

Issues of Access to Land of Ethnic Minorities Minority in Vietnam Nowⁱ

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Abstract: The article points out the problems in land access of ethnic minorities in Vietnam. Assess the status of land access of ethnic minorities to identify barriers and difficulties and propose a number of solutions to remove them in order to ensure the synchronous implementation of policies and create favorable conditions for consensus. Ethnic minorities promote their internal resources and develop. Many policies on land for ethnic minorities have been promulgated by the State in order to achieve sustainable access to and use of land by ethnic minorities. However, in reality, many ethnic minorities still lack residential and productive land. According to the report at the Symposium Supervision Conference of the National Assembly Standing Committee on the results of the implementation of Resolution No. 76/2014/QH13 of the National Assembly on accelerating the implementation of the poverty reduction target by 2020, it was found that: The South in the South, there are more than 58,000 ethnic minority households lacking residential land, more than 330,000 households lacking production land. This figure shows that the planning and implementation of land policies for ethnic minorities still face many difficulties and shortcomings. Therefore, making policies on land use for ethnic minorities in the current period is an urgent issue, in line with the development trend of the country.

Keywords: Access to Land, Ethnic Minorities, Development, Livelihood, Social Instability

1. Introduction

Vietnam is a multi-ethnic country consisting of 54 ethnic groups. "Vietnam is a multi-ethnic country with 54 ethnic groups living together Kinh people make up 85.4% of the population of Vietnam, with 78.32 million people. The remaining 53 ethnic minorities (EMs) account for only 14.6% of the country's population" [12]. Ensuring the rights of ethnic minorities is a major policy of the State of Vietnam. This policy has been institutionalized in the provisions of the 2013 Land Law: "The State's responsibilities regarding residential land and agricultural production land with ethnic minorities: 1. Having a policy on residential land, land for community activities for ethnic minorities in accordance with the customs, practices, cultural identity and actual conditions of each region; 2. To adopt policies to create conditions for ethnic minorities to directly engage in agricultural production, creating conditions for ethnic minorities" [2]. However, in practice the access to land; The land use of the ethnic minorities has low efficiency and faces many difficulties.

"Besides forestry production, agricultural production is a livelihood for many ethnic minorities. Both forestry and agriculture require land. However, ethnic minorities still face many difficulties in terms of land rights to maintain production activities and cultural activities. In an effort to protect livelihoods and encourage environmental protection, some communities have been allocated land by the government to continue with traditional community-based forest management. However, this practice has not been widely spread. In 2015, only 26% of the total forest land was allocated to households, and only 2% was allocated to the community for management. In addition, although the Land Law recognizes customary land ownership rights, land is largely still under the management of the Government, and the Civil Law does not recognize the community as a legal entity" [1]. Why has this situation? What is the cause and solution to overcome this situation? In order to answer the questions raised, the topic delves into the reality of accessing land of ethnic minorities in Vietnam; identify causes of difficulties and obstacles in accessing land of ethnic minorities and

propose solutions to ensure residential and agricultural land for this disadvantaged group, contributing to vicecek sustainable "poverty eradication and poverty alleviation" in our country.

2. Literature Review

2.1. Land Access Situation of Ethnic Minorities ⁱⁱ

According to the authors of the book "Land Policy for Development in Vietnam: Opportunities or Challenges?": "According to the latest data from the 2009 Population and Housing Census, Vietnam currently has 54 groups ethnic groups, in which Kinh is the majority ethnic group with 85.7%, the remaining ethnic minorities account for 14.3%. Currently, there are 04 main residence areas of ethnic minorities in our country: the Northern Mountains with 06 million people, the Central Coast 1.8 million people, the Central Highlands 1.8 million people and the River Delta. Kowloon 1.3 million people. Most of the ethnic minorities in our country live mainly in the highlands where living conditions are difficult, the Northern mountainous region and the Central Highlands are the two regions with the largest proportion of ethnic minorities (accounting for 54.7% and 34.5% of the whole region's population). Only a few ethnic groups reside in the delta such as the Hoa, the Khmer and the Cham. In general, the ethnic groups living in the lowlands have better living standards and living conditions as well as integrating with the Kinh people than the ethnic groups living in the high mountains. However, each ethnic group living in different areas of residence also has different problems in socio-economic life that need to be solved"ⁱⁱⁱ.

2.1.1. The Livelihoods of Ethnic Minorities Are Difficult and Isolated from Development

Poverty associated with difficulties in livelihood is also characteristic of ethnic minorities. Data from the 2010 Household Resource Access Survey (VARHS) show that, although the average land area held by an ethnic minority household is larger than that of the Kinh - Hoa household (1.3 hectares compared to with 0.8 ha), but the production efficiency and land income of ethnic minority households are much lower when compared to Kinh people. The average revenue and profit from all 03 farming, livestock and aquaculture activities of ethnic minority households are 1.5 to 2 times lower than that of Kinh - Hoa households, calculated on the same area. productive land. Total household income reflects the reality of why most of the poor households today are ethnic minority households. The average income from all activities achieved by ethnic minority households in one year is 52.3 million, only two thirds of that of Kinh - Hoa households (89.3 million). The livelihood of ethnic minority households is also affected by the risks they face in life. Ethnic minority households are more at risk than Kinh - Hoa households, up to 73.6% of surveyed households answered that households have been at risk since July 1, 2008 up to now. 63% Kinh - Hoa households [5]. Although the average level of damage at risk of an ethnic minority household is lower than

that of a Kinh - Hoa household (3,080,000 VND compared to 5,345 thousand VND), the ability to recover after being exposed to risks is still lower than that of Kinh - Hoa people. This group of households is significantly worse than Kinh - Hoa households. At the time of the survey, only 43% of ethnic minority households said that their losses from the risk had been completely overcome, compared with 62% of Kinh - Hoa households. This further proves that ethnic minority households are more vulnerable to all kinds of risks, when at risk they take longer to recover. Therefore, investment in production by ethnic minority households is limited, leading to low production efficiency and low income (DANIDA_CAP, 2010)^{iv}. High poverty rates, difficult livelihoods and isolation from development add to the difficulties faced by ethnic minorities. Figures from VARHS 2010 indicate that. Ethnic minorities are less likely to participate in organizations and associations than the majority ethnic group. There are a total of 6,420 members of the surveyed households participating in at least one organization; Among them, 65% are Kinh - Hoa ethnic people, only 35% are ethnic minorities; although ethnic minority groups highly appreciate the benefits derived from joining such organizations (DANIDA_CAP2010).

2.1.2. Ethnic Minority Groups Have Limited Access to Fertile Land

Access to and management of land is one of the important factors affecting the efficiency of land use, income and poverty of ethnic minorities. The team's analysis from VARHS 2010 found results that coincided with the conclusions from the Ethnic Minority Poverty Assessment Report 2008-2009. Ethnic minority households are having limited access to fertile land, specifically:

Firstly, the land is far from home, making it difficult to ensure the safety of the usufruct right

The data on the average distance from the plot of land to the house of the farmer household shows that the ethnic minority households tend to live further away from the land they are managing and using than the Kinh - Flower. On average, the distance from a piece of land to the house of an ethnic minority household is 1,977.8 m, nearly twice that of a Kinh - Hoa household (1,046.9 m). There is a current reality that many ethnic minority groups live in sensitive areas: land near the border, in environmentally sensitive areas, etc, leading to difficulties in land management, reduce the efficiency of use and discourage investment.

Second, poor soil quality

Most of the land of ethnic minorities is located on slightly steep and steep terrain. Accordingly, due to the slope of the soil leading to soil erosion, the soil loses nutrients, reduces soil quality, the soil becomes arid, the soil's ability to absorb, absorb and retain water is poor. Only 29% of the plots of ethnic minority households are located on flat terrain, this ratio is only 1/3 of that of Kinh - Hoa households. About 80% of ethnic minorities in the northern and central provinces live in places with high altitudes and steep slopes, the arable land area only accounts for 07% to 10% of the natural area course [3].

Third, the production terrain is not favorable

The unfavorable location of the land is also one of the causes leading to production difficulties for ethnic minority households. More than 60% of ethnic minority households say they face problems on their productive land, compared with 40% of Kinh - Hoa households. Lack of water, erosion, landslides and soil mixed with rocks and clay are problems that arable land in the highlands often faces. While in the lowlands and plains, the irrigation system has been built quite well, in the highlands irrigation is still a big problem for households (only 41.5% of the plots of the ethnic minority households are located). minorities are irrigated, compared to 81% of irrigated land belonging to Kinh - Hoa households)^v.

2.1.3. Social Instability in Areas Where Ethnic Minorities Live

There are various controversies about the social unrest occurring in the areas where ethnic minorities live and the causes of such unrest. Types of conflict occur in areas where many ethnic minorities live, including:

First, is the land dispute between state-owned agricultural and forestry farms and local people in general and ethnic minorities in particular. Conflict between ethnic minorities and state-owned agricultural and forestry companies. These disputes and conflicts are often caused by disagreements on land use between the parties or disputes in reclaiming the old land areas formerly belonging to the people, then transferring to companies and disputes. dispute due to disagreement over views and interests in land use [8].

Previously, state-owned agricultural and forestry farms were assigned by the State to manage and use thousands of hectares of agricultural and forestry land to contribute to socio-economic development in ethnic minority areas. In addition to the pre-existing arable land of the people, the State has focused on investing together with the people's power to open up new agricultural land (mainly industrial crops) on a large area. Tens of thousands of laborers throughout the country come here to reclaim land with state-owned agricultural units. Basically, the land has gradually stabilized and come into use more effectively. In many places, ethnic minorities in the Central Highlands have been allocated land, allocated forests or attracted to work as contracted in agricultural state-owned units. The scale of land used by these households is quite large and directs towards commodity production [9]. However, the phenomenon of swidden cultivation still exists, the phenomenon of land and forest exploitation is still lacking in planning and indiscriminate. The land-forest relationship with ethnic minorities in some places has not been satisfactorily resolved, there is still a land dispute between a number of ethnic minority households and state-owned units occupying most of the land, land and with people from other places immigrating, affecting not only the economy and ecology, but also national relations, security and defense issues. Since our country's economy transitioned to a market economy, many state-owned farms and forestry farms have been slow or unable to adapt to production and business

activities according to the market mechanism, so their business is inefficient, losses. In the Tay Nguyen, there was a time, when we considered land resources to be almost endless, so when using we did not take into account production capacity and efficiency, the State assigned the workers - farmers - SFEs have the right to cover large areas of land until the land management mechanism is changed in agricultural production (according to Resolution No. 10 - NQ/TW dated April 5, 1988 of the Politburo), has caused a great waste of land resources, thousands of hectares of land owned by industrial - agricultural - forestry enterprises have not been used for the right purposes [13]. Meanwhile, people do not have residential land or production land. Not to mention, in recent years, some individuals have collected land from farmers. Many people (usually ethnic minorities) sell their land to make a living and become poor, so deforestation and environmental destruction partly start here [7]. This leads to a part of the land allocated for management being abandoned or managed inefficiently. Meanwhile, the local people in general and the local ethnic minorities in particular as well as the ethnic minorities who migrated freely from the northern provinces (collectively referred to as the local people) did not have land, lack of land for living, for production has encroached on building houses or cultivating on the land of state-owned agricultural and forestry farms. As a result, land disputes arise between state-owned agricultural and forestry farms and local people. The situation of disputes and land encroachment occurs in many agricultural and forestry companies (with about 40 outstanding cases, complex and prolonged) which are easily exploited and provoked to affect security and social order [4]. According to Cao Thi Ly and a research team of Tay Nguyen University: Special-use forest management boards: Forest land belongs to special-use forest management boards in general and national parks in particular, although there is still overlap, invasion, encroachment, but little or no disputes over land use rights. Because forest protection here is focused, there is a dedicated force and still receives salaries from the state budget, and there are funds from payment for forest environmental services for forest areas. hydroelectric or water source with revenue [11]. Moreover, people are aware of special-use forests, if violations will be severely handled. However, in fact, there are still some conflicting cases in land use of local people in the buffer zone and related units around the boundary with the Management Board of special-use forests. Note specifically: The situation of overlapping land use rights is mainly in the local ethnic minority people. At present, people still cultivate on some areas which are old fields left by their "ancestors", but according to the planning, they belong to special-use forest land. These are swidden areas that people have traditionally cultivated since before the planning of special-use forests. This is the case in all three national parks surveyed. The situation of encroachment and expansion of cultivation area is quite common in the areas where people are cultivating, bordering on special-use forests. In the case of the K'Ho ethnic group, the Cil branch in Da Long commune, Dam Rong district, Lam Dong province has been arranged to cultivate

and settle down in Dam Rong since the planning of Bi Doup Nui Ba National Park. Since 2013, many households want to return to the old village in sub-zone 26.27 of Bi Doup Nui Ba National Park to manage, clear forests for farming land, etc. The national park has coordinated with local authorities and agencies. Authorities propagated and mobilized for clearance, but in 2017 people re-encroached. The construction of a border guard station, but the procedures for land acquisition of the special-use forest have not been completed. Specifically, border post 707 (Chu Mom Ray National Park) [6].

Second, land disputes between ethnic minorities living in the area with each other in areas where many ethnic minorities reside

Currently, in ethnic minority areas, the natural land area is increasingly scarce because the land has been allocated or leased by the State to organizations, households, individuals and communities for stable use. Meanwhile, the demand for land use for residential and production purposes of ethnic minorities who have been living in the area for a long time is increasing due to population growth or search and expansion of livelihoods. People who were born without land to live in, for production lead to deforestation, "clearing the fields for farming"... encroaching on other people's land for use has led to land disputes within the community ethnic minorities. Conflicts within ethnic groups or between ethnic groups in place: These conflicts often arise due to disputes over land boundaries. This type of conflict tends to increase more and more, due to the impact of the market mechanism and the unreasonableness of regulations on land ownership, planning or demarcation..

Third, land disputes between local ethnic minorities and freely migrating ethnic minorities

Conflict between local ethnic groups and migrants. This type of conflict occurs in small numbers in many localities but with high frequency. The most typical are the land disputes between the Kinh and other ethnic groups from the North and the Central Highlands people, mainly the Ede, J'rai or Khmer in the Mekong Delta. The encroachment of Kinh people in the Tay Nguyen or the Mekong River Delta has disturbed the lifestyles, habits and cultures of ethnic minorities in these regions, and at the same time gave rise to many conflicts over land. Many ethnic minority households losing their land is a common situation in these areas.

In recent years, the situation of free migration from other localities (especially free migration of ethnic minorities in the northern mountainous provinces) mainly to the Tay Nguyen is very common. The problem of free migration is not strictly managed and controlled, making the Tay Nguyen complex even more complicated. According to general statistics, the mechanical population growth rate in the region is 3%/year, even there is a period of high growth like in the period from 1995 to 2005 this rate is 4%/year [5]. Due to a large amount of population concentrated in the Tay Nguyen, leading to deforestation and land encroachment, many conflicts arise between the Kinh and local people, between the local ethnic group and the British ethnic group. I immigrated here from all over the country [7]. Conflict over land has incited and fanned

national selfishness, which the bad guys take advantage of to divide the great solidarity block between the Tay Nguyen and the ethnic brothers [15]. Due to free migration plus the traditional method of swidden cultivation, migrants in general and ethnic minorities in the northern provinces who migrate freely in particular fall into the situation of having no land or lack of land residential and productive land in the Tay Nguyen. To solve the problem of land for living and production, these subjects cut down forests; encroachment on the land of local people. As a result, there was a land dispute between ethnic minorities living in the area and ethnic minorities in the northern provinces who migrated to the Tay Nguyen.

Fourth, conflicts between ethnic minorities and local authorities

Conflicts that occur between ethnic minority groups and the government are often not caused by a single issue such as land and often have the potential for major instability. A typical example is the protests and riots of some ethnic minority groups in the Central Highlands provinces in 2001 and then in 2004, revolving around the issue of reclaiming land use rights and religious issues, etc [14].

2.2. Causes of Difficulties in Accessing Land of Ethnic Minorities

First, the characteristics of land management of ethnic minorities

Many ethnic groups have the custom of shifting cultivation, nomadism, burning cultivation, so they do not care about intensive farming and land protection, do not have a fixed land area, and do not understand the land law. belt in relation to its interests.

Ethnic minority groups have limited awareness of their rights to the land they manage and use.

The practice of community-based land use and management by ethnic minority groups contradicts the State's regulations on household-based land use rights.

Second, livelihood characteristics of ethnic minorities

The characteristics of residence, farming practices and closed living habits in the community make ethnic minority groups unable to adapt to changes in production methods, market mechanisms, and difficulties. Difficulty in accessing capital, market... leads to inefficient production, high risk of land loss and poverty.

It is difficult for ethnic minority groups to adapt to changes in production methods and market mechanisms.

Ethnic minority groups have difficulty in accessing resources (land, infrastructure, capital, inputs, market information) in the market mechanism.

Agricultural extension and production support programs have not focused on farming systems and occupations suitable to the skills, customs and practices of the ethnic people.

Third, residential characteristics of ethnic minorities

Ethnic groups living in the highlands often have a tradition of living closely with the mountains and forests and being close to the natural environment.

The tradition of living closely with forests of many ethnic minority groups in our country has been partly broken due to

the decline in forest area across the country.

The current support programs and policies to stabilize the residence for ethnic minorities have not met the needs of the people and have not achieved the desired effect.

Ethnic minority groups often live in environmentally sensitive areas, subject to many risks of natural disasters such as storms, flash floods, pipe floods, forest fires and landslides, etc.

2.3. Some Recommendations Contribute to Overcoming Difficulties in Accessing Land of Ethnic Minorities

2.3.1. General Recommendations

In order to help ethnic minorities stabilize their lives and develop sustainable livelihoods, the support programs and policies of the State of Vietnam should be based on the following main points of view:

First, respect the traditional values and characteristics of ethnic minority groups.

Second, create opportunities for ethnic minorities to benefit from the market mechanism.

Third, protect ethnic minority groups in environmentally sensitive areas.

2.3.2. Specific Recommendations

Firstly, before formulating policies and programs to support land, housing, agricultural extension, etc, it is necessary to have specific studies on the characteristics of each ethnic group and ensure the promotion of traditional values, the identity of ethnic minorities. Refer to the ethnographic studies conducted and the opinions of ethnographic experts, especially on the habitation, farming and land management of each ethnic group.

Second, there is a need for studies to review and redefine the lands traditionally and historically managed by ethnic minority groups, thereby re-establishing and protecting the legal rights of ethnic minorities. number on that land.

Third, the recognition of the community's land use rights and the allocation of land to the community must go hand in hand with amending the provisions of the 2013 Land Law with guarantees for ethnic minority communities to have adequate rights. land rights like other users in conversion of land use purposes, transfer, donation, conversion, lease, sublease, inheritance, mortgage and capital contribution with land use rights.

Fourth, support the development of community-based land management conventions and conventions for ethnic minority groups, first of all on forest land use, especially in upland areas to ensure benefits from shared land. on a fair and equitable basis to the community.

Fifth, authentic studies are needed to allocate suitable land to communities of ethnic minority groups for management, especially paying attention to ethnic groups living in the northern mountainous areas and the Tay Nguyen^{vi}.

3. Conclusion

Ensuring rights and interests for all actors in society, including ethnic minorities in accessing land and using land

effectively is the goal of the Party and State [12]. Although the State has issued specific policies for ethnic minorities in order to develop socio-economic in mountainous, remote and sensitive areas, the Access to land for living and production of ethnic minorities still faces many difficulties and inadequacies. This is a big problem for policy-making and implementing agencies for ethnic minorities, and it is necessary to have timely and effective solutions to ensure equal rights in land access in Vietnam.

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ⁱ Does the article refer to the information of the book "Land policy for development in Vietnam: Opportunities or challenges?" published by Dang Kim Son and Nguyen Do Tuan Anh (Editors) in 2011 in Hanoi.

ⁱⁱ Contents This section quotes and references the book "Land Policy for Development in Vietnam: Opportunities or Challenges?" published by Dang Kim Son and Nguyen Do Tuan Anh (Editors) in 2011 in Hanoi.

ⁱⁱⁱ "Land policy for development in Vietnam: Opportunities or challenges?", SDD, pp. 145.

^{iv} "Land policy for development in Vietnam: Opportunities or challenges?", SDD, pp. 147-148.

^v "Land policy for development in Vietnam: Opportunities or challenges?", SDD, pp. 148-149.

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