

THE ROLE AND SIGNIFICANCE OF VILLAGE AND COMMUNITY FOREST¹ IN ETHNIC MINORITY COMMUNITIES IN VIETNAM

Culture Identity and Resources Use Management (CIRUM)

In the long historical development of Vietnam, the village, which is referred to in different ethnic minority languages as *làng, bản, thôn, buôn, bon, phum, sóc, áp*² has become a forest owner, and has obtained a very important role in forest management and protection. The village within an ethnic minority group manages forests collectively on the basis of its community customs, religion, social arrangement for livelihoods and forest protection. The aforementioned traditional cultural values of ethnic groups have been recognized and respected by many regimes.

In comparison to other types of forest owners, the *village community* traditionally manages collective forests in a different way: (i) A village in an ethnic minority group is an organized society which contains institution for the self-arrangement of society and the self-management of natural resources. An organized village community is headed by elders or a village head who are selected by villagers, and who are accepted and respected by community members; (ii) A village sets up its own mechanism for effective management of forest on the basis of local religion and unwritten village regulation, or, in other word, customary law; (iii) Village collective management of forests aims at the common interests and benefits of the community in terms of culture, religion, living environment (including water sources), and support for the daily life of local people, such as collecting non-timber products for domestic use rather than for trade.

The following parts provide concrete evidence from various ecological areas in Vietnam. In reality, village communities in ethnic minority groups have an important role in the management and protection of forests according to their customary laws.

¹ The concept of “community forest” was introduced by state and NGO programmes and projects. An ethnic minority community in Vietnam often defines this types of forest as ‘collectively owned by a village’ and is used, managed and protected by the village.

² According to a term provided by Decree 17/HĐBT in 1992 of the Government on guiding to implement Law on Forest Protection and Development of 1991.

1. Effective village forest management and protection according to customary law, religious and cultural values, and indigenous knowledge

Most villages within ethnic groups have identified their land territory and borderline³ as well as other natural resources, including forests and water sources since the formation of villages. The traditional borderline is clearly demarcated by local villagers in consultation with surrounding people, therefore, it is expected to be recognized, accepted and respected by all. A village should manage natural resources and practice ritual ceremonies for the protection of natural resources and forest products by itself. The natural resources within the traditional village boundary are in collective village ownership, and outsiders are excluded. According to customary law, all village members have equal rights to access the traditional forestland of the village. Land and forest use planning is decided on the basis of indigenous knowledge, location and the specific function of each land type, and the villagers' real and reasonable needs. Forest land can be categorized into (i) Land and forests commonly used by the entire village, including religious forests (sacred forest and cemetery); (ii) Watershed forests, forests for prevention from landslides, and forests for collecting forest products; (iii) Land and forests allocated to households in order to improve their income and livelihood, which include rotational cultivation areas left for forest regeneration and for preventing soil erosion from intensive farming. The mentioned traditional land and forests have been managed and protected effectively by villagers themselves for generations without any subsidy from the Government. They can be described in detail as follows:

1) Religious forests (or sacred forests) including and cemetery forests. They are given various names according to different ethnic groups, such as Nào Lồng, Thứ tử forests of the Mông ethnic group in Lào Cai province; Đổng Chứ, Đổng Hầu forests of the Thái in Sơn La province; Chia forests of the Red Dao in Lào Cai province; La Pay forests of the Vân Kiều in Quảng Bình province, Giọt Nước forests of Ja Rai, Ê Đê and Ba Na ethnic groups in Central Highland, etc. The use of these religious forests by ethnic minority peoples is similar to the use of temples, communal houses, shrines, or clan altars by the Kinh majority group in the lowland. Religious forests are vital for the spiritual life of ethnic minority peoples. Indigenous people interpret religious forests as 'forbidden forests', so people protect them with regulations as strict as those for forest, which are formally classified by the state as 'special-use forests'. Ethnic

³ Traditional borderline markers include streams, mountain edges, big old trees, big rocks, etc.

minority people believe that if they protect forests and natural resources, in return, the spirits will bless them and offer them peaceful and prosperous life. On the contrary, if one destroys or makes the forests dirty, he or she, and the whole community will be punished by spirits, by suffering from illness, loss of yield, animal diseases, natural calamity, etc. Religious forests play an important role in traditional education in forest protection. Each year ethnic people organize ceremonies for worshipping forest saints, nurturing nature in combination with forest protection. By joining community ceremonies, the young generation learns how to manage and protect the forests. Traditional ritual ceremonies offer a good chance for young people to understand deeply their ancestral history and community lives, and their historical contribution to the formation of the country and its resistance against invaders.

2) Forests for protection of water sources and environment: Most ethnic minority villages have collective forests for reserving water sources for drinking and production, and for prevention of landslides. Each ethnic group has specific name for this type of forests, such as M^o N^uoc for the Thai ethnic group, N^uoc D^ot for Ja Rai ethnic people, etc. People strictly protect these forests according to their customary law in order to maintain forest spaces for worshipping water spirits. Villagers can be allowed to collect some forest products in these forests while strictly follow regulations for the preservation and development of forest resources. This type of forest of the ethnic minority peoples has equal value to that which is formally classified by the state as protection forests. Ethnic minority people believe that protection of forests means protection of the lives of villagers. Maintaining forests and water sources means protecting prosperous life, good health, happiness and good yields. Watershed forests do not only preserve water sources for mountainous people, but also provide safe and available water for millions of people downstream.

3) Forests for collective use by villagers: community members manage collectively and can collect such forest products as firewood, food, vegetables, roots, fruits, bamboo shoots, medicinal herbs, and materials for handicrafts, dyeing, etc., to serve people's daily needs and for community benefit. These forests are originally natural forests. This type of forest is similar to those formally classified as 'production forest' covering with natural forest. In some localities, there are forests combining the functions of both protection of water sources and collection of forest products. Villagers use non-timber products in these areas in a careful and sustainable way, using their indigenous knowledge and local calendar in collecting and protecting forest resources. For instance, people collect bamboo shoots, bamboo, or mushroom in combination with preserving and regenerating the collected species. While taking medicinal herbs,

herbalists often practice ritual a ceremony to ask the herbal spirits or Forest Mother, and to thank the spirits whenever a treatment they have given is successful. The mentioned customary values are maintained, and play a significant role in the foundation and preservation of the indigenous culture of each ethnic group, contributing to enrich the cultural diversity of Vietnam. If cultural diversity is respected and promoted, it will become a potential for the promotion of eco-tourism, contributing to the sustainable development of the country.

2. Voluntary forest protection by village

Village members participate in voluntary forest protection according to the requirement of customary law. Customary law is essential to an ethnic minority community, as reflected in a famous proverb: “*Phép vua thua lệ làng*” (Custom rules the law, or The King's laws come after the village's custom). There are some factual stories for illustrating this statement. The first story is from the Central highlands, where workers from the Southern paper mill polluted the water source of the Ja Rai ethnic people at Ka Bay village, Ho Moong commune, Sa Thay district, Kon Tum province while collecting pine latex. Villagers imposed a fine on the violators, which consists of a pig of 70 kg, 10 bottles of wine and a box of cigarettes in order to hold a ritual ceremony to placate the forest spirits. The violators suggested paying money instead of the fine items, but the villagers refused to receive money from fear that they would contravene state law. Eventually, representatives of the company and the violators agreed to give the items to the village according their customary law. Since then, there has been no further similar violation.

The second case is of land allocation activities carrying out with the H’Rê ethnic group in Pờ Ê commune, Konplông district, Kon Tum province (Central highland) and the Dao ethnic group in Dền Sáng commune, Bát Xát district, Lào Cai province (Northern Vietnam). Local authorities had allocated land and granted land certificates to households on the community forestland. This contradicted the local traditional customs, so villagers keep thinking that those allocated areas belong to the village. After that, the government provided money to some households for contracts for forest protection, but in order to maintain equality among community members, the villagers who had received land certificates returned their land right to the whole village community, and suggested reallocating forestland areas and granting the land certificate in the name of village community. This correction was made to respect village customary law, which considers forestland as the village’s collective property in

which every village members should benefit equally.

The third story is from a clan of the Mong ethnic group in Quan Thần Sán commune, Si Ma Cai district, Lào Cai province. The local community has a rule of ‘closing forest’, or restricting access to forest for ten years in order to regenerate the forest. After that 10-year period, villagers can collect forest products according to community customary law.

From all the above case studies, it is clear that village communities in ethnic minority groups take their voluntary obligation and responsibility of preserving and protecting the forest resources seriously. Villages are the communal owners of the forests in which they live, and preserve that forest as the base of their culture and indigenous knowledge, and protect it from negative impacts of climate change.

Beside the essential role of forests for existence of ethnic minority communities, forests are also significant for the development of the country. Village communities are forest owners and co-protectors of forests in cooperation with other actors. If the ownership rights of communities are not ensured, there is no incentive for the people to participate in forest protection. The result will be deforestation, insecurity of ecosystems and water sources, and important for development in the downstream areas. In addition, without forests for practicing traditional culture, ethnic communities will not be able to maintain their culture, thereby weakening their community linkages and social stability. In other words, promotion of strong linkage between village communities and forests is a necessary precondition for effective management and protection of forests, ecosystems, and the security of water sources, as well as national security, especially in remote and border areas.

The current law on forest protection and development has some discrepancies in its regulation and implementation processes because some stipulations do not fully respect the customs of ethnic minority communities for forest use and management. These shortcomings are an obstacle to the right of village communities to access and participate in the use forestland. That affects the objectives announced by the government of achieving sustainable poverty alleviation and the promotion of ethnic minority cultural identity. Therefore, a combination of state law and customary law of ethnic minority communities is essential for forest management, protection and development.

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