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## LAND CONFLICT AMONG ETHNIC MINORITIES IN VIETNAM'S NORTHERN UPLANDS, 1986—2017<sup>1</sup>

**Abstract.** The economic reforms (*Doi Moi*) initiated in Vietnam in 1986 led to substantial economic changes, specifically as a consequence of land policy developments but also led to conflict and land disputes among ethnic minority communities. This research aims to evaluate land tenure-related conflict among ethnic communities in northern Vietnam from the time that the land reform was implemented to the present. The study was conducted on Tay and Dao ethnic communities in Lang Son and Quang Ninh Provinces between February and June 2018. It is recommended that careful attention should be paid to the traditional practices of land use by ethnic groups when making adjustments to land policy in order to avoid conflict due to the implementation of inappropriate legislature.

**Keywords:** land policy, land conflicts, ethnic minorities, upland, Vietnam.

### Introduction

The northern upland of Vietnam is a large territory, consisting of 15 mountainous provinces with a natural area of nearly 100,964 km<sup>2</sup> that accounts for 30 % of the entire country. The area has a population of 11.5 million people, and 40 ethnic groups, of which the largest are the Muong, Tay and Thai. Smaller ethnic groups include the Pu Peo, Si La and Lo Lo [Tổng Cục Thống Kê 2009]. Forest land in northern Vietnam is the largest in the country, with a reported area of over five million hectares in 2016, which accounts for 42 % of the natural forest area nationwide. Agricultural land is an important resource in the region and is associated with livelihood activities and the social and cultural life of ethnic communities.

Following the implementation of Resolution 10 on the reform of agricultural economic management [Nghị quyết 10-NQ/TW 05.04.1988], the government handed over land belonging to collective agricultural cooperatives to households and individuals for production purposes. Vietnam has become one of the most advanced economically developed countries in Asia owing to rapid agricultural-based economic development as a consequence of government policies on economic innovation, especially the introduction of the 2003 Land Law. However, the implementation of land legislation during the economic reforms (*Doi Moi*) in Vietnam also resulted in land-related disputes and unfavorable reactions from those affected. Much research explored land conflicts and protests in the Vietnamese urban and lowland area [Kerkvliet 2014; Nguyen Thi Thanh Binh 2017; Duchère 2019], however, little or no systematic examination was seen to take place from an ethnographic or anthropological perspective on this issue in the North upland area [Tran Van Ha & Le Minh Anh 2008, Trần Văn Hà 2018, Lê Thị Mùi 2018]. Thus, the current study objective was to identify and evaluate the limitations of land law enforcement in relation to land tenure management and research. The focus was on the impact of the conversion of agricultural land to non-agricultural land, people's reactions, and corresponding changes in land users in Vietnam's northern uplands.

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## Materials and Research Methodology

The study was conducted from February to June 2018 in two provinces: Lang Son and Quang Ninh. The study subjects were the Tay ethnic group in the Tu Doan commune and the Dao ethnic people in the Mau Son commune in the Loc Binh District in Lang Son Province, along with the Dao ethnic group in the Tan Dan commune in the Hoanh Bo District in Quang Ninh Province. Household heads or representatives without productive land or those engaged in land conflict were answerable for the Dao community. The Tay ethnic group was represented by pure agricultural and forestry households who were engaged in land conflict in the period following the collapse of the cooperatives and the implementation of Resolution 10, along with village heads and representatives of women and youth organizations in the village.

The households were randomly and intentionally selected from a list of households either registered or suggested by the village management following three categorizes: rich, middle-income and poor households. In each commune, 5 households of each type were invited for interviews. Besides, the research also conducted 3 group discussion workshops in each commune: one male, one female and one mixed gender workshop. Each group consisted of 6 representatives of households who are all married and ranging from 20—70 years old. The primary data were also collected using Participatory Rural Appraisal (PRA) [Lammerink & Wolffers 1996]. The study was carried out in three communes in two districts in the two provinces. It comprised Participatory Rural Appraisal ( $n = 6$ ) and consisted of personal in-depth interviews ( $n = 45$ ) and group discussion workshops ( $n = 6$ ).

Secondary data such as statistics on land records, reports on population, land issues, socio-economic development were collected from the People's Committees at all levels of the two provinces. The findings of previous domestic and internationally published studies, provincial specialized agency reports, local and central newspaper data in the region were also consulted.

## Results and Discussion

### *Changes to land laws and policies during the economic and land reform (Doi Moi) in Vietnam*

The first land policy changes in 1981 were made according to the Government of Vietnam's Directive 100 [Chỉ thị 100-CT/TW 13.01.1981]; however, the mechanism by which the economic management of agricultural production would be carried out had not yet been finalized. Resolution 10 was implemented eight years later and would focus on the allocation of agricultural cooperatives to farmer households and individuals to reflect the progress made on land policy mechanisms in the real estate sectors and land-based production of economic sectors of the country. Resolution No. 22 of the Politburo (November 1989) and Decision 72 of the Government (March 1990), and the Land Law of 1993 were considered to be documents of high legal value as they contained core points on agricultural economic growth and land development [Phạm Xuân Nam 1997: 107].

In addition to the land reforms, a shift in the approach by management to the rights of land users in rural Vietnam took place. Seven important land laws were introduced in this regard between 1986 and 2008. The legal system and land policies of Vietnam had to change within a relatively short time to facilitate the process of socio-economic transition. Resolution 10 constituted a step by the state to re-allocate land from agricultural cooperatives to households and individuals. However, following the promulgation of the Land Law of 1993, the land started to increase in value. The first Land Law (of 1987) had only stipulated that the right to use the land of households and individuals was guaranteed but that all land-related transactions had to be carried out in accordance with the state's decision as the land market was not yet recognized. The Land Law of 2003 was introduced

to develop industrialization in Vietnam as by 2007 industrial contribution consisted 42 % and services 38 % of GDP [Tổng Cục Thống Kế 2009]. The challenge of reassigning agricultural land to land for non-agricultural purposes has always been a critical consideration for social development and social management in Vietnam.

Land policies in the following years in Vietnam were regularly supplemented and adjusted in an effort to identify effective solutions to adapt the socialist ideal of land ownership to the requirements and pressures of an emerging modern market economy; in other words, to redefine and correct the relationship between land, people, investors, and the state [Đặng Hùng Võ 2008]. Although the Government of Vietnam regularly adjusted the legal framework to improve the field of land management, the Ministry of Natural Resources and Environment received more than 30,000 disputes and complaints, along with land denunciations by people from 2003—2006. The number of complaints increased steadily, and the dissatisfaction of affected people, as well as that of investors, indicated the necessity of reconsidering the details on the provisions of land law [World Bank 2009].

Land was always a source of contention for ethnic minorities and village communities in the northern mountainous region, from the commune to the district level, from 2000 until the time that the study was performed (2018). Crystallization of the past caused land problems, especially in the ethnic minority areas and a desire to be independent of the social relations system. Therefore, the approach to the management and use of land of ethnic groups in mountainous areas in Vietnam, in general, and in the north, in particular, was similar, compared to the approach applied in other areas, i.e., the plains or the South but also was characterized by differences associated with traditional land ownership and ethnic culture, both of which strongly influenced social development.

### *Types of conflict*

Following the implementation of Resolution 10 (1988), farmers wished to return to production using the fields of their fathers, grandfathers, or households that were reserved 30 years ago to become agricultural cooperatives. However, the land had changed in size between 1961 and October 10, 1989 as a result of changes to the organization of production teams that were effected at different times (village co-operatives, from 1961—1975) and a commune-wide, large-scale cooperative (from 1976—1980). Therefore, when families wished to take back the land that was thought to previously have been occupied by them, most of them could not identify the old boundaries. Failure to resolve the land disputes in early 1990s led to major conflicts between households in the local community and ethnic groups<sup>1</sup>. Three types of land conflict occurred among ethnic communities in northern upland of Vietnam.

#### *Conflict between the local community (Tay and Nung ethnic groups) and the Kinh ethnic group (the majority)*

The Kinh majority ethnic group migrated from the Red River Delta provinces between 1961 and 1963 to reclaim and develop mountain-based agriculture. Accordingly, they all lived together in the same village for 30 years, leading to the creation of mixed ethnic group families. However, the division of land according to the new policy (land allocation) caused considerable aggravation, leading to land disputes, and impacted negatively on the internal relations of the Tay and Nung ethnic groups.

#### *Conflict between the local people and the settlers*

As per the Vietnamese government's sedentarization policy in 1968, ethnic groups like Dao, Hmong, and Giay who used to live in the upper hill had moved to the valleys to live with the Tay and Nung people. Land was given to those settlers for production in the lowland areas. Following

<sup>1</sup> The archives of cadastral maps and communes for certain Tay Nung districts situated on the border were lost due to the border war against China in 1979.

the collapse of the agricultural cooperative, the Tay and Nung households reclaimed their old familial land from the lands of the collective. Thus, households that had participated in the sedentary program lost their land.

*Conflict among residents and households in the same village*

Disparity between people from different social groups (i.e., those displaced from the community, government officials, retired police and military members, single individuals, poor households, war invalids, and people who formerly had many fields) also created conflict over the allocation of land to a greater or lesser extent, dependent on status. From 1989 to mid-1990, Loc Binh District was involved in 189 land disputes over a total area of 50 ha, 69 of which were internal, i.e., within families. The number of disputed land accounted for only 0.34 % of the total land area in the district and for 0.5 % of the farmers, while each dispute pertained to just 0.2 % of a hectare on average [Bé Viết Đăng 1993: 193].

The complexity of internal relations among families and communities regarding land use rights and land management of ethnic minority areas was exacerbated by population growth and the subsequent splitting of numerous households from 1961—1989. A former nuclear household went on to extend to two new generations, with 4—5 households and their descendants; complicating land use rights in the family in ethnic minority communities.

Land disputes arose in Thin village, Tu Mich commune, Loc Binh District following the division of land among siblings and generations of Tay people in hamlet groups. The interview results showed that the area under dispute in Thin village was 34 ha of slash-and-burn land after the cooperative broke down and included hamlets. Five of 31 households in the Lanh and Hua families engaged in an internal dispute over land for their children in Khon Po hamlet. Six of 40 households in Khon Dang hamlet involved disputes among cousins of the Hoang and Ma families, while 12 of 70 households in Khoo Nooc hamlet were marred by disputes among the Hoang and Lanh families. Land disputes between close cousins (third-generation Tay grandchildren) were less likely to occur among the Dao in Mau Son commune, compared to other communes in Loc Binh District in Lang Son province. By 1993, land was regarded as a commodity, regardless of whether or not the transfer or inheritance of land was recognized by law. Eventually, after a period of land disputes, the ethnic cultural and social relations of a community gave way to farming where control over the land was ceded, in a reversion to the ways of ancient Tay and Nung communities. Community-based land use was coordinated via family ties in terms of management of the land and social conflict owing to policies. Administration performed by local people in ethnic minority communities was replaced by administration conducted by close relations.

Once the land law of 2003 took effect, the land disputes and complaints took on a new dimension, with a considerable increase in the annual number of cases compared to previous years. According to data from the Inspection Committee of Lang Son Province Department of Natural Resources and Environment, between 2004 and 2009, 528 households sought to appeal against 318 applications, of which 85 % were for land. According to the provincial inspection agency, the contents of the applications involved claims over land use rights and claims for the compensation of old land (already previously publicized through the construction land offices of public agencies and units); land disputes between brothers and clans; and complaints over compensation values in cases where investors sought to acquire land so that they could implement capital construction projects.

Clashes occurred not only within the community due to land disputes but also between farmers and the Loc Binh State Forest Enterprise (SFE) (Lang Son). Conflict also took place in relation to land area surrounding the Na Duong coal mine from 2007—2008. However, prior to 2018,

when the study was conducted, land use rights between households and the Loc Binh SFE had not been resolved. This was owing to the collapse of the rice breeding technology in the Loc Binh District in parallel with the disintegration of the cooperative in the early 1980s. Land that belonged to the forestry enterprise could not be effectively managed and households encroached on the land of the enterprise to cultivate and plant forests. By 2018, the issue of land management in the Loc Binh District, especially with regard to contracts between companies who hired households to grow forest, was causing conflict among people. Dai Duong Corporation for Natural Resources Development has 400 ha, InnovGreen Company has more than 100 ha and Vietnam Forestry Company (VINAFOR) has 7000 ha in dispute with local people. In total, after settling the disputes, those companies had returned 3800 ha to households.

***Land conflict: acquisition, compensation  
and the reactions of people and ethnic communities***

*Policy to convert the use of agricultural land  
for non-agricultural purposes*

From 2010—2017 in northern upland of Vietnam, socio-economic development was advancing in accordance with the trend of open trade among the domestic and international markets. Foreign direct investment (FDI) and import and export activities increased year by year, especially between 2013 and 2017 in Quang Ninh and Lang Son provinces. There were nine large-scale FDI projects in Quang Ninh province in 2016 valued between USD 23.8 million and USD 4,000—5,000 million [Danh mục 8.01.2019]. Meanwhile, in Lang Son province, there are currently 30 FDI projects, with total registered capital of USD 240.9 million.

The conversion of agricultural land and production forest land for non-agriculture purposes of the two provinces was seen to increase from 2015—2017. In Lang Son Province, the total agricultural land of the province decreased by 915 ha, while non-agricultural land increased by 1,048 ha from 2014—2017 as a consequence of land conversions primarily [Sở Tài nguyên Lạng Sơn 2017]. In Quang Ninh Province, agricultural land decreased in size by 1,870 ha from 462,960 ha in 2014 to 461,090 ha in 2017 [Ủy ban nhân dân tỉnh Quảng Ninh 2018]. The shift from agricultural land to non-agricultural land was pivotal to the construction of key projects such as bridges, border belt roads, national highways, and airport.

The availability of land resources was considered to be advantageous to the districts and provinces (constituting 30 % of the capital contribution to FDI projects) and comprised two main types of land; agricultural and forests, of which the majority was agricultural land. This was allocated to households for long-term use provided that the land was identified as stable over the long term (National Assembly 2013, Article 128). Therefore, to effect the recovery of cultivated land by the people, the Provincial People's Committee was obliged comply with the adjustment made to the 2013 Land Law (Article 132), which involved compensation.

Although the Land Law stipulated that compensation for land acquisition by individuals and collectives must involve market valuation procedures, the units responsible for the organizing and implementation did not comply with what the law had specified. The compensation policy had many shortcomings in terms of land acquisition and land conversion. In addition, legal implementation of the changes was often slow or subject to delays. The provisions of the 2013 Land Law are spread to all subjects of land use, without separate regulations on acquisition, compensation, support and resettlement for ethnic minority groups in poor or particularly difficult households. Sometimes, the laws overlapped, were applied unfairly, were difficult to understand, or were unsuited to practical application. The policy mechanism for the 2013 Land Law and the 2003 Land Law was applied differently to the same subjects in cases involving complaints about compensation and site

clearance in terms of land use origin. Therefore, the results were different, and this resulted in further dispute [Sở Tài nguyên và môi trường tỉnh Quảng Ninh 2017].

### *The responses of the people*

Most people who were party to the land conversion and acquisition policies supported the land conversion process because the level of compensation for agricultural land and forest land was relatively reasonable. This was determined based on interview results with local people and authorities working on projects in Ha Long, Hoanh Bo, Mong Cai City (Quang Ninh) and on projects in Loc Binh and Chi Lang district (Lang Son).

However, for some places, some people were unconvinced by explanations of local government about the purposes of acquisition, dissatisfied with the amount received and complained when their land was acquired. Many ethnic minority households in remote areas did not receive adequate support when asked to hand over land for the project because the land use process was entangled in procedures. People responded either by filing an administrative complaint or wrote a letter of complaint or denunciation through an application. Four hundred and twenty-five complaints and denunciations of people were received in the province in 2016 and 2017, according to statistics published by the inspection committee of Lang Son Department of Natural Resources and Environment in 2017. Of the 163 applications relating to land and received in Lang Son District, 68 of them were complaints (51 %) and 57 were petitions (43 %). In 2017, 262 land-related applications (97 %) were received, an increase of nearly two times compared to 2016. In particular, there was an increase in denunciations relating to the enforcement of land laws by people. Complaints in 2017 related to compensation for clearance when the state acquired land to construct industrial parks and public works. People demanded an increase in the compensation amount in accordance with market prices, reimbursement for their labor on the land, and support for the processes of land clearance and resettlement. From 2016, the complaints tended to relate to the improper, nontransparent, or inequitable settlement effected by the authorities when implementing the projects [Sở Tài nguyên và Môi trường tỉnh Lạng Sơn 2017]. According to a report by the Department of Natural Resources and Environment, Quang Ninh Province, in January and February 2017, 105 cases of complaints and denunciations were received from people (including four complaints signed by numerous people). Of these, only 55 cases were resolved, 47 cases were waiting to be resolved, and three were unresolved.

## **Conclusion and recommendations**

In the early years of Reform, disputes over reclamation of the ancestral land of Tay people and some other ethnic groups in northern Vietnam, which were previously made public in order to develop cooperatives, indicated weaknesses in social management of the government at the grassroots level right after the cooperative's collapse. Although the system of macro land policies had changed, it was not necessarily suited to each locality and ethnic minority area in terms of the allocation of land to households and individuals for long-term use. At the same time, a management agency and land management system was not established to resolve queries, which caused conflict in the management and use of land between communities, people, and between local authorities and communities.

The issue of land acquisition for the purpose of implementing socio-economic development projects necessitated compensation of affected people, thereby creating opportunities for livelihood transformation and improvements to the lives of people. However, the legal system on land was not as carefully considered as it could have been, and required an appraisal of the socio-economic context and the land use practices of ethnic minorities. The legal procedures for implementation and the

policies issued were uniformly applied to national investment projects, regardless of the specificity of the locality and region.

Conflicts in the land sector in ethnic minority communities in Vietnam's northern upland included disagreements about economic benefits. There were three types of conflict; between land users, between government and people in the early 1990s; between law enforcement agencies, grassroots administrators, people, and communities with regard to land policies; and between people, communities, and project investors involved in the land conversion and acquisition from 2010. The disputes took place with varying degrees of intensity and scope between the parties, creating local conflicts at the commune and community level and between ethnic groups seeking to implement the state-sanctioned settlements. On the surface, these disputes are ethnic conflicts, between the Tay and Nung with the Dao, between local ethnic groups and state-owned agricultural and forestry farms, between state law-enforcement agencies on land and the project owners (mostly Kinh people), however, the root cause of these conflicts is economic, hence it can be solved by economic policies, land policies, harmoniously combined with social relations among ethnicities in terms of policies. It can be said that land disputes here do not lead to deep ethnic conflicts and the Vietnamese government has been resolving those conflicts using economic tools.

Although the land-related policies from 1986—2017 required that regular adjustments were made to the legal framework in order to improve land management and use, how to achieve this remains unclear and lacks specificity with regard to the ethnic minority areas, including the northern mountainous region. It is necessary to redefine each type of forest in subregions attached to communes, communities, and forest protection agencies in order to ensure effective land management and reduce conflict of interest pertaining to forest land use and management of all types, i.e., conservation, protection, and production forests. In addition, there should be strict control of the subjects of land allocation, forest allocation, and monitoring of the land conversion process in order to achieve consensus on benefit sharing among stakeholders. A good community forest model should be developed for Dao ethnic peoples in the Lang Son and Quang Ninh Provinces. However, the privatization process involving private investors outside the community and provinces is ongoing. It continues to be effected through the transfer of forest and forest land from households who already hold a land use right certificate. This could be creating underlying potential conflict regarding land and social management among ethnic minorities in the northern upland. This issue needs to be supplemented by the right of stakeholders to use forest and forest land as per the law on forest land allocation in ethnic minority areas.

The state's policy for voluntary and compulsory acquisition, compensation for the transfer of land from northern ethnic minorities requires adjustment because it has not taken into account the traditional way of life with regard to land use by ethnic minorities.

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**ЗЕМЕЛЬНЫЕ КОНФЛИКТЫ  
СРЕДИ ЭТНИЧЕСКИХ МЕНЬШИНСТВ  
ГОРНЫХ РАЙОНОВ СЕВЕРНОГО ВЬЕТНАМА В 1986—2017 гг.**

**Аннотация.** Экономические реформы («дой мой»), начатые во Вьетнаме в 1986 г., привели к существенным экономическим изменениям, особенно в результате земельной политики, но также породили конфликты и земельные споры между общинами этнических меньшинств. Цель данного исследования — оценка конфликтов в области землевладения между этническими общинами в горных районах Северного Вьетнама с начала проведения земельной реформы до настоящего времени. Исследование проводилось в этнических общинах таи и зао в провинциях Лангшон и Куангнинь с февраля по июнь 2018 г. Авторы пришли к выводу, что при изменении земельной политики с целью избежать конфликтов, которые могут быть вызваны несовершенством законодательства, следует уделять пристальное внимание традиционной практике землепользования этнических групп.

**Ключевые слова:** земельная политика, земельные конфликты, этнические меньшинства, нагорье, Вьетнам.

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