

SOME PROBLEMS WITH THE LAND POLICY IN THE WESTERN HIGHLANDS

by Dr. NGUYỄN THẾ TRÂM

The Western Highlands has witnessed a lot of changes in the land policy: firstly, the land has been granted to farmers, and then it has been collectivized. In 1993, a new land policy was adopted in order to ensure land use rights for farmers and organizations that do farming. In principle, the land is still under the public ownership and is taxed by the Government with a view to redistributing wealth and ensuring income for the budget. The new land policy has helped to liberate productive forces, encourage farmers to invest in farming business and increase the area of farming land in the Western Highland. In 1994-1995, the area of farming land increased by 8.5% (and by 11.6% in Daklak particularly). Especially, the reclaimed land represented 65% of the farming land in the Western Highland. From 1990 until now, the land using ratio increased from 0.3 to 0.4.

However, the implementation of the land policy didn't produce intended results and this shortcoming shows itself in many facts:

(1) The policy on granting land and land using right certificates to farmers was carried out slowly. At present, around 15-18% of farmers haven't been provided with land and 28% of them are waiting for land using right certificates. Only 4.5% of some one million hectares of farming land were distributed to farmers. Only 1.7% of farmer families were provided with 3 hectares or more. Only 8.5% of the forest area was allocated to foresters.

The task of classifying land wasn't carried out properly, and the master plan for using land wasn't publicized. The policy on distribution of land and procedures for passing land using rights weren't implemented properly with the result that land was traded, occupied and granted lawlessly. Disputes over land using rights became common in many districts. Many people occupied and sold land illegally while a lot of farmers are in need of it. Procedures for getting the land using right certificate weren't publicized, and as a result, officials could grant land and charge fees at will. Moreover, not all social classes are treated equally in this matter.

(2) Inexact definitions of rights for land users, tenants and mortgagors of land have made it difficult to

implement the land policy effectively. Generally, in the Western Highlands today, the land policy has just helped to make clear basically relations between the state and land users, not the relation between land users themselves, so between them there are only simple contracts.

(3) The allocation of land to farmers, in many cases, was done forcibly, and wasn't based on scientific, reasonable and legal grounds. Most farmers weren't kept informed about the timetable for granting land, about their rights and duties and official bodies supplying legal services. The land was exploited carelessly and uncontrollably: certain area of forest was destroyed and then afforested, but after afforestation, no official body was assigned to take care of it and the



newly planted forest quickly became bare land. Other policies dealing with rights and duties of land users aren't realistic and practical with the result that it's difficult to realize the land policy in the Western Highlands.

In my opinion, the causes of this situation are as follows:

- Firstly, farmers aren't kept informed of the land policy, the rights and duties of land users. Policies on encouragement to land users are obsolete and inappropriate, that is, they must be adjusted to current conditions in the Western Highland.

- Fluctuations in prices of agricultural products and market rigging done by traders have discouraged farmers, especially those who come from ethnic communities, that is why they weren't in-

terested in getting more land.

- The task of allocating land was carried out hurriedly without the co-operation with land and forestry authorities and without help from local governments and party committees, therefore many disputes couldn't be settled satisfactorily.

- Before allocating land, a master plan for land use hasn't been made, the land hasn't been measured and classified exactly, local officials haven't trained to implement the land policy correctly. After allocating land, local authorities failed to control the land use and punish individuals and organizations that violated the Land Law.

The following are our suggested measures to solve these problems and implement properly the land policy in the Western Highland

1. Promoting the task of granting the land use right certificate

Local authorities have to investigate the land resource, make master plans for land use and document all allotments, and then speed up the task of granting the land using right certificate to individual farmers (instead of to intermediary bodies) with a view to encouraging them to invest more money and labor in their allocated land. Local land, forestry and financial authorities had better take measures to help land users exploit the land resource more effectively.

As for land without users in remote areas, it must be put under control of local authorities. There must be a mechanism for managing and allocating protective and specialized forests. Natural forests and forests planted by Government's investments can be allocated to foresters working under contracts in which their rights and duties are stated clearly with a view to protecting both forests and interests of foresters. Areas of bare land can be allocated to people when plans to improve infrastructure and supply technical services are made.

Local governments must take strict measures to control state-owned farms and forests with a view to building morale of laborers working there, and struggling against illegal occupation of land. Farmers will be provided with land in accordance with their ability and wish. The allocation of land in the Western Highlands can't be carried out in the same way as that is applied in plain or delta provinces, that is, the allocation of land must

be based on local conditions (personal income, population density, customs of ethnic communities, value of land, master plans on land use of provincial governments, etc.)

2. Renovating policies on land users

- Tax rates must be calculated to ensure land users a reasonable after-tax income. The land value tax can replace the land tax and be collected as a fixed percentage on the value of land (instead of tax rates converted into rice as before). The Government can fix a price-ceiling and a price-floor for land value, and local governments can adjust this price bracket to local conditions. The tax rate must be kept stable for at least three years.

- Fluctuations in market prices and a lack of organization in the task of purchasing agricultural products have produced bad effects on land users. A fall in prices of agricultural products will reduce income of farmers and disturb the process of changing the economic structure. For example, certain coffee plantations could be cut down when the coffee price falls sharply. Local governments can help farmers by looking for new markets for produce from the Western Highland, giving subsidies if need be, supplying soft loans, or developing the infrastructure.

- Because the average education level in the Western Highland is rather low, so the Government must help to supply technical assistance and scientific knowledge. Multidisciplinary studies could help to find out a structure of produce appropriate to local climatic conditions, socio-economic features and farming habits of farmers.

3. Enforcing the land policy

- The Government had better invest in improvement of land authorities in the Western Highlands: forcing local governments (especially village authorities) to control land resource and carry properly the land policy; giving incentives to land officials in order to encourage them to do their job correctly; publicizing regulations on rights and duties of land users and punishing violations of land use rights with heavy fines.

- All rights of land users must be stated clearly and adjusted to the Western Highlands' features and conditions in order to ensure that the land policy is enforced properly. Special attention must be paid to

the task of communicating the land policy to ethnic communities because the education level of ethnic groups is very low.

- Land must be allocated to farmers according to their ability and the volume of local land resource. There must be no limit on the area of land allocated to farmers who use land for planting annuals and perennials. Land users are allowed to pass their land using right to other persons and local government's job is to keep official records of these changes and collect charges on the transfer of land using right. It's possible to allow land users to mortgage their land use right. The value of the land using right will be determined by the market, or by the Government if need be.

4. Helping nomadic groups settle

This task aims at building new settlements, ensuring farming land for ethnic communities and making plans to exploit the existing land resources. This task also helps to establish relations between different ethnic communities and solve possible disputes between them over land using. Allocation of land to ethnic minorities must be combined with the task of helping them build their settlements, and proper attention must be paid to their traditional customs.

5. Other issues

Like other provinces, land in the Western Highlands has its own value and in the market mechanism, the demand for land has come into being. This will lead to diversification of agricultural production, therefore the Government has to take measures to protect its right to control the land resource and allocate it optimally without limiting the efficiency of land use and positive effects of the market mechanism.

The implementation of the land policy must be coupled with other social policies in order to accelerate positive changes in employment of land and labor force. In addition, the Government can create conditions favorable for the formation of large-size farms in the Western Highland, and perfect the system of laws with a view to facilitating the implementation of the land policy.

The Government must set up regulations dealing with violations of the Land Law, establish the Land Registry and punish land officials who break the Land Law.