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**Community Forestland Management, Outside Interventions and  
Local Responses: The case of the Thai ethnic group in the Hanh Dich commune,  
Que Phong district, Nghe An province, Vietnam**

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## **Abstract**

In an increasing interaction between indigenous or isolated ethnic communities and outside actors, a lack of confirmation of local forestland rights is seen as one of the most critical issues. Does the outsiders' occupancy of land for rent seeking and authoritative patronage for forest management meet the dispossessed people's aspirations? How and to what extent should local communities be involved in forestland management and play a determining role in their own future? To answer these questions, this research is based on in-depth interviews focusing on the folk traditions, cultural beliefs, customary laws, local knowledge, and comments and recommendations of the local Thai ethnic people and some outsiders residing in the Hanh Dich commune, Que Phong district, Nghe An province, Vietnam. In addition, a number of previous case studies and reports from the archive of SPERI (Social Policy Ecology Research Institute) and its alliance members have been synthesised and analysed.

The essential findings and arguments in this thesis comprise the local Thai people's cultural traits, chronicles of outside interventions, local responses, and cognitive and methodological approaches to the study of indigenous cultures and their forestlands. It was found that local people have been upholding their holistic and unique perspectives, beliefs, customary laws, traditional organizational and institutional practices and that these inherent values and strengths can contribute effectively to forest protection and improvement of local people's livelihood. However, it was also observed that the increasing imposition of the mainstream top-down approaches have not recognized or encouraged, that is to say, have undermined local strengths and values. In addition, on the basis of an ethnocentric view, superficial perceptions of the ethnic minority peoples and their values have

pervaded in the Vietnamese media. These phenomena raise questions as to cultural rights, human rights, and the quality of the policy making process and law enforcement which are inevitably affected by these ethnocentric views and approaches.

To counteract the hurtful effects of mainstream interventions, local people have responded in a subtle and implicit way. As a result of outside interventions, they have had to find ways to adjust their productive and cultural settings. However, there remain wishes to recover traditional cultural values, especially in the minds of the elders. In an alternative bottom-up approach facilitated by SPERI, the people are stimulated to promote their own institutional and organizational strengths towards their brighter future. In a democratized and decentralized process, community's land rights and customary rights should be officially recognized and confirmed. But official recognition should not be seen as the final goal, only as a supportive factor while the local community's strengths and self-enforcement of their rights are determinant. To this end, indigenous peoples need further opportunities for networking, capacity building, and taking part in thorough socio-cultural ethnographic research in order to ensure that they are more truly and fairly represented.

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The viewpoints and debates in this thesis are not necessarily a reflection of the mentioned people. I bear full responsibility for the all information provided.



## Abbreviations

CBNRM	Community-based natural resource management
CHESH	Centre for Human Ecology Studies in the Highlands
CIRD	Centre for Indigenous Knowledge Research and Development
Co. 7 VYEP	Company No. 7 of the Volunteering Youths for Economic Promotion
HMG	Herbal medicinal group
ICCO	Interchurch Organization for Cooperation Development, the Netherlands, <a href="http://www.icco-international.com/int/">http://www.icco-international.com/int/</a>
LISO	The Livelihood Sovereignty Alliance
MBNR	Management Board for Nature Reserve
MBPF	Management Board for Protected Forests
MECO-ECOTRA	Mekong Community Networking and Ecological Trading
NGO	Non-governmental organization
QPRE	Que Phong Rubber Enterprise
S&C	Savings and credit
SFE	State forestry enterprise
SPERI	Social Policy Ecology Research Institute, <a href="http://speri.org/">http://speri.org/</a>
TEW	Towards Ethnic Women
THG	Traditional handicraft group
VND	Vietnamese Dong





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## **Chapter 1. Introduction**

Along with outside interventions to many ethnic indigenous communities for decades, the terms of ‘development’, or ‘modernization’, and ‘poverty reduction’ have been widely used in Vietnam and elsewhere in the world. However the precise meaning of those terms has not been clarified or understood deeply. Outside agencies such as the media, government officers and even ‘development agencies’ or NGOs often use general statistical and superficial understanding to come up with their comment, approach and intervention towards a certain region or ethnic community. Local indigenous reality and needs are often blurred and ill-depicted by outsiders’ superficial view and bias. In many cases, outside actors (government, the media, and ‘development’ agencies) simplistically and unfairly describe ethnic minority people as ‘backward’ or ‘underdeveloped’. There often exists a shortage of thorough research and respect towards local community cultural traits, customary laws, traditional institutions, and internal strengths. Despite the abstract terms and numerous data of ‘human development indexes’ introduced by international and national institutions, local ethnic peoples would basically pay attention to a maintenance of community rights, lifestyles and security of their livelihoods. Obstacles to the improvement of the lives of indigenous people does not actually come from their own social settings and existing customs, but actually because of disputes of land and forest, and conflicts over viewpoints and perceptions between local people and outside actors.

Over the past 50 years, the Vietnamese government have performed policies of collectivization, centralization, and setting up many national parks, forest protection areas, and state forest enterprises. Land and forest were legitimately converted from traditional community to state agencies, especially in the 1960s -



1980s period. Due to privatization and emergence of a free market since 1990s, land and forest reallocation was preferably given to outside enterprises instead of local communities and poor farmers. Land law was first promulgated in 1987, and then was revised three times in 1993, 2003 and 2013. However, a community was not recognised as one of the land users until the validity of the 2003 Land Law. Though a community was identified as a land user according to the 2003 Land Law, nevertheless very few communities have attained land titles so far. Those policies and implementation have brought about consequences, whereby communities and their members face shortage of land and forest, which are essential for sustaining local people's livelihoods and preserving their cultural values. Without local people's involvement, it is hard to obtain a win-win situation in dealing with livelihood security and environmental (particularly forest) protection. Policy makers, bureaucrats who implement policies, environmentally and culturally-affected actors are increasingly challenged with the question of how to act appropriately locally while also responding to huge global issues such as livelihood security, cultural and bio-diversity preservation while climate change and global warming are happening at the same time.

Suitable approach and reasonable support is needed for certain disadvantaged communities to ensure their wellbeing, ethnic identity and cultural preservation. To pursue this work, SPERI (Social Policy Ecology Research Institute) and its preceding organizations have been working with various ethnic minority communities, particularly in Vietnam and Laos to improve their situation. SPERI is an independent private research organization established in Vietnam in 2006. Predecessors of SPERI are TEW (Towards Ethnic Women), CHESH (Centre for Human Ecology Studies in Highlands), and CIRD (Centre for Indigenous

Knowledge Research and Development), are all non-governmental organizations (NGOs) established in the 1990s<sup>1</sup>. SPERI prioritizes its support to strengthen capacity in natural resource management of the ethnic minority and indigenous communities in Vietnam and the Mekong region. A people's network called MECO-ECOTRA (the Mekong Community Networking and Ecological Trading) was founded in this process for integrating inter-generation and inter-community sharing and transferring of wisdoms, customary laws, herbal medicine, handicraft textile, ecological farming, and promoting fair trade and niche market of ecological products. At the same time lessons learnt from the fields are shared with policy makers, the media and the public and become inputs for the lobbying process for better apprehension and recognition of the indigenous peoples' rights to their own land, cultural domains, livelihood sovereignty, and livelihood identity (see: <http://speri.org/eng/107/Livelihood-Sovereignty-337.html>).

Concretely, for the case of the Hanh Dich commune, TEW started their support by a study of culture, customary laws, and indigenous knowledge of the Thai community in 2000. TEW, and then SPERI have supported the community to lobby local government to allocate land and forest to community and households. People of similar interest have worked together to set up groups of herbal medicine, handicraft, gardening, animal husbandry, or savings and credit, etc., which are principally based on traditional structures. Networking actions made community members feel more confident in practicing local knowledge, and protecting the forest as well. Movements within the community, and the approach and studies of SPERI/ TEW have helped to suggest an alternative of community-

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<sup>1</sup> The author of this research has been working for SPERI and its affiliated organizations since 1996.

based cultural approach instead of the mainstream bureaucratic top-down intervention.

The Thai ethnic group in the Hanh Dich commune, as well as many other local communities, have adjusted well to their local environment for generations. They have obtained a lot of valuable wisdom in social arrangement and behaviour toward nature. However, their values are not well identified, respected and promoted by the bureaucrats, who tend to convert land and forest from local people's ownership to national parks, state natural preservation management boards, or state and private enterprises. The conversion of forestland ownership from local communities to state entities happened acutely in Northern Vietnam during 1960s-1980s together with a flourish of formation of cooperatives and centrally planning mechanism. Though they have controlled a vast majority of forest areas, most state forest management units and state enterprises find it difficult to fulfil their tasks, and many of them fail to meet both environmental and social obligations due to their incompatible understanding and approach to the local reality. Therefore correct understanding and suitable, applicable approaches to an ethnic group should be the tasks of any implementing and supporting actor as well as a genuine researcher. To make this argument valid and convincingly clarified, this research is based on a case study of the Thai ethnic group in the Hanh Dich commune, Que Phong district, Nghe An province, Vietnam. This research will challenge those conventional terms, perceptions and bureaucratic approaches, and find a way to improve understanding of the values of local customary laws, land use practices, forest protection and livelihoods of indigenous people.

This research tries to answer the following two major questions: 1) how have the Thai people in Hanh Dich commune, Que Phong district been obtaining and using their ancestral land and forest by preserving their customary laws, and maintaining the security of their livelihoods? And 2) how have the Thai ethnic group in the Hanh Dich commune been responding to the outsiders' views, approaches and intervention? This thesis comprises of six chapters. Following this Introduction, Chapter 2, reviews and evaluates published writings on the Thai cultural traits, customary laws, and local knowledge, especially those relating to forest management. In addition, this chapter analyses the debate on community forest policy and the linkage between community forestland rights, local livelihood sovereignty and cultural preservation. The third chapter clarifies how the author dealt with the literature review, selection of data from SPERI archives and conduct of field research. Chapter 4 provides a review and articulation of the relevant SPERI archive and discoveries from the field research. The chapter starts with a brief introduction of the Thai people in the Hanh Dich commune, and then describes their beliefs, norms, customary law, and traditional organizations regarding natural resource management. The history of outside interventions is followed by a reflection of local responses, the alternative supporting approach of SPERI, and future outlook. Historically, there have been six major external actors that have made impacts on the local community: Feudal and French governors, modern state and its legislation, cooperatives, state forestry enterprises, private enterprises, and development schemes. Local people's responses can be observed via their changes and adjustment in forestland use and management, their comment on outside interventions, folklore, sayings or proverbs regarding outsiders, and people's wishes and recommendation on forestland policy and

intervention. Chapter 5 contains focal analysis and debates on the discourses of the role of community in forestland management. This discussion is based on facts and stories told by local people, SPERI methodological approach, and a non-bureaucratic perspective. The Conclusion provides a brief overview and evaluation of the most significant findings and debates on community forestland management, based on the case of the Thai in the Hanh Dich commune.

## Chapter 2. Literature review

### *2.1. A brief view of the Thai and ethnic minority groups in Vietnam*

There are several publications on Thai ethnic groups in Vietnam. A considerable description of customary laws of the Thai in Vietnam was written by Ngo & Cam (1999). The two authors recorded and documented verbal and written customary laws of the Thai people, especially those living in North-western Vietnam. They also described customs of marriage and funerals of the Black Thai and the White Thai. In describing the cultural traits of the 54 ethnic groups in Vietnam, Hoang Nam (2013) provides a notable account of the Thai ethnic group in Vietnam. According to Hoang Nam, the name of *Bach Y Man* (White Thai) appeared for the first time on the historical records of the Tang dynasty (618-907). A legend of the Thai mentions that an original location of the Thai ancestors is between nine different rivers in the Northwest of Vietnam, Northern Laos and Southern China. From the second century, the White Thai had spread out to the Northwest of Vietnam and then to Thanh Hoa province (2013, p. 655-6) to the North of the researched area. Relying on nature and collecting food, herbs, bamboo shoots, fish and other products from forests, rivers and streams is essential to the Thai people (p. 658). A typical Thai village land comprises of reclaimed wet rice fields, rotational fields on steep hills and unused land. The rights of the land user will be recognized for the person who has reclaimed a plot of land, and the unused land belongs to collective ownership. Every villager has the right to feed cattle or collect natural products from the collective land (p. 660). A traditional Thai village is managed by two important persons, i.e. *châu đin* or land owner and *thầy mo* or traditional spiritual leader. Whenever there is a need for setting up a new

village, *chầu đin* leads a survey to select a location that has sufficient area for residence, cultivation and cattle raising. *Thầy mo* conducts ritual ceremonies to ask deities for permission to establish villages and helps *chầu đin* to set up *lắc mường* or a symbolic stake representing the community spirits (ibid, p. 661).

The mentioned literature of Hoang Nam corresponds to the author's findings in the researched area of Hanh Dich. Nevertheless, more research is needed to identify the Thai subgroup living in the Hanh Dich commune and the Que Phong district. According to Lo (2004b) as well as some Thai elders, the Thai people in today's Hanh Dich commune came from Thanh Hoa province and Laos. However, the White Thai identification is not confirmed by the local people as they identify themselves as *Tai Thanh* and *Tai Muong*. Some unpublished reports in the SPERI archive refer to the people in the Hanh Dich commune as Black Thai. That identification is not compatible with the statement by Hoang Nam (2013) that the White Thai settled in Thanh Hoa province, or the previous location of a part of the Thai people in the Que Phong district. Besides, in his study on Ethnic Thai Orthographies in Vietnam, Mukdawijitra (2011) has not yet successfully identified the Thai sub-group in the Nghe An province. Therefore, because of the above mentioned inconsistency and deficiency of verification, the author will use the names which are used by the local people themselves in this thesis.

While the above mentioned publications describe the Thai cultural traits in Vietnam in general, others reveal more specifically features of the Thai people in the Nghe An province and the Que Phong district. In writing of the history of the Communist Party of the Que Phong district, Bui et al. (2002) provide descriptions of the historical settlement and social, economic situations of the local people,

including the Thai group in relation to the modern political and governmental influences. Unpublished writings of Lo Khanh Xuyen have been found to be the most specific, relevant and useful for this thesis. On the basis of field research, Lo (2004a) describes the cultural identity, the worldview, and tangible and intangible cultural characteristics of the *Tai Thanh* people in Na Sai village of the Hanh Dich commune. Lo (2004b) focuses specifically on customary law in the management and development of forests, land and water resources of the Thai in the Nghe An province. Several field research documents and reports in the SPERI archive were available for the author to explore and get an insight into the local Thai traditional organizations and institutions, especially their knowledge and practices in land and forest management.

In comparison to thoroughly researched publications on the ethnic minority cultures which are mostly for the benefit of the small number professional intellectuals in Vietnam, the media plays an essential role in affecting and shaping the view of the larger population toward ethnic minority people. For instance, via a search engine in Vietnamese, thousands of articles were found labelling ethnic group customs as ‘backward’, ‘spooky’ or ‘savage’. An article from Phap Luat & Xa Hoi (Legality and Society, 2012) website labels legends and customs of the Dan Lai people in Nghe An province as backward and illegal. Bao Nghe An (Nghe An provincial newspaper, 2011) describes the Dan Lai people as very savage, as ‘discovered’ by the border soldiers, provided with rice for food, and forced to reallocate downhill and to change completely from ‘wandering, hunting and gathering’ to wet rice cultivation in order to save them from extinction! Another article from Bao Moi (The Fresh News, 2012) describes funeral customs of the Bahnar, H’mong, and some other ethnic groups as *ghê rợn* (terrifying and



spooky) and *man rợ* (savage). This sort of superficial observation and unethical writing creates a false and damaging public image of ethnic minority people in Vietnam.

Discrepancy does not only exist in the media and the public opinion, but also in legislation and policy implementation. Though the Constitution of Vietnam prohibits ethnic discrimination, some legal documents use the word ‘backward’ to describe ethnic people’s situation. Policies are based on an assumption that “minorities are nomadic and require settlement” (WB, 2009, p.6). Consequently, the formal, mainstream outside ‘support’ introduces new, inappropriate approaches and intervention known as ‘development’ projects. Ironically, those types of ‘support’ do not help to promote internal strengths and local people’s confidence, but bring about a pressure to force local people to change and depend more and more on outsiders. This statement will be further discussed and clarified in the following debate on cultural values and community forestland rights.

## ***2.2. The debate on indigenous knowledge and cultural rights***

The debate on indigenous knowledge and its status can be seen through the way this type of knowledge is judged in relation to scientific knowledge and intellectual property. So far, indigenous knowledge has been appreciated by many scholars. For instance, it is regarded as highly social and integrated (Ross et al., 2011, p. 35) and helping to interconnect humans with nonhuman creatures (ibid, p. 34). Indigenous knowledge and belief systems are beneficial for sustainable livelihoods, resource governance and protection of wildlife (Taylor & Lennon, 2011, p. 549). In addition, traditional ecological knowledge is “the basis for local-level decision-making” (Ellen & Harris, 2000, p. 28). However, indigenous

knowledge is not fairly recognized by a number of scientists. Ellen & Harris (2000) criticize modern science for embedding ethnocentrism and elitism, methodological reductionism and evaluative process which label indigenous knowledge as 'unscientific' (p. 12). They warn of a "danger of turning local knowledge into global knowledge" (p. 15) and a depersonalized, objectivized concept by recording indigenous knowledge (p. 20). Even for outside researchers who wish to pursue local community rights, obstacles even remain because indigenous peoples have suffered from historical land encroachment and dispossession, so they are suspicious when dealing with the government and outsiders (Posey, 2000, p. 39). In legislation, if there exists international law, such as the Intellectual Property Rights, "it favours industrialized nations rather than bioculturally rich nations" (p. 42). Consequently, indigenous communities consider scientists such as anthropologists or ethnobotanists as those serving exploitative apparatuses rather than as objective researchers (ibid, p. 41). For a reconciliation of this discrepancy, Posey (2000) suggests the alternative of a "rights-based Traditional Resource Rights concept" in order to enhance dialogue and reconcile conflicts (p. 43). In addition, Ellen & Harris (2000) recommend an adaptation to local situations and a reliance on "what individuals know and reconfigure culturally independently of formal and book knowledge" (p. 28).

Public awareness and respect for cultural rights, indigenous knowledge and practices can be observed through the discourse of conservation. Although shifting cultivation has been practiced for generations, especially in mainland Southeast Asia, this system is popularly seen as causing environmental degradation, recommended to be eliminated by some international organizations. "Customary rights to swidden fields have not been recognized and fallows have

been perceived as unused or abandoned” (Latorre & Latorre, 2012, p. 467). In discussing the World Heritage criteria, Taylor & Lennon (2011) criticize the hegemony of Western values which put emphasis on “the cultural heritage resided mainly in great monuments and sites, and natural heritage in scientific ideas of nature and wilderness as something separate from people” (p. 546). The authors complain that the managers, policy makers and scientists are slow to recognize “the value of time-honoured traditions in biodiversity conservation”. They are critical of the shortage of sensitivity to the sacred sites and the urge to integrate local culture into modern education (p. 549). Furthermore, formal education attributes ‘superstitiousness’ and ‘backwardness’ to indigenous cultural practices and traditional religious beliefs (Fui et al., 2012, p. 379). In order to solve this problem, Fui et al. (2012) recommend that indigenous sacred places be recognized in order to enhance forest protection and people’s spiritual well-being (p. 383). It is beneficial to involve expert farmers in teaching local knowledge because their practices have been acknowledged as profitable and environmentally friendly (ibid, p. 385). Taylor & Lennon (2011) suggest new management arrangements, in which traditional landscape values are identified by the World Heritage agency (p. 550). Practically, management regimes and co-management should be built on the basis of local, empirical knowledge in combination with scientific inputs (Kalland, 2000, pp. 329-30).

Development discourses and programmes are critical factors affecting indigenous rights. Gardner and Lewis (1996) challenge the discourse of ‘development’ and introduce new practical approaches, such as Empowerment, Farming System Research, Farmer First, and Gender in Development. The authors suggest post-development anthropological solutions and approaches to improve the situation of

disadvantaged groups. They recommend the thorough study, respect for ethnic culture, institutions and local knowledge, empowerment and encouragement of local internal strengths, independence and self-reliance rather than external patronage. The promotion of local knowledge, traditional institutions, and customary laws contribute fundamentally to resource management and protection. For every supporting effort, the encouragement of community leadership and respect for local people's voices and initiatives is a suitable solution to the problems inherent in the top-down approach (Tyler and Mallee, 2006, p. 368). Larson et al. (2010) note that it is necessary to recognize *de facto* or customary settings (p. 14) as well as a multiple and concurrent arrangement of legitimate rights. The authors warn of unexpected consequences and flaming conflicts if awareness and concern about this complexity is not adequate (p. 15). They suggest transformation from legal pluralism to legal integration and to document the coexistence of the systems of customary and statutory laws in order to promote the strengths of both (Larson et al., 2010, p. 15).

### ***2.3. The debate on community forestland and livelihood***

Forestland has been essential for the livelihood of many indigenous and ethnic minority communities. Most traditional forest-related inhabitants rely extensively on collecting natural food and resources in order to meet their needs (Posey, 2000, p. 37). In a modern world of legality, collective land rights are essential for the preservation of ethnic identity and a community's cultural reproduction (Barry et al., 2010, p. 26, cited from Bae, 2005). However, community land rights and livelihood have been ignored and undermined by outsiders, especially under colonial and modern statutory rules. Tsing et al. (2005) attribute maps and laws to

dangerous powers and challenges to community-based natural resource management (CBNRM). Colonial and national states have denied the existence and outlawed the livelihoods of the indigenous inhabitants though people have been settled on the land for centuries (pp. 18-23). These authors explore a conservation tendency which relies on short-term funding, investment, and accountability to donors (p. 30.) Besides, the model of government control has omitted potential participants and made the incorporated communities dependent on subsidies (Cronkleton et al., 2010, p. 44). Indigenous communities are excluded from the decision making process and are obstructed in using their own natural resources (Ross et al., 2011, p. 9). Conservation organizations or agencies for natural preservation are “increasingly seen as the new colonizers” when local people are forced to move out of their ancestral forestland (Barry et al., 2010, p. 31; Ross et al., 2011, p. 22). Because of the mentioned outside actors, many indigenous communities are facing burning problems aligned with the changes from self-sufficiency on ancestral land to landlessness and dependency on outsiders.

For defending land rights and livelihood for disadvantaged communities, land title is a debatable issue. Tsing et al. (2005), on the one hand, suspect the effects of community land titles without a consideration of local internal strengths when they state that “too often the title only facilitates the making of a contract with a corporation to destroy the resources” (p. 26). On the other hand, they see more risks suffered by marginalized communities because of the bureaucratic “rapidly assessed” data and an attempt to incorporate local people in ecoregional plans (ibid, p. 30). Thus, a question that should be raised is, how can a community determine themselves on the forestland and avoid risks caused by outsiders if they

have no land title in a modern milieu of legality? Forest tenure is neither well confirmed, demarcated nor secure in developing countries (Sunderlin et al., 2013, p. 2). Specifically, in Vietnam, obstacles to community land titles remain critical while legal status of communities is not recognized in the Civil Code, and land tenure for communities is not as strongly and legally endorsed as it is for individuals and households (Fui et al., 2012, p. 375). These multifaceted critiques seem to face a deadlock if there are not sufficient feasible alternatives and pragmatic solutions for chronic problems. Despite the above critique by Tsing et al. (2005) of land title, many other scholars support community land rights for preservation and enhancement of indigenous cultural values and forest management (Lynch and Alcorn, 1994; Colchester, 1994; Vandergeest, 2006). Nevertheless, community forestland rights, or land and forest titles granted to a community are not a panacea. There are a lot of challenges and pitfalls facing community land rights, and numerous activities should be further conducted in order to maintain community rights.

To deal simultaneously with community livelihood and natural resource management, some scholars have tried to clarify the issues of conservation and recommend more practical solutions. Alcorn (2005) categorises conservation into two types: big and little conservation. “Big Conservation is global” and the concern of international nongovernmental organizations (NGOs), local NGOs, state forestry agencies and park departments (p. 39). On the other hand, “Little Conservation occurs when individuals make choices in their day-to-day lives, in the places where they live”. Rituals, customary laws and land-use practice are traditional methods to manage ecological processes. Though Little Conservation is holistic, it is seldom noticed, and its influence on people is largely invisible (pp.

39-41). Little Conservation is threatened by Big Conservation because traditional rights are ignored and undermined while “Big Conservation allies itself with national elites who share interests with loggers and other resource miners” (p. 41). Alcorn believes in a pragmatic collaboration and learning process to guarantee successful community-based conservation (p. 65).

In order to solve problems caused by top-down control, many scholars have debated the institutional and methodological approaches to natural resource management. One is participatory management of natural resources, which is suggested by Borrini-Feyerabend & Tarnowski (2005). According to these authors, participatory management resembles collaborative, joint, and community-based management. Several social actors can hold discussions to come up with a consent and common actions while they are involved substantially in management (p. 72). However, there are obstacles to participatory management, such as a discourse of “utilitarian cost-benefit analysis” or the allegation that participatory management has very high transaction costs (p. 77). Besides, supporters of indigenous communities are not satisfied with a compromise and social recognition of community rights over ancestral domains (p. 77). In a disproportionate power relation, marginalized groups have used various “weapons of the weak” in a subtle or implicit manner rather than expressing their needs or negotiating transparently with the powerful actors (p. 79). In Vietnam, there exists ‘everyday politics’ in land-rights relationship, which “includes quiet, mundane and subtle expressions and acts that indirectly and usually privately endorse, modify or resist prevailing procedures, rules, regulations or order” (Kerkvliet, 2006, p. 291). In seeking ways to avoid alienation and conflicts and to improve collaboration, Borrini-Feyerabend & Tarnowski (2005) endorse consistent efforts to improve

participatory management given the fact that these systems are far from or never perfect (p. 83). They recommend promoting multiple institutions in resource management and a facilitation of active communication and dialogue in order to enhance participatory resource management (p. 84). Similarly, Cronkleton et al. (2010) endorse local roles in co-management to relieve tension caused by top-down control and law enforcement (p. 44). However, according to Ross et al., (2011), most applied forms of co-management “remains dominated by Western epistemologies and institutions” (p. 232), and if there is not sufficient understanding and respect for indigenous values, “co-management arrangements can be flawed and can even cause offence” (ibid, p. 231). These writers recommend an ‘Indigenous Stewardship Model’, which allows respecting the indigenous perspective (ibid, p. 238) and “promotes policies that support Indigenous nations” and their sovereignty (p. 241).

There are various theoretical recommendations for enhancing natural resource management, and simultaneously improving the wellbeing of local communities, but specific strategic approaches to land allocation and ways to maintain community land rights are not found in publications. The sections of Findings and Discussion below will consider how relevant and applicable the above mentioned theoretical initiations, such as co-management or Indigenous Stewardship Model are to the researched locality.





## **Chapter 3. Research design**

### ***3.1. Selecting works for the literature review***

This research explores interaction between the local community and outside actors, especially in terms of perception and practices in forestland management. Therefore it is reasonable to focus on the writings on Community-based natural resource management and Community forestry to see the arguments between top-down mainstream (development schemes, modernization, conventional technology, and globalization) and bottom-up alternatives (participation, livelihood sovereignty, cultural and natural preservation, and local initiatives). The author took notes of significant arguments and supporting ideas for future use from relevant books and chapters.

For the purpose of getting more understanding of community forestland management leading to analysis and debate over the role of local community, the author uses the above mentioned concepts and key words to find the most relevant books, journal articles and documents from the search engine of the University of Waikato. To find out precise publications in Vietnamese, the search engine and database of the National Library of Vietnam was accessed by the author during his field research time in Vietnam.

### ***3.2. Using the relevant data from SPERI***

SPERI website (<http://speri.org/eng/>) is a source of publications which have been used for this research. Besides, the author has taken advantage of SPERI membership to use stored electronic archive of SPERI, including several published and unpublished field work reports, field notes, case studies, project documents, progressive reports, project evaluation reports, and so on, which were

very beneficial for this research. The most relevant literature is case studies of community land use and management of the Thai ethnic group, particularly in the Hanh Dich commune. Those researches reflect the strategic, methodological approach of SPERI and its affiliates towards ethnic communities. The vision and methodological approach are practical foundation for SPERI to build up its concepts, such as Biological Human Ecology, Livelihood Sovereignty and Livelihood Identity. The mentioned SPERI concepts lead the way and help the author to confidently link data from the field to the analysis of the actors involved in forestland management of the local Thai people. Advantageously, the author had several opportunities to discuss with the founder of TEW and SPERI (Mrs Tran Thi Lanh), who has actively formulated the mentioned concepts and theories while simultaneously giving advice to the lobby and research process in the Hanh Dich commune and other project areas as well. The author of this thesis obtained a lot of the visionary and methodological approaches of Tran Thi Lanh and her organizations in working with ethnic indigenous communities. She told her stories and relevant decisions, and provided evidences to clarify how her organizations have been working closely with the researched community to confirm and maintain their forestland rights. From this the author was able to get a deeper understanding of mentioned concepts as well as the concrete approaches to the targeted community.

Another beneficial source of information was the author's working experiences in SPERI. The main theme assigned by SPERI and pursued by the author is customary law and natural resource management in ethnic minority communities. The author has not been working only with the Thai community in the Hanh Dich commune, but also other ethnic groups, such as H'mong, Xinh Mun, Kh'mu, Lao

Loum, Dzao, Tay, San Chi, Ma Lieng, May, Ruc, Sach, Khua, Ma Coong, Van Kieu, Pa Co, E De, Karen, etc. in Vietnam, Laos and Thailand. This has helped to broaden the author's view and enabled a comparative analysis where it is useful. SPERI strategy of combining support activities and research allows the staff to build trust and get easier access to community, especially key informants. Working closely with local people creates a good opportunity for one to learn cultural values and wisdoms from elders and knowledgeable persons in the community. Field work teaches the author the way to learn from the community in the most efficient manner, or the approach to combine community supporting activities with studying, as well as how to link those mentioned activities to policy analysis and lobbying process for improvement of community land rights and livelihood security.

Specifically, the author has 11-year working experience with the Thai community in the Hanh Dich commune. The learning process has been combined with such project activities as practical training and study tours to exchange knowledge of land use planning, agro-forestry, livestock husbandry and veterinary services, gender and household economic management, etc., or promoting community-based associations of herbal medicine, community forest management, gardening, savings and credit. SPERI staffs have been carrying out field researches several times on various issues, such as the local Thai cultural identity, customary laws and traditional governance, community organizations, traditional farming, forestland, water use and management. Fortunately, the author has been directly involved in some of those activities, and got relevant data, reports and documentation. Obviously the most recent field research (which is described

below) provided a good chance to update and consolidate the rich data that already exist in the SPERI archives.

### ***3.3. The field research methodology***

Before writing up this case study, the author did three months field research (from mid-April to mid-July 2014) in Vietnam, particularly in the Hanh Dich commune, Que Phong district, Nghe An province. This recent field research aimed at filling the gap in field data and analysis on various perspectives and approaches towards the Thai ethnic community in the Hanh Dich commune and local responses to those interventions. This research will update and consolidates SPERI research on the local people's perception, traditional beliefs, institutions, customary laws, wisdoms and practices relating to management and use of land and forest. Linkages can be made between the facts from the field research and the relevant academic literatures as well as SPERI (published and unpublished) archives. Based on these linkages, a hypothetical test can be produced to answer whether the theoretical frameworks in the published literature are relevant to this specific case, and whether and to what extent the lessons learnt from this case study can be replicated to communities in a similar situation.

A discussion with SPERI staff was arranged first for the author to introduce the research and to set up a field research plan which integrated into SPERI's overall research agenda. The participants commented on the scope and scale of the proposed research and raised further considerations, for instance, which kind of community forest should be paid more attention, or should the research be firmly delineated at communal level. Some suggested that informants should be extended to different stakeholders, particularly outsiders of the researched community. In

this discussion, it was agreed that the author cooperates with another SPERI staff to conduct field research. The SPERI research team was advised to try to find local youths to join, so as to help the research team to quickly gain trust from participants, and simultaneously create good opportunities for the Thai elders and youths to share community values and wisdom.

The author's original plan was for three field trips to the community, each of roughly one week. In practice only two field trips were completed. The last one had to be postponed because of a tension that occurred between local people and a rubber company who wanted to encroach community land and who had just sprayed herbicide over the watershed, triggering intentions of a community complaint or law suit. In this situation, it would have been sensitive if a researcher had arrived, as every actor may have felt too nervous and tense to join any presentation or discussion of the burning issue. The author was unable to present research results to the local community or get direct comments from the community as scheduled for the third trip. However, the author did send a brief report and a presentation to one of the Thai community leaders and encouraged him to share with local people and to get their feedback. After each trip, the author presented research results to SPERI staff and got comments and advice from them. A brief report of the research results was also submitted to the communal authority and local army station officers, and a short discussion between the research team and the mentioned actors was arranged in the second field trip.

The two trips to the researched community involved a total of 52 key informants, including 47 local Thai people and 5 outsiders. An elder who is a coordinator of communal herbal medicine group worked directly with the team most of the time at the field, and helped to introduce the researchers to the informants. Though the

researchers wished to follow the 'rolling ball' process to meet informants accidentally and naturally, the involved elder enthusiastically gave advice to choose informants representing various sections, gender, or social status in the community. Despite the fact that the local coordinator advised to complete the field research as quickly as possible, the researchers insisted on spending more time at the field, so as to get more chances of observation and discussion to confirm information from the informants. The researchers focused on the local Thai ethnic people and considered them as the significant target group who provide primary information. So, most of the time of the field research was spent for meeting, observing, working, cooking, eating, drinking and talking with local people. Besides, the research team had chances to meet and interview some outsiders who are not from the Thai ethnic group, or those other than local people. They were worker of the rubber company, staff of the Pu Hoat Natural Preservation management board and army soldier, and local officials, who are residing there or working closely with the local people. Different actors could help the researchers to see different ways of perception, motivation and understanding of the role of local people in natural resource management, particularly regarding the forestland. Then actor analysis helped to explain causes of conflict over land and forest; each side's inspiration and stimulus, suggestions for conflict resolution and future collaborative possibilities.

In-depth interviews were primarily used in the field research for deepening understanding of local people's perspectives and detecting their beliefs and customs. This technique formed a significant and dominant part within the field research. In addition, semi-structured interviews on the importance of customary laws, land rights for local livelihood security were classified and converted into

different categories to be countable for quantitative analysis. The database of a field research by SPERI on customary law and ethnic indigenous community governance, which was carried out in 2010 was used as a source for semi-structured interviews. Therefore, it was reasonable to set up new semi-structured questionnaires on the basis of aggregation and inheritance of data from the previous SPERI research to see the frequency of the informants' comments on the role of local customary laws in community forest management. Observation of local landscape and people's activities, informal talks and chatting were conducted in combination with taking notes, taking pictures and recording. The use of technical equipment was informed to the participants prior to the interview, and devices were operated only with the informant's agreement.

The author recognizes that, due to the limits of scope and scale of the research, the field research could not cover a wide range of informants. For instance, there is a shortage of involvement of district and provincial authorities who deal with forest management. Though people from surrounding communes, for instance, Tien Phong or Thong Thu communes suffer from more serious shortage of land, the researchers did not have the chance to interview and get direct information from them. However, on the basis of secondary statistics and the facts, thoughts, and ideas from the people of the Hanh Dich commune, the author believes that the research does reflect the actual land and forest situation in the area.





## Chapter 4. Findings

### *4.1. Brief introduction of the Thai in the Hanh Dich commune*

The Hanh Dich commune belongs to and is in the northwest of the Que Phong district, Nghe An province. The name of Hanh Dich was given by the governors during the French time, and means ‘the area of servants’. This commune was formally established according to Decision 174/CP of the Vietnamese Government dated 23<sup>rd</sup> April 1979 (Bui et al., 2002, p. 164). The modern commune of Hanh Dich is composed of two different traditional *muong* corresponding to two different sub-groups of the officially recognized Thai ethnic group in Vietnam. One sub-group is self-named *Tai Thanh* (referred to disrespectfully as *Tay Nhai*) and the other is self-named *Tai Muong* (referred to disrespectfully as *Tay Do*). In the Thai language, *muong* means a vicinity beyond the *ban* (village), and can elastically refer to a country or a district. The *Tai Thanh* are located at the higher altitude of *muong* Dan and the upper zone of *muong* Viec, in the current five villages of Hua Muong, Na Sai, Coong, Mut, and Khom. The *Tai Muong* live in the lower area of *muong* Viec, in the six present-day villages of Cham Put, Pom Om, Pa Co, Pa Kim, Cham, and Chieng, all belonging to the Hanh Dich commune. In the minds of the Thai people, especially the old ones, Muong Dan and Muong Viec are among other hundreds of *muong* forming the old Quy Chau territory of the Thai people, which includes the current districts of Quy Chau, Quy Hop, and Que Phong (of Nghe An province, Vietnam), and Samto (Laos) (Lo, 2004b; SPERI, 2008d).

The ancestors of the Thai people in the current Hanh Dich commune originated from Yunnan (China), moved southwards to Muong Thanh of Dien Bien and Lai

Chai provinces in today's north-western Vietnam in the 13<sup>th</sup> century. Some of them moved further southwards to Thuong Xuan (Thanh Hoa province), or to Laos or Thailand, and then some of them relocated to the Nghe An province (Lo, 2004b; SPERI, 2008b). In the early 15<sup>th</sup> century, the ethnic Thai people settled in the downstream of the researched area where they followed a mentorous person named Cam Quy, who was awarded autonomy by the Le dynasty thanks to his leading contribution to gaining independence from the Ming kingdom (Bui et al., 2003, p. 21). The first group of Thai people to settle in Hanh Dich came from the lower land of Quy Chau district (Nghe An province) to live in the current lower, flat area of the Hanh Dich commune and Que Phong district in the 1830s. The second group came from Thanh Hoa province and Samto district, Huaphanh province of Laos to settle in the higher, more remote mountainous areas in the 1890s (Lo, 2004a; SPERI, 2008b).

Muong Dan is located in a valley, which is in the north-western and higher, more remote zone of the Hanh Dich commune, close to the Laos-Vietnam border. This valley is shaped by various hills (*Pu Pom Don, Pu Huoi Hoi O, Pu Khau Dau, Pu Gia Phai* and *Pu Cay Cum*) and a system of streams (*Huoi O, Huoi Na, Huoi Muong* and *Huoi Khau Dau*), all flowing into the Nam Dan river, and a branch of the Hieu river. Muong Dan was seen by outsiders as a “Miserable Area” because it used to be very remote and difficult to get to. A legend explains the name of Muong Dan in a definitely different way:

“Once upon a time, while a grandmother and a grandchild were having a bath at the stream, the grandchild was caught by spirits. The grandmother traced the track trying to find her grandchild and cried: ‘*Ta lan do, Ta lan do*’ (Please return my grandchild!)”. Local people make this story

meaningful to name the area as Muong Lan or Ta Lan, or Muong of returning Grandchild. Because the Tai Thanh people spell ‘d’ for ‘l’, then the outsiders formally converted Muong Lan to Muong Dan accordingly (SPERI, 2008a).

In the past, Muong Dan was divided into four *ban* (village) known as Na Sai, Hua Muong, Co Vat and Co Hieng. According to an elder, Muong Dan has been known for at least 100 years, since the settlement and later removal of Xa (Kh’mu ethnic group) troops during 1899-1906. ‘*Mun Quang*’ (the Quang clan’s leader of thousands of soldiers) and ‘*Mun Pan*’ were the first leaders of the settled people in the area. The leaders of the troop became very strong after conquering several areas. They got enough money to buy land in Muong Mun (a *muong*) and sold Muong Dan land to a mandarin named Sam Van La. Before the August revolution of 1945, Mr La sold Muong Dan land to Mr Chinh Huong to use for about 8 years before massive changes under the communist regime. Muong Dan was unstable and even deserted for decades because the people had to scatter due to wars, conflicts and the efforts of the government to reallocate people in Muong Hin (an area in the downstream of the Hanh Dich commune) in the 1977-1978 period. However, people found it unsuitable and difficult to live in the resettled area, then came back Muong Dan and gradually stabilized their lives there. Currently Muong Dan consists of two *ban* (villages) of Na Sai and Hua Muong, where reside 123 households belonging to 6 clans (Vi, Lo, Ngan, Ha, Quang and Luong) of the Tai Thanh (SPERI, 2008a).

The meaning of *Muong Viec* is ‘hard work’, or ‘always work’. Muong Viec was formed by a *Tao* (the first settler, or creator of *muong*) from the current Tien Phong commune (a commune in the downstream of the Hanh Dich commune). At

that time this area was seen as a remote and isolated area along the Nam Viec river with several waterfalls where people could use bows and arrows to catch fish instead of fishnet. In French times many people escaped from too heavy corvee taxes imposed by the governors in the downstream of Quy Chau district to resettle in Muong Viec (SPERI, 2008b). Though the ancient inhabitants spread out in several small villages, they could set up some central villages where common Pu Xua (sacred areas to worship and acknowledge the merit of the *muong* creators) were located, such as those that are still remaining in the current villages of Mut, Pom Om and Chieng. In the past the *Tai Muong* people in Muong Viec used to move around due to wars or conflicts, but they enjoyed relatively more stable lives in comparison to the *Tai Thanh*. Unlike the *Tai Thanh*, the *Tai Muong* did not have to resettle down to the Muong Hin area. In comparison to the *Tai Thanh*, the *Tai Muong* see themselves as more progressive having more opportunities to contact and exchange with the more civilized society in the lowlands.

The foundation and existence of '*muong*' used to be very vital in traditional social and political settings of the Thai people in the current-known Hanh Dich commune and the surrounding regions (known as districts of Que Phong, Quy Chau and Quy Hop). There were typically two persons leading and governing a *muong*, who were called '*Tao*' and '*Mo muong*'. The saying "*E na phai mi muong; E muong phai mi tao*" means that, one must dig ditches to cultivate, as well as a *muong* must have a *Tao* to maintain and govern people's material life. The second important position was *Mo muong* who is in charge of taking care of the spiritual life of the people in the whole *muong*. The *Tao* could be awarded land areas by the King and succeed to the position hereditarily rather than being voted by the people. *Tao* was supposed to be the first person doing the '*Lak sua*'

ceremony to request the spirits or supernatural power for permission to reclaim and use of land and forest (SPERI, 2008a).

Traditionally the Thai people in Hanh Dich commune formed their '*Ban*' (village) on the basis of the clans. The head of a *ban* was called '*Nau*', who was in charge of leading common activities of the *ban* and regulating the relationships among people based on the community customs, people's feelings and mentality. Therefore, the *Nau* was one of the most prestigious persons in the community though he was not necessarily an elder. The second important position in a *ban* was the '*Dam*' who took care of the spiritual life of people, especially the '*Pieng lau*' (sacred forests). There were assistants under these two positions helping to coordinate community activities. The *Dam* could be awarded pieces of land for common purposes of the *ban*, such as '*Te san*' or '*E khau mau*' ceremonies. In the past, when the importance of a clan head did not clearly exist, the *Nau* and '*Khoan*' (leader of mutual-help groups) coordinated and took care of the whole community activities. Under the administration of the old Vietnamese kingdom and the French colonizers, the land tax collection was calculated on the basis of the size and fertility of the land owned by the '*Chau Din*' (private land owner). The *Khoan* was in charge to facilitate and organize *ban* to collect taxes (SPERI, 2008a).

The '*Ban-Muong*' structure was managed via a system that combined local customary law and the governor's rules. This system is reflected in the proverb "*Hit ban hit huong, khong muong khong quang*", which means that, the customary law of *ban* is significant, but that of *muong* is greater. "*Hit khong song chan*" is another proverb, that means customary law and rules of the *muong* and *ban* are the two imposed layers to judge and regulate people's behaviours. More

importantly, this system created a milieu for interaction between the physical and spiritual life of the people. Therefore, the *Muong* Council should always involve both '*Tao*' and '*Mo muong*', the former played a role as a '*Chau din*' to manage a designated land area, while the latter took care of spiritual life. In addition, this council consisted of other seats, such as '*Lam*', '*Cha*', and '*Cai*'. The functions of each position were clearly defined: '*Lam*' was responsible for external relationships; '*Cha*' worked as an economic manager; and '*Cai*' was in charge of common security. Additionally, there was an intermediary unit called '*Poong*', which although less important than others, nevertheless was noteworthy in the linkage between *muong* and *ban*. One *poong* can consist of five to ten *ban*. '*Ong Poong*' was the *poong* officer, who informed and made an enforcement of rules and orders of the *muong* Council to *ban*. He was supposed to attend at the meeting of the *muong* Council to get new orders or report the results of his tasks (SPERI, 2008a).

The traditional social and political structure of the Thai community was gradually transformed, with the shifts of changes marked by significant events. Prior to the influence of the French colony, the Thai traditional structure used to consist of '*Ban*' and '*Muong*'. For a relatively short time, from the French colonial rule to the Revolution in August 1945, this structure was transformed to an arrangement of three levels: '*Muong*', '*Tong*' and '*Xa*' (SPERI, 2008a). Before the power insertion of the communists, the Thai community used to enjoy a relatively higher level of autonomy: In other words, less control imposed by the central government. The top class of Thai used to control the highest social positions to manage the people. The commoners had to abide by the rules and orders of the higher class. After capturing power firmly in the late 1950s, the communist

government nationalized the land and redistributed it to people. Then the land was revoked and managed by cooperatives and state agencies. Upon the failure of state forestry enterprises and a collapse of cooperatives in the 1980s, a little amount of agricultural land was once again redistributed to local farmers. However, forestland, a large proportion of the local area, was transferred to the local communal authority, or firmly kept by state forestry enterprises (SFE). Then most of the forestland was transferred to a management board for the protection of forests, a management board for natural preservation, or privatized from the 1990s onwards. Local community and the people could only obtain a small part of the forestland, or otherwise could access the forest via contracts of forest protection signed with the above mentioned forestry agencies. Massive interventions and dispossession by outsiders and a movement of local community and NGOs to regain and maintain land rights will be presented in detail in following sections.

## ***4.2. The ethnic Thai folk culture in the Hanh Dich commune***

### **4.2.1. Beliefs, worldview and values of humans and nature**

According to Lo (2004b) and SPERI (2008a), the Thai people in the Hanh Dich commune as well as those in the western Nghe An believe in the existence of three layers in the universe: '*Muong Pha*' or '*Muong Bon*' (the heaven or paradise); '*Muong Din*', '*Muong Lum*', or '*Muong Pieng*' (the earth surface) and '*Muong Boc Dai*' (underneath of the earth). *Muong Pha* is the residing spaces for spirits, spirits of the deceased members of different clans, ghosts and nomadic spirits. There are 3 layers in *Muong Pha*: the first is '*Then Na*' or '*Then Luong*', an imagined heaven for the highest spirits of the Thai ancestors originating from Sibsongpanna (or Xishuangbanna in Yunnan, China), who manage different *Then*



( imagined paradisiac spaces for spirits of ancestors of each clan). The second level is the space for different *Then* corresponding to different human clans and clan ranks living on earth. Each clan is classified into two main ranks of '*Quan*' and '*Hun*'. '*Lo Cam*' (Golden Lo) is the highest rank of all clans. The third and lowest layer of *Muong Pha* is '*Dam Trao*' which is the located paradise of the spirits of *Khen Kho*, *Pon* and *Pau* (ancestor, great great grandparents and great grandparents) of different '*Ho Pan Tong*' (lineages of 5 generations). The spirits of the deceased people of a certain clan should go to the relevant '*Dam Trao*'. The surroundings of *Dam Trao* is the existing cosmos for '*Phi Sut Duot*', which are nomadic spirits derived from abnormal deaths such as those of persons without family or without sufficient contribution to the clan's spiritual and ritual affairs, vicious ones or violators of customs, deaths from hunger, deaths from accident without caring relatives, or deaths without reasonable worshipping due to the poor situation of the descendants, who cannot afford it. *Muong Din* is the habitat for substantial, tangible existence of human beings and physical objects together with various intangible *Phi huon* (spirits of ancestors) and souls of different creatures on earth. *Muong Boc Dai* is the living place of very short creatures eating soil underground. There is an interaction between different layers in the universe, especially a spiritual link between *Muong Pha* and *Muong Din*. It is believed that each living person has a fish as a symbolic representative in an imagined small pond inside their *Then*'s garden. If the water flowing in the heaven does not connect smoothly with the pond, or the pond is contaminated, the living body on earth will get sick or die. When the *Then* sends a person to live again on earth, a tree will accordingly be grown by the *Then* to make sure that upon the person's death, she or he will have a coffin made from wood.

The Thai people believe in incarnation. All tangible living objects on earth, grasses as well as humans have their own *Khoan* (souls). The intangible souls of all creatures always save and support the existence of physical lives. After an ordinary death, souls of a decayed entity will disappear and be able to have a chance to enter and exist as *Phi* (spirits) together with the corresponding clan ancestors and the relevant totem in *Then Na* within *Muong Pha*. An ordinary death is defined as a death due to old age or diseases while the dying body is lying peacefully in bed. The *Then* will grant an incarnation to endure the existence on earth whenever all duties of a person's spirits are carried out according to the laws and procedures required by the *Then* of *Muong Pha*. The spirits derived from abnormal deaths will not be able to get entry to the ancestors' space nor a chance to incarnate if the relatives of the dead do not complete extra rituals required specifically to the case. Those spirits are considered as the evil ones, which often do harm or wander to collect leftovers if they have not been offered adequate ritual ceremonies (Lo, 2004b; SPERI, 2008d).

The above mentioned worldview and notion of incarnation are interconnected with several values, norms and taboos preserved by the local Thai people. They have a notion that, the one who is kind and helpful will attain good things in return, and vice versa. People believe in the existence of souls and spirits everywhere, so whenever they are in primary forests, especially in the sacred areas, they must not talk foul, set fire openly, cook on rocks, throw salts into fireplace, cut trees and destroy things, or discharge excrement, because those actions are considered as offences against spirits. An elder said that: "if you do not challenge spirits, you can live legitimately everywhere, even beside old trees inside primary forests. The laws of spirits should be seen as being similar to those

of humans. It is not your fault if you violate something unconsciously; otherwise it is sinful if you boastfully expose yourself”. Nevertheless, unlike ordinary people, a *Mo* (shaman) can contact, or even ‘challenge’ spirits. *Mo* is in charge of worshipping supernatural and ancestral spirits in various ritual ceremonies to ask for sustainable lives, good luck, and prosperity. Praying is linked with a counsel to venerate ancestors, to care for parents and old persons, and to respect all living creatures. “If you love guests, you should also love their souls. If you invite guests to some wine in a jar, you should chant and invite their clan’s spirits to enjoy and support you all” (Lo, 2004a). This saying and practice is one among several similarities to reflect an obvious interlink between physical and spiritual life of the local Thai people.

#### 4.2.2. Customary law, ceremonial rituals and forestland protection

The researched local Thai people have a notion of veneration of the spirits and saints of the village. There are two significant ritual ceremonies of *Lak sua* and *Te san*. *Lak sua* means a fixed stake with clothes of the heads of each family hung on the stake, which becomes a symbol of the establishment of *ban* and *muong*. The ‘*Lak*’ (stake) should be fixed at the sacred area, which is called *Pieng lau*. It is believed that a dead person’s soul should be testified and goes through *Pieng lau* before entering into *Then* (an imagined paradisiac space for spirits of ancestors of each clan). On such a cheerful occasion as bumper harvest, villagers contribute sticky rice and chicken to share, and they sing and dance. A new born baby should obtain a ritual to inform spirits of *Pieng lau*. To seek the ‘strayed soul’ of an ill person, a *Mo* should ask spirits of *Pieng lau* for support. ‘*Sua*’ means clothes, which represent souls and spirits of the *Chau din* (landlords). One or several clans

who came and settled earliest in a new area should organize a ceremony to worship the spirits there for peaceful lives, secured livelihood, good health, and prosperity. People contribute wine, chicken and grilled fish for the ceremony, which should be held on a selected day of *Khau cam* (New crop festival). To obtain membership of the community, the later settlers should offer one chicken and follow the procedure of *Lak sua* worshipping. Cutting trees at the *Lak sua* area is strictly banned, because it is believed that this violation will cause someone's death. An exceptional case is to clear trees to make a track to get into the area for a ritual ceremony. Based on *Lak sua*, various clans altogether construct the village and share resources harmoniously. Every year, villagers maintain this ceremony to pledge community solidarity before spirits and the earliest creators of the *ban* and *muong*. This ceremony is called '*Te san*' (SPERI, 2008a).

*Te san* is a ceremony at the *Pieng lau* area to uphold the first settlers' pledge when they established *ban* or *muong*. In local Thai language, '*San*' means spirits of all holders of the clothes attached at the *Lak*, who represent the entire clans and families in the village; and '*Te*' means worshipping. *Te san* in Muong Dan used to be held yearly during seeding time (from 4<sup>th</sup> to 20<sup>th</sup> of the third lunar month). People worship the spirits of *Chau xua* (the first reclaiming landlords) and spirits of hills, rivers, streams and fields. *Te san* is an opportunity for people to apologize to the spirits for their undue actions and petition for favourable weather, prosperity and peace and to avoid threats for the whole community. People offer pigs to *Pieng lau* consecutively in the first 3 years, then one buffalo in the fourth year. They take clothes of the heads of families and put them together on the *Te san* trays and arrive at *Pieng lau* for the ceremony. People decorate drums, gongs

around *Pieng lau* and make sound during the ceremony. All villagers should be involved, make contributions and sacrifice chickens, pigs or buffaloes, then cook the meat and offer it to spirits. They calculate the values of the pigs or buffaloes and convert these into work-days, and then other villagers should repay work-days to the contributors of the pigs or buffaloes. After worshipping, they put two 'Neu' (poles) at two ends of the village to prevent outsiders from entering as well as to prevent villagers from going out for 3 days. Villagers must not cut trees, work at the fields, or go hunting during this time for a fear of disturbance of spirits (SPERI, 2008a).

The researched community have maintained other ceremonies and festivals, such as *Khau cam* (New crop festival), *Lang ta* or *Sap xe phay* (ceremony for extinguishing fire), and *Tat day* (ceremony for better luck after suffering a fire) (SPERI, 2008d). In the past, to help strengthen community spirit via those common activities, a person called *Dam* usually dealt with physical work to organize the community, and a *Mo* functioned as spiritual leader for the community, clan and individual levels. *Dam* was responsible for coordinating villagers and collecting offerings to organize community ceremonies. In the past, *Dam* facilitated villagers to go hunting and fishing. The whole community discussed and agreed on the times for making a trapping blockage on the river to catch fish that could be distributed equally. Traditionally, on hearing the sound of wooden bells, people had to go for hunting together. They took the head of the hunted animal to the *Dam's* house for worshipping, using the meat to enjoy a party, and distributed it equally to everyone in the community. People respect mutual help, so one may go to neighbours for food in case of food shortage. One should not avoid helping others if his or her work (e.g. harvesting) is finished.

Those who do not participate in community work will be considered as violators and be fined according to customary law (Lo, 2004b).

The local Thai people used to have several ceremonial events, not only at community level, but also at clan, familial and individual levels. *Mo* (shaman) plays a very essential role in these occasions. If a person gets sick, which is not serious, his or her family member can help to worship in front of the family altar. If the illness becomes serious, the family should ask *Mo* to help. Severe sicknesses and death are unpredictable events which need help from relevant *Mo*. Besides, there are some events which require optional ceremonies and assistance of *Mo*: *Me nang pha xieng* (ask *Me nang* or a 'female' deity to support a one-month infant if she or he often cries), *Phi luong* (worshipping outdoors in case less-than-3-year-old babies are uncomfortable and often cry), *Han huon* (yearly relief to a married person from his run of bad luck), *Xieng xe ha* (chasing bad luck away for married people), *Hieu khoan san* (recalling one's souls when they escape from her or his physical body), and *Tang xoi* (gratitude to parents when the children are not being dutiful towards them). In addition, each person should complete the following regular ceremonies all their lives: *Khai puc khai pa* (asking for easy delivery), *Oc cho* (permitting new-born mother to go out of the kitchen corner), *Pang toc choong* (release the infant's souls from the monsters of the land), *Sooc me nang* (offerings to *Me nang* or a 'female' deity), *E hen* (asking for longevity), and *Cum via* (being dutiful towards parents). After a death, a *Mo* tells the fortune of a suitable tree to be cut; and villagers should work together to make a coffin afterward. A dog and a duck should be sacrificed so as to help the dead one's spirits to cross an imagined bridge and a river on the journey to *Then*. After a burial ceremony, the following ceremonies should be completed: *Au phi*

*huon* (recall spirits to reside at the home altar); *Cam xanh* (rearrange levels of ancestors when a newly dead's spirits enters the altar); *Xen xao put* (see off the spirits out of the house); and *Pan tang* (completed funeral rituals after one year of death) (SPERI, 2008d).

The local Thai people have two ways to classify different types of *Mo* (shamans), i.e. on the basis of origins or functions. Based on origins of *Mo*, there are *Mo Tay* and *Mo Sen*. At the birth of a *Mo Tay* there should be a remaining piece of placenta covering his shoulder. Whenever that person gets sick and is diagnosed by a *Mo* that he has *Phi Tay* (a spirit for shaman), he should organize a ritual ceremony to ask spirits for becoming a *Mo Tay*, otherwise he is believed to be sick persistently. A talented and moral person can become *Mo Sen* (SPERI, 2008b). On the basis of functions, there are seven types of *Mo*: *Mo Mo*, *Mo Mot*, *Mo Tang Dao*, *Mo Mon*, *Mo Hang May*, *Mo Hieng Khoan*, and *Mo E Cum*. *Mo Mo* or *Mo Duong* help to detect reasons for illness or problems, but does not know how to worship to solve problems. *Mo Mot* should be a well-educated person, who is believed to have spiritual troops to help a death's spirits to enter the *Then*. There are few *Mo Tang Dao* in the researched area. *Mo Tang Dao* are similar to *Mo Mot*, who worship a long time to help the dead people's spirits to overcome a longer way to *Then*. *Mo Mon* are not required to be well educated, but can use a sword and magical manoeuvres to deal with spirits while helping to solve others' problems or illnesses. *Mo Hang May* are herbal medicinal healers. *Mo Hieng Khoan* worship to protect and care for people's souls. Today there are very rare *Mo E Cum* who help a clan or a family with 'great souls' to fulfil ritual procedures, because this type of ceremony is not popular in this area (SPERI, 2008a; SPERI, 2008d).

#### 4.2.3. Traditional organizations and forestland management

The local Thai people have a clear notion of and a linkage between territorial localities and spiritual existence and arrangement of clans. Geographically, they have the perception of the existence of 100 *muong* of the Thai people in the region; and Muong Dan and Muong Viec are two among them. There is a Nine-room temple residing in Muong Ton, which is considered as the political and spiritual centre of the entire region. This temple is believed to be the paramount sacred site where every dead person's spirits goes to before travelling into *Then*. In the past, every *muong* had to contribute a buffalo for a yearly festival held in this temple. The nine rooms of the mentioned temple represent the 9 Thai clans: Luong (traditionally embrace *Mo* or shaman), Lo (traditionally hold *Tao*, mandarin or governor), Ngan, Vi, Kim, Lu, Loc, Quang, and Ca (or Kha, or Ha) are commoners. Each clan has their own typical worshipping arrangement, taboo, and totem. For instance, Lo clan has *Loc tang lo* or the crow, Quang and Lu clans have the tiger, Ha clan has *Loc kha* or a species of bird, Luong clan has *Loc pac* or the Swamp hen, Ngan clan has the snake, and Vi clan has *Nieu vi* or a species of Belostomatid. Each clan has their own legend to explain why they uphold the totem. Such official clans as Sam or Lang actually come from original aristocratic clans of Lo Cam, Hon Vi, or Mun Quan, and people should know and use exactly the original clan whenever the *Mo* worship for the dead people's spirits to come to the corresponding *Then*. People of the same clan have a strong link through maintaining '*Ho pan tong*', which is a common clan of the members sharing the same ancestor within five generations, the same totem as well as the same norms and customs of funeral. Every one has to respect and abstain from killing or eating



not only their own totem, but also that of other *Ho pan tong*. For instance, if some villagers kill a tiger, they have to come to apology to the Quang and Lu clans so that their totem is not ruined and organize a funeral ceremony for the tiger which is similar to that for a human's death. The clan members, who have the totem being ruined, should cry for their ancestors. If a totem animal is killed accidentally by the clan members, they should organize a funeral, make sounds with gongs made from bamboos and bury the animal at a specific place. A *Ho pan tong* has at least 4 significant common ceremonies, which are believed to repair the floor for the ancestors' spirits at *Then*, to coincide with the date of several dead, or to relieve children from illnesses. According to customary law, people of the same *Ho pan tong* cannot get married to each other. People of different clans living together build up community spirits and common sentiment. They all worship spirits of creators and landlords of the locality at *Pieng lau* (a sacred area of the community), and therefore build a good link and strengthen solidarity in the community. Traditionally, mutual help was voluntary, and people avoided asking others to recompense favours (SPERI, 2008a; SPERI, 2008d).

*Ho pan tong* and other forms of traditional organizations indicate a strong civil society and self-governance of the Thai community. In addition to *Ho pan tong*, the local community have been maintaining other traditional mutual-help organizations, such as *Ho phuong*, *Phuong ho* and *Phuong hoi*. A primitive style of *Ho phuong* was set up when one or some clans started to reclaim new land and hold the *Lak Sua* ceremony. Some families helped each other to clear trees, set fire, seed, weed, harvest and chase cruel damaging forest animals out of the field. Whenever a family worked at the far fields or set up a house, they should ask other family members for help. The host should take foodstuff and the helpers

bring rice to the far field to share a lunch. A member of *Ho phuong* knew others' characters well, and they all appreciate compromise; therefore there was no conflict over land use in the past. '*Muot mai*' (a type of village regulations) was constructed through gathering and sharing between different families and clans, and has been existing for a long time. *Muot mai* of *Ho phuong* relates closely to *Lak Sua* as well as a pledge in front of the spirits of ancestors. An elder said that if there is no *Lak Sua* tie, people may live as a loose group sitting at a river wharf, and each one will go her or his own way. Moreover, it is believed that if a person does not participate in clan affairs or obey regulations required by *Then*, her or his spirits will not be able to enter into *Then* to see their ancestors and to incarnate.

While a *Ho phuong* does not embed a share of a common totem or ritual customs, *Phuong ho* does. *Phuong ho* is a linkage of various sections of different *Ho pan tong* or a linkage of a lineage, or some lineages, or even a community. *Phuong ho* was set up upon the collapse of cooperatives in Que Phong district in 1990s to fill up the gap of linkage and cooperation. In Na Sai village, *Phuong ho* created favourable conditions for different clans of the community to compete and simultaneously help each other in ploughing, transplanting, weeding and harvesting. Village leaders provided guidance on which clans should be combined, and took a significant role in the establishment of a *Phuong ho*. There is a gender division of labour in *Phuong ho*: the men are preferably responsible to transport logs and bamboo, dig fish ponds, prepare thatchs, plough, host spiritual ceremonies, and clear vegetation for slash-burn cultivation. Women typically transplant, weed, harvest, cook, and assist men to transport bamboo, thatches and other things between farms and houses. *Truong ho* (the leader of *Phuong ho*) is an outstanding person voted by the members and is responsible to assign tasks and

time to members. *Phuong ho* often sets priorities to the following work: funeral and wedding ceremonies, making a new house, harvesting and digging fish ponds. According to an elder, *Truong phuong* (leader of *Phuong hoi*) has a greater role in comparison to that of *Truong ho*, because *Truong phuong* can coordinate different clans. *Phuong hoi* is a flexible formation set up for mutual help in making a new house, transplanting, funeral and wedding ceremonies based on clear regulations of contribution and sharing. The common principle of *Phuong hoi* is based on contribution and voluntariness of the members. For instance, for a funeral ceremony in Chieng village, each family in the village should contribute a bowl of rice, VND 10,000, and a pack of firewood ranging from 20 to 30 kg for warming up and keeping fire for the whole night. An additional contribution of the families of the same clan is set specifically by each clan. For instance, each family of the Vi clan contributes 5kg of rice, 3 working days, and VND 100,000 for a funeral service in the clan. Contributions and involvement of other members of *Phuong hoi* become a huge spiritual and material reconciliation to whoever is suffering from severe circumstances or great losses. Abundance of mutual help creates a good milieu for interactions and transparent cross-checking for maintenance and promotion of community spirits, a harmony within humans and between humans and nature, and a fair use of resources.

#### 4.2.4. Local wisdom in landscape design

The local Thai people have an oral history about the settlement of their village. It is said that their ancestors who went hunting discovered one beautiful valley, and then led the clan members to resettle in the desired area. People believe in heaven's ownership and arrangement of landscape, and they give names to every

village, stream, hill, and even mountain pass. '*Na tin ban*' is an ideal and typical traditional arrangement of a Thai village, which means the residential area should be located on top of wet rice fields, so that people can enjoy a wide and beautiful view from their houses; and the rice benefits from natural flow of discharged composts. Local communities classify land and forests clearly into two main parts: usable, accessible; and sacred, strictly restricted areas.

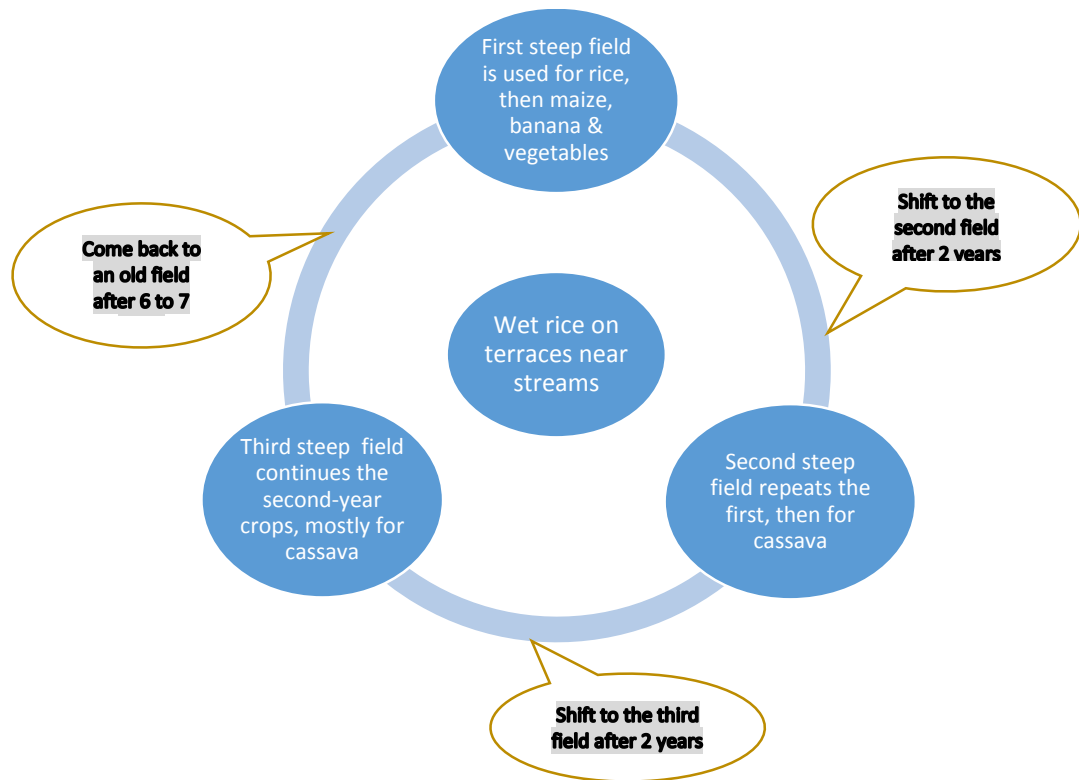
Usable land and forests are the areas used for housing, gardening, wet rice farming, rotational farming on steeper land, animal raising, and collecting forest products. Whenever there is a stream or water resources close to a flat and large area, people prefer to reclaim to make a paddy field. A sloping area with humid, dark soil can be chosen for rotational cultivation. People choose a relatively flat land with grass, bushes and some ponds or swamps for raising cattle and other animals. Based on this traditional land-use planning, local people have created and been maintaining wet rice fields in every village. People in the Mut and Coong villages have recently fenced off some areas with favourable conditions for raising cattle.

Sacred and restricted areas are *Lak sua*, *Pieng lau* or *San* (sacred areas), *Doong* (spirits' forest or cemetery), and watershed areas. Sacred areas are strictly protected; no tree cutting is allowed except a little clearance for a track prepared for people to get into a ceremonial site in the area. It is said that some people have suffered from mental sickness due to entering the sacred areas for no apparent reason. Local people have experienced and repeated the case of a person getting cold despite keeping a hat on his head while crossing a sacred forest because this was considered as a disrespectful action before the spirits. A traditional Thai village locates a *Doong* (spiritual forest) at the west or south of a residential area

because people believe that it is not good if the early morning shade of the spiritual forest covers the village. *Doong* is divided into two parts: one for the normal deaths and the dead persons with sufficient ritual ceremonies, and the other for young persons, abnormal deaths, or those with insufficient funeral ceremonies. It is believed that the dead people's spirits need a comfortable location, which is similar to that of the living humans, therefore *Doong* should be located near streams and water resources. People understand that cutting trees on watershed areas will cause shortage of water for drinking and cultivating, so they have not cut trees there for generations.

#### 4.2.5. Local knowledge in traditional cultivation

Rotational cultivation on steep land and wet rice on valleys and terraces are the two main traditional farming types of the local Thai communities. People used to use buffaloes to tread on muddy fields, so as to prepare for wet rice seeding. They prefer cultivation on the relatively flat and humid areas on foothills and avoid farming at the top of hills because of the belief that slash and burn there can offend spirits of the hill; therefore people will suffer from bad luck. A traditional cultivating household used to have three rotational fields on steep land at a time. The first field was a newly slashed and burnt one, which was used to grow rice, then integrated with maize, banana and vegetables. The second- and third-year fields were for continuing the mentioned crops, and then for growing cassava. People cultivated on a field for two years before letting it become fallow then coming back after 6 to 7 years to cultivate another cycle. The traditional cultivation system of the researched Thai community is briefly illustrated in Figure 1:



**Figure 1: Traditional cultivation in the researched Thai community**  
(Le & Pham, 2003)

Traditional cultivation does not simply link closely to forest protection, but also formulates a systematic arrangement of spiritual beliefs and practices. In the past when a fire from a burnt field had stretched to an old tree on the top of a hill, people were afraid and had to remove their village. They used to make an appeal for the land deities' permission for cultivation on an area and prevention from damage by wild animals. The fire setters often clear the boundary of the field to avoid a fire expansion towards primary forests. After selecting and deciding to cultivate at a certain area, people put a 'Ta leo' or a pole to petition land spirits for their provision of a message sent via people's dreams that night. It is believed that a good signal comes if people dream of climbing up rocky hills or seeing bee hives. Dreaming of baby bees is an indication of a bumper rice crop. Dreaming of chasing or fighting is a signal of a bad area for a selected field. For a farming

season, people used to offer chicken or pig and wine to hold the following worshipping ceremonies: *Ha hay*, or seeding and requesting saints to prevent from harm caused by birds and wild animals; *Xo cau*, or asking for well grown rice; *Xo pung xo va*, or asking for rice seeds; and a festival chanting for rains when people flush water at their houses and pour water on each other at a stream (SPERI, 2008d).

### ***4.3. The outside interventions and their outcomes***

#### **4.3.1. Feudal and French colonial power (before 1945)**

According to a knowledgeable local Thai elder, before the formation of the Nguyen Dynasty in the early 19<sup>th</sup> century, local land symbolically belonged to Kings of the ancient Vietnam, and was practically governed by *Tao muong*, who paid tribute to the Royal Court. The system of *Muong*, *Poong* and *Ban* existed for a long time until the removal of the *Poong* level by the Nguyen Dynasty. Though *Tao muong* was then entitled as *Chau phu* (new mandarin label introduced by the Nguyen Dynasty), his power was actually based on reputation rather than the state authority (SPERI, 2008d). After winning over the Nguyen dynasty in the late 19<sup>th</sup> century, the French colonists made efforts to do mapping and applied a formal territorial system into mountainous areas. Administratively, a Decree by the Indochina governor dated 22 October 1907 designated the current Hanh Dich commune within the Quy Chau district of Nghe An province (Bui et al., 2002, p. 11). However, the influences of the feudal dynasties and the French governors were weak, as it was commented by an elder that it was too far and remote for them to reach them at that time.

Despite political impacts and administrative changes, the local Thai community has retained several sayings which reflect the reality of strong local governance and inherent land ownership in the past. The saying “*Con mi ho, Co mi lon*” means people live with their clan members similarly to the grass existing within a grass-plot. The clan leader used to have a role in deciding on movement and settlement of the clan while the Thai people of the same clan preferred to live together. “*Nam chau, din chau*” is another saying, which means ‘land and water both belonged to *Chau din* or spiritual and physical landlords’. Forest ownership was not clearly identified although village borders were delineated to help villagers to consciously share and protect forests together. Except for cutting trees for sale, people could access forests of other villages to cultivate and collect wood as well as other non-timber products (SPERI, 2008a). The community widely accepted a rule of ‘first come - first use’. There was not much incentive for one person to expand a land use area, because land shortage did not exist at that time, and the more land one owned the more he had to pay corvee. The reclamer of land reserved the right to use it during a cultivating cycle and within the following three years of letting it fallow. The other person then could reclaim that land without permission if the old user had shown no signs of reclaiming it. Because forestland was representatively owned and governed by *Tao muong*, so he reserved the right to sell land. Land titles were granted by *Chanh tong* (an old administrative authority being equivalent to the current communal level). Whoever came to cultivate, hunt or collect forest products had to ask for permission and pay corvee (three workdays per season or six workdays per year) to *Tao muong* and pay tax to the state via *Tao muong*. An elder commented that taxation was so heavy that some people could not have enough cash to pay,



therefore they had to work as servants for *Tao muong* to pay the debt. Though there were no recorded land disputes between household or individual land users in the past, conflicts between different landlords were recorded. An elder told a story of a landlord in the upper zone who encouraged local people under his influence to block and retain water on the river for some days to destroy water mills of the downstream landholders, so as to gain their compromise and conformity. In addition, the upstream Thai landlords had cooperated with the downstream ones to prevent an invasion by the Xa (Kh'mu) troop and shared a half of their land area in return. These facts reveal almost no central state interventions into the local governance of forestland.

#### 4.3.2. Modern laws and policies on local land and forest (from 1945)

After the August Revolution in 1945, the power of feudal landlords existed in Quy Chau district (including the current Hanh Dich commune) until 1949. Then poor people fought against the landlords on the basis of the two Decrees enacted in 1949 and 1950 allowing the distribution of the land from the absentee landlords to farmers and the removal of poor famers' debt because of the usurping interests imposed by the feudal landlords (Bui et al., 2002, p. 41). Upon a guidance of the Nghe An provincial party committee in February 1955, a movement to form groups of labour exchange was launched (p. 51). This was a process of strengthening the communist power in every village and a preparation to shift into a formation of cooperatives. Following the Central Communist Party's Guideline 156 on the democratic renovation movement in mountainous areas dated 25 August 1959, a movement was boosted to free slaves and distribute assets from those considered as rich landlords to the newly emancipated households. This was

closely combined with land reform and the establishment of cooperatives (Bui et al., 2002, pp. 58-9). An elder told of his own experience of the land reform that his family was considered as ‘an upper-intermediate landlord’, and was only exempted from a trial after accepting the land reform cadres to seize his two bars of silver, 20 loads of rice and a big jar of wine. Because of his family background, he himself has tried to do good deeds, but has not been admitted as a communist party member, a prerequisite for any political promotion. Another ‘rich’ landlord had to ‘nationalise’ twelve cows in order to escape from a prosecution. This was actually a process of undermining local governance and a concurrent consolidating of centralized control over people and forestland.

Upon the land reform and the introduction of cooperatives, the communist government strengthened its territorial and administrative management. At the national level, the legislation of ownership is one of the obstacles against community and private land rights. Though the first and second modern Constitutions in 1946 and 1959 recognized private ownership, including land ownership, the later revised Constitutions in 1980, 1992 and 2013 did not identify private land ownership, but, instead confirmed “the entire people’s ownership”; i.e. this was actually state ownership. Accordingly, the Land Law 2013 provides that land belongs to the entire people while the State is acting as the owner’s representative and uniformly managing land (NAVN, 2013). Moreover, the State reserves the rights to grant land use rights to land users. This biased legislation allows state agencies to take too much authority to control land and other resources while disregarding the inherent rights of the communities, households and individuals.

Locally, Que Phong district was established according to Decision 52/CP dated 19 April 1963 enacted by the government of the Democratic Republic of Vietnam (Bui et al., 2002, p. 12). In addition, Hanh Dich commune was formally recognized according to Decision 174/CP of the Government dated 23 April 1979 (ibid, p. 164). Nevertheless, there exists a discrepancy between traditional borders and the official demarcation, which resulted from the implementation of Guidance No. 364 enacted in 1991 that caused a loss and a formal transfer of 110 ha of land across the Sao Va waterfall from the Hanh Dich commune to the Tien Phong commune (Le & Pham, 2003). Detailed effects of land and forest policies and laws via the operation of cooperatives, state and private forest enterprises, and development schemes will be clarified in the following sections.

#### 4.3.3. The cooperative period (1960s-mid 1980s)

The Communist motto of ‘Land to the tillers’ attracted farmers to overthrow feudal landlords, however, disillusionment was soon amplified against a promotion of cooperatives. The formation of labour exchange groups was a preparing step to scale up cooperatives when management capacity and book keeping skills were improved in the early 1960s. For the foundation of cooperatives, every family handed in land and buffaloes, and human labour was managed by the cooperatives. Though cooperatives carried out land use planning, they could develop intensively on the wet rice areas rather than being extended to steeper land and forests. Cooperative managers counted work-days and estimated work-points for the labourers and distributed products to them after paying to social and cooperative funds, supporting elders and building infrastructures, such as repairing roads. Cooperatives in the researched area grew to peak in the early

1970s before their steady decline. Because people got less from the cooperative redistribution than they expected, there was no incentive for them to contribute enthusiastically and substantially to the cooperative. For instance, some clever members tried to get more work-points by dividing and getting more bamboo strings which indicated the number of transplanted rice bunches. In the harvesting time, they intentionally wasted more 'dropped rice' and took *pooc pa* or basket used for the harvest of bamboo shoots to collect the 'dropped' rice for their own use instead of the cooperative. People tried to get more income outside the cooperatives though it was difficult for them. Specifically, individual households had to register and be supervised if they raised pigs, and then had to sell products to cooperatives at a fixed, low price. Such a tough control and coercive centralization did not bring any improvement but a downturn of cooperatives and the members' implicit resistance.

Despite efforts to maintain cooperatives, their collapse and social, economic and environmental impacts were inevitable. A Guideline by the Que Phong district Communist Party Committee in the beginning of 1980 lifted the ban against slash and burn cultivation and forbade the abandoning of wet rice cultivation at the same time in order to boost rice production and solve the problem of hunger. Land allocation to cooperatives was followed, and training on law on forest protection was carried out with the effort to recover rice output of the cooperative and simultaneously ensure forest preservation (Bui et al., 2002, p. 168-9). That was probably the last effort to rescue cooperatives on paper rather than in reality. The elder informants confirmed the fact that they suffered from serious food shortages and hunger during the cooperative time. An elder who used to be a communal leader said that he had to solve lots of social evils and fights for food due to a

chronic hunger within the cooperatives. Nevertheless, another elder told that labour intensity and exploitation in the cooperatives were not as exhausting as under the colonial time. The situation was getting better after the implementation of piece work contracts in 1982. However, when slash and burn was allowed in order to eliminate hunger, villagers and even communal leaders had to neglect their community activities and office work in order to stay and work at the field for months. Except for some watershed forests, almost all primitive forests had been cut for rampant farming by 1985.

Nonetheless, it might have been cultural identity that was most damaged by cooperatives. Spiritual practices by *Mo*, including herbal healers were considered superstitious, backward and forbidden. In addition, a strict labour and residency control under cooperative, and bombs by American troops during 1965-1972, forced local people to feel constrained rather than having a peaceful mind for any traditional ritual initiatives. Women had to take on more social, productive and reproductive work because most of the men were encouraged to go out of the community for military or civil services. Most women wore trousers similar to lowland people because they had no time for weaving and making traditional skirts. People could not offer sacrificed buffaloes according to traditional funeral or *Te san* rituals simply because buffaloes were all controlled by cooperatives. An elder noted that there was no space for traditional spiritual practices in the cooperative time. If a communist party member betrayed any single sign of worshipping ritual, her or his membership would immediately be withdrawn. Recently when constraints caused by cooperatives and war no longer existed, some traditional rituals have been revived (SPERI, 2008d).

#### 4.3.4. The State Forestry sector (from 1970s)

Similar to elsewhere in Vietnam, some state forestry enterprises were set up in Nghe An province and Que Phong district in the 1970s, but their impacts were not clearly recorded in the Hanh Dich commune. Over the last 20 years there have been some forms of state forestry agencies introduced in the researched locality. Firstly, the Phu Phuong state forestry enterprise (SFE) was set up in 1993 according to a Decision of the Ministry of Forestry. The government provided a budget for this enterprise to manage and protect the forests via a big national forestry scheme known as the 327 Programme which was launched on the basis of Decree 327/CT of the Council of Ministers on 19 November 1992 to promote forest protection and reforestation for the 1992-1998 period. This enterprise was allocated 21,346 ha of forestland, of which 10,059 ha belonged to the Hanh Dich commune, and the entire land area of the Hua Muong village was converted to this SFE. This enterprise was interested in creating jobs for forest exploitation according to centralized plans, making profits, and using labour contracts to hire local people and even a border army station to protect forests. However, contracts and payment were only provided for the forests under the management of the enterprise (for instance, Hua Muong village) while surrounding villages (Na Sai village, for example) could not access any funds. Due to the overly controlled nature of the forestland areas in comparison to local people and its own management capacity, the Phu Phuong SFE could not prevent the forests from being used by poor farmers in the vicinity. It caused forest and soil degradation, loss of trust and conflicts while local people faced shortage of forestland and unsecured livelihood (Le & Pham, 2003).

Upon a recurrent discrepancy existing in the Phu Phuong SFE, it was renovated and most of its land was transferred to another formation called the Que Phong Management Board for Protected Forests (MBPF). This Management Board, as well as hundreds of others nationwide, existed on the basis of the budget from the so-called 661 Programme according to Decision 661/QD-TTg dated 29 July 1998 by the Prime Minister with the objective, mission, policy and implementation of the five million-hectare reforestation. This programme was actually a continuation of the 327 Programme. Though the two mentioned entities bore different names and were paid from different state projects, the later actually inherited and retained the former's nature, functions and operation. A local villager commented that:

“they (the mentioned entities) allowed villagers to cut trees for building houses, but we had to ask them for permission. Wherever forests had been exhausted, they provided seeds and some money and selected only some households with available labour and experience to plant cinnamon. They stopped support in 2002 after the disbandment of the forest enterprise and its transformation into the Que Phong MBPF”.

Similar to the Phu Phuong SFE, the Que Phong MBPF managed too much forestland: 48,496 ha for 39 personnel, or 1,243.5 ha per person, while local people of the Hanh Dich commune merely had 0.65 ha per person. The formation and transformation of different state forest entities, the classification of forests and allocation of forestland to those agencies were not based on local needs but on the budget revenue from a centralized mechanism (Pham, 2012).

Discrepancy and inequality did not improve after each transformation; the situation became even more complicated after the changes. Once again, the Que

Phong MBPF was transformed to become the Pu Hoat Management Board for Nature Reserve (MBNR) according to Decision 340/QD-UBND of the Nghe An provincial People's Committee dated 24 January 2013. This decision granted 90,741.1 ha of forests to the Pu Hoat MBNR, of which 15,128.4 ha belong to the Hanh Dich commune; 36,226 ha are classified as special-use forests and 54,475.01 ha are protected forests. According to an authority of the Hanh Dich commune, due to this Decision, some rich forests from villages of Mut, Cham Put, Coong and Na Sai were transferred to the Pu Hoat MBNR while poor, recovered forests were left to the villagers. In 2013, local forest protectors came to persuade villagers to transfer their allocated forestland certificates to the Pu Hoat MBNR, and the villagers would get support in return. The Management Board even disregarded inherent community land rights and took traditional forestland from the Na Sai village to offer contracts of forest protection to villagers of the Hua Muong village. A villager of the Khom village said that the Board offered a support of VND 200,000 for the protection of a hectare of forest per year, but villagers had not received anything until May 2014. While a woman informant from the Cham Put village was hesitant and worried about this transformation due to their loss of access to the forests, another man said that the support upon the transformation was acceptable because villagers were now in a difficult situation. Some villagers of the Coong village confirmed that after their community accepted to transfer forestland rights to the Pu Hoat MBNR, each household had received 109 kg of rice; and the rice provision would continue until 2015. However villagers had to recognize the land ownership of the Pu Hoat MBNR and had to ask for permission whenever they want to collect products from the transferred forests.



By applying the ‘carrot and stick’ approach, the Pu Hoat MBNR firmly consolidated their land rights while, in comparison to the previous state forestry agencies, they imposed tougher control over wood and other forest products collected by villagers. An interviewed staff member of the Pu Hoat MBNR admitted that:

“There were not enough staff and forest protectors to cover such a large area. According to a criteria introduced by the forestry authorities, each staff should manage 500 ha of special-use forest or 1,000 ha of protected forest. The Pu Hoat MBNR has 52 staff, how can we manage such a large area? On the other hand, local people who were already facing shortage of land, had the rubber company taken more land from them, so if I were in this situation, I would be so depressed. The communal authorities had submitted a proposal requesting to revise classification of forests, so as to get more production forests, but the provincial authorities did not accept it. I personally think that we should retain special-use forests and should not convert them to other types of forests. However, some protected forests, which are near residential areas, should be classified as production forests to return more land to local people and ease constraints. As a staff I do not understand why higher authorities want to keep such a large area for the Pu Hoat MBNR, nevertheless I have to obey their order”.

Obviously, the Pu Hoat MBNR cannot manage and protect the granted forests by themselves. They have to find ways to cooperate with local people, to offer contracts and payment for their labour in wages. However, inequality in forestland distribution remains a critical issue, and tough control by the Pu Hoat MBNR brought about more conflicts between them and local people. Recently the Pu

Hoat MBNR staff even retrieved logs which were collected more than 3 years ago and kept by villagers, but the Pu Hoat MBNR had to return the logs due to strong reactions from villagers.

#### 4.3.5. Privatized and private enterprises (from 2000s)

In addition to the state forestry sector, some state-sponsored, privatized and private enterprises have increasingly tried to take traditional forestland from the communities. The first one was Company No. 7 of the Volunteering Youths for Economic Promotion (Co. 7 VYEP), which was established according to a decision of the Nghe An Provincial People's Committee dated 26 April 2002. The provincial authorities granted 8,752 ha of land to this company, of which 1,400 ha were taken from Hanh Dich, and the rest was from its adjacent commune of Tien Phong. The declared objectives of this company were to expand tea and rubber plantations and to boost agricultural commodities in the area. In order to promote rubber plantations, the Nghe An Provincial People's Committee enacted a Decision in 2011 to merge the Co.7 VYEP into the Nghe An Rubber Investment and Promotion Co. Ltd. (RIP Co. Ltd), and converted the entire land over to this rubber company. The Nghe An RIP Co. Ltd. was established in 2007 under the Vietnam Rubber Industry Corporation, and was capitalized by 9 different private investors. Upon merging, this company founded one of its branches in the Hanh Dich commune and its vicinity, which is called the Que Phong Rubber Enterprise (QPRE). The QPRE has planned to grow 2,000 ha of large-scale and 1,000 ha of small-scale rubber plantations (Pham, 2012).

The formation and establishment of the mentioned state forestry entities and privatized companies were closely linked to the consolidation of their land rights

at the expense of the local people. *Quy hoạch treo* has become a popular Vietnamese term, which means land use planning is decided by the bureaucratic authorities. In *quy hoạch treo*, land is granted to enterprises on the basis of *de jure* or top-down official mapping and statistics, whereas *de facto* or local customary landscape design and inherent border lines are disregarded. Due to *quy hoạch treo* and its shortage of clarified and exact demarcation of the granted land, overlapping of land use rights on a certain plot of land and land conflicts have occurred whenever the enterprises use administrative decisions and land certificates to claim their land rights (Pham, 2012). In this context, local people told several stories reflecting the tactics used by the Co. 7 VYEP and the QPRE in order to grab land from them. Some Chieng villagers said that their reclaimed land on traditional territory of the Hanh Dich commune was taken by the staff of the Co. 7 VYEP in 2004, while this company put pressure on the local people by using bureaucratic mapping and claiming that local villagers had trespassed into the territory of the adjacent Tien Phong commune and the company's allocated land area. The company did not compensate nor allow villagers to cooperate to cultivate and harvest tea as they had promised. Similar cases happened in the Pa Kim village in 2014 when the QPRE claimed their legal rights to ask local villagers to stop using their fish ponds and cultivating fields, and to transfer these to the enterprise. A communal authority said that he could not help local people to solve those disputes because there were not sufficient documents or legal evidence to protect them. While a QPRE worker confirmed his enterprise's desire to expand plantations as much as possible with a belief in the future profits, local villagers complained that their water resources were depleted because the enterprise had cut trees and levelled land for their plantation and road building.

Some villagers were fined heavily by the QPRE because their buffaloes had entered in the rubber plantation area which used to be the traditional grazing zone. In addition, Thai ethnic people from the neighbouring Tien Phong commune have no more forests because the QPRE had destroyed their ancestral forests for rubber farms, and they now have to access the forests in Hanh Dich to collect bamboo, firewood, herbs and vegetables. Constraints to forestland use and getting forest products are therefore increasing. In April 2014, people of the Pa Kim, Pa Co and Pom Om villages recognized that the QPRE had levelled land beyond the landmarks and used the allocated forestland of the community for rubber plantation. In response, the villagers altogether collected indigenous trees to plant beside the rubber on that disputed border line in order to claim their land rights. One month later, the QPRE escalated the conflict by spraying herbicide on the watershed areas to clear fields for rubber plantations. To date, the villagers have sent complaints to local authorities and they are considering a law suit against the enterprise.

#### 4.3.6. Development schemes (from 1970s)

Some elders told stories of a resettlement movement, which was probably one of the earliest development schemes in the area. In 1977, insurgents and security became a hot concern in many border areas in Vietnam. In this situation, local authorities required the *Tai Thanh* people to move far from the border lines with Laos to condense the population and to build up cooperatives in Muong Hin (about 20 km downstream of the previous location). However, people immediately faced numerous difficulties, such as unfamiliarity with the new area, shortage of cultivating land, shortage of food, malaria and other diseases causing

deaths. Therefore people could not stand this and decided by themselves to return to their ancestral land one year later. Some elders commented that this programme by 'the authorities' was a 'wrong choice and was 'more dead than alive'.

Upon decollectivization and decentralization of resources, in 1996, local authorities allocated land to local communities according to Decree 02/CP dated 14 January 1994 on the transfer of management of forestland from the state to local organizations, households and individuals. Four district forest protectors were assigned to manage VND 70 million and carry out the project in one month. They finished the allocation of 3,100 ha of forestland to 291 households in the Hanh Dich commune without any discussion with or involvement of local people to survey and fix landmarks in the fields. The authorities did not set up contemporary land use maps and future land use plans nor complete the entire cadastral profile while an incorrect borderline between the villages of Pa Co and Pom Om was discovered from their maps. Though local people were granted land certificates (verbally and popularly known as blue books), they could not know exactly where their allocated land and border line was (Le & Pham, 2003).

Similar to many other watershed areas nationwide, a hydroelectric power plant was built on the Sao Va waterfall some years ago. Some farmers lost their wet rice fields because of higher and unstable water levels depending on the interval flow controlled by the hydraulic station. Local people complained about the water stagnation and contamination, and a reduction of fish. A farmer said that he could only get less, small fish after spending longer time fishing while the power station staff can get tens of kg of fish per day from their traps set at the downstream of the controlled flow. Local people realised that fewer tourists had been coming to

this area recently because of the construction, which makes the waterfall look not as beautiful as it was before.

The state has introduced some poverty reduction programmes to the researched area, such as Programme 135 (according to Decision 135/1998/QĐ-TTg in July 1998 by the Prime Minister on the approval of a national programme for socio-economic development in very difficult and remote communes) and Programme 30a (on the basis of the Resolution 30a/2008/NQ-CP of the Government for rapid and sustainable reduction of poverty in 61 poor districts in the 2009-2010 period). Most budgets of those projects were used to invest in the construction of infrastructure while research and strengthening of local capacity building was neglected. Local people found it difficult to use credit and expand production according to objectives of those projects because they were reluctant to the changes to commodity production, which required much more modern technical and marketing skills. An informant said that when a road was built through his village, chicken diseases occurred every year, therefore many households had to move the chickens and raise them at the other side of the river, which was very far from their houses. There was a combination between some cash and rice support from development projects and forest protection contracts offered by the Pu Hoat MBNR. Some households in a village were considered as 'poor and having available labour' and were selected to obtain labour contracts and get paid rice and money. This mechanism caused disagreement and conflicts in such a traditional egalitarian community as the local Thai people. Other households, who got nothing from those projects, were unpleasant and not willing to join any forest protection. There were some efforts of the community to adjust the bureaucratic mechanism to fit their cultural settings. For instance, communities of the Mut and

Na Sai villages required the project officers to transfer the whole support to the community fund and redistribute equally to every household in the village. In return, all villagers committed to share responsibility for forest protection. Legally in this case, instead of the actual entire community, only some households, who were selected and listed on the project profile, had to certify that they had received the funds. According to a Pu Hoat MBNR staff, the authority needed those formal contracts and signatures in order to trace exact individual obligations if any harm to the forests occurred.

#### ***4.4. Local responses***

##### **4.4.1. Local changes and adjustment**

Over the last few decades, the local community beliefs, customs and traditional ceremonies have changed drastically due to the cooperative operation and cultural policies. A document enacted by the Nghe An provincial Communist Party in 1951 triggered a movement against superstition (Bui et al., 2002, p. 46), which was linked to ethnic beliefs and worshipping ceremonies. In addition, culture was considered one of the three revolutionary movements (culture and ideology, production relationship, and technology), which were introduced in Session 24 of the former Labour party (now known as the Communist Party) in September 1975, and were repeated in the fifth Communist Party Congress in 1976. Some community ceremonies were seen to be backward and required cutting down, such as sacrificing buffaloes for *Te San* and *Te Muong* (worshipping for deities of village and *Muong*). Cooperatives allowed each household to use only a small plot of land for growing cassava and mulberry to raise silkworms. Besides, cows and buffaloes were transferred to cooperative and used for traction, and villagers

had no rights to decide by themselves on how to use or sell their raised cattle. Raising and selling pigs had to be registered and permitted by cooperative managers. Therefore villagers could not offer buffaloes or pigs for ceremonies such as *Te San*, *Lak Sua*, and worshipping of common ancestors within *Ho pan tong* (lineage within 5 generations). Local communities did not have opportunities to practice traditional customs and norms for sloping land cultivation, such as selecting land, selecting good days for seeding, weeding, and especially *E khau mau* or new crop festival. If a ceremony was held, for example, *E khau mau*, it had to be attached to a national event, such as the National Day instead of the traditional seasonal calendar. Though local people could not practice ceremonies at the community level during the cooperative time, they tried to maintain their customs in families and clans. For instance, some families invited *Mo* to worship with a belief that it would bring good luck to them, and they should mention *San*, *Lak Sua* or local deities during the rituals. According to a Na Sai villager, *Tai Thanh* people tried to hold some *Te San* ceremonies during 1982 – 1985 in order to stabilize their villages after a lot of resettlement during the cooperative time. The last ceremony was held in 1985 with a buffalo sacrifice, and since then there have been no more *Te San* held to date because of disagreement between villagers and leaders at the village, communal and district levels. Villagers want to keep ceremonies, but some local leaders, on the basis of new cultural lifestyles, assert that this ceremony is backward, costly and it should be got rid of.

Because of the mainstream dominance, local traditional organizations changed and were more aligned with the formal system. Since the land reform and the intensification of cooperatives into higher levels during the 1960s, *Muot mai* or a traditional clan linkage of the *Tai Thanh* people did not operate as it traditionally



did. Because labour was controlled by the cooperatives, villagers could not maintain mutual-help groups for organizing traditional weddings or building up houses, except mutual help for funeral ceremonies within *Ho pan tong*. Traditionally, members within 5 generations of a *Ho pan tong* were not allowed to get married with each other. However, the followers of the cultural revolutionary policies and formal legal system assumed this local strict customs as “backward” and allowed people of the same lineage of a *Ho pan tong* to get married beyond 3 generations. The official administration and political power have gained more influence in community work while the village heads, village communist leaders and other mass organizational leaders have strong roles in guidance and arrangement of the community and even family events, such as funeral services. New lifestyles and habits, for instance, the recent wooden and tiled houses, which replaced the thatched ones, also brought about new types of *Phuong hoi* or mutual help organizations. *Phuong hoi Khai thac go* or groups for cutting logs for building houses and *Phuong hoi Cua* or group for sawing were set up in this context. Some *Phuong hoi* accepted exchanging cash instead of labour as a new form of rotational support for the members to build new houses or to organize big, costly events such as weddings. The dominance of the mainstream values and settings over local culture brought about huge changes and a neglect of local customs. An elder commented that “It seems that nowadays the youths do not know our traditional customs and norms and thus, how to be ashamed. Traditionally, every member of a *Ho pan tong* should wear their sweater inside out if a clan member dies. Nowadays only siblings of a dead person practice this. Converting our customs is not a wise thing. Reasonably, whoever looks down on local customs should be considered as backward”.

There are other factors contributing to the changes and adjustment of the local communities. Local leaders and villagers are concerned by not merely a rapid increase of their population density, but also the migration and impacts of other ethnic groups into the community. A communal leader said that because the Chieng villagers were unhappy when a rubber worker and a trader applied for permanent residence and got land from the village, the communal authorities should refuse those applications in response to the people's wishes. People are worried about losing forestland to the state forest sector and their tougher control over the forests. Because of the need to cope with market mechanisms and different types of development support, villagers no longer contribute or give up things willingly as they traditionally used to. Recently the author observed a residential land dispute between villagers and the involvement of communal authorities in solving it. At that time, the other remote villagers blocked a construction site and did not allow the project officers and workers to continue the road building across their house without compensation. In this development process, people may gain some money, but their peace of mind and community harmony are lost.

In response to the outside social and political influences, local cultivation, forestland use and landscape design have changed. According to an elder, in the cooperative time, people were allowed to have some rotational fields far from their houses. So, some elders made small huts and stayed at the remote fields permanently, because they liked a traditional and natural life. In order to attract more labour for wet rice cultivation of the cooperatives, rotational cultivation was banned for a period of time. However, during the decollectivization process, people had to find all sorts of ways to cut down forests for rice cultivation just to

escape from hunger (SPERI, 2008d). In the late 1990s, because of the government's tough prohibition against slash and burn cultivation, villagers stopped cultivating dry rice on steep hills, thus, relying on wet rice and maize, taro, potato and cassava on sloping land. Changes of cultivation practices happened at the same time as the local people's deviations of belief and behaviour towards nature. A villager stated that forests near water sources were kept strictly in the past, but recently people can reclaim fields wherever they like. The situation even got worse last year, when a villager cut down trees and burned the sacred area shared between the Hua Muong and Na Sai villages. Traditionally people were expected to worship whenever they claim and cultivate on a field. But because people have not practiced dry rice rotational cultivation and have only wet rice instead, they no longer keep those traditional worship ceremonies (SPERI, 2008c). In the past, people used buffaloes to tread mud for weeks to prepare soil for wet rice transplantation. Nowadays they only need two days using a tractor which consumes 10 litres of petrol. Though labour intensity has been getting less, yield has been more uncertain recently because some new rice seeds have offered good straws but not good harvested grains. A villager stated that traditional cultivation of native rice provided stable and sufficient yield in the past, but without rotational cultivation on steep hills nowadays, villagers suffer from a deficit of rice for 4 to 6 months per year. Relating to traditional landscape design, local people started to build tombs only a few years ago whereas in the past they fixed stones as the landmarks of the tombs and it did not matter whether the stones were lost allowing a possible overlapping of burials in the same place. The change to building tombs has brought about local concern because of the needs for the expansion of the cemetery. In 1979, the Chieng village leaders

decided to set up a cemetery near and to the east of the village residential area because they could not find other areas to the west as was required traditionally. There were different views towards this adjustment. While some elders warned that bad luck and more deaths would occur because the cemetery was designed contrary to the customs, a modern village leader said that it was not problematic. Nevertheless, this village has used the mentioned cemetery stably so far. And a SPERI staff commented that this type of local adjustment and the expansion of cemetery might be one of the community's strategies to preserve their own sacred forests.

#### 4.4.2. Comments of informants on the outside interventions

The informants have told stories which include their comments and comparisons of different times of outside interventions. According to a *Tai Thanh* elder, during the French rule, people in the vicinity enjoyed free access to collect herbs, bamboo shoots, vegetables, and wood to build houses although land belonged to private landlords. He realised that because the government and local authorities tried to scale up cooperatives with more members disregarding elders' advice, and the fact that management skills were not adequate, it was no surprise to see the collapse of the cooperatives. All informant elders confirmed a strict practice of traditional rituals and good forest protection before the cooperative time. Radical changes occurred because of the cooperatives, which obstructed people from holding ceremonies which prevent encroachment into sacred forests. Some elders thought that in giving up *Te san*, one of the most important community rituals, their life seemed to be more difficult as some new strange illnesses occurred and more worms were seen to destroy their crops. People have observed a fluctuation

of water levels and less water in every river and stream. Some years ago, a severe flood happened which killed some people and damaged rice fields though similar phenomenon had not been seen in the past. People believed that a recovery of the traditional ritual ceremonies at the regional Nine-room temple (see Section 4.2.3) and in each village was good for them to gain better luck and support from deities and the earth mother. A knowledgeable Thai elder commented that the Nine-room temple ceremony was not well managed by the Thai people themselves in the last decade, because there was too much administrative ‘guidance’ and a tourist stimulus rather than a retrieval of the authentic indigenous values. Nevertheless, the revival of worship at the mentioned temple helped local people feel more confident to organize rituals in their own villages, and the Coong village firstly reorganized a ceremony four years ago. An elder of this village said that villagers needed to recover the ceremony because they had seen too much harm occurring, and that they would not have held the ceremony if bad things had not occurred.

From the author’s recent field study, the informants’ concerns and comments on the state forestry sector and local shortage of forestland were the most discussed among other issues. A Na Sai village leader foresaw his villagers getting into more difficulties because most of the forestland surrounding the village was claimed by the Pu Hoat MBNR. He argued with a Pu Hoat MBNR staff that if the forestland was not allocated to local villagers, what would the villagers do to survive? He did not agree with one of the communal authorities, who had endorsed outsiders to get land allocated near his village nor with the plan to grow acacia there. A villager condemned the unfair forest protection contract let by the Pu Hoat MBNR and its previous agencies which have kept land rights with the Board, only offering the villagers rice and money for 3 to 4 years, but obligating

villagers to forest protection forever. The Pa Kim and Pom Om villagers complained that they have protected forests as well as others, but get nothing from the state forest protection fund while surrounding villages do. The *Tai Muong* people living in the lower part of the Hanh Dich commune blamed the expansion of rubber plantations into their traditional grazing ground, which caused constraints when some of their cattle were caught there, and the owners were fined by the enterprise. A Na Sai village leader attributed some government support to unfair judgement, because his village had made the best contribution to building roads and fresh water systems, but they have never been rewarded unlike others. He asserted that if the project officers had involved the villagers in implementation and supervision of the project, constructions such as the fresh water tanks and pipelines would not have broken so soon after completion.

#### 4.4.3. Local folk literatures about outside factors

While the previous sections reflect local community changes, which can be tangibly observed and comments which are explicitly stated, this section explores folk literature, which includes sayings, stories and poems reflecting implicit local responses towards outside factors. Similar to most Vietnamese people, the local informants hesitated to discuss political topics, particularly sensitive issues. However, a linkage of different stories and sayings can make sense. For instance, the informants have not mentioned the term ‘sovereignty’ or ‘territory’ of the Thai people, nevertheless we can recognize these perceptions existed in the past via stories about strong spiritual and secular powers of the traditional Thai leaders. The elders enthusiastically talked about their ancient richness of festivals, lively worldviews and the imagined *Then* or a paradisiac space for their ancestors’ spirits

and the way a dead person's spirit gets there. Some poems of the local Thai people reflect their belief in maintaining lineage linkage well if they observe funeral customs strictly. Unfortunately, their core values were drastically challenged, and as an elder's said: "all our rituals were extinguished with the rise of the cooperatives; particularly worship was sturdily condemned". In addition, "no one thought of any rituals in the war time, when they needed to hide away from bombs to survive first".

Outcomes and impacts from the outsiders' influence are pointed out via some elders' comparisons between the past and the present. According to them, in the past, there were various types of ritual community ceremonies organized in the fields and forests. Nowadays rituals are merely retained in significant events of clans and families, while almost nothing is performed at the community level. The young are not aware of the community *Te san* ceremony anymore. Humans were highly valued and respected in the past. That is not so these days, because there appear to be some unkind people who do not appreciate others' longevity, or attribute the term 'unwise' to a short-lived person. Another outside impact, on local nature is revealed in an elder's statement: "forests used to be very rich with numerous animal species here. Because of the lowland people's arrival, forestlands have become almost empty, and there are few wild animals today" (Le&Pham 2003).

Though the informants' sayings and comparisons seem to be simple, they actually implied the local people's attitudes towards outsiders and their impacts. For instance, via a comparison, an informant from the remote village of Na Sai indicated a correlation between level of trust and distance. He said, "I only trust in my neighbors who willingly help me to close my chicken stables when I am away.

Villagers from the adjacent villages of Coong and Mut are not trustable as my neighbors. People living in the downstream of the Hanh Dich commune are not so bad. And I can find only a few kind people outside the Hanh Dich commune, such as Muong Noc (a village close to the Que Phong district town) or the downstream district of Quy Chau”. The local Thai people’s view towards people from other ethnic groups, especially the Vietnamese majority from the lowland has been changing over time. In the past, the new comers to the community were seen as those in difficulty and in need of help to survive. Recently people coming from other cultures are seen as questionable and conducting suspect business. Presumably, this change of view has been caused by the private enterprises which have tried to take the local community’s land rights. Among those outsiders, the Que Phong Rubber Enterprise (QPRE) was the most criticized. A Chieng villager raised a question: “Why are the QPRE grabbing our land while we are suffering from landlessness and thus hunger?” A youth complained about his desperate situation because of land shortage and disappointedly proposed that, “if there is a shortage of land and spare humans in Vietnam, please grant documents to allow us to migrate to Laos”. A communal leader reacted to the QPRE because “they assumed that our villagers had not understood politics. We had to negotiate several times to make them realize problems and mitigate their land encroachment”. Another leader reflected on how the local democratic process reacted to outsiders: “It’s dangerous if communal leaders are not alerted to the complicated outside influence. Now villagers know their rights. Leaders need to discuss to obtain the villagers’ consent and to avoid top-down approach”. While all 39 respondents confirmed the villagers’ shortage of land, several informants linked the land grab to local landless and social disparities: “the rich are getting



richer while the poor are more desperate because they have no land for cultivation”.

Some villagers identified impacts of the market economy on their community: “new marketing *Mo* or *Sharman* have just been born, because they do not follow traditional rituals with an offering in kind, but do their business whenever people offer them cash”. In contrast, a Thai woman, who is a communal officer and married to a Vietnamese ethnic majority man, said: “it is backward practice if you offer a chicken and a bottle of wine for a treatment. It is more costly than buying medicines”. Nevertheless, an elder criticized the market changes: “why can a younger generation not get better income though they follow a new lifestyle and have machines instead of manual work? I think each person should have sufficient land of one or two hectares to cultivate. Because people have given up the *Te san* ceremony and neglect traditional, kind behaviour, unexpected things have occurred, such as children’s disregard towards parents’ advice, or family conflicts”.

There are conflicts in perception between local people and outsiders who came from other cultures and other localities to work and reside in or near the community. Some outsider informants indicated a completely different view from that of the above mentioned villagers. They thought that outsiders came to the community to introduce progressive changes to replace ‘backward’ practices. A QPRE worker did not know any local sacred forests and wished to clear forests which were waste land in his eyes and expand the company rubber plantation as much as possible for bigger profits. An army soldier said that “the Thai people have more wet rice and less sloping fields than the H’mong people living in the near communes. However they all go to collect forest products, such as bamboo

and affect forest protection. The H'mong people have no notion of forest protection due to their too intensive cultivation on steep hills". While a Pu Hoat MBNR staff emphasized his agency's support to local people and a pioneer role in forest protection, villagers asserted negative impacts from this Management Board on their lives. For a period of time, "there were more people in the forests than at home because the Management Board was unable to prevent people from collecting and trading forest products" (SPERI, 2008b). An elder doubted the actual function of the Pu Hoat MBNR: "they do not prevent from cutting trees in the forests, they just catch small manual log carriers, but big traders can get logs out vigorously by trucks". Recently, some local people have worked very hard to collect and transport some logs with low payment from the traders. If they work on their own independently they will immediately be caught by the forest protectors. That is why a villager said that "forest protection is just for the Pu Hoat MBNR officers' enjoyment and benefits from the state budget. Landless villagers are getting poorer. So, how can they talk about poverty reduction? Villagers get nothing while observing traders to pay forest protectors to take logs away". Local people raised their own argument: "We have lived here for generations, why do you, new comers, claim your ownership over the forests?" Local people anticipate a hard future and little possibility to get any products from the forests. They know that the money offered from the Pu Hoat MBNR labour contract is very little income in comparison to their traditional free access to forests. This is reflected in an elder's statement: "We can only see a long-term bright future whenever we have forestland allocated. We can get better income from a small plot of garden rather than expecting money from the Pu Hoat MBNR contracts".

To cope with outside pressures, some local people have adjusted their practices, as given in an example by a Na Sai youth: “These days are different from the feudal time. We no longer have available forests nowadays because of the outsiders’ intrusion. Therefore I have made my best effort to reclaim wet rice fields. The others did not, then had no more land, and are facing a lack of land. Now who can hear their cry?”.

#### 4.4.4. Local wishes and recommendations

Facing several problems and outside impacts, local people have initiated practical solutions and recommendations to improve the situation. First, they have linked the preservation of traditional customs, especially community rituals, to forest protection. An 85-year-old female elder remembered and wished: “We were very happy and healthy to enjoy the *Te san* ceremony in the past. I wish my descendants happiness as we used to” (SPERI, 2008b). Another elder confirmed: “People traditionally believed that land, rocks, water, trees and herbs, all embody deities. So, if you want to protect forestland, you should help villagers to understand, respect and follow local customs and regulations and retrieve them”. According to informants, they can afford offering buffaloes or pigs to recover and hold traditional rituals. Because all households are supposed to contribute, the share of each should not be so much. They confirmed intangible benefits that the community would have; a good opportunity to discuss on traditional landscape design and forest protection, simultaneously to consolidate community spirits. Observing rituals, their children would understand more and be proud of their customs. For villages which find it difficult to retrieve their community ritual

ceremonies because there is no *Mo* anymore, the informants want to maintain sacred areas and old trees as a beautification for the village.

Some informants listed other obstacles to this recovery, such as shortage of organizational capacity, reluctance of the local leaders and a lack of budget. A communal leader stated that “local customs used to be neglected because of difficulties in some periods of time. Villagers have the rights to reorganize their ceremonies, but these should be suitable and cost effective in terms of expenditure and time”. Recently the Coong villagers have reorganized *Te san* traditional ceremony. They divided households into three rotational contributing groups, one is responsible for pigs, the others for chickens and wine. Each household should have a representative to involve in the ceremony and discuss to revise village regulations on forestland use and protection. According to a village leader, the community land use plan is stable now, and there are two groups for cattle raising set up in the village while the members cooperated to set up fences and maintain labour exchange to take care of the cattle. Hopefully this is an initial experience for others to see and find ways to apply.

In addition to rituals or cultural rights, local people revealed their desire for their community and household forestland rights. They confirmed that the Pu Hoat MBNR was unable to protect forests on its own, and it would be better if villagers had rights to co-manage, use and protect forestlands. From the author’s semi-structured interviews, 13 among 17 respondents stated that local communities were better than the Pu Hoat MBNR in forest protection while 2 ranked them equal and 2 said the Pu Hoat MBNR was better. For the special-use and protected forests, which are strictly kept by the Pu Hoat MBNR, especially in the Hua Muong and Na Sai villages, the villagers suggest a cooperation between the Board

and the communities as well as the involvement of elders and village representatives in the co-management mechanism. For the productive forestland allocated to the communities, 11 among 22 informants preferred having the whole community forestland allocated rather than households, individuals or the mass organizations such as Farmers' Associations, the Veterans, Women's Unions or Youth's Unions. Conversely, of the mentioned 22 respondents, 7 argued that households and individuals could use and protect forestland better than the community did while 4 thought both sides did equally well. Nevertheless, the informants agreed that it would be more effective if forests which were far from the residential areas were preserved by the whole community. Informants who supported community forests argued that the community could exchange labour and help each other, thus saving time and energy for protecting forests. Moreover, it would be better to consolidate community spirits and avoid conflicts caused by dividing land to individuals while some villagers may collect forest products from others' forests. For community forest protection, a village management board should be set up, which includes village leaders, representatives of different mass organizations and elders who can contribute their wisdom, experiences and understanding of local customs. This board will supervise and coordinate labour of the forest guards, and solve any problems arising. A community fund for forest protection can be raised and used upon discussion and agreement between the management board and villagers.

Several informants initiated a revision and consolidation of the community land use plan and reforestation managed by the villagers. They urged local authorities to deal with land issue according to their declared process driving "from the people, for the people and by the people". Villagers recognized the importance of

watershed forests and recommended development activities to make clearer, more stable and long-term demarcation of these forests and other land-use types, such as residential, grazing and cemetery grounds. According to them, special-use and protected forests should be co-managed by communities, and productive forestland should be allocated to households. They recommended local authorities to confirm their land rights and grant land certificates to the communities and villagers. Particularly, the Chieng villagers criticized the outsiders' encroachment to their forests as causing an inequality in land distribution, and required them to return land to the community after harvest. An informant initiated an educational campaign for protection of one's own and others' forests as well as a prevention from illegal forest exploitation. Some villagers were willing to find suitable indigenous species for plantations on the far areas and fruit trees or crops near the village. They appreciated the local change from letting animals free to keeping and feeding them, and wished to retain this practice so as to create favourable conditions for tree plantation. A concerned elder suggested that the local authorities stop outsiders' accessing the forests and discharging chemicals over the watershed areas. In addition, some youths were concerned about creating jobs on their own allocated farm and forests, so that they could have stable lives and reduce migration for jobs outside the communities.

#### ***4.5. Alternative approaches of TEW and SPERI (2001-2014)***

##### **4.5.1. The Learning process: cultural values, internal strengths and people's needs**

As a Vietnamese non-governmental organization (NGO), TEW, a precedent organization of SPERI, started an experimental project to approach ethnic

minority people in remote areas of Nghe An province in 2000. This project was implemented through collaboration between TEW and the Nghe An Provincial Union of Scientific and Technology Associations (NUSTA). The project focused on methodological approaches and aimed to create opportunities for the communities to protect their stable living environment, to use natural resources in a sustainable way, and to promote indigenous knowledge. In 2006, TEW was merged into SPERI which took over the next phase of the advisory approach to the community. Because the local management capacity had been strengthened by that time, SPERI transferred the main role of project implementation and management from outside project officers to local representatives. Management boards at communal and district levels were set up involving prestigious elders and community and district leaders to monitor, carry out, evaluate and revise project activities. Through those projects, opportunities for study tours, practical workshops and seminars were offered to local people, especially key-farmers to exchange and share experiences with other communities. Key-farmers are knowledgeable and prestigious farmers, who are willing to learn, do experiments, share and debate on the basis of their own knowledge and the integrated and adaptable technologies. They are pioneering in setting up pilot models of farming, animal husbandry, agro-forestry gardens, and use their farms as practical forums to share their experiences and ideas with villagers from different communities, the media, researchers and policy makers. They engage not only in awareness raising, but also in lobby and advocacy activities for land rights for the community and villagers.

A typical project of TEW and SPERI in the local community and other areas will start with the Participatory Rural Appraisal (PRA) and a study of the local ethnic

culture. This initial learning process helps project officers to get a better understanding of, become familiar with, and respect the community strengths, needs and initiatives. Particularly for this researched locality, it resulted in a proper understanding of community organizations, such as *Phuong hoi* or mutual self-help groups for seeding, harvesting, building houses, funeral or wedding services. The local reality was explored on the basis of the villagers' view. For instance, the community had to cope with new types of challenges and impacts from the free market, though their living standards were slightly improved after changing from traditional rotational cultivation on steep hills to expansion of wet rice since 1993 (TEW, 2001). From thorough studies, the needs and initiatives of the local people were recorded and processed in a way that was distinguishable from that of the government development programs. Most official schemes have come from a view that ethnic minority communities are poor and backward and need to give up their inherent weaknesses and change according to a modernized and industrialized movement led by the government. On the contrary, TEW and SPERI have insisted that each community has its own unique characteristics and strengths which have been formulated, adjusted and adapted to nature for generations. Therefore, local people's needs and initiatives should be respected and activated as the foundation for their own determining of propensity, while outside agencies should merely be supplementary supporters and advisors whenever people need them.

In addition, during the implementation of the projects, TEW and SPERI have combined support activities and field research, which focused on the traditional organizations and institutions. One of the findings clarified local community landscape design, which categorised forests into four main types (1) restricted



areas comprised of watershed, sacred and spiritual forests; (2) useable forests for collecting non-timber products and wood only for local needs; (3) forestland for livestock raising; and (4) production forests, which can be integrated with crops (SPERI, 2008b). In contrast to the mainstream view, which labels indigenous beliefs and customary practices as ‘superstitious’ and would-be-abolished things, TEW and SPERI try to discover and encourage local knowledge and ritual practices which are beneficial for sustainable use of land and forests. The elders and herbal healers are encouraged to present community ceremonies as well as their belief in and veneration towards deities of land, forests, water and herbs, and thus to protect those resources in their own way. The local belief in each object’s spirit is linked closely to the herbalists’ offering and chanting beside the first herb collected or retaining the bases, roots and seeds of the herbs for their regeneration. These traditional wisdoms and practices have been presented by community representatives in several forums and have become their discourse for debating against the mainstream prejudices which blame indigenous people as land-use wasters or forest cutters.

TEW and SPERI do not follow the mainstream perception of poverty, which is mostly based on statistical data of income rather than the local view and identification. The mentioned NGOs build up their own notion via thorough learning from several ethnic communities throughout Vietnam and the Mekong region. One of the definitions of those organizations is ‘structural poverty’, which is applicable to this researched community. According to the founding director of TEW and SPERI, structural poverty is “caused by a three *overlapping vicious* circles: 1) **isolation** from decision making processes that affect their lives, 2) **un-confidence** in the formal political system that treats ethnic minorities as

‘backward’, and 3) **no-ownership** (*of land and culture*) resulting from a legal system that does not recognize customary laws” (Tran, 1994). Furthermore, SPERI’s rights-based approach and goal of ‘Livelihood sovereignty’ has been built up on the basis of practical learning and supporting processes. Livelihood Sovereignty is defined as ‘a holistic ethical alternative solution’ which consists of five inter-relative rights: 1) The right to land, forest and water, clean air and natural landscape (**basic**); 2) The right to maintain one’s own religion (**unique**); 3) The right to live according to one’s own way of life and values of happiness and wellbeing within one’s own natural environment (**practice**); 4) The right to operate according to one’s own knowledge and decide what to plant, initiate, create and invent on one’s own land; (**holistic**); and 5) The right to co-manage or co-govern natural resources with neighbouring communities and local authorities (**strategic**) (Tran, 2009a). The mentioned conceptions illustrate the fact that TEW and SPERI are not simply NGOs conducting community supporting projects, but also learning organizations which have created their own visions, concepts and methodologies through working closely with various ethnic minority communities.

#### 4.5.2. Land allocation in Hanh Dich commune in 2003

Through working with and learning from several communities, TEW and SPERI understood that confirming the local communities’ land rights should be a priority and a strategy for them to improve their healthy lives and preserve cultural values. In order to achieve land rights and strengthen local capacity at the same time, this activity involved approaches such as a customary-based methods and local people’s participation. Notably, at the beginning of the project some local people

were not so highly appreciative, or even reluctant to receive land rights because they had not sufficient opportunities to recognize the issues. Particularly, in a difficult situation, they kept risk averse for fear of duties and taxes derived from the land title. Besides, they witnessed some land conflicts and troubles derived from the previous land allocation programme, which was carried out by the government in 1996. Therefore, to help villagers identify their future challenges and risk if they did not have land rights, TEW started a strategic and long-term approach before the formal support for land allocation in 2003. In April 2001, key-farmers from the Hanh Dich commune were involved in a study tour on land use, land allocation and forest protection in the district of Anh Son in Nghe An province and the Bo Trach district in the central province of Quang Binh. The participants identified clearly and discussed more about the needs for confirming land rights and its benefits for local stable land use and forest protection. In addition, training courses and discussion on the Land Law and the Law on Forest Protection were held for the villagers in September, 2002. After this activity, the villagers understood rights and obligations of the land users and the future legal risks if their land rights were not confirmed. They expressed the need to solve the existing land conflicts and embark upon a new community participatory land allocation. At the beginning of the land allocation process, representatives of villages, especially elders, were invited to identify traditional mapping and village borders. A taskforce for land allocation was founded, which was composed of representatives from community, local authority, cadastral technicians, and TEW staff. This taskforce studied and recognized two main border conflicts between the villages of Na Sai and Coong and between the Mut and Khom villages. The taskforce arranged time for the related village representatives, elders, village and

communal leaders to investigate and negotiate at the disputed sites. Negotiations between the Na Sai and Coong villages did not result in solution after only one occasion, so the participants had to meet again three times for this. Finally the participants agreed with the solution to put the village borderline at the middle of the distance between the two last houses of the two disputed villages. These agreements were recorded and certified by all participants as well as the communal authority and the land allocation taskforce.

To cope with a thorny issue of land allocation and its administrative obstacles, an implementing agency should have sufficient research and lobbying capacity and skills in conflict resolution and correction of the previous land allocation program carried out by the government. The taskforce conducted a research on traditional landscape design and met different stakeholders who would be able to affect the land allocation. They did a matrix for actor analysis, in which the Phu Phuong State Forestry Enterprise (SFE) and the Company No. 7 of the Volunteering Youths for Economic Promotion (Co. 7 VYEP) were the most prominent stakeholders who could disrupt the process because of their primary concern with making profits (See more detailed Analysis Matrix in the Annex 4). At that time, of the natural area of 17,862 ha in the Hanh Dich commune, the two mentioned agencies officially occupied 10,059 ha and 1,400 ha respectively. Moreover, the Co.7 VYEP had proposed a scheme, which would occupy 5,860 ha of forestland from the Hanh Dich commune (Le & Pham, 2003). While the communities and local authorities were interested in having enough land for the people's stable life and improvement of soil and forest quality, the two mentioned outside actors were interested in taking more land and forests from the villagers to exploit and make money. During the review of the cadastral profile and preparation for the land

allocation, the taskforce and local people recognized that the Phu Phuong SFE were using their unclear map to claim land rights over the community land in the Hanh Dich commune. Therefore, meetings were held in all villages of the Hanh Dich commune in September 2002 for the villagers to identify the problem and raise their voices to ask the Phu Phuong SFE to make their border clear and return the encroached upon land to the local people. The Hanh Dich Communal People's Council meeting on 24 March 2003 was based on the people's wishes to enact a resolution which urge the Phu Phuong SFE to solve the conflict and returned the disputed land to the locality. Then the communal People's Committee worked with the representatives of the Phu Phuong SFE and the Que Phong District People's Committee on this issue. On 7 April 2003, a multi-actor conference was held between the Que Phong District People's Committee, the district Cadastral Department, the district Department of Forest Guards and the Phu Phuong SFE to discuss the enterprise's border. Then a survey of the field was undertaken by representatives of the Hanh Dich Communal People's Committee, the communal cadastral officer, the Phu Phuong SFE and the taskforce technicians to make the borderline clear. Finally, the Phu Phuong SFE admitted that their claim was wrong and agreed to return the area to the locality (Le & Pham, 2003).

The land allocation taskforce recognized discrepancies resulting from the implementation of land and forest laws, which needed to be considered and solved. Inaccuracies of communal borders were caused by in the implementation of Guidance No. 364 enacted in 1991 by Chairman of the Council of Ministers (currently known as Prime Minister). The surrounding areas of the Sao Va waterfall used to be cultivated by villagers from the Hanh Dich commune for a long time, and this fact was recognized by the people of the adjacent Tien Phong

commune. However, the mapping technicians who implemented the above mentioned Guidance in the Hanh Dich commune in 1994 did not consider that factual reality. They simply set the borderline linking different mountain peaks, thus relocating the Sao Va waterfall inside the administrative boundary of the Tien Phong commune. Though the Hanh Dich authorities had stamped and certified the map produced by the technicians, they had not been aware of the overlapping or conflict between the new administrative map and the traditional borderline until the taskforce discovered this. Because it was too complicated and costly to deal with a revision of that administratively fixed map, the taskforce could not work on land allocation on the disputed area, which was measured to be around 110 ha of land (Le & Pham, 2003). Besides, some powerful outsider individuals and enterprises had been granted land rights via the land allocation in 1996 according to Decree 02/CP, so it caused a limitation of land resource for the local community. This activity was implemented by the Que Phong District Department of Forest Guards which was not capable of or suitable for land use planning, mapping or making cadastral profiles, therefore the process was carried out in a perplexed and difficult manner (ibid). To solve this problem, TEW and the community did not confront this directly and immediately with the outside land takers and local authorities, but initially raised local people's awareness and capacity to negotiate with the powerful actors. Various study tours and forums for discussion on land rights, land allocation, laws on forest and land were organized for the communities in 2001 and 2002. In September, 2002 upon the agreement of the people from the eleven villages, the Hanh Dich communal People's Council sent their petitions to the Que Phong district authority requiring a termination of the validity of the erroneous land allocation in 1996 and the initiating of a new

land allocation according to Decree 163/1999/ND-CP, which replaced Decree 02/CP. Following the local people's request, the Que Phong district People's Committee submitted a proposal for land allocation to the Nghe An provincial People's Committee and organized a conference on this issue in October 2002. Representatives from the Hanh Dich commune and the district and provincial cadastral officers attended this event. The participants discussed and came up with an agreement to make invalid the 1996 land allocation results and recommended that the Que Phong district People's Committee combine advisory and financial support from TEW to grant land rights to the local people (Le & Pham, 2003).

After detecting and solving all problems deriving from the communities and between communities and outsiders, the land allocation process was carried out. Villagers played key roles and were involved in every activity of the process. They based this on their own local knowledge, customs and cultural identity to express their concerns and needs and find out solutions to solve problems. The process was completed and 3,360 ha of forestland were allocated to 361 local households and 20 organizations. Via the participatory process, all households could identify the borderline, location and actual situation of their allocated land and forests, and understood their rights and duties as forestland users. Moreover, this process created opportunities for local authorities at district, communal and village levels and other related agencies to cooperate, so as to encourage possibilities and accountability of all stakeholders (Le & Pham, 2003). After completing this activity for more than 10 years, the author had a recent chance to interview some villagers and got their comments on this event. A villager remembered that the land allocation programme in 2003 offered them clear main zones: collective forestland, protected areas, residential area and production land

for each household. After getting forestland allocated, the villagers have tried to implement their rights and obligations on the land and forests. An informant said that whoever got allocated forestland should take care of the forests. Disregarding rich or poor allotted forests, villagers have been continuing the practice of sharing forest products. In other words, neighbours can access others' forests to collect non-timber products or work together to collect timber for local use on the basis of the legal permission from the communal authority. A village leader said that he often explained to the villagers that with having forestland allocated, people could have more protected forests and soils to prevent flood and natural calamity. The villagers could get some trees trimmed for their firewood. However, because of low income, people needed support for their forest protection, or else, stable and regular permissions for them to collect wood from their protected forests.

Nevertheless, the land allocation activity in 2003 could not avoid limitations, especially those that occurred after a period of time. Community land rights was the first obstacle caused by the legal framework, which did not recognize the community as a land user; thus land rights could not be granted to the community at that time. Therefore, TEW found a flexible solution and advised local authorities to allocate forestland to local mass organizations such as the village Women's Unions, the Farmers' Associations, the Youth Unions, the Veterans, and an army border guard station. However those mass organizations acted as semi-official organizations, so their actual accountability and effectiveness were not as high as the genuine traditional community organizations, such as clans or mutual self-help groups of *Phuong hoi*. Besides, the government support for forest protection was another factor that distracted the holders of forestland certificates. While the owners of forestland rights got nothing, the villagers who were not



granted land rights could get rice and money from their labour contracts for protection of the state-owned forests. At the household level, a female village leader disclosed that though her household had forestland allocated and she knew the location, she did not remember the exact measurement of the area. Because the forestland was far from her home, her family came there sometimes to make the borderline clear, but she had not integrated any trees to enrich the forests. Another villager complained that though he was given a land right certificate, outsiders still kept their old habits, disregarded his land rights and accessed his forests to cut trees. These phenomena caused new conflicts between individual households. Each separate household found it difficult to protect a large allocated forestland. Instead, it is more reasonable to encourage community cooperation for forest protection of the far away and large areas.

#### 4.5.3. Knowledge sharing and networking

Through several study tours, training workshop and forums within and between communities, local people promoted new types of linkage or interest groups, which were set up on the basis of their traditional self-help groups. Networking among members with similar concerns and interests within and between different communities is a strategy to solve the problem of ‘isolation from decision making processes’, one of the ‘overlapping of vicious circles’ causing structural poverty (Tran, 1994). Networking creates opportunities for the disadvantaged people to share and exchange knowledge and recognize their own values and strengths so as to build up their own discourse and get more confidence to cope with the dominant mainstream top-down approach. Herbal medicinal networks, traditional handicraft groups, women’s savings and credit groups, and gardening groups were

actively operating during the TEW and SPERI project implementation. Detailed descriptions and reviews of each interest group will be presented in the paragraphs to follow.

*The Herbal Medicinal Network (HMN) and forest management*

Among the prominent networking groups, the Herbal Medicinal Network in the Hanh Dich commune as well as the national and regional levels has achieved considerably its social and political objectives. Members of the HMN are healers who preserve and practice local wisdom in using herbs and help villagers to deal with healthcare, especially in the remote, self-sufficient areas. Some of them can combine *Mo* wisdom or ritual worship with herbal medicine to deal with both spiritual and physical illness, so they are essentially considered as community spiritual leaders. In this sense, HMN members can work well with preservation and promotion of both cultural values and bio-diversity, in particular with traditional medicinal wisdom and herbal species. HMN in the Hanh Dich commune set up their regulations on herbal forest protection and mechanism for cooperation between the network, local people, communal healthcare service and authority. The Hanh Dich HMN members are involved in a movement to confirm community forestland rights through the community herbal forests in the villages of Pa Kim, Pom Om, Cham Put and Pa Co. Based on community initiative, the herbal network set up a plan for preservation and utility of herbal species in a total of 41.5 ha of herbal forests in the mentioned villages. These plans were sent to and approved by the Hanh Dich communal authority. The herbal healers suggested to SPERI to support a budget for carrying out their plans. They addressed three steps of actions to obtain recognition and protection for their herbal forest. Firstly, herbal healers went to the forest together to make an initial

inventory and exploration of herbal resources and noted the border line of the area. Secondly, they recognized every herb by Thai and Vietnamese names, and created a larger border line of 2.5 m width, so that they could comfortably visit and protect the herbal forests. Thirdly, herbal healers, villagers and local authorities discussed to set up community regulations on protection and management of the community herbal forests. Upon the approval by the communal authority, these regulations were informed to all people, who live inside and near the villages. The communal authority have helped the herbal healers to do mapping and specify their rights and obligations for the herbal forests. The herbal healers have collaborated with a SPERI staff and young Thai ethnic students who were studying at one of the SPERI's Farmer Field School to take pictures and make descriptions of the surveyed herbal species in the community herbal forests. Herbal healers in the Pom Om village initiated to make signboards attached on big trees in the herbal forests in order to prevent outsiders from cutting the trees. On the other hand, attaching signboards and organizing regular checks helped the herbalists to recognize trees being cut, to detect and apply their regulations against violators. Based on community regulations, herbal healers are entitled to proactively solve problems relating to herbal forests. The problem should only be brought to a communal authority to be solved whenever the network is unable to deal with it (SPERI, 2009a). The network even carved the Thai scripts on the stones at the gate of the herbal forests, which claimed their forest land rights. Although the surrounding areas are in threat of exploitation and degradation, the community herbal forests have been protected well (HDHMN, 2009).

In order to get more support and legitimacy from the state, the Hanh Dich HMN has cooperated and obtained greater recognition from the formal health care

system. While the Hanh Dich HMN has cooperated and integrated with the communal formal healthcare centre, they have accepted the official name '*Chi hoi Dong y*' or a branch of the district Oriental Medicine Association. However they keep their own organizational character with independent initiatives and operation. They set up groups of herbal healers at some villages which contain several herbal healers. There were 3 members in the communal coordination board, who represented for the network to bridge and cooperate with the communal authority and the formal healthcare centre. In the early part of the network, especially the 2005-2010 period, the network leaders used to make regular visit to share with and stimulate network members to maintain and promote herbal knowledge, community herbal forest and household herbal gardens. They assigned duties and replaced each other to work in turn at the communal healthcare centre, so that they could directly check and provide treatments or introduce patients to other suitable herbal healers. In 2007, SPERI staff reduced their direct supportive role towards the Hanh Dich HMN while the network amplified their internal self-control principle and co-responsibility. During this reforming process, the Hanh Dich HMN found it difficult to get sufficient budget for its operation, such as expenses for checking and protecting herbal forests, or for doing herbal surveys and inventories of the herbal resources. To deal with this new challenge, the network leaders requested the Communal People's Committee for support, and then the Committee offered a budget of VND 800,000 to the network. In September 2008, the communal People's Council appealed to all 600 households of 11 villages to contribute and support the herbal network (SPERI, 2009a).

The HMN has not only promoted its local linkage, but also regional networking, which integrated multi-dimensional aspects. From July 2008 to June 2009, the

Hanh Dich HMN was involved in a Network between Laos, Thailand and Vietnam for Traditional Cultural Values and Herbal Medicine which promoted exchanging and cooperation activities. The network aimed to preserve traditional values, particularly herbal wisdoms, land and forest rights and livelihood security in the watershed areas (SPERI, 2009a). The HMN members integrated with the Customary Law Network to organize forums discussing customary laws in natural resources management in watershed areas, of which herbal medicine is a prioritized issue. This exchange has raised people's awareness and a movement to protect community self-governed watershed forests in the commune as well as the Que Phong district (SPERI, 2009b). The healer members were concerned with inter-generation traditional education, including herbal knowledge. So, they have integrated their herbal wisdom into the Farmer Field Schools (FFSs), which had been supported by SPERI. The healers shared their knowledge at the field while researchers and ethnic minority students recorded in order to create training curriculum for the FFSs. The participants were interested and focused on multi-functional trees for disease prevention and treatment or herbal vegetables, which were collected and planted at the Human Ecology Practice Area (HEPA) in the Huong Son district, Ha Tinh province, which is the headquarters of the FFSs supported by SPERI (SPERI, 2009a).

The Hanh Dich HMN has contributed to further recognition and respect towards traditional wisdoms. According to a network leader, hundreds of patients coming from the Thai ethnic group and the lowland Vietnamese ethnic majority, including the army soldiers, teachers and communal officers have used the herbs produced by the Hanh Dich HMN members over the last few years. An elder herbal healer of the Khom village said that, after a study tour and exchanging with healers from

other communities, he told his children to keep forest trees and preserve their traditional ceremonies. He exchanged some herbs with others and took some species to grow in his garden. This healer has offered drinking and bathing herbs to treat successfully a three-year-old child who used to be weak and could not walk. He has also treated effectively another case of skin disease which had been dealt with unsuccessfully by the Nghe An provincial hospital. The Hanh Dich HMN has become a pilot model and a practical lesson learnt when a former officer of the Hanh Dich communal Healthcare Centre applied his working experiences in this commune to upgrade the Healthcare Centre in the Kim Son town of the Que Phong district (SPERI, 2009b).

Similar to other interest groups, the HMN has been facing numerous challenges though it has achieved considerable results. Though the elder members have tried their best to persuade young generations to learn and preserve their wisdoms, many youths are neglecting and unwilling because of the new things brought about by modernity. An elder expressed his concern over the protection of forests, especially the herbal forests that, “if we protect forests well, we will have herbs. If outsiders continue destroying forests, herbs will be exhausted and people will face a harder life”. A healer in Na Sai village complained that a villager had cleared a part of the herbal medicinal forests in the village, but there was no one to prevent that action. After the old leader of the Hanh Dich HMN died the new one has not done as well as the former, and there have been less network meetings recently. The causes of this recession are a reduction of the external financial support and the network reform itself towards more personalized self-determination and self-responsibility.

### *The Traditional Handicraft Groups (THG)*

The first traditional handicraft group was set up after the study visit of the local Thai women to some collective weaving groups in the Con Cuong district of Nghe An province in November 2005. The THG was established and operated similarly to *Phuong ho* or the traditional mutual-help groups for daily life and production. The THG aimed to maintain the Thai women's values and knowledge in using natural materials, natural dyeing, silk production, weaving, and preserving native plants. The strongest group in the commune was set up in the Na Sai village, which involved ten women from four clans of Luong, Ha, Lo and Vi. The members set up the groups' regulation on contribution and mutual help in natural dyeing, weaving and silk products of pillows, blankets, shirts and baskets, etc. For instance, each member shares 100 gram of silk for practice of natural colour dyeing and weaving in the group. The leader coordinated members and held monthly meetings to share and learn experiences and techniques of dyeing and weaving, or to discuss how to solve difficulties in their families, and to set up plans for the coming month. Money gained from selling handicraft products and the members' monthly savings was used for setting up a development fund for the group. The group used 20% of the total profit to contribute to the development fund, of which 10% was for development, the rest for management and helping members who got sick. After a period of time, the group recognized that there were some technical limitations in the collective production, such as the produced threads were uneven in size or the colour was not smooth. So the group decided to change their method of cooperation and monitoring, whereby each member worked by herself and ensured her product quality while the group only checked and accepted the qualified products.

The THG was not only beneficial for preserving traditional knowledge and cultural identity, but also contributed to bio-diversity and an extension of networking or enriching social capital. The THG in Na Sai village set up one community garden of appropriately 3,000 square meters of land and planted mulberry for raising silk worms. Members of THG not only shared labour and materials within the group, but also with other women in the village. For instance, due to the bad weather in 2008, almost all the silk worms died except those of Mrs Vi Thi Binh. Then Binh offered silk worm varieties to other women and shared her experience to separate yellow-silk threads from the white ones. The THG in Na Sai village combined their activities with *Phuong cay* or mutual help for rice transplanting, seedling and harvesting. The members encouraged their husbands to share and practice making compost and other farming techniques. In return, the THG have cooperated with members of gardening groups to share experiences, skills in traditional handicraft production, which opened up a practical training and practice to incorporate between handicraft production and other contents of ecological agriculture. In 2007, the THG in Na Sai village participated in the Lao-Viet traditional handicraft network, which was set up after the study tour trip to Luang Prabang, Laos. This trip was organized for women coming from different cultures, such as the Thai from the Hanh Dich commune, the Dao and H'mong from the northern Lao Cai province. The aim of the trip was to help minority women in Vietnam and Laos to have opportunities for exchanging and learning skills and experience in handicraft production. After the study tour, the participants kept contacts for further sharing skills and experience in weaving and dyeing natural colours, as well as exchanging materials and handicraft products. This initiative created a movement in the Lao-Viet traditional handicraft network



in preserving native species for natural dyeing and weaving. Some products from the network were introduced to individuals and organizations who are interested in ecological and cultural products via different exhibitions held in Thailand, Laos, Vietnam, EU and America. The women in the group recorded their knowledge, values and techniques of making traditional handicraft designs. These records were not only shared within the community, but also became curriculum for practical training courses for young generations. Since 2008, the handicraft group has collaborated with the Farmer Field School at the Human Ecology Practice Area (HEPA) in the Huong Son district of the central Ha Tinh province. The handicraft members provided practical training for ethnic minority students on basic skills of traditional weaving, techniques to make weaving tools and growing cotton. This was one of the strategic activities to gradually transfer and maintain traditional handicrafts through generations (SPERI, 2009a).

Though the THG has achieved considerable outcomes, they have been facing and solving a lot of difficulties. According to a women leader of Khom village, today young girls are more interested in higher education or seeking for a job rather than spending so much time to learn and practice traditional weaving. An elder of Coong village disclosed that there was only one household keeping handicraft weaving in his village while people follow a style of ‘instant noodles’ of the ‘new society’. Only old women like to keep and wear traditional skirts while younger women and girls prefer products bought from Laos instead, therefore they neglect practicing traditional handicraft. Stronger market competition and influence have caused difficulties for the traditional handicraft groups, which are almost at micro and small scales and short of managerial experience and market networks (SPERI, 2009a).

### *The Savings and Credit Groups (S&CG)*

The Savings and Credit Groups (S&CG) in the Hanh Dich commune were set up and operating according to *Phuong hoi* or the traditional mutual help groups. When the saving groups operated well, and the leaders got used to book keeping, TEW offered some credit for the members to invest and expand their production. In addition, the saving members have more opportunities to get credit from the bank if they have saved well, and thus, are trusted by the bank. According to a woman leader from the Pa Kim village, her savings group for rotational credit consists of 12 members where each contributes a saving of VND 500,000 per month. This makes a monthly group credit fund of VND 6,000,000. The member who has the most hardship is selected by the group to receive the fund in the first instalment, then other members will receive the monthly fund in return until the end of the cycle. Another group or cycle of savings can be set up during or at the end of the previous one, so a person can choose to join more than one savings cycles. The receivers use the fund to buy piglets or buffaloes to promote their livestock raising, or buying commodities, or even sending money to their children who are studying at the university. In order to get savings, the savers should raise chickens or collect agricultural and non-timber products to sell. The group leader is in charge of book keeping, so she should spend a couple of days per month for that work. The Pa Kim village seems to have done the best savings and credit in the Hanh Dich commune, because of the regularity of the group's operation and the amount of savings and credit. According to a group leader, for instance, the Cham Put village had shown more difficulties while savings groups could operate for 4 years because some members could not pay back, and recently there is no more S&CG operating in the village. Savings can be integrated into different

groups of similar interests, such as the communal gardening group. In 2004, each of the sixteen members of the group contributed VND 5,000 per month, and one of the members could apply to use the fund as credit and pay back interest to the group at the interest rate stated by the bank.

#### *The Gardening Groups (GaG) and eco-farming tendency*

Similar to other interest groups, the gardening groups (GaG) were set up and operated on the basis of voluntary involvement and self-determination. The members engage in exchanging labour to help each other in farming, for instance, making fish ponds, making new field terraces on steep hills and doing gardening. The regulation and principles of the group in are in line with the values of the *Phuong ho* as well as other mutual help groups. For instance, the members agreed to contribute a savings of 5,000 VND per month per member into the group's development fund. Each member contributes 2 days for helping others in making fish ponds or building up terrace fields. The member with the greatest hardship in the group is prioritized for the first support installation within the cycle. The GaG in the Na Sai village was a good group in the Hanh Dich commune. The two most active gardeners from Na Sai village were invited to join a training of trainers (ToT) on practical permaculture facilitated by SPERI in the Human Ecology Practical Area (HEPA) in May 2006. Then the two mentioned gardeners came back to the village and provided another ToT in their village. After that ToT, a GaG in the Na Sai village was established by the 17 members coming from 5 clans, who are interested in gardening. Participants were members of different mass-organizations, such as the Women's Union, the Youth Union, and the Elders' Association. According to a woman, the husbands of women involved in the Traditional Handicraft Groups liked to join the GaG because they wanted to

assist their wives to grow more mulberry trees and get more weaving materials from that. In 2007, the gardening group in the Na Sai village helped each other to construct 7 new fish ponds, 3 new terrace fields on steep hills and one garden. Members of the GaG try to preserve traditional farming and integrate suitable permaculture or organic techniques. Therefore the group activities were associated with the Eco-farming network, which was formulated later. The Eco-farming network initiatives are connected with other thematic networks such as Customary Laws, Herbal Medicine and Traditional Handicraft. They are all aimed at sustainability, autonomy and safety for ethnic minority communities living in the watershed areas (SPERI, 2009b).

#### 4.5.4. Land and forest allocation in Pom Om and four other villages in 2012 and 2013

As presented in the Section 4.5.2, the previous land allocation in 2003 disclosed its limitations, so it is plausible to have some activities to correct and improve the situations. Besides, the local community, especially the herbal medicinal network deserved to have land certificates granted because they had been managing and protecting forestland for a long time. Moreover, landlessness and shortage of land had been existing persistently in the Hanh Dich commune as well as elsewhere in the country despite the fact that the Government had legislated some schemes to provide residential and production land to ethnic minority people. Statistics of the Hanh Dich commune in 2011 showed that while local people had been merely allocated 0.65 ha of land per person, each staff of the Que Phong MBPF managed 1,243 ha of forestland, and a worker of the Que Phong Rubber Enterprise had 61.3 ha on average (Pham, 2012). This was a critical figure used by the community

supporters to debate on the land policy and implementation. However, actual and pragmatic action should be taken, otherwise poor people may get nothing because it is very hard to change the minds of extravagant land-and-money-oriented businessmen and most of the authorities who support them. The land allocation in the Hanh Dich commune was supported by SPERI and its alliance known as LISO (The Livelihood Sovereignty Alliance), a cooperation between SPERI and other organizations, which are interested in land rights for ethnic minority people. This activity took the right opportunity after the enactment of the Joint circular 07/2011/TTLT/ BNNPTNT-BTNMT signed in early 2011 by the Ministry of Agriculture and Rural Development (MARD) and the Ministry of Natural Resources and Environment (MONRE). This document provides guidance for forest allocation and lease in association with forestland allocation and lease. This Joint-circular is an effort to coordinate different government branches to solve the existing discrepancy in confirming land and forest rights for communities, which have been poorly synchronized and separately executed by each ministry's authorities. This improvement of administrative procedure created favourable conditions for various potential land users to compete to have land allocated to them and get benefits from that. Obviously, businessmen and powerful people had advantages to gain while local communities were not clearly protected by the legislation. Because the land without official allocation or without land right certificates has been increasingly scarce, ethnic minority communities will have less and less opportunities to have land rights and to access this resource. In this situation, whoever is interested in land rights for the disadvantaged and local people should find it urgent to prioritize and work for confirming community land rights as much and as soon as possible.

The land and forest allocation supported and advised by LISO was carried out by the Que Phong District People's Committee and its relevant agencies in the 2012 - 2013 period. A pilot model was done in the Pom Om village before an expansive application in the four other villages in the Hanh Dich commune. Multi-actor involvement is an important factor to ensure that the process is transparent and the conflicts are solved completely. Local people were considered the first and essential participatory actors who benefit and have to take responsibility. Other involved actors were the adjacent communities, the local herbal medicinal network, local mass organizations, district and communal authorities, the land allocation taskforce, the coordination board, the technical agency for mapping and cadastral profile, and an army border station. There are many activities in the process, which can be summarized in the following: to prepare for legal procedure and implementing resources; to hold village meetings and study local customs of forestland use; to provide training for capacity building in resource management for communal and village leaders; to solve conflicts, check cadastral archives and set up land allocation plans; to hold community meetings to discuss and work out the plan; to survey and measure the forests and fields; to set up community regulations on coordination, rights and obligations in forestland management; to complete office work and submit the land allocation profile to the district authority; to implement the authority's Decision on land allocation and realize it on site; and to review, evaluate and draw out lesson learnt (Pham, 2012). The Que Phong District People's Committee endorsed the community land rights in June 2012 and formally granted land certificates to the Pom Om community in September 2012. This community was granted land titles on 426.52 ha of forestland, of which 275.6 hectares were covered with forests and 150.92 hectares

were barren forestland. A district officer commented that the land allocation helped the majority of the Pom Om villagers to know clearly the boundaries and location of their forestland and recognize the coming challenges and solutions. Moreover, the Pom Om community had relied on their customary law to set up regulation for forestland management, and to plan for improvement of each types of forestland, such as watershed areas, spiritual forests, protected forests, rehabilitated and utilizing forests, grazing areas, agro-forestry farms, herbal medicine forests, and cemeteries (Lang, 2013). Lessons learnt were drawn out for a replication in the other four villages of Chieng, Pa Kim, Pa Co, and Khom. As a result, a total of 613.66 ha of forestland have been allocated to the mentioned villages, which comprised of protected forestland, agro-forestry production land, cemeteries and grazing areas (LandNet, 2014).

This land allocation programme has achieved both practical or micro and consultative or macro objectives. An elder of the Pom Om village stated that he had advised the village leaders to recognize the traditional community forestland demarcations. Villagers knew their community forestland, especially the herbal forests. In comparison to separate individual forests, it became easier for the whole community to protect the collective forests. Yet, this elder was concerned in helping villagers to be more aware of and to respect sacred forests, so as to avoid cutting trees there. Another Pom Om man said that his community members could get herbs and vegetables from community forests to feed animals, and that was definitely better than the possibility of money earned from the labour contracts on the state-owned forests. A woman from the Pa Kim village asserted that she had been involved in supplying logistics for the land allocation activities, she heard from others' discussion and knew about the community forestland

borders though she did not survey and make the boundaries clear as the men did. A Pa Kim youth said that in such a limited resource, collective forestland was fine for the villagers to protect and collect firewood and bamboo shoots. However, he preferred household forestland allocated for more plantation if there was sufficient land. An elder from the Mut village appreciated the land allocation for communities and asserted that it was suitable to make a community stronger to cope with the encroachment by the rubber company. A communal leader commented that the land allocation had been derived from the inspiration of the local people and had gained support from the communal authorities. He observed how the landscape was designed and various types of forestland were classified, in which some areas were essential for collective use and protection, such as the watershed and herbal forests. He saw initial improvement in local forest protection on the basis of community regulations, and trusted in the collective enforcement and strength. A district officer drew lessons learnt from the programme, of which he appreciated approaches for studying and understanding of local context, respecting and encouraging local customs and traditional leadership to solve problems and conflicts. He supported community participation, especially that of elders and clan heads and an integration of local values into the plans and regulations on forestland use and management. He believed that the experience and lessons from the Hanh Dich commune should be expansively applied to other Thai communities in the Que Phong district (Lang, 2013). To date, this land allocation programme and activities beyond it have provided inputs for policy analysis used by SPERI and LISO in several debating and consultative forums for community forestland rights at the local and national levels.



#### 4.5.5. Post-allocation of land and forests: challenges and what else needed?

This section describes administrative obstacles and tactics of the businessmen to undermine the community land rights and the way the communities and NGOs solve the problems. An early incident in community land rights occurred in 2008, when the two private companies named Huong Thao and Ha Tay came to the Hanh Dich commune to offer money to some local land certificate holders in order to exploit bamboo from their forestland. At the same time, those companies required villagers to hand their land right certificates to the companies. Local people did not recognize the conspiracy used by those companies to seize their land rights in the long term, and they simply followed that requirement. When SPERI found out the problem, Mrs Tran Thi Lanh, the founder and leader of SPERI asserted that to help the poor to regain land certificates was a hard decision, which should not be based on a cost-benefit, but effect-impact analysis. She decided to grant some money to the villagers at risk, so that they could pay the company and retrieve the land certificates. Notably, the money granted by SPERI was considered as credit to the community, though the SPERI leader knew that it would be difficult for the poor to repay soon. Fortunately, on the basis of long-term mutual understanding and trust between SPERI and a funder, SPERI has gained supporting approval from the funder, and the payment was urgently installed for the community to solve the problem. Obviously, if there was no such consistent supervision and creative support from TEW/ SPERI for the post-land allocation period, the community could have hardly retained their legal land tenure (Mrs Tran Thi Lanh, personal communication, 4 August 2014).

It is essential to have a sound consultancy for the local authorities to improve land use planning and management after the completion of land conflict solution and land allocation to the communities. For policy advocacy at the national level, SPERI recommended that at the provincial level no more land for rubber should be allocated, because the national target for the total rubber area in 2015 had long been met. Obviously that recommendation is applicable to the Nghe An province in order to stop expanding land allocation to the rubber company in the province, particularly in the Que Phong district. For a lobbying process at the local level, in September 2013, LISO was invited by the district authority to work with the district Department of Natural Resources and Environment to check and review the administrative classification of forests. The LISO members and technicians found out some discrepancy in the data archive of this department. They recommended that the provincial Decision which has endorsed the establishment of the Pu Hoat MBNR should not convert the local household and community allocated land into protected forests under the management of the Pu Hoat MBNR. Moreover, LISO has suggested that the district authority complete legal procedures to grant land certificates on the forestland inherently used by the local communities (LISO, 2013). A research of LISO found that the land situation was even worse than expected and conflict was simmering because of excessive rubber plantations in Tien Phong, a neighbouring commune of Hanh Dich. The danger was that severe shortage of forests and land will push forest-dependent villagers from the Tien Phong commune to access the remaining forests in Hanh Dich and potentially cause new conflicts between the local villagers. Local people will be more distressed if they wish to continue customs of sharing forest products with such limited resources. Moreover, if the Hanh Dich people cannot protect forests

well, the provincial authorities may find reasons to withdraw their land rights (Broekkamp & Tran, 2014).

Another problem related to the community land happened in 2013, when the Que Phong Rubber Enterprise (QPRE) tried to grab forestland, which had been allocated to the communities of the Pom Om, Pa Kim and Cham Put villages. The QPRE had used machines to level land beyond the borderline and encroached and planted rubber trees on the community forestland. Village meetings were held and people's opinions were recorded and informed to the Hanh Dich communal leaders. Then the communal authorities sent a complaint to the Que Phong district authority to ask for legal actions and a resolution. In response, the district People's Committee sent an official letter to the QPRE to require them to remove machines and rubber trees and to give up the encroachment. Community members tried to retain the peace. On the one hand, they did not harm the illegal planted rubber trees, but on the other hand, they found fast-growing native trees to plant beside the rubber ones within the community territories. The community members believed that these will outgrow the rubber trees (LandNet, 2014; Broekkamp & Tran, 2014). However, that was not the end of the story, because as the QPRE had been invested in and backed by some rich and powerful people, they even disregarded the requirement of the Que Phong district authority.

After the reactions of local people and the district authority, the QPRE escalated the conflict by spraying herbicide on the watershed forests in early June 2014. Therefore, some people suggested taking legal action against the QPRE. For instance, the community can make a petition to take the enterprise before the court, or recruit a law firm to help the community in the court trial. However, there is no separation of power in Vietnam, and the fact has been shown widely

that the disadvantaged people have not well been protected by the weak tribunal branch. In other words, the local communities should not dream of a fair judgement for them. As the situation became more and more complicated, the executing coordinator of LISO decided to pass the case to the SPERI founder for her direct advice. A group of senior staff of LISO was sent to work with the Que Phong district authorities. The two sides agreed that community capacity building should be continuously prioritized, so as to enhance the community's confidence to solve not merely this problem, but also other coming challenges. Besides, the media should be the first supporter before legal action. The founder of SPERI emphasized that it was essential to work with local authorities in a constructive manner first. Therefore, despite an initial plan to allow a group of journalists to visit and express their power to challenge the QPRE, an alternative was decided on, which would allow only one journalist to come and discover the actual nature of the problem. In July 2014, one kind-hearted journalist pioneered to investigate and found that some Thai people from the Tien Phong commune who had been contracted by the rubber company were clearing grasses on the rubber plantation area which used to be the sacred forest of the Thai people in the Hanh Dich commune. All evidences of the QPRE's illegal land grab were collected, analysed and documented for the next advocacy at the central level. The founder of SPERI suggested to invite officers from the Council of Nationalities under the National Assembly, the Fatherland Front, the Committee for Ethnic Minorities and Mountainous Affairs (CEMA) and the Ministry of Agriculture and Rural Development (MARD) to join the supervision and analysis of the land policy implementation in the ethnic minority communities. The case of the Hanh Dich commune and the Que Phong district became a research site for the coming lobby

and advocacy strategy. Recently, a plan was set to involve community representatives, local officers and Women's Union leaders, who support local people positively to work and negotiate with the provincial authority and the rubber company to solve problems that arise. Another advocacy possibility was considered, which would cover the case of the Hanh Dich land allocation on the website of the Central Communist Party and the National Television in order to simultaneously warn and urge the QPRE to a resolution of the land conflict (Mrs Tran Thi Lanh, personal conversation on 20 July 2014).

## **Chapter 5. Discussion**

### ***5.1. Backwardness and superstition or identity and strength?***

As mentioned in Section 4.2 of the Findings, the Thai people believe in incarnation and the existence of souls of every object linked to the social norms of taking care of each other and of nature. This common phenomenon can be found in many other ethnic minority communities in Vietnam and the Mekong region. The local Thai people's views and practices are beneficial for forest protection, because they protect nature in an intrinsic and voluntary manner. Whenever they maintain beliefs in the village ancestral spirits and natural deities and keep practicing ritual ceremonies, they will never cut any tree in the sacred forests in order to avoid offending the spiritual powers. Similarly, when the people think that there are spirits residing at the top of mountains, they are automatically supposed not to clear the forests for fields in those areas. The traditional local people's actions are motivated by their heart and their mind rather than by legal obligations or material incentives as in the case of the mainstream secularists. Clearly, the local community's system of beliefs, customs and practices is beneficial for natural resource management and forest protection in particular. Therefore, when the outsiders attempt to attach a 'superstitious' stigma to the community, the problem is due to their perception and attitude, not because of the local beliefs and cultural practices.

Though ethnic minority identities are strongly accommodating with natural preservation, they have not been well acknowledged and encouraged by the mainstream arrangements. Most of the state officials come from lowland Kinh (or

Vietnamese) majority; they are imbued with ethnocentrism and Confucian hierarchical mind-set. They keep in mind that the lowland is more advanced, and their mission is to urge the mountainous ethnic minority peoples to speed up and keep inline with the lowland majority. They often impose their top-down viewpoint and authority while they are insensitively disregarding values and internal strengths rooted, adjusted and adapted by the local ethnic groups for generations. Because there is no system of informal, traditional and native-language education to be recognized and collaborated with the formal one, following the mainstream education is the only way for ethnic minority people to get political promotion and become state officers. The indigenous officers are challenged by confusion and doubt about their own cultural values and strengths whenever they learn from formal curriculum, which casts such terms as 'backwardness' and 'superstition' over their belief and customs. Some of the indigenous officials gain more trust and find it easier to get promotion designated by the higher administrative rank if they show an engagement with the new mainstream ideology. Nevertheless, the authority's voices, especially those of the native ones are powerful and influential to the changes of ethnic minority communities. Yet, the official impact is not one-way. From the other perspective, the extent of the official effect also depends on the local community's capacity to analyse and react critically, which includes the people's adoption or rejection.

To deal with outside challenges and pressures, a community may opt to adjust or change its cultural traits partially, but not the entire system. Similar to other communities, the researched Thai people's systematic consistency of worldview, values, wisdoms, customary law and practices contributes to sustain the people's harmonious lives and wellbeing according to their own judgement. This statement

corresponds to the theorized Biological Human Ecology (BHE) interaction, which resulted from research of SPERI and its affiliates in various ethnic minority communities in the Mekong region. A metaphor of cell biology is used to explain the BHE interface. In the biological cell, the nucleus is a determinant factor to affect structure and functions of the entire cell. Similarly, “the philosophy [of BHE] sees a community’s beliefs and values toward nature as determining factors for institutional practices and daily behaviours of community members” (Tran, 2009b). According to Tran (2009b) and Vandenhende (2014, pp. 25-33), the Human System and the Ecosystem interact with each other through an exchanging flow of materials, energy and information. Because of an interdependent co-existence, changes in one system will influence the adjustments of the other. The systematic interaction between the human and ecosystem is illustrated in Figure 2.

Diagram of Biological Human Ecology - Trần thị Lành 1989 - 1999 – 2009

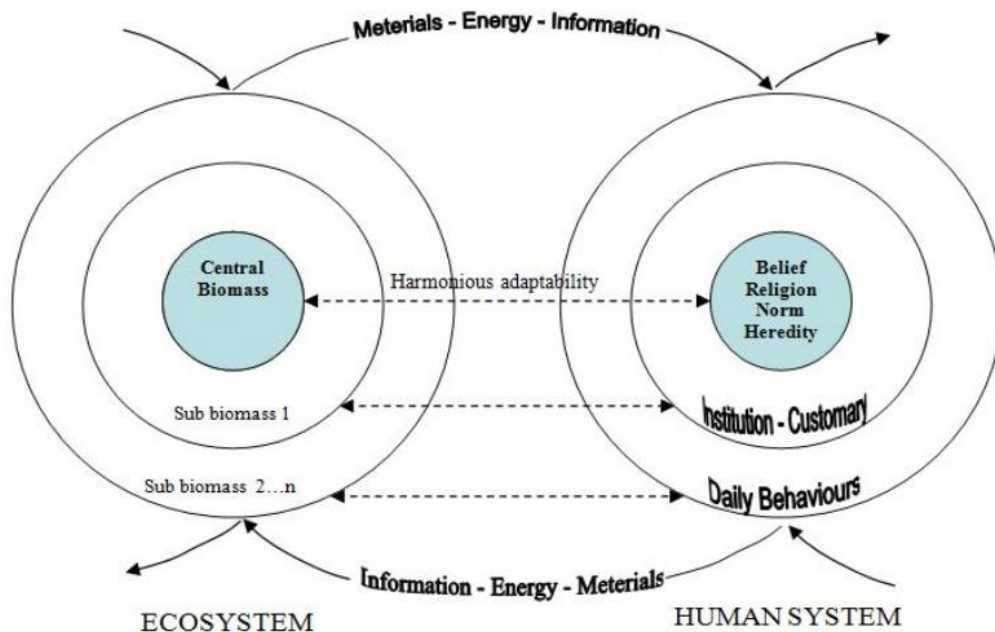


Figure 2: Biological Human Ecology (Tran, 2009b)



The above mentioned theory of Tran (2009b) has been built on the basis of a combination of community work and field research of SPERI. As presented in Section 4.5, SPERI has been working as facilitators and advisors for community rights and security of livelihood at local and national levels. Specifically, SPERI set priorities on community forestland rights and capacity building for local people to manage their own resources. On the basis of cultural study and exchange of knowledge between different ethnic minority groups, it is clear that each ethnic group has its own system of ontology and values, which are different from that of the mainstream. For instance, while many community members emphasize the values and vitality of a harmony between human and nature and the security of livelihood for a community's wellbeing, the government and development agencies enforce a perception of poverty, which is judged by calculating income or monetary values. The mismatch between the two sides can be exacerbated if there are insufficient efforts to reconcile them. Definitely, the outside imposed criteria and judgement of poverty, which is forcibly applied upon marginalized communities can be seen as a sort of ethnocentrism. Bearing this mind-set, a 'supporting' or collaborating actor will hardly provide any relevant and useful services but instead threats and harms to the cultural realm of a certain disadvantaged community. In an effort to convert the mainstream approach, SPERI have tried to build up its working and researching methodology, which is firmly based on learning, sharing and stimulating local values, strengths, initiatives, self-governance, and operation.

Among evidences from other communities, the specific case of the researched Thai people contributes inputs to theoretical deduction and advocacy. Therefore, the practical domain of SPERI seems to be on track with the academics. Several

scholars' arguments on the role of community in natural resource management, which are presented in the Literature Review are supportive of the theory of human-ecology interaction. For instance, relevant debates can be found with regard to human and nonhuman relations in Ross et al. (2011), or the status of local customary law in natural conservation in Larson et al. (2010), or local people's role in 'Little Conservation' in Alcorn (2005). In addition, the indigenous belief in nature's power works effectively in forest protection when it brings "strong pressure on people to handle their environment with care" (Kalland, 2000, p. 322). From an emic point of view, it is sensible to live harmoniously with nature and to avoid aggressive behaviour which unreasonably tackles nature merely for human interests. Nevertheless, this perspective does not mean to romanticize indigenous values nor to deny their limitations.

Realistically, many disadvantaged communities in a poor country are facing a question of existence and change. Specifically, in relation to conservation, local communities are not sinful nor do they deserve blame if they need to clear forests for cultivation just to have enough food to survive. Specifically, the Thai people as well as other mountainous ethnic minority groups in the Mekong region have a long historical adaptation in traditional slash and burn or rotational cultivation on steep hills. These practices have been found suitable and sustainable in local, ecological conditions. Therefore, it is ridiculous when a lowland majority agency imposes an idea of large-scale, high yield wet rice cultivation into mountainous areas and blame local people for being 'backward' for practicing their traditional cultivation. Similar to the judgement of 'superstitious', it is a problem of the outsider's perception rather than a matter of the people being judged. Nevertheless, in an increasing cultural exchange, it is not so strange if a

marginalized community is eventually obligated to change while dealing with increasing pressures brought about by a rapid surrounding modernization and cruel competitiveness in a free economy. The indigenous belief, social norms, customs and practices can be changed in response to a permeated rational education and an increasing interaction between a community and the wider world. To accommodate a community's positive moving forward, this change should be facilitated in a smooth process, which offers the community opportunities for a freedom of choices and a willing adoption. In contrast, attempts to create pressure and force a community to change according to outsiders' wishes should be seen as an ill intention, a coercion to put in place irrational schemes and violations against a community's cultural rights. A community's positive change can be attained well if people have rights to self-determine and design their own future while the policy makers and practitioners understand thoroughly and respect this principle.

Unfortunately, the researched Thai communities as well as many vulnerable peoples elsewhere have not experienced a smooth and voluntary reforming process. Coercive cooperative absorption, rejection of community beliefs and ritual ceremonies, and denial of traditional community land rights are definitely not goals willingly accepted by a community and each ordinary member. For a progressive perspective, lessons learnt should be starkly drawn out from failures through a process of mutual learning and respect in order to avoid similar mistakes in the future. Though many intellectuals are profoundly trying to provide a realistic and critical view of the outside impacts for neutral and useful lessons learnt, the mainstream propaganda mechanism seems to obscure and shift away from the authentic history given its both vigorous successes and distressful losses.

Furthermore, numerous superficial writings and comments in Vietnamese newspapers attribute the characteristics of being ‘backward’ and ‘superstitious’ to ethnic minorities. This sort of ethnocentric standpoint is detrimental to the sound perception of the minority peoples’ culture. Nonetheless, the trouble is that those careless and unethical media sources have influenced and devastated tremendously the decent views and minds of the a large number of commoners and even of a considerable number of policy makers. Consequently, this level of public awareness and social attitude toward ethnic minority peoples influence the quality of cultural sensitivity, legislation and policy performance relating to community development.

In summary, the debates in the previous paragraphs demonstrate that it is useful and rational to identify values and strengths of ethnic minority communities for the sake of their own advancement as well as that of the entire country. Attaching stigma to a cultural group is detrimental for the local people’s wellbeing and the outside actors’ work. The above discussions also release the fact that conflicts and losses suffered by the ethnic minority communities do not only exist in perception, but also in institutional and organizational spheres. Given a huge amount of discrepancy in outsiders’ perception and attitude toward indigenous communities, people are moving forwards in an increasing interaction with various types of actors, including beneficial and harmful ones. Marginalized communities need more thorough understanding and mutual respect to proceed effectively together with the mainstream for the way ahead. In this process, indigenous cultural rights and equal status should be made aware to the policy makers and practitioners in order to ensure effective support and cooperation. Besides, local communities need further capacity building through chances for

exchanging ideas and experiences with other peer communities and progressive social actors. Networking and higher level of understanding will help community members and representatives to obtain more confidence to negotiate, and simultaneously help authorities and outsiders to recognize and correct their cognitive, institutional and structural limitations. In addition, alternative approaches and lessons learnt from SPERI's facilitation for the Thai people in the Hanh Dich commune are among the indications to enrich the realm of community work.

### ***5.2. Statutory laws or customary laws?***

As presented in Section 4.2, the local Thai people have a notion of a linkage between territorial localities and a community's spiritual arrangement. The establishment and maintenance of *ban* and *muong*, or the linkage within and between villages has been essential for the local social and political self-governing arrangement. People maintain legends of the community's formation and keep practicing various ceremonies to recognize their ancestors' domains and traditional territory. When every member is involved in, contributes labour and offerings and shares common values at the community events, they are building up and maintaining community spirit, identity and solidarity. Community events, especially ritual ceremonies create comfortable opportunities for people to share ideas, to review and reform their customary norms, so as to adapt to the new situations. These are also good chances to discuss and set up community regulations on social relations, landscape design, use of resources and forest protection. It is worth to tackle an interesting question which is why the Thai communities do not allow daily entry, cutting trees or exploiting things at sacred

sites, especially areas which are ecologically vulnerable and vital for lives, such as watershed? A hypothetical explanation is that local communities have observed and experienced their living habitat for generations and recognized where these need to be strictly protected. They found belief and spiritual practices to be the most effective way for natural protection. And that is the reason for a community to make special the sites in need of preservation, which are recently known as sacred areas. Disregarding whether this hypothesis is rational, no one can deny the positive effects of the indigenous belief and ritual practices on natural resource protection in the people's ancestral land. Therefore, local cultural practices and customs can contribute to sound effects on land and forest protection. Local cultural values have adapted and operated sustainably for generations in the watershed and conservation areas, and surely they will continue to function well in the future if there are no outside negative impacts.

In addition to the self-governance of *ban* and *muong*, there are a variety of networking formations of traditional civil society organizations within and between *ban* and *muong*. *Ho pan tong* or lineage and mutual supporting groups of *Phuong hoi*, *Phuong ho* and *Hoi phuong* have made the Thai communities solid and unique. In other words, a variety of traditional organizations indicates a robust civil society and a capacity for self-governance in the Thai communities. Traditional organizations have been set up and are operating on the basis of voluntary and co-responsible principles. People reserve free choice to decide whether to join and leave a traditional organization without any order or coercion from the authorities or any other members. However, this is not an absolutely anarchical milieu, because each community member is supposed to obey a system of customary norms and values. For the Thai people, as well as many other remote

and traditional communities, the most severe sanction is not the death penalty as seen in a modern state, but a dismissal from community membership. In addition to the physical sanction, the spiritual one is no less effective. One must be horrified knowing that she or he is not qualified enough to obtain incarnation, or become an eternal miserable nomad after death. Therefore, there is no reason for a person not to follow community customs and fulfil the duties of production and reproduction to ensure that his or her children are wealthy enough to complete funeral and ritual ceremonies to transfer the parents' spirits into *Then* for an incarnation. Everyone should try his or her best to build good relationships, obtain good reputation, and be appreciated by other members. Efforts to accomplish one's obligations and to build decent nexus with others help to maintain and enhance the community spirit. These customs and linkages contribute to formulate a specific and unique Thai cultural identity and simultaneously keep the communities stable while they are coping with outsiders, changing and moving forward.

Though community forestland rights have multi-faceted benefits, they are increasingly becoming vulnerable in a free market economy in Vietnam, even when communities have already obtained land titles. First, community land rights are challenged by the legislative perception of 'effective use of land'. As interpreted by the mainstream, land right certificates are preferably granted to the more competitive and profitable applicants. Legislation couched in rhetorical terms such as "effectiveness" that seem to protect the rights of the people, is actually more interested in profit making for economic growth and state revenue rather than community's stable livelihood and the survival of the poor. In this situation, powerless poor communities are the least competitive. Second, though

land right has been granted to the community, it can also be revoked by the state, because the state reserves the right to represent 'the entire people's ownership' and decide on the land right certificates. If a community's land rights are withdrawn, community members cannot get any compensation other than their investment made on the revoked land. Third, community forestland and properties are strongly influenced and threatened by an increasing prevalence of the administrative and monetary forces which tend to suppress traditional institutions and organizations. Fourth, many ethnic minority communities are no longer a unique solidarity because a part of the community members have adopted values from outside, such as individualism, privacy and consumerism. They have ended up with a neglect of their own values of community spirit, mutual help and collective action and strength, which have been preserved by other members. Besides, there have been a lot of pitfalls threatening a community's rights to forestland, which were illustrated in the previous sections. Furthermore, the mainstream organizations and enforcement of forest protection are another concerning factor affecting community ancestral domains and community forests in particular.

There remains discrepancy in the mainstream perception of community forestland rights, which need further reform to ensure local people's rights and simultaneously improve cooperation in conservation. From the community point of view, preserving traditional beliefs and practices relating to their ancestral domains and self-governance does not mean a threatening separation from the mainstream, but a contribution to enrich the national treasure of cultural diversity. Similar to many other ethnic minority groups in Vietnam, the Thai people have historically shown their ability to cooperate with others for a common



construction of a multi-cultural nation. If the policy makers think positively of the way local people think, they should end up with good policies allowing local active participation and effective collaboration for a win-win scenario. However, disproportionate power relations exist between the law enforcing bodies and local communities. Land use planning, classification of forests, and land allocation programmes have been operating in a one-way, top-down direction rather than stimulating initiatives and strengths from the grassroots. Outcomes of those top-down approaches have been explicitly illustrated in the previous sections. There is no way to redress the past shortcomings other than to meet an urgent need for an equal share of power between authorities and local communities. In other words, it is necessary to proceed a reform, which enables passing forestland management to the hand of communities on the basis of mutual respect and collaboration between the two systems of customary and statutory laws. This decentralization process does not mean an emphasis on any one-sided advantages nor exclusion of others; it facilitates a combination of strengths from all the involved actors. While benefits of customary laws are explicitly pointed out in the previous paragraphs, statutory laws help to solve effectively problems or legal disputes between local communities and outsiders. A combination of the two mentioned systems of laws offers a possibility to fill up gaps and solve completely conflicts that arise.

A cooperation between the two systems of customary and statutory laws does not mean to subordinate one into another. So, a suggestion for “a shift from legal pluralism to legal integration” (Larson et al., 2010, p. 15) should be considered and debated. But because of the unbalanced scope and scale and unequal power between customary and statutory sides, it is hard to maintain values of customary laws if they are integrated and eventually subordinated into the statutory one.

Besides, formalized codification of customary laws will distort and undermine the innate nature and frequency of this system, which has been built and adjusted for generations and is enforced vividly by local people in localized settings. Therefore, in order to preserve cultural diversity, the two systems of laws should co-exist in an arrangement of legal pluralism and a milieu of mutual respect and equal recognition. Given that positive contributions can be made by local communities, outside supporters should recognize and activate the community's organizational and institutional values and strength. In contrast, it will be meaningless and wasteful to impose and overlap a strange structure on locally adaptable and effective settings under which communities have inherently been operating well. It becomes inappropriate to imitate and apply a rigid lowland social structure or mainstream mass organizations into this Thai community as well as other minority groups. Without attention to substantial connections, attempts to formalize traditional organizations can lead them to go far away from community interests and intensify their bureaucratic and ineffective operation. To assure both practical and strategic land rights, community members need improvement in awareness and ability to analyse and identify risks and drawbacks in a competitive economy. It is necessary for community representatives to strengthen capacity and confidence to negotiate with outsiders, especially land administrative agencies and forestry enterprises. Nonetheless, to respect and stimulate local initiatives is one of the requirements of the decentralization process, which has been endorsed by the government of Vietnam. Yet, the method to transfer this theory into practice is still a burning question for the development agencies, including state ones operating elsewhere nationwide.

In an effort to build up an alternative approach, SPERI found out that it is a must to strengthen local traditional organizations and avoid outside, strange bureaucratic institutions. Interest groups of herbal medicine, handicraft, gardening, and savings and credit are a continuation of *Phuong hoi* or the Thai traditional organizations. These new forms of organizations inherit the values and strengths of traditional ones, thus it is easy for the Thai people to adapt and adopt them to their own local context. Similarly, community regulations, especially those regarding forestland use and protection should be set up on the basis of the community's inherent wisdoms of landscape design, customs of demarcation, ritual practices, and the needs for cultivation. Knowledgeable elders can contribute valuable ideas for the working team for the community drafting regulation before the draft is introduced to and discussed by the entire village. The community regulations need to be submitted and obtain the district authority's endorsement in order to ensure their legality and strong effects, which are made not only on a community itself, but also on related outsiders. However, official approval should be considered as a legal support, not as a final goal to achieve. In other words, community regulations exist independently and do not subordinate into statutory laws nor rely on state enforcement. The officially certified community regulations should be enforced by communities as they have traditionally done. Obviously, maintaining active roles of community traditional organizations and institutions is the most effective way to encourage a community to solve problems by themselves and to improve their own situation without any more burden on the state budget and personnel.

### ***5.3. Top-down or bottom-up?***

In the discourse of natural conservation, or more specifically, forest protection, it is essential to debate the two critical issues relating to local cultural values and practices, and their land rights. Indigenous ethnic minority peoples have maintained their unique belief, customary laws, forestland management and cultivation practices for generations. Similar to many other neighbouring mountainous ethnic groups, each clan in the Thai communities has their own totem, which often relate to rare and endangered species, such as tiger, a rare species of bird, a type of Belostomatid, or a sporadic species of climbing trees only existing in rich forests. Respect and care for the totem is not merely retained by the relevant clan, but also others, because people do not want to hurt others' beliefs. Besides, traditional cultivation has been found to be the most adaptable in local conditions to ensure people's livelihood for centuries. This practice does not deserve blame, but outside forest extraction for mining, hydropower dams or cash and mono-crop plantations are what cause problems. Therefore, while obtaining a thorough understanding and positive view, outside agencies can find out community values, have a trust in and stimulate indigenous peoples for the sake of natural conservation.

Despite potential benefits brought about by the Little Conservation (Alcorn, 2005), or local initiatives and actions, these approaches are often overwhelmed by the official top-down approaches. Land use planning is often decided by the top policy makers, and the lower levels have to obey according to administrative order. There is little space for local communities to respond, while higher ranks are not willing to listen to the juniors and grassroots. Similarly, socio-economic development plans and big schemes are not synchronized with each mountainous

remote localities, but are decided by some people living in cities and towns. Therefore, the outside decision makers cannot avoid discrepancies caused by the gap between outsiders' awareness, vested interests and goals and local people's experiences, desires and expectations. These discrepancies often occur whenever officials' ethnocentrism causes them to think that they are more civilized and more rational than the 'backward' people.

What has happened in protected areas in the recent decades has shown very little positive vision and democratic collaboration from the outside conservationists. Extremists have even aggressively chased indigenous peoples out of their ancestors' domains without caring for the people's future livelihood and inherent connection to nature which nurtures their cultures. Other conservation agencies imposed less harsh interventions when they claimed the conservationists' legal rights, which overlapped the local ancestral land, then mapped out the people, and made communities illegally living on their own sanctuary. It seems to be very attractive and persuasive when mainstream conservationists assert protection of bio-diversity and environmental protection. But what about cultural diversity? When the conservationists try to exclude local people from their vital habitat, do they actually care more for rare species than the prospective extinction of a group of vulnerable people and their cultures? Another question that should be raised to the conservation officers is that, do they really care for nature as they claim? If so, are they willing to completely move out of the conservation areas as well as local people, given the fact that local people are more effective in protecting nature by their own beliefs, customs and local knowledge? Apparently, the outside conservationists use concepts of conservation as a tool to serve their vested interest, which is strengthening their roles in gaining and using external budget to

make profits from the occupied areas at the expense of the local people's destiny. It is presumed to be beneficial for local people when they receive a trickle-down share of the budget for the rhetorical co-management which is actually a labour contract on their own ancestral lands. But, in this case, local people's statuses are undermined, because they are forced to transform from self-sufficient land owners to hired workers. Surely, there is no guarantee of equal relations and mutual respect between the givers and the receivers in such an authoritarian arrangement of patronage. This process makes communities and their members weaker, more desperate, and more dependent on outsiders.

As mentioned in the previous sections, there exists differences in viewpoints and working methodologies between ethnic minority communities and outside agencies. Differentiation brings about various potential scenarios which have resulted from integrating or clashing between different perceptions and cultural perspectives. The positive outcomes or win-win situation can be achieved upon a willingness to learn, to respect others, and to compromise for consent and common solutions. Contrarily, negative outcomes or win-lose, or even lose-lose consequences and conflicts will occur if the two sides try to retain their views, disregard others and confront each other. It is evident that, the emic view and bottom-up approach can meet the demand of the former situation, and vice versa, the etic view and top-down approach goes in line with the latter. So, the answer to the question of how to approach an indigenous ethnic minority community is clear. According to the author's observation, most of the bureaucratic law enforcers know of the problems caused by the top-down approach, but they are reluctant to innovate their methods because of their own considerable number of obstacles. First of all, they need to fulfil the tasks imposed downwards from the

higher rank, while there is not sufficient space for the juniors to react and correct the seniors' unrealistic order in a comfortable and democratic manner. Unfortunately, higher rank officers have less time to learn and understand what is really going on in the grassroots. Discrepancies can be worsened if practitioners are not strong enough to carry out administrative orders in a creative, flexible and adjustable way. Even when the law enforcers' vested interests, level of understanding, working attitude and capacity are not taken into account, it is enormously difficult for them to get along well and work effectively with local people under the pressure of the seniors' top-down approach.

Concerning the approaches to natural conservation presented in the Literature Review, it is questionable whether co-management, participatory management, or the Indigenous Stewardship Model are relevant and applicable to the researched locality. Participatory forest management has problems whenever land rights are in the hand of outsiders rather than local communities. Though Borrini-Feyerabend & Tarnowski (2005, pp. 83-84) believe in an improvement of participatory management, their proposal of enhancing multiple institutions and dialogue is not sufficient to solve problems caused by the dominance of outside actors. In addition, the forest co-management between the state forestry sector and the researched local communities supports critiques by Ross et al., (2011, pp. 231-232) of the outside dominance and lack of respect towards local values and strengths. The 'Indigenous Stewardship Model' (Ross et al., 2011) requires a high level of practitioners' respect for the indigenous values and legislative support for "Indigenous nations" and sovereignty. That may be workable in developed countries where qualified professional experts are available and there is less concern over the liberal outcomes that might potentially result from an

advancement of multiculturalism and ‘Indigenous nations’. However, this model seems to be difficult to apply, if not to say, unfeasible in such a developing nation as Vietnam where much work that needs to be done to enhance the specialists’ capacity and the idea of cultural sensitivity is still vastly hindered. Advocacy for the recognition and respect of indigenous values in collaborative natural stewardship is a useful suggestion from Ross et al. (2011) which can be applied in developing countries. Nevertheless, most local communities face difficulties in conducting advocacy by themselves due to limited expertise and budget to deal with the administrative structure for their legal recognition. Goodwill to support a community’s forestland rights, and networking to strengthen capacity and voices of indigenous ethnic minority peoples are still needed.

In addition to a decentralization process, it is necessary to improve knowledge, attitude and working capacity of the communities as well as of outside agencies and to endow resources directly to communities. Community-based organizations need opportunities to access external expertise and budget to perform their community development works, particularly community forestland allocation and forest protection. So, depending on certain situations and level of local management capacity, the scale of making decisions on strategic planning, conducting activities, monitoring and budget should be suitably handed to the community for their direct control. This devolving process is parallel with a shift of the outside supporters’ roles from being direct development workers and intervening facilitators to contracted proficient advisors for whatever a community cannot do by themselves. As mentioned in the previous sections, learning local cultural values, promoting traditional organizations and institutions, lobbying for a community’s land rights, and strengthening local capacity and



voices through networking are among the working agenda for the legitimate rights of local communities.

Community-based natural resource management (CBNRM), or more specifically, community-based forest management is a conception introduced by researchers and supporters for community rights to challenge the mainstream discourse of 'development', which favours outside investment and dominance. However, CBNRM is criticized by Li (2005) as having "severe limitations", and making "legal entitlements to resources conditional upon discriminatory and probably unenforceable environmental prerequisites" (p. 447). Nevertheless, the specific and vital rights to land and cultural practices should be clearly addressed if they are supposed to contribute to full citizenship for uplanders in Indonesia, the Philippines and elsewhere, as it is urged by Li (2005, p. 448). At least in the context of Vietnam, without confirmation of the essential land rights, the doctrine of citizenship will be insufficient to deal with problems relating to the security of livelihood and wellbeing faced by the mountainous communities. On the one hand, the mainstream supports economic growth and the so-called 'development programmes, which actually serve rich and powerful people, or a tiny section of the whole population. On the other hand, ethnic indigenous communities need forestlands as favourable spaces for local people to practice and maintain their knowledge and cultural values. Therefore, in addition to legislative improvement regarding political, cultural and territorial rights for ethnic minority communities, pragmatic approaches to bring the mentioned rights into practice should be promoted.

Practically, ownership of forestland and preservation of local strengths are essential factors to ensure the secure livelihood of a certain community (SPERI,

2011). In the efforts to convert the mainstream top-down approach, an alternative bottom-up approach has been introduced. SPERI and its precedent, affiliate organizations have 20 years of experience working with ethnic minority peoples in the Mekong region. In combination with field work, SPERI research focuses on finding out and strengthening relationships between forestland policy, community ownership, and local livelihood security. Pilot models of community forest management, ecological cultivation, and farmer field schools and research have resulted in recommendations for policy makers to be aware of community strengths and values, therefore urging them to find suitable approaches for encouraging the local initiatives of indigenous ethnic minority peoples.

#### ***5.4. The way ahead***

In order to initiate a transparent and open analysis of forestland policy in Vietnam, especially regarding ethnic minority communities, the author offers two dimensions for discussion: legal framework; and law enforcement relating to community forestland. In addition, possible practical applications for an improvement of the community forestland situation in the Hanh Dich commune will be discussed.

##### **5.4.1. Legal framework on community forestland in Vietnam**

The policy makers' vision is one of the determining factors leading to policies for the mountainous ethnic community's forestland. This vision is affected by a level of understanding and respect for the unique characteristics of the human ecology of mountainous areas and its differentiation from the lowland areas. Though each

of the mountainous and lowland regions embed their own arrangement, there is an inevitable and interrelated connection between them. Specifically, the mountainous forest areas function as environmental protectors and providers for sources of water, fertility and energy for the downstream agricultural sites. Therefore mountainous forests have very different functions compared to those of lowland farming or cash crops production. Differences between the two social and ecological regions should be reflected in regional landscape design or land use planning. Obviously, rigid application of lowland intensive farming models or industrial zones into the mountainous regions would be an ineffective and inappropriate action. So, whenever policy makers start from local people's values, strengths and needs, they will be able to introduce policies that work well and suit to the realities. Otherwise, sharing and efficient cooperation in forestland management between different actors can be hardly achieved.

Recently, the official classification of forestlands has been shown to be a tool to serve the rich and outside agents rather than the deprived local people. In Vietnam, there are three types of forestlands, which are formally classified as productive, protected, and special-use. While the productive forestlands and a small part of protected forestlands can be legally allocated to communities, households, individuals and private companies, the other two types are kept firmly in the hands of the state forestry agencies. In this arrangement, a considerable number of discrepancies in the top-down forestland classification occur in many localities. For instance, depending on the interests of the state forestry agencies, ancestral lands surrounding local communities are converted to special-used or protected forestlands under the management of state agencies while productive forestlands, supposedly allocated for the villagers, are mapped onto the bare hills

far away from them. In addition, state budgets for forest protection and environmental services payment are allocated only for the protected and special-use forest areas under control of the state forestry agents. While the marginalized people have to survive on the poor soils and try to enrich the steep hills, they get nothing from the mentioned budget flows for the formally classified productive forestlands, which are a type of forestland they can legally access and be entitled to.

As it has been argued in Section 5.3, for the sake of sound forest protection, there should be explicit regulations to assure forestland for indigenous ethnic minority communities. Currently the Vietnamese legislation on forestland allocation does not clearly point out who should be given priorities. Therefore, in reality, outside enterprises often gain forestland rights instead of local communities. Though the Prime Ministers enacted some decisions regarding supporting productive and residential lands for poor ethnic minority peoples during the 2004-2007 period, only a few provinces have realized this policy through their concrete projects in their own localities. In order to ensure sufficient productive and residential lands as well as livelihood for the people, other provinces should also do this. It is necessary to provide clearly in the legislative framework that local communities have first entitlement to, and confirmation of ancestral lands for the relevant communities. A local community's land rights should be prioritized because local people are the main protectors of forests, and without land allocation and land titles for them, forests will be continuously destroyed. Besides, it will be inappropriate and unfeasible to change the mode of production of the indigenous peoples, or transfer them to industrialized zones. Because living standards of the mountainous ethnic minority peoples are still low, it is reasonable to install

payment for environmental services direct to them rather than any other intermediaries. In order to do this, land rights should be confirmed for local communities, thus people will have more motivations to engage in forest protection and maintain decent lives in agroforestry (Pham, 2012).

In addition to confirming land rights to local communities, sacred forests should be officially recognized and treated as a type of the small-scale special-use forests according to the state classification. The mentioned equality should be designated in terms of budget payment rather than a rigid imposition of the management role of state agencies into the community's sacred forests. In other words, a community's ancestral forestlands and sacred forests should be officially recognized and entitled to the local people; and they should have equal access to budget instalments for forest protection and environmental services on these forestlands. This requirement is reasonable, because, as debated before, communities retain internal strengths in traditional landscape design and protection of forests according to their own beliefs, customary laws and practices of local knowledge. On the basis of spiritual values and voluntary participation, local people can help to ease the state budget deficit and the increasing public debt while ensuring efficiency of forest protection. Whenever people have forestland rights, they are happy to protect their own properties, and there is no need to pay for state forestry agencies or unnecessary intermediary spenders of the budgets. Furthermore, forests are not only essential for survival, but also spaces for cultural preservation and stable social cohesion for most mountainous ethnic minority peoples. Therefore, legal recognition and promotion of sacred forests and spiritual practices can help to meet both material and spiritual needs of the communities. Simultaneously, this process will contribute to achieving the goals of people's

wellbeing and preservation of cultural identities, which have been formally announced by the government.

To meet the demands of the diversified grassroots, the legislative definition of ‘community’ should be revised. Inappropriately, the Law on Forest Protection and Development of 2004 does not list community as one of the seven types of owners of forests (Article 5). However, the law does provide conditions for forestland allotment to communities. In Article 29, it defines community as a village community having common customs and traditional engagement with forests for production, culture, belief; being able to manage forests; and having demands and applications for forest allocation (NAVN, 2004). On the other hand, the Land Law 2013 (Article 5, Clause 3) refers to community as a group of people living in the same village, street quarter or equivalent residential area and sharing common customs and practices or the same family lineage (NAVN, 2013). Because of the disparity in definition between the two mentioned laws, and the term ‘community’ being tied to an administrative unit (village) or family lineage, it cannot cover the diverse forms of social linkages between forestland users who should also be considered as within the term ‘community’. For instance, *Phuong hoi* or mutual supporting groups and herbal medicinal groups in the Hanh Dich commune are capable of strong cooperation for the use and protection of forests, but are excluded from the current legislative terminology of ‘community’. Furthermore, these linkages are not necessarily limited to a village boundary, but can exist across different villages. Therefore, attaching a legal status of village to the term of ‘community’ is one of the limitations. Due to that incongruity, the concept of community should be understood and defined in a broad and flexible manner. The concept of ‘cooperative groups’ according to Decree 151/2007/ND-CP on

Organization and Activities of Cooperation Groups could be used to widen the term ‘community’ to meet the requirements of the reality relating to the potential diversified forms of forestland users. According to the provision in this Decree, a cooperative group is not necessarily a full legal entity. Cooperative groups can be certified by communal authority while having a representative and the ability to conduct civil transactions and bear self-responsibility and legal obligations. In this sense, a wider range of social and cultural linkages should be included under the heading of community and can be seen to be equivalent to cooperative groups and be able to obtain legal rights for forestland entitlement (Pham, 2012).

#### 5.4.2. Law enforcement

So far, the policy on forestland allocation to communities and local peoples has been facing obstacles because most communities cannot fulfil the requirements of the administrative procedures. Communities cannot gather enough resources to afford the costs for procedures required by Circular 38/2007/TT-BNN, which provides guidance for the procedures for allocation and lease of forests to, or withdrawal of forests from, organizations, households, individuals and village communities (MARD, 2007). For instance, it is difficult for an ordinary community to complete an application portfolio while there is nobody in a village with an adequate level of literacy. It is not fair for disadvantaged communities and households to have equal duties to complete cumbersome procedures for land rights, especially with weaker competitive capacity in relation with other powerful and wealthy outside actors. Priorities for obtaining forestland rights should be explicitly given to local people and communities while conducting forestland use planning and socio-economic development plans, which are discussed and

approved by the People's Councils at different levels. Legal rights should be recognized for clans or groups of people who have been stably using and protecting forest areas. This principle will ensure the inherent role of actual forest users or protectors and recognize them as holders of forestland titles. Simultaneously, it will avoid discrepancy and conflicts caused by a current provision that limits 'community' to a village unit. It will also avoid a possibility, in which the village head, who is legally assumed as a community's representative, but plays an insubstantial role for the representation.

In order to assure a community's ability to access forestland rights, it is necessary to revise procedures in forestland allocation according to Joint-circular 07/2011/TTLT/BNNPTNT-BTNMT which provides guidance for combining forest and forestland allocation and lease (MARD & MONRE, 2011). Priority for local communities should be addressed in local forestland zoning while sufficient budget for feasible implementation of land allocation activities should be provided by the local authorities. Rights and obligations of communities through participation in surveys and inventory of the potential allocated forestland should be overtly specified in laws. On the basis of local knowledge and real experiences, local people can work well with technicians to complete a cadastral profile. Involvement of local people in this process will help to solve budget deficit, and simultaneously improve mutual understanding while enhancing capacity in forestland management for the local people and social and cultural approaches to forestland allocation for technicians.



### 5.4.3. Application to the Hanh Dich commune

While the wishes and recommendations of the local people have been presented in Section 4.4.4, this Section expresses the researcher's perspective for the future improvement in the locality. The elders' concern and desires for the recovery of traditional ceremonies does not mean a step backwards, but a progressive step to balance the preservation of local, cultural values with a drastic integration into the wider society. Community events help to bring local people together with officers and outsiders residing in the villages for a better mutual understanding and respect. These events create opportunities for everyone to review previous activities, and set up and revise regulations on community forestland management, which serve better cooperation in the future. From this positive viewpoint, local authorities should support villagers to reorganize spiritual rituals relating to their land and forests whenever they can and according to their aspirations.

To aim at a win-win scenario, a lot of work should be done in a cooperative willingness constructed by both sides: local communities and outsiders. In this perspective, the Pu Hoat Management Board for Nature Reserve (MBNR) should return ancestral forestlands to communities, or at least endorse the people's rights on a sufficient amount of land near their residential areas. This agency can keep managing forestland far away from villagers and encourage active involvement of local people in forest protection on the basis of their own local knowledge and experiences. It is necessary to inform the people transparently of the budget for forest protection and find the most direct way to designate it under the local community's supervision and operation. The Pu Hoat MBNR should play the role as a monitor of forest management and provider of suitable techniques and

information according to the villagers' needs. Similarly, another influential actor, the Que Phong Rubber Enterprise (QPRE) should return ancestral lands to local people and find a suitable cooperation with the villagers on the remaining land under their management. Greedily retaining excessive land at the expense of the dispossessed local people is not a wise way to secure one's future success. The QPRE can opt for an acceptable and democratic approach, which treats local people as joint investors on the basis of their traditional land. Obviously, the mentioned joint investors would reasonably obtain membership and equal rights to decide and share benefits from the cooperative operation. A reasonable collaboration does not solely mean to streamline outsiders' control in terms of budget revenue and profits. Furthermore, through this cooperation, participants can find holistic cultural and environmental benefits, which are fairly shared for the all involved actors.

For the land and forests allocated to communities and households, there are some suggestions for using and protecting the resources in a sustainable way. By combining traditional cultivation and permaculture, TEW and SPERI's research and application of Sloping Agricultural Land Technique (SALT) helps prevent erosion, increases yields by integrating different vegetables, fruit trees and other species on the same plot of land (Vandenhende, 2014, p. 111). This technique is a continuation and promotion of traditional organic farming, which retains added value for the local people's production and improvement of their living environment (ibid, p. 114). A combination between local practices and suitable and adoptable techniques offers a favourable condition to preserve cultural inheritance, such as herbal medicine, organic farming and the operation of *Phuong hoi* or traditional organizations. Notably, this ideal model is newly

constructed, and a lot of further efforts should be contributed from all relevant sides to assure it improves further. In this challenging process, local communities need more opportunities to practice networking, exchanging and sharing ideas, wisdoms and practical knowledge. More confidence and strengthened negotiation skills are necessarily for community representatives to work for a mutual respect and fair share between the communities and outsiders. The local people need to enhance their ability to recognize both positive and negative sides of the free market and to analyse potential opportunities and possible risks brought about by integration and globalization.

## **Chapter 6. Conclusion**

The main argument in this thesis is that the Thai people in the Hanh Dich commune, as well as ethnic minority peoples elsewhere, are the most efficient actors to protect forests and other natural resources on the basis of their own cultural traits and customs. Illustrations of the Thai cultural traits in Section 4.2 point out that local people have been preserving their holistic and unique worldview, beliefs, customary laws, traditional organizations, local knowledge and practices, which are distinguished from lowland people and any other ethnic groups. There is sufficient evidence showing the local villagers' ability to arrange, use and protect land, water and forests in an adaptable and efficient way. In conclusion, on the basis of facts derived from the case of Hanh Dich, it is reasonable to state that local people are the most suitable and effective users and protectors of local resources in a sustainable way. At the same time, they are contributing to the richness of cultural heritages and diversified identities. Nevertheless, as was stated in the Discussion section, this point of view is not an effort to idealize or romanticize what has been happening at the grassroots. To a certain extent, local people need to use land, forests and other resources for their survival, and those are basic human rights that they deserve to enjoy like anyone else. In addition, it is not abnormal to see changes or revision of customs and cultural practices happening in the communities when the people are facing pressures and challenges from outside. However, with regard to these changes, questions should be raised for the government and supporting agencies, who are responsible for facilitating a smooth and voluntary change. In other words, local communities have the rights to decide their own future destiny and are the owners of the changing process. But this statement does not mean to support a separatist

point of view. There is a requirement for a democratic, decentralized and feasible working methodology.

Though a local community's internal values and strengths may be clearly evident, a number of critical issues have been found due to outside factors. As clarified in Section 4.3, most of the powerful outside actors have had impacts on local communities through a top-down approach. The history of administrative arrangement, mapping, and formal land use planning and classification of forests is a process of escalation of the presence and domination of the outside agencies. Simultaneously, local institutions and organizations have been undermined, and the communities are increasingly subordinated and dependent on outside resources. The introduction of cooperatives, the reforms of various state forestry agencies and the expansion of private enterprises in the area have been definitely strange in the eyes of the local people. Those outside organizations have been observed to be accountable upward within the administrative structure rather than to the needs of the local people. In an arrangement of authoritarian patronage and ethnocentric imposition, it is questionable whether vulnerable communities can retain their unique cultural values. In order to contribute to preserving local ethnic cultural identities and wellbeing as announced in the policy of the central government, and simultaneously overcome their shortcomings, outside actors must change their working methodology. To improve cooperation and avoid undesirable conflicts, these agencies need to adopt a democratic decision making process, which allows greater involvement of local people in every activity conducted in the locality. Instead of retaining a chronic relation characterized by a patronage pattern, outside actors should refrain from their aggressive dominance and play a role as collaborators or supporters doing what local people need.

Another critical and influential factor is the outsiders' perception of the realities and inherent tenets of the ethnic minority communities. Most of the lowland majority people, including policy making and law enforcing personnel are influenced by an ethnocentric view, which inappropriately labels ethnic minority peoples as 'backwardness' and 'superstition'. This irrational insult should be openly criticized as one of the violations against human rights and cultural rights. Inadequate perception of the ethnic indigenous people results in an unsuitable attitude, methodological approach and action relating to the relevant people. This logic affects the quality of legislation and law enforcement in the marginalized communities. Without proper understanding of targeted communities, an outside agency will hardly find mutual respect and trust in order to go further for the stimulation of the local values and internal strengths. To aim at a win-win situation, outsiders must renovate their approach and make sure that local voices are well heard and soundly responded to. It is arguable that outsiders should conduct a thorough study of the projected communities before introducing any judgement and interference on them. This principle helps to avoid inappropriate understanding and superficial views, which have been recently rampant in the Vietnamese formal media.

On the one hand, this thesis clarifies indications of local values and strengths, on the other hand, it reflects the concerns and responses of the communities to the outside factors. The way local people think and react to outsiders is one of the key points in this research. For the existence and wellbeing of the communities, it is rational for the people to react, either positively or negatively, depending on the nature of outsiders' impacts. For the top-down approach, people try to escape subtly from negative impacts and make possible efforts to uphold their own

values. This statement has been illustrated in Section 4.4., especially in the case of spontaneous resettlement during the cooperative time, or the recent plantation of indigenous trees to protect ancestral territory against the invasion of the rubber company. Upon the long history of outside interventions, there remains a request for local people's land rights and their security of livelihood. This fact raises a question for the state forestry agencies, which cover excessive forestland areas beyond their management capacity while ignoring the reality, which is that local people have lost their ancestral land and thus, became desperate. In this situation, local people had to change their cultivation practices from traditional rotational fields on steep hills to rely on limited areas of wet rice and intensive crops. A number of youths found a shortage of land and jobs in their home village, therefore moved out of the communities to be employed in industrial zones or services in cities. Nevertheless, the community's intangible changes are no less serious than what can be tangibly observed. Outside interventions, especially appropriation of a community's forestland causes a disconnection between people and their nature. People no longer have the opportunities to practice their ritual ceremonies and maintain their community spirit whenever sacred forests are transformed by outside managers. Upon these gloomy circumstances, some people try to repress their resentment, others overtly criticize the outside subjugators. Understandably, local people require outside agencies to return their ancestral land to the communities. These mental expressions can only be detected by outsiders whenever they obtain a certain level of trust with the local people. Otherwise, as it popularly happens in the mainstream settings, outsiders usually hear difficulties of budget deficit, and sometimes shortage of forestland faced by villagers, and their wishes for more support from the government. However, the

roots of all problems are not necessarily the mentioned outward deficiencies, but visionary and methodological discrepancies.

In contrast to the top-down imposition, with the bottom-up approach, people happily, confidently and actively involve themselves when they see the process is built by them and works for them. Understanding this vital principle, TEW, SPERI and their affiliates have tried to find suitable methods which stimulate greater and more active participation of local communities in all collaborative activities. Methodological approaches of these organizations can be considered as a source of suggestions for alternative working methods in the marginalized communities. One of the requirements for a supportive organization is an initial study of the community's beliefs, customary laws, traditional organizations, local wisdoms and practices, or, in short, cultural values and strengths. This basic step in working with peoples of other cultural backgrounds can provide an accurate understanding, a mutual respect and trust between local communities and outsiders. During the life cycle of a supporting project, local communities are encouraged to involve in setting up development plans and implementation, monitoring, supervision and evaluation of activities in their localities. Networking within and between isolated communities reinforces a process of exchange of ideas and experiences, simultaneously enhancing people's capacity and confidence. Legal land entitlement or forestland rights for communities should be seen as a strategy to make sure of people's security of livelihood and cultural preservation. Yet, land right certificates are not the ultimate goals. Many additional endeavours should be done beyond the advocacy for land allocation to communities. These activities comprise strengthening local capacity in analysing potential outside challenges, setting up strategic planning, traditional or inter-



generation education, organic farming, and negotiating with authorities and enterprises to uphold a community's rights. For the sake of sustainable use and protection of local land and forests, a customary-based approach, in which people are owners of their own evolution, is the best option.

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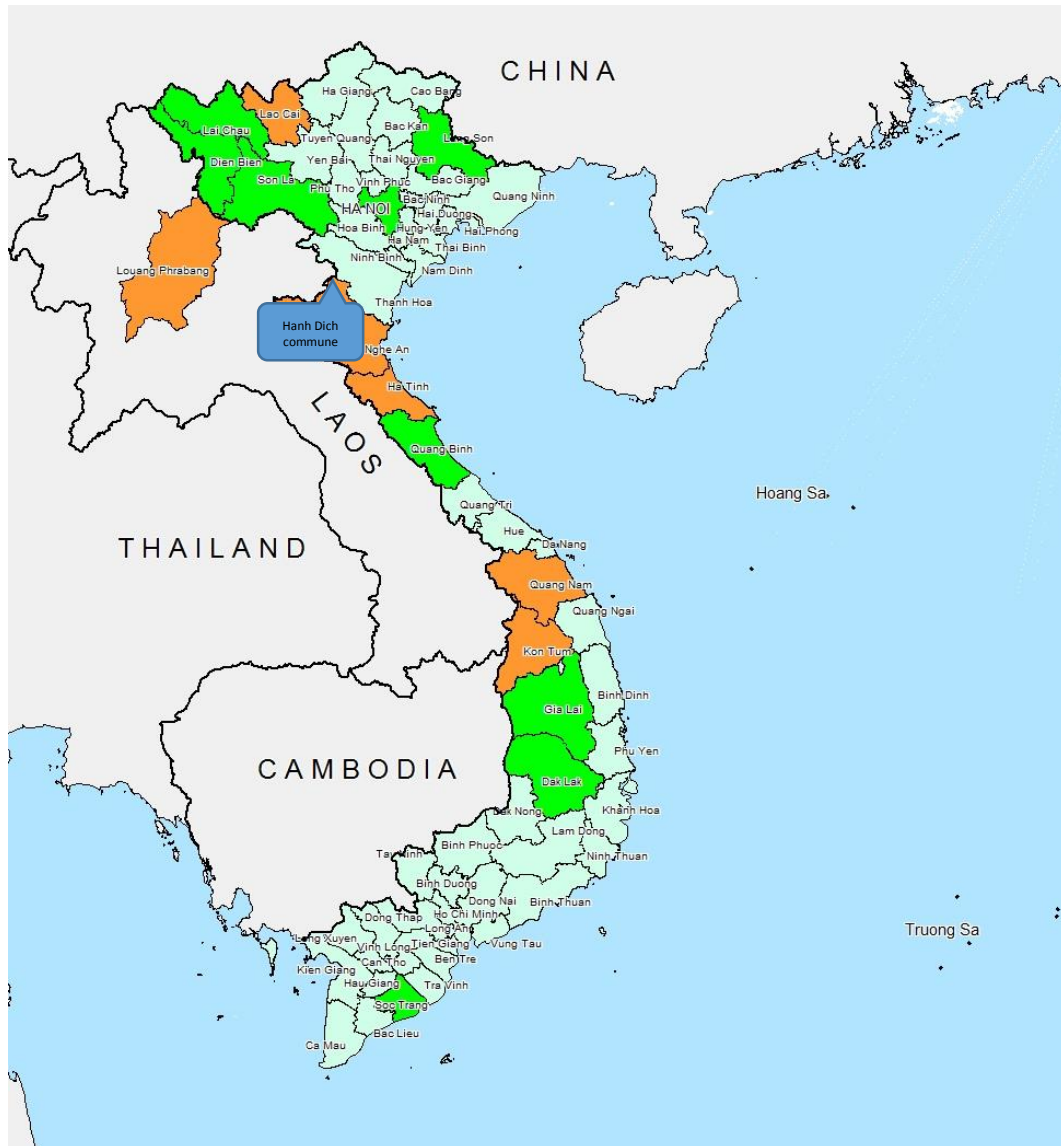
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## Annexes

### *Annex 1. Map of the researched area and project sites of LISO*



(Note: Green and yellow territories are provinces having project sites of LISO)

Source: SPERI website: <http://speri.org/eng/6/Explore/Mekong-Watershed-303.html>. Retrieved 14 November 2014.



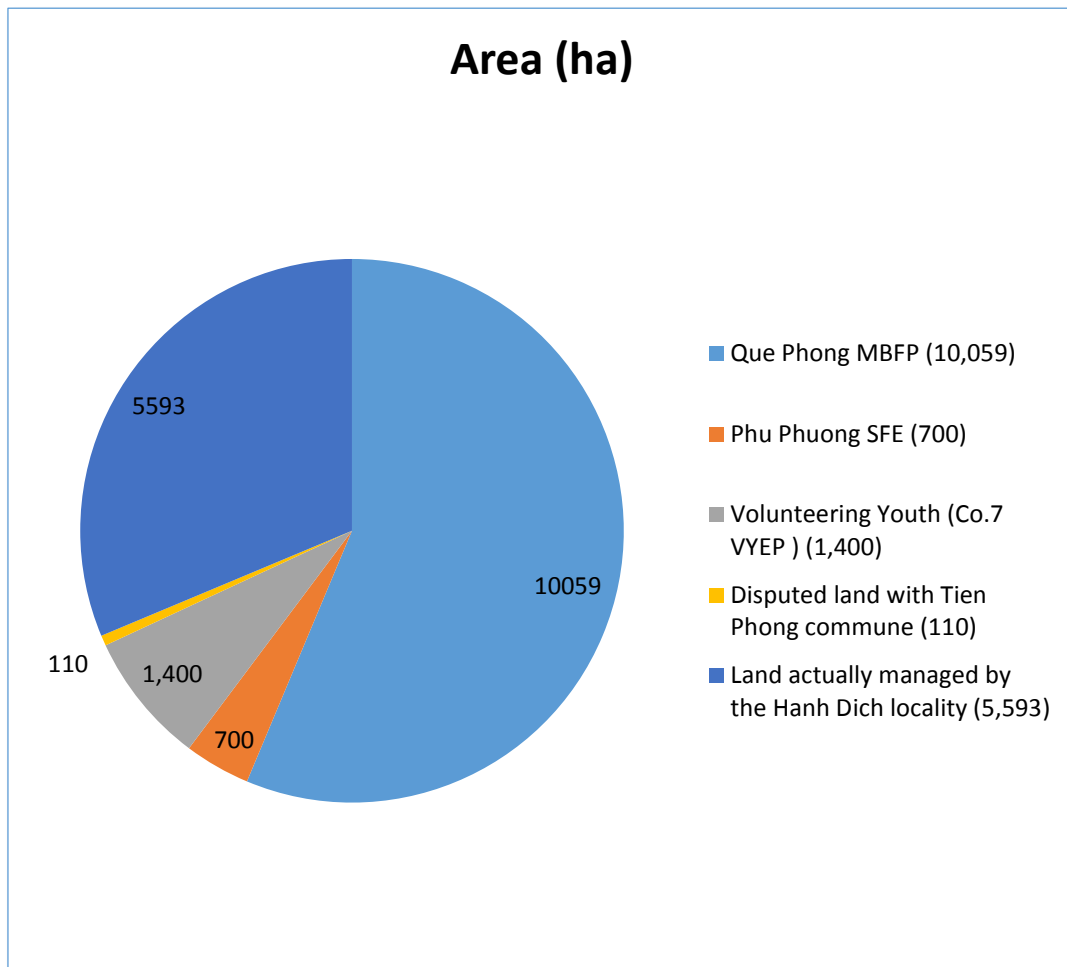
***Annex 2. Useful vocabularies of the Thai language in Hanh Dich commune***

(Synchronized from local informants' explanations)

<b>Thai words</b>	<b>Meaning</b>
<i>Ban</i> (Bản)	Village
Châu Đĩa	Land deity
Châu năm	Holder and worshipper of community ceremonies, especially <i>Te san</i>
Cỏ Hạng mạy sậy	The first herb collected for a prescription, where the herb collector should offer a coin, betel and areca to worship herbal deities
<i>Doong</i> (Đông)	Spiritual forests or traditional cemetery
<i>Ho pan tong</i> (Họ Pàn Tông)	A lineage tie within 5 generations
<i>Khau mau</i> (Khẩu máu)	New crop ceremony held in September by each family or group of families
<i>Khoan</i> (Khoán)	Leader of mutual-help groups
<i>Lak sua</i> (Lắc xua)	A fixed stake with attached clothes of the heads of families, a symbol of the establishment of <i>ban</i> and <i>muong</i>
Mo Đuống	Worshipper for funeral ritual services
Mo tạy	Worshipper for <i>Phí tạy</i> or the mythical high rank spirit
Mo sến	Worshipper for several services, except funeral rituals
Mo sớ	Worshipper for new house celebration or for good souls
Mo Hạng mạy	Healer using herbal medicine
<i>Muong</i> (Mường)	A vicinity beyond <i>ban</i> (village), also refers to a country or a district

Mường Bọc Đai	The living place of very short creatures eating soils underground
Mường Đin, Mường Lùm or Mường Piềng	The habitat for the substantial, tangible existence of human beings and physical objects together with various intangible <i>Phi huon</i> (spirits of ancestors) and the souls of different creatures on earth
Mường Phạ or Mường Bồn	The residing spaces for spirits, spirits of the deceased members of different clans, ghosts and nomadic spirits
<i>Nau</i> (Nậu)	Traditional head of a village
Ông Khoán	A leader of mutual-help groups who sometimes functioned as a governing officer before 1945
Ông Năm Sần	A worshipper serving community ritual ceremonies
Phải Hạng mạy	Medicinal herbs
Phí tạy	The mythical highly ranked spirit
Piềng lâu	Sacred forests
<i>San</i> (Sần)	Place for worshipping deities
<i>Te san</i> (Tê sần)	A community ritual ceremony held at the beginning of a crop, often in February. People worship for well-grown rice and good crops
<i>Then</i> (Thên)	An imagined paradise-like space for spirits of ancestors of a clan
Thên Na or Thên Luông	An imagined heaven for the highest spirits of the Thai ancestors originating from Sibsongpanna (or Xishuangbanna) in Yunnan, China

*Annex 3. Land use situation in the Hanh Dich commune (2002)*



**Source:** Le & Pham (2003); Pham (2012).

**Annex 4. Actor analysis for the TEW land allocation in 2003**

<b>Stakeholder</b>	<b>Needs</b>	<b>Concerns</b>	<b>Approach</b>	<b>Outcomes</b>	<b>Impacts</b>
The Thai people in the Hanh Dich commune	Security of livelihoods Right to protect and develop land and forests Sacred and communal forests are respected	Rights to land and forest use and management Products from the forests Land use planning in the village and commune Land and forests for the young generation	To apply customary law in land and forest management Self-determine and self-arrange the social relations based on the customary law	Subsistence economy Customary law is maintained and strengthened. Local people are happy because their forests are protected and preserved.	Physical and spiritual life is secured Young generation has land to cultivate The community solidarity is strengthened The structure and identity of community is respected
The Phu Phuong SFE (which was reformed and replaced by the Que Phong MBPF)	To create and maintain jobs To protect and exploit the forests according to their plan.	To exploit forests to satisfy higher authorities' demands	Based on decisions of the Ministry of Agriculture and the provincial authorities To seek for chance of every support available	Big amount of timber extracted Gain state budget and profits Land of local people is grabbed	Forest has been degraded Soil is eroded Conflict between local people and state forestry agencies Negative impacts on the livelihood of local people
The Youth Assault Association	Jobs for youths To exploit and maximize the capacity of land To apply new	To have as much land as possible To find possibilities for investment	Based on Decision of Provincial authorities Based on their project	Scheme to use 10,000 ha including 5,860 ha of Hanh Dich To have an additional 150	Local people do not have land to cultivate The local people are

Stakeholder	Needs	Concerns	Approach	Outcomes	Impacts
	technologies to tea production	Profits and benefits		ha of fertile land	not satisfied
The Que Phong district authorities	To implement the provincial guidelines Forests and land have been allocated according to plan	Forests are protected Poverty elimination Right of farmers to stabilize their lives	To obtain provincial authority's permission to make invalid the results of the land allocation based on Decree 02/CP	The forest owners/managers are not clearly clarified No clear and secured borders Conflicts still exist	Forest is still being cut down Land and forest have been used inefficiently Increasing poverty for local people Cultural identity has been influenced
The Nghe An provincial authorities	To implement the policies of the government in time To report the progress of implementation	Forest is protected Poverty is eliminated	Implement Decree 163/1999/N D-CP with consent from the General Department of Land	A set of bureaucratic documentation and maps Overlapping of land and borders between households and villages	Bio-diversity of forests is not well protected Degradation of natural resources
TEW	To have lessons that can be learnt from the local people after the land and forest allocation program To have chances to work and learn from the local people	Natural resources and rights of local people are protected Activeness and self-determination to the community business The capacity of local authorities is strengthened	To support the land and forest allocation program in Hanh Dich To strengthen the capacity of TEW staff through the land and forest allocation program	To have the data for further research and study To have relevant recommendations	To have the lessons that can be learnt for other regions and localities

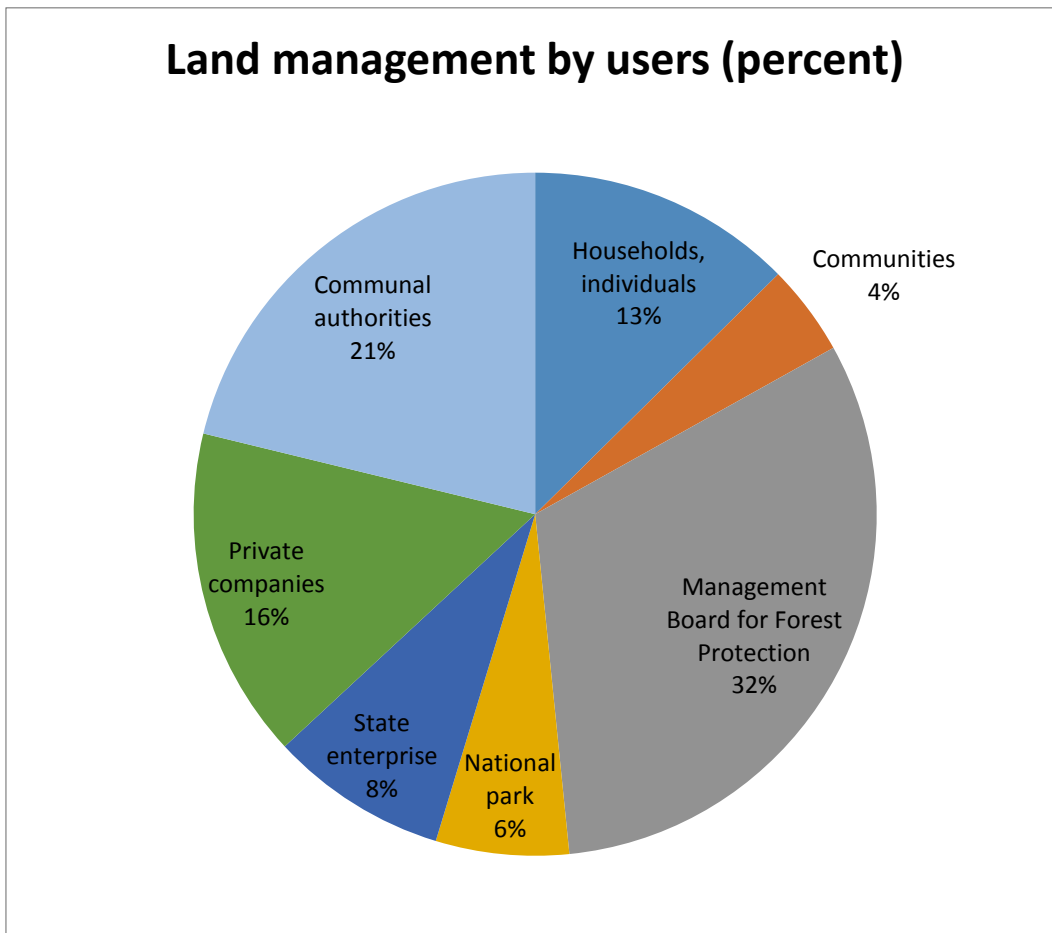
Source: Le & Pham, 2003.

***Annex 5. The results of land and forest allocation in the Hanh  
Dich commune in 2003***

<b>Nr.</b>	<b>Villages</b>	<b>The area of allocated forest (ha)</b>	<b>Number of households</b>	<b>Number of organizations</b>	<b>Notes (organizations granted land certificates)</b>	
1.	0	Chieng	120	1	5	Youth, Women, Farmers, Veterans
2.		Pa Kim	45	1	2	Women, Farmers
3.		Cham	130	49	2	
4.		Pa Co	120	42	2	Women, Farmers
5.		Pom Om	500	50	2	
6.		Khom	330	28	1	Women
7.		Cham Put	450	26	2	Women, Youth.
8.		Mut	450	39	1	Women
9.		Coong	540	56	1	Women
10.		Nasai	650	69	1	Women
11.		Army Border Guard Station	25		1	Army Border Guard Station
		<b>Total</b>	<b>3,360</b>	<b>361</b>	<b>20</b>	

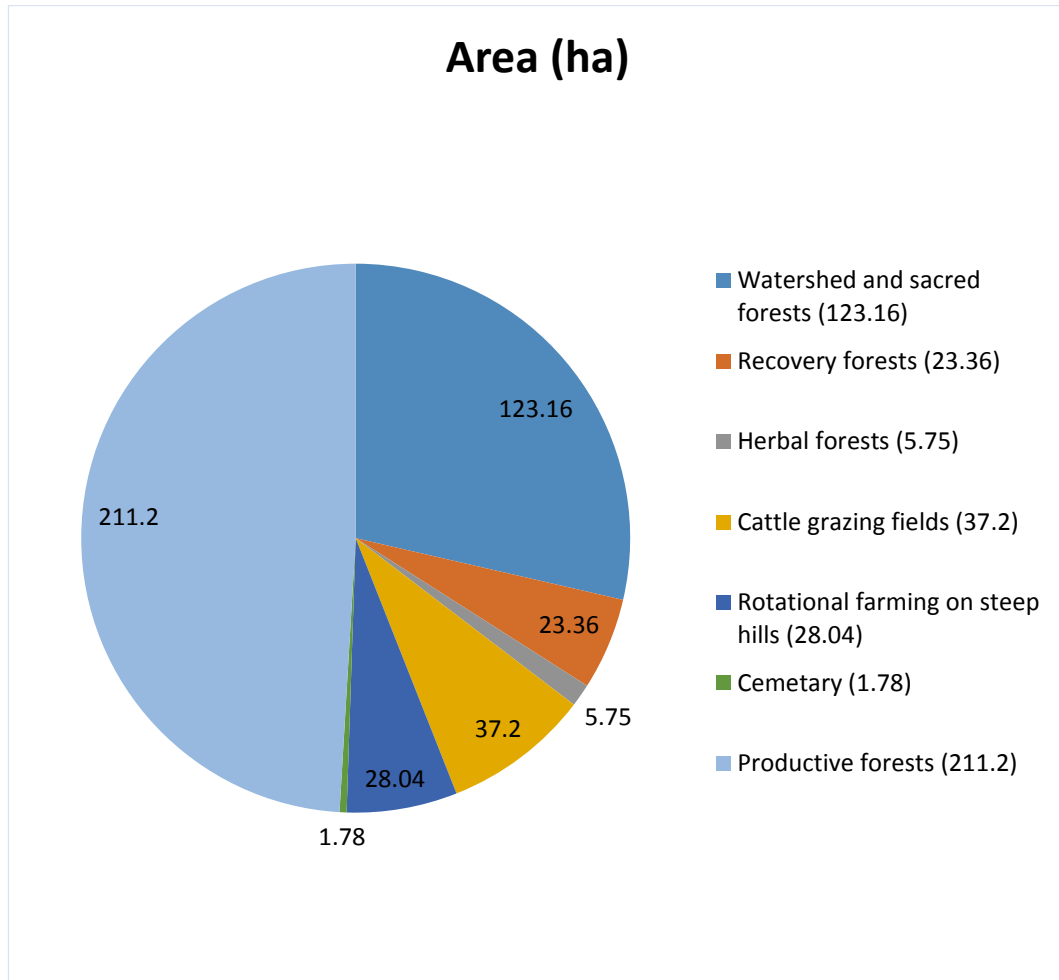
**Source:** TEW, 2003.

*Annex 6. Land use situation in the Que Phong district (2012)*



**Source:** Pham (2012).

*Annex 7. Forestland classification by the community of the Pom Om village (2012)*



**Source:** Pham (2012).