
No. 128/KN-SPERI/Ref. *Recommending
solutions to land use and management in
mountainous, ethnic minority
communities*

Hanoi, 1 November 2012

Workshop recommendations

Land use and management in mountainous, ethnic minority communities
(La Thanh hotel, 1 november 2012)

- To :**
- The Standing committee of the National Assembly;
 - Chairperson of the National Assembly;
 - Chairperson of the Ethnic Council of the National Assembly;
 - Members of the National Assembly, 13th Term, 4th Session in 2012 ;
 - The National Assembly Office.

On 1 november 2012, the Social Policy Ecology Research Institute (SPERI), the Consultancy on Development (CODE), and the Culture Identity and Resource Use Management (CIRUM), co-organized the workshop on ‘Land use and management in mountainous, ethnic minority communities’. Participants consist of: 1) Representatives of farmers from mountainous ethnic minority communities who face serious landless in the Northern, Central and Central highland provinces of Lào Cai, Sơn La, Bắc Cạn, Lạng Sơn, Nghệ An, Hà Tĩnh, Quảng Bình, and Kon Tum; 2) Communal and district leaders who work with such ethnic groups as Hmong, Thái, Tày, Nùng, Vân Kiều, Bana, Rơ Ngao, and Kinh ; 3) Representative of the National Assembly Office, 4) Representative of the Ethnic Council of the National Assembly, 5) Representative of the Economics Committee of the National Assembly, 6) Representative of the Central Party’s Commission of Popularization and Education, 7) Representative of the Government Office, 8) National bureau of Forestry, 9) Land research Institute of the national bureau of Land management, 10) The Supporting fund for Participation and Accountability, 11) Department of Policy and Legality of the national bureau of Land management, 12) Vietnam Paper Corporation, 13) Vietnam Forestry Corporation, 14) Representative of the ministry of Agriculture and

Rural Development, 15) Representative of Ho Chi Minh National Administration Academy, 16) Representative of Norwegian People's Assistance, 17) Bread for the World, 18) Website of Vietnam Communist party, 19) News and politics Television - VTV1, 20) Other media agencies: newspapers, television and radio.

The followings are major issues from the workshop, which are reviewed and considered by the organizers as resulting recommendations to the 4th Session of the 13th National Assembly, referring Resolution No. 438/NQ-UBTVQH 13 of the National Assembly dated 12 January 2012 and Plan No. 152/KH – DGS dated 25 May 2012 of the Standing Committee of the National Assembly on the supervision of the implementation of policies and laws on residential land and production land for ethnic minority peoples:

Firstly, ethnic minority peoples face shortage of residential and production land¹, even landless and deprivation of sacred forests. Spiritual forests, herbal forests, clan forests are spaces for the ethnic minority peoples to worship their ancestors, to practice and maintain traditional knowledge, management, rituals, belief, and nurturing nature. The deprivation of those forests removes spaces for the maintenance of long-time traditional cultures of the peoples. Shortage of production land undermines vital basis for livelihood security of the mountainous peoples, which eventually contradict the intention of the Party ascribed by the Guideline No. 29 in 1983, Resolution 26 of the 7th Central Session of the 9th Term in 2003, the recent Resolution of the 6th Central Party Session of the 11th Term in October 2012. Though mountainous land remains available, soundless land allocation, low use efficiency, poor planned exploitation of land causes serious soil erosion and biodiversity, ultimately leads to degradation of ethnic cultural diversity. This is an unacceptable paradox in national development;

Secondly, This paradox is the main cause of land disputes, conflicts, overpassed complaints, social unstableness, and potential social unrest. Without strong synchronized solutions people will be able to spontaneously fight and have their own government altered;

Thirdly, Since 1983, passing Guideline 29, crossing Resolution 26 in 2003 to the most recent Resolution of the Party Central Committee in 2012, political determination is highly set for solving this problem. This political determination is the most significant basis for carrying out mechanism and solutions to the shortage of residential and production land of the ethnic minority peoples. The remaining issues

¹ Incompatibility, inequality of residential and production land exists between local farmers and members of state forestry and agricultural enterprises: on average 113.36 ha of forestland for a labor of state forestry enterprise vs. 0.62 ha of production land per mountainous farmer. A mere average of 400 m2 is granted for a resettled household.

should be a concrete realization of this determination to the whole political structure and attitude of implementation on the basis of grassroots democracy, empowering participation and co-responsibility, so as to solve out this paradox and stabilize physical and spiritual life of the people;

Fourthly Land law and policy should be revised towards the following directions: 1) There should be unique policy towards ethnic minority peoples; 2) Special-use forests and protection forests are not only allocated to the subsidized state management boards, but also to indigenous ethnic minority communities for forest protection and management in a special policy which is suitable to the ethnic animism, 'nurturing nature' belief, customary and practice being free from state subsidy. For instance, village watershed forests, herbal forests, clan forests should be seen as protection forests. Sacred forests, cemetery forests are considered as special-use forests. The state formulate policy to respect ethnic peoples' differences, customs and perception of and forests, to legally support ethnic religious practice in the sacred forests; 3) Reallocate majority of advantageous production forests deriving from state enterprises to ethnic minority peoples. State agricultural and forestry enterprises basically transform to function as providers of servicing inputs and outputs. Forestry workers obtain equal rights and obligations as those of the local mountainous people. This is the most economic use of land and forests, and a promotion of strength of the 15 million mountainous people. People pay direct tax to the state, not via intermediation by the state enterprises. Do not remain maskable form of renting land and getting land rent. A considerable number of state enterprises have been causing misunderstanding and alienation between people and authority; 4) To reorganize forest protectors to become people's forest protectors in combination with local ethnic people's obligation in monitoring and supervision so as to assure efficiency of forestland use in a systematic and compatible way;

Fifthly, regarding state management: 1) To strengthen communal-level authority obtaining sufficient personnels and technical necessities for strong local land management; 2) To adjust and complete communal land zoning and land use plan with a strategic implementation and supervision in a transparent, disclosing and democratic process; 3) To properly enforce grassroots democracy on the principle of respect to each specific ethnic group's customs and traditional cultural values; 4) To enhance supervising capacity, governing skills and forestland management ability for the local communities after carrying out land allocation. This process enables a self-sufficient, self-responsible, civilized and stable forestry society with strong specific ethnic identities;

Sixthly, authorities at all levels must become a key actor to link up social forces to involve in solving the mentioned paradox, of which communal level should be primary foundation;

Seventh, To promote solutions to land overlapping and returning forestland from state forest management boards on the ethical basis of encouragement of local ethnic people's participation; to replicate pilot models of customary law-based land allocation in combination with community forest allocation legalized by the Joint-circular No. 07/TTLT/2011, which are achieved successfully in provinces of Son La, Lào Cai, Lạng Sơn, Nghệ An, Hà Tĩnh, and Quảng Bình. Special suggestions can be shown via pilot models of community rights on traditional sacred forests, herbal forests, clan forests based on combination between statutory law and customary law. The successful pilot models have been advised and supported by the Social Policy Ecology Research Institute (SPERI) and the Culture Identity and Resource Use Management (CIRUM) covering 38,000 ha of community forests and production land. The mentioned support activities were carried out on the basis of customary law, Decree 163/CP/1999, Joint-circular 07/TTLT/2011, and guidelines for land zoning and land use plan towards ecological farming for several years in the mentioned provinces.

We wish the members of the National Assembly good health, and we are profoundly, sincerely appreciate your attention for the secured and sustainable livelihood sovereignty of the ethnic minority communities in Vietnam./.

**ON BEHALF OF FOUNDING
BOARD
CHAIRPERSON**

Cc:

- *Standing Committee of the National Assembly (NA);*
- *Chairman of the NA;*
- *Chairperson of the Ethnic Council of the NA;*
- *Members of the NA, Session 4, Term 13;*
- *The NA Office ;*
- *SPERI Office (archive);*
- *CODE Office;*
- *CIRUM Office.*

(Signed)

Trần Thị Lành