

REVIVING COMMUNITY MANAGEMENT OF LAND IN CENTRAL HIGHLAND VILLAGES OF VIETNAM :

An Old Model in A New Context

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Abstract. The land question has never been as pressing in the history of the Central Highlands as today. Land loss, land conflicts, and lack of land have become increasingly frequent problems over the past two decades. The problems around land have contributed to larger economic, social, and environmental problems affecting the Central Highlands, primarily poverty, social differentiation, deforestation, and environmental degradation. At the same time, they have been due to a combination of multiple causes. This paper highlights the mismatch between land policy and traditional land tenure as a primary cause of the land problem in the Central Highlands. While Vietnamese land policy promotes individual ownership of land, indigenous people in the Central Highlands have maintained a tradition of communal ownership. The mismatch calls for action to adjust land policy to match with local traditions in the Central Highlands, in particular to recognize and reviving community management of land. However, it is also clear that attempts to promote communal ownership need to consider the difference between contemporary and historical contexts. Above all, the role of communities in land management has to be set in relation to the role of the state. Other changes affecting the potential role of communities in land management include migration, the geographical inter-mingling of different ethnic groups, and the broader development trends of different regions and ethnic groups.

Keywords: Indigenous People, Central Highland, Community Management of Land, Communal Ownership, Land Policy.

Land is the most important means of production of farmers in all areas, particularly those in the ethnic minority and mountainous areas where commodity production and business are less developed. For this region, land is always a sensitive issue and the origin of many social problems. Experiences in Vietnam and world's history show that many social revolutions and social disputes took place because of land problems and to settle land disputes.

History of the ethnic groups in the Central Highlands and in Vietnam in general shows that never before have land problems been so fierce and critical as they are now. The problems include the shortage of land or future shortage of land; land disputes between individuals and collectives and between individuals themselves; land sales and purchase leading to some people who have been used to live in urban areas to have more land, particularly fertile land; and the unsustainable management and use of land. The reasons for these are because of the traditional societies (before 1945) and even before 1975 when land area was vast while the population was small, thus shifting cultivable land was large. Only when the policy of nationalization of land and collectivization was

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introduced, population pressure and impacts of the market economy increased, land problems became critical to the ethnic groups in the region.

From research projects conducted on land in the Central Highlands, a question has been raised, “What is the real land problem in the Central Highlands? And how can local ethnic groups in the Central Highlands keep land in the market economy and in the situation of uncontrolled free migration? Of the different measures to be proposed, we would like to review community management to seek a solution from the old model to be applied to the new situation.

1. Community Ownership - Long Tradition of Local Ethnic Groups in Central Highlands

Looking back to the development history of ethnic groups in the Central Highlands, what was typical was community ownership, a popular tradition of the ethnic groups in the region. This type of land ownership long existed before the private ownership of land. It was not only found in Vietnam but other parts of the world. In the rural areas of the Viet before 1945, of the 3,653 communes in the North, community-owned and mixed community/private land accounted for 25 percent of the total cultivable land area (Nguyen Tu Chi, 1996: p.179).

For local ethnic groups in the Central Highlands, land under community management was very popular. Community land was understood as land of villages or land of family clans (as in the Lat group of the K’hor ethnic group – Vu Dinh Loi, Bui Minh Dao, Vu Thi Hong, 2000: p.45).

Land under community management included several types in the Central Highlands: shifting cultivable land, forest, wet rice fields, rivers and streams. Depending on natural conditions and social stratification of each ethnic group and each area that the role of community management was played to each type of land mentioned above. Community ownership rights over land of the villages were often demonstrated through the following aspects:

- The community had strong control rights, such as in defining residential area, cultivating area, cemetery and the right to punish acts of violations of community regulations.
- Individuals only had the right to use land, inherit land and exploit natural products but no right to transfer or sell land to outsiders.

To exercise the control rights of the community, land boundaries were clearly defined. Those boundaries were delineated based on natural conditions such as streams, rivers, mountains, big perennial trees, stone slabs etc. But the most important thing was that all community members were reminded regularly about such boundaries and had high sense of responsibility to safeguard their community land. For many ethnic groups, the delineation of land boundaries was often accompanied with religious ceremonies and vows, thus further enhancing the sense of responsibility toward the territories where they were born.

To show farmland ownership, each ethnic group had its own signals and marks (making a cut or carving on big trees, making a bundle of tree branches, clearing a small

plot of land etc.). But their similarity was the respect to the signals made by anyone. Customary laws as well as the general public of the ethnic groups did not accept any acts of violation. According to regulations of some ethnic groups, for land transfer and land exchange (mainly wet fields) of the villagers, offering ceremonies to the Earth Genie had to be organized. In particular, when changing the owner of land, the buyer and the seller were expected to invite some villagers to attend the ceremony as witnesses. Participating to such ceremony to transfer the land ownership were the village elders, middle-age people and children. The elders were there to prove the history and background of that plot of land, the middle aged people witnessed the new owner of that plot of land and children were present to be witnesses in the future, when other generations no longer existed (Vu Dinh Loi, Bui Minh Dao, Vu Thi Hong, 2000: p.52).

For the community land, individuals were not allowed to own or exploit in certain areas such as upstream watershed forests, sacred forests, ghost forests, cemeteries etc.

The village chief, the village elderly council and heads of family clans often represented the community ownership. In some ethnic groups such as the Ede, the village chief also had special entitlement to natural resources. For example, only the village chief was entitled to collect honey from the *ktong kian* – a plant species where bees often build their hives.

In short, land and natural resources under community ownership were very diverse and individuals are only entitled to occupy and transfer. Selling and buying land were only allowed within the community. Among the types of land and natural resources mentioned above, community management was at different levels:

- Land and natural resources belonging to the community were inalienable to individuals (such as protected forests, water shed forests, sacred forests, cemeteries etc.).
- Land was allotted by the community to individuals for use and on the contrary, with the individuals being responsible before the community.
- Land and natural resources were under community control but were exploited and occupied by individuals. In this case the community only intervened in individual occupation right when there was a transfer or a purchase.

In traditional societies, besides the community ownership of land, there also existed mixed forms of land ownership, combining community and private elements. The characteristic of this type of land was rather complicated as its ownership was not clear, that means there is an overlapping between community and private ownership. This type of land includes self-reclaimed land of some ethnic groups such as the Ede and the Jrai. The owners of the plots of reclaimed land have the right to inherit and even sell them but only to members of the family clan or village. So, the community still had certain control rights over the land of its members.

Besides farmland, other natural resources such as forests, rivers, streams, water resources etc. were also under community ownership. The outsiders who came for fishing, hunting, gathering in the village had to inform the village chief or the land owners. The confirmation of community ownership was also expressed through the fact

that outsiders coming to exploit natural resources within the territory of the village had to present part of the products they collected to the village.

It is noted that to manage land and natural resources, under both community or mixed forms of ownership, ethnic groups in the Central Highlands had to rely on community. There, all community members joined hands and were responsible to observe the customary law. They reminded each other and supervised each other in the enforcement of the customary laws. The one who played the largest role in the community was the village chief, the village elderly council, heads of family clans who were highly prestigious and represented the interests of the community. The main management method favored education, educating community members to voluntarily observe the customary laws. Penalties were only to deter others and they were rarely applied.

2. Impacts of Feudal, Imperialist Institutions on Community Ownership of Local Ethnic Groups

Starting from the 16th century, the Nguyen Lords in the South influenced and exerted great impacts on the ethnic groups in this region, particularly in the present day Central Highlands. However, like the feudal regimes in the North, initially, the Nguyen Lords did not have a clear policy on land and impacts on the traditional land ownership in the region. They only collected tax in kind. Historical books show that during the harvesting period, “the King drove a horse to collect taxes. He collected even a bronze pot, a sugar cane, a piece of white cloth, a bunch of bananas depending on what the locals had, without recording them, then left for other area...” Later on, the Nguyen Lords also collected taxes in the mountainous areas but it was in fact the locals’ offerings of their products such as beeswax, honey, sticky rice, elephant, bronze gongs, flint, jute barks, rattans, gold, silver etc. In 1769, the Nguyen Lord collected 15,190 *quan* (hundred former coins) of tax in gold, accounting for 18 % of the total additional tax collected (Li Tana, 1999: p. 161). In some areas such as Khang Loc district, besides offering products (cash could replace kind), the Nguyen Lord forced the Man (ethnic minorities) register the number of village young men and pay yearly poll tax. For example, An Dai *nguon* (an administrative unit) in Khang Loc district, had to pay 34 *quan* in tax a year besides four blocks of beeswax, 41 jars of honey, 87 jars of *kho lo* ... (Le Quy Don, 1964: p. 209).

After the Nguyen Dynasty was established (1802), the central administration strengthened its control over land through land taxes. The system of land taxes of the Nguyen was rather complicated. Under the Gia Long regime, the country was divided into four regions to levy taxes on communal land of villages and communes and private land. Based on the division, the ethnic minorities in the northern mountainous areas belonged to Region III, the Cham and other ethnic groups in the mountainous areas in the central part and Central Highlands belonged to Region I and the Khmer ethnic group belonged to Region VI. Taxes were only levied on wet fields which were classified into Grade 1, 2 and 3. Fields in Region VI paid heaviest tax (communal fields – grade 1 = 188 *thang* of rice paddy/ year; grade 2: 182 *thang* of rice paddy/ year). Fields in Region III paid lowest tax (Communal fields – grade 2: 42 bowls of rice paddy/ year, private fields – grade 1: 20 bowls of rice paddy/ year). Under the Tu Duc regime, not only rice fields but other types of land such as gardens (grown betel and areca, coconut trees, pepper and bamboo etc.), vegetable, sweet potatoes and salt making ground had to pay tax (Truong

Huu Quynh, Do Bang, 1997: pp. 134-140). So, in the mountainous areas and the Central Highlands, the Nguyen Dynasty only closely controlled over wet fields. For other natural resources it just followed the previous policies.

In 1858, the French colonialists officially invaded Vietnam. Since then they have pursued policies toward land in the ethnic minority areas, particularly the highlands. The largest line of the French was to try to occupy land of the Vietnamese people to set up plantations, particularly at the end of the 19th and early 20th century. According to some statistics, from the start of French invasion to 1900, the French colonialists occupied 310,076 ha of land in Vietnam (Truong Huu Quynh, Do Bang, 1997: pp.178-184).

For ethnic groups in the southern provinces, the impacts of the imperialists continued until 1975. In the Central Highlands – the important strategic position where many ethnic groups inhabited, the imperialist domination and local administrations have tried on many occasions to set up their rules including land ownership in the region. However, finally both the pro-French and the pro-US forces still followed the policy of Sabatier – a French representative in Dak Lak province in 1913 that is "the Thuong land belongs to the Thuong" ('Thuong' is a term that was commonly used to refer to ethnic people). In 1951, the head of State, Bao Dai, promulgated a separate regulation for the ethnic minority groups in the southern highlands including a provision on land administration. Under this regulation, the rights of the land owner (the *po lan*) were respected. When dealing with land rental, land buying and selling, of the ethnic minorities, the authorities had to consult the tribal head and respected the local traditions and customs of the local ethnic groups.

However, the French colonialists still expanded its land occupation in the Central Highlands by establishing plantations of cash crops such as coffee, tea, rubber trees etc. For example, in Dak Lak alone, by 1945, total area under coffee and rubber trees of the French was 98,000 ha. Most of these plantations were set up along highways or in the suburb areas. The French were successful in occupying land in the Central Highlands because they understood well the local customs and traditions, the community ownership of land, the role of the village chief and land lords and the council of village elders. They took the advantage of the local customs to peacefully occupy land without any disputes with local ethnic groups.

After Bao Dai was overthrown, the pro-US administration in southern Vietnam also implemented some land policies in the Central Highlands. Under the Ngo Dinh Diem regime, some important decrees on land in this region were promulgated, eliminating the right to community land ownership and enforcing the common national land law. Under taxation policy, the French owners of plantations were forced to sell off their plantations. The Ngo Dinh Diem regime also created favorable conditions for its pro-forces to occupy land to set up new plantations. Such policies were strongly reacted by the ethnic groups through a number of uprisings against the Ngo Dinh Diem regime.

Drawing the lesson from the defeat of the Diem regime, President Nguyen Van Thieu when took power advocated the control of land and ethnic groups in the Central Highlands through demagogic policies. In 1967, Thieu announced "Special Regulation on ethnic minorities" defining that their rights to land ownership were respected and that each household could privately own a minimum of 10 *mau* of land for rotating cultivation

and no limit on residential land area. So, under this regulation, on the one hand the Nguyen Van Thieu Administration respected the community land ownership in the ethnic minority areas and on the other, it created opportunities for the development of private land ownership. For this reason, in the Central Highlands there have appeared some landlords who were local natives. However, although having great impacts of the old and neo colonialists, by 1975, there had no major changes in land administration in the Central Highlands. The area of land being grabbed was no more than 10 percent of the total land area. Forest land was under community administration according to their traditional forms (Vu Dinh Loi, Bui Minh Dao, Vu Thi Hong, 2000: pp. 62-72).

3. Impacts of Two Trends: Centralization and Decentralization on Land Ownership and Land Use of Vietnamese State

Reviewing the land policies of the State of the Socialist Republic of Vietnam, from 1945 to 1993 when the new land law was promulgated, it is noted that there have been two main characteristics: *centralization* and *decentralization*.

The *centralization of land* under State ownership and collective ownership was initiated since 1930 in the Political Program of the Communist Party of Vietnam. In the spirit of the Political Program, the road of the Vietnamese revolution is to complete the national democratic revolution and advance to the socialist revolution. One of the key tasks to implement this line is the settlement of the land issue, first of all to ensure “land to the tiller”. This means to wrest back land from the feudalists, colonialists, landlords to give to the poor. Moreover, right after the completion of the national democratic revolution, Vietnam has defined its advancement toward socialist construction and the natural trend is the nationalization of land.

Looking back to the period from 1945 to 1986 (the period before renovation), most of Vietnam’s land policies followed the above-mentioned line, whether in the plain or in the mountainous areas, in the majority or in the minority areas.

For the ethnic minorities in South Vietnam, including those in the Central Highlands, the land policies and land law of the State of the Socialist Republic of Vietnam were only enforced strongly after 1975 when the country was completely liberated and reunified. In the Central Highlands the State first of all announced the nationalization of tea, coffee and rubber plantations in the three provinces of Gia Lai-Kon Tum (former), Dak Lak and Lam Dong. It was followed by other steps as already taken in North Vietnam and policies relating to land were undertaken but with larger scale and higher tempo with the following key targets:

- Development of State-owned farms and forestry enterprises.
- Resettlement of people from the plains to build new economic zones
- Establishment of production collectives and implementation of resettlement to sedentary farming of ethnic minorities.

Development of State-owned farms and forestry enterprises has been a major line of the State to tap the potential of land and forests in the Central Highlands . By 1988, in the two provinces of Dak Lak and Gia Lai-Kon Tum alone, 79 State-owned farms and 83 central forestry enterprises and many provincial and district farms and forestry

enterprises had been set up managing more than 3 million ha of forest land, accounting for 70 percent of the forest area of the two provinces. By 1988, the number of people resettled in new economic zones in the three Central Highlands provinces was 710,000 of which 450,000 resettled in the period from 1976 –1980, 260,000 in the period 1981-1988. Except those who returned to their native villages, the number of people resettled in the Central Highlands is 575,000. For the ethnic minorities, production collectives, similar to agricultural cooperatives in the North, were set up along side with fixed resettlement to sedentary farming. After 13 years of implementation of the Policy of resettlement to sedentary farming (1976 -1988), 60,000 people from the local ethnic groups have been resettled to sedentary farming, or 70 percent of the planned target (Vu Dinh Loi, Bui Minh Dao, Vu Thi Hong. 2000: pp. 123-132).

The implementation of land policies after 1975 in the Central Highlands has exerted great impacts on the community ownership of land of the ethnic minority groups in the region.

On *positive impacts*: in many areas, particularly those close to the provincial and district towns, along highways and main roads, the area under shifting cultivation reduced while the area under wet rice cultivation and cash crops increased. Sedentary farming techniques and intensive farming techniques have been introduced, replacing shifting cultivation and expansion cultivation. The restructuring of crops and animal breeds toward commodity production has been underway. The coefficient of land use has increased remarkably. In short, the traditional ways of land use, mainly shifting cultivation have been gradually replaced. Therefore the living standards of a section of local population has been stable.

On *negative impacts*: the establishment of many State-owned farms and forestry enterprises covering a large area of land and the mass resettlement of people from the plains in new economic zones, the establishment of state ownership of land and the rigid application of models from other parts in the resettlement to sedentary farming have upset the traditional ownership and use of land of the local ethnic minority groups in the Central Highlands. The locals felt they lost their rights over the land where their parents and ancestors had lived for many generations. The selling and buying of land and land disputes between the locals and the re-settlers have occurred, leading to the lack of land for cultivation of local households. Like in the Northern mountainous areas, the danger of returning to nomadic life and shifting cultivation within the region because of shortages of farmland of some villages which had already settled down to sedentary farming started. These factors have also affected the ethnic relationship, particularly the relations between the majority Kinh and the ethnic minorities.

The administration and use of agricultural land under the mechanism of bureaucratic centralism and State subsidies in the past did not fully tap the labor potential of the working people. This is the main cause of low labor productivity and chronic hunger in both the plain and mountainous areas. For this reason, the Doi Moi (Renovation) process was initiated (1986) starting with a number of land reforms including the Party Resolution 10 on piece work system in agricultural production, the 1993 Land Law and the 1998 Land Law and amendments and supplements to the Land Law in 1998 and other under law documents. The key of land reforms is the *decentralization* of land administration and land use of the State. From high

concentration of land administration, the State has officially admitted and decentralize land administration and land use to *individuals, family households and mass organizations*. This is the way undertaken in certain periods by not only socialist countries like China and Vietnam but also in many other countries in Asia, Europe and Latin America. Those policies, on the one hand inherited certain factors of traditional land use that is to grant the *rights to land use to farmers*, and on the other strengthens the *State control over land*. The State control is through the granting of *Land use right certificate* (Red Book) and tax payment of land users. In the history of the highlands in Vietnam as well as in the Central Highlands, never before have land control policies been as strict as today. In the period before 1986, the State had nationalized land. In each area, agricultural cooperatives and collectives represented the State in administering the local land area. However, in the mechanism of bureaucratic centralism and State subsidies, such administration depended on the responsibility and capacity of agricultural cooperative management, therefore, in some places and sometime land particularly forest and forest land have been without owners. Moreover, the State could not fully control forests and forestland.

However, in the spirit of the 1993 Land Law, community ownership of land was not acknowledged. In the period prior to 1986, due to the fact that agricultural cooperatives and production collectives were in place for sometime and then dissolved and re-set up, an in some places there did not exist such models, therefore in some areas in the Central Highlands, particularly remote areas, the use of land still followed the traditional way. Up to now, such way of land use no longer exists as land has been allotted to family households, individuals and organizations. The term “organizations” here as defined by Article 1 of the Land Law are “economic organizations, army units, State agencies, political and social organizations” (Land Law. 1994: p. 6). So, these “organizations” are administrative not community.

During the process of implementation of the Party Resolution 10 on contractual quota in agricultural production, the 1993 Land Law has exerted great impacts on many aspects of the economic and social lives in the ethnic minority areas. First, the area under agricultural production increased remarkably over the past years. For example, in Dak Lak province, in 1976, the area under agriculture was only 92,722 ha and in 2000, the figure rose to 524,908 ha (Tran Ngoc Thanh: 2001). By now, most of the lowland and valleys where wet rice is cultivated, the rice yield has increased. In the Central Highlands where the area under wet rice intensive farming is small, rice output has been increasing: 650,000 tons in 1995, the figure doubled in 1986; and reaching 850,000 tons in 1997. The main reason for this success is farmers have been granted the land use rights.

Besides positive impacts, there have also been negative impacts. However the negative impacts mentioned below are not only the effect of land policies but also other factors, particularly migration (both planned and free migration). In the Truong Son - Tay Nguyen (Central Highlands) region, in the first half of the 20th century, the number of the Kinh people there was very small. In 1960, the population of Tay Nguyen (the Central Highlands) was only 600,000 people. By 1976, that is only 16 years later, the population in the region doubled with 1,225,914 persons. In 1985, the population there reached 2,013,900, that is nearly double the population 9 years ago. The main reason for the rapid population growth in the Central Highlands is migration (mostly the Kinh) under the

State plan to build new economic zones and State-owned farms and forestry enterprises; and also free migration. Take an example in the province of Dak Lak. In 1921, there were only 5 French, and 20 Kinh who lived in the province. In 1943, the population of the province was 80,000 including 199 French and 4,000 Kinh people and the rest are local ethnic minority people. In 1976 the province's population was 350,000, the Kinh accounted for half. By 1995, the population of Dak Lak province reached 1.3 million (Jamieson, 1996: p.8). Comparing the population of local ethnic groups and that of the free migrants, it is noted that by April 2001, the population of local ethnic groups was 317,176, accounting for 17 % of the province's population, while the population of free migrants after 25 years resettling in the region (1976 - 2001) was 317,899, accounting for nearly 20 % of the province's population (Department of Agriculture and Rural Development, Dak Lak province: 2001). Free migration has not yet been controlled until today. More seriously still is that in some localities, the administrative system (at village level) has not yet been set up to administer free migrants. Therefore free migration and forest destruction continues. For example, in Ea Po commune, Cu Jut district, Dak Lak province, there are more 200 households of free migrants (most of them come from the northern mountainous areas). Many households have resettled here for 10 years but by May 2001, the village and commune administrative system had not yet been set up. These residential areas are still called "Cluster 478" (Field data: 2001).

This situation led to increasing land disputes and land occupations. In the Central Highlands, from 1990 - 1998, more than 2,500 land disputes had been recorded and submitted to relevant authorities for settlement (Vu Dinh Loi, Bui Minh Dao, Vu Thi Hong. 2000: p. 157). In the province of Dak Lak alone, in recent years, of the 117 land disputes, 39 involved local ethnic minorities (Vu Ngoc Kich, Nguyen Thi Phuong Hoa... 2000). Due to the development of coffee plantation, and free migration the purchase of land of the ethnic minorities has been popular. In Dak Lak province in 1996, the price of land in some areas rose to VND 40-50 million / ha. Also in this province, in some villages of the local ethnic groups, some 20 cases of land sales have been recorded (Vu Dinh Loi, Bui Minh Dao, Vu Thi Hong. 2000: p. 154). In Ea Nuol commune, Buon Don district in the same province, by 1999, more than 100 ha of land of the Ede, and Mnong ethnic groups were sold to the Kinh from Buon Me Thuot provincial town (Bui The Cuong and Vuong Xuan Tinh. 2000).

Although the State has cut down the land area of State farms and forestry enterprises and returned it to the locals, in some areas in the Central Highlands, the area of land under State farms and forestry enterprises' management remains large. In the three provinces of Dak Lak, Gia Lai and Kon Tum, 88 forestry enterprises and 57 State farms still administer 1,950,000 ha of forests and forest land, accounting for 44 % of the total natural area of the three provinces (a decrease of 26 % compared to before 1986).

Population growth (natural growth and mechanical growth) leads to the consequences of shortages of farmland in many areas and many ethnic minority households. Of the provinces in the Central Highlands, Dak Lak suffers more land shortages. In 1997, a survey conducted in 29 communes and 81 villages of the local ethnic groups (In Region III – the poorest region), shows that only 7 of the 29 communes and 15 of the 81 villages have enough land for cultivation; 9 of the 29 communes and 17 of the 81 villages lack one third of the needed farmland; 6 of the 29 communes and 28 of

the 81 villages lack half of the needed farmland; 7 of the 29 communes and 21 of the 81 villages lack three fourths of the needed farmland (Vu Dinh Loi, Bui Minh Dao, Vu Thi Hong. 2000: p. 163). According to a recent review of the Provincial Department of Agriculture and Rural Development on farmland of the local ethnic minority groups (Ede, Mnong, Jrai etc, in 1990, their total stable area of farmland was 43,956 ha, an average of 1.03 ha for a household and 0.16 ha for a person; the respective figures for 1995 were 46,500 ha, 0.91 ha và 0.16 ha; and for 2000 were 55,008 ha, 0.94 ha và 0.16 ha. Households having less than 1 ha are considered suffering shortage of farmland. In 1990, 24,406 households suffered from farmland shortages, accounting for 57.54 % of the total number of local households; in 1995 27,448 households, accounting for 55.83 % and in 2000 28,773 households, accounting for 49.29 %. The Table below shows the conditions of farmland of some local ethnic groups (Table 1):

Table 1: Farmland of local ethnic households in Dak Lak province

Ethnic group	Under 0.3 ha/household	0.3-1 ha/household	1-1.5 ha/household	Over 1.5 ha/household
Ede	10,049	11,029	15,270	5,839
Mnong	1,150	4,613	5,053	1,515
Jrai	300	657	616	427
Total	11,499	16,299	20,739	7,781

Source: Department of Agriculture and Rural Development, Dak Lak province, May 2001.

Since land and forest were allotted to individuals and households in the ethnic minority areas, forest destruction in some places has reduced. However, in many areas in the Central Highlands forest destruction continues. According to the statistics released by the Department of Forest Protection, the annual loss of forest area during the Renovation period is estimated at 7,500 ha in Dak Lak province, 4,500 ha in Gia Lai province, 3000 ha in Lam Dong province. The real figures would be much higher. In the whole of Central Highlands the forest area dropped from 3.3 million ha in 1975 to 2.5 million ha in 1987(Neil Jamieson, 1996, p. 8).

In short, although the achievements recorded since the implementation of the Party Resolution 10 and the 1993 Land Law were remarkable, there remain many problems to be tackled. Such problems demand suitable solutions for effective administration and use of land in this region.

4. Reviving Community Land Management – Old Model in New Context

As discussed earlier, community ownership of land is a long-standing tradition of many ethnic groups in Vietnam and the world. Vietnamese anthropologists have conducted some research projects on this issue in many ethnic groups. However, due to special characteristics, most of the former research projects on traditional land ownership were placed in the context of *social organizational structure*, that is to make clear the traditional social structure. In another words, such research projects had little link with socio-economic problems to reason the impacts of that model of land ownership on community development.

In the past period, there have been some research projects on the traditional ownership and use of land in some ethnic minority areas in the current socio-economic

development context. But in general the results were very modest (Vuong Xuan Tinh & Peter Hjemdahl: 1996, Tran Ngoc Lan: 1999, Vuong Xuan Tinh: 2000, 2001...). The question to be raised to these research projects is that is the role of *traditional land ownership* in the current conditions and how to develop *that role*?

Looking at the Asian region, it is noted that many countries are developing well the community role in land administration, particularly forest land. Take Nepal as an example. Before 1978, most of the forests in the country were under State management but the management was not very effective. In the years from 1993 to 1995, in the implementation of the new law on forestry and regulations of forest protection, the district and commune authorities can represent the State to allot forestland to the community. However, in the spirit of the law, land is still under State ownership. The community is only entitled to manage it. Community here refers to groups of households. Through projects, the State supported these groups of households in terms of capital and techniques so that they are able to manage forests and plant forests. Up to now, in Nepal there are 9,000 groups of households managing more than 700,000 ha of forests. Besides, these groups of households also cooperate with each other in community development, building savings funds from the incomes earned from the sales of forest products. The policy of allotment of forests to community has been very effective in the management and protection of forests and in socio-economic development in Nepal (Keshav Raj Kanel, 2001).

In fact when dealing with the content and targets of community management of land (and natural resources), there exist different views. They are mainly based on the approaches of each discipline and of relevant agencies or political organizations. In light of the natural conservation and reserve, people consider community management of natural resources is to ensure bio-diversity and the traditional ethics. For development agencies, more stress is laid on the protection of natural resources and development; for those who follow populism, they hope to enhance power to the local population in confrontation with State management agencies. Through community management of land, representatives of their local ethnic groups often struggle for benefits or for the preservation of their (J. Peter Brosius, Anna Lowenhaupt Tsing, Charles Zerner. 1998: pp. 158-159).

In Vietnam at present, besides people who consider it necessary to develop community management of land, others think the model should be piloted. Experiments have been conducted in two aspects: forest protection contracts and forest land allotment, the latter giving more rights to local people. In this paper, we would like to give some examples on the allotment of forestland in the province of Dak Lak, where pilot on forestland allotment to groups of households and community has been conducted.

The allotment of forestland in Dak Lak province is somehow different to other provinces. The forestland which has been allotted was used to be of the State (under the management of State-owned forestry enterprises) and the users have been granted with the Red Book. The policy of land/forest land allotment in the province for forestry purposes started from 1998 when the Provincial People's Committee assigned the task to two forestry enterprises of Ea H'leo and Dak Mol to allot 2,000 ha of forest land to local households. This policy has been given technical assistance by the Sub-Mekong Region Project (SMRP) for sustainable management of natural resources in the lower basin of the

Mekong River. The appraisal and approval of the project on forest/forest land allotment lasted from the first quarter to September 1999 after 7 meetings held at the provincial level, discussing issues relating to the policy of allotting land/forests and whether forests and land are allotted or contracted out and whether the policy benefits are sufficient to encourage the local people to actively manage and protect forests? This issue is rather complicated as it is different to allotment of agricultural land to farmers whose character is to legalize the right to use the land of households, individuals and organizations. The allotment of forest/land is the transfer of forest/land use right from the State to households. Meanwhile, in the forest areas and forestland, there have existed land/forest occupation. The right to traditional land use of households has been implicated and acknowledged in each community and the unofficial occupation of land/forest through slash and burn farming and reclamation of forest land. This situation will lead to disputes on the right to land use.

Then in 1999, the Provincial People’s Committee decided to allow four forestry enterprises of Lak, Ea Kar, Cu Jut and Quang Tan to allot 5,000 ha of forest. By October 2000, six forestry enterprises in Dak Lak province had allotted 8,625 ha of forest to 466 households and 19 groups of households (See Table 2).

Table 2: Forest land allotted to households and groups of households in Dak Lak province in two years 1999-2000

Forestry enterprise (District)	Allotted area (ha)	Number of households, groups of households	Ethnic group	Commune
Ea H'leo	2,036	119 households	Jrai	Ea Sol
Lak	1,924	136 households	Mnong	Dak Phoi
Ea Kar	1,136	83 households	Ede	Cu Jang
Cu Jut	1,339	60 households	Free migrants (Thai, Nung)	Ea Po
Quang Tan (Dak R'lap district)	1,016	8 groups of households (including 73 households)	Mnong	Dak Tik
Krong Bong	1,174	11 groups of households and 78 households	Ede, Kinh	Cu Dram

Source: Dang Thanh Liem, 2001.

Land/forest land users for forestry development have the following rights: the right to harvest forest products (collect forest products; enjoy 6 percent of the total value of exploited products for the first year from natural forests; after five years they enjoy up to 30 % of the total product value; after 16 years 100 % of the value of forest products including logging), the right to logging for domestic use, the right to use land to grow forest and the right to transfer the land use right according to law.

As discussed earlier, during the process of land/forest allotment, besides allotting to households and individuals, Dak Lak province has piloted land allotment to other target groups including *groups of households and communities*. Before agreement on the terminology, we temporarily use the term used by the locals. Besides the sites where land/forest are allotted to groups of households (Table 2), in the two years, 1999 and 2000, Dak Lak province also piloted land/forest allotment to community. “Community” here is understood as village. By June 2001, the province had allotted 7,746 ha of forest

to Du Mah village Dak Phoi commune, Lak district. This village has 48 households with 238 people of the Mnong ethnic minority group. Besides, the province had also allotted 1,000 ha of forest to Ta Ly village in Ea Sol commune, Ea Hleo district (this village of the Jrai ethnic group has 84 households with 420 people); and 2000 ha of forest to three villages of Tul, Mghi, Koanh of Yang Mao commune, Krong Bong district (of the Mnong ethnic minority group).

Let take a case study of Cham B village in Cu Dram commune, Krong Bong district, where land/forest has been allotted to groups of households. At this village, most of the villagers are of the Ede ethnic minority group. They are grouped in five groups and total forest land allotted was more than 569 ha (See Table 3).

Table 3: Forest allotment to groups of households in Cham B Village

Group	Number of households	Total area (ha)	Forest land (ha)	Bare land (ha)
Group 1	10	149.3	101.6	47.7
Group 2	9	117.5	62.4	55.1
Group 3	7	93	61.9	29.4
Group 4	6	108	79.6	28.4
Group 5	6	101.4	72.2	29.2
Total	38	569.2	377.7	189.2

Source : Nguyen Quang Tan, 2001

When interviewing Group 2, we noted that of the nine households of this group, eight have family relationship. The households elected the head of the group and distributed labor in forest protection. In village 6 of Cu Dram commune where most of the Kinh (from Ha Nam province who resettled here in new economic zones since 1987), many households also grouped themselves in getting land allotment. The village chief, Mr. Tran Xuan Tiep reported that the locals wanted to group themselves so that they can easily fight against forest pirates and protect their interests. Mr. Tiep's group has seven households and only three of them have family relationship. The group developed its own rules including inheritance, patrolling, protecting and exploiting agricultural land, penalties and rewards for discovering forest pirates and contribution to the group's fund (each household contributed VND 100,000).

In short, initial results show that people agree and support the policy of land/forest allotment and wish to receive land/forest. Most of the local ethnic minorities want to work in group or community because according to them, it would be easier for the management and protection of forests and exchanges of work among themselves. The forest areas allotted to community are better protected. Forest destruction is reduced and the State does not have to spend as much as before for forest protection. However, there remain concerns about land/forest allotment to community. For example, in case of forest fire and forest destruction, how can the State settle with the community? And whenever a household wants to invest in development of forest and forest land, will there be any obstacles from the community?

In fact, to make a decision on allotting land to groups of households and community, Dak Lak province has held a lot of discussions and debates. In the 1993 Land Law and amendments and supplements to the Law, no mention is made about

land/forest allotment to groups of households and community. Through the experience of this province shows that land/forest allotment to groups of households and community in many cases meets their needs. Such needs reflect the reality that the traditional management and use of land of ethnic groups still maintain its value and plays certain role, therefore we should know how to make use and develop it.

Conclusion

The traditional land ownership and use of the ethnic minorities in Vietnam, including local ethnic groups in the Central Highlands have long existed in history and community ownership is typical. Community ownership of land bears the typical characteristic of participation in management of the entire people in the community (villages, family clans). In such a condition, land is a common property and members of the community are only entitled to use it and have not right to sell it. Land administration is also linked to territorial integrity and bound with religious rituals and village self-rule. For this reason, community rules and regulations on land ownership and land use have been voluntarily respected and monitored by everyone in the community. The role of the community is also shown in mixed land ownership, a transitional form between community ownership and private ownership.

The changes on the forms of land ownership and land use have strongly taken place under the regime of the Socialist Republic of Vietnam particularly since 1960 for the northern mountainous ethnic groups and since 1975 for the ethnic groups in southern provinces. The main trend of those changes is stricter control over land of the State in the ethnic minority and mountainous areas through administrative measures while the role of the community has been lessened. This trend has strengthened the role of the State, thus contributing to maintaining social order and security but made land use less effective and created inequality. Then, with the promulgation of the Land Law in 1993, land use has been more effective but in the Central Highlands, along side with free migration and development of cash crops (particularly coffee) the issue of land of the ethnic minorities has fallen into a new situation that is while State-owned forestry enterprises still occupy a lot of land, the locals continue to lose their land due to land disputes with new settlers or land sales and transfer.

When considering land issue in the Central Highlands at present, one of the reasons for the urgent land issue there is the *inconsistency between the land policies of the State and the traditional land ownership* of the local ethnic groups. To solve land problems to a certain extent, it is recommended to revive traditional community management. Community in this case should be understood as social groups which share the same interests when receiving land/forest for use and capable in self-rule in the use, management and protection of forest and forestland. So, community can be a group of households, a family clan or a village. It can include only one ethnic group or many ethnic groups in case these groups are mixed in their residential areas. The use of community land should develop traditional management elements to involve participation of all members in the protection of forests and natural resources and share their products, avoiding illegal land sales and land transfer without careful calculation, thus affecting land safety. Reviving the community role in land management and land use should depend on specific conditions of each location. Where conditions permit for commodity

economic development, land should be allotted to households and individuals for effective use.

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