficult for them to overcome dilemma: whether to continue unsuitable life style or come back their inherent way. Therefore, material supplies or infrastructures are used with short-term view; there is no incentive for villagers to think of sustaining and making them better use for a long time. The dam and cultivation tools are seriously degraded without any villagers' initiative plan to recover or improve them. For detail support activities and the unwelcomingly sad outcomes, see Annex: Table 1.

In the education field, Ma Lieng pupils are taught by Kinh teacher in Vietnamese language, therefore it makes children difficult to understand other language from a person of other culture. In this case, it will be much useful to train teacher originated from Ma Lieng group, so that she or he can easily teach children and help them easily understand lessons in both languages. It turns out that it is essential to think of training teacher for Ma Lieng group themselves, which was never carried out by Resettlement program.

2. Gender analysis

3.1. Gender in Ma Lieng group

Ma Lieng women are important force to involve in production activities and especially taking care of their family. In such a difficult living condition, women have been suffering from hard work, less learning opportunity, poorer healthcare facilities. Women villagers' roles are quite distinct to the men's, especially the burden of housework. Women normally have to wake up early to make *boi* (a mixed food of maize and cassava or rice), which take them at least one hour a day. They are traditionally supposed to be more responsible for childcare, cleaning, water fetching

³ In an interview by CIRD staff in 1999, a villager said that: "The elder used to be important to our villagers. But he is now not "sacred" and respected anymore". The other said that: "people said you

and animal caring. Therefore women and men have different interests. This fact requires outsiders (especially Kinh Resettlement staff) to identify and try to meet their specific needs.

Most of women villagers had no opportunity to go to school, therefore it is difficult for them to read and write in Vietnamese, difficult to receive information from outside as well. Women's participation in community affairs seemed to be neglected because their voices are not encouraged to be heard and be considered strictly by the biased or gender-blinded men.

3.2. Resettlement intervention and gender issue

The Resettlement program did not care much of involving women in development activities. It is hard for villagers, especially for women to involve in discussions for decision making because of top-down approach. Resettlement staff made planning and providing things to the villagers without careful consideration of whether it is suitable or highly appreciated by villagers, particularly women. There was no initiative organization to be set up by women villagers themselves. The communal women's union set up a village women group, which is passive to receive directions from higher level and operate according to top-down system. Therefore, voices from villagers and women villagers as well are not heard and appreciated for the sake of their own development.

Such a poor approach of gender unawares could not help to recognize and meet women's specific needs and the villagers' needs as a whole.

4. Customary law analysis

4.1. Analyze relationships between two forms of law: tradition and state ones.

In the past, when Ma Lieng people lived in isolated area, they followed traditional customary law system, in which everyone obey what their ancestors have built and accepted. They shared concepts of community property and access to natural

need worshipping place, but I am still fine after throwing it".

resources (surrounding forests and streams). The elders and villagers themselves played an important role in caring and controlling natural resources in a suitable and harmony manner. The new-formed leadership seemed to rely necessarily on outsiders and not strong enough to mobilize villagers for protection of the village forest and other resources. In the new situation their rights to nature seem to be limited according to the actual implementation of state law. Villagers themselves lose rights to access forest resources. The outsiders (especially Kinh majority) can access to the forest belonging to the village. New ethnic resettled people could not react to violators to protect their rights to natural resources. In this sense, villagers become the losers rather than the beneficiaries of the project.

4.2. Changes caused by Resettlement intervention

Changes of settlement place cause changes of living condition and also the ways of production. This also shapes new types leadership as well as of social structure. Minority people used to cultivate in upland area had a certain timetable of cropping, certain ceremonies. Traditionally the elder of the village is an important person in decision making for community works. He used to be a person to take care of worshipping for the whole village. Changing from upland to lowland will accelerate using different techniques, different timetable and require different skills to adapt to the new situation. A development project will meet difficulty and turmoil if it do not care of transforming leadership as well as social structure.

Resettlement program offer houses to villagers without awareness of their specific belief and needs of setting up worshipping place to stable their spiritual life. Chuoi villagers were removed to the new area, where nearby surrounding Kinh people and traders often come to the village. The outsiders do not insight and respect the fact that Ma Lieng people need to maintain their customs as well as the outsiders do. They unjustifiably blame that Ma Lieng people are “backward” because of their different customs. Rude outsiders easily and unfairly entitled themselves to interfere and violate the villagers’ setting up altar ceremony. Chuoi villagers could not feel comfortable because they could not practice normally to meet the needs required by traditional spiritual life.

Chapter 3

REFERENCE TO CONTROL GROUP (KE VILLAGE)

1. Description

Ma Lieng people in Ke village used to share the same living condition to Cao village (previous place and name of recent Chuoi village). They shared the same stream, same kind of forest, land, climate as well as cultural values.

Ke village consists of 28 households, most of them were Ma Lieng group. The village locates in a quite isolated area, because it is difficult for villagers to travel across a river to reach the main road and communal center, which are more than 3 km far from the village.

Although living in a difficult and poor living condition, Ke villagers still keep their strengths, which need to be discovered and made used by any supporting agencies. According to CIRD study in 1999, Ke village had following strong points:

- Community coherence is still a power to cater traditional norms, which are formed and promoted through several generations in facing harsh natural conditions and disadvantaged influences from outside.
- Cultural values keep going strongly, which reflect historical existence of the group against threatened difficulties.
- Indigenous knowledge in managing and using natural resources for consumption, for herbal medicine is still undiscovered. It will be good potential resources for development.
- Ma Lieng people are willing to learn, to share experiences with outsiders, be hard-working and looking forwards to being prosperous.

In contrast, Ke village revealed following existing weakness:

- They lack opportunity to recognize power of their cultural values.
- They lack opportunity to be aware that community coherence itself is the strength for local people to control surrounding environment against disadvantaged outside influences.

- Villagers were suffering from poor living condition, hunger and lack of essential infrastructure, such as a road to the village or fresh water supply.
- There was no strong encouragement for using indigenous knowledge both from outside and inside community, thus it would be threatened to be neglected.

2. Approach based on learning first

Ke villagers stayed in the same isolated place until 1999, when CIRD started development project. Before 1999, some villagers were ambivalent about resettling the village as Cao village did, because of short-term material offers by the Resettlement program. Luckily enough, the village elder (Mr. Cao Than) has tried to convince villagers to stay at the same location, to keep their own identity and find the way to develop themselves.

CIRD started its development project by carrying out a study trip of cultural values and PRA⁴ in Ke village. CIRD staff understands that traditional values should be respected and considered as a community's strength in development process. There is no implication for unnecessary confused changes of leadership as well as social structure inside the village. Village elder still plays an important role in helping people to enforce community regulations. Every initiations, solutions and decision making are discussed and decided among villagers. People feel confident on solving problem inside community by themselves, because they have opportunities to involve in every village meeting and discussions to make final decision.

Women were offered opportunities to joint social works (field study, technical training courses, savings, village meetings and discussion). Women and villagers as a whole were facilitated by CIRD staff to set up interest groups, such as saving and credit group, gardening group, husbandry group... Some of them learnt and achieved more skills in book keeping, reporting. Women have been involving more and more in discussion and decision-making inside their family and in community through various types of meetings and discussions relating to project planning and

⁴ PRA: Participatory Rural Appraisal, a survey method applied in rural development.

implementation. They show their better understanding about development strategy and are more confident when speak out their idea, even at conference outside village⁵. Following study on cultural values and forming the project, CIRD tried to help people firstly improve the urgent harsh living condition while respect and encourage their cultural values develop in the new situation. Land allocation help people confirm their rights over village resources, such as forest and cultivating land, and also confirm villagers' stable life in the same place as well. Ke villagers no longer feel ambivalent to follow resettlement's urge to move to the new ground, which is adjacent to recent Chuoi village. With CIRD staff's facilitation, people in Ke village have built up their own community regulation relating to forest protection, animal keeping, and hygiene in the village.

3. Needed activities in the coming time

Initial achievement of the project in Ke village is resulted from active participation of villagers as well as careful steps of development, in which traditional customs are respected. However, there still exist some unsettled problems, which should be solved in the coming time. People had not obtained implementation of full legal rights to their own natural resources, such as community forest as well as forest allocated to each households. Some outsiders still violated the state and traditional laws by illegally cutting trees and hunting animal in the village forest. Further advocacy will be important in the next step, so that people's voices will be raised stronger and the authority will recognize the responsibility in solving the mentioned problems.

The success or limitation of CIRD project in Ke village will be evaluated by villagers themselves through various activities, such as workshop between different villages to draw out experiences and existing difficulties. The workshops and study visit will be held amongst the Ma Lieng in different villages and other nearby ethnic groups, which have similar situation. From exchanging experiences, Ma Lieng people in different villages will recognize which approach and relevant activities will be sustainable, which one should be critically alternated. Their collective action and

⁵ In a conference held by CIRD in Quang Binh provincial hall in September, 2000, Mrs. Cao Thi Lan, representative of Ke women required the competent authorities to solve problem relating to the outsiders' violation to the village forest.

voices will be stronger, so that the competent authorities recognize and think of necessary improvement of supporting methods. Then the development objectives and strategy suggested by the villagers and CIRD's advice will possibly be recognized, improved and applicable for not only Ma Lieng group, but also other similar ethnic groups in the region.

Part 3

conclusions and Recommendations

In this part, from drawing out different trends and approach to rural development, the conclusion will sum up weak or strong points from each approach. Thus options of either top-down or bottom-up approach will be analyzed and considered.

Through thoughtful literatures I have learned from ISS and my work experience, the suggestions will base upon the solution for existing weaknesses and coming needed activities to solve.

Top-down or bottom-up?

The two contrasting case studies mentioned in this paper would help readers to remark that, top-down approach does not specify and try to meet people's needs while discouraging people's participation in their own development process. Bottom-up approach is another way, it helps to solve and replace the inherent weakness of top-down approach. Supports to a certain community should be started from careful survey, which allow development staff understands about local people's strengths and weakness, their needs. Development a certain locality should be initiated from local people, by local people, not from prejudiced idea of outsiders. The objectives of research are therefore to increase our understanding of complexity through iterative learning (a soft systems approach), rather than the testing of specified hypotheses derived from theory (a hard systems approach) (Bawden 1991, 1992; Checkland 1984; cited from Scoons and Thomson 1993: 26). Any development workers can easily understand this advice and would agree to prefer the better one, through observing the two contrasting approaches in the two referred case studies.

Women's involvement

It is reasonable for acceptance that women should be encouraged to involve at least the same frequency as men do in discussion, decision making and other activities of a project. The dilemma is that, can women take advantage to participate, when bias against their social involvement still exist? In my learning lessons, women's initiative

and interest group can help to solve problem. In forming group, an active, knowledgeable woman would be an initial person to facilitate others to join. The group step by step makes their voices and influences stronger towards the husbands and family to recognize and accept the women's social works as a nature. It will be then as a normal rule for community leaders and related authority to think of and be willing to support women's essential involvement in every development action.

Customary law, statutory law or both?

The significant existence and modification of customary law is necessary during development process. This is because "In the rural areas of the Kinh as well in the mountainous areas of ethnic minority groups, it is imperative that we combine statutory law with customary law and village codes to accomplish the task of rural management today. This co-operation is of significant importance in the transition from a traditional society to a modern society. Experience in many countries shows that the management of social relationships using state law is not enough; it should co-operate with other forms of law to create a diversified legal system" (Thinh 2000: 34-5). Thinh's recommendation would be appreciated and applicable if development workers fairly understand the implication of traditional arrangements, and customary laws as well. There will be less conflicts and more harmony between the two forms of law if the involving agents try to choose the most suitable regulation and adjustments among them to specific decision for the sake of community development.

Enhancing customary law in accordance with statutory law will accelerate further participation and democratization at grassroots. In his study, Thinh pointed out that "Local democratisation" and "new rural regulations" are in fact a combination of state law and village customary law. Those who compile and practise the "new rural regulations" should draw strength from the good traditions of customary law, which enhances rural development as one of the main components of "local democratisation" (2000: 36). If one like to pursue rural development, specifically development works at the field, he or she needs to understand well this the implication of this message.

Recommendations for future support activities in the two villages

For Chuoi village, Resettlement program or any other development agencies should strictly avoid previous top-down approach and respect actual villagers' initiation for their own development. Learning process should be reversed, in which, the role of the outsider is not that of an expert telling people what to do, but as a facilitator working with them to analyze problems and find solutions within their own reach. (Moris 1981: 92). Researchers or extensionists need a new suitable learning process, which is described as "an open, learning process approach is indicated of a sort encouraged neither by the content of university curricula nor by the hierarchy and style of government bureaucracies" (Chambers 1989: 186). Furthermore, they need to listen to local people including the rich and the poor, men and women in a respectful and thorough manner. They may learn precious traditional values and wisdom from indigenous people, which are not only useful for development work, but also useful for accurate understanding and attitude for the relevant staff and agencies.

To promote villagers' perception and practice of their community management, it is needed to conduct training workshop for local beneficiaries on state policies and laws and traditional regulations regarding to the rights of highland ethnic people on their land, natural resources.

It will be useful to carry out further insight study on customary law to discover unsuitable community regulations as well as unsuitable interventions and set up new community regulations according to people's needs. For example, discussion should be held amongst villagers to point out the unfairness of old customs, which did not acknowledge and allow daughter to inherit parents' land and property. People will think of modify the old one for further rational regulation with facilitation of development workers if it is needed.

Women's role and participation in any development activities should be confirmed. Development worker must not neglect the requirement of women's equal involvement in every discussion, decision making relates to development, or any benefit, such as workshops, training or study visits.

Annex

Table 1. Investment of Resettlement Program to Chuoi village during 1994- 1998

(Provided by Mr. Quyen, local Resettlement staff at Chuoi village)

<i>Items</i>	Inputs		Recent situation
	<i>Volume</i>	<i>Time</i>	
Leveling for the village living ground	6,5 ha	1994	Being used
Building dam	1 dam	1994	To be leaked, no use anymore
Building wells	3 wells	1994	2 of 3 wells no longer used
Houses building	22 houses	1995	Seriously degraded, 11 households removed.
Video tape	1 set	1995	Being used
Parabol (instrument for catching TV wave)	1 set	1995	Being used
TV	1 set	1995	Being used
Electric generator	1 set	1995	Being used
Petrol for generator to run TV	VND 1 million/ year	1995	
Electric stabilizer	1 set	1995	Being used
Schools building	3 class rooms	1994	Being used
Provide cows	3 cows per household	1995	All were sold
Provide buffaloes	1 buffalo for 2 households	1996	2 buffaloes left
Provide fruit trees	Different kinds of trees	1995	Only few left
Support boarding training	10 pupils	1995 -1999	
Provide household commodities	1 axe, 1 knife, 1 vessel, 1 basin, 4 holes, 3 spades, 2 mosquito net, 2 blankets per household	1995 - 1998	Seriously degraded
Production tools for the whole village	10 ploughs, 10 soil breaker, 1 pesticide spraying machine	1995-1999	
Subsidize for production	2 times/year/ village = VND 10 million	1995-1999	Villagers still suffer from hunger
Support pupils to go to school by different levels	- 13 kg rice/pupil/year - 9 kg rice/pupil/year - 3 kg rice/pupil/year	1995-1999	
Provide paper, pencils, ink to pupil	VND 1 million/ year/ village	1995-1999	
Medicine	VND1 million/year/village	1995 -1999	
Communal house	1 house	1998	Being used
Provide rice for moving houses	5 kg of rice/ person/month	1995	
Provide rice for production	5 kg of rice/ person for 1 labor day	1995-1999	
Salt provision	3kg of salt/ person/ year	1995-1999	
Wage for village staff	VND 250.000/person/year	1994-1999	

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