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**Project: “Strengthening Capacity in Ethnic Minority Policy Formulation,
Implementation and Monitoring – EMPCD”**

BRIEF REPORT

**SITUATION AND POLICY RECOMMENDATIONS
FOR LAND MANAGEMENT AND USE IN ETHNIC MINORITY
AND MOUNTAINOUS AREAS**

(Final Draft)

Hanoi, November 2012

The report is a TA product of the UNDP-supported project “Capacity Strengthening for Ethnic Minority Policy Formulation, Implementation and Monitoring” (EMPCD) of CEMA prepared by consultant team from IPSARD and EM Institute. The views expressed in this publication are those of the author(s) and do not necessarily represent those of the United Nations, including UNDP, or the UN Member States and CEMA.

I. Background

In Vietnam, there are residing 54 ethnic groups, in which the Kinh ethnicity (the ethnic majority) takes up to 86% of the population (TCTK, 2010). The rest ethnic groups (53 other ethnics) only accounted for 14% of the population, in which the second most populous ethnic group after Kinh accounted for less than 2% of the population reflecting the huge disparity in population between the ethnic majority and ethnic minority (EM).

To ensure opportunities for a fair, equitable, inclusive and sustainable development for every ethnic minority groups is always the main goal of the Party and the Government. This has been clearly shown and stated in 1992 Constitution: *“The Government implements the development policies in every domain and aspects, to step by step improve the material and spiritual life of ethnic minorities”* (Article 5).

It had also been clearly stated in the XIth Congress of the Communist Party of Vietnam on the Platform for national development in the new transitional period: *“Implementing policies for fairness, solidarity, respectfulness and helpfulness each other between/among ethnics; provide all conditions for every ethnicity to develop together, in closely linkage to the unified development of the national community of Vietnam. Preserve and promote cultural identity, language, beautiful tradition of every ethnicity. Against any ideological discrimination and ethnic division. Socio-economic policies must be appropriate/ suitable to specific conditions of regions and ethnicities, especially the ethnic minorities”*.

Land policies have an important role to resolve the poverty and social unrest problems for ethnic minorities. Ethnic minorities usually depend on agriculture production in association with land for their living; the ability to switch to other jobs is very low. Most of EMs live with agriculture with the main capital is production land; the poverty rate is high and the majority of poor households are in association with agriculture. Economic shift, labor shift in ethnic areas are slow, have not met yet with the local development trend and the development rate of the country. Along with poverty, social unrest is the main problem in areas where residing many ethnic minorities. The main reason for social unrest problem is the conflicts/disputes related to land, existed in decades. Broking the traditional rights on land and traditional cultivated forms of ethnic minorities after 1975, migration of Kinh people to resident areas of EMs, along with the resettlement of EMs in the areas, have affected the livelihoods of EM households. Besides, dispute on land between state agro forestry farms (NLTQDs) and ethnic minorities is also the reason for social unrest, especially on the upland.

The throughout policies of the Party and the Government are to ensure the rights of EMs in issues related to lands. Policies for supporting living/resident land, production land

and stabilize the livelihoods for EMs in the country has been shown in Resolutions No 22/NQ-TW of 27 November 1989 and 24/NQ-TW dated 21st January 2003 of the Standing Committee of Party. In order to apply these policies, the Government has issued many supportive policies such as: Decision 132/2002/QD-TTg; Decision 134/2004/QD-TTg; Decision 1592/QD-TTg; Decision 33/2007/QD-TTg; Decision 74/QD-TTg etc. According to the Oversight Report on the results of implementation of policies, laws on resident and production land for EMs of the National Assembly Standing Committee in 2012, from 2002 to 2011, there were 40 Decisions of the Prime Minister; 50 Decisions, Circulars of Ministries, Departments; 405 proposals, projects issued by Provincial and City People Committees (PC), in order to support the poor EMs with living/resident land and production land.

The mentioned programs and policies have contributed to stabilize the livelihoods, the political and social order and safety, and eliminate the poverty for ethnic minorities. The poverty rate of EMs has reduced from 86.4% in 1993 down to 66.3% in 2012 (World Bank, 2012). However, there are still many limitations in implementation of the programs and policies: until now, there are still more than 300.000 poor EM households who do not have living land, production land, a lot of programs have shown poor results and not met yet with the set objectives (National Assembly Standing Committee, 2012).

To contribute to the process of planning and completing the land policies for EMs, this consultancy report is oriented to:

- Describe the situation of the livelihoods, the land management and usage of ethnic minorities;
- Analyze the problems of policies, laws related to land to ethnic minorities;
- Propose recommendations on policies in order to ensure the fairness and effectiveness in approaching and using land of ethnic minorities.

II. Situation

1. EM Groups are residing mainly in difficult areas

EM Groups (except Hoa, Kh'mer and Champ) live mainly in rural areas, mountainous areas, upland areas, border line areas, which have poorest socio-economic and environment conditions. The rate of urbanization of EM groups is 3 times lower than that of the Kinh (12.7% comparing to 32.5%). Residential places of EMs concentrate at upland, mountainous areas, which have complicated terrain, lot of rocky mountains and high slope. These regions where residing EM people are of large areas but lack of useable and production land; many places often being affected by natural disaster and extreme climate.

The ethnicities living on uplands like the Northern mountainous area and Central Highland have frequently to face the risk of flash floods and avalanches. Whilst the small groups of EM scattering in the Middle areas have to face storms, floods, avalanches, flash floods, drought, and salinity. In Mekong Delta, Khmer and some other groups of EMs also

face the risk of storms and floods. These are natural disasters with high frequency of occur in Vietnam⁰. Besides, the climate changes in the future will also have a lot of bad effects on EM groups in Vietnam.

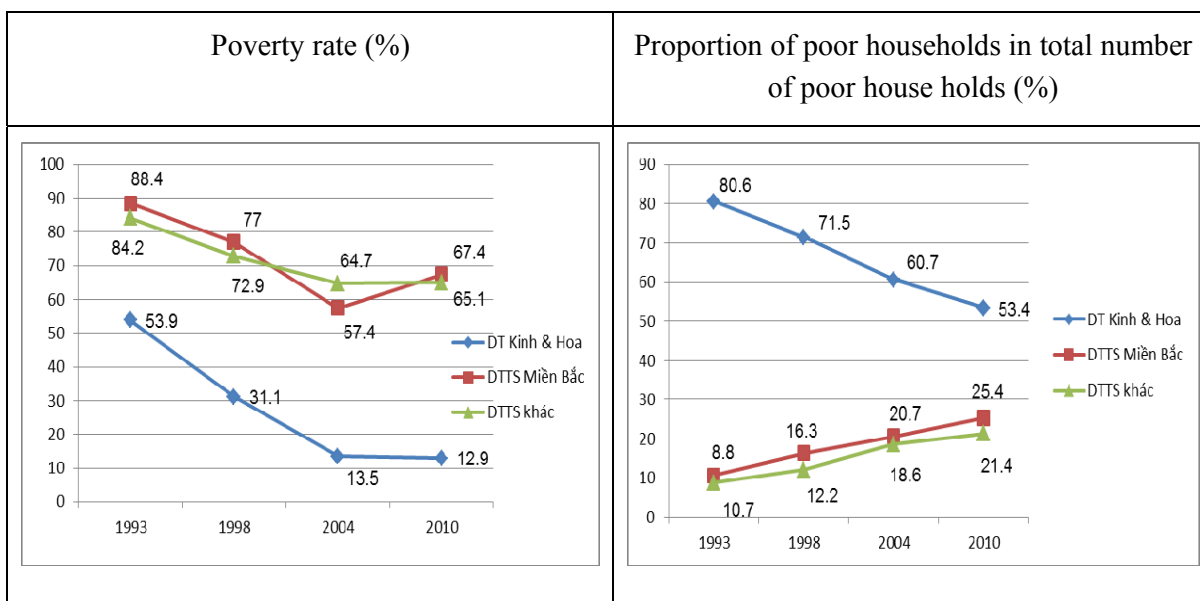
Up to 2006, the total number of households in areas of natural disaster, extremely poor conditions, border line, islands, migrated, important and highly important of forests, protected zone of specially used forests which need to be relocated and resettlement of living and production land was 75,000 households¹. To 2010, the number of households which need to be supported went up to 146,033 households. In practice, the number of households in sensitive areas of environment, under high risk of natural disasters which need to be supported was much greater.

2. The poverty rate of EM is still high

According to the report of UNDP (2012), the poverty rate of groups of EM in Northern mountainous area in 2010 is 67.4% and other groups of EM is 65.1%, while the poverty rate of Kinh-Hoa group is 12.9%. The proportion of poor EM households in Northern mountainous area in the total of poor households went up from 10.7% in 1993 to 25.4% in 2010 and the other groups of EM from 8.8% to 21.4% during the same period.

Thus, although there are considerable improvements in eliminating poverty, but until 2010, there was still more than half of EM people in Vietnam living below the poverty line; 3 times higher than the general poverty rate in the country and 5 times higher than the poverty rate of the ethnic majority.²

Chart 1: Poverty rate and poor household's proportion of Kinh and EM [UNDP, 2012]



⁰ Risk and disaster community based management - CBRDM and CCA training manual

¹ According to the plan approved at Decision 193/2006/QĐ-TTg

² The poverty rates of the whole country and the major ethnic group in 2010 were 20.7% and 12.9% respectively as calculated from VHLSS 2010

Although only consisting of 14% of the population, EMs are becoming more and more the target of poverty. If in 1993, the poor which are EMs only took up to 10% of the population, but then in 2010 it went up to 47% (World Bank, 2012). In analyzing the poverty motion, it has also shown that the EMs take up high proportion of the chronic poverty, approximately 47.1%.³

Analyses on groups of EMs and on areas have also shown the difference between the poverty rates of different groups of EM. The highest poverty rate of 83.4% was for H'mong and 75.2% in Tay Nguyen, whilst the considerable lower rate of 23.1% was for Khmer ethnicity and 32.1% for Tay ethnicity. If dividing the EMs into 6 main groups then the Kinh-Hoa ethnic group would be the ethnic majorities with lowest poverty rate, the Khmer-Champ and Tay-Thai-Muong-Nung ethnic groups would basically be the groups with the poverty rate considerable lower than the rest of the EM groups (VASS, 2011). The investigations on poor socials (program 135 of UNDP) have shown, EM groups which have the highest poverty proportion on the total number of poor households consist of Mong, Thai and other EM groups, and this proportion seems have not changed since the past 5 years (Table 1).

Table 1: Poverty proportion of EM groups divided into ethnicity groups (%)

Ethnicity	2007	2012
Kinh	12,2	12,8
Tày	10,1	9,0
Thái	13,3	16,3
Mường	5,7	6,6
Nùng	3,7	3,1
Mông	24,8	21,2
Dao	7,9	8,3
Other EMs	22,3	22,7
Total	100	100

[UNDP, 2012]

One of the main reasons of poverty of group of EM is the low adaptability to the change of production method and market mechanism. There are differences in production

³ Poverty reduction in Việt Nam: achievements and challenges, Vietnam Social Science Institute, 2011

habit and method between EM groups and the Kinh-Hoa group. While the Kinh-Hoa ethnic group tends to diversify it in agriculture, the EMs usually cultivated rice using traditional farming (VASS, 2009). Thus, when being affected by external impacts, it is difficult for these groups to adapt to the change of market mechanism⁴.

The level of livelihoods diversification outside of the EM's agriculture activities is low. Results of analysis on livelihoods strategy for EM living in extreme poor condition social, have shown that they rarely move and less integrate to the labour market comparing to other ethnics in the same area. EM people usually self provide with agriculture, also they do not usually cultivate valuable vegetables or industrial plants. UNDP's investigations in 135 socials have shown that the average per capita income for Kinh-Hoa ethnic group households was 2 times higher than for the EM households, and the main cause of this is the difference in non-agriculture activities (UNDP 2011).

In addition, the EM's access to the resources (land, infrastructure, capital, inputs, and market data) is limited. Most of the EM groups today are facing problems in accessing the resources (from the inputs such as land, infrastructure, and credit to outputs). These problems have hindered the livelihood of households and it is the main cause of poverty (VASS, 2009)⁵. Although there are no differences in the rate of access to transportation lines, primary schools, health clinics between areas concentrated with EM and the average rate of access in rural areas, but there are differences in the quality of access: transportation lines (roads) in areas concentrated with EM have much lower quality, the proportion of still usable roads is still low, yearly. 45% of EM households still don't have water for living, comparing to 12% of Kinh-Hoa ethnic's households. The quality of water is also lower. 30% of EM households don't have electricity, comparing to 3% of Kinh-Hoa ethnic's households. Electricity was generally only used for light instead of production. More to add, in the same area, Kinh-Hoa ethnic households tend to reside in better locations which have better access to the infrastructure and fundamental social services than EM households' resident locations (UNDP 2011).

Although the Government has a lot of supportive programs such as agriculture extension, professions training for EM households, these programs are less effective since it's not appropriate to the local skills and traditions (Tran Ngoc Ca, 2006).

Beside aspects such as poor livelihood diversification, low level of education, poor infrastructures, limited access to public services, previous researches have indicated the main causes of EM's chronic poverty which are directly related to lands, including:

⁴ Study of the Vietnam Social Science Institute on social-economic situation of EM in Vietnam had showed that most of EMs were living in upland areas and got used to production method in mountainous land. Even, the difference in land scale has reduced the gap between EM groups as EM groups have more land than that of the Kinh, and they also know how to cultivate more effectively in the mountainous and highly land.

⁵ According to Report of VASS 2009, the difference in effectiveness come from resources between EM groups was due to the differences in household resources and characteristics of communities where they are living (communes having roads, public transportation, post offices, markets, factories within the radius distance of 10 km).

Lack/not having production land. According to research of National Assembly Standing Committee (2012), until now there are still more than 300,000 poor EM households lack of or do not have living land, production land. Lacking land for production is the typical characteristic of chronically poor households, especially poor EM households⁶. Almost all researches on poverty have agreed that lacking of production land is one of the primary causes of poverty⁷. As it was showed from analyses on the poor households' characteristics, most of poor households, especially EM households usually had less land and less good quality lands than the non-poor households⁸. This was explained because most of EM people in Vietnam have the livelihood in association with agriculture and forestry production. 90% EM labors live with agriculture⁹. Therefore, lacking land means lacking of the most important production material for their livelihood.

EM groups are limited to access to fertile land:

Low quality of land: Analyzing data on land of households in communes of 135 Program - period 2 has showed that, on average, each EM household only has 3-5% area of good quality land on the total area of its production land, comparing to 30% area of good quality land for ethnic majority households (Table 2).

Table 2: Land ownership in extremely difficult communes (m²)

	Annual cultivation land		Land for cultivation of long life plant		Forestry land
	Total	Land of good quality	Total	Land of good quality	
Average	1412,7	193,1	370,6	11,8	1461,1
Major ethnicities	1353,2	462,9	502,9	14,8	603,6
Ethnic minorities	1441,7	61,4	306,0	10,4	1879,7

[Phạm Thái Hưng et. al]

⁶ Poverty monitoring using participation method at several rural communities in Vietnam – 5 Year Report 2007-2012, Oxfam, Action Aid

⁷ Poverty reduction in Việt Nam: achievements and challenges, Vietnam Social Science Institute, 2011; Poverty monitoring using participation method at several rural communities in Vietnam – 5 Year Report 2007-2012.

⁸ Poverty monitoring using participation method at several rural communities in Vietnam – 5 Year Report 2007-2012, Oxfam, Action Aid

⁹ Report of oversight results on implementation of policies and laws on resident and production land of ethnic minorities, 2012, Standing Committee of National Assembly.

- Unfavorable terrain of production land: According to survey on the access to resources of households of VARHS (2010) by the Institute of Policy and Strategy for Agricultural and Rural Development (IPSARD), most of EM people's land located in places with slightly sloping or sloping terrain. Only 29% of land pieces are on flat terrain. This proportion is only one third (1/3) comparing to that of Kinh-Hoa households. Approximately 80% of EM people in Northern upland and in the Middle live at high altitude and sloppy places where the area that can be used for agriculture only takes up from 7%-10% of the natural surface¹⁰. Unfavorable land location is also one of the reasons which led to the difficulties in production for EM households. There up to 60% of EM households revealed that they were having troubles with their production land, comparing to 40% that of the Kinh-Hoa. Lacking water, eroded, land slide and land mixing with rocks, clay are typical problems encountered in farming on the upland. Whilst at the lowland and plain (or river delta) the irrigation systems are constructed almost completely, on the other hand on the upland the irrigation is still a big problem for households (only 41.5% of the EM households' land was irrigated, comparing to 81% for Kinh-Hoa households)¹¹.
- The ability to ensure the safety of the rights on usage of land of EM households: Data from VARHS has shown that EM households tend to live far from the land they own and use than the Kinh-Hoa households. In average, the distance between the production land and home of an EM household is 1977.8 m, almost twice farther than the average distance for a Kinh-Hoa household (1046.9m). This factor has led to the difficulty in managing the land, lowering the effectiveness in using land and discourages the investment and improvement in using land effectively.

Effectiveness of usage of land in EM area is low. When comparing the effectiveness of usage of land between 2 groups of households of Kinh-Hoa and EM, through criteria such as productivity, revenue and profit from agriculture production, the results of the research have shown that the effectiveness of usage of land of EM group of households is much lower comparing to Kinh-Hoa ethnic group of households'. Even though the EM group of households has bigger average area of production land, area of cultivated land comparing to Kinh-Hoa ethnic groups, the output of some of the main plants is only lower or equal to that of the Kinh-Hoa household group¹².

¹⁰ <http://www.qdnd.vn/QDNDSite/vi-vn/75/43/7/7/22/16646/Default.aspx>

¹¹ IPSARD Research 2010 on the impact of land policies on livelihoods of ethnic minorities in Tay Nguyen and Cuu Long Delta has showed that the cultivation productivity of EM households located in Tay Nguyen is lower than that of the Tay and Kinh, with the main reason is that most of E-de people there having many lands but the lands are of bad quality, mixing with rock and lack of irrigation.

¹² According to survey on household access to resources by VARHS (2010) of IPSARD, the average productivity of EM household is lower than that of Kinh-Hoa regarding either the staple food plants, industrial plants as well as fruit plants, and even with plant groups that of more favourability for EMs such as corn, san, cafe: corn (3,5 ton/ha from EM household compared to 4,1 ton/ha from Kinh-Hoa household), sắn (8 ton/ha compared to 15,5 ton/ha), cà phê (1,9 ton/ha compared to 4 ton/ha). This has explained why the average income from agriculture production of EM households is lower than that of the Kinh - Hoa.

- Revenue and average profit from the 3 activities of planting, breeding and fishery of EM households are all 1.5 to 2 times lower than Kinh-Hoa households', with the same area of production. On the same area for agriculture production, Kinh-Hoa ethnic households invest and as the results gain more in revenue and the profit became 1.5 to 2 times higher than EM households'. So, the investment of EM households is still more limited comparing to Kinh-Hoa households', and it is one of the reason of the lower in profit in agriculture production of EM households comparing to ethnic majorities households'.
- Total revenue of household represents the reality – most of the poor households today are EM households. Average annual revenue from all the activities of an EM household is 52.3 million, equal to 2/3 of Kinh-Hoa household's (89.3 million). Most of the EM households are still dependent to agriculture activities, while the revenue comes from this domain takes up 41.3% of total revenue. Kinh-Hoa households tend to be more active and more independent to agriculture, while the revenue from agriculture takes up 23.7% total household's revenue.

3. The EM tradition of closely living with mountainous forests and natural environment is being threatened.

EM groups tend to concentrate to regions where the area is greatly covered by forests (William D. Sunderlin, Huynh Thu Ba, 2005). The Northern mountainous area (NMA), the Middle Coastal (MC) and Tay Nguyen are 3 regions concentrated with highest number of EM and these also are the 3 regions with the largest area of forests in the country (Table 3). Forests play an important role in EM's life in these regions. It is the resident area, also is the livelihood and also an important part of the spiritual life of EM groups. According to the report of the Agriculture and Rural Development Ministry, there are approximately 25 million people (28% of the national population) living in the mountainous forest, upland areas. The majority of them are EM people, with a poor life and very dependant to the forests. However the EM tradition of living closely to the forests in our country is being broken because of the declining of area of forest in the whole country. After the data of the Agriculture and Rural Development Ministry, from 1943 to 1995, the forest cover rate in our country has declined from 43% down to 28.2%. Although recently the area of forest went up to 39% in 2009 but the proportion of primary forests is still only 8% comparing to 50% in other countries in the region.

Table 3. The situation of the forests and the proportion of ethnic minorities in ecoregions in the country in 2009

	Proportion EM/total population (%)	Total area of forests (thousand ha)
Hong-river delta	1.5	428.9
Northern mountainous	54.7	4633.5
Middle Coastal	9.6	4592.0
Tay Nguyen	35.3	2925.2
East Southern	6.5	402.8
Mekong delta	8.0	276.3

[GSO, 2009]

Beside the usage of land to develop agro forestry farms, mining and hydropower, the free migration and planting industrial plants is one of the main reasons which broke the traditional residency of EM groups. This problem occur the most in Tay Nguyen. During the period of 1985-1995, the population in Tay Nguyen increased by 6.3% annually, while 56% of it is from migration from other regions in order to develop a new economic region and 44% of it is from free migration. The period of 1995-2002, the average population increment from migration from other regions did slow down but the free migration issue is still complicated. Along side with this problem is the quick development of area of industrial plants in the whole region. In 2008, the cultivated area of 5 most advantageous long-term industrial trees (tea, coffee, rubber, pepper and dieu nut) in the whole region was 756.706 ha, accounted for 43.4% of the cultivated area of these 5 trees in the whole country. Free migration and industrial trees cultivation have led to the problem of EM land encroachment and trading to be increased by day. This also greatly reduced the forest area and creating more environmental problems putting more pressure on production and life stabilization in the whole region. The free migrating also created the problems of land deputed between the former with the local EM people.

4. Increment of conflicts, disputes related to land of ethnic minorities

Disputes, complaints about land are always hot/most interested issues, taking up to 80% of the disputes and complaints in the whole country. Results of reports related to

conflicts on land have shown that in recent years, there has been increment in disputes and conflicts related to land trading (mortgage, transfer, lease...) of EM groups¹³.

Regarding the subject of disputes, currently there are few main types of land disputes as following:

- Dispute on land between the EM people and companies, agro forestry farms. These disputes, conflicts are caused by the opinions of how to use the land between the sides or disputes on how to claim back the land which first belong to the people then was transferred to the companies, and the disputes on the opinions and profits in using land¹⁴.
- Disputes on land between local EM people and migrated EM people. This kind of disputes occurs around the local but with high frequency, usually related to the land trading and disputes on the land's boundary.
- Internal disputes between EM and local groups of EM: usually occur because of the dispute on land's boundary. This type of dispute tends to occur more, because of the effect of market mechanism and the inappropriate regulations about land ownership or land planning, land boundaries determining¹⁵.

Regarding the issue of the disputes, there are the following types of disputes:

- Disputes related to claiming back the land (which was transferred to other people during socialist reform, during the campaign "give rice, share shirt"...). In recent years, this type of disputes tends to decline.
- Disputes on land related to mortgage, transfer, lease, inherited transactions... These disputes are on the right of usage of land. It became practical and it tends to increase fast.
- Disputes related to the boundary of land blocks.
- Disputes on land related to the religion: dispute of households who live on the land of temples or schools built on land of temples. This type of dispute occurs mostly in Mekong Delta region and usually related to Khmer ethnic. This is a new type of dispute.

¹³ Phạm Hữu Nghị- Legal land policies from periods

¹⁴ A story happened in Son La province between a rubber planting company and a community. The members of community were requested to exchange their lands for a Ltd. company; in return they would receive part of the company's profit from rubber planting. This plan was not supported widely from the community as it needed 7 years for rubber planting company to generate the profit, and the time could be too long. Besides, the members of community can be understood as the share holders of the company, they have to bear the risks of the company in addition to the long-time waiting to receive profit. They would bear the risk of rubber price, price of input materials etc. and the danger of losing food security. More important, leaving land means leaving a living habit and that might result in the restructure of their society and culture.

¹⁵ Other study on the relationship between land and culture carried in Vinh Chau district, Soc Trang, where living many Khmer people has showed that there is situation of land conflicts and disputes between groups of close relative people with different types such as: Disputes on boundaries of resident and production land, in land inheriting, lending of land, land use right certificates for mortgage, or disputes on the estimation/measurement of land areas during transactions (Khmer people count 1 land unit equal to 1296m², while the Government calculated it equal to 1000m²...). This situation has ever happened before.

- Disputes, complaints related to land acquisition, clearance, compensation, and support to resettlement.

III. Policy and legal issues related to land of Ethnic Minorities

1. The legal framework is still not suitable yet with land management characteristics of EM groups.

Nomadic habits of some ethnic minority groups. Many ethnic minorities in our country have nomadic habits, slash and burn, without paying attention on intensive cultivation and protection for land. They usually do not have fixed ownership for certain land areas. According to some statistics from previous researches on ethnic minority poverty, in 1994 there were 9 million rural people from 50 different ethnic groups living in Vietnam by nomadic mode, in which three million of people were living with the main source from this income (Do Dinh Sam, 1994). As up to 2007, when the Prime Minister issued Decision 33/2007/QD-TTg on policies to support immigration and implementation of resettlement for ethnic minorities in the period 2007-2010, the total number of subjects needed to be supported for resettlement was 29,718 households and 140,313 people. By 2012, just completed sedentary for resettlement for 33.1% of all households, there are nearly 20 thousand EM households still living on nomadic basis and have not yet supported to stabilize their lives.

Ethnic minority groups have limited awareness on their rights to the land belong to their management and use. Most of ethnic minorities (except groups Khmer-Cham and Tay-Thai-Muong-Nung) do not understand and are fully aware about the issuance of land use right certificates, therefore do not know neither they are to be issued red books/certificates, nor for what the red books/certificates are used for. In fact, ethnic minority people in many places are not aware that land use rights and forest are of protection by the laws, but they understood those rights traditionally by their own way. Land market and the output products from land have not been formed yet; therefore they do not fully understand the meaning of the red book/certificate. In other words, the "red book" for EM people has stayed as a mean for government management, not as an asset for them yet. In addition, the inability to communicate well in common language is also a barrier to access to the Laws and related land procedures for a number of EM groups (UNDP 2011).

Incomplete understanding of ethnic minority households is also related to the lack of transparency and completeness of the information related to land, as well as the provision of information on land to ethnic minorities. Ethnic minority people hardly understand what information related to planning issues, land use planning. A survey conducted in 2008 found that 60% of interviewees responded that they had not been consulted/informed on communal land use plan and 77% said they had "very little or no knowledge on the land use plan "(Heimo, 2010).

Meanwhile, the work of measurement and issuance of land use right certification for ethnic minorities is still slow. As of June 15, 2012, in whole country it was granted 35,458,000 certificates (GCN) of all types with a total area of 20,385,000 hectares. From which, the ethnic minorities throughout the country have been granted 1,702,000 GCN on resident land with the area: 94,000 ha; 2,349,000 GCN on agricultural land of the area: 1,600,000 ha; 1,037,300 GCN on forest land of the area: 4,237,600 ha. The issuance level of land use right certification for ethnic minorities in general in the period (2002 - 2011) was quite high, but only reached to 34.6% of the total number of land pieces compared to 78% that of the Kinh¹⁶. However, in some localities of EM areas with difficult socio-economic conditions, border areas and remote areas, the issuance rate of GCN is still low. In particular, in some places it has not been issued GCN yet for ethnic minority households that are beneficiaries from resident and production land supported policies of Decisions No. 134, 132, 33 etc. According to the report of the Ministry of Natural Resources and Environment, at present, the issuance of certificates of land for agricultural production, forestry and resident land in the mountainous and border provinces, where living many ethnic minorities is rather low: issuance rate of GCN for agricultural production land of 23 provinces is below 80%, from which 18 provinces are of from 22% to below 70%. There are 36 provinces with forest land GCN below 80%, including 28 provinces from 16% - 63%. There are 26 provinces issued resident land certificates less than 80%, including 19 provinces from 13% to 68%.¹⁷

There is no legal framework and policies to support practices for land management and use by community of ethnic minority groups yet. Many ethnic minorities have customs having land ownership by community. The traditional management and use of land, forests in mountainous ethnic minority areas are mainly per regime of collective ownership and private ownership. Under customary law, each village had its own territory with boundaries usually are rivers, mountains or hills. Ownership of land, forests under customary law belongs to community of the village, but not belonging to the State or individual households. As a result, in the perception to land of ethnic minorities existed only the private ownership of households and collective ownership of community, but not existed

¹⁶ CAP, calculated from VARHS 2010.

¹⁷ Land for Agriculture production :Lai Châu 22,7%; Yên Bái 35,7%; Ninh Thuận 51,2%; Đắk Nông 52,7%; Tuyên Quang 52,7%; Gia Lai 53%; Quảng Ninh 54,6%; Phú Yên 58,1%; Khánh Hòa 61,4%; Thừa Thiên-Huế 61,9%; Đắk Lắk 64,4%; Lâm Đồng 67,8%. The main reasons were due to for a long time, the people were self reclaiming and cultivating on unused and forestry land; and some land areas were overlapped due to land boundary determination, occupation, disputes of agro-forestry farms, military and security safety land etc.

Forestry Land: Thừa Thiên-Huế 16,5%; Hà Nội 18,2%; Bà Rịa- Vũng Tàu 25,2%; Vĩnh Phúc 25,7%; Ninh Bình 26,3%; Đà Nẵng 33,1%; Quảng Trị 34,3%; Gia Lai 34,5%; Tuyên Quang 40,6%; Bắc Kạn 50,8%; Yên Bái 52,7%; Nghệ An 58,8%; Quảng Nam 63,1%. The main reasons were due to the slow in rearrangement and innovation of NLTQDs; slow and limited in resolving land disputes; many provinces were difficult in finance for land measurement and drawing administrative maps etc.

Resident Land: Lai Châu 13,6%; Điện Biên 16,4%; Ninh Thuận 18,9%; Gia Lai 38,4%; Phú Yên 48,6%; Thanh Hóa 51,5%; Kon Tum 54%; Đắk Nông 60%; Thái Nguyên 63%; Bình Thuận 64%; Hà Giang 67%; Tuyên Quang 68%. The main reasons were due to: wrong land sources, illegal land transfer, illegal land occupation, overlapping, some areas had been allocated but unused; the localities have not measured land for drawing administrative maps, lack of financing etc.

yet both private ownership and state ownership (Nguyen Van Nam, 2010). Representing for the management and ownership of village to land in general and for agriculture hill land in particular is the village chief (head of village), forest chief owners or chief landlords. The role for management and ownership of hill cultivation land of the forest, land and village chief owners has been especially true in ethnic minority groups such as Ede, Gia Rai, Ba na, Mnông in the Central Highlands. In the North West, North East or Central Regions the role in land management of village elders and chiefs seems fainter, but still existed the regulations on forests, shifting cultivation or grazing of cattle under management of the community¹⁸.

Meanwhile, the 2003 Land Law took household as a unit basis for land allocation. Land use right of community was also recognized in the Law, but only limited to cases related to the conservation of culture, customs and habits of that ethnicity. Land use right of community was specified in Article 9, Sub. 3, of 2003 Land Law, according to which the community is understood as: the Vietnamese community living in the same area of villages or hamlets or the same resident points having the same customs, practices, or general relative lines that have been allocated with land or granted land use rights by the State.

Although the 2003 Land Law recognizes the right of land management and use of a number of communities such as villages and hamlets but Article 94 of Chapter III of the Civil Law does not recognize their legal status. So these communities do not have equal rights with individuals or organizations in transition purposes of land (Article 71, Paragraph 4), it is also not allowed for community to transfer, exchange, lease, give as gift and mortgage land (Article 117). Communities having land allocation are only allowed to use the land for agricultural and aquaculture purposes, but not for other purposes (Article 71, Paragraph 4). In addition, the 2004 Law on Forest Development and Protection also provides for distribution of forest land for communities (Article 30), according to that, the communities do not have equal rights with individuals or households: they only have the right to use the forests but not own that forests, they can enjoy the labor products from land but can not lend or sell that products.

2. Impact of infrastructure development, hydropower and mining

The development of infrastructure, hydropower construction, mining, development of agriculture and forestry farms etc. have affected the access to land of ethnic minorities. Many

¹⁸ Traditional land management and use method per community has still existed in many EM groups until today, but there are also some changes as a result of market economy and land policies. A typical example for the change is that if before, the Khmer in the South had the tradition to organize society per community, at present the society organization has changed in becoming to the form as household like that of the Kinh (Lê Đức Thịnh et al, 2010). Khmer people in the South used to live in upland places and organize society per phum, soc unit. "Phum" is cluster of people with primary form of close blood relationship. Each phum usually has 4-5 families of the same blood relation (mother line) residing. Many phum form a sóc. However, when living together with other ethnic groups has created some kinds of competition on land resource. The average agriculture land per head, esp. rice land of Khmer has decreased from time to time. In the period of cooperation from 1975 to 1984, with the occurrence and development of enterprises has also partly resulted in the change in traditional structure of phum, soc of Khmer people. For period after 1993, with development of fishery planting has made the land story become more critical. The traditional values of Khmer have lost in some extent. The protection ability of community has greatly lowered time.

planning projects have not properly assessed and evaluated the situation on resident land, productive land of the people. This led to the situation that many localities encountered resident land, production land of ethnic minorities as the land owned by agriculture and forestry farms to be allocated to investors and/or to build infrastructure constructions etc.

In some localities, the relocation and resettlement for ethnic minorities to have land available for construction have not closed to the actual/practical conditions, not taking into account the culture, customs, production conditions of the people etc. This led to the situation that after resettlement, in some places, where people could not reside stably, they have had to move away or returned to the old place to live and work.

Development of hydroelectric projects, mining is one of the reasons causing most impact on local residents and production of ethnic minorities. The hydropower plants are built mainly in the mountainous regions, which are the principal residence of ethnic minorities¹⁹. The large mining projects (in the Northern Mountain, Central Coastal areas, Central Highlands) having huge scale of land clearance have also caused strong influences on the life and production of ethnic minorities (National Assembly Standing Committee, 2012).

3. The State agriculture and forestry farms have managed lots of land but operated ineffectively, and not made a change of life for the surrounding communities.

The State agriculture and forestry farms have managed lots of land but operated ineffectively. The State agro-forestry farms (NLTQDs) are mainly located in the ethnic minorities living areas. According to the estimation of the research team using the price-norm of localities based on the data reported by the Committee for Innovating of State agro-forestry farms, by the end of 2010 there were 368 NLTQDs with land management of more than 4 million ha, worthing at least \$ 47 billion. However, the total revenue of the NLTQDs was only about \$ 2.3 billion (equivalent to about 4.7% of the total value of that land can bring); and many NLTQDs have reported with loss. Averagely, 1 ha of land of State forest enterprises now is giving only VND 11 million, while the average income from one hectare of farmers reached about VND 30 million. Compared to private companies operating in the same field, the average ratios of sales/capital and profits/capital of NLTQDs are respectively 0.61 and 0.07, while that of private companies operating in the same field of business are 1.5 and 0.14 respectively.

The NLTQDs are not well managing land, having frequent disputes on land occupation with the local people. According to official reports, the total land area of

¹⁹ According to the planning for development of hydropower of MOCT and localities, up to 2011 the total number of hydropower stations planned to be built in the whole country was approx. 1021 units, distributed in 36 provinces and cities in the country. According to MPI's report, only 24/30 projects owner invested by EVN have already occupied land areas of 110,542 ha to be taken off, causing 39,792 households with 192,793 people to leave from their home land. There was more than 150 thousands people having impacted previously and nearly 400 thousand of people are being impacted directly today by hydropower station projects (CODE, 2010).

NLTQDs currently having disputes is 22,270 ha, accounting for 0.56% of the total natural land area of NLTQDs allocated by the State/Government. From which, the disputed land of agriculture farms is 2,493 hectares; that of forestry farms is 19,776 ha. The statistics on forest land in 2010 showed that the most disputed land is unused land - accounted for 61%; forested land accounted for 28.0%; specialized land, residential land was 8.8% and the least dispute was agriculture – accounted for 2.2% of total land area in dispute. Disputed objects are mainly households residing in the area of NLTQD.

The reason for disputes is due to the fact that the allocated land of NLTQD is in overlapping with the land of households in the areas. There are cases, when planning for establishment of NLTQD, land were allocated for NLTQD including also the using land of the farmers living in the areas, without measurement, clear/specific demarcation markers. In some places when disputes occur, it was paid less attention or not thoroughly solved causing long disputed status, or disputes become complicated in some other places.

The NLTQDs are not attracted many workers, with no contribution to poverty reduction. With land management of more than 6 million ha but in annual average, the NLTQDs create only more than 267 thousand jobs for employees across the country, accounted for only 0.5% of the total over 15-year-old labours having jobs in the whole country. Besides, the income of those who work in NLTQDs is much lower compared to other economic sectors. Estimated data has showed that the average labour income in state farms is of 800 thousand VND/month, while that of workers in state forestry farms is 650 thousand VND/month.

Process for taking back land from NLTQDs to allocate for households was slow and difficult. Implementing the rearrangements, innovation policy for NLTQDs, the Prime Minister had issued Decision 146/2005/QĐ-TTg dated 15 June 2005 on production land acquisition to take back land from NLTQDs to allocate for poor ethnic minorities; to date, in the whole country there has been returned/acquired for land allocation to localities of 565,167 ha, accounted for only 9% of the total land area managed by NLTQDs. The provinces having NLTQDs have stayed at as checking, identifying and determination of the area used improperly, or ineffectively. However, the acquisition/taking back land process is still very slow or limited. The main difficulty is that the compensation value for the assets on ground/land invested by NLTQDs was too high. The areas that had been taken back and allocated for ethnic minorities were of very difficult farming conditions (regarding the water, soil, transportation roads, etc.).

4. The policies to support residential and production land for ethnic minorities achieved limited results.

There have been many government policies promulgated to support ethnic minority having stable life, with the primary goal of policies is to support resident and production land for ethnic minorities. The main important policies have been enacted recently included: Decision 132/2002/QD-TTg with 85,079 households benefited, including 32 085 households lacking of resident land, and 52,994 households lacking of production land; Decision 134/2004/QD-TTg with 262,623 households benefited, including 87,822 households needed support for resident land ; 174,801 households needed support for production land; Decision 33/2007/QD-TTg and Decision 1342/QD-TTg with the total number of nomadic households of 29, 718 needed to be allocated of resident and production land; Decision 74/2008/QD-TTg with 43,395 beneficiary households, including 33,587 households without land or lack of production land and 9,808 households lack of resident land; and other Decisions issued by CEMA for approval of project for supporting and development of 590 households of ethnic minorities of very few people such as Si La, Brau, Ro Mam, O Du, Pu Peo of provinces: Lai Chau, Dien Bien, Ha Giang, Nghe An, Kon Tum.

Implementation results of policies for supporting resident and production land for ethnic minorities are still limited regarding both the quantity of supported households and the effectiveness of the support.

The number of households having resolved with resident and production land: According to the results of Oversight Report conducted by the Standing Committee of the National Assembly (2012) on the implementation of policies and laws on resident and production land for ethnic minorities, the results achieved from policies to support residential and production land for ethnic minorities across the country from 2002 to the present are much lower than planned (Table 4). In the period from 2002-2011, there were over 550 thousand ethnic minority households needed to be supported for residential and production land. As of 2011, the policies and programs supporting for residential and production land to ethnic minorities have supported for 231,284 households, accounted for 41.5% of total households needed support. Thus, there were still more than 326 thousand ethnic minority households lacking in resident and production land with the main proportion in which was the lack of production land (293,934 households). In addition, there were large numbers of ethnic minority households being revoked and resettlement (due to the implementation of projects for planning and development of urban, irrigation, hydropower, infrastructure and transportation) needed to be supported with resident and production land.

Thus, although there have been a lot of policies issued for supporting residential and production land for ethnic minorities, but in practice, the number of ethnic minority households that had been resolved with resident and production land is still very low. Beside the objective reason of lacking of land fund, it should not be denied an important

reason coming from supporting land policies. The policies for supporting resident and production land have not fully calculated between the need to support and the land fund existing in practice. This led to the fact that the demand for land from the households could not be solved as the planned objectives set by the policies.

Table 4: The implementation of programs supporting residential and production land for ethnic minority households

Programs	Planned Objectives			Results achieved		
	Number of households	Areas (ha)	Budget Sources (billion VND)	Number of households	Areas (ha)	Disbursement (billion VND)
Decision No 134	87822	1897	4482	30738	721	147
Decision 1592	274344	68989	9803	979	281	1050
Decision No 33	29718	15453	1253	9827		
Decision No 74	43395		1978			1088
Decision No 132	7912	60645	254	4122	3714	112

[Standing Committee of the National Assembly (2012)]

About the effectiveness of supporting programs: There is no scientific study for comprehensive evaluation of the effectiveness of land supporting programs. However, a number of studies evaluating the effectiveness of programs 132-134 in the Central Highlands and other regions across the country²⁰ have given a same general conclusion that there are still many limitations in the implementation of these programs. The impact of land to support household income in the area was not really clear, in other words, the program has not brought many benefits to those who received support. Although the income and expenditure of households receiving supports have increased compared to the time without receiving the support, but this still lower than other households that did not receive support. In addition, the analysis also showed that the supporting programs almost also did not affect the incomes of households from farming/cultivation.

Still violations in implementation land policies for ethnic minorities. The implementation of policies in a number of localities have not ensured yet the fairness, equality and still disparity in beneficiary subjects of policies . Many localities still have errors in implementing policies; the inspection, investigation, review and synthesis of policy beneficiaries have still been inaccurate, with the subjects not followed the specified

²⁰ Impact assessment from land reallocation in Tay Nguyen, CAP/WB, 2008 and Project report “Analysis of land policies for socio-economic development”, UNDP-CAP, 2009-2011

criteria. It had been concluded in the assessment Report on the implementation results of program 132 - 134 in the Central Highlands that: "the rate of transfer of land to the households lacking of land was low. The transfer of land was not directed to poor households. In contrast, much of the land was allocated to households with average or above average income. In other words, many households did not qualify but still being allocated with land"²¹. Analysis of the Centre for Agricultural Policy (2011) from VHLSS 2006 data also showed that, of the total 334 households benefited from the land supporting program for ethnic minority households, still up to 88 households belong to the Kinh-Hoa group, accounted for more than a quarter (1/4) of the total number of households.

Especially in some places, while the number of ethnic minority households lacking land still remains considerably and the resolution for the situation is more and more difficult, there are many localities still allocating land with large area for enterprises to plant industrial crops. The results of inspection, audit showed that there were still violations in 10 provinces, with total amount of 15 billion VND of financial penalty treatment. In which, revenue to state budget was 2.5 billion VND, the amount that must be reallocated by the localities to return to 134 Program due to the wrong disbursement was 9.9 billion VND. Thus, the policy implementation process was still not transparent, the investigation, review and synthesis of policy beneficiaries still lack of accuracy was an important reason leading to the policies having not achieved the results as desired.

There are still many shortcomings that need to be improved in implementation of policies. The policy mechanisms of a number of decisions are still inappropriate, overlapping, and inconsistent, with contents difficult to be implemented and/or slowly amended. The coordination of levels and sectors in organization and implementing policies has not been closely, with procedures still complex. For instance, the implementation of EM policies is managed and carried out by EM management organizations, but the allocation of production land is by agricultural and rural management organizations, and the issuance of Land use right certificate is implemented by the natural and resource management organizations. In some places, the direction for implementation is not centralized and unified and not closely associated with the socio-economic development plan of the localities. Therefore, the areas to be supported for ethnic minorities are often located far away from the residence and with the land of low quality and difficult production conditions.

State resources allocated for supporting of residential and production lands for ethnic minorities are still low. Mobilization of other resources is also limited, counterpart funding from localities is still difficult, resources contributed from communities and people are also insignificant. According to the report on results of implementing Decision 74, by the end of June, 2012, the total allocated fund (including Bank loans) for 9 provinces of the

²¹ Impact assessment from land reallocation in Tay Nguyen – CAP/WB, 2008

Mekong Delta was of 1087.91 billion VND (accounted for 54.96%), in which the budget lent from the Social Policy Bank was 470 billion VND (accounted for 41.66%), local capital was 13.97 billion VND (of 29.3%). According to the report on the results of implementation of Decision 1592, after nearly three years of implementation, the results achieved were rather low. Up to 2012, the central budget has just been allocated 1,050 billion VND (equivalent to 15.6% of the plan); only 04/33 provinces have projects to support production land, with 281ha, for 979 households.

The level/norms for support of several decisions are low and still not appropriate with reality. The land market price fluctuations in high levels compared with the price frame of the state; while the level for support and loans to implement policies defined in the current decisions are not consistent with reality but they have not been adjusted in time according to the fluctuations of markets yet. According to decisions 132, 134, the levels of support for housing is 5 million VND/ household, support for land reclamation is 5 million VND/ ha; while in Dak Lak, it is needed 20 million VND for reclamation of 1ha of land; According to Decision 1592/QD-TTg, if the local authorities do not have public land, they will be supported with budget and credit for purchasing production land not exceeding 20 million, of which 10 million VND / household is from the central budget and a credit loan with less than 10 million VND / household for a period of 5 years with an interest rate of 0%, while in practice, land price is 80-120 million VND / ha; according to Decision 74/2008 / QD-TTg, the support of the State is 20 million VND / household, while the land price in practice is 30-60 million VND/1,000 m². The information and data on land in localities are incomplete, leading to the situation that the land plans are set but with no land for allocation, and the land prices set by local authorities are much lower than that of the markets.

Many localities have difficulty in creating land in order for the program to support residential and production land for ethnic minorities. In programs and policies to support land, there are also no specific provisions for quality of land to be allocated for households. As a result, much of the land allocated for households is of bad quality, not favourable for agricultural production or located in unfavourable positions, far from home, leading to the fact that the effectiveness of land support is significantly reduced. According to the survey, there have been no public land and/or land of NLTQDs in Soc Trang that can be transferred/allocated to the people. In Dak Lak, there are some areas of poor forests have been transferred into production land to be allocated to the people. However, the land quality is not good and often located far from residential areas so people did not get land; or land after allocating to people is often abandoned.

For projects of agricultural and residential settlement for nomadic ethnic minorities, through the local control and inspection results, it had been taken out from the investment list 33 projects with a total of 2082 households of 9826 people, including: 14 projects of

mixed sedentary and 19 projects with centralized agricultural and residential resettlement. The reasons for the projects that had been excluded from the investment list were that there was no land to be allocated for resident and production for households, or due to the lack of water, or the new planning sites could not be found. These households had to be moved to be benefited from other policies. On the other hand, other 15 new projects with a total of 835 households of 3767 people had been added due to the fact that the initial investigation had omitted a number of objective households, or some freely migrant households returned from elsewhere, they did not have land for production.

Policies to support resident and production land for poor ethnic minority households are still incomplete: it is supported only resident and production land but not for the fee for issuance of land use right certificates. This led to the situation that many households received land but did not have money to pay when applying for a certificate of land use right under Decree 45/2011/ND-CP. According to the survey results in Soc Trang, Dak Lak and Son La provinces, it had been showed that many households have been allocated land, but when invited to do the procedures for granting land use right certificates, these people did not come because they did not have money to pay the registration fee when applying for the land use right certificates.

Policies to support resident and production land for poor ethnic minority have considered just only short-term assistance but not the long-term support to ensure the life for people. Most of policies offered to provide immediate assistance for ethnic minorities, such as: support for residential and production land, support budget to build and repair houses, support building infrastructure etc. Without taking into account the long-term support so that people can stabilize their lives such as: providing agriculture extension, market information, etc. As a result, many households after receiving assistance had to transfer, pledge, mortgage the production land (even resident land, housing); inability to redeem, became resident and production landless. Although according to the requirement, the households allocated with land are not allowed to transfer, donate, pledge, lease their production land during 10 years from the date the land allocated by the state, however in practice there is still the illegal transferring and pledging of land, not through the local government agencies. Policies to support job change also did not achieve the desired effectiveness because they have not been designed in accordance with the characteristics and needs of ethnic minority groups. The people have just "finished study and leaved it" but not made use²² from the study. In addition, the current support policies are mainly of "giving with no conditions" mechanism, without any bindings, or there is not stimulation mechanism for poor households to make effort to get out from poverty (as they are cut off all supports when becoming non-poor households). This in long-term would gradually

²² Trần Ngọc Ca (2006)

resulted in the passiveness among the people, who often expect and rely on the support from the state, do not want to get out of poverty.

IV. Policy recommendations

The Party and Government have always paid special attention on how to improve the material and spiritual life for EM people. However in general, the living standard of EM people is still lower than the ethnic majorities, and the EM livelihood in general is still difficult. The problem of production land – one of most important resource to EM people is still not resolved appropriately. The EM households who own land have still faced a lot of problems in accessing, managing and effectively using land resource. Many other EM groups still do not have or lack of land for production and living. At the same time, policies and laws on land are inappropriate/not suitable to the traditional characteristics of EM's usage of land and this has become the cause of many problems in society such as disputes on land or using land ineffectively. Therefore, in order to support ethnic minorities to stabilize their life and sustainable development of their livelihood, the policies and laws on land should follow the following rules:

- *Ensure the fairness in accessing and using the land for EM people.*
- *Respect the traditional values and characteristics of EM people.*
- *Provide chances and opportunities for EM groups to adapt to and be benefited from the market mechanism, reducing the social unrest.*

Basing on mentioned analyses of land situation and causes, the consultant team would like to provide few recommendations as follows:

For the Land Law 2003 and the related Legal documents

- Prohibit making transactions related to land use rights for land areas supported by the State to the poor, EM people without the approval from related authorities.
- The principles for planning, making plan to use land should include the land fund for EM people, especially the extremely poor group and disadvantaged group for stabilizing their production and life. Improving the role of CEMA in the process of establishing and implementing the planning, plan to use land for EM people. Improving the role of the National Assembly Ethnic Council in appraisal, approval, oversight, inspection of the implementation of planning, plan to use land.
- Encourage to allocate land (agriculture land, forest land, living land of the commune, religious land, and cultural land) to EM community to manage and use. Consider to allocate land permanently and increase the level/norm for land allocation to these communities. Taking back the land from the ineffective agro forestry farms (NLTQDs) to allocate it to the households and community of EM who have demand and ability to produce agriculture at the locals.

- Consider wholly the characteristics of livelihood, residence and management of land of EM people for compensating and resettling when taking land for purposes of national defence, security, national benefits and public benefits.
- Taking off land in EM areas for the purposes of hydropower development must have 85% agreement from the people in the areas to be taken off. Allow EM communities and related authorities have the rights to approve and monitor the operation of economic enterprises on the taken land areas at the local.
- Put high resources tax on to hydropower development and mining in the EM areas. Use this revenue to pay for environmental services (especially for cultivation and protection of forests) for the EM people, and for socio-economic development in EM areas. Increase public investment to develop the infrastructure and fundamental services, along with encourage the private investment to the vacant land, vacant hills, mountains, extremely poor condition areas where residing many EM people.
- Allow exception or reduction of fee of using land for living, production, lease of agriculture land for the poor households and EM communities in areas of extremely poor socio-economic conditions, borderline and island areas.
- Ensure to complete the measurement, drawing maps and issue land use right certificates for EM people in earliest timing. Allow exception, reduction of fee to issue the certification of right to use land for EM households and communities. Establish organizations to provide legal support for EM people in case of land dispute.

For the support policies

General point of view

- The policies should clearly identify the standard/criteria of households to receive supports, methods of identification of the targets to receive supports and the organizations with the responsibility to identify the targets. It should be also to have measure to limit the problem of dividing the households to take benefit from the policies.
- The issuance of policies should consider motivating people to keep their land for production development and stabilization of their life after receiving the supports. It should also be to ensure the effectiveness of the implementation and the right target of issued policies.
- It should be build a general/overall policy for supporting the EM people. Beside the support on land, there need to be supports on the cultivation techniques, restructuring the plants, breeds, apply the scientific advances to improve the productivity and output of the agriculture products. With each content and specific

target of support, it should be putted into 1 regulation document to avoid the overlap when implementing the contents, targets or level of support.

- Need to issue with synchronization/unification of policies supporting infrastructures, irrigation, production techniques along with the support on production land. Policies supporting profession change accompanied with policies supporting loans, finding the outputs for production. Build up extension programs appropriate with the tradition and habits of EM people. Develop the ecotourism in the region of EM.
- In short term, continue to implement the policies supporting living land and production land to EM at regions still available for land fund. Now there are only 2 sources available for land fund: land from agro forestry and not-yet-allocated forest land.
- For regions ran out of available land fund such as the ones in Mekong Delta, it should be changed from policy supporting production land to policy supporting profession change.
- In long term, policies supporting living land and production land must totally change into policies supporting livelihoods, because land is a limited resource, not enough to be supported in long term. Building up the profession training, profession changing solutions will be assigned to each local to fit with each region and each ethnicity factual characteristics.
- Level of support: need to be researched and changed to be appropriate to each region, each specific localities. It should not be the same for every locality as today.
- For projects of cultivation and resident resettlement, allow to find out the positions appropriate to the conditions of mountainous regions. Make amendment, supplementation for implementation mechanism, investment level with other policies supporting “post” resettlement such as: Profession training, creating jobs, credit loans and other social security policies.
- For the process of building, organizing and implementing policies: Need to improve the capability to build the regulation documents about policies supporting land for EM people. Current situation is: the decisions are issued by the Government, but the instruction dispatch from the Ministries and Departments instructing how to implement the policies of the Government are slow (issued). Many Government’s decisions cannot be implemented because the locals need to wait for the instruction circulars.
- The development of policies should be innovated in the direction with approach from the local and the impacted people of the policies to ensure the feasibility and the stability of the policies instead of issuing the policies from top to bottom like

current. Issuance of policies must be based on the results of investigations, researches to evaluate the current situation and the needs of local when implementing policies of the Government. This will help avoiding the situation that policies are issued but can not implemented because they are not appropriate to the current situation of the locals.

- Unify the mechanism of management, monitoring policies for EM people into one focal organization.

Specific policies

Decision 1592/QD-TTg and Decision 74/2008/QD-TTg:

- Continue to implement the programs, policies supporting the EM with living land, production land like in Programs of Decision 1592/QD-TTg and Decision 74/QD-TTg of the Prime Minister.
- Clearly set the standard/criteria for households to receive the supports, the method to identify target of supports and the organizations responsible for identifying the target of supports.
- Set the responsibility to investigate, evaluate and get statistic data from people under category of receiving the support.
- Provide substitute/alternate support solutions such as creating new jobs, support in profession training... for locals which can not create land fund and for households who want to change their profession.
- Set the responsibilities of households who received support on living land and production land: Individuals, households who received supports on living land and production land need to ensure to use it effectively, for the right purposes, be responsible to enrich and improve the land quality etc.
- Set the minimum time to use land for the people who got supports to ensure that they can stabilize the production and their life after getting supported.
- Give exception, reduction of fee for issuance of land use right certificates for households who get support on land.
- Integrate supports on cultivation techniques, providing the plants and animals, promoting the infrastructure building to serve the production development and market circulation in poor condition regions.
- Consider to increase the support level/limits to fit more with the current situation of the market.

Decision number 33/QD-TTg and Decision 1342/QD-TTg:

- Implement the policy supporting with synchronization, in time to sedentary households: beside the support on living land and living house, need to support on both production and life. The level of production support for households should be appropriate to the local's current situation.
- Set the responsibility of investigating, evaluating and putting to statistic the receivers of support policies.
- In positioning the sedentary location: allow to position the sedentary location with the number of households appropriated with the current situation of mountainous provinces. Make amendment, supplementation for implementation mechanism, investment level with other policies support post sedentary such as: Profession training, creating jobs, credit loans and other public services policies.

References

1. Project Report “Analyse the land policies for socio-economic development” UNDP-CAP, 2009-2011.
2. Political Bureau (1989). Resolution number 22/NQ-TW
3. Political Bureau (2003). Resolution number 24/NQ-TW
4. Ministry of Agriculture and Rural Development (2006) “Report evaluates the results of the implementation of Program 132 in resolving the problems related to land to ethnic minorities in local Tay Nguyen”.
5. Ministry of Resource and Environment (2011). Planning to use the land until 2020 and the plan to use the land in 5 year (2011-2015) – national level.
6. Ministry of Resource and Environment (2010). “Report on the current situation of land usage in Vietnam”.
7. UNDP (Program of development of the United Nations) (2012). “Evaluate the impact of Program 135, 2nd period”. Hanoi.
8. Dang Kim Son (2008). “Agriculture, farmers, rural in Vietnam – Today and tomorrow”. Publisher National Politic.
9. Dang Kim Son, Thai Thi Minh, Pham Thi Hong Van (2012). “Report of research reviews, analysis of ethnic minorities policies and support on building a policy framework for Ethnic Committee”. Ethnic Committee.
10. Dao Trung Chinh (2008). “A few problems in disputes, complaints and accusation related to land”. Report in *Workshop about the current situation of prolonged disputes and complaints related to land: current situation and solutions*. Hanoi.
11. Heimo (2010). *Report on Vietnam Development 2011*.
12. World Bank (2009). “Evaluation on the impact of land distribution in Tay Nguyen”. Hanoi.
13. World Bank (2012). “Reforming the institutional of improving the managing system of land in Vietnam, increase the transparency and corruption control”. Hanoi.
14. World Bank (2012). “Changing the Land Law to facilitate the sustainable development in Vietnam”. Hanoi.
15. Nguyen Ngoc Anh (2011). “Current situation of accessing and managing land of ethnic minorities”. Ethnic Committee.
16. Consultancy group of the sponsors (2008). “Report on Vietnam Development 2008 – Social protection”.
17. Oxfam, Action Aid (2012). “Observing the poverty by the method of joining in together in a few rural communities in Vietnam – Summarize report 5 years 2007-2011”. Hanoi.
18. Pham Huu Nghi. “Law policies about land during periods”
19. Pham Huu Nghi. “Situation of conflicts on land in Tay Nguyen and East Southern regions”.
20. Decision 132/2002/QD-TTg
21. Decision 134/2004/QD-TTg
22. Decision 1592/QD-TTg
23. Decision 33/2007/QD-TTg

24. Decision 74/QD-TTg
25. General Statistic Office (2010). *General investigation on population and housing 2009*. Hanoi.
26. Tran Ngoc Ca (2006). "Agriculture encouragement for the poor". Bank of Asia Development.
27. Centre of Agriculture policies consulting (2008). "Report on evaluation the situation of socio-economic of ethnic minorities households who received the production land under the Decision 132-134 at Tay Nguyen". Hanoi.
28. Center of Agriculture policies consulting (2011). "Report on the availability and effectiveness of rural credit in Vietnam". Hanoi.
29. National Assembly Standing Committee (2012). "Report on the monitoring results of the implementation of Decision number 33/2007/QD-TTg in 12 provinces from 2008 to 2010".
30. Ethnic Committee (2011). "Poverty of ethnic minorities in Vietnam: Situation and challenges in socials under Program 135-II".
31. National Assembly Standing Committee (2012). "Report of the results of monitoring the implementation of law policies of living land, production land for ethnic minorities 2012".
32. VARHS (2010). Investigating the access to resource of rural households in Vietnam.
33. Institute of Policy and Strategy for Agriculture and Rural Development (2010). "Impact of policies of farm and land to the livelihood of ethnic minorities households in Tay Nguyen and Mekong Delta".
34. Institute of Social Science Vietnam (2009). "Evaluation on the poverty of ethnic minorities". Hanoi.
35. Institute of Research the Society, Economy and Environment. "The relationship between land and culture, referred from Khmer people and Hoa people in Soc Trang".
36. Institute of Development consulting (2010). "Migration, resettlement, stabilizing life and protect the natural resource in hydropower projects in Vietnam".
37. Institute of Development consulting (2012). "Situation and solution of managing the usage of forest land between agro forestry and the local people". Workshop document. Hanoi.
38. Vu Dung (2009). "A few concerns about ethnic minorities in West Northern area today". Institute of Psychology.
39. William D. Sunderlin and Huynh Thu Ba (2005), "Poverty alleviation and forests in Vietnam". CIFOR. Report.
40. <http://www.qdnd.vn/QDNDSite/vi-vn/75/43/7/7/22/16646/Default.aspx>