From theory to practice: Land tenure and land allocation in two mountainous communes in Vietnam

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Introduction

The field research was carried out on request by the Vietnam-Sweden Mountain Rural Development Programme (MRDP) during the period September 15 to October 10. The first part of fieldwork concentrated in Thuong Lam Commune, Na Hang District, Tuyen Quang Province. The second part in Nam Lanh Commune, Van Chan District, Yen Bai Province. The team consisted of Mr. Peter Hjemdahl; Social Anthropologist from the Department of Social Anthropology, University of Gothenburg, Sweden, and Mr. Nguyen Van Minh, Ethnologist, from the Institute of Ethnology, Hanoi, Vietnam. The focus of the study was to look at the land tenure and land allocation situation in the two Communes. To find indications of changes in land tenure and land use that have taken place in relation to government policy, to describe relationships between present land tenure and land use and the land allocation process with respects to different categories of land. To evaluate the present land allocation in respect to meeting the needs of the farmers. Briefings of the overall situation concerning land use and land tenure in the Communes were given by Province and District officials from the General Department of Land, the Department of Agriculture and Forestry, FIPI, Board of Resettlement and Fixed Cultivation, MRDP officials, Peoples Committee officials, and others. The bulk of the research was carried out among farmers from different socio-economic levels in villages and hamlets by structured interviews, semi-structured interviews and informal talks. Key informants included village leaders, retired co-operative leaders and work group leaders, and old experienced farmers. Information obtained was cross-checked with Commune and District officials. Statistical data was obtained primarily from District and Commune level. A draft summary of findings was presented at a workshop in Hanoi in October -97.

The researchers wishes to express their sincere gratitude to all farmers and government officials who provided valuable assistance and shared their knowledge and experiences.
Summary

There are some major differences concerning land use and land allocation in the two Communes. In Thuong Lam Commune, agricultural land has already been allocated following Khoan 10, and LTC’s have been handed out to the households whereas the majority of forest land is yet to be allocated. The situation in Nam Lanh is the opposite; agricultural land remains to be allocated, but forest land allocation is finished. Thuong Lam Commune has a stronger focus on wet rice cultivation whereas Nam Lanh is mainly dependent on swidden cultivation.

The main concern voiced by the farmers in the villages visited focused around food security, something the present land allocation and land use planning does little to improve.

The main concerns behind the socio-economic situation in both Communes is the lack of agricultural land, lack of investment from the government, and lack of extension services in areas concerning land use and land use planning. Although (in Nam Lanh Commune) allocation of forest land is in theory finished, the situation remains unclear, the majority of farmers do not actually know where their land is located. It is often difficult for the farmers to translate an abstraction, such as a map on a land tenure certificate, to reality. But the problem also seem in part due to a lack of participation in the land allocation process in combination with the lack of resources by the implementing body.

As witnessed before in other mountainous areas in Vietnam (Vuong & Hjemdahl - 96), the present land allocation process could be described as a "legalisation of the present land occupancy", the present land occupancy being based on previous formal and informal allocations of land.

The favourable natural conditions in Thuong Lam has created a situation where today, in comparison to Nam Lanh Commune, the focus is on wet rice cultivation. Swidden agriculture on fields which have been used for nearly a century still continue to play an important part to provide additional food security, especially so for the large parts of the population in the Commune who still experiences food shortages for parts of the year.

Wet rice cultivation follows the same basic pattern for both ethnic groups in the two Communes, with the difference that in Thuong Lam Commune, soil quality and access to water make it possible to reap two harvests per year on many of the fields. In Nam Lanh the few wet rice fields rarely support two crops per year. In order to achieve food security in Nam Lanh, there is a need for investment to expand the area of wet rice. The need will not be as immediate during a first, transitional period of about 3-5 years, when an intercropping of agricultural crops can take place on forest land.
During the period of co-operative farming, no clearing of land was allowed in either of the communes. It is however difficult to believe that this was the reality, especially if one takes into account the present scarcity of wet rice land in Nam Lanh Commune.

There has been some major differences in Government policy and approach between the two communes during the period from 1960/61--1985/86. Thuong Lam co-operative farming followed a more "traditional" model of intensified wet rice agriculture and rather extensive construction of new wet rice terraces.

In Nam Lanh a system of "state farms" was introduced quite early on during the cooperative period. There were a number of state run Tea enterprises as well as forestry and lumber enterprises active through the later part of the co-operative period (-77 to 85/86). In comparison to Thuong Lam, less focus was given to the construction of wet rice terraces, and traditional swiddening cultivation was the primary means of survival.

It could be argued that before the period of co-operative farming, government policy had little effect on the land tenure situation in either of the Communes. Population pressure was very low, and the clearing of (mainly old growth) forest land for swiddening agriculture was the main source of subsistence. Yield was significantly higher, several consecutive crops of rice could be taken from one plot, fallow, and the fields were located closer to the villages. Apart from the above mentioned facts, land tenure and land use patterns today are similar to the situation before the cooperatives.

Government policy in the both areas has been to try to finish the land allocation process as quickly as possible in order to give farmers a more reliable future as true owners, as well as managers, of their land. It seems however that the approach in Thuong Lam, compared to Nam Lanh, has been a more careful one, the Commune is designated a "Pilot" Commune where the model for land allocation used will be evaluated and then perhaps developed to better suit the needs of the community. In the area of land use planning, the main focus has a long term perspective, and involves mostly long term industrial cash crops such as Cinnamon, Lumber trees, and some experimentation with other cash crops. It seems however that this is an ill-suited approach in respect to meeting the most basic and most urgent needs of the poorest section of the communities; food security. Although a logical first step, given the natural conditions in the Commune, could be an intensification of wet rice agriculture (through investments in fertiliser, new seed, irrigation and lime production facilities), investment in household and collective based production of cash crops could also be considered since the area has rather good infrastructure compared to other areas such as for example Nam Lanh Commune in Yen Bai.
Research and trials into cultivating fruit-trees or specialised crops such as medicinal herbs, expanding or introducing new forms of animal husbandry, is taking place, although on a small scale. The main reason for the lack of sufficient input into these areas is the lack of capital for the needed investments, but also, somewhat surprisingly, a lack of extension services; an area where we believe the MRDP could provide much needed assistance. The MRDP has been in operation for almost a decade, and many of the villages which have been involved in the programme from the beginning has hard learned experiences in many fields which could greatly improve the situation in other Communes in the North. Further research is of course needed if the programme is to expand its operations and make its activities suited to upland areas inhabited by mainly Hmong and Dao who live in a reality socially and culturally different from the two Communes described in this report. The limited resources available in the Districts and Communes, and perhaps the pressures on local levels of government to meet the targets set forth in the Province plan for land allocation has in some cases created a situation which will need to be revised. In practice this has meant limited local participation by the farmers in the process of drawing up land use plans and in the actual process of land allocation. Farmers in both localities often lacked a clear understanding of what is allowed or not allowed in the different categories of land. If peoples participation in the land allocation process is to mean the individual participation of each and every household, then the degree of peoples participation in the process is generally rather low, or in many cases very low. We have seen that the implementing bodies of the land allocation process are very strained for resources (time, material and money), and given this situation, which is not very likely to change, perhaps a different approach to peoples participation could be considered; a stronger focus on identifying, training and working together with key persons in the hamlets and villages.

We have some concern that the zeal with which official policy is implemented and planned and official goals pursued regarding afforestation and forest protection may lead to a situation where the pressure on the limited agricultural land will increase. The fact that the land allocation of forest land does not work well in order to provide for the poorer farmers and the lack of detailed land use plans will make it difficult to provide for a sustainable economic situation. Present focus on long term forest management with crops which will not provide an income in less than 20 to 30 years is questionable in light of the local economic context. Food security must take priority over experimentation with reforestation and forestry.

The most important findings are the indications that the land allocation, the land use planning and the investments made in conjunction with these processes will not reach the poorer households, hence the land allocation process cannot be said to be sustainable or that it is meeting the needs of the poorer farmers.
Lack of forthcoming investment from the government has delayed the development of forestry, where forest land has been allocated. And there has not been sufficient input of extension services.

Land use has not changed significantly, and will not change until needed investment is forthcoming. Swiddening practices will continue unless a viable alternative is provided.

Local adaptation of communal forms of forest management has proven very successful and should be developed and supported.
Both the Tay in Thuong Lam and The Dao in Nam Lanh defines three major categories of forest land. Land on the lower slopes, land on medium-high slopes, and land on the mountain ridges. Only if asked in detail will they agree to categories such as land in a "watershed" area. "Forest is forest" was the most common answer given when asked if there were different categories of forest land. Traditional land tenure and land use concerning swiddening agriculture seem to have been relatively straightforward based on the abundance of land in the period before the cooperatives.

In a comparison of the present situation with past decades (before the period of co-operative farming) the main differences now are: - lower yield per ha - shorter fallow periods - more focus on Cassava, and less Maize and Rice (because of soil degradation) - higher input of labour - the increased distance to the fields (increased population pressure)

It is very difficult to give any detailed indications on traditional land use and land tenure because of the extremely varying soil and climatic conditions, but as an average when the farmers still cleared old growth forest up to three consecutive Rice harvests could be taken from the same plot, directly followed by one crop of Cassava. Of course the yield from the second or sometimes third Rice crop would be significantly lower than the first. The ensuing fallow period would be between 7 - 10 years after which one crop of rice could be planted, again followed by a consecutive crop of Cassava. Maize was never a staple crop and the local soil conditions does rarely provide for a very high yield. When Maize was planted it was, and is, on soil rich in limestone. Now input of fertiliser on the swidden fields is often needed, a difficult task on sloping land subject to erosion. In both Communes, buffalo have been used to plough the swidden fields since about 1940, when most old growth forest was already gone. Planting was done by planting stick, and very little intercropping or mixed cropping was done. The present situation allows for, again with reservation for the varying local conditions, 1 harvest of rice followed by 2 - 3 consecutive harvests of Cassava on the same plot of land. Manure is used as fertiliser if possible. Present day yield is however much lower. Agricultural land was managed by the individual households, and the forest around a village was considered a "free for all" for the villagers except for small areas of forest, most often located in a watershed area, designated as Village Spirit Forest, protected areas managed communally by the village. Where forest were considered a free for all, the same did not apply if someone wanted to set up residence in an area already settled. Then permission had to be asked from the village leaders, and plots of agricultural land, or forest land for clearing, was designated for the new arrivals. In economical terms, the Spirit Forest did not have a
large impact on the local economy, but in the wider socio-cultural perspective the Spirit Forest played an important part. Ceremonial offerings and a small festival were held around March and April every year. In most areas the consultants visited, parts or all of the Spirit Forests had been destroyed to make way for road constructions, factories or government offices, and now the villagers paid little overt attention to them.

On the question of traditional means of forest protection among the minority groups concerned in this report, i. e. the Tay and the Dao, the researchers found surprisingly little evidence of any traditional land use patterns, customs, or traditional law, working towards protecting the forest. Whenever asked about traditional forest protection, both Tay and Dao would answer that they considered the forest a "free for all" in the old days. The population pressure was only a fraction of the present, and forest suitable for swiddening was in abundance. It is difficult to give any general statement concerning the two Communes concerned in this report, but in conversations with the village elders in the hamlets visited, the answers given were similar. Some restrictions did however apply. When a new household decided to move in and settle in or near an already established hamlet, permission to break new land for swidden cultivation had to be obtained from the village leader. Some disputes over land did in fact occur, but on a very limited scale, and rarely within one village. Throughout the field work it proved difficult to find and interview villagers who could still remember the time before the establishment of the co-operatives.
In the limited time we had to complete this study, there were several areas we had to leave aside for future studies. One of the most important of these is the question of how the distribution of work between age groups and different gender is affected by the allocation of forest land to households. In a previous study in a Tay village in Vi Xuyen District, Ha Giang Province (Hjemdahl - 94), indications were that the workload for women was significantly increased after the households were allocated land for forestry and agroforestry purposes. The main reason being that chores such as weeding and tending, the most frequent and time consuming tasks in connection with agroforestry, was done almost exclusively by women. When asked why women were responsible for the weeding and tending to such a large extent, the answer was that this was considered "women's work", similar to weeding the traditional homegarden (although now the work involved a significantly larger area of land). It is an often observed phenomenon, that agricultural work which is drudging, time consuming, and which has a low "exposure" rate will be carried out mostly by women. Low "exposure" rate in this case means exposure to people, factors and events outside of the village, an area where the men have much more opportunity to interact. Many ethnic minorities in Vietnam consider the world outside the village to be mainly the realm of men, and inter-relations with outsiders is often kept to a minimum (see for example Hjemdahl -94 and Vuong - 97).

With the introduction of cash crops, and in the future a general shift in the economy from local subsistence with little interaction with the world outside, to an economy which entails more frequent interaction on a larger scale, there are indicators suggesting that women may be more confined to work within the "realms" of the village. Without going into further detail, we believe that much could be learned from a study of the distribution of labour following the allocation of forest land.

Related to the above concern is the question of "child labour". Children are often required to assist their parents in lighter, time consuming chores, such as for example weeding or grazing of animals. Does this mean that one of the effects of the present expansion of the household economy such as forest land allocation entails an increase in "child labour"? Communal management of forests for protection and production purposes could perhaps work towards a different division of labour within the household, and since communal management often seem a more efficient use of labour, it could also work towards limiting the amount of time children are required to work. The above are some of the areas where we feel that further studies could help the MRDP to achieve more sustainable results.
Thuong Lam Commune, Na Hang District, Tuyen Quang Province

1. Overview

The Commune is made up of 4,913 people in 715 households, and is situated in a fertile valley 20 kilometres north-west of Na Hang District centre. Infrastructure is relatively well developed with easy access to markets, schools and health-care facilities for the majority of people in the Commune.

The population is comprised of

4,688 Tay
208 Dao
17 Kinh

The natural land area of Thuong Lam is 5,220 ha:

**Agricultural land:** 643.33 ha (12.32)
- 206.79 ha (one crop/year)
- 114.11 ha (two crops/year)

**Forest land:** 3,585.42 ha (68.66)
- 3,165.42 ha (natural forest)
- 420.00 ha (forest garden)

2. Agricultural Land Allocation and Land Use

All wet-rice land in the Commune has been allocated as have large parts of the production forest land. Residential land remains to be allocated. Protection forest land will not be allocated to individual households. The two year process of allocating wet rice land (for all 20 Communes in the District of Na Hang) following Khoan 10 finished in 1996, disputes over wet rice land are at present relatively few and the situation could be described as stable. However, as also witnessed from a study in Nam Ty Commune in Hoang Su Phi District in 1996 (Vuong & Hjemdahl -96), the process of allocating wet rice land following the break down of the co-operatives and state farms can be a complicated task. In general the farmers were returned their traditional wet rice land which had been incorporated into the co-operative in the 1960’s. Other criteria for the allocation was based on each households ability to effectively cultivate the land; number of able workers and buffalo. Some redistribution of land also occurred,
and disputes were inevitable. Disputes were mainly based on the fact that during the co-operative, new wet rice terraces were constructed on land which had until then been swidden fields where traditional land use rights prevailed. When the new wet rice terraces were allocated, the previous owners claimed their traditional rights to the land which had now been turned into wet rice fields. Although disputes were frequent and the process of allocating the wet rice land a lengthy undertaking, it seems in most cases, settlement was achieved. The households have been issued land tenure certificates. Some newly and independently constructed wet rice fields have yet to be incorporated into the households land tenure certificates, but since there is a continuing process of expanding the area of wet rice cultivation in the villages, this is an open ended part of the land allocation process.

During the allocation process, exact measurements were made of all wet rice land in the commune, and many of the old (often incorrect) figures which were based on measurements made during the co-operative era were rectified. Newly constructed wet rice terraces were also included in the census and allocation. The maps used were of scale 1:10 000, produced in 1993. 643.33 ha of agricultural land has been allocated to individual households. As a starting point, wet rice land was allocated on a 1000 sq. m "per head" basis. Ex. a family with 3 adult workers would receive 3000 sq. m of wet rice land. The actual signing of the land tenure certificates is done by the head of the household (the husband), and the wife's name is included. In the case that the land needs to be sub-divided to family members, new certificates will be issued. When a son marries, the household will subdivide some of its land for the newly established household to use. This is not always the case however. In some instances, the head of the household will keep control of the land by not changing the land tenure certificate, and only informally give his son the right to use the land. This is not an uncommon practice in the uplands since in most cases, a son will live with his bride in his fathers house until they have saved enough to set up their own household, in which case it is up to the head of the household to provide the young couple with land. In the case of the oldest son, upon marriage, he will usually stay on in his parents household and when the parents reach "retirement" age, he will assume the responsibilities of his father, and his bride the responsibilities of her mother in law. O Re is a common practice among ethnic minorities with patrilineal descent: if a family does not have a son, when a daughter marries (commonly the oldest daughter), her husband will assume the family name of his father in law and come to live in his wife's household. His rights and duties will be those of a blood relation. All available agricultural land in both Thuong Lam and Nam Lanh has a legitimate user, and there are no land funds of agricultural land to be allocated newly established households in the villages. This is a clear indication that the economy must shift focus if a sustainable socio-economic situation is to be achieved in the future.

Since the land allocation process concerning agricultural land was only recently concluded, it is too early to provide much information on
how and if the land use patterns have or will change since the farmers got their certificates. There will probably be few practical changes in land tenure concerning wet rice agricultural land. More effective intensification of the agricultural practices, and a higher degree of investment can probably be expected since the farmers now have more trust in the fact that they are actual owners of their land, and that inheritance rights are clearly spelled out in the new Land Law. Other foreseeable changes may involve the sub-division of land within the family and the issuing of personal Land Tenure Certificates for sons who have already married; in this case the land allocation will, again, provide a formalization of already existing patterns.

3. Forest Land Allocation

Thuong Lam Commune is part of a "Pilot Programme", and forest land allocation is only to be carried out in a limited number of villages as a first step in order to find out the best method for future implementation. Forest land is divided into three main categories: Production Forest Protection Forest Special Use forest The present allocation only involves the first category

There is however another area of forest land allocation which concerns land allocated under the 327 programme which will be discussed below. Following the present plan, households are only to receive long term land use rights for Production Forest. Protection Forest and Preservation Forest will be managed by government organisations.

Of the 420 ha designated as Production Forest in the Commune, 5 villages have asked for and received land:

<table>
<thead>
<tr>
<th>Village</th>
<th>Ha</th>
</tr>
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<tbody>
<tr>
<td>Na Ta Village</td>
<td>98.57</td>
</tr>
<tr>
<td>Na Lung Village</td>
<td>110.40</td>
</tr>
<tr>
<td>Na Va Village</td>
<td>14.15</td>
</tr>
<tr>
<td>Na Lau Village</td>
<td>58.05</td>
</tr>
<tr>
<td>Ban Bo Village</td>
<td>23.15</td>
</tr>
</tbody>
</table>

Total to be allocated: 304.6 ha

5 out of the total of 11 villages in the Commune are involved in the land allocation process. The average area allocated is about 2 ha; varying between 0.2 to 8.3 ha for each household. The basic premises and criteria for the present land allocation are; the amount requested in the application will be weighed against the needs and ability for investing and managing the land by each individual household, and will be limited by the land fund of each particular village. Not every household who have requested land have received land. Either the land proposed to them is of too low quality, or there simply is not enough land to go around in the village. The remaining 116 ha of Production Forest will not be allocated at this time for a number of reasons. The land is clearly defined as Production Forest,
and as such, the farmers who receive the land will have to make considerable investments in order to follow the land use plan. Furthermore, most of the remaining 116 ha seem ill suited for production purposes; the land is purported to be barren rocky soil and often located on steep slopes in inaccessible areas. Some of the land is forested, but constituted of small parcels of land scattered over a large area with no clear borders defining what is what. Only forest land with an area larger than 0.1 ha will be allocated, some households are presently cultivating plots which fall below this norm, and they have been given temporary Land Tenure Certificates. Another part of the 116 ha not yet allocated is land where cultivation has been discontinued for reasons of lack of labour and investment.

4. Excerpts of a household interview

Na Lung hamlet, Thuong Lam Commune

Head of household Mr. Chau Van Cung, village leader, 46 years old
Wife; Mrs. Quan, 46 Daughter; Dam, 12 Son; Minh, 10

Household economy stable with enough rice all year round.

4 000 sq. m wet rice fields in 6 plots
   2000 sq. m 1 harvest/year
   2000 sq. m 2 harvests/year

1000 sq. m Mau, 1 plot, planting Maize

1000 sq. m Household Garden, planted fruit-trees, will bear fruit in 2 years

11 000 sq. m Forest garden, Bamboo, Co (Thatch), natural forest

16 000 sq. m forest land without forest, planted with 1000 Cinnamon seedlings

The household is waiting for their land use certificate for the forest land, the request was handed in to the Commune officials two months ago. The plot is located about 4 km from the house. 6000 sq. m of the forest land was acquired from a neighbouring household who did not want to manage the land. The Land Use Plan for the forest land was made together with the MRDP extension staff, and it was decided to plant Cinnamon. The seedlings were provided by the MB-.DP (value 300 VN Dong / seedling), and will be reimbursed by the end of a fifteen year period when the trees can be harvested. The household is also planning to plant Cinnamon in the household forest garden located in the vicinity of the house. Mr. Cung argues that Rung Phong Ho (or Protection Forest) can be divided into two main categories; from lowland to midlevel = good soil with little rocks, suitable for planting Maize and Cassava. From midlevel to toplevel = bad land with little fertile soil and lots of rocks, land almost unusable for cultivation. However, both categories might include Dau Nguon
(watershed land); good soil where cultivation is possible, but the watershed land is often difficult to access. If there is little agreement or understanding of what the rules governing Rung Phong Ho (Protected Forest) are, there is agreement by everyone that Dau Nguon (watershed) should be protected, which in the farmers view does not mean that nothing is to be planted in the watershed forest. Each year, all farmers in the village have to sign a forest protection contract with the Commune Forester acknowledging that they will not cut any trees, cultivate or break any virgin land in the protected areas, but in practice, people sometimes take the liberty to plant a lesser number of trees in the watershed forest, and when the time comes to harvest, they cut down only about half the number of what they originally planted. There are however also cases where watershed forest have been cleared for agricultural purposes.

There are a total of 80 households in the hamlet of Na Lung, 65 of these have requested forest land to cultivate, and the majority have received approval but not yet any LTC’s. The households who have not requested any land can be divided into two categories; households who already have enough forest land, and households who do not have enough labour to effectively cultivate additional land. The general appreciation in the hamlets visited on what is allowed and not allowed in the Rung Phong Ho (protection forest) was that you cannot cut any trees, or break any new land. But gathering activities, such as gathering of fire wood, leaves and vegetables and herbs is allowed. This is in fact prohibited. Following these rules blindly means that no activities whatsoever affecting the Rung Phong Ho (protection forest) other than the proms of all vegetation in that area are forbidden. In conversations with officials however, they both know, and agree that people are to be able to perform traditional gathering activities the such as the above mentioned even in Protected Forests.

5. Forest land allocation; an example from Na Va hamlet

13 households in Na Va hamlet has made a formal request to receive production forest land. Soil samples of the different categories of soil were taken 1 year ago. The General Department of Land in the District visited the hamlet and brought with them cadastral maps. The borders were drawn up on these maps after the officials made a first hand investigation into the borders together with the villagers. The land tenure certificates were then signed, and the households are presently waiting to receive the endorsed land tenure certificates. There has been’ no detailed land use plan made with the participation of the farmers. When the farmers sign the LTCs, they simply agree to plant and tend unspecified varieties of trees for production purposes. If, after a two year period, the Forestry Department in the Commune finds that a household has not planted any trees, or failed to manage the land properly, the LTCs will be revoked, and the land returned to the Commune. The absence of a detailed land use plan for the land allocated may not pose a problem in Na Va since this hamlet is part
of the MRDP programme, and the seedlings will be provided by the programme. However, the farmers requested more extension services from people with experiences of cultivating production forest varieties.

6. Excerpts of an interview; during the co-operative

When the co-operative was formed in 1960, the number of households in the Commune was about one third of the present, but the number of people in each household was larger than at present. We did not obtain any data on the population of the Commune in 1960, but as a comparison, we were given figures from a census made in 1986 where the population of the Commune was 3148 people in 418 households. This is to compare with the present number of 4161 people in 718 households. As an example, one village in the Commune had 26 households in 1960, to be compared to the present number of 98 households. During the early decades of the century, population pressure was low, agricultural land and forest land was in abundance, and up to about 1930 - 1940, clearing of old growth forest was still very much in practice. The situation seem to have changed in the late 1940's, when the village elders we talked to described that almost all old growth forest in the area was gone. When the co-operative was formed, there was a radical change in the focus; from a land use pattern which involved swiddening cultivation of Rice, Cassava, and Maize to supplement the limited wet rice cultivation, to intensified wet rice cultivation and the construction of new wet rice terraces on swidden land. Whereas before, no fertiliser had been used, the intensified cultivation required both more input of fertiliser and labour.

7. Excerpts of an interview; traditional land use

The Tay in Thuong Lam traditionally identified three types of forest:

- Rung Gia (old forest)
- Rung Tai Sinh (regeneration forest)
- Rung Thieng / Ma (spirit forest)

Old forest was pristine forest, never cleared for dry-rice cultivation. When old forest had been cleared, burnt, and one or perhaps two seasons of dry rice planted and harvested, the land was generally left fallow for a period of three to seven years depending on the soil quality, and the again cleared to plant Rice, Maize or Cassava depending on the quality of the soil. In some cases, rice could be planted twice on the same land, but in general the second year crop would not yield enough so rice would be substituted with Cassava or Maize. Cassava or Maize was planted in a traditional shifting cultivation pattern, with no mixed cropping or intercropping. 3 to 5 consecutive years of planting Cassava or Maize would be followed by
a fallow period of 3 to 7 years. Forest land was considered a "free for all" in the period before the co-operative. The main constraints on shifting cultivation was the amount of labour a household had access to. In several informal interviews in different hamlets in Thuong Lam Commune, it was stated that there were no particular method of protecting the watersheds, although the spirit forests (at the time before the Co-operatives amounted to about 20 000 sq. m divided into four separate areas in the hamlet of Na Lung) were most often located in and around a watershed area. Although the area may seem small, the farmers agreed that a much larger, but not clearly defined, area around the spirit forest was also left untouched by swiddening cultivation. The Spirit Forest in Na Lung was destroyed to a large extent during the period of the cooperative when a new road was constructed through the area. The remaining spirit forest is now to be found in the protection forest category.

8. Discussion

The immediate problem concerning the allocation of forest land is, again, that the lack of investment by the government, the criteria for allocating land, the fact that land is only allocated individual households and not for communal management (lack of manpower in the poor households), the lack of extension services, makes it very difficult, if not impossible, for the poorer farmers to effectively participate. This is especially troublesome since agricultural land is in such short supply, and the present categories of land includes very little land which could be turned into, preferably, wet rice fields. The allocation of forest land were near completion at the time of our visit to the Commune, and the results remains to be seen.

The main problem as we see it is how to facilitate for the poorer household to gain from the allocation of forest land. If land is only allocated based on the premises outlined in the above, then there is very little opportunity for households with few labourers and little capital to participate. There is a definite need for models which enable also the poorer households to be included in the process.

As an example of how an attempt towards this end is actually carried out in practice, we present the example of communal forest land management in Nam Cai Village, Yen Bai Province (see chapter: Land Use and Land Allocation in Nam Cai village; an example) Communal management of production forests could involve the pooling of labour and other resources, as in communally managed Coffee or Tea plantations or fruit orchards. Local knowledge and expertise in different fields, and concerning local specialities, is prevalent but it seems rarely utilised, in many of the upland Communes. This has probably as much to do with the general perception often found among many lowland Kinh towards the minorities as being "backwards" and sometimes uncooperative, as it has to do with the fact that plans for economic development has, up to a very recent point in time, been modelled on the realities in the low-lying delta areas with a predominantly Kinh population. If land is
put aside and made available for other purposes and not simply designated as Forest Land, (as it seems that a somewhat overzealous back-lash to previous decades of uncontrolled use of the forests have brought on), fish nurseries, cow, goat or buffalo breeding and a number of other activities could provide ample ground for experimentation to support the local economy. Arguments are often voiced against the production of cash crops in remote areas without infrastructure such as roads or markets, but if one would take a closer look at how the presence of, for example, Hmong and Dao living in very remote areas actually dominate the commerce in Sunday Markets all over the Northern part of Vietnam, it should attest to the fact that even if roads and local markets make for more efficient and convenient trade, it is by no means a necessity. If the land tenure situation at present is presented as relatively stable, there is still widespread opinion in the villages that in some cases a partial re-allocation of both wet-rice land and forest garden land should be undertaken in order to achieve more equality.

Aspects of programme 327 in Thuong Lam Commune

Forest land allocated under the 327 programme involves a total area of 90,8 ha of Forest land in Thuong Lam Commune. 50 ha is concentrated around Na Lung Hamlet, but is allocated to and managed by 32 households who mainly live in other hamlets. The contract 327 was initiated in Thuong Lam Commune in 90-91.

Forest land under the 327 programme has been allocated on an "open ended" basis. There is no time limit for how long a farmer can keep the land, and the land use plans are at best vague. In the individual contracts signed by the households, it is clearly stated that the land should be utilised according to the land use plan agreed upon when the land was allocated, and if this is not the case, the land will be reclaimed by the Commune. This is not the case however.

There are several examples of households who have been allocated an area much larger than they have possibility to effective cultivate and manage. And yet other examples where no activities whatsoever has taken place. The reasons for this mismanagement are mainly that investment promised has not been forthcoming, and that the households who have been allocated the land has found themselves lacking labour to fulfil their duties. Further complicating the process of effective forestry under 327 is the somewhat queer fact that most "forestry" land belonging to the 327 Program is actually classified by the District Department of Land as "Rung Phong Ho", or, "Protection Forest". Land belonging to the "Protection Forest" category is not to be used for production. On a direct question to the Land Department in the District on the ramifications of this, the answer was that; 327 forest land belongs to the State, the initial investment comes from the State, and the trees are only to be harvested by the state. If the above statement is actual policy, and the present categories of forest land with the present rules for land use persist, it means that the farmers who has planted the trees and invested his labour will not reap any benefits from their considerable investment and efforts.
Although some households who have been allocated large areas of forest land may be able to make effective use of their land, we suggest a thorough review of the 327 programme concerning already allocated land and present use of this land in Thuong Lam Commune. Since the scarcity of land is such a serious problem in the Commune we believe that a review of the present situation, and perhaps a re-allocation of the 327 forest land would provide for a more efficient use of the limited resources available.

9. Resettlement plans, Na Hang District

What follows is an outline of a situation not directly linked to the forest land allocation in Na Hang District, but nevertheless affecting the process in a major way by increasing the population pressure in areas where there is already a shortage of agricultural and forest land. We strongly suggest a separate in depth study of the communes and hamlets affected by the resettlement programme to be carried out as soon as possible.

According to the resettlement plan in the Commune of Thuong Lam three main categories of people are to be resettled:

People living in:
- remote areas
- rung dac dung (national forest preserves)
- rung dau nguon (watershed forests)

The resettlement plan is made in the District, endorsed by the Province level, and funds are received from Hanoi. The District level then carries out the resettlement together with the Communes involved. The plan is to be finished resettling all households concerned by the end of 1997.

The compensation allowed for the resettled households include:

- 500 sq. m of sloping agricultural land to be used to plant Maize and Cassava
- 360-400 sq. m of flat agricultural land to be used to break new wet rice terraces. (no forest land will be allocated)
- 250 000 VN Dong to hire labour to build wet rice terraces
- 2 Million VN Dong to be used for other construction work such as building houses and animal pens.

Half of the above 2 Million VN Dong is paid in advance after some preparations to move has been made, the other half upon completion of the resettlement. The government has provided the already resettled households with two tonnes of rice, free of charge. In the future, the Agricultural Bank for the Poor may provide loans for the farmers to buy equipment and animals such as water-buffalo, pigs and fowl.
There are 23 households with 153 people (Hmong and Dao) in category 1, presently living in a remote area of Nang Kha Commune, Phiang Quan hamlet. This is a remote area with no infrastructure and no easy access to health facilities or schools. 10 of these households will move to one and the same hamlet in Thuong Nong Commune. It is yet to be decided where the remaining households (5 Dao and 8 Hmong) will move. An additional 7 households of Dao in the first category have already been resettled in Nang Kha Commune, Phiang Quan Hamlet. These 7 households is said to have received what was promised as compensation. Their situation is now described as "stable" by the Board of Resettlement and Fixed Cultivation.

Category 2 involves the resettlement of a total of 39 households;

11 Dao households from Vinh Yen Commune 28 Hmong households from Khau Tinh Commune Some initial preparations to move have been made by the farmers, but they have yet to finalise the move.

Category 3 involves a total of 9 Dao households, 69 people in all. These households have already moved to their new location in Yen Hoa Commune to a place which was up until their arrival uninhabited. This new hamlet of Khuoi Kieng is located not less than 10 km from the Commune centre, and there are no roads.

As described earlier in this report, there are several serious factors to take into account for the future concerning the process of resettlement. Our greatest concern is that resettlement may be carried without sufficient economic input. Agricultural land is scarce in the Commune, and based on the present population pressure we find it difficult to believe that a previously uninhabited area with unused land could provide for a sustainable socio-economic situation. A separate study in resettled villages should be able to provide theoretical support for future resettlement plans. Studies should be carried out both in villages which are established in areas formerly uninhabited, in order to find out if the situation has stabilised and provides for sustainability, and in areas where different ethnic groups become forced to live in close proximity to each other, such as Hmong hamlets being resettled in predominantly Tay areas. Not only should special attention be paid to the sustainability of the socio-economic conditions and realities, but attempts should be made to understand what the impact on the cultural realities will be.
Nam Lanh Commune, Van Chan District, Yen Bai Province

1. Overview

Nam Lanh is an upland Commune situated in the western part of Van Chan District, Yen Bai Province. The Commune is made up of 7 villages with a total population of 2,438 people in 401 households. The population is made up of seven different ethnicities including:

- Dao: 361 households, 2,199 people (90.1%)
- Hmong: 21 households, 57 people (5.9%)
- Thai: 10 households, 57 people (2.4%)
- Kinh: 8 households, 34 people (1.4%)
- Tay: 1 household, 7 people (0.2%)
- Kho Mu ': 1 household, 7 people (0.2%)

The natural land area comprises 7,752 ha:
- Wet Rice: 35.2 ha
- Swidden Rice: 111.8 ha
- Cassava / Maize: 67.6 ha
- Tea and Paten trees: 13.1 ha

38% of the area, or 2,995.4 ha, is forested land, whereas 55.8%, or 4,325.9 ha, is "forest land without forest". The remaining forested areas are mainly to be found in the borderlands of the Commune, in areas difficult to access, on steep slopes and high ridges.

2. Traditional Land Tenure and Land Use in Nam Lanh; an outline

The ruling determinant creating the pattern of land use in Nam Lanh before the Co-operatives was the abundance of land. Although no data exists on how many household were settled in the area in the early century, an estimation based on conversations with village elders in the villages visited would give a population figure of about one fifth of the present number. Unless a certain family had already started cultivating a certain parcel of land, or marked off an area of forest soon to be cultivated, land was considered a "free for all". Primary old-growth forest was turned into agricultural land. When a parcel of old growth forest had been cleared and burnt, rice was planted using a planting stick. Land of good quality would yield an average of 3 consecutive rice crops, and often an additional crop of Cassava. The land was then left fallow to regenerate for 7 to 10 years. During the years before the co-operative, a fixed pattern cultivation based on a rotational system does not seem to have been
the case. Forested land was so plentiful that the farmers simply moved on from one area to the other. When asked about different traditional categories of Forest Land the village elders always gave the same answer; forest is forest. If the question was pursued further, they would sometimes agree to having had a separate category for watershed forest, but most often not. Forest land was divided into low-lying slopes, mid-level slopes, and ridge. Protected forest did not seem to have existed outside of what could be described as the village "Spirit Forest" where once a year a ritual, including small offerings to the village protective spirit was held. The forest area of the "Spirit Forest" was very small however, sometimes only consisting of a few large trees. The "Spirit Forest" was most often situated in a watershed area.

3. Present Land Use

Because of the natural conditions, primarily the limited area of land suitable for wet rice cultivation, food security in Nam Lanh is still primarily based on swiddening cultivation of Rice and Cassava and vegetables grown in the home gardens. The few remaining natural forests, old growth and regenerated forests, in the Commune do however play an important part with respect to food security and animal husbandry. Gathering activities to supplement the diet are mainly concerned with Bamboo sprouts and varieties of forest vegetables. Varieties of medicinal herbs, and other special use plants and leaves used in construction of various implements are still found in the forests. Fire wood for cooking and timber for construction are a constant concern because of the limited forest area, and the amount of labour spent in gathering. Population pressures and deforestation has had a large impact on wildlife. Hunting is rare since almost all game is extinct. Although there are several medium sized streams running through the Commune, fish is in scarce supply. Fish ponds for nursing domesticated varieties are rare because of the considerable effort of constructing and maintaining fish ponds on the sloping land.

4. Land Use and Government Policy

After decades of unsustainable utilisation of the natural environment, the Vietnamese governments new found dedication to slow the degradation of forests and forest resources is commendable, but the local implementation of national guidelines, as concerning forest land allocation, is not always suitable to local conditions, or even feasible, without efficient and strong development and redirection of the local economy in areas such as Nam Lanh Commune.

Only when a sufficiently high level of food security is achieved will the farmers be able to participate effectively in areas of economic expansion; such as growing industrial trees for pulp, wood or lumber, or other cash crops such as Cinnamon.
Based on our experiences we will argue that where the goal of the government is to try to reach the poorest areas in an effort to "eradicate poverty", the present priority and focus given to investment in forestry is ill suited to the realities of poor upland areas. Food security must come first. To quote an often heard phrase from farmers we interviewed; "Trees are fine, if we can plant them, but they are not good to eat". The present focus on developing forestry and efforts of forest protection, to decrease soil degradation and erosion which follows forced swiddening practices in areas where the population pressure does not allow for sustainable swiddening agriculture will only be feasible if serious concern is given the present local reality. What we have witnessed in a number of locations is some of the negative effects of this very ambitious project, where agricultural land is reclassified as forest land, and the responsibility for protecting and managing the land is left to the individual households without sufficient input of either extension services or capital investment.

There is also the question of how to achieve effective forestry on small scattered plots allocated individual households, yet another argument for allocating larger areas of land to be managed communally by a kinship group, a hamlet or a village. Officially sanctioned and encouraged crops are for the most part varieties which will not yield the farmers a cash income in less than 20 to 30 years. As we have tried to show, the present situation is far from stable if the present guidelines and regulations concerning forest land are followed.

5. Land Tenure and Land Allocation

In reality, and based on "traditional" land use rights, all land in the Commune presently used (including fallow swidden fields) for agricultural, sometimes including forest land used for gathering activities and grazing of animals, has a legitimate user. Past land allocations has dealt with wet rice land, and to an extent forest land. Allocation of wet rice land is yet to be formalised (through the issuing of Land Tenure Certificates). The reasons behind the present situation, where wet rice land and large portions of other categories of agricultural land, i.e. swidden fields, are yet to be formally allocated, are purported to be; lack of funds, material, and manpower. It could be argued that the same basic premises also applied when the recent allocation of forest land was carried out, a process with which the Province and the District still decided to go ahead with. The procedures and some of the results of this land allocation will be discussed below.

As we have argued previously in this report, the general situation concerning wet rice land, compared to forest land or swidden agricultural land, is relatively clear. An allocation of wet rice land to formalise tlae pmsazt siaratzon could be done using the existing methods. But based on our observations and interviews there seem
to be a need for a redistribution of parts of the wet rice land in most of the localities visited. The reason being that the present socio-economic situation for many households in the Commune have changed quite considerably since the last informal allocation. An investigation into the situation concerning the present ability of households with little or no wet rice fields should prove very helpful to the poorer households. (The impetus, at least from an official perspective, to carry out a thorough investigation on which to base a reallocation of wet rice land could perhaps prove stronger in comparison to forest land when considering the ensuing increased tax revenue.)

Although with some exceptions, the general situation concerning wet rice land is that it was allocated to the individual households either following the breakdown of the co-operatives (around 1984); or after the discontinuation of subsidies for the "State Farms" (in 1996). Wet rice land was then allocated to the households based on their potential to effectively cultivate the land (number of able workers, and buffalo) at the time of the allocation. This made for a situation where some households who presently have the possibility to cultivate wet rice are still left without land. At present, no LTCs for wet rice land have been issued. Although the area may be small, most households in the Commune have wet rice land of two different categories; 1. fields subject to agricultural tax (land allocated to the household either by the State Farm, or by the Co-operative.) 2. fields exempt from taxation (rice terraces constructed by the individual households) Most wet rice land belongs to the first category.

According to the plan in the Commune, wet rice land will be allocated in conjunction with the remaining part of the swidden fields (which are concentrated around the wet rice terraces). Since new maps have to be drawn and fields measured, this appears to be a practical way of carrying out the allocation. It would also mean that the swidden fields allocated in conjunction with the wet rice fields would be formally categorised as Agricultural Land in the Land Tenure Certificates. An important point, because as we have witnessed, the pressures of "reclaiming" agricultural land for forest regeneration, or forestry production, are real.

6. Forest land allocation

The following discussion on forest land allocation will be divided into two parts; first the recent general allocation carried out in accordance with the Provincial plan, and second; the allocation of forest land to be managed under the 327 contract.

Forest land has been allocated to individual households and organisations. The total area allocated is 5,911.3 ha, in the following categories:

Natural Forest 358.2 ha
Reforestation land 72.4 ha
Production Forest 3 135,1 ha  
Forest gardens 394,0 ha  
Deforested forest land 1951,0 ha  

The land was allocated to:  

- Individual Households 4 544,2 ha  
- Commune Peoples Committee 557,8 ha  
- Van Chan Forestry Enterprise 449,3 ha  
- Dep. of Forestry Management 340,0 ha  

Land was allocated to households based on their formal request submitted to the land allocation monitoring committee (who instructed the villagers how to fill out the form) The needs of the households, as put forward in the formal request, was then assessed against the households ability to effectively manage the land, and the actual area available for allocation in the village. No detailed land use plans were made, and investments in capital and extension services for reforestation and forest production is still lacking.  

The different categories of forest land, as decided by the Planning Institute in the Province, often interlink with each other. And "Forest Land" is not always simply forest land, but land where an intercropping of agricultural crops can also carried out, as in the category of Rung Nong Lam Ket Hop ("forest for combined use").  

- Natural Forest; is allocated for protection purposes only, the state remains "owner", the household carries out the duties of protection, and in theory no gathering or agricultural activities whatsoever is allowed. In contrast to the 327 programme, no compensation will be paid.  

- Reforestation land; is allocated to households for protection purposes, regeneration, no agricultural activities are allowed  

- Production Forest; is allocated to be planted with industrial tree varieties following the Province master plan; in general Cinnamon and lumber trees  

- Forest gardens; is allocated to households to grow varieties such as Bamboo, Tea, Coffee. Agricultural crops are allowed, but not the clearing of land for swiddening cultivation  

- Deforested forest land; former swidden fields no longer to be used for agricultural practices, following the government plan, this land is to be reforested  

Land allocated for reforestation purposes sometimes include agricultural land (swidden fields). It is difficult to see how this will help in achieving a stable situation in areas where agricultural land is already in short supply, and indeed, in interviews and conversations with the farmers, they expressed concern over how to achieve food security if agricultural land is reclassified and turned into forest land.
Undoubtedly, swiddening practices continues, and will continue on land designated for protection purposes unless a viable alternative is given the farmers. It also seems that the regulations concerning other kinds of forest land are not well suited for local realities (see chapter; Communal Forest Land Management)

Households which have received land from the above categories must abide by the rules and regulations concerning each category. On signing the Land Tenure Certificates for Forest Land issued, the household agrees to implement the afforestation and protection plan. The household "should co-ordinate their activities with the government input of investment in order to fulfil the plan". The household agrees to manage the land in accordance with the Land Law, and to conform with Party and Government Policy.

7. Land Use and Land Allocation in Nam Cai Village; an example

Nam Cai village is comprised of three hamlets with a total population of 243 people (all Dao minority) divided into 33 households. The village is one of the poorer in the Commune, but has recently been involved in the MRDP programme, although little investment has been, forthcoming. The total area under agricultural production is 13 ha of swidden fields, and an additional 4 ha of wet rice fields. An additional 34 ha of forest land has been allocated to a group of 8 people in the village for protection purposes under the government programme 327. Every household in the village has a portion of wet rice land except for two newly established households. After a lengthy discussion following our question of when wet rice land was allocated in the village, the year 1984 is agreed upon, but there have been no issuing of Land Tenure Certificates of wet rice land.

Most households in the village have two distinct categories of wet rice land 1; wet rice land subject to agricultural tax (wet rice land which was allocated to them by the co-operative) 2; wet rice land exempt from taxation (terraces constructed by the individual households following the allocation in 1984) The total area of wet rice in Nam Cai village is 4 ha.

Household land holdings of agricultural land in Nam Cai where swidden cultivation techniques are used varies from over 1.5 ha in a rich household, to less than 1000 sq. m for a poor household. As evidenced by the limited area for wet rice cultivation, swidden cultivation of Rice and Cassava is the basis for food security. Yield is low however, with continuing degradation of the soil due to too short fallow periods. Food shortage during several months of the year is something which affects every household in the village. Allocation of forest land was carried out in December 1996, and all households in the village have received their Land Tenure Certificates. However, the situation is not so clear cut as we first came to believe. The reality is that very few of the households visited in 5 different villages in Nam Lanh Commune, could indicate with certainty where their plots, as
indicated in the Land Tenure Certificate, were actually located. On closer examination of a few land use certificates, some households were very surprised to find that they actually had a lot more land than they had been aware of. The maps attached to the certificates are of a scale 1:10 000, but the actual size of the maps (approximately 5 X 5 cm) proved it almost impossible to determine where the land was actually located. This did not appear to be only a result of difficulties of grasping the abstract concept of a map. Very few villagers knew of the duration of their certificates, and even less of what they could or could not do in relation to the different categories of land. The farmers did not have clear ideas of how to use the forest land, no detailed plans had been made. Part of the answer as to how the situation can be so unclear is probably to be found in the fact that the actual process of allocating the forest land (in Nam Cai Village) was carried out by one single official over a period of one day. Of all households in the village, only a handful actually accompanied the official to the fields (crude markings in a note book of the location of land parcels was done by the official while standing on the top of the higher hills in the village.) In the village of Nam Kip (72 households), the same process took five days to complete by two officials. When asked, the farmers in Nam Kip were also very uncertain to where their newly acquired forest lands were located. A considerable proportion of the farmers interviewed had never read their certificates, and even fewer understood the implications of the document they had signed. Because of the bad quality of the maps, time constraints, and the fact that the farmers rarely knew where their newly acquired land was located, it was very difficult for the consultants to clearly verify what both the farmers and ourselves felt that through the recent forest land allocation process, a significant portion of agricultural land had actually been reclassified and thus "transformed" into forest land. Following the rules for land use in connection with forest land, this means that in reality, all agricultural production has to stop, and protection of regenerating forest or the planting of trees must follow. In the cases where the farmers could actually explain where their forest land was located, they also explained that they were still cultivating agricultural crops. The reasons given were twofold; either no tree seedlings had been provided, or if they had already planted trees, they would continue to cultivate agricultural crops such as cassava, maize, rice, or beans through a period of about 3 to 5 years until the trees had grown. This is a practice which is not officially approved outside of land in the "land for combined use" category, but it seems a very good one considering the lack of agricultural land, and the extra security such intercropping provides for in case of failure of one or the other crop.

We propose a separate study which looks into the present reality, and investigates the ramifications for the future. Agricultural land is already in very short supply, and if the area is further reduced without providing the farmers with viable alternatives for survival, the present land allocation process will not create conditions for sustainable land use. If the Land Tenure situation at present is presented as relatively stable, there is still widespread opinion in the hamlets that in some cases a partial re-allocation of both wet-rice land and forest garden
land should be undertaken in order to achieve more equality. This is another area where the present land allocation process need focus more attention on.

8. Resettlement

Of major concern for the future and an area which need further studies in both Provinces visited is the question of the impact of the government programme for resettlement and fixed cultivation.

9. Resettlement, Van Chan District

The Board for Fixed Cultivation and Resettlement, is located in Nghia Lo District Centre, Yen Bai Province. The Board is the implementing body of the Province department of Fixed Cultivation and Resettlement. The Board is comprised of 6 officials from 5 different ethnic groups, Dao, Hmong, Tay, Thai and Kinh, they are presently active in almost every Commune in the District. There are a total of 193 households (20 Dao, and 96 Hmong) scheduled for resettlement before the year 2000. The director of the Board explains that the hamlets concerned are presently located in very remote areas with little or no infrastructure, difficult access to schools and health care, and this is the main reason for the resettlement. Of course, another of the governments reasons for resettlement of these families is the fact they are often practising nomadic or seminomadic swiddening agriculture, considered destructive of the local environment. The aim is to provide them with land for fixed agriculture; wet rice and cassava cultivation. It has however proven very difficult to meet the established targets. There is already a severe shortage of agricultural land in the District. The director explains that at present, they have enough land to resettle about 40 households, but for the remaining households, there is at present no available land. The investment needed for resettlement of one household is between 3 to 5 Million VND, with an additional 3 tonnes of seed for the first years rice harvest. Each household is given 800 000 VND in cash, half upon agreement to move, and the second half after completion. A few necessary items such as kitchen utensils and other small tools are provided by the Board. Government interest free loans is said to be available for the households to buy tree seedlings, buffalo or other livestock, or seedlings for cash crops such as coffee.

10. Resettlement; an example from Nam Lanh Commune

The following example involves the two villages of Ngon Lanh and Ta Lanh in Nam Lanh Commune. Ngon Lanh is a newly established Hmong Village comprising 150 people in 21 households. Ta Lanh is a nearby Dao village settled since at least a century. The Hmong in Ngon Lanh village migrated to Nam Lanh Commune from Tram Tau
District in 1983. They settled in a densely forested remote part of Nam Lanh Commune where they established a hamlet which officially and administratively became part of the nearby Dao village of Ta Lanh. Later the same year, the village of Ngon Lanh was established as an administrative unit. From 1983 to 1994, the people of Ngon Lanh had established themselves quite successfully in this remote part, but the board of resettlement and fixed cultivation decided to try to move the entire population closer to the lower lying village of Ta Lanh.

To date, 21 households from the old location have been resettled next to Ta Lanh village, but 2 households have refused to move, and are still living in the area where the first hamlet was established.

All households have received land use certificates for forest land, but are not clear over where this land is actually located. They continue to cultivate their swiddens in the vicinity of the old hamlet, which means that they now have to travel for about an hour to reach their fields. The reasoning behind which they find difficult to understand. Prior to 1994, the forest in the area of their old hamlet were used by both Ngon Lanh and Ta Lanh, but in 1994, 485.5 ha of the area was designated Protection Forest, and allocated to the village of Ta Unh for protection and management under the 327 programme. The village of Ta Lanh receives 45,000 VND/ha (paid in rice) as compensation in order to protect the forest. The allocation meant that the Hmong became effectively barred from utilising the forest, and they came into conflict with their Dao neighbours. The dispute and the mistrust between the two villages have since reached serious proportions. In an effort to resolve the dispute, in December 1996, Ta Lanh Village invited 13 households from Ngon Lanh to assist in managing the 327 forest. This does not seem to have worked out to everyone's satisfaction however. Because of the limited time spent in the villages of Ta Lanh and Ngon Lanh, we cannot give a clear answer as to why the differences have not been settled, but there are a number of conflicting claims made by both villages. The general feeling of distrust have gone as far as to prevent the Hmong and the Dao from sharing the same dinner table for fear of being poisoned. Claims involving the killing of pigs and the misuse of cattle grazing in the forest are commonplace, as are Hmong claims that the Dao are not giving them their fair share of money/rice for assisting in the protection and management of the forest. The Hmong claim they have not been allowed to use the forest to graze their animals, whereas the Dao refers back to an earlier agreement between the two villages which stated that no grazing would be allowed during the months of February - April. The reason being that a certain variety of Bamboo (for food purposes) need to be left to regenerate during these months. The Bamboo has been cultivated in this forest by the Dao in Ta Lanh since the French colonial period, and they uphold their traditional rights to this food source. The tension created between the two villages of Ta Lanh and Ngon Lanh by the still unclear situation of land use rights is a remainder of both how important the forests are, regardless of how the forest is officially categorised, in respect to both food security and animal husbandry.
The Hmong in Ta Lanh feel that the forest should be divided into two separate parts. One part allocated to Ngon Lanh, and the other left to Ta Lanh. When the Hmong were still living on the higher elevation, they were able to make use of the forest in this area for gathering activities as well as animal husbandry, but since the move, the distance is too great, also making protection very difficult. The present socio-economic situation in Ngon Lanh village is difficult. The village is without a doubt the poorest one visited during our four weeks in the field for this study. The village has not been given any wet rice fields, and are still mainly cultivating their swiddens in and around the old village. Signs of malnutrition such as blond hair and stunted growth, bloated bellies and badly healed wounds are every where to be seen. Houses are scattered over a rocky slope, and very little level land is available for construction.

Several households, including the village leader and the vice village leader expressed a desire to move back to the location of the old village, where in fact most of the old structures are still standing because of the need for shelter when tending to their crops in the area. Although the new hamlet is now located much closer to the Commune market, there is a village has a school and health care facilities nearby, they find it difficult to understand why the move had to be initiated in the first place. The official reasons for the resettlement were primarily for the Commune to be better able to provide the village with easier access to education and health care, to wield influence on what is often put forward as "unproductive cultural practices", i.e. traditional religious practices and beliefs of the Hmong, but also importantly, to put a check on what was perceived as destructive agricultural practices i.e. swiddening of the natural growth forest in the remote area where Ngon Lanh was first established.

11. Discussion

From this short example of a recently resettled village and the particular problems ensuing, we strongly suggest that further studies of the particular problems following the uprooting of a whole community of people, for whatever reasons, be carried out. If the MRDP is to fulfill its proposed goal of reaching out to the poorest farmers, areas where recent resettlement has been carried out should be given priority concern. The villages are not conveniently located along any main Commune roads, hygienic conditions and local food in the villages may be very difficult for lowland officials to cope with, and a certain amount of mistrust and scepticism on the part of the farmers is to be expected. But it is our hope that the determination on the part of the MRDP will prevail, and that these people, living under conditions which to our knowledge are worse than in any other area where the MRDP is active, will also enjoy the benefits of being included in the Programme. Even if sufficient investment from the government is forthcoming, and most of the households actually move out of their own free will, there are some major issues to consider in order to provide for a stabile situation in the newly established locations. Particularly in the case of the Hmong, they
have effectively gained experiences from living on higher elevations, their indigenous knowledge and agricultural practices such as experiences from animal husbandry or forest management are perhaps not as well suited to life on lower elevations, in areas with different climate, soil quality, forest resources. With the limited amount of agricultural and forest land made available, the necessity of learning new ways of growing food crops, supplementing their economy with cash crops, adapting animal husbandry to the new environment, the need for "extension" services are of great concern, the scope and the magnitude of which goes far beyond the capability of the MRDP.

Less tangible, but not less important, is an investigation into the socio-cultural effects of the resettlement. As witnessed all over Southeast Asia, The Hmong have traditionally favoured to establish their villages in remote areas, with their nearest neighbours being either Hmong themselves, or in some cases in Vietnam the Dao. The present situation witnessed in both Provinces of Tuyen Quang as well as Yen Bai shows a very different reality created by the resettlement. Villages will be separated and the households scattered to different locations. People will be forced to settle in villages and areas predominately occupied since generations by Tay, as in Tuyen Quang, or Dao in Yen Bai.

There are cases of completely new villages being formed; as in the example of Ngon Lanh, but this is not the norm since available agricultural land is so scarce. The impact on "traditional community life" with customs and traditions and religious practices will be strongly felt, and it should prove very useful for future MRDP involvement in these localities if some basic understanding of what resettlement means could be achieved.

12. Communal Forest Land Management in Practice; examples from Nam Lanh Commune Yen Bai Province

Where it seems that in Thuong Lam Commune, Forest Land allocated under the 327 program is mostly Production Forest, in Nam Lanh Commune large areas are also allocated for protection purposes. Through our interviews on local level in Thuong Lam, we got the impression that money for protecting 327 forest land was in short supply, and thus few people were involved in protection activities. The quality of the land and the lack of forthcoming investment from the state has in some cases meant that farmers have declined offers to be allocated 327 forest land for production purposes. In Thuong Lam the 327 programme still has over 110 ha of land which is yet to be allocated. The farmers we talked to explained that this land is of such bad quality (deforested steep land with rocky soil) that it will be very difficult to plant any trees and meet the demands were they to sign the contract.
It was a very positive experience to find that in Nam Lanh Commune, Yen Bai Province the 327 programme concerning management of Protection Forest and Production Forest seem to be working quite well. We attribute the main reason for its success to the "local adaptation" of the rules regulating 327 management. Nam Cai village is a good example of this local adaptation of forest protection and management. Following the regulations laid down in the forest protection contract, a group of 8 people in Nam Cai village have taken responsibility for the forest and formed a work group. The area in question is 34 ha of forest in different stages of regeneration situated in and around the village. Following the land classification of the District, the forest is protection forest, which means that no activities outside protecting the regeneration of forest cover is allowed (dry firewood can be collected). Trees can be planted to support regeneration, but no gathering activities, cutting of trees, planting of trees for production purposes, grazing of animals is allowed according to regulations. The protection group is to receive 55,000 VND / ha / year as compensation for their efforts according to contract. However, last year compensation was paid to the amount of 380 kg of rice (value about 1000 000 VND +), or about 30 % less than what had been agreed upon. So far this year the village has received 200 kg of rice, and do not expect to receive more. No one knows where the rest of the money has gone. It would of course provide for a more agreeable situation if the government honoured their contract with the protection group, but even if they did fulfil their part of the deal to the full extent, the money (or rice) is not the big incentive for the farmers to protect their forest. The reality of the present land use and land management of the 327 forest is communal village use and management.

Before the 34 ha of forest land was allocated in 1994, this forest in Nam Cai village was used by all villagers for the collection of firewood, grazing of buffalo and pigs, cutting of trees for construction purposes, gathering of edible plants and leaves (mainly bamboo) and medicinal plants, and hunting and trapping small forest animals. And in reality, land use has changed very little since. The important difference is that now the village sees themselves as the true owners of the forest, and manages it accordingly. The 8 people in the protection group are still the only names which are mentioned in the contract, but in fact, the entire village is involved. We were shown documents drawn up by the leader of the protection group which listed the names of all villagers who had helped in managing the forest to date including previous years. The forest is used as the main grazing ground for all the buffalo in the village in between planting and harvesting of the rice (Buffalo which are too young or too old to work are kept in the forest on a permanent basis). All villagers with labour to spare will help in the task. The villagers are very confident of their ability to manage and protect their forest, but they acknowledge that it requires some effort. A major issue is the protection of the forest, which involves keeping the villagers of the nearby Thai village, and people from other villages in different Communes, from cutting down trees, gathering firewood and collecting Bamboo sprouts. In the particular instance with the Thai village, they are not allowed access
to the forest, something the Thai’s have difficulties complying with mainly because of the reason that the poor Thai households need to supplement their economy by cutting trees for lumber and the gathering of forest products. The situation has escalated to a point where physical violence occurs. Following this, and further complicating the situation for the villagers in Nam Cai is the fact that whenever they go to the market, they have to pass through the Thai village. Violence occurs and people from Nam Cai village rarely go to market alone. However, as witnessed by the fact that the most respected Shaman in Nam Cai is still invited to perform his craft in several of the Thai households, there is still a measure of good will between the two villages.

The above example of collective management is not an isolated incidence; the village of Giang Cai, and the village of Nam Kip have similar systems, although with a significantly larger area clearly divided into categories according to land use. Although in Nam Kip, no compensation has been rewarded since 1994 when the forest was allocated. Giang Cai has been allocated 187 ha of natural forest, and Nam Kip 340 ha. Both forest areas are mainly for protection purposes. In Giang Cai, the management is mainly the responsibility of three management groups of ten households each. In addition to this forest, the village has 55 ha of Cinnamon allocated and planted in 1986 - 87, and about 4-5 ha of fenced grazing land for the domestic animals. The village does not have certificates for the forest land. The certificate was signed by the Commune Peoples Committee chairman. The forest is used in much the same way as in Nam Cai, and when asked if they would prefer an allocation to individual households, the village leader expresses concern over the fact that many of the poorer households do not have enough labour to effectively manage forest land on their own.

These concerns are very real in each of the villages visited, but there seem no easy solution to the problem. Agricultural work is of course what takes up most of a households time, and in cases where a family only have one or perhaps two "main workers", there simply is no time to become involved in activities outside agriculture. Were all forest land to be allocated to individual households, then the poorest households would find it very difficult to live up to the terms in the contracts, and their land would then, according to government policy, be returned to the Commune. We strongly believe that a continuation and development of communal / collective management as described is to prefer over an allocation of the forest land to individual households. The collective management should be formalised by allowing the village leader, or leader of a kinship group, to sign the certificate and carry the overall responsibility. In relation to forest protection, we believe that we have shown how effective forest protection is based on involving the people living in or near the forest in question. Communal management of both production forests and protection forest can not only take advantage of long standing traditions and customs concerning rules and regulations, but may also provide poorer farmers with a chance to participate in an area of the economy from which they would otherwise be excluded.
Formalised communal forest management may also provide increased opportunities for the sharing of experiences and knowledge of forest management among villagers, something which would be a great help to the poorer farmers. Knowledge which they would be able to put to practical use in their own household forest plots.