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LAW AND POLICY FRAMEWORK AND MAIN GOVERNMENT PROGRAMS

There has been substantial academic work on ethnic minorities in Viet Nam, carried out both by Vietnamese scholars in the Institute of Ethnology and Institute of Sociology and overseas scholars. Some of the research work has been of an ethnographic and descriptive nature, rather than analytical studies that either review in depth the policy framework, or examine in any depth the impact of policies and programs on the development and poverty situation of different ethnic minority groups. Views are sometimes expressed that there have been inadequate studies on policies related to ethnic minorities in Viet Nam.

Nevertheless, such studies have a long history, beginning with research carried out by French scholars during the colonial period. Between the 1960s and the 1980s, the State paid special attention to promoting research on ethnic minorities with regard to national development programs and highland development plans. The 1990s marked a new development stage in these research activities with the increasing involvement of international organizations and scholars. Many recent studies have included an in-depth and comprehensive analysis of the state of poverty as well as its causes in mountainous and indigenous communities.

In the following section the main principles of state policy toward ethnic minorities, as embodied in the Constitution, laws, and policy documents, are summarized; the evolution of more recent policies is examined; and some key issues of development policy in ethnic and mountainous areas are detailed.

BASIC POLICY PRINCIPLES

Government policies related to ethnic minorities encapsulate the following broad principles:

- promoting the policy of equality, solidarity, and mutual help among ethnic groups;
- creating favorable conditions for ethnic groups to develop and advance toward mainstream society, progress, and the common development of all Viet Nam's ethnic groups;
- respecting the interests, traditional cultures, languages, customs, and beliefs of all ethnic groups; and
- matching socioeconomic policies with the special characteristics of the regions and ethnic groups, particularly ethnic minorities.

These principles have been reflected in all constitutions of the Viet Nam nation since its creation. Further general principles related to ethnic issues, as identified in the present Constitution and basic laws, include the following.

- Viet Nam is a united nation of all ethnic groups living within the country.

- The State protects, strengthens, and consolidates the unity of all ethnic groups and prohibits any behavior that looks down upon and sows division among them.
- All ethnic groups are in a position of equality.
- All persons of all ethnic groups should automatically be citizens of the Vietnamese State. They are equal in their rights and obligations.
- All ethnic groups have the right to use their own languages and writing systems, and to encourage their traditional customs and culture.
- The State should carry out plans to narrow the gap between ethnic groups in terms of their economic and cultural development.

A review of the law and policy framework for ethnic minorities suggests that this may be more favorable for ethnic minorities in Viet Nam than in some neighboring countries. The Government has emphasized integrating the minorities into national society. Ethnic minorities are often described as “fraternal nationalities” that “have lived together for a long time and have a tradition of solidarity, or relying on one another, and of working together in order to survive and develop and to build and maintain the country against foreign aggression.”⁵ However, the emphasis has been on integration within mainstream society rather than on special treatment that might enable ethnic minorities to strengthen their own institutions. Such questions have recently been addressed in policy debates on ethnic minorities and poverty reduction.

EVOLUTION OF ETHNIC POLICY DURING THE 1990S

The 1990s saw important law and policy changes as part of the transition from a centrally planned to a market economy. Table 3 lists some of the key policies and programs related to ethnic minorities and mountainous areas since the late 1980s. There have been more than 90 relevant decrees and other official documents passed by the central Government since the

inception of *Doi Moi*. Several policies have aimed to boost the socioeconomic development of ethnic minorities in mountainous areas.

MAJOR POLICIES AND PROGRAMS FOR ETHNIC MINORITIES

The focus of this section is on the policies and programs with long-term goals and on sensitive issues that are arousing debate. There have been comprehensive programs for hunger eradication, targeted to some extent at ethnic minorities. Some policies, such as the land and forest policies during the *Doi Moi* period, have inevitably had some impact on ethnic minorities although the policies may not have been designed specifically with these groups in mind. Policies such as “sedentarization” have been designed more specifically for ethnic minorities, with the intention of changing certain traditional practices that have been considered as “backward,” environmentally unsound, and a constraint to modern agricultural development.

New Economic Zones and Resettlement for Sedentary Cultivation

Major socioeconomic changes in the mountainous areas in Viet Nam are closely linked to the migration process and the development of new economic zones. It is estimated that between 1968 and 1998, the Government organized the migration of 6 million people to set up such zones. The migration process can be divided into three periods, 1960–1975, 1976–1986, and 1987 to the present.

1960–1975

In the early 1960s, the Government formulated a comprehensive program to develop the mountainous areas where new economic zones were to be established. These zones were considered as the development centers of the areas. They could be organized in the form of state agricultural and forest enterprises or new economic villages. Government staff, soldiers demobilized after the war of resistance against the French colonialists, Kinh migrants from densely

Table 3. Examples of Policies and National Programs for Ethnic Minorities and Mountainous Areas

Year	Activity	Thrust
1989	Resolution 22-NQ/TW	Orientation and policy framework of socioeconomic development in ethnic minority areas
1990	Resolution 72-HDBT	Objectives and strategy of socioeconomic development in ethnic minority areas
1990	Directive 1/HDBT	Program against illiteracy
1991	Code of Forestry Protection	Laws on management, protection, and exploitation of forests and other natural resources
1991	Code of Primary Education	Policy and laws for education for all citizens
1991	Directive 1450/GD-DT	Program of consolidation and development of education in mountainous, remote, and difficult areas
1992	Decision 69/CT	Program of socioeconomic development for northern mountainous areas
1992	Decision 327/HDBT	Program of reforestation
1993	Land Code	Identifying rights and obligations of landownership and use
1993	Decree 525/TTg	Policy of further socioeconomic development in mountainous areas
1993	Decision 270/TTg	Strategy of population and family planning to 2000
1994		Program for ethnic minorities in especially difficult circumstances
1995	Decision 556/TTg	Resettlement to promote sedentary cultivation
1995	Decision 525/TTg	Establishment of a bank for the poor
1995	Decision 743/TTg	Comprehensive plan of protection and control of opium trees
1995	Decision 164/TTg	Program of forestry development, 1995–2000
1995	Circular 7464/KTTH	Policy of subsidies for prices and transportation in mountainous areas
1995	Decision 576/TTg	Program of nutrition, 1995–2000
1996	Decision 138/TTg	Program of rural clean water and environmental hygiene
1996	Directive 393/TTg	Planning of residence, infrastructure, and production in ethnic minority and mountainous areas
1996	Decision 960/TTg	Long-term orientation and plan of socioeconomic development in northern mountainous areas
1996	Decision 656/TTg	Long-term orientation and plan of socioeconomic development in the Central Highlands
1996	Resolution 37/CP	Strategy for health care for people in northern mountainous and middle areas for 1997–2000 and 2000–2020
1997	Decision 35/TTg	Building commune centers in mountainous areas
1997	Circular 1/GD-DT	Guidelines for teaching ethnic minority languages
1998	Decision 135/1998/TTg	Socioeconomic development of especially difficult communes in mountainous and remote areas
1998	Decision 133/1998/TTg	Program of hunger eradication and poverty alleviation
1998	Decision 7/1998/TTg	Program of forest development (5 million hectares)

populated northern lowland villages, and ethnic minority groups were resettled in these villages. During this period, 920,000 people from the Red River Delta were settled in the Central Highlands and the northern mountainous areas. Another 80,000 people were resettled in coastal and mountainous areas to establish state forest and agricultural enterprises.

1976–1986

In this period, the Government embarked on a major resettlement program affecting the whole nation. Rural migration and migration from north to south, to the Central Highlands and Mekong Delta, became the major trend. The goal was exploitation of land for food and industrial crop cultivation. The Government produced more than 30 policies and documents related to migration. State forest and agricultural enterprises continued to be set up. Some 710,000 people migrated to the Central Highlands within the program and 200,000 people were resettled in the northern mountainous areas. Toward the end of this period, planned migration took place at a slower pace due to the shortage of funds and an economic crisis. Thereafter, there was an increase in spontaneous migration.

1987 to the Present

Spontaneous migration has been rapidly increasing since 1987 and has become the main mode of internal migration. There were more than 2.3 million spontaneous migrants in the late 1980s. During the 1990s, 300,000 people were migrating each year to the Central Highlands and the southeast. Also, ethnic minority groups from the northern mountainous areas started migrating to the Central Highlands. These uncontrolled movements have posed serious problems for authorities, especially at the provincial level.

Sedentarization Policy

Government Resolution No. 38/CP of 12 March 1968 officially launched a campaign for shifting cultivators to practice sedentarization and fixed cultivation. Since then, sedentarization has been considered to be one of the most important steps in poverty reduction and hunger elimination in the

mountainous regions. The strategies of the sedentarization policy include providing support for agricultural production and livelihoods to facilitate fixed settlement and cultivation; and providing assistance for technical training, capacity building, technology transfer, and awareness raising.

According to statistics of the National Department for Sedentarization, by 1990, after 20 years of implementation of the sedentarization policy, 2.8 million people had been resettled in 26 mountainous areas.

In 1998, activities within this program became parts of the national Program 135 (for socioeconomic development in the most disadvantaged communes; discussed below). According to the result of a survey by the Ministry of Agriculture and Rural Development, 3.8 million people had been resettled by that year. The Government invested D (Dong) 1,100 billion in this program in the 1990s. On average, each household was to receive D3.5 million.

Sedentarization in Kon Tum Province

As of April 2001, 29 projects under the sedentarization policy were being implemented by the Office of Fixed Settlement and Cultivation in Kon Tum. Activities of these projects included (i) infrastructure such as roads, small irrigation dams, schools, and health centers; (ii) support to individual households in land exploitation and house construction; (iii) providing plant seedlings and technical training; and (iv) introducing new cultivation methods through demonstrations. A recent report ⁶ stated:

The Fixed Settlement and Cultivation work has contributed to the limitation of deforestation for cultivation, and the living standard of the ethnic minorities has dramatically improved. It has stabilized their lives. It is an appropriate policy that meets people's wishes. It presents an opportunity to exploit local natural resources and introduces ethnic minorities to new and scientific methods of production. Fixed Settlement and Cultivation has provided the province with conditions to improve agroforestry profitability, and at the same time restore the environment. The Fixed Settlement and Cultivation policy has mobilized people to divide extended households into nuclear units and set up

home gardens. It provides support with accommodation and organizes the communities in a new cultural style. The ethnic minorities have stopped nomadic grazing and started using manure for cultivation of rice and other staples, and they have clean water for a more hygienic lifestyle.

[It has] contributed to the transformation of economic structure, improved the living standard of the minority communities step by step, and truly participated in poverty reduction programs, contributing to the socioeconomic development in the province.

Despite all the efforts of staff from the provincial to the local level, there are still more than 39,000 people living in fixed settlements who practice shifting cultivation, and another 8,500 in shifting settlements practicing shifting cultivation. Fixed settlers and farmers are still poor or even suffer from hunger. A number of these people have returned to shifting cultivation.

The capacity to make full use of the government's investment is low. There is a lack of good demonstration models, and local natural and human resources are not adequately utilized. Agroforestry extension activities are inadequate and investment on infrastructure is insufficient and fragmented.

According to the authorities in charge of this program, the unsatisfactory results are due to the remoteness and low awareness of the target groups, and the lack of staff and facilities. Allocation of the government's investment is also to blame. Only 13–15% of the scheduled budget is provided for actual projects.

Land and Forest Policy

The overall aim of the government's land policy is to legalize people's ownership of land and transfer the management and use rights to forest and agricultural enterprises or collective units. This policy requires elimination of private landownership set up during the French colonial period, establishment of agricultural cooperatives and land-use rights to these organizations, and movement of people from plains to mountainous areas to set up new economic zones.

In the late 1950s and early 1960s in the northern mountainous areas, landownership was given to farmers for a short period and then transferred to state

agricultural cooperatives. Forests were managed by state agricultural and forest enterprises. During the 1970s and 1980s, almost all forest areas in the Central Highlands were managed by these entities. In 1998, in Dak Lak and Gia Lai provinces, 79 agricultural enterprises and 83 forest enterprises controlled 3 million hectares (ha) of forestland accounting for 70% of the total forest area of both provinces. In Dak Lak, these state organizations managed more than 86% of the total forest area; the staff working for these organizations accounted for 20% of the total population.

To deal with forest degradation, the State issued in the 1980s a policy of land and forest allocation to cooperatives and households. This policy was expanded during the late 1980s and especially after promulgation of the Land Code in 1993. In mountainous areas, the Government started allocating arable land to households and collective units. A large area of land that previously belonged to state organizations is being transferred to the people to manage. In the Central Highlands, the land area managed by the State has been reduced by 26%. However, the State still manages 44% of the total forest area.

Hunger Eradication and Poverty Reduction

For the past few decades, the Government has been strongly pursuing poverty reduction in rural and mountainous areas. This thrust is reflected in all its development programs.

The Eighth Communist Party Congress, held in 1996, set a goal of reducing the proportion of people living in poverty from 25% in that year to 10% by 2000. The Congress also emphasized the need to reduce poverty in ethnic minority areas. The national program targeting poverty reduction for 1998–2000 had 9 major projects:

- Infrastructure for poor communes.
- Subsidies for disadvantaged ethnic minorities.
- Sedentarization.
- Migration and new economic zones.

- Agricultural, forestry, and fishery extension.
- Credit for poor people.
- Assistance in health care and education for poor people.
- Job creation and production development.
- Capacity building and training for staff working to reduce poverty and staff working in poor communes.

There are other socioeconomic development programs for disadvantaged communes and a national program for employment. The latter includes the following activities.

- Revising and renewing policies.
- Transforming investment structure.
- Supporting agricultural product distribution.
- Supporting establishment of commercial farms.

The credit policies aim at subsidizing interest rates for the poor. In the health care sector, family planning and medical services are provided free of charge. In education and vocational training, the goal is to ensure primary education for all children with provision of free books and free tuition for ethnic minority children. The Government plans to extend the coverage area of TV and radio programs in an attempt to raise national awareness among ethnic minorities. The housing policy stipulates provision of land to landless households. For farmers without agricultural land, the aim is to create funds and raise capital for land exploitation, provide vocational training and equipment for off-farm activities, and allocate land.

Projects designed to implement these policies can be grouped as essential infrastructure, technology transfer and vocational training for the poor, fixed settlement and cultivation, support for disadvantaged ethnic minority communities, and capacity building for staff working on hunger eradication and poverty reduction.

Program for Socioeconomic Development in the Most Disadvantaged Communes (Program 135)

Program 135 was launched in 1998 under Government Decision No. 135/1998/TTg. The focus is on mountainous and remote areas. It covers 1,715 communes in Region 3⁷ (1,568 communes in the mountainous areas and 147 communes in the Mekong Delta). Most of the inhabitants in Region 3 are ethnic minorities. At present, 2,000 communes in total participate in Program 135.

The focal activity of Program 135 is building infrastructure (roads, small irrigation dams, clean water systems, schools, health centers, etc.). The program was designed to work in collaboration with other development projects in ethnic minority areas in a participatory manner. The program invested 40% of its 1999 budget in more than 300 poor communes. Other programs being implemented in the same geographical areas include the 5 million hectare forest plantation program, of which 25% is in this area; and the clean water program, which has invested 40% of its total budget in the same area. Ministries and other government agencies participate in this program by contributing human and financial resources.

Regarding infrastructure building, the program requires local participation to create employment for local people. The construction process is designed to meet local needs and encourages contributions from the local people in order to increase their independence.

By the end of 2000, more than 4,000 infrastructure sites had been developed within the framework of this program, costing more than D3,000 billion, of which the Government provided two thirds. In Kon Tum, 31 communes were selected under Program 135 (26 communes in Region 3 and 5 communes in the border area). In March 2001, another 20 communes were selected.

Communal Centers Program

The Communal Centers Program was launched under Decision No. 35/TTg of 13 January 1997 by the Prime Minister. The objective is to promote sociocultural activities and enhance interaction between villages, communal centers, and urban towns. It also aims at mobilizing the communities to manage socioeconomic

activities, preserving and promoting ethnic identity, and contributing to the establishment of new rural models in ethnic minority and mountainous areas.

Communal centers in mountainous areas are designed to become focal points for trading and cultural purposes for ethnic minorities. In the future, the centers are expected to become small towns. The Government has invested in initial infrastructure projects such as roads, schools, cultural buildings, health centers, extension centers, and markets. The total investment of the program from 1996 to 2000 was D12,900 million.

Rural Clean Water and Environmental Hygiene Program

The national program of clean water and rural environmental hygiene was launched in 1996. In Kon Tum, 10 water supply projects were carried out initially, with a total investment of D5,525 million. During 1999–2000, another 34 water supply projects were completed, in which 101 wells were dug. Through this and other programs, the proportion of households in Kon Tum with access to clean water increased from 18.3% in 1996 to 30% in 2000.

Program to Support Ethnic Minorities with Special Difficulties

A program for ethnic minorities in especially difficult circumstances has been operating since 1994; it was active in Kon Tum. In 1998, the program was merged with the Hunger Eradication and Poverty Reduction Program.

There are two main activities of this program: support for agricultural production (seedlings, young animals, production tools, small irrigation projects, etc.) and support for essential materials such as mosquito nets, dishes, etc. In its early years, the program contributed greatly to the life of small ethnic minority groups with special difficulties (in particular the R'Mam, the B'Rau, and the Chau), helping them to integrate with other minority groups in the area. The total investment by the program during 1992–2000 was D7,144 million, as well as interest-free loans to more than 7,000 households.

Subsidized Merchandise Program for Mountainous Areas

This program began in 1996 and includes subsidies for iodized salt, kerosene, seedlings, school materials, medical materials, fertilizer, coal, pesticide, and radios. The program also subsidizes the purchase of agricultural products in Region 3. The total investment to 2001 was D22,793 million.

This program appears to be very important for the livelihood of the local communities. However, the products channeled to the villages fall far short of the demand from the local ethnic minorities. In the end, many people often have to buy essential goods from small stores run by Kinh at much higher prices. The experience of the subsidy mechanism shows that this policy can create loopholes for corruption and that the poorest people might not benefit from the policy.

Saving and Credit Program

The Viet Nam Bank for Agriculture (VBA) and Viet Nam Bank for the Poor (VBP) are the major agencies providing credit and saving schemes in the provinces. In Kon Tum, many loans are channeled from the VBP or other sources through the Women's Union, Farmers' Association, or the Veteran Association. Their responsibility is to ensure that the borrowers repay on time. The Women's Union provides loans to members whose household income is below the poverty line set by the Government. Borrowers also have to be committed to improve their livelihood, be in good health, lack funds, and volunteer to apply for the loan. The interest rate set by VBP is 0.6%. The province subsidizes the rate in Region 1 and Region 2 by 0.1%, and in Region 3 by 0.3%. The maximum loan for each household is D3 million, and the term is 3 years. Women's Union members often borrow money to grow cash crops and for animal husbandry. Total loans provided in this scheme are D20 billion, to more than 10,000 household beneficiaries. Loan defaulters number about 5–7% of the total.

The Women's Union also has programs funded by the Government of Belgium, Caritas (an Australian NGO), and the United Nations Children's Fund (UNICEF). However, these programs are not exclusively for ethnic minorities. On average, 60–70% of the borrowers are Kinh.

Development of the Health Care System

The health program in Kon Tum includes infrastructure improvement (construction of well-equipped health centers), provision of training for staff at the district and commune level, and provision of free medicine to ethnic minority peoples. There are several projects under this program focusing on malaria, tuberculosis, leprosy, malnutrition, food hygiene, potential epidemics, health protection for mothers and children, and family planning.

Development of the Education System

The government's education policies have two major objectives: to eradicate illiteracy among ethnic minorities; and to develop a cadre of trained ethnic minority officials. The official policy states that "all nationalities living in the territory of Viet Nam should learn and use the national language, the common language of the whole country." Vietnamese is the key language used in the school system as early as kindergarten. Special ethnic minority boarding schools have been established in many mountainous areas, but the reality is that only a few ethnic minority students from better

connected families have access to these schools.

In Kon Tum, students are given free notebooks; for students in Region 3, free textbooks and pens are also provided. In each district there is one combination of a high school and a secondary boarding school. Fifty-one of the 79 communes in the province have their own secondary school. Communes with high populations have two or three elementary schools, while small communes have one. Villages distant from the center of the commune also have a subschool, where students can attend first and second grades. In Kon Tum town, there is one boarding high school, for which students receive a scholarship worth D120,000 per month. Nearly 2,000 students attend this school.

The number of ethnic minority students, especially girls, decreases in higher grades. The main reason given is family poverty. Ethnic minority parents are too poor to support their children's education.

Half the teachers in Kon Tum come from the lowlands. Ethnic minority students not only have difficulty speaking another language (Kinh versus Bana, for example) but also, in many cases, students who do speak some Vietnamese have difficulty understanding teachers speaking a different dialect. (Many teachers come from Nghe Tinh Province, where people speak with a very strong accent.)