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Contending Views and Conflicts over Land in the Red River Delta since Decollectivization

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A Thesis Submitted for the Degree of Philosophy of The Australian National University

August 2004
This thesis is wholly my own original work, except where otherwise cited in the text.

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Dr Nguyễn Văn Chinh has been a very good source of information and advice. Joining my supervisory panel in my third year of candidature, Dr Philip Taylor has commented on and enthusiastically discussed with me various issues prior to and during my writing up stage. Like Professor Ben Kervliet, Dr Andrew Walker, Dr Nick Tapp, and Dr Philip Taylor have given me a chance to share their private libraries. Once again, I would like to thank them all for everything.

I also highly appreciate the Ford Foundation for its generous financial support to the Program of Staff Training and Development in Anthropology and Sociology of my College of Social Sciences and Humanities at Hanoi National University (in collaboration with the ANU), which brought me to the ANU for this degree. I would also like to thank the Department of Anthropology (RSPAS, ANU) and the Organizing Committee of the Conference on Politics of the Commons (Regional Centre for Social Sciences and Sustainable Development, Faculty of Social Sciences, Chiang Mai University) for their financial support for my fieldwork and conference attendance.

I would like to thank all staff members of the Department of Anthropology (RSPAS, ANU) for creating a good academic and social environment and providing great facilities for research. In particular, I want to say many thanks to Prof Mark Mosko, Dr Kathy Robinson, Dr Andrew Kipnis, Dr Alan Rumsey, Mrs Fay Castles, Mr Ben Cauchi, Ms Sharon Donohue, and Mr Luke Hambly for various reasons. The thesis would not have achieved its current quality without Dr Amanda Scott’s English editing. I would like to thank her very much for the work. In addition, thank you Mr Anthony Bright (Cartographic Services, RSPAS, ANU) for adjusting the maps and scanning the photos that are used in this thesis. I am also grateful to Mrs Mary Martina (ANUTECH, ANU), the greatest English teacher I have had in my life, Mrs Oanh Collins (Pacific and Asian History Division, RSPAS, ANU), and Mrs Dorothy McIntosh (Pacific and Asian History Division, RSPAS, ANU).
some materials I used in this thesis, Lương Thị Bảo Ngọc (CSSH) and Nguyễn Thị Thanh Nga (CSSH) for typing part of my field notes. I am also in debt to my colleagues Lê Quỳnh Nga (CSSH) and Dr Nguyễn Hữu Tiến for sharing part of their materials, and Lê Anh Tuấn for his updates on various issues while I have been in Australia.

This study would not have come to its current shape without valuable information provided by my informants. A number of them have been deeply involved in my conversations about my research, although they might not have known exactly what my research was about. They all deserve my sincere thanks. I am also indebted to the village head’s family members who shared with me not only accommodation and food but also fun and friendship during my fieldwork. My special thanks also go to numerous staff members of various district and provincial offices where I collected documents for this thesis.

I am deeply grateful to my parents, my brothers and my sister who have endlessly taken care of and supported me in various ways during my past six years of studies at the CSSH and over four years of research at the ANU. This thesis is dedicated to all of them.
Abstract

Contending Views and Conflicts over Land in the Red River Delta since Decollectivization is an anthropological study in which I offer a new approach exploring the viewpoints of various parties to analyze their attitudes, relations and conflicts over land in Vietnam’s dynamic Red River delta after decollectivization. I also evaluate how and in what ways industrialization and modernization, as well as the effects of urbanization, marketization, and to a lesser extent globalization, have affected Red River Delta villagers’ views and relations towards agricultural land.

Drawing on various sources of data, especially ethnographic field research, I examine local responses to a number of essential land issues such as the process of agricultural decollectivization, programs for land use rights compensation, the politics of communal land management and use, and the problem of local cadre corruption in relation to land resources. My detailed descriptions and analyses of a number of land-based conflicts not only demonstrate the various meanings and values of land for the parties involved, but also show the complicated picture of attitudes, relations and conflicts over land.

Moving beyond reflections of various existing theoretical perspectives on agrarian and peasant studies such as moral economy, political economy, socio-cultural dynamics, everyday politics and others, I present an overall argument of contending views as the dynamics for conflicts over land rights. More specifically, I argue that in the context of significant changes in the land tenure regime and related socio-economic programs in Vietnam, and under the effects of urbanization, marketization and globalization in the studied area since decollectivization, the meaning and value of agricultural land have increased to both villagers, the state and other parties. In such a dynamic context, diverse groups of ordinary villagers share some common views that both agree and disagree with the view of some state institutions over decision-making, distribution, and holding of quyền sở hữu [ownership rights], quyền quản lý [management...
rights], and quyền sử dụng [use rights] to agricultural land. The contending views toward such land rights have led a number of villagers to become involved in public resistance in land conflicts, and as a result, in the dynamics of land-based conflicts in a number of communities. These contending views and conflicts over land have affected the state in different ways, including changing state land tenure policy to accommodate the villagers' views and to resolve land-based conflicts.
### Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>BCD</td>
<td>Ban Chí đạo</td>
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<tr>
<td>BCD cap GCN va LSBT</td>
<td>Ban Chí đạo cấp giấy chứng nhận và lập số báo thuế</td>
</tr>
<tr>
<td>BCH</td>
<td>Ban Chấp hành</td>
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<tr>
<td>BCHTW</td>
<td>Ban Chấp hành Trung ương</td>
</tr>
<tr>
<td>BQL cac KCN</td>
<td>Ban Quản lý các khu công nghiệp</td>
</tr>
<tr>
<td>HDNN</td>
<td>Hội đồng Nhân dân</td>
</tr>
<tr>
<td>HU</td>
<td>Huyện ủy</td>
</tr>
<tr>
<td>SDC</td>
<td>Sở Địa chính</td>
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<td>SNN</td>
<td>Sở Nông nghiệp</td>
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<tr>
<td>TU</td>
<td>Tỉnh ủy</td>
</tr>
<tr>
<td>UBND</td>
<td>Ủy ban Nhân dân</td>
</tr>
</tbody>
</table>
Contents

Contending Views and Conflicts over Land in the Red River Delta since Decollectivization

Acknowledgements iii
Abstract vii
Abbreviations ix
Contents x
Maps, Photos, and Table xiii

Chapter One: Introduction 1
I. Contending Views and Conflicts over Land 1
   Land Rights and Land Rights Holders 5
   Villagers 23
   The State and Local Cadres 33
   Conflicts 37
II. Field Work and Thesis Structure 41

Chapter Two: Agricultural Decollectivization and Different Roads to Conflicts 46
I. Introduction 46
II. Agricultural Decollectivization 48
III. Different Roads to Conflicts 58
   Claims to Land Use Rights 59
   Various Patterns of Land Law Violation 69
   Land Use Rights Compensation 75
   Corruption 77
   The Resulting Conflicts 81
IV. Conclusion 86
Chapter Three: Land Use Rights Compensation and Dynamics of Villagers’ Public Resistance: The Case of Đại Lộc Village

I. Introduction

II. Conflict Process
   The Quiet Time
   Public Protest
   Participation, Struggle Tactics and Leadership

III. Dynamics of Resistance
   Claim to a More Reasonable Price for Land Use Rights
   Compensation
   Claim for a Commitment to Labour Employment
   Fears of the Loss of Subsistence and Occupation
   The Attraction of a Cash Windfall
   Self Profit
   Suspicion of the Committee’s Collusion in Land
   Speculation
   Violations of Moral Behaviour
   Other Views
   Beyond the Local Conflict

IV. Conclusion

Chapter Four: The Politics of Communal Land: The Contending Views and Conflicts

I. Introduction

II. Rebirth of Communal Land

III. The Contending Views
Chapter Five: The Problem of Local Cadre Corruption

I. Introduction 190
II. Local Cadre Corruption Involving Land 196
III. Villagers’ Protests 206
IV. Villagers’ Views towards Corruption 216
V. Conclusion 228

Chapter Six: Conclusion 230
I. Summing Up 230
II. The Major Issues Which Emerged 234

Bibliography 252
Maps, Photos, and Table

<table>
<thead>
<tr>
<th>Map 1:</th>
<th>Hà Bắc Province</th>
<th>88</th>
</tr>
</thead>
<tbody>
<tr>
<td>Map 2:</td>
<td>Bắc Ninh Province</td>
<td>89</td>
</tr>
<tr>
<td>Map 3:</td>
<td>Từ Sơn District</td>
<td>90</td>
</tr>
<tr>
<td>Photos 1-2:</td>
<td>Farming Fields</td>
<td>138</td>
</tr>
<tr>
<td>Photos 3-4:</td>
<td>Farming Fields</td>
<td>139</td>
</tr>
<tr>
<td>Photos 5-6:</td>
<td>Preparation of Construction Sites</td>
<td>140</td>
</tr>
<tr>
<td>Photos 7-8:</td>
<td>On-going Construction of the Industrial Zone</td>
<td>141</td>
</tr>
<tr>
<td>Photos 9-10:</td>
<td>New Highway Number 1B</td>
<td>142</td>
</tr>
<tr>
<td>Photos 11-12:</td>
<td>Communal Waterland in the Village</td>
<td>187</td>
</tr>
<tr>
<td>Photos 13-14:</td>
<td>Illegal Encroachment over Communal Waterland</td>
<td>188</td>
</tr>
<tr>
<td>Photos 15-16:</td>
<td>Illegal Encroachment over Communal Waterland</td>
<td>189</td>
</tr>
<tr>
<td>Table 1:</td>
<td>The number of households who did not pay taxes and fees in Phú Dương village from 1998 to 2002</td>
<td>212</td>
</tr>
</tbody>
</table>
Chapter One: Introduction

I. Contending Views and Conflicts over Land

In the late 1950s, shortly after a radical land reform, agricultural production in the northern half of Vietnam that had previously been based on family household farming was gradually collectivized into a collective production that took the small-scale cooperative as the main production unit. From the early 1960s, collectivization continued to increase in scale and intensity on the grounds of three key principles: collective ownership of means of production, centralized management of production, and equal allocation of output on the basis of working points (Chu Van Lam et al. 1992). From the early 1980s, however, a process of decollectivizing the agricultural system started, and proceeded till the early 1990s. This process accompanied the development of a new land tenure system that is based on three types of rights to land: quyền sở hữu [ownership rights], quyền quản lý [management rights], and quyền sử dụng [use rights], and also marked the time since the state has been implementing essential programs of industrialization and modernization in the rural areas. In the area, which my study focusses on, located close to Hà Nội capital and in the middle of several key economic zones, the effects of urbanization and globalization have also been intruding into various aspects of rural people lives.

This anthropological doctoral thesis explores and analyzes the views of Red River delta villagers in relation to land rights and compares these with the views reflected in the state land tenure system. It focuses on three types of rights to agricultural land that have been defined in state land tenure regime since decollectivization: quyền sở hữu [ownership rights], quyền quản lý [management rights], and quyền sử dụng [use rights]. The thesis also evaluates how various modernization and industrialization programs, as well as the effects of urbanization, marketization, and to a lesser extent globalization, have affected Red River delta villagers’ views and relations...
towards agricultural land rights. Finally, it uncovers conflicts over land rights.

To achieve these aims, the study first analyzes the process of decollectivization, and then examines why and in what ways agricultural decollectivization, the new land tenure system, and recent industrialization and modernization, have produced conflicts over land rights among the various parties, especially a number of villagers and different institutions of the state.

There are three key arguments in this thesis. First, in the context of significant changes in the land tenure regime and related socio-economic programs in Vietnam, and under the effects of urbanization, marketization and globalization in the studied area since decollectivization, the meanings and values of agricultural land have increased to both villagers and other parties. Second, in such a dynamic context, diverse groups of ordinary villagers share some common views that either agree or disagree with the views of state land tenure policies and the authorities who make and implement such policies over decision-making, distribution, and holding of quyền sở hữu [ownership rights], quyền quản lý [management rights], and quyền sử dụng [use rights] to agricultural land. The contending views toward these essential rights to land have led a number of villagers to become involved in conflicts over land rights in a number of communities. The third key argument is that these contending views and conflicts over land rights have affected the state in different ways, including driving the state to change its land tenure policies.

The first and the third key arguments will be discussed later in the thesis, however, the second key argument needs elaboration. The findings of my study illuminate both agreements and contradictions between the views of a number of villagers and the land tenure system and other state institutions which make and implement land tenure policies. The main agreement concerns the state-formulated quyền sở hữu of “the entire people.” Villagers in my study do not challenge or question the Land Law, which reserves quyền sở hữu for “the entire people.” In regard to quyền
quận lý and quyền sử dụng, however, there have been both agreed and contending views. By agreed, I mean that the new land tenure system has given villagers what they have desired: quyền sử dụng to land. On the other hand, the contradictory views between the two over how land management rights, especially land use rights, should be distributed, held, taken, transacted, and compensated, have resulted in various conflicts. Such contending views do not produce conflict among villagers in many circumstances because they do not have any practical impact on villagers’ views and relations with their land use rights. This is because villagers continue to be the subjects who hold and control land use rights and enjoy the produce from the land they till. They are also able to dispose of the land use rights they hold. But on some occasions, especially in situations such as land use rights acquisition and private encroachment on land use rights, the different views have important practical implications and these have resulted in conflict.

The contending views between a number of villagers and certain institutions of the state over use rights (and management rights in relation to communal land) in these cases have occurred at two levels. The first is the villagers’ disagreement with different points of the state land tenure policy at large, and the second is the competing views between some villagers and a number of local cadres who implement state land tenure policies at the local level specifically. At both levels, conflict has arisen because the villagers place greatest emphasis on their use rights. While they accept that the entire people is the ideological holder of ownership rights, and that this gives the state some overall management rights, they argue that their use rights mean that they are entitled to have a say in how land use rights should be distributed, held, used, by whom and for whose benefit, and what values these land use rights have at disposal.

To approach the subject, I investigate the views of villagers and other parties on decision-making, distribution, and holding of land rights. This means that I explore the rationales of different parties on questions of how land rights should be distributed, held, managed, used, by whom, and for
whose benefit. Who can decide these essential issues? What role should state authorities, particularly local cadres, take in such processes? Investigating the views of villagers and other parties involved, therefore, can be seen as an effective approach to explore and analyze attitudes and the multi-sided relations of the various parties to land rights and conflicts over land rights since decollectivization.

The various views of these different parties towards land rights will be analyzed in the dynamic context of agricultural decollectivization, the development of a new land tenure system, modernization and industrialization programs, population growth, and the effects of urbanization, marketization and globalization. In many senses, my analysis needs to consider history. By situating different views of different parties in such a context for analysis, I want to evaluate the effects of both internal and external impacts, and the various meanings and values that embed and affect the relationships, attitudes and behavior of villagers, local cadres and other agents of the state towards land rights. In addition, I attempt to explore the major threads of the views of villagers and state institutions towards land rights through time, and also to investigate the question of how and in what ways land rights have become essential to the different parties involved, which have created conflicts since decollectivization.

In short, my overall analytical framework critically emphasizes four major issues. One stresses the parties whose attitudes and relations towards land rights I explore. In the Red River delta since collectivization, these parties include ordinary villagers, local cadres, higher state officials, and state land tenure policies on the whole. Another issue emphasizes land tenure arrangements. In the following section, I will discuss the framework of a bundle of rights and a bundle of rights holders to analyse land tenure arrangements in Vietnam. The third issue calls for the analysis of the various views of the different parties towards decision-making, distribution,

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1 In regard to the context issue, Chapter Two and part of Chapter One provide a broad context of decollectivization, a new land tenure system, modernization and industrialization (and conflicts too) in the district, province (and beyond) my research emphasizes. Whenever and wherever factors such as the effects of urbanization, globalization and the issue of history are essential to my analysis, they will be highlighted.
and holding of land rights to be placed in the context and history of the studied area in order to reveal numerous factors that affect the attitudes, relations, and conflicts over land rights. In the Red River delta, such factors include history, decollectivization, a new land tenure system, modernization and industrialization, and the effects of urbanization and globalization. Finally, essential to this approach is my theory of contending views as the dynamics for conflicts over land rights.

The most important task I need to do now is to define various essential conceptions that I mentioned and that are heavily used in this study.

**Land Rights and Land Right Holders**

* A Bundle of Rights and A Bundle of Rights Holders.

In their study, Schlager and Ostrom offer an analytical framework of a bundle of rights and a bundle of rights holders for analyzing natural resources (Schlager and Ostrom 1992). In brief, Schlager and Ostrom argue that there are different rights to a thing/resource held by different holders. A right to a thing/resource is the authority to undertake particular actions in relation to it. For example, right of “access” is “the right to enter a defined physical [thing]” (1992: 250). Right to a thing/resource is not only formulated by rules/ideologies but also by practices/realities. In contrast to

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2 Similarly, Benda-Beckmann (1999) uses the framework of a bundle of rights and a bundle of rights holders, however, he critically emphasizes numerous socio-economic functions of property rights in his analysis. He argues that “property rights have different social and economic meanings for various categories of peoples as well as for individuals, and that conflicts about property rights usually proceed from their different socio-economic functions, both in law and in practice” (Benda-Beckmann 1999: 7). His emphasis on socio-economic functions of rights is also relevant for analysing land tenure arrangement in Vietnam after decollectivization. However, my thesis stresses the views of holders towards decision-making, distribution and holding of rights to land.

3 Against the view that defines “property” as “things,” Macpherson (1978) argues that “property” is “rights to “things.” Applying his view of property to land in Vietnam, we can see various types of property such as private property, communal property, state property and open access because land rights are held by various parties as I discuss in the thesis. For further discussion of the concept of property see Munzer (1990, Chapter Two: Understanding of Property, pp 15-36); for the concept of property rights see Bromley (1991: Chapter Two: Property Rights and Property Regimes in Natural Resource Policy, pp 14-40.)
Hann (1991, 1998), Schlager and Ostrom argue that property rights are the relations between people and the owned thing. Therefore, the holder of a right has the power to access and determine how the thing is used and for whose benefit, although they also emphasize that to hold a right implies that the holder has a duty. Regarding common-pool resources, for example, Schlager and Ostrom consider two levels of property rights: operational level and collective-choice level. Operational level property includes right of “access” and right of “withdrawal.” The collective-choice level property ranges from right of “management” to right of “exclusion” and right of “alienation.” These five rights are held by four classes of holders, including “owner,” “proprietor,” “claimants,” and “authorized user.” Each of these rights holders can have certain power to common-pool resources depending on what right/s the holder possesses. For example, “proprietors ... who possess collective-choice rights to participate in management and exclusion. Proprietors authorize who may access resources and how resources may be utilized, however, they do not have the right to alienate either of these collective-choice rights” (Schlager and Ostrom 1992: 253).

I adopt Schlager and Ostrom’s analytical framework of a bundle of rights and a bundle of rights holders to analyze land tenure arrangements in Vietnam after decollectivization. In so doing, I need to clarify four key points in their analytical framework. First, a bundle of rights and a bundle of rights holders must be analyzed in the context of the studied society, as the form of rights might differ from one society to another and also from one type of resource to another. For example, the specific levels and types of rights and rights holders in common-pool resources documented in Schlager and Ostrom’s work (1992) do not correspond to particular ownership rights, management rights and use rights to land in Vietnam after

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4 The main difference between Hann and Schlager and Ostrom lies in their arguments. While Schlager and Ostrom argue that property rights are the relations between people and the owned things, Hann looks at property relations as “a network of social relations that governs the conduct of people with respect to the use and disposition of things” (1998: 7). This means that he considers property rights as social relations between people to things rather than relations between people and things. In so doing, he critically emphasizes the political and economic embeddedness of property relations or, put another way, the distribution of rights among people to things in cross-cultural analysis.
decollectivization. Secondly, the analysis must also consider the historical aspect, because the form of rights and type of rights holders can also differ from one time to the next. Another point is that this framework does not adequately emphasize what rights are important to different kinds of holders and has not yet discussed sufficiently the distribution of rights among holders, it might not well explain conflicts among various holders over different rights to land. To overcome this weakness, a critical examination of the viewpoints of holders over decision-making, distribution and holding of rights to land in the socio-economic and political context of the studied society is very useful.

The final point relates to ownership. In the views of the villagers, ownership rights in the bundle of rights are split into two levels: ideological and practical ownership, as I discuss later. According to Hoang Viet, ideological ownership lies in the hands of the state (or the king in history) while practical ownership systems such as private ownership, communal ownership, and state ownership rest in the hands of various parties like individuals, organizations and state institutions (Hoang Viet 1999). In my view, ideological ownership is the right to broadly decide key issues in the overall management and use of the land. Practical ownership means the right to use certain plots of land, enjoy the product of the land, and dispose of it. In that sense, practical ownership must follow regulations set up by ideological ownership, for example, pay tax, or use the land for certain purposes only, or dispose of land in certain ways. Which of these systems of practical ownership is more dominant in a society usually depends on particular socio-economic and political conditions. For example, the private system of practical ownership is pervasive in developed and industrialized countries like Britain, while it is rejected by indigenous peoples in various parts of the world (Hann 1998: 2). In Vietnam prior to the 1950s, the coexistence of private ownership, communal ownership and state ownership
under the ideological ownership of the king had been a major feature for a long period of time.⁵

Using such tools, I will next examine what the legislation has said about land rights and land rights holders in Vietnam since decollectivization. I will then discuss land rights and land rights holders in the views of villagers, and point out why and in what ways conflicts among different rights holders have taken place on particular types of land rights.

*Land Rights and Land Rights Holders in the Views of State Legislation.*

As previously noted, since decollectivization a new land tenure regime has emerged which formulates three types of key rights to land: ownership rights, management rights, and use rights. These three types of rights are held by various holders. The formulation of such a land tenure regime first started in the 1980s, advanced to a Land Law in 1993, and was amended three times in the following years.⁶ During this period of development, beside debates, negotiations, and tensions among different holders of rights to land as I later examine, there has also been a discourse among state policy makers and advisers about how and in what ways the land tenure should be arranged. Among the contending views, the most authoritative one, as expressed in the national Land Law, is that agricultural land must be owned by the state under the title of the entire people. If the state owns the land, it then has decisive power and essential rights over the vital question

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⁵ In contrast, Truong Huu Quynh (1983, 2 volumes) and Phan Huy Le (1959) argue that, for hundreds of years, Vietnam had two regimes of ownership: state ownership and private ownership. According to them, village agricultural communal land [công diên] was a part of the state owned land. The state gave villages the rights and power to directly control and allocate land use among villagers within villages. In return, the state collected land tax from the village as a whole, not from those individual villagers who directly used communal land. To me, these perceptions and uses of the concepts of private and state ownership are inadequate and confused. The main difficulty is that they do not define and clarify the meaning of ownership, especially the concepts of private ownership, state ownership and the related concept of occupation. In fact, their analyses have not yet reflected the ideological ownership of the king, or clarified how the ideological ownership differs or can be distinguished from the practical ownership systems which operated during this long period of history in Vietnam.

⁶ The first amendment was done in 1998, the second in 2001, and the latest in 2003 (effective from the first of July 2004).
of how land is to be managed, used, by whom, and for whose benefit. According to this view, the state allocates people quyền sử dụng to agricultural land, and allows land use rights holders to dispose of these land use rights, like exchange, transfer and inherit as I later discuss. In so doing, the state can consolidate its position and rights over quyền sở hữu and quyền quản lý of the land while giving the users, including individuals, family households, institutions and organizations, the rights to use it. Accordingly, this policy ensures that the state holds a decisive role in decision-making, distribution, and holding of key rights to land (Long Giang 1993).

Other views, however, are expressed among policy makers and advisers. One argues that if land is not only the means of production but also a special form of property, then it can be owned by the state, collective, or individuals. Accordingly, three systems of land ownership should be applied, including state ownership, communal ownership, and private ownership, depending on the kind of land. The key point in this view is to ensure the people have real ownership of the land, and in that way, it also hints at a division of land rights that limits the power and right of the state while giving the people more control over decision-making on vital land issues (Do Ba 1993; Nguyen Sinh Cuc 1993). Still, another view argues that three patterns of land ownership should be employed: private ownership, state ownership, and mixed ownership. Applying this to agricultural land specifically, mixed ownership means the state owns the land, and allocates its use rights to users. Agricultural land should therefore be owned, managed and used in line with the current state land tenure system regulations. As in the former view, however, private ownership should be recognized with other types of land (Thanh Son 1993).

As all the above viewers were state researchers who did studies to develop a new land tenure policy, their views have affected the state policy on land. For example, in the 1993 Land Law, while quyền sở hữu of the land of the entire people remained unchanged, a system of communal agricultural land was officially recognized, marking the official rebirth of communal land, as I examine in-depth in Chapter Four. Nevertheless, a lack of detailed
and systematic research, covering aspects such as the values and meanings of land to villagers, communities, organizations, and the state at large in the dynamic context of Vietnamese society since decollectivization, meant the new Land Law needed to be amended several times in a short time. In 1998, when the state was about to again amend the Land Law, the debates on land ownership continued with the publication of Văn Đề Sở Hữu Ruộng Đất Trong Nền Kinh Tế Hàng Hóa Nhiều Thành Phố ở Việt Nam [The question of land ownership in a market multi-sector economy in Viet Nam], in 1999 (Hoang Viet 1999). A new argument coming from this work advocates two systems of land ownership, as previously noted, legal ownership and practical ownership. According to this view, the division of rights to land between the state and people should be made in a way in which the state totally possesses legal ownership while leaving the society to exercise practical ownership. In order to do this, three rights to land need to be clarified: right to own, right to occupy, and right to use. Among these, ownership right totally belongs to the state, while occupying and use rights can be held by both the state and the people. The state thus still holds its supreme power and right to land, while the people hold the rights to occupy and use it. In addition, the land market needs to be recognized, because, in the market economy of multi-sectors under a socialist orientation, the right to occupy and right to use certain plots of land are also a form of property that can be sold and bought as a normal commodity item.

Despite many debates, no change has yet been made to the way in which the state formulates the three types of rights to land: ownership rights, management rights, and use rights. So now we can consider how these three types of essential rights to land have been defined, and who can hold them.

According to the state Land Law, quyền sở hữu, or ownership rights, entails the rights to legally own the land and broadly decide key issues over how the land should be managed, used, by whom and for whose benefit in the whole country. In the 1993 Land Law, however, quyền sở hữu was simply defined in Article One of Chapter One as land which belongs to the entire people, managed by the state, and that the state allocates or rents land
use rights to users (Quoc hoi nuoc Cong hoa Xa hoi Chu nghia Viet Nam 1995: 6). In 2003, Article Five of Chapter One of the latest amended version of Land Law clearly defines that “land belongs to the entire people, the state represents the owner (i.e. the entire people) of the land.” As the representative of the holder of ownership rights, the state has power and rights to the following issues over land in Vietnam: 1. Deciding the purposes of land use; 2. Regulating the area limit and time span of land use rights; 3. Deciding prices of land use rights. As the holder of ownership rights and management rights, the state allocates people land use rights through land use rights allocation, land use rights rent, recognises the land use rights of different holders, and regulates the rights and duties of land use rights holders. The state also has power to adjust resources from land through its financial policies, for example, collecting rent, land-use taxes, land-income taxes, and land-transfer taxes.

Quyền quản lý [management rights] to land relates to the administration of the land. The administration of land involves various issues. According to Article 13 of Chapter Two of the 1993 Land Law, it includes: 1. Survey, measure, evaluate, rank and make administrative maps; 2. Plan land use; 3. Issue and implement legal documents about management and use of land; 4. Allocate, rent and seize land use rights; 5. Register, establish and manage cadastral books, land-used contracts, grant certificates of land use rights and so forth; 6. Inspect land management and use; and 7. Resolve disputes over land use rights, and other wrongdoings in regard to land management and land use rights (Quoc hoi nuoc Cong hoa Xa hoi Chu nghia Viet Nam 1995: 11-12).  

Quyền sử dụng, or use rights, to land are the rights to directly control, use the land, and enjoy the product of land use as well to dispose of the land use rights.

The state legislation also clearly defines how the above three types of land rights are to be distributed among different holders. Accordingly, the

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7 Article Six of Chapter One of the 2003 amended version of the Land Law presents a more detailed definition, however, the meaning of land management, or quyền quản lý, of the state remains the administration of the land.
entire people hold quyền sở hữu to land. This means that all the land in Vietnam belongs to the entire people that are represented by the Socialist State. The state holds all quyền quản lý to land. As a result, the state at the same time holds two types of rights to land: quyền sở hữu and quyền quản lý. In contrast, quyền sử dụng are to be diversely held by different holders.

To put it another way, the land tenure regime regulates that the Vietnamese “entire people” own land. The state, as representative of the entire people, manages the land and allocates [giáo], or rents [cho thuê] land use rights to the users, either for long-term use [sử dụng lâu dài] or for a certain period of time [có thời hạn] depending on the kind of land. In this sense, the state is not only the manager of the land but also the owner of the land (Tran Quoc Toan 1993). Land users thus hold land use rights only, not ownership rights or management rights of the land.

Holders of land use rights, according to the 1993 Land Law, were simply classified into three types: organizations of different forms, family households, and individuals. However, Article Nine of Chapter One of the latest amended version of the Land Law in 2003 has grouped holders of land use rights in Vietnam into seven types. These are: 1. Domestic organizations [các tổ chức trong nước]; 2. Domestic family households and individuals [họ gia đình và cá nhân trong nước]; 3. Residential communities [of Vietnam] [cộng đồng dân cư]; 4. [Domestic] religious institutions [cơ sở tôn giáo]; 5. Foreign organizations with diplomatic functions [tổ chức nước ngoài]; 6. Foreign organizations [cơ sở nước ngoài]; 7. Overseas Vietnamese community organizations [cộng đồng người Việt Nam ở nước ngoài].

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8 The conception of entire people's ownership appeared in Vietnam at least since the early 1960s. The 5th Plenum of Central Party Committee (Session III), July 1962, had already mentioned this type of ownership (Chu Van Lam et al. 1992: 19). However, it has only been strongly applied to land since the 1980s in the state legislation.
9 Article Four of Chapter One of the 2003 amended Land Law defines “land allocation” as the state allocating land use rights through its administrative decisions to subjects who have a demand of use. Land allocation can be of two types, allocation without payment from the receivers and allocation with payment from the receivers.
10 Article Four of Chapter One of the 2003 amended Land Law also defines “land rent” as that the state allocates land use rights to subjects who have a demand of use through its contracts. In all cases, land rent means the renter must pay the state.
11 The state Land Law says land users. In the 1993 Land Law, holders of land use rights did not explicitly include foreign organizations and overseas Vietnamese. In the 2001, and especially the 2003 amended versions of the Land Law, these have been explicitly articulated.
12 Community has been recognized as a holder of land use rights only in 2003 after many debates among researchers about mountainous community rights to land and natural resources, and after the social unrest in 2001 in Tây Nguyên.
The holders of land use rights have different subtypes of right to exercise and dispose of their rights, meaning that the holders have various rights to land use. Land use rights therefore include numerous rights, not only one right, and these rights have evolved through time. According to the 1988 Land Law, no subrights to land use rights were recognized. But the 1993 Land Law offered five subrights to holders of land use rights, including rights to transfer [chuyển nhượng], exchange [chuyển đổi], rent [cho thuê], inherit [thừa kế], and mortgage [thời chấp]. Ten years later, Article 106 of Chapter IV of the 2003 amended version of the Land Law added five more subrights to the holders of land use rights: re-rent [cho thuê lại] land use rights, grant [tặng] land use rights, use land use rights as collateral [bảo lãnh], use land use rights for club capital [gộp vốn], and to be compensated if land use rights are seized by the state.

The holdings of land use rights are legally recognized through state certificates of land use rights [giấy chứng nhận quyền sử dụng đất, or bia đô]. However, the holdings of land use rights are constrained in different ways. Firstly, in contrast to residential land, the holdings of agricultural land use rights are limited to a fixed time period. In the 1988 Land Law, the duration of holdings ranged from five to 15 years. In the 1993 Land Law, this was extended to 20 years for agricultural land for annual crops and 50 years for land for perennial crops. Accordingly, when the holding of land use rights expire, a redistribution must be made to balance the holdings of villagers in the rural areas. Secondly, the area of land use rights that one holder can hold is limited, and depends on the type of holder and the kind of land. In regards to agricultural land for annual crops, the dominant type of agricultural land in my studied area, the 1993 Land Law regulated that one individual or household could hold a maximum area of two hectares of land (a larger area is allowed in Southern Vietnam). In 2003, the amended
version of the 1993 Land Law increased the maximum area of one household or one individual holding to three hectares. Finally, besides rights, holders of land use rights have responsibilities to the state too, among them the key ones include: 1. Using the land use rights legally; 2. Registering with the state when their land use rights are disposed of; 3. Paying land taxes; 4. Protecting the land; and 5. Giving back the land use rights when the state issues a decision to seize land use rights, or when the duration of holding has expired.

As noted above, holders of agricultural land use rights are diverse, and change from time to time, but the key ones include individual villagers or households, communities, organizations, institutions of the state, and the state as a whole. A key question that must be raised is what rights among this bundle of land rights have been important to villagers and the state as a whole, and why? To the state, ownership and management rights are of great importance, as they ensure that the state has the capability to decide, at macro-level, how the land in Vietnam should be managed and used, by whom and for whose benefit. Thus the formulation of the three types of rights to land follows the rationale of the state, and has become a thread running through the development of a new land tenure regime in contemporary Vietnam. As I have previously noted, amendments have been made to land use rights through which the state has given more subrights and power to the holders. However, no similar changes have been made regarding ownership and management rights. Instead, according to law and policy during the past ten years, these rights have been consolidated in the state.

*Land Rights and Land Rights Holders in the Views of Villagers.*

To many villagers in the Red River delta, my research suggests that agricultural land use rights, or *quyền sử dụng*, are the most important, *quyền quản lý* held by the state is the second most important, and *quyền sở hữu* that many villagers view as ideological ownership of the entire people is the
least concern. More specifically, in regards to ownership rights of agricultural land, in the broadest terms, many villagers who I have talked to in the studied villages have shown no contradictory views in comparison to what the state land tenure regime has regulated. They seem to be neither concerned about nor desire to hold ownership rights to the land after decollectivization nor view themselves as the ideological owners of agricultural land prior to decollectivization. Many villagers often talk about “[agricultural] land of the state” [đất của nhà nước], “[agricultural] land of the cooperative” [đất của hợp tác xã], “[agricultural] land of the people” [đất của nhân dân], and “[agricultural] land of the entire people” [đất của toàn dân], to indicate that they are not the holders of quyền sở hữu to agricultural land. To many villagers, ownership rights of the entire people today are similar to the ideological ownership of the king in the past.

Some researchers have argued that because of a long tradition of tenancy and landless status, many Southern Vietnamese peasants in the Republic of Vietnam had a strong desire to own the land they farm (Bredo 1968: 83-89). This desire varied, they argued, hardly at all with peasant status. In their research, however, the concept of land ownership was not made clear, so we do not know exactly what the researchers meant. If they perceived the land ownership that their studied peasants desired to hold in a normal sense of practical ownership, that is the rights to directly control, use, enjoy the product of land use and to dispose of certain land plots, the southern peasants’ desire for land is similar to their counterparts in the contemporary north who want land use rights. Whether my interpretation of their ownership conception is correct or not, one methodological question in the research could also be raised. If the researchers used questionaires asking the local people “do you want to own the land you farm?,” or “do you want to buy more land if you have money?,” I would imagine that their replies would of course be “yes.” But that “yes” may not really reflect their feelings about the issue.

In China, researchers have noted perceptions of land similar to perceptions among villagers I met in the Red River delta. Among Chinese
peasants, who have undergone very similar processes of collectivization and decollectivization in agriculture that occurred in the past decades:

[O]nly a minority of the respondents [in eight counties], 2.5 per cent, think of themselves as the land owner; the majority, 94.8 per cent, regard themselves as merely having use rights that have been contracted to them. As we can see, the proportion of farmers who believe the village collectives or, alternatively, the state is the ultimate owner amount to roughly the same - 46.5 per cent versus 48.3 per cent (Kung and Liu 1997: 38).

As I understand, similar to the Vietnamese case, land use rights in contemporary China are identical to a practical level of land ownership, which contrasts with the ideological ownership of the state, collectives or villages. Therefore, like the Red River Delta villagers, many Chinese counterparts desire to hold land use rights rather than ownership rights.

Concerning management rights of agricultural land over the past years, villagers in a number of communities in the Red River Delta have articulated views both supporting and opposing the views of state policy and of local cadres in relation to how agricultural land rights have been and should be distributed, held, used and by whom and for whose benefit. Like the view of state Land Law, to a number of villagers management rights mean the state’s administration of the land. In other words, many villagers see local authorities, district, province or central agencies as the state [nha nuóc], which holds the management rights of the land that individuals and households farm. However, at different times and in different places, the management of land has involved lots of wrongdoings, as I will discuss in the following Chapters, and these have produced many debates and tensions in a number of communities.

The most contentious issue is land use rights. Many villagers perceive land use rights as the rights to directly control and use the land, enjoy the product of land use, and dispose of the land use rights. These are the land
use rights that the villagers hold for their allotted time. In that sense, land use rights are very important, even more important than the ideological ownership rights, thus in their own terms, many villagers have struggled for land use rights. By holding land use rights, they have rights to not only farm and enjoy the products of the land use, but also to decide what value land use rights might have at disposal. This means that possessing agricultural land use rights that have been regulated by state legislation is equivalent, at a practical level, to the land ownership of many land owners in Vietnam prior to decollectivization and in other countries, because land use rights holders in contemporary Vietnam can directly control and use the land, enjoy the product of land use, and dispose of the land. But what they own is in various aspects constrained by the state land tenure policy, as previously noted. During their holding tenure, agricultural land use rights can only be disposed of in five ways according to the 1993 Land Law, and ten ways according to the latest amended version of Land Law. In addition, the land use rights villagers hold, in many cases, can be seized by the state whenever it needs the land for other purposes, and in such circumstances the villagers have very few rights to decide on the compensation price for the land use rights they have lost or other economic rights embedded in the compensation for land use rights and site clearance.

Another contentious point is who or which institution should hold use rights over some specific pieces of land at the local level. The views of the state land tenure system, and local cadres specifically, frequently conflict with those of villagers. My study shows that these contending views have led to lots of debates, negotiations, and tensions in different forms among villagers, between villages, between village and commune, between groups of villagers and local cadres, and between villagers and institutions of the state. The major disagreements revolve around the question of how land use rights should be distributed or redistributed, who should hold use rights to communal land or a piece of worshipping land, the value of land use rights, and what subrights the holders have in regard to usage and disposal of their land use rights. Land use rights, alongside management rights have
therefore become the de facto subject of conflicts especially among villagers, between villagers and local cadres, and between villagers and the state land tenure policy as a whole.

These views of villagers to land are not totally new, but are partly rooted in history and have evolved through time. In the Vietnamese feudal dynasties, kings often claimed that land, as well as other natural resources, belonged to them. But in the villages, communal land and private land were often controlled and used by individuals and the village institutions as a whole. In that sense, two layers of land ownership existed for a long period of feudal history in Vietnam: ideological ownership of kings and practical ownership of villagers and other parties.

In the colonial period, the state land tenure policies also made no big changes to land tenure systems. At the village level, land tenure regimes remained almost the same as previously, except the Vietnamese rich and powerful, and the French, appropriated large areas of agricultural land from the poor villagers and the communal land of the village. For a number of poor and weak Vietnamese villagers in such a context, therefore, land aspirations were part of the motivation for their involvement in the wars to oust the French and reunite the country (Kerkvliet 1997: 8). These aspirations were satisfied through the radical land reform in the 1950s in the northern part of Vietnam, which explains Kerkvliet’s observation “Having finally again obtained fields of their own through [the 1950s] land reform, most families were reluctant, if not opposed, to surrender them to cooperative managers, which the state’s collectivization required” (Kerkvliet 1997: 16). Later on, their quiet, unorganized but everyday resistance to collectivization to some extent indicated their struggle to farm and hold the land on their own (Kerkvliet 1995a, 1997).

Decollectivization shifted cooperative-based farming to household-based production in the 1980s and early 1990s. This finally met many villagers’ long-term aspirations as the new land tenure regime allows them to hold the land use rights, which then gives many villagers the power to decide, on their own, how much time, labour, and capital to invest in their
agricultural land plots. Also, they can decide themselves, within the family boundary, who farms the land and who does not, and in what circumstances and in which conditions they want to dispose of their land use rights. In that way, the villagers have closer relations with the land they farm in terms of holding, controlling, using and decision-making over the land as well as their farming output, which are all related closely to their life in terms of means of production, subsistence, and a valuable form of property. In short, villagers desire to hold land use rights because use rights are identical at the practical level to land ownership. This also means that their holdings of land use rights since decollectivization look identical to practical ownership of individual villagers and the village institutions in the past. Villagers recognise the Vietnamese entire people's holding of ownership rights to land because such a holding is similar to kings' ideological ownership of the land in history.

If villagers desire to hold land use rights, why do they accept the state's periodical redistribution of the land use rights they hold? And besides the above state-formulated land rights, are there traditional rights embedded in villagers' views and in land conflicts? Many villagers' acceptance of the periodical redistribution of land use rights might relate to their idea that periodical adjustments can maintain villagers' more-or-less equal access to land for farming. In other words, they endorse, or at least do not resist, an equitable allocation among holders of agricultural land use rights. But their expectation of redistribution at the end of their 20 years of land use rights is not that all of their currently used land will be taken away while they are given other land. On the contrary, they expect a redistribution which allocates a bit of their current land use rights to someone else, or a bit of someone else's land use rights being allocated to them, as occurred in many rural communities during the redistribution around 1993 in Hà Bắc province. In other words, they expect to keep using most of the land for which they presently hold use rights, plus or minus small areas depending on population and other factors. This orientation helps to explain why they invest time, labor, and other resources in developing land to which they
have use rights. Talking to villagers in Vĩnh Phúc, Hà Tĩnh and rural Hà Nội in recent years, Ben Kerkvliet has obtained similar impressions to my observations in Bắc Ninh. Although, I must say that I am not quite sure whether this view of the villagers documented during my fieldwork will remain if the villagers undergo lots of socio-economic changes in the future.

Villagers’ views towards a periodical redistribution of agricultural land use rights are quite different from their views towards residential land use rights. In this case, despite the state declaring that the holding of ownership rights of residential land rests in the hands of the entire people, many villagers rarely expect the state to take steps to adjust the allocations of their residential land to which they hold use rights so that everyone has more or less the same amount of land to use. Actually, the state land tenure regime has never put a time limit on holding of residential land use rights.

Regarding other land rights, as my discussion in the following chapters shows, villagers in some communities claim various rights other than, or in contrast to, what the state has regulated. One of these is the right of the village community over communal land use rights. While the state land tenure system regulates the commune authorities, many villagers think that, based on historical precedent, the village should be the holder of communal land use rights. In a number of communities, this has led a number of villagers to contest for the village’s holding of communal land use rights. Actually, such claims for community rights over land resources are not a particular phenomenon of some Red River delta villagers but have been common elsewhere as anthropologists have documented. For example, some Vietnamese anthropologists who examined the question of land ownership and land use in the highlands in Vietnam clearly demonstrate that people in Tây Nguyên (central highlands) had long traditionally shared a land tenure regime that was governed on the basis of community and by

13 Personal communication.
14 In relation to residential land, the views of many villagers in the Red River delta might vary little from those of residential land owners in the Australian Capital Territory, who on the one hand recognize the legal ownership of the Australian Capital Territory government but on the other hand see their own control, use and disposal of the land through leases as another layer of ownership: practical ownership.
customary laws. Such a land tenure regime remained with little change during the French domination and the Republic of Vietnam. However, since the post-American war period, this system has been critically undermined because of three massive programs: immigration, the building of plantations, and the settlement of shifting cultivators. These programs have resulted in indigenous people specifically, and their communities in general, losing their land and forest to plantations and new immigrants. Consequently, indigenous people have been shifted from being the masters of the land and forest to renters of the land use rights on their own land. The 2001 social unrest that involved thousands of highlanders, Dang Nghiem Van argues, was partly a struggle to retrieve their “local ownership of land and forest” (Dang Nghiem Van 2002).

In northern Thailand, Ganjananpan Anan also argues for community rights while examining the transformation of the Northern peasant economy and the politics of resources management. In order to explain the contradictions between the state’s view and the local people’s perceptions of forest and land use, and how conflicts between the two actors have occurred, he offers an approach that he labels “community rights.” Putting heavy emphasis on the local cultural dimension, he argues for the rights of local communities to manage and use their local land and forest resources. Conflicts over land and forest, he concludes, are not only the reactions of local people to the state’s encroachment and the commercialization of the market economy, but also to strengthen their local communities (Anan 2000).

In addition, villagers claim various other rights in regards to their land use rights, and the proper behavior of local cadres. All of these are examined in the following chapters.

In short, I argue that, if we look at the contemporary land tenure system in Vietnam through the framework of a bundle of rights and a bundle of rights holders, many villagers in the Red River Delta do not see themselves as holders of ownership rights nor do they compete, or have a desire, to hold such rights on land held by the entire people. But they claim
the holding of use rights, *quyền sử dụng*, to specific areas or plots of land for themselves, or for the village community to which they belong, and they care about management rights, depending on the kind of land. By holding land use rights, the villagers or the village institutions as a whole are able to directly control, use, and dispose of these use rights on their own, and for themselves.

To many villagers in the Red River Delta, land use rights have a number of different meanings and values, including being a means of production and related source of subsistence, and a valuable form of property. For many villagers, especially those who farm the land, agricultural land has traditionally been seen and is still considered as a vital source of subsistence, as some researchers have argued (Gourou 1955; Scott 1976; and Do Hoai Nam, Le Cao Dam 2001). Attempts to take away such land use rights can result in villagers' resistance. Another key value of agricultural land use rights is that they are seen as a form of property, the value of which is expressed in a Vietnamese saying: a piece of land a piece of gold [*túc đất túc vàng*], or as the supreme good in the views of peasants elsewhere, Gregory argues (1997:74). In Vietnam since decollectivization, capitalist forms of market have become popular in Vietnamese society, and have intruded into people's lives in various ways. In my studied area, the effects of modernization, industrialization, urbanization and globalization, i.e. the intrusion of "foreignness" like tourism, joint-ventures and foreign companies, have also affected the life of local people during the past ten years or more. For example, in taking a large area of agricultural land from villagers to build industrial zones for joint-ventures, foreign and domestic companies have taken away the land use rights of one group of villagers or reduced the per capita land of another.

All of the above factors have in different ways increased the socio-economic and political values of agricultural land use rights. This contradicts with argument proposed by Jonathan Rigg and Sakunee Nattapoolwat, who have insisted that in the context of the increasing interactions between rural and cities, the emergence of commercialisation...
and the integration of the local economy into the global, "[l]and, in short, is no longer a strategic resource" for the local people (Rigg 1996; Rigg and Nattapoolwat 2001: 952). As I understand it, their argument originates from a perception of land as a source of income. Therefore, in the context of the increasing availability of non-agricultural work, more peasants can engage in nonfarming work to get a higher amount of income, making agricultural land no longer as essential to villagers as previously. In the Red River delta, however, examining the relations and attitudes of villagers towards agricultural land my research finds that agricultural land remains vital to many villagers in the Red River Delta for other reasons, for example being a valuable form of property.

Villagers

Before defining the concept of villagers I want to highlight the nature of a village in the Red River delta. The term village in the English language is a translation of the Vietnamese term làng or thôn in the Red River delta and lowland in the centre, bản in the mountainous areas, and đồn in South Vietnam. 15

Villages in Vietnam have long been researched (Kleinen 1999a). Similar to what others have argued, I cannot conceptualize the village in Vietnam; the diversity is too large. Therefore, I merely highlight some main attributes of villages in the Red River delta, which are not necessarily found in other parts of the country or beyond Vietnam. 16 According to Phan Dai Doan, the villages in the Red River delta and elsewhere in Vietnam have

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15 After decollectivization, làng and thôn are often used by villagers, state agents and scholars. Are they the same, or different, or both? In my view, làng refers more to a traditionally residential area while thôn emphasizes the administrative meaning. Therefore, in many cases, one làng is one thôn. In other cases, làng and thôn are not identical. Sometimes, one big làng includes several thôn. For example, Đình Bảng village (also commune-xã) in Trà Sơn district (Bắc Ninh province) contains over ten thôn. But I also see a thôn today can be set up on the ground of two [prior to the 1950s land reform] làng.

16 For a detailed examination of historical transformation of village institutions at the national level, see Nguyen Quang Ngoc (1996: Lang-thôn trong hệ thống thiết chế chính trị-xã hội nông thôn, pp. 68-109), and for a similar examination of one village see Trương Huyền Chi (2001, chapter two: Historical transformation of community institutions in Dong Vang, pp. 31-72).
undergone radical transformations throughout history (2001: 19). To him, the village during feudal and colonial periods of time was not only “a natural community in which its residents gathered on the ground of blood relationship, residential relationship, [and] occupational relationship...[but also] an administrative unit” in the state apparatus (Phan Dai Doan 2001: 18-19). Focused on the Red River delta, Tran Tu, a well-known Vietnamese ethnologist, argued that, economically, villages in this region during the 18th and 19th centuries often had three main features: some communal land, a modest level of social differentiation, and a small peasant society. In terms of cultural and socio-political organization, he clarified various types of official and unofficial associations based on age, residential area, occupation, gender, and power. In each village, he argued, it was common to see a communal house, a Buddhist pagoda, and numerous small shrines. Finally, he concluded that village affairs were governed in accordance with both the state laws and the village’s own customary convention (Tran Tu 1984).

In four decades, from the 1950s to the 1980s, the villages in the Red River delta underwent many changes (Nguyen Quang Ngoc 1996: 80-81; Truong Huyen Chi 2001: 50-63). Under the effects of the 1950s land reform, agricultural collectivization, and other cultural and socio-political programs of the state, the “new way of life” [nêp sông mới] campaign for example, various traditional features and attributes of the village have been eroded, or replaced with new values and forms of socialist ideology. For example, the body of the village elders that used to exist was eliminated, the economy of family households was strongly decreased, and especially numerous traditional customs like collective festivals, rituals, and collective worshipping places comprising shrines, pagodas, and communal houses in the villages were destroyed. Despite these changes, however, Nguyen Quang Ngoc (1996) and Truong Huyen Chi (2001) argue the image and role of the traditional village remained important in many aspects except for a short period of large-scale collectivization (1975-1981) when the village
entity greatly lost its legitimacy to intervillage-based and commune-based cooperatives.

Agricultural decollectivization and Đô i Mòi on the whole have not only developed and diversified the rural economy but also marked the time during which various former cultural, political, and socio-economic institutions of the traditional village have been reformulated into the present life of the villages in different ways (Nguyen Quang Ngoc 1996: 82-94; Truong Huyen Chi 2001: 63-72). The family household has retrieved its former role in economic production (Chu Van Lam et al. 1992; Chu Van Vu 1995). There has also been a re-emergence of lineage collective rituals and village communal festivals and, consequently, the rebuilding of collective worshipping places like communal houses and Buddhist pagodas (Hy Van Luong 1993; Nguyen Quang Ngoc 1996; Bo Van hoa-Thong tin 1993; Endress 2001, 2002). And numerous unofficial social associations of the traditional village based on age, occupation, gender, and residential location have also reappeared in modified forms. While the state takes the commune [xã] as its lowest level of administration, the village administration has been re-established and consequently a body of village authorities has come into effect, creating another type of local cadres (Nguyen Quang Ngoc 1996: 82-94).

Among the contemporary villages, however, variations in population size, agricultural land per capita and economics are pronounced. In 144 villages of my studied district, 22 villages had over 2,000 inhabitants, 63 villages had between 1,000 and 2,000, and 59 villages contained less than 1,000 inhabitants (UBND huyen Tien Son 1991 b). Agricultural land among them also varied, ranging from over 100 to over 500 square metres per person. In the villages where people have specialized in non-agricultural work, agricultural land per capita is low, about 200 square metres per person. In villages where people combine both agricultural and non-agricultural work, this ratio is about 300-400. For example, it is 351 square
metres in Đại Lộc village. Meanwhile, in other villages where the inhabitants focus more on agricultural production, the land ratio is much higher, like in Lộc: 538, and in Phú Dương: 584.

In short, decollectivization in the Red River delta and the innovative policies throughout the country at large have not only developed, diversified, and differentiated the rural socio-economic picture but also, like in China, have revived various traditional customs, practices, and institutions into present village life. These have to some extent consolidated the role and legitimacy of the village entity in some perspectives.

In this study, I perceive contemporary villagers as a diverse group of ordinary people who live in villages and hold no official positions in the local government or party units of state apparatus, and mostly farm. By a diverse group, I mean they are different in various aspects like age, gender, kinship, wealth, level of education, amount of travel, other sources of cultural and socio-political capital, and especially occupation. Differences in occupation among the villagers for example, means that while many are peasant agriculturalists whose production and consumption are oriented to their own families, and who are under some economic and political obligations to the power-holders (Spencer 1996: 418), some do non-farming work and gain income from non-agricultural sources. Among the peasants, a number also engage in non-agricultural work, either temporary or long term, for income. In my studied area within former Hà Bắc and current Bạc Ninh, a province that in 1995 contained 2,706 lowland villages [làng], 198 upland villages [bàn], and 61 clusters of inhabitants [cụm dân cư] (UBND tỉnh Hà Bac 1995b: 2), a survey of 17 cooperative populations revealed that the people who were doing the farming, i.e. the peasants as I call them in this study, comprised 96.7 per cent of village populations.18 Disparities in age, gender, level of education, and occupation have led to differences in income and wealth among the villagers. However, in the Red River delta I argue

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17 For confidential reasons, the real names of some studied villages and communes have been replaced with pseudonyms.
18 The remainder were made up of retired people (1.4 per cent), retired villagers receiving a pension (0.2 per cent), war martyrs and invalids (0.5 per cent), soldiers on service (0.3 per cent), and other types of villagers (the rest) (BCD cap GCN và LSBT 1992c: 4).
that the level of difference in these aspects, especially occupation and wealth, varies from village to village, and region to region. In my studied area, such differences are more pronounced in some villages that specialize in handicraft and trade, while in many villages in which the majority of village people engage in agriculture, the extent of differences is less marked.

Alongside the above differences, the diverse group of villagers also shares essential similarities. For example, they are all ordinary people who live in the villages, hold no power or official positions in the state apparatus, share various interests of the peasant family and village community, and especially draw their subsistence from agricultural land farming. In the villages in which I did field research, which are introduced in Chapters Three and Four, though many villagers have diversified their economic activities, agricultural land has increased its value to many villagers since decollectivization for different reasons, especially for subsistence (and a related source of occupation) and a form of property. Many villagers expect that agricultural production will provide at least enough materials for their family to live on throughout the year. During the past years, out-migration for non-agricultural work has moved some agricultural labour force out of the fields. To many villagers, however, the rationale of out-migration is not to push all family members to work in the non-agricultural sector. The change just means that some family members engage in non-agricultural work while the rest remain to work on the farm. While farming provides villagers with a source of subsistence, their non-agricultural work or the combination of both often brings them a source of cash and savings. In addition, the small percentage of non-peasant villagers rarely live separately from the peasants; instead they are members of the peasant families and part of the village community. Therefore, what non-peasants do and how they behave has been conditioned by the interests, customs, and politics of the peasants who farm the land and by the village community to which non-peasants belong. Also, agricultural land use rights since decollectivization have become a valuable form of property to many Vietnamese people, as I argue throughout this thesis.
These similarities among villagers have helped a diverse group of people share some of the same views on how agricultural land rights should be distributed, held, by whom, for whose benefit and who can decide these essential questions. Such views have finally held many villagers together in collective action in land conflicts in a number of rural communities since decollectivization. The views of villagers taken as a whole towards land are dominated by the peasant villagers, who have been directly using the land, and have their own interests and objectives in land ownership rights, management rights, and use rights. Put another way, while both peasant and non-peasant villagers articulate their views towards the decision-making, distribution and holding of land rights, the dominant views are the views of the peasants. The peasants’ views, however, are better articulated, and shaped into words and actions, thanks to the support, endorsement and leadership of non-peasant villagers, who are in many cases retired people and former soldiers. In short, despite the differences in background of the villager entity, their similarities have led them to share some of the same views towards the questions of decision-making, distribution and holding of land rights, which has resulted in collective reaction in land conflicts in a number of communities.

While talking about the village and peasant villagers, I have pondered a lot on prolonged and controversial debates in some studies over whether villages in Vietnam, especially those I have known in the Red River delta, have been closed corporate communities. Like several Vietnamese scholars, James Scott sees villages prior to the French conquest as closed corporate communities, a ritual and cultural unit as well as an important setting for peasant economic life. In such village communities, clear boundaries between the village and the outside world were made alongside a restriction on land ownership. And to Scott, the structure of such closed corporate communities provided the poor, weak, and marginalized peasants moderate subsistence through reciprocity with others, usually better off, in the village (Scott 1976). Samuel Popkin, on the other hand, supposes that the no-clear-boundary traditional village was in transition to an open one with private
property and open land sales. There were only a few or even no restrictions on land ownership, he argues (Popkin 1979). Meanwhile, Kleinen observes that “the classical image of a closed, corporate community of the traditional Vietnamese village needs serious revision” (Kleinen 1999b: 190) since expanding market forces have changed the village societies (Kleinen 1999a: 27). Looking at a larger scale, Jan Breman has, on the contrary, persuasively argued that the village in Asia has never been a closed corporate entity; however, his discussion includes little material on the village in Vietnam (Breman 1988).

The more crucial point is whether peasant villagers advocated moral economy or were they rational peasants? In support of the former, Moise writes:

In broadest outline, Scott argues that a primary concern of most peasants is avoiding the risk of going hungry. Under a principle called “safety first”, they will prefer a situation offering a low but adequate and secure income to one offering the probability of higher income but with a risk of falling below subsistence levels (Moise 1982: 72).

The peasants Scott emphasizes are those on low incomes and near the line of subsistence, so a small drop in income would threaten their lives. They therefore tried to avoid risk; preferred community property to private; resisted market economies, cash crops, innovation, and investment; and hated selling and buying, even though these would often bring them more benefit, due to the very potential risk of falling below the “danger line” (1976: 13-55). To Scott, only the better off peasants would commit to the market since they could afford a loss if the subsistence economy was damaged and could no longer support them sufficiently. However, what colonialism and commercialization had undermined was not the subsistence need but the “moral economy” institutions that helped villagers on the margins of subsistence to get enough. Peasants then lost the waged
employment and land access opportunities that were available to them in the old days. The landlord, who often gave them land and credit, shaped relationships with a new class of villagers in the community, therefore, the peasants' traditional patron-client relations were destroyed. These reasons help to explain the peasants' political actions. This means that Scott does not infer his moral economy, as Keyes wrongly assumes, “entails a model … he claims is applicable to most, if not all, pre-capitalist agrarian orders in Asia and that continues to have salience as Asian peasants confront the radical transformation of their worlds” (Keyes 1983: 756). Indeed, Scott argues that his “theory is not abstract and universal at all, but is situational and about the peasants who live close to the subsistence margin only” (Evans 1986: 6, 1995: 205).

Popkin opposes most of the moral economy’s arguments by arguing that the peasants are individual rational actors who aim, and often try, to maximize their own individualistic self-interests. In relation to land ownership for example, Popkin writes, “[e]ven if they received less desirable plots than did the notables, villagers may have preferred permanent (private) control of mediocre plots to rotating access to good, bad, and average public plots. Such appropriations would reinforce preferences for private instead of public resources and investments” (Popkin 1979: 104-105). Although accepting the peasants were poor, and always “pre-occupied with the constant threat of falling below the subsistence level,” Popkin argues that peasants did sometimes have surpluses and took innovation and risky investments. The investment could be for both private short and long-term purposes, such as investment in children and land. The reason why peasants were involved in the markets was not because it was the last solution, but because it was a response to new economic opportunities, since the market and government penetration could, in certain conditions, improve the welfare of lower-class peasants. Therefore, peasants do have a market orientation and aim at innovation as well as cash crops.

Critical of the simplicity of both of these theorists, Hy Van Luong persuasively demonstrates that the peasants’ revolutionary struggle in North
Vietnam needs to be understood in terms of the socio-economic and cultural structure of Vietnamese society of the time, motivated by the twin values of egalitarianism and hierarchy (Hy Van Luong 1992).

Meanwhile, Kerkvliet argues that the choice is not simply a question of either a moral economy or rational economy line of analysis. Peasants can, and often do have, both orientations, depending on what kinds of peasants they are. His “everyday politics” (1990) perfectly illustrates these points. To Kerkvliet, “politics consists of the debates, conflicts, decisions, and cooperation among individuals, groups, and organizations regarding the control, allocation, and use of resources and the values and ideas underlying these activities” (Kerkvliet 1990: 11). Although pointing out three broad types of politics: official, advocacy, and everyday, he emphasizes politics in everyday life.

The key feature of everyday politics, he argues, is an existence of both cooperation, like “patron-client relations and other vertical ties” that gather people together, and conflict among people in different classes and statuses over the use, production, and distribution of resources. Conflict in his everyday politics is informed by contending values and resistance. Advancing the theory that society is a composite of values, Kerkvliet argues that the subordinate people and the superordinate people in his studied village hold contentious norms and ideas over the use, production, and distribution of resources. While the superordinate people argue for their power and right over property ownership and market values, the subordinate people hold the belief that, first, “the people with more should help others with less;” and secondly “basic needs should be satisfied.” Put another way, the subordinate people often claim basic rights: the right to live at a decent standard of living (economic security) and the right to be treated like a human being (human dignity). Such beliefs are widely held among this group of people in the Philippines. The contending values then lead to the second aspect of conflict in everyday politics: resistance; but resistance against the claims or for their claims often occurs as what is called “everyday forms of resistance,” which I discuss later in this chapter.
Everyday resistance, however, can be “a source for sustained protest and significant change” (1990: 259), and land takeovers by villagers during the mid and late 1980s in the Philippines are a clear example of this (1993). After the collapse of Marcos’s rule, the tumultuous political conditions added to by a process of national political democratization, created political room for everyday resistance to turn into public protest action: tens of thousands of poor landless villagers and workers occupied and intended to use a large area of farmland that they did not legally own - actions that they rarely dared to do previously.

Kerkvliet combines everyday politics and dialogic argument about the state - society relations in Vietnam to study Red River delta villagers and their attitudes, as well as behaviours towards the state programs of collectivization, to provide many insights into the nature of villagers in the contemporary Red River delta. He argues that in the mid and late 1950s, many villagers were prepared to give collective farming a try if it could satisfy their needs - particularly subsistence needs, and take them to a higher political and economic level than before. In practice, however, collective farming could not fulfill either of these needs, which became more and more apparent to villagers after a few years of the collectivization effort. Added to that was the cooperative cadres' abuse of their power through corruption and favoritism. Key to his argument is that ordinary villagers’ quiet and unorganized reactions to collectivization eventually had great effects on the state in dismantling agricultural collectivization in Vietnam (Kerkvliet 1995a, 2001).

In this study, my theoretical choice on Red River delta villagers’ attitudes, relations and conflicts over land since decollectivization is to incorporate various ideas of the above theories into what I call “villagers’ views.” In broad terms, although villagers’ views towards land might differ from one kind of land to another, from one time to the next, from one group of villagers to another, from place to place, and from culture to culture, many villagers share some common views towards the question of how land rights should be distributed, held, by whom and for whose benefit, as I
previously argued. Their views might also be similar to, or incompatible with, the views of local cadres, higher state officials, and the state’s land tenure policies on the whole. Yet villagers’ views contain both moral and rational aspects. They are also contextualized by the historical tradition and cultural setting in which the villagers live. Policies compatible with the villagers’ views might bring them incentives for better management and use of the land. However, incompatible policies might, in many cases, result in adverse public resistance of the villagers. The ways of displaying their public resistance have ranged from peaceful gossip and discussion to public demonstrations, delay in paying taxes and fees, and even violent protests. Villagers’ views and the actions they take to express or protect their views, in many cases, have had great effects on the state and state policy making, particularly the local cadres’ attitudes and behaviors towards the villagers.

The State and Local Cadres

Concepts of “the state” and “local cadres” are also frequently used in this study. So what is the state? The literature in social sciences has thus far given different definitions of the state (Migdal 1994: 11). In this study, the general concept of “state” in Vietnam is used to narrowly refer to local cadres, “officials and institutions that make, implement, and enforce rules that are intended to apply across the entire society and its various parts” (Kerkvliet 2001: 240). However, in an anthropological study the state entity needs to be broken down to distinguish its vertical multilevels and various horizontal institutions for analysis. Vertically, the organization of the socialist state in Vietnam is divided into four levels: the centre, province, district, and commune. The commune is then further divided into

19 In contrast, Nagengast offers a broader definition of the state. According to him, “the state is not just a set of institutions staffed by bureaucrats who serve public interest. It also incorporates cultural and political forms, representations, discourse, practices and activities, and specific technologies and organizations of power that, taken together, help to define public interest, establish meaning, and define and naturalize available social identities (Nagengast 1994: 116).
two sublevels: commune and village. Horizontally, each of these levels of the state consists of various institutions of the party, government, the armed forces and mass organizations. At the local level, generally speaking, the popular image of the state that the majority of villagers encounter everyday is local cadres. Beyond the village and commune cadres are officials and other institutions at the district, province, and central levels. In addition, the state tenure policy, in the form of land laws and under-law regulations, is also a part of the state which explicitly articulates the state’s views on the question of land tenure arrangements.

In the Vietnamese language, “cadre” is expressed as cán bộ, a common term that many people use to generally refer to one group of personnel who work for the state, hold essential positions and receive payment from the state. But what is a local cadre [cán bộ địa huyện]? Are there different types of local cadres? And what are their relationships to villagers and the state at large?

In an article, Michael Mau has defined a cadre as “any one who holds a formal position of leadership in an organization, i.e. a military officer, party secretary, or combat leader in a guerrilla war” (1969: 282). Looking specifically at the local cadres, Pham Quang Minh has simply defined them as “either members of people’s councils or executive committees” (2002: 2). Accordingly, he presents the state’s figure of 300,000 local cadres working in 10,400 local administrative units throughout the country. In one province, Hải Dương, with 1,660 square kilometres of land and 1,650,000 inhabitants, local cadres number 7,946 comprising 5,169 members of People’s Councils, and 1,777 members of Executive Committees (2002: 2).

Presenting a fuller classification, Nguyen Minh Nien has distinguished local cadres as follows: for party cadres, local cadres are from secretary of

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20 I want to emphasize that the village is not an official level of the contemporary state apparatus in Vietnam. Instead, it is a part of local government. Nevertheless, village cadres enjoy a salary from the state, and work for the state, and actually have decisive power over the governing of village communal resources and affairs.

21 In theory, mass organizations are of the masses, i.e. the society. In practice, however, mass organizations in Vietnam are mostly run by the state and for the state. Therefore, they are parts of the state though one might say they are also part of the society too. The agricultural cooperative during the period of agricultural collectivization is another institution that makes up the state.
party cell upwards; for authority cadres, local cadres are from village head upwards; for mass organization cadres, local cadres are from members of commune executives upwards; and for cooperative cadres, local cadres are from head of production brigade upwards. According to Nien, ten essential positions \[chúc vụ quan trọng\] of local cadres include Secretary of Commune Party Organization, President of Commune People’s Committee, Manager of large-scale agricultural cooperative, Head of Commune Party Organization’s Personnel Committee, Head of Commune Police, Head of Commune Army Services, and Heads of Commune Mass Organizations. Three key positions \[chúc vụ chủ chốt\] of local cadres are Secretary of Commune Party Organization, President of Commune People’s Committee, and Manager of large-scale agricultural cooperative (1991: 469).

The main difficulty in classifying local cadres in the above ways, however, is that the researchers have failed to give a full and general definition of a local cadre. In addition, some do not reflect recent changes in types of local cadres. For example, Nguyen Minh Nien mentioned the Manager of large-scale agricultural cooperative as one type of local cadre, but this kind of local cadre has disappeared since decollectivization. Meanwhile Pham Quang Minh has failed to include a new key type of local cadre: the village head and his assistants, who have appeared since decollectivization. In this study, therefore, I define local cadres as those who have position and power in decision-making in local government and receive payment from the budget of the state, or cooperatives. Accordingly, at the commune level, local cadres are the key cadres of the commune \[xã\], precinct \[phường\] and district capital \[thị trấn\], including Secretary and Vice-Secretaries of the Commune Party Organization, Chairperson and Vice-Chairpersons of the Commune People’s Council, President and Vice-Presidents of the Commune People’s Committee, President and Vice-Presidents of Commune Mass Organizations, and Heads of specialized positions, such as cadastral cadre, financial cadre. At the village level, local cadres include the village head, party cell’s secretary, cooperative manager, and their key subordinates.
I argue that local cadres are not a unified group but are differentiated in various perspectives, including their former occupation, current position, talent, morality, gender, kinship and residential location. Take the village head position for example. Among 144 village heads in Tien Son district in 1991, only one was female, 112 had party membership, 45 had graduated from high school, 78 had completed secondary school, and 21 had only completed primary school (UBND huyen Tien Son 1991b). Also, among these 144 village heads, 33 simultaneously held the position of cooperative manager, 12 held the position of party cell secretary, and nine had membership in the Commune Party Organization (UBND huyen Tien Son 1991b).

Although this study categorizes local cadres, who also live in the villages, as one of various institutions of the larger state entity, whether or not local cadres are a part of a specific village community must be examined case by case. At the village level, all the cadres are residents of the village and share a blood relationship with a number of villagers in the community. Therefore, they have close relationship and interaction with the villagers of the community to which they belong. In contrast, at the commune level the situation differs to some extent. In the Red River delta and beyond, the commune in most cases comprises several villages. (In some cases, one commune is one village, like Dinh Bang village-commune as previously noted.) The commune cadres, therefore, rarely all come from any single village in the commune but from all the villages, albeit in some cases one village might have more people working in the commune as commune cadres than the others. Consequently, whether commune cadres share residential location and blood relationships with the villagers of a specific village must be examined in relation to individual cadres. In relation to one village, some commune cadres might share such relationships but to others they might not. Thus, generally speaking, in comparison with village cadres, commune cadres have a more distant relationship with the villagers.

In this research, as later you will see, in most cases, commune cadres have become the subject of protest more often than village cadres. In most
vigorous protests, those cadres either of the village or commune who share residential and blood relationships with villagers are expected to help the villagers of their village community. If they do not, or are unwilling to help their community villagers, they can be the key objects of protest for some villagers.

Conflicts

A large portion of this study discusses conflicts among different parties over land resources in the Red River delta villages since decollectivization. The conception of conflict, as used in this study, is a translation of mau thuan in the Vietnamese language. Conflict is debate, negotiation, disagreement, tension and violence in different forms and to various extents among the different parties involved in decision-making, distribution, and holding of rights to agricultural land. Conflict in most of the cases in this work are examined and presented as processes, which are applied either to a specific case study or a combination of case studies as a whole. In so doing, I want to examine the causes, nature and modes of expression of conflicts as authors of Land Conflicts in Southeast Asia have done (Magallances and Hollick 1998), and aim to discover how and in what ways conflicts developed, were resolved, as well as to uncover the participation, leadership and resistance tactics found in these conflicts.

A key feature of conflicts over land is the resistance between parties, which may be one group of villagers and another (i.e. among villagers) or, more frequently, a group of villagers and a certain local cadre, group of local cadres, officials, or programs of the state in relation to land resources (i.e. between villagers and the state). So what forms might this resistance take? What is the nature of this resistance? The literature on peasant resistance in Southeast Asia and China has thus far documented several forms of resistance. One of them is a well-known theory of resistance of the poor, weak, and marginalized people against the rich, powerful elites and the state in a specific social context, known as everyday forms of peasant
resistance, developed by James Scott, Ben Kerkvliet, and others. Everyday forms of resistance, writes Scott are:

[T]he prosaic but constant struggle between the peasantry and those who seek to extract labour, food, taxes, rents, and interest from them. Most of the forms this struggle takes stop well short of collective outright defiance. Here I have in mind the ordinary weapons of relatively powerless groups: footdragging, dissimulation, false-compliance, pilfering, feigned ignorance, slander, arson, sabotage, and so forth. These Brechtian forms of class struggle have certain features in common. They require little or no co-ordination or planning; they often represent a form of individual self-help; and they typically avoid any direct symbolic confrontation with authority or with elite norms (Scott 1986: 6).

Another form is the “popular” and “rightful resistance” of the contemporary Chinese villagers that O’Brien and his colleague have proposed in several studies. They argue that the state economic reforms in China have also been accompanied by the resistance of a number of villagers to different institutions of the state, such as local cadres and policies in the countryside. Popular resistance, as they write, is conducted by three types of villagers: complaint villagers, recalcitrants, and most commonly, policy-based resisters (Li and O’Brien 1996) – or rightful resisters (O’Brien 1996).

Rightful resistance is a form of popular contention that (1) operates near the boundary of an authorized channel, (2) employs the rhetoric and commitments of the powerful to curb political or economic power, and (3) hinges on locating and exploiting divisions among the powerful. In particular, rightful resistance entails the innovative use of laws, policies, and other
officially promoted values to defy “disloyal” political and economic elites; it is a kind of partially sanctioned resistance that uses influential advocates and recognized principles to apply pressure on those in power who have failed to live up to some professed ideal or who have not implemented some beneficial measure (O'Brien 1996: 33).

The resistance of my studied villagers is public resistance. Unlike the everyday forms of resistance, which often occur in the form of small, hidden reactions that do not challenge local elites and the state, and are limited to peaceful actions, public resistance ranges from peaceful reactions like gossip, debate and questioning to blunt and confrontational reactions. It occurs publicly both within and outside official and legal channels, and within and outside local communities where the protesting villagers reside. Generally speaking, public resistance first occurs at the local level in the form of gossip, debate, questioning, and negotiation through official channels in order to achieve demands and wants. When these are not met or not treated in a way which satisfies the protesting villagers, they then proceed towards higher levels of the state to seek resolution, investigation, and explanation. In this arena, if problems or queries are again not met or satisfied, the protesting villagers in some cases will then return to their village communities and continue to resist in blunt and confrontational ways and, of course, do not limit their resistance to official and legal channels. Blunt and confrontational reactions might also occur during the period in which the protesting villagers are seeking a settlement from the higher state, depending on the specific resolution of the issues.

In many cases, public resistance occurs in a collective form. It therefore can be organised and planned in terms of leadership and tactics of resistance such as who, what, how, where and when to resist. Like rightful resistance, state laws and policies, alongside traditional values, are also cited to endorse and strengthen public resistance. The key cause of public resistance is crucial differences of views among the different parties
involved. The contending views can occur among villagers, but mostly in this study they occur between villagers and certain groups of local cadres, officials, and programs of the state in relation to land resources and local cadres. Put another way, the public resistance of a number of villagers, as visible in conflicts over land resources, is not aimed at fighting against the state and state policies. It is not like the revolutionary resistance against the colonial state to regain the country’s independence, or the struggle against the army of the Republic of Vietnam and American troops to unify the nation. Instead, public resistance is initiated because of the contending views of some villagers towards the conduct and/or behavior of a certain local cadre, group of local cadres, or some aspects in the implementation of certain programs and policies of the state in communities. Therefore, as disagreement over the issues is resolved, resistance disappears. This explains why the consecutive conflicts over land resources in the studied area over the past ten years have finally resulted in no great harm to the state. Even in cases in which resistance occurred to a serious extent and on a large scale, like the social unrest in Thái Bình province (1997) for example, the public resistance of some villagers was soon resolved when higher state officials tackled the problems properly.

Like everyday, popular, and rightful forms of resistance, public resistance in the end creates dynamics for change. In regards to the state, public resistance can affect the behaviour and conduct of state policy and policy making at different levels, such as leading to a better regime of land management and use, a more rational policy for land use rights compensation at national level, and eliminating bad local cadres and reducing their corruption and manipulation of official power in their behaviour towards villagers in local communities. This does not mean, however, to romantize the power and effects of public resistance in every single and specific event in all issues. In a number of circumstances, we see the dual effects resulting from the ways in which local cadres and the state on the whole use authorized power and the state legislation to protect their views and position. This means that local cadres and the state at large do
not, and will not always, meet the demands and wants of protesting villagers to cope with public resistance. In some cases, the state even punishes a small number of public resisters so as to resolve or relieve conflicts. The rationale for the latter originates from the fact that some public resisters work outside official and legal channels to conduct blunt and confrontational actions. These acts are, in the view of the state legislation, a breach of state laws, therefore they must be punished accordingly. But in the end, the number of different acts of public resistance in a number of communities have to various extents created the dynamics forcing the state to change.

II. Fieldwork and Thesis Structure

With a background in history, I enrolled in my Ph.D program in anthropology at the Australian National University on 4 July 2000. The first 12 months of my program were devoted to systematic and intensive reading of materials on broad themes relating to history, methodology and theory in anthropology and related subjects, and especially regarding my doctoral research topic of “The changing patterns of land tenure and peasant attitudes in a northern Vietnamese village.”

The next four and a half months were my stay in Vietnam to investigate pertinent documents and materials and to select a site for future field work. During this period of time, I visited various academic institutions in Hà Nội to explore their materials, including the Vietnam National Library, National Library for Social Sciences and Humanities, Library of Hanoi National University, Library of National University of Economics. I also consulted the small libraries of the Institute of Sociology, Institute of Economics, Institute of Historical Studies, and Institute of Ethnology belonging to the National Centre for Social Sciences and Humanities, and Archives number one and two. In addition, I chose one village in Bắc Ninh province as my field site, and stayed in the village for six weeks for a preliminary investigation.
After my return to Australia, I spent three months finalising my research proposal, and presented it to a seminar in the university. On 24th February 2002, I again left Australia for my fieldwork in the chosen village. At the time, I had a clear idea in mind that I was going to investigate the 1950s land reform, agricultural collectivization, and decollectivization to examine how the land tenure system had changed throughout the past five decades in one village. More importantly, while looking at a history of the changing patterns of land tenure, I wanted to explore peasant attitudes towards land and changes in the land tenure system in one village from several perspectives. Prior to my field work, I also formulated an assumption to test whether changes in the land tenure system might lead to a change in peasant relations and attitudes towards land, or might create conflict between the two, or even both, at the local level. To investigate all these, I outlined three sets of broad research questions, which I further developed into nine sets of smaller inquiries to guide me in the field. Finally, I elaborated the nine sets of questions into over 200 simple questions for conversation with different types of informants, like ordinary villagers, local cadres and officials at the higher levels of the state.

Having arrived in the village, I decided to share food and accommodation with one village head family, which comprises a good wife, one teenage son and a mature daughter. Right from the first weeks in the village, however, I recognized that few informants were not willing to answer my questions on various issues on land reform and collectivization. One old man who used to be an activist in land reform in the 1950s even avoided my questions by asking me back “why do you want to research that, for what? Why don’t you research current issues of the agricultural economy?” Others, instead of talking with me about collectivization, guided me to the daily politics of the current land tenure problems in the village and neighbouring communities by telling me about land encroachment, land selling and allocation, and land compensation. They also complained about local cadre corruption and misbehavior. Some villagers from neighbouring communities also persuaded me to research similar issues in their villages.
Finally, in consultation with members of my supervisory panel, I decided to more closely examine land issues since decollectivization in relation to villagers, local cadres and higher authorities, and widened my fieldsite to include more villages in the same district. I have partially shortened the time span of my research focus because the villagers wanted to talk with me about this period. Indeed, I really wanted to hear what the villagers themselves liked to say rather than trying to obtain the information that I wanted to know. I widened the field site as I wanted to cover several interesting issues in my thesis that one village, in my case, was not able to provide. Later on, I was happy about these choices as my fieldwork proceeded well.

While based in one village, I could visit all the villages of the district, and even went further for broader observation. Thanks to good preparation, added to by my experiences of former fieldwork in villages of Hải Dương (1997), Bắc Ninh (1998), and in suburb of Hà Nội (1999), I met no difficulty in interacting with various types of informant. To the women, I talked in the house, sometimes even in the kitchen when they were preparing foods for their family members or for animals. I sometimes also followed them to the fields and asked questions while they were doing farming work. To talk with the old men, who often impressed me with their deep thinking and rich experiences in many aspects of life, I enjoyed moments of interaction in the house with tea and cigarettes. While to local cadres, I talked both at home and in their offices. Another group of my informants were officials in various offices in districts and provinces, especially those working in Cadastral, Agricultural, and Inspectation Departments.

Throughout my stay in the field, I was able to regularly contact members of my supervisory panel via electronic mail. I have sent them three substantial reports that summarised my research findings. Their useful comments and suggestions, in response, helped me to identify various issues and aspects that my field work needed to further explore. Based on the research findings, I gradually developed several major issues as tentative
topics of dissertation chapters. From these, I then tried to work out some key threads that run through the chapters.

The first primary source of data in this study originates from my own interviews and observations in the studied villages. The second source comes from locally written documents, including reports of local authorities, letters of denunciation and petitions that the villagers have written in the course of disputes about land and local cadres. Indeed, this data source helped me to view my research from different angles. Another source emerged during the last six weeks of my field work from my investigation of documents and archival data in offices and Archival Centres in districts and provinces, to which my studied villages belonged in the past and/or currently belong. The final source includes publications like newspapers, journal articles and books that I collected before, during and after my fieldwork. All have not only provided me with insights into the topic in the studied villages but have also created a broader context for analysis.

Since my return to Australia, on 24 February 2003, based on these sources of data, greatly aided by the summaries of the three field reports mentioned earlier, I have structured six Chapters for my dissertation. Chapter One is the introduction, where I offer a new way to analyse the attitudes, relations and conflicts over land in the dynamic context of the Red River delta since decollectivization, flag central arguments, and critically debate various concepts that are used in the thesis. I also briefly describe my field work as well as the methodology. Chapter Two is devoted to examining the process of decollectivization and different roads to local conflicts. The main aim of this Chapter is to set the stage and present the context of research before deepening into some case studies where I elaborate the arguments under the guiding theoretical framework previously presented in Chapter One. Chapter Three examines the process of land use rights compensation and site clearing, particularly illustrating the contending views of different parties involved as the dynamics of reaction. Chapter Four is designed to tackle the daily politics of communal land. Chapter Five targets the problem of local cadre corruption and villagers’
resistance to this. To conclude, Chapter Six synthesizes the arguments previously presented in Chapter One, which have been elaborated in Chapters Two, Three, Four, and Five. It also highlights some major issues which emerged from my study such as the views-investing approach, villagers' views, the problem of local cadres, the question of private property in land, future prospects of land issues in Vietnam, and topics for future research.
Chapter Two: Agricultural Decollectivization and Different Roads to Conflicts

I. Introduction

The process of decollectivization, a new land tenure regime, and the on-going process of industrialization and modernization have created both incentives and disincentives to Red River delta villagers in agricultural production. Among these, the most well-known positive impact is that decollectivization and the new land tenure regime have given villagers more power and rights to agricultural production, especially land decision-making and holding, which has finally produced a great boom in agricultural output, and partially contributed in moving Vietnam from a foodstuff-importing country to one which ranks the world’s second largest rice exporter. On the other hand, like in China (Li and O'Brien 1996; O'Brien 1996), these developments have also produced conflicts. However, the existing literature, either in Vietnamese or English, provides very little insight into these problems. In this thesis, various types of data I present will illuminate the following points: that for over ten years, from the late 1980s to at least 2002 when I did my field research, contending views and conflicts over decision-making, distribution and holding of land rights (and related problem of local cadres) emerged in a number of rural communities. They are a consequence of decollectivization, development of the new land tenure regime, modernization and industrialization programs, population growth, and the effects of urbanization, marketization and globalization.

In this Chapter, I first overview the process of agricultural decollectivization, especially the distribution and redistribution of agricultural land use rights at the district and provincial levels. Secondly, I analyse why, in what ways and to what extent, contending views and conflicts over land management rights and use rights have occurred among various parties in the dynamic context of Vietnamese society since decollectivization. Throughout this Chapter, I argue that besides their
positive impact, these processes and the new land tenure system have also created conflicts in different forms, to different extents, between a number of villagers in some rural communities and the local authorities and the state land tenure regime at large because of the contending views over the question of how agricultural land rights should be distributed, held, managed, used, by whom and for whose benefit. Before examining the subject, I need to highlight the administrative changes in the territory of the province and district where my fieldwork was conducted.

Hà Bác is a province that was established in 1962 by merging two smaller provinces, Bác Ninh and Bác Giang. In that year, Hà Bác had 14 districts and two provincial capital towns, with a total area of 421,633 square kilometres and a population of 1,000,305 (Ban Chap hanh Đang bo tỉnh Bác Ninh 2002: 96-97). In 1997, Hà Bác was redivided into its two former provinces.

Bác Ninh has five districts and one provincial capital town, with 796.25 square kilometres of land and 925,997 inhabitants (TU Bác Ninh 1998: 1). Tien Son, which was set up on the ground of two small districts, Tứ Sơn and Tiên Du, in 1962, was one of the districts in Hà Bác province. In 1993, Tiên Sơn district contained 26 communes [xã] and one district capital town [thị trấn], and had 16,448 hectares of land, 212,000 inhabitants, and 49,500 households. Its agricultural land amounted to 11,530 hectares, made up of 10,916 hectares of farmland [đất canh tác], 521 hectares of waterland [đất mặt nước], and 250 hectares of forest land [đất rừng]. In all, the district had 45 agricultural cooperatives [hợp tác xã nông nghiệp], including 17 commune-based cooperatives, nine intervillage-based cooperatives, and 19 village-based cooperatives (HU Tiên Sơn 1993b: 1). The district economy by 1993 was still dominated by agriculture, as villagers in two-thirds of the district’s communes took rice farming as their main economic activity. In the communes with a little handicraft work or trading business, 60.2 per cent of villagers’ incomes originated from farming, 21.6 per cent from animal husbandry, 10.2 per cent from sidelines, and eight per cent from business services. In nine communes with
substantial handicraft works, villagers' incomes from handicraft amounted to 79.5 per cent of the total, farming work accounted for only 11.5 per cent, animal husbandry for six per cent, and business services for three per cent (HU Tien Son 1993b: 8).

In 1999, two years after the separation of Hà Bác, Tiền Son was redivided into the two old districts: Tứ Sơn and Tiên Du. The villages where I carried out fieldwork for this dissertation administratively belong to the district of Tứ Sơn. By 2001, Tứ Sơn had a total area of 6,140.15 hectares of land, including 4,234.62 hectares of agricultural land [đất nông nghiệp] (68.47 per cent), 4.30 hectares of forest land [đất rừng] (0.07 per cent), 1,158.84 hectares of specialized-used land [đất chuyên dùng] (18.87 per cent), 567.44 hectares of rural and urban residential land [đất khu dân cư đô thị và nông thôn] (9.26 per cent), and 174.95 hectares of unused land [đất chưa sử dụng] (2.85 per cent).¹ The district’s population amounted to 114,825 inhabitants, made up of 11,144 persons living in the rural villages and 3,081 persons living in the district capital town (Phong Dia chinh huyen Tứ Sơn 2001: 1).

I must also remind the reader that when the term Hà Bác is used in the text, I use it to refer to the large province of Hà Bác (1962-1997). The notion of Bạc Ninh province is often used to refer to the current province of Bạc Ninh. Similarly, at the district level, Tiền Sơn is used to indicate the large district of Tiền Sơn (1962-1999). In contrast, Tứ Sơn refers to what today is called Tứ Sơn district of Bạc Ninh province.

II. Agricultural Decollectivization

In the view of socialist ideology, collectivization was a strategic plan in agricultural development in the 20th century. In the northern half of Vietnam, collectivization in low-land agriculture took place from the late 1950s to the late 1970s in different forms of cooperatives, including agricultural cooperatives [hợp tác xã nông nghiệp], handicraft cooperatives

¹ The unused land was mainly located on several small-and-low bare mountains in the district.
[hợp tác xã thuồng nghiệp], buying-selling cooperatives [hợp tác xã mua bán], and credit cooperatives [hợp tác xã tín dụng]. Agricultural cooperatives evolved from small-scale ones in the late 1950s to large-scale cooperatives in the early 1960s and especially in the 1970s. In the small-scale cooperatives, which were formed from several tens or over one hundred households in one or two hamlets of a village, most of the essential means of production of peasant households, including agricultural land, cows, buffaloes, ploughs, harrows and so forth were gathered for collective production. Although cooperative members did the farming work collectively, owners of these means of production still maintained their ownership, and also enjoyed a certain amount of interest from such ownership. From the early 1960s, the state development movement of large-scale cooperatives advanced collectivization to a higher extent and larger scale. In agricultural large-scale cooperatives, the cooperatives became owners of all means of production that had previously been owned by private family households in small-scale cooperatives except for a five-percent area of land for family economy. Agricultural production in large-scale cooperatives, which often included villagers from one or several villages and even the whole commune, was divided into different steps, each in charged of a relevant brigade. Cooperative members worked in accordance with the cooperative plans and received working points in return.

From the late 1970s, the process of agricultural decollectivization started nationwide and proceeded till the early 1990s. The process of decollectivization in agriculture is, indeed, a return from the collective production that was based on cooperative models to a private production that relies on private family households. One of the most essential tasks in this transformation was to distribute agricultural land use rights to villagers, mostly peasants, to use on their own. Although this process started in the early 1980s, agricultural land use rights were only distributed to villagers in practice in 1988 in accordance with Resolution number 10 of the Central Committee Secretariat, and redistributed again around 1993 when further
innovations were conducted in agriculture, especially because of the launch of a new Land Law in 1993.

In Hà Bắc, in the 1988 distribution of agricultural land use rights, agricultural land of the low-land villages was at large divided into four portions, which in this study I call four types of agricultural land, the use rights of each was distributed differently in terms of aim of use, terms of use, and recipient. The first type maintained its former name of “agricultural land for family economy” [đất kinh tế gia đình], which was distinct from the cooperative economy during the collectivization period, and theoretically amounted to 10 per cent of the total agricultural land area of each community or commune (UBND tỉnh Ha Bac 1988a). Previously, the agricultural land for family economy had represented only five per cent of the total, and was often referred to by many villagers as “the five per cent land” [đất năm phần trăm]. In 1988, the agricultural land for family economy was allocated equally to all inhabitants of cooperative member households, including those who had died as war martyrs, for a term of use of five years. In practice, the implementation of this policy was manipulated in a number of cooperatives. For example, prior to 1988, a number of families in some communes had already turned their five per cent plots into residential land. Some others elsewhere, including some Phú Dương villagers, had exchanged their five per cent plots with the management board of the cooperative for residential land (HU Tien Son 1992: 8). In Phú Dương village, the exchange rate (of five per cent plots for residential land between some villagers and cooperative management board) was one square metre of five per cent land for 2.5 square metres of waterland. This meant that in some cooperatives where the former five per cent land for family economy had been kept intact, i.e. unallocated because it had been sold,

\[2\] Like in China and other socialist countries, as agricultural cooperative did not put all agricultural land of its members into the hands of the cooperative for control and use, but left a small portion for members to farm on their own. In Vietnam, this portion of land theoretically amounted to five percent of the total agricultural land area of each cooperative during the period of large-scale cooperatives. In one sense, therefore, the cooperative members still maintained their family economy while engaging in the economy of the cooperative.

\[3\] This waterland area had been allowed by local authorities to turn into residential land that villagers hold use rights for no time limit.
exchanged, or transferred to residential land, another portion of ten per cent was distributed as agricultural land for family economy. Consequently, the area of agricultural land for family economy in a number of localities accounted for a higher percentage than was regulated by the higher state policy (BCD giao dat lam kinh te gia dinh 1988: 6).

The second type of agricultural land was water land [đất mặt nước], including streams, ponds, and lakes. The use rights of this land were often allocated or auctioned to some villagers to use, and sometime they were even left fallow in some communities (TU Ha Bac 1989: 3). The third type of agricultural land was called “the first-round agricultural land” [đất vòng mặt], meaning the land that its use rights were allocated to villagers in the first round for “primary-subsistence needs” [nужаuate трех кругов]. Therefore, the use rights of this land were relatively equally distributed to all agricultural inhabitants of the cooperative member households, and even to other kinds of villagers, including soldiers on service, retired persons, and some state staff members who had registration [hộ khẩu] in the community, with a term of use of between 10 to 15 years. In most cases, members of private-farming households [hộ cả thế] were not taken into account for land use rights distribution.

The last type of agricultural land named “the second-round agricultural land” [đất vòng hai]. Its use rights were theoretically allocated or auctioned to the good tillers, or those who could use them best, or needed them most for cash crops [sản xuất hàng hóa]. The rationale for this land use rights distribution in the eyes of the state was, in contrast to the “the first-round agricultural land,” to give land use rights to those who could use them best. The area of this land varied from more or less than ten per cent of the total area of agricultural land of a community. The use rights of the fourth type of land were again distributed in different ways depending on the village or commune. In Hà Bắc, only 297 cooperatives (31 per cent of the total number of the province’s agricultural cooperatives at the time) allocated such land use rights to households who had the ability to use them best [có khả năng sản xuất], and often collected 15 to 20 per cent higher
land-use tax than the tillers paid for the first-round agricultural land. In many other communes, such land use rights were distributed equally to the cooperative’s adult labourers [lao động], i.e. males between 18 and 60, and females 18 to 55 years of age, except for those who owed a debt to the cooperative [nợ đóng sản phẩm] received none or a smaller share depending on the cooperative and amount owed (TU Ha Bac 1989: 2). This meant that the distribution of use rights on the second-round agricultural land in 1988 did not totally follow the aim of Resolution number 10, expressed in its slogan of “doing what you are best at” [ai giới nghề gì làm nghề ấy] (TU Ha Bac 1989: 5), i.e. those villagers who could do non-agricultural work well should move to that and leave their share of agricultural land use rights to those in the community who could use them best.

A redistribution of agricultural land use rights took place nationwide during three years, from 1992 to 1994, as a consequence of further changes in the agricultural economy at large, and in the state land tenure regime. The change in the latter was marked by the launch of the 1993 Land Law, which clearly divided the whole land area of the country into six broad types: 1. Agricultural land [đất nông nghiệp]; 2. Forest land [đất làm nghiệp]; 3. Rural residential land [đất khu dân cư nông thôn]; 4. Urban land [đất đô thị]; 5. Specialized-use land [đất chuyên dụng]; and 6. Unuse land [đất chưa sử dụng]. Under this new Law, the state land tenure policies differ from one type of land (i.e. land use rights) to another in terms of management and use (Quoc hoi nuoc Cong hoa Xa hoi Chu nghia Viet Nam 1995: 10). In Hà Bạc province, the redistribution of agricultural land use rights in accordance with the new Land Law began in 1992, one year before the new Land Law came into effect, and continued until 1993. This redistribution of

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4 The latest amended version of Land Law, passed by the National Assembly on 26th December 2003, has reclassified all the land in Vietnam into three broad groups: agricultural land [nhóm đất nông nghiệp], non-agricultural land [nhóm đất phi nông nghiệp], and unused land [nhóm đất chưa sử dụng]. According to Article 13 of Chapter One of the Law, agricultural land comprises eight types: 1. Land for annual crops [đất trồng cây hàng năm], 2. Land for perennial crops [đất trồng cây lâu năm], 3. Forest land for production [đất rừng sản xuất], 4. Forest land for protection [đất rừng phòng hộ], 5. Forest land for special use [đất rừng đặc dụng], 6. Land for aquaculture [đất nuôi trồng thủy sản], 7. Land for salt production [đất làm muối], and 8. Other types of agricultural land under the regulation of the Government. Non-agricultural land includes 10 types; and the last group of unused land includes all types of land that have not been classified in terms of use.
agricultural land use rights throughout the lowland villages of the province was actually just an adjustment of what had been distributed in 1988. This can be seen through the following example of agricultural land use rights redistribution in Tien Son district.

In the redistribution, the agricultural land of Tien Son continued to be classified as the four types that I have previously discussed. The redistribution of use rights really only occurred to one type of agricultural land: “the first-round agricultural land” (the largest portion of agricultural land). In terms of recipients, besides the war martyrs, the majority of alive beneficiaries of free land use rights had to be agricultural persons [*khâu nông nghiệp*] who at the same time were members of agricultural cooperative households. A small number of other types of local inhabitants, including retired people, local workers, and teachers were not able to attain free allocation, but in many cases they could pay for it.

Like the distribution in 1988, members of private-farming households in Tien Son, i.e. the peasants who were agricultural inhabitants but not-cooperative members, received no land use rights. However, by the time of redistribution, agricultural land per capita of the private-farming households was often higher than of cooperative household members. This disparity provoked the question of whether or not the agricultural land use rights of private-farming households should be left intact or redistributed like the large-scale cooperative cadres in some cases had done at the onset of its unification. In some places, the local authorities required private-farming households to give [nhuộng bột] some agricultural land use rights to their relatives who were cooperative members (BCD cap GCN va LSBT 1992a: 11). But my field research in Phu Duong discovered the villagers’ discussion on this issue did not follow this pattern. By 1992, Phu Duong had nine private-farming households. A few females who had been born into private-farming families but had moved to cooperative member households for marriage before the redistribution, were not eligible for agricultural land use rights allocation because the cadres argued that their ration of land use rights belonged to their family’s agricultural land area that
had been privately farmed. Although they complained and reacted in different ways, by 2002, no concession had been made by the local authorities.

In Hà Bắc, the methods of land use rights redistribution and land use rights receivers remained the same as in the original distribution in 1988, except that in 1993 many non-agricultural persons had to pay a certain sum of money for land use rights allocation. A small number of households who had no change in demography, either in number of household members or their age, therefore continued to hold the land use rights that they had been allocated in 1988. Others had to surrender some land use rights, while a number of others gained more due to the change in the number of household members or their age. As will be noted later, the age of land use rights receivers was often counted to ensure equality of allocation. In the broader area of Hà Bắc province, 29 per cent of households continued to hold the agricultural land use rights that they had received in 1988, 34 per cent households had to give up some of their use rights and 37 per cent households received more land use rights (BCD cap GCN va LSBT 1993: 3).

Regarding the other three types of agricultural land: “the agricultural land for family economy,” “the second-round agricultural land,” and “water land,” no redistribution of use rights occurred around 1993. But there were other changes. In regards to “the agricultural land for family economy,” though its use rights remained unallocated in practice, the term of its use rights was lengthened to 20 years, and was theoretically given a land use rights certificate that in the Vietnamese language has often been known as “certificate for land use rights [holding]” [giấy chứng nhận quyền sử dụng đất], or more commonly “red book” [sổ đỏ] (HU Tien Son 1993a: 8). The whole area of “the second-round agricultural land,” which amounted to about 11-12 per cent of Tiền Sơn agricultural land area, was changed to đất

5 In fact, by 1993 in a number of communes in other districts of Hà Bắc province, the local authorities had not yet increased the area of đất kinh tế gia đình from five to ten per cent as decided in Resolution number 337/NQ of the Provincial People’s Council (BCD cap GCN va LSBT 1992a: 12).
công icho [agricultural land for collective interest], the type of land that is used to provide finances for collective aims of the locality (later for commune authorities). I will examine this type of land in more detail in the following Chapters, especially in Chapter Four. The use rights of water land currently remain unallocated. In this research, I will refer to these two types of agricultural land, “the agricultural land for collective interest” and “water land” as “communal land” [đất công], because the use rights of these are collectively held, and their output is to be used for collective interest. Notions of communal land, its management and use, will be further explained in Chapter Four.

As noted above, the redistribution of agricultural land use rights at both the district and provincial levels, where my studied villages administratively belonged and belong, started one year before the issue of the 1993 Land Law and Decree number 64 of the central government on land use rights redistribution. By August 1993, the redistribution of agricultural land use rights in Hà Bạc had almost been accomplished. By that time, 1,005 cooperatives throughout the province (96.7 per cent of total agricultural cooperatives) had redistributed the use rights on 110,502 hectares of agricultural land to 1,885,083 villagers. As a result, each household on average had the use rights of 2,560 square metres of agricultural land; each agricultural person attained the use rights of 586 square metres (BCD cap GCN va LSBT 1993: 2). In Tiền Sơn district specifically, each household gained the use rights of 2,122 square metres of agricultural land, and each agricultural person received the use rights of 424 square metres. If the use rights of “the agricultural land for collective interest” were allocated, each receiver would have had use rights on 500 square metres (HU Tien Son 1993b: 9).

In both distribution and redistribution, the principal of equality in land use rights allocation among the receivers in the community was one of the most important points that was critically implemented. This was a matter of

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6 In the first place, land use rights were allocated for five to 15 years of use. When the 1993 Land Law and Decree number 64/CP came into effect, this term of use was altered to 20 years for annually cultivated land in accordance with the new land tenure policy.
great concern to both the villagers and authorities. To attain this equality, both land use rights and land use rights receivers had to be considered from different perspectives. Regarding the land use rights, three main variables: quality, quantity, and location of the land needed to be clarified. As a result, the ranking of agricultural land needed to be done to clarify what rank one area of land was. This step can also be seen as the basis for the state authorities to collect land-use taxes. Equality in relation to land use rights receivers took account of numbers and occupation of people [khâu] or age [lao động] or both, depending on the village (TU Ha Bac 1989: 5). As a consequence, the majority of the village population were allocated agricultural land use rights to farm.7

However, the rationale of agricultural land use rights allocation in many communities meant that not all villagers received the same area of land. In Đại Lộc (Tứ Sơn district) for example, among the agricultural villagers, each male-agricultural person between 18 to 60 years old, and female-agricultural person between 18 to 55 years old attained the use rights of 1.6 sào (576 square metres);8 the over 55-year-old-female-agricultural villagers, over 60-year-old-male-agricultural villagers, and 10-to-17-year-old-agricultural villagers received the use rights of 10 thôc (240 square metres); agricultural children below the age of 10 received the use rights of seven thôc (168 square metres). Equality in land use rights allocation in all cases also related to social justice. As a result, those who had sacrificed for the country, such as war martyrs and invalids often attained priority and received agricultural land use rights of good quality and location.

7 In my view, the division of agricultural land into four types was decided by the central authorities, not by the local ones. Similarly, the methods of land use rights allocation based on person and occupation and age to ensure equality (although many villagers were keen on equal distribution of land use rights) were over all developed by central agents, then pilot tested in some areas before wider application. But in most of the cases, the decision to use one of the two methods, or both at the same time, in land use rights distribution and redistribution lay in the hands of local committees of land use rights allocation of the commune, village, and hamlet, or were even publicly discussed in meetings between villagers and land use rights allocation committees at these levels.
8 In the Red River delta, one mâu comprises 10 sào and equals to 3600 square metres. One sào comprises 15 thôc and equals to 360 square metres. One thôc equals 24 square metres.
Alongside its positive outcomes, the critical implementation of equality in distribution and redistribution of agricultural land use rights also led to the problem of the fragmentation of the holdings of agricultural land use rights among the local people. In Hà Bắc, in 1993, the average household had 14.3 plots [thlea], and some had 30, or even 50 plots throughout various fields of the village (BCD cap GCN va LSBT 1993: 2). In Tiên Son district, in 1993, the average household had 10 to 13, and some even had 20 plots (HU Tien Son 1993b: 9). In the context of low agricultural land per capita, this fragmentation meant that the land use rights of one household were dispersed throughout many fields, making the villagers’ agricultural production less efficient because of difficulties using modern machines and techniques in production and/or the more time needed to travel from one plot to another. This problem of agricultural land use rights fragmentation particularly concerned the state authorities and analysts. As a result, in 1998, the Bureau of Land Management [Tongan cu Quan ly Ruong dat] commenced a national program to resolve this problem.

Authorities of Bắc Ninh province began trying to solve the fragmentation problem in 1997. They used three methods. The first was to mobilise villagers to exchange whole areas of their first-round agricultural land that they had received in the redistribution among households. Throughout the province, this method was applied in 144 villages of 32 communes, and consequently reduced the average number of plots per household to 7.6. The second way was to exchange a portion of the area of the first-round agricultural land among households. This pattern was implemented in 244 villages in 69 communes, but it had a less satisfactory outcome because the average number of plots per household remained above ten. The third way was to allow villagers themselves to decide who, how, and in what ways they exchanged their fields. This method was followed in 12 villages in ten communes, however, according to official reports that I have collected, no outcome has been notified thus far (BCD chuyen doi ruong dat va cap GCNQSDD nong nghiep 1999: 5-6).
The compilation of land-taxes books \( \text{so} \, \text{bô thue} \) and the granting of certificates to the holders of agricultural land use rights are also a new improvement to the land tenure policy since decollectivization. By 1993, throughout Hà Bác, agricultural land-taxes books had already been given to 347,828 households (78 per cent of the total agricultural households) (BCD cap GCN va LSBT 1993: 2-3). Also by this year, 470 agricultural cooperatives (45 per cent of the total number) in the province had issued land use rights certificates for 46,351 hectares of agricultural land, which had been allocated to 186,410 households (42 per cent of total agricultural households) (BCD cap GCN va LSBT 1993: 2). The process of granting of certificates to the holders of agricultural land use rights continued in the following years. By 1999, in the new province of Bạc Ninh, 62,789 households (28.5 per cent of total household number), in 49 communes and precincts of the province (39 per cent of the total), had received certificates for residential land use rights, with an area of 1,778 hectares (approximately 36.9 per cent of total residential land area). A total of 174,036 households (90 per cent) in 110 communes (92 per cent) had attained certificates for allocated agricultural land use rights, with an area of 37,588 hectares (86.21 per cent) (SDC tỉnh Bac Ninh 1999: 2). In 2002, however, the process of granting of certificates to the holders of agricultural land use rights had not yet been completed in a number of villages due to problems of illegal land encroachment, misranking, and local cadre corruption.

III. Different Roads to Conflicts

My research has identified four broad types of causes leading to land-based conflicts after decollectivization. In this thesis I call them four "roads" to conflicts. The first road is villagers’ claims to land use rights; the second is associated with various patterns of land law violation; the third relates to land use rights compensation; and overlapping the above three is the fourth cause, the problem of corruption, which I separate from others for analysis.
Claims to Land Use Rights

Claims to land use rights by villagers clearly shows how and in what way villagers, local cadres, and the state land tenure policy differ over the question of how land use rights should be distributed, held, used, by whom and for whose benefit. Villagers' claims to land use rights occurred in various forms during the process of agricultural decollectivization throughout the country, including claims to use rights on old land territory, old agricultural land, and old worshipping land (Kerkvliet 1995b: 72-80; Tong cuc Quan ly Ruong dat 1992a: 2-3 and 13-15; Tran Duc 1992: 7-10). Since the early 1990s, under the new Land Law, the use rights of communal land have been moved from the village to be managed and held by the commune. Villagers' claims in many cases also relate to the village communal land and their output. In Hà Bắc province, villagers' claims to land use rights were diverse, and related to different kinds of land, but the most dominant were associated with claims to the use rights on old agricultural land and old worshipping land.9

Claims by villagers to the use rights of their old worshipping land in Tiền Sơn district between 1987 and 1997 led to eight complicated and hot spots (HU Tien Son 1997a: 1). Among them, the case of Lạng Giang village, where villagers collectively reclaimed the old site of their village communal house, is the most documented instance by the authorities (TU Hà Bắc 1993; To khao sat nghien cuu giai quyet cac diem nong 1993; and HU Tien Son 1997a). In the early 1990s, Lạng Giang was one of the villages of Văn Trương commune in Tiền Sơn district. The village is located in the “cultural land” of Quan Họ folk songs, which is known to many Vietnamese in the area and a number of foreigners thanks to its Hội Lim [Lim Festival]. At that time, the village had 4,200 inhabitants in 700 households. The majority of Lằng Giang villagers were involved in

9 By worshipping land I mean as area of specialised land that is used for a place of worship such as a communal house, pagoda, shrine and so forth. Although it is not agricultural land, since decollectivization villagers have claimed use rights on worshipping land alongside other claims to agricultural land use rights.
agricultural production; some did both trading and farm work. The village also had one Elderly Association and one party cell of 65 members.

In 1947, during the French Resistance War, Lùng Giang communal house was totally destroyed. In 1957, the District Administrative Committee [Uy ban Hành chính huyện] allocated the land area where Lùng Giang communal house had been located to its offices to use. In 1991, in the context of a rebirth of traditional festivals and worshipping practices in the area, the village Elderly Association started demanding the return of 1,731 square metres of land, the old ground of Lùng Giang village communal house, which had been used by several state institutions. Under the leadership of the village Elderly Association, which gained more power as the village party cell also issued its Resolution to support the villagers to reclaim the land use rights (HU Tien Son 1997a: 1), many Lùng Giang villagers, especially the elderly, strongly collectively lobbied for the return of their old land use rights to rebuild the village communal house. In the first place, their claims took peaceful forms, like sending letters and visiting offices of the district authorities to express their appeals. However, the authorities rejected their claims.

Later on, Lùng Giang villagers took stronger action by gathering in their hundreds and going to different offices of district authorities, with the slogan: “tổng dân Lùng Giang quyết đối lại đất Đình” [all the people of Lùng Giang determinedly reclaim the land use rights of the communal house] (TU Ha Bac 1993: 5). On 30 March 1992, for example, nearly 300 villagers, mostly elderly in Lùng Giang village, went to the District People’s Committee to reclaim the old land use rights for communal house building (TU Ha Bac 1993: 3). They also went further, to the provincial authorities and central offices in Hà Nội, and even occupied the land as well as starting the construction of the communal house. In order to achieve funding for the construction, 22 same age groups [hội đồng niên] in the village population, with a total of 500 members, were set up. Each member lent a sum of money to the village. This is not to mention various other financial sources drawn on, donations for example. Such strong and determined actions by the
villagers in claiming their worshipping land use rights resulted in the involvement of various central state institutions to resolve the issue, including the Office of Council of Ministers (Van phong Hoi dong Bo truong 1992), Ministry of Culture, Information and Sports (Bo Van hoa Thong tin va The thao 1992), Bureau of Land Management (Tong cu Quan ly Ruong dat 1992b), Institute of History (Vien Su hoc 1992a), alongside authorities from province to commune. Finally, their claims succeeded. In 2002, when I visited the village, a large and beautiful communal house had already been built on its old ground.

The most widespread claim for old land use rights was in the form of villagers collectively requesting the return of old agricultural land use rights of their village that had been taken away for another village to use. During agricultural collectivization in Vietnam, many village-based cooperatives were merged to form larger ones that often coincided with several villages, called intervillage-based cooperatives [hợp tác xã liên thôn], and even the whole commune, named commune-based cooperatives [hợp tác xã toàn xã]. In a number of cases, the per capita agricultural land of the former village-based cooperatives differed from one to another. Therefore, after the unification, per capita agricultural land of course differed from one group of cooperative members to another. To eliminate this large disparity, or in other words, to balance agricultural land per capita among cooperative members of the large-scale cooperatives, cooperative cadres in many cases reallocated fields within the new production structure. As a result, by joining in the large-scale cooperative, a number of villagers, or the village as a whole, lost part of their agricultural land, while others gained some.

On a broader level, nationwide, villagers’ claims to old agricultural land use rights after decollectivization occurred both individually and collectively, and varied from region to region. In the southern half of the country, individual villagers frequently demanded the return of their old agricultural land use rights that had been taken for other villagers to use in the years following the 1975 historic victory. In contrast, in the northern half, groups of villagers who often belonged to one village collectively
asked for the return of their old village agricultural land that had been allocated to another group in a large-scale cooperative who belonged to another village. In 1992, the Bureau of Land Management revealed nearly 1,000 cases of this later pattern of agricultural land use rights claim, which often occurred in a collective, organized, and critical manner with a large number of participants (Tong cuc Quan ly Ruong dat 1992a). In Hà Bắc, in 1992, 40 cases occurred, among which 36 had been solved by 1992 (BCD cap CGN va LSBT 1992c: 7). Later, 30 more cases occurred throughout the province (SDC tinh Ha Bac 1995b: 6). In Tiền Sơn, by 1988, the district contained 40 cooperatives in total, including 18 commune-based cooperatives, and 22 other intervillage-based ones. Collective claims to old agricultural land use rights of their village, which finally led to agricultural land use rights disputes between the claimants and defenders, occurred in 11 cooperatives, comprising ten commune-based cooperatives and one intervillage-based one (To Cong tac 1988: 1).

In response to villagers' claims regarding their old agricultural land use rights, together with other types of land use rights claims, national state agencies (BCHTW 1988), provincial offices (UBND tinh Ha Bac 1988b, 1992a), and district authorities (UBND huyen Tien Son 1988), issued directives for resolving the problem. A basic view that ran through these directives emphasized that all land belongs to the entire people, is managed by the state, and is used by the people. In one sense, this means that it is illegal for the villagers to reclaim land use rights which they do not hold. In the case of Tiền Sơn, the District Party Organization clarified by directing:

[A]ny unit or individual that uses the name of a production brigade, hamlet, or village to reclaim old [agricultural] land [use rights] which belong to the cooperative’s holdings is illegal. [...] Anyone who purposefully disputes the [agricultural] land [use rights], violates the Land Law, will be seriously punished by the Commune People’s Committee and other offices of the district in
accordance to the current state laws (UBND huyen Tien Son 1988: 1-2).

From the point of view of the government and Communist Party authorities, most of the agricultural land use rights of the cooperatives had to retain the same status and area [giữ nguyên hiện trạng] as the land area each village farmed at the time of use rights distribution and redistribution. Agricultural land use rights could only be considered for subdividing among villages, or between villages, in the case of reorganization of large-scale cooperatives [tổ chức lại hợp tác xã] into smaller ones. Such a reorganization of cooperatives, however, could only be done in cases where a large-scale cooperative had over 800 hectares of agricultural land, long-term weak management, had many times tried to maintain the large-scale cooperative without positive change, and the majority of its cadres, party members, as well as cooperative members, thought it necessary to reorganize. Villagers’ claims regarding old agricultural land use rights could also be considered in cases in which the per capita agricultural land among villages of the large-scale cooperative was seriously imbalanced. In both circumstances, the District People’s Committee had to democratically discuss with the commune authorities and cooperative members whether to divide the land use rights, or to return the agricultural land use rights to the old holders (TU Ha Bac 1989: 13).

In the view of many villagers, however, as I argue throughout this dissertation, the agricultural land use rights of one village should be used for and by its villagers. To many of them, the rationale of per capita agricultural land should be based only on the land use rights that their village holds, not compared with others! In other words, how many agricultural land use rights one could attain for farming depends on the area of agricultural land of the village to which one belongs. The taking of one village’s land use rights for another to use is, therefore, not reasonable. As a result, a number of villagers started demanding the return of their former agricultural land use rights. Describing the situation in Tien Son, the District Party
Organization pointed out that villagers’ claims for their old agricultural land use rights happened “sometimes quietly [ngầm ngầm], sometimes publicly, fiercely and heatedly [công khai, quyết liệt và nông bông], mainly in the years from 1989 to 1991” (HU Tien Son 1993b: 9). In some villages, the villagers even claimed back their old agricultural land use rights shortly after they had been taken, i.e. years before the distribution of agricultural land use rights in 1988. However, in the context of high collectivization at the time, their claims attracted no positive feedback.

With such views, people in a number of villages made their own way through the state land tenure policy and its views on the resolution of agricultural land use rights claims to propose the reorganization of large-scale cooperatives into the former ones, which often coincided with the village territory, as a strategy to successfully reclaim the old agricultural land use rights. In so doing, they could satisfy two desires at the same time: to reorganize the cooperative on the basis of village territory, and to retrieve the old agricultural land use rights of the village. In any subdivision of large-scale cooperative into smaller ones, the agricultural land use rights and other forms of collective property must be divided up. The most reasonable division of agricultural land use rights, in the view of most claimants, was to return the agricultural land use rights to its former village, as they were prior to the development of large-scale cooperatives.

Such collective, determined, and even prolonged struggles of villagers for the return of old agricultural land use rights, either directly or through cooperative separation, succeeded in many cases. As a result, a number of large-scale cooperatives were separated into smaller ones, often based on the village territory. As a result, the number of cooperatives increased during the few years of agricultural land use rights distribution and redistribution. At the provincial level, in 1987, Hà Bắc’s agricultural cooperatives numbered 856, however, this increased to 902 in 1988, and 940 in 1989 (and over 1,000 in 1993). Within two years, 75 new cooperatives had been newly established just because of such subdivision (TU Ha Bac 1989: 8). In the following years, 1992-1993, when agricultural
land use rights continued to be redistributed among the villagers for a longer-term of use, villagers’ claims to old agricultural land use rights and demands to split large-scale cooperatives into smaller ones continued in some places (TU Ha Bac 1992a: 3).

At the level of Tiẽn Son district, villagers in a number of villages also succeeded in reclaiming their former areas of agricultural land for their villages. The clearest examples include the cases of Phát Tich and Tri Phương commune-sized cooperatives. In Phát Tich, the commune-based cooperative was created in 1976 by merging two village-sized ones: Phát Tich and Cô Phû. Prior to the integration, Phát Tich village-sized cooperative had 220 mâu and eight sào of farmland [đất canh tác] (79,392 square metres). After the 1976 merger, however, the commune-based cooperative cadres took 31,296 square metres of farmland of Phát Tich village, which amounted to 39.4 per cent of its total farmland area, for villagers of former Cô Phû village-based cooperative to use in order to balance the agricultural land per capita. This soon created reactions from villagers of the former Phát Tich village-based cooperative. From 1982 they publicly started demanding the commune-based cooperative be redivided into the former village-based ones, and reclaiming the 31,296 square metres of farmland that had been taken.

The claim to divide the cooperative and for a return of the taken farmland continued from 1982 to 1988, under the leadership of the village party cell. During the years from 1984 to 1988, Phát Tich village party cell met nine times [hợp chín kỳ] to discuss their claims, making six Resolutions [Nghi quyết] to propose [đề nghị] to the commune authorities and commune-based cooperative cadres that the cooperative be separated, and Phát Tich’s farmland use rights be returned. The cooperative cadres, and commune as well as higher authorities, however, did not agree to the request of the Phát Tich party cell. Thus, in May 1988, Phát Tich villagers moved to occupy their old area of farmland and allocated the farmland use rights among them for rice cultivation. By July 1988, the Commune Party...

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10 The commune and village have the same name.
Organization and People’s Committee, “with the assistance of the district,” tried to help Cổ Phú villagers to reoccupy that area of farmland, but were unsuccessful, because Phát Tích villagers reacted strongly [phan ứng quyết liệt] (To Cong tac 1988: 2).

Similarly, another case relates to Tri Phương commune-based cooperative that had been formed from two village-based cooperatives: Nghĩa Dùng and Dũng Vi, in 1976. After the unification, 89 mậu, one sào, and five thước of farmland (320,880 square metres) of the former Dũng Vi village-based cooperative was taken for the cooperative members from the former Nghĩa Dùng village-based cooperative. The main aim of this was also to reduce the disparity in per capita agricultural land among members of the commune-based cooperative. From 1985, however, members of former Dũng Vi village-based cooperative started requesting a division of the commune-based cooperative into the former village-based ones so as to retrieve their old area of 320,880 square metres of farmland to which they had held use rights.

In March 1988, when the distribution of agricultural land use rights came nearer, Dũng Vi villagers again demanded the return of their taken farmland use rights. When this was not approved, they asked to exchange 25 mậu and seven sào of river-bank land use rights [đất bãi], which could neither be used for a full year nor for rice cultivation, for 27 mậu and five sào of inside-the-dyke farmland use rights [đất đồng] that could be used for rice farming. This would mean that the Dũng Vi villagers would farm 27 mậu and five sào đất đồng that Nghĩa Dùng villagers were farming, and vice versa. While the cooperative cadres and commune authorities were still considering their request, Dũng Vi villagers moved to occupy this area of farmland and allocated its use rights among themselves for rice farming. To resolve this action, the Commune Party Organization and People’s Committee issued a decision to confiscate “the disputed farmland” and allocate its use rights equally to 12 production brigades of the commune-based cooperative for farming. However, the outcome was not positive.

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because Dưng Vi villagers reacted strongly when the plan was being implemented (To Cong tac 1988: 2).

To understand the rationale for villagers’ grievances over land use rights, the data that I have indicates a number of different factors. The Bureau of Land Management, a former central institution of land management in Vietnam, shifted the blame to the state as a whole. It argued that, firstly, the state land tenure policy lacked agreement and clearness; secondly, the state authorities had been weak in the management of land; thirdly, local cadres had committed wrongdoings and abused their official positions for private gain in the process of governing agricultural land; and lastly, it alleged the ineffective resolution of land use rights claims by authorities resulting in conflicts with villagers (Tong cuc Quan ly Ruong dat 1992a: 5-6).

Data from Hà Bác and Tiên Sơn authorities gives a more detailed picture. The provincial authorities argued that villagers’ claims to their old land use rights, which led the disputes, originated firstly from the local government, particularly the local cadres who had loosened their management [buông lớn quản lý], and committed wrongdoings and corruption for private gain. This reduced the agricultural land area at the local level, and consequently created suspicion and adverse reactions from the villagers. Secondly, they blamed the villagers, who during the period of collectivization, just focused on the working points, and cared little about the agricultural land use rights and working productivity. After decollectivization, however, villagers began to care very much about the land use rights. In addition to these two points were the influences of extreme localism [tu tuồng cuc bò dia phương] – an issue embedded in the minds of a group of villagers, the villagers’ poor understanding of the state legal system [kìm hiểu biết pháp luật], and the problem of opportunists and bad elements, like some ex-cadres who had been punished, or those of moral decay and changed nature [thói hóa biên chất], who had incited [xuí giữ] other villagers to claim the old land use rights (UBND tỉnh Hà Bác 1990a: 10-13). Tiên Sơn district Party Organization presented a further
crucial factor, the villagers' urgent need [biệt xực] of agricultural land use rights for farming. This increasing need stemmed from the fact that during the years of Đổi Mới, a number of state staff members and soldiers retired, and consequently the population in the countryside increased (HU Tien Son 1993b: 9).

All the factors presented above are reasonable, but they only partially explain the problem, and have not yet touched on the root cause of the issue. The number one reason for the villagers' claims for their old agricultural land use rights related to their perception that they or their villages are holders of the taken agricultural land use rights. This means that many claimants often saw these rights as belonging to themselves or their village institutions. The use rights, thus, must be held by, used by, and used for the inhabitants of village where the agricultural land use rights (and worshipping land use rights too) originally belonged. In such a view, the taking of agricultural land use rights from a group of villagers, or the village as a whole, to give to other parties and institutions to use with no compensation or agreement, would provoke reactions from the land use rights losers. To this are then added numerous reasons for the villagers' claims to their old agricultural land use rights, including those that different levels of state authorities have suggested. Particularly, since decollectivization, under the impact of the market economy, modernization and industrialization, and urbanization, land use rights have become a valuable form of property because they can be exchanged just like other goods. Also, in the context of increasing demand for land use rights and decreased supply, values of land use rights have been increasing.

All these factors provoked the villagers' claims, and consolidated the struggle to retrieve their old agricultural land use rights. Villagers' claims to their old agricultural land use rights critically happened during the years of distribution and redistribution because this was a key point in time. I think the distribution and redistribution of agricultural land use rights to the villagers for long-term use is in fact a privatisation of the agricultural land use rights. After this privatization, almost all of the agricultural land use
rights in the communities would no longer be held by the cooperative or the village as a whole, but by individual villagers or family households and legally verified by a land use rights certificate of the state. Once the privatization of agricultural land use rights was completed and consolidated by legal land use rights certificates, the villagers’ claims to their old agricultural land use rights would have much weaker legal and moral grounds making it difficult, if not impossible for the claimants to succeed.

Various Patterns of Land Law Violation

Violations of the state Land Laws in regard to the management and use of agricultural land use rights since decollectivization have occurred in various forms, including unauthorised allocation, illegal sale, illegal buying, illegal exchange of land use rights, illegal encroachment, and wrong usage. Among these, the most problematic pattern relates to communal land [đất công] in the form of unauthorised allocation and illegal selling of use rights by the local cadres, and illegal encroachment by various kinds of local people. Such actions have become one of the key dynamics for conflicts over land in a number of rural communities.

Communal land only reappeared in the villages of the central and northern regions of Vietnam after decollectivization, but its use rights soon became a key target of various patterns of violation of the state land tenure policy, causing discontent in a number of rural communities from the late 1980s to at least the late 1990s. At Hà Bạc provincial level, in the 1988 distribution of agricultural land use rights, the Provincial Party Organization revealed 10,000 violations, mainly in the form of unauthorized allocation and illegal selling of use rights on the second-round agricultural land, one of the key sources of communal land after 1993 (TU Ha Bac 1989: 8). In 1989, Hà Bạc Chamber of Agriculture [Sở Nông nghiệp] conducted investigations into a number of key communes [xã trọng điểm] in two districts, and discovered further 1,174 cases of land law violations, including 848 cases of illegal encroachment (72.23 per cent), 183 cases of unauthorized allocation
of use rights (15.58 per cent), and 143 cases of illegal selling of use rights (12.18 per cent) (SNN Ha Bac 1989b: 5). From 1989 to mid October 1993, cadastral inspectors of the province continued to discover 4,443 cases of violation of state land laws in an area of 113 hectares of land, comprising 2,358 cases of unauthorised allocation of use rights (53.07 per cent), 1,747 cases of illegal encroachment (39.32 per cent), and other violations (7.61 per cent) (SDC tinh Ha Bac 1995a: 1).

In the following years, these patterns of land law violation continued to increase in scale and intensity at the local level. By 1993, Hà Bắc provincial authorities had to set up 11 teams of inter-agency inspectors [đoàn thanh tra liên ngành] to examine the governing of agricultural land, especially agricultural communal land in the rural communities.\footnote{Early in 1993, the Council of Ministers issued Directive number 77 which ordered the lower state authorities to find urgent solutions to stop the illegal allocation, selling, buying, and exchanging of land use rights. This move of Hà Bắc authorities was to implement this Directive.} In 1994, the Provincial Party Organization continued to highlight problems with management and use of communal land use rights because of the number of wrongdoings and amount of corruption involved. The authorities did not publish statistics but they qualitatively noted that in many localities, local cadres misused communal land by selling, allocating, and auctioning its use rights to the villagers for long-term use in order to attain funding for the construction of local infrastructure (TU Hà Bac 1994b: 7). In 1995, investigations conducted in 135 communes (39 per cent of the total communes in the province at the time) of 10 districts repeatedly highlighted an increasing number of land law breaches, with 10,445 cases, in an area of 223.3 hectares. Among these, unauthorised allocation of use rights accounted for 2,893 cases (27.6 per cent), involving 141.5 hectares; illegal encroachment of use rights mainly for residency amounted to 1,927 cases (18 per cent), involving 64,606 hectares; and other breaches like illegal selling and exchange of land use rights comprised the rest (54.4 per cent). These statistics are in fact far lower than the real figures, and do not mention
violations in relation to other types of land on which state companies, army units, and other institutions held the use rights (SDC tinh Ha Bac 1995a: 2).

In Tiền Sơn district, my various sources of data also show the same picture of various patterns of communal land violation. In 1995, the District Party Organization revealed that violations continued commonly in all communes of the district, in the form of unauthorised allocation of use rights, illegal buying and selling of use rights, wrong use, and illegal encroachment of use rights (HU Tien Son 1993b: 9). Therefore, such cases became a heated issue in the district territory (UBND huyện Tien Son 1995a: 2).

As indicated through various official reports, either made by the district or provincial authorities, on land violation at the local level, a large percentage of violations have in fact been conducted by local cadres. This continued from at least the late 1980s to the late 1990s, when the governing of the land and development of the state land law reached a higher level. However, throughout the 1990s, the breaches of state land laws by a number of local cadres was often hidden in the name of the locale [địa phương] and for the building of local infrastructure, which in its turn, has been seen as one part of broader modernization and industrialization programs in the countryside. As was noted earlier, since decollectivization, the state has been carrying out industrialization and modernization programs in the rural areas. The content of this contemporary modernization and industrialization in the rural areas has been thus far best explained in Thuc trang công nghiệp hóa, hiện đại hóa nông nghiệp, nông thôn Việt Nam Nam [The Real Situation of Industrialization and Modernization in Vietnam's Rural Agriculture] (Le Manh Hung, Nguyen Sinh Cuc, Hoang Vinh Le 1998: 58-79). According to the authors of this book, modernization and industrialization in Vietnam’s rural areas mean 1. Mechanizing agriculture [cơ giới hóa nông nghiệp]; 2. Improving irrigation systems [thủy lợi hoá]; 3. Increasing the application of chemicals in agriculture [hóa học hóa]; 4. Developing industry, services, and transforming the agro-economic structure [phát triển công nghiệp, dịch vụ và chuyển đổi cơ cấu kinh tế nông
5. Enhancing the organization and management of rural agriculture [nâng cao tổ chức và quản lý nông nghiệp, nông thôn]; and 6. Building up local infrastructure [xây dựng cơ sở hạ tầng].

The main aim of building up local infrastructure has been to meet major daily needs, such as “electricity, roads, schools, clinics, post office - cultural house, market and martyr’s cemetery” at the village and commune levels (Nguyen Sinh Cuc 2002: 21-22; Le Manh Hung, Nguyen Sinh Cuc, Hoang Vinh Le 1998: 73-76). The construction of local infrastructure has in fact involved the state and people working together, and the Commune People’s Committee, who was directly in charge of implementing the campaign, drew funds from a variety of sources, including state financial investment, villagers’ contributions, and communal land. By 2002, a prominent economist highlighted that “The concrete results achieved in the building of electricity, roads, schools, clinics and so forth in the rural areas, from the hill lands, off-shore islands to the deltas, have changed the face of the countryside” (Nguyen Sinh Cuc 2002: 21). The Central Party Committee, on the other hand, pointed out in its Directive, issued in 1998, that the construction of local infrastructure had aroused critical internal conflicts among the villagers, as well as between a number of villagers and local authorities.

In Hà Bác province, prior to decollectivization, local infrastructure was poor and mainly constructed by agricultural cooperatives. After the early 1990s, particularly in 1996, the former Hà Bác provincial authorities remarkably pressed the local authorities to infrastructure building (Doan Cong tac tinh Bac Ninh 1997: 5; Nguyen Huu Tien 1998: 25). By 1998, in Bắc Ninh, all communes had implemented four targets: electricity, schools, roads and clinics to various extents. As a result, most main roads within village and commune are now constructed by bricks, asphalt, and even concrete; most communes have firmly built schools; all communes have electricity to use; and many clinics have been newly built (Nguyen Huu Tien 1998: 25).
The capital resources for the construction of local infrastructure in Bắc Ninh have come from three major sources: the capital investment of the higher state, the contribution of villagers, either in kind or cash, and the self raised capital of the local authorities. However, since capital investment of the state was small while the living standards of local people were poor, the key source of funding for local infrastructure construction has been drawn from the way in which the local authorities auctioned for long-term use, and even sold, communal land use rights (Doan Cong tac tinh Bac Ninh 1997: 4-5; Nguyen Huu Tien 1998: 26), and from the way in which the local authorities collected money from some locals for the transformation of some agricultural land use rights to residential land use rights. The aim of so doing seems fine to many locals including ordinary villagers, party members, and cadres. During the process of allocating and selling land use rights and use of the resulting money in the construction of local infrastructure, however, various problems arose in close relation to a number of local cadres. I will illustrate this further in Chapter Four and part of Chapter Five.

In short, land law breaches by individual villagers and especially the local cadres have occurred in different forms in a number of communities since decollectivization. These violations occurred mostly in relation to communal land use rights, because other subtypes of agricultural land use rights had already been distributed to individual villagers to use. Most of common were violations involving the transformation of a large area of communal land into residential land for private use. The use rights of communal land have also become the target of illegal encroachment. Thus, alongside the taking of agricultural land use rights for industry, land law violations have led to a big decrease in agricultural land area in the province. During only two years, 1989 and 1990, the collection of agricultural land taxes showed a decline of 4,220 hectares of agricultural land, while the Provincial People’s Committee, who has the authority to allocate and transform land use rights, allowed a transformation of only 112.87 hectares of agricultural land to other kinds of land. The district and
commune authorities then failed to explain why and how the rest had disappeared (UBND tinh Ha Bac 1990a: 9).

Though there have been various patterns of land law breaches at the local level, district and provincial authorities have had little effect on either stopping or preventing the violations from happening. Hà Bắc Chamber of Agriculture revealed that the settlement of land law violations had been inefficient and lacked seriousness, therefore failing to prevent further violations (SNN Ha Bac 1989b: 9). For example, concerning 10,445 cases of land law breaches detected in 1995, the main penalties were to fine [phạt] and/or warn [cảnh cáo] the violators, and to seize some areas of land (SDC tinh Ha Bac 1995a: 4). In general, only 8.66 per cent of cases of unauthorised allocation and illegal encroachment detected in 1995 were punished [xử lý]; meanwhile, Hà Bắc provincial authorities stated that these violations were on the increase (SDC tinh Ha Bac 1995a: 11). Consequently, while these land law violations benefited a small number of people, including both local cadres and ordinary villagers, and though they partially contributed to the building of local infrastructure, they have damaged the land resources of the community as a whole, especially violating the villagers’ views on how the communal land use rights should be managed, held, distributed, used, by whom and for whose benefit. Thus, they have caused public resistance, particularly in cases when the violations reached a high level and occurred alongside other problems.

Land Use Rights Compensation

Another aspect of the on-going processes of industrialization and modernization in the rural areas is the development of rural industry. In the rural agriculture areas, there exist different kinds of industry, and of course therefore different ways are needed to develop them. One of these ways is to build up industrial zones. To attain this strategy, a large area of agricultural land has been taken for industrial zone building. Land use rights compensation for such purposes since the early 1990s in Vietnam has
occurred in numerous ways, depending on the kind of land and the purposes for which it is required. Among them, however, programs of compensation for agricultural land use rights taken for industrial zone building is the most massive, and have had both positive and negative impacts on the life of those villagers in rural communities whose agricultural land use rights have been taken. Like in China, one negative aspect of the impact is that the taking of agricultural land use rights in Vietnam has become a source of conflicts, mainly because of the discordant views over the process of compensation and site clearance held by the villagers who have land use rights and the state who holds the land ownership rights and management rights.

In Vietnam, the history of industrial zones began only in 1991 when the government first built *Khu Chế Xuất* [Export Processing Zones], meaning that its production is all for export. Since 1994, the newly-built industrial zones have been called *Khu Công Nghiệp*, because their production is not only for export but also for domestic consumption. The process of industrial zone building, however, speeded up, particularly from 1997 when the central government aimed to boost industrial zone building in the agricultural rural areas throughout the country. Before 1997, Vietnam had 48 large industrial zones (Vu Quản lý Kien trục Quy hoạch 1998: 9). The new regulations the government issued in 1997 gave much more favorable treatment and encouraged entrepreneurs to rent land use rights and invest in the industrial zones. Also, the types of industrial zones diversified. In a number of provinces, industrial zones were set up under the plan and management of different levels of state administrative authority, from the central government and the province to the district and commune.

Located inside the triangle of key economic regions: Hà Nội, Lạng Sơn and Quảng Ninh, and close to Nội Bài International Airport, Bắc Ninh appears to have a rich potential for industrial development. Thus, the

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12 In China, Xiaolin Guo’s research shows that land use rights appropriation has also been one of the main causes for rural conflicts in the past decade (Guo 2001).

13 Recently, a new model has been developed, called *Khu Công Nghệ Cao* [High Technology Zone].
provincial authorities are very much focused on industrial zone development and consider it as a “breakthrough” in the processes of modernization and industrialization in the home province.\textsuperscript{14} This is also seen as an important step in the transformation of its agricultural economy to an industrial one by 2015. Thus, industrial zone building is one of the priorities in economic development in this area. To attract capital investment, the provincial authorities have spread out the “red carpet” to receive investors.\textsuperscript{15}

By 2002, according to the Provincial Party Organization, Bắc Ninh had 18 industrial zones. The total area of land of all types for which compensation has been paid for these 18 industrial zones amounts to 288.3 hectares. However, the area that has been planned for all 18 industrial zones is much larger. Two industrial zones alone, Tiến Sơn and Quý Võ, plan to occupy 300 hectares of land each. If the entrepreneurs need more land use rights in the future, the area of these two industrial zones can be increased to 600 hectares each. By May 2002, 18 entrepreneurs were renting 73 hectares of land in Tiến Sơn industrial zone, and a similar number of entrepreneurs rented 80 hectares of land in Quý Võ industrial zone. The rest ranges from five to 30 hectares per industrial zone (TU Bắc Ninh 2002). Generally speaking, by the end of 2000, there were ten central enterprises, three foreign-invested enterprises, 28 local enterprises, and 198 private enterprises working in the province’s industrial zones (Thanh Huyen 2002: 39).

In short, the processes of agricultural land use rights compensation and site clearing for the building of industrial zones have in many cases created conflicts between the villagers and the state for various reasons including: How and in what way should the land use rights compensation be carried out? Who, between the holders of ownership rights and management rights (i.e. the state) and the holders of use rights (i.e. villagers and other parties), has the power to decide the land use rights values? Who should participate

in the decision-making? Conflicts over such issues are deeply rooted in the
different views of the state land tenure regime and villagers in relation to
decision-making, distribution and holding of ownership rights, management
rights, and use rights. In Chapter Three, I examine one case study to
illustrate not only how, why, and in what ways land use rights compensation
and site clearing have produced conflicts, but also to illuminate the
competing views of different parties involved, alongside other dimensions
that affect the minds of the protesting villagers.

**Corruption**

In Vietnam, corruption is a problem that can be recognized in both
feudal and colonial history.\(^\text{16}\) Under the Socialist State, corruption continues
to be found in various forms, and involves different types of people in the
state and society, including those who work in the state apparatus,
businessmen who work in the free market, and the ordinary people. Since
Đổi Mới, corruption has increased, to the extent that it is seen as a national
disaster, an internal enemy (Thanh Tam 2002). And as the Central Party
stated in its Resolution of the XI Congress, corruption has become “a huge
danger that threatens the survival of our regime.”\(^\text{17}\) Corruption of all types
resulted in the people’s discontent and protests in many areas of society,
which has finally partially contributed to the campaigns of the state to curb

In Hà Bắc, the Provincial People’s Committee has pointed out:

> Although corruption varied among levels of authority, areas and
> sectors [of the state and society], in general, it occurred to a
> concerning level in three major areas: the management and use

\(^{16}\) For concepts of corruption, see my discussion in Chapter Five.  
of land, construction of infrastructure, and the governing of
finance-budget (UBND tinh Ha Bac 1992d).

As I understand it, although the problem of corruption occurred in
various areas and sectors of the state and society, corruption committed by
the local cadres contributed the most to producing local conflicts. Various
sources of data that I have examined indicate that local cadre corruption has
had numerous consequences on the state and society. As noted in one
document, local cadre corruption, along with other types, has created
discontent and protests from the masses, resulted in social injustice, reduced
the trust of the people in the leadership of the Communist Party and in the
governing of the Socialist State. During the 1990s, the limited number of
cases that the authorities investigated shows that corruption in the province
caused a huge loss of different types of material property of the state and the
people, including tens of billion VND, hundreds of tonnes of paddy and
other materials, and most significantly, hundreds of hectares of land. The
loss of this land due to corruption does not mean that the land has
disappeared, instead in various forms it has been transformed from public
and communal land, the use rights of which are held by the local authorities
or organizations, to residential land, the use rights of which are held by
individuals and households.

During 1990-1992, for example, the state campaigns on anti-
corruption at the district and provincial levels discovered various small
cases. In 1993, in only four investigations, the Provincial People’s
Committee discovered an unauthorized allocation of 101,853 square metres
of land, and illegal selling of 68,706 square metres of land by cooperative
and commune cadres (UBND tinh Ha Bac 1994a). In the same year, a report
compiled by the Provincial Party Organization pointed out various other
small cases. For example, in one commune, the Commune Party
Organization issued a resolution directing the illegal selling of land use
rights on 27,166 square metres of land to 40 households for house building.
In two other communes, the village and commune cadres illegally sold
In the following years, more investigations revealed further corruption relating to land. In 1995, the Provincial People’s Committee investigated 179 cases and revealed a loss of 110.3 hectares of land (UBND tinh Ha Bac 1995a: 2-3). During 1997-1998, the Provincial People’s Committee investigated 135 cases and discovered a loss of 73.73 hectares of land (BCD chong tham nhung tinh Bac Ninh 1999: 3). In 1999, the Provincial People’s Committee inspected 81 cases and revealed a loss of 22.21 hectares of land (BCD chong tham nhung tinh Bac Ninh 2000b: 2). This is not to mention the various cases of state land law violation previously noted, where the authorities did not say that corruption was involved but I imagine it would be hard to exclude.

In reaction to the problem of local cadre corruption and corruption at large, both the state and villagers have voiced their protests in different ways. From the state side, various anti-corruption campaigns have been implemented at the centre, province, to district, and even commune and village levels since 1990 (the higher state’s campaigns also targeted other types of corruption) (UBND tinh Ha Bac 1990b). In Hà Bắc and its lower administrative levels, my synthesis of various reports and documents on anti-corruption campaigns of the state offices from 1990 to 2002 highlight their critical attitudes and determined actions to curb corruption. The provincial state stated that anti-corruption campaigns must be seen as long-term, consecutive, constant and complicated struggles to be fully carried out in both the state and society, from leaders to officials, cadres and staff members (UBND tinh Ha Bac 1990b). The provincial state also stated that the campaigns ought to be implemented as a continuance of another campaign called “The mobilization to clean and enhance the fighting ability

Since 1992-1993 when the central state took a stronger move in fighting corruption, Steering Committees on anti-corruption [Ban Chi dao chong tham nhung] have been established within the state administration from the provincial to the commune, and even the village level to command the struggle against corruption. By early 1994, 319 communes, precincts and district capitals of the total of 335 in the whole province had implemented anti-corruption campaigns. And besides that, similar Steering Committees on anti-corruption were set up to coordinate all mass associations, including Women Association, War Veteran Association, Youth Union, Farmers’ Association in the struggle against corruption (TU Ha Bac 1994a).
of the party organization and state apparatus, to clean the social relations,”
later connected to another campaign, entitled “The mobilization to clean and
enhance the fighting ability of cadres, officials and party members, and
strengthen the relationship between the people and party,” which was
closely attached to the fight against smuggling.

Combating corruption needed to be done alongside a review of legal
documents and policies in force in the province to ensure that the state
policies and legal systems did not create opportunities for corruption to
occur. Consequently, in 1993 and 1994, the Provincial Chamber of Justice
[Sở Tư pháp] reviewed 442 legal documents [văn bản pháp luật] that had
been implemented in the province (UBND tỉnh Ha Bac 1994b). The
provincial authorities particularly emphasized the responsibility of the head
of offices [thủ trưởng] within the state structure to fight against corruption,
and to ensure that leadership role was the key to make the campaigns more
fruitful. The spirit of the campaigns also stressed that curbing corruption
had to focus on a number of key cases [trong điểm], especially in places
where there had been lots of petitions and denunciations. The campaigns
confirmed the usefulness of the mass media and relying on the people to
fight against corruption, and also ensured that punishment be applied to
anyone who committed corruption whatever position he or she might hold.

From the side of the villagers, their public resistance mainly targeted
local cadres. As subjects who do not only share their residential location and
communal resources, but also have close socio-political relations with local
cadres in the rural communities, various patterns of villagers’ public
resistance were articulated, and they were even stronger and more critical
than the state actions in a number of cases. In Chapter Five, I study the
problem of local cadre corruption and the resulting conflicts through a case
study for more insight into the topic. Throughout the case study, I examine
how and in what way the local cadre corruption occurred, related to the land
and other issues, and finally created villagers’ public resistance. In
particular, I show how and in what ways villagers perceived and resisted the
problem of local cadre corruption, and their use of corruption as a means to
voice their discontent and protest against other issues in relation to land and local cadres.

The Resulting Conflicts

My analyses of the processes of agricultural decollectivization, modernization and industrialization, and different paths to resultant conflicts have indicated tensions in a number of rural communities during a period from the late 1980s to the early 2000s at least. These tensions have emerged among and between different institutions in the locale: tensions between village and village, between village and commune, village and state organization, with the most pronounced being between some groups of villagers and the local cadres because of land use rights disputes, local cadre corruption and their misbehaviour towards the villagers. These tensions originated from various issues, however, the problems of land and local cadres have been the key. From another perspective, tensions among these parties do not only originate from local problems but also stem from the mismatch between the views of a number of villagers and the state land tenure policy at large.

In the late 1990s, generalizing local conflicts in Bắc Ninh, the Provincial Party Organization observed: “During recent years, because of many objective and subjective reasons, the situation of peasants and countryside is generating complicated problems that affect [local] security” (TU Bac Ninh 1998: 1). In order to deal with the situation, the authorities examined the issue for insights, including an investigation of the Provincial Party Organization into the problem of “hot spots,” and “the situation of resolving of internal conflicts among villagers to ensure order and security in Bắc Ninh countryside from 1987 to 1997” (TU Bac Ninh 1998; Uy ban Kiem tra TU Bac Ninh 1999). At a lower level, Tiền Sơn District Party Organization and People’s Committee have also scrutinized the hot issues in its area, including villagers’ petitions and denunciations (HU Tien Son 1997a; UBND huyen Tien Son 1998a).
In the broadest terms, conflicts have been identified by two key signals: villagers’ petitions and acts of denunciation in the state offices, and their confrontational actions in the home communities. Regarding the first aspect of conflicts, the state authorities at different levels have noted an increase in the number of villagers’ petitions and acts of denunciation related to land and local cadres since decollectivization. In Tiên Sơn, from 1991 to 1997, the district authorities received 2,180 petitions and denunciations related to 2,313 different cases (UBND huyện Tiên Sơn 1998a: 6-7). The number of petitioners and denouncers who acted as a group increased, amounting to 52 teams [đoàn]. Among the 3,055 letters received, 2,277 were petitions (74.53 per cent), 561 were denunciations (18.36 per cent), and 217 were questions requiring answers (7.10 per cent). In terms of the content, 1,863 letters (70 per cent) related to land issues, 355 letters (13 per cent) were associated with other economic issues, 146 letters (5 per cent) focused on social policies, and 311 letters (12 per cent) concentrated on other matters. These letters petitioned and denounced 28 Presidents of Commune People’s Committees and Secretaries of Commune Party Organizations (10.89 per cent of the letters), three Vice-Presidents of Commune People’s Committees, and 226 others (87.92 per cent) (UBND huyện Tiên Sơn 1998a: 7). In the later years, from 1998 to 2002, the key target of the villagers’ petitions and denunciations continued to be land and local cadres (UBND huyện Tiên Sơn 1998b; Thanh tra huyện Từ Sơn 2002a and b).

The villagers’ petitions and denunciations did not stop at the level of district authorities but in many cases often moved further up to the provincial authorities and even to the central organs of the state in Hà Nội because the villagers considered their complaints were not being handled properly by the district authorities, or because the authorities failed to settle the issues in ways in which the petitioners and denouncers wanted. In the contemporary administrative and legal systems of the Vietnamese state, in order to petition, denounce, or protest against local cadres, or issues related to land and other communal resources, villagers have to follow the
administrative procedures that proceed from the commune, to district, and stop at the province level. This means that only in a case in which the commune authorities cannot settle the villagers’ petition and denunciation, or lack the power to deal with them, will the case be sent to the district. Similarly, if the district authorities also fail to deal with them, then the provincial authorities will take over the job. All local issues in most of the cases are not a job task the central authorities in Hà Nội to directly resolve.

But my various sources of data, including official reports of the state, revealed that villagers often by-passed the authorised line to voice their wants to the higher authorities. By 1989, the Provincial Chamber of Agriculture had already revealed this situation, noting that the villagers’ petitions and denunciations in relation to matters of land and local cadres in rural communities were increasingly by-passing the authorised line to the province and centre (SNN Ha Bac 1998b: 7). In only a short period of time, from 1988 to 1990, this Chamber alone received 1,288 letters, comprising 810 petitioning letters, 227 denouncing letters, 218 letters related to land use rights disputes, and 33 questioning letters requiring answers. The content of these letters, as noted by the authorities, mainly focused on three key issues: firstly the problem of commune authorities who illegally sold land use rights for money; secondly denunciation of the authorities of village, commune, and district who unauthorisedly allocated land use rights to the villagers, especially to the wrong persons; and lastly, land use rights disputes among villagers, and between villages (UBND tinh Ha Bac 1990a: 9).

The Cadastral Chamber [Sở Địa chính] of the province is another provincial office which villagers often visited for land issues. In 1996 alone, Hà Bạc Cadastral Chamber received 244 letters (SDC tinh Ha Bac 1996: 6). Similarly, the Provincial People’s Committee also became an institution villagers came to petition and denounce problems of land and local cadres. In 1997, this institution received 311 letters related to land issues (UBND tinh Bac Ninh 1997: 4). Looking further at the national level, in his paper on the problem of citizens’ petitions and denunciations nationwide, one researcher writes: “In the past years, especially since 1997 to now, the
situation of citizens’ petitions and denunciations is an increased tendency, and is extremely complex” (Nguyen Tien Binh 2002: 22).

A more critical aspect of conflicts during this period appears to be the villagers’ confrontational actions occurring in their home villages. Villagers’ reactions throughout the province have in many cases led to tensions in the communities, and the state has often called them “complicated cases and hot spots” (To khao sat nghien cuu giai quyet cac diem nong 1993). A hot spot [diêm nóng], according to the central authorities, is “the place where conflict or dispute occurs critically, and attracts a relatively large amount of participation of the masses, [which finally] leads to social unrest” (To khao sat nghien cuu giai quyet cac diem nong 1993: 2). During a 10-year period, from 1987 to 1997, 148 cases of conflict occurred throughout the rural countryside of Hà Bắc, with the level of conflict varying from case to case. Among these 148 cases, 83 were complex, and 27 cases became hot spots, including 7 cases in which the authorities had to use force to resolve the problem (TU Bac Ninh 1998: 1). The reasons for the complications and hot spots stemmed from different origins, as I have broadly highlighted earlier. In regards to the 83 complicated cases in Hà Bắc province from 1987 to 1997, 48 cases arose because of land use rights disputes (57.8 per cent), 27 cases were due to local cadre corruption (32.53 per cent), and the rest (9.67 per cent) resulted from other problems (TU Bac Ninh 1998: 2).

In Tien Son, conflicts also occurred. A report of the District Party Organization that examined the problem of hot spots in its territory from 1987 to 1997 noted that:

From 1988 to now [1997], the order and security [of the district] has been generating many complicated occurrences, the situation of [land use rights] dispute, petition [and denunciation] have

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19 Tran Hong Chau presents a more critical definition of hot spot in Journal of Communism as: “a place where petitions [and confrontational actions] are conducted with a participation of numerous parties because of complicated reasons, [and] difficult resolution, [in which], the internal conflict reaches critical level, tensely occurring, [therefore] creates instability of community life, leads to disorder, [and] invalidity [vô hiệu hóa] of leadership, [and] governing of the socio-political institutions and local authorities.” (Tran Hong Chau 1999: 48).
occurred in numerous spots of many communes in the district territory (HU Tien Son 1997a: 1).

Also during this ten-year period of time, 1987-1997, 40 complicated cases and hot spots were identified in 17 of 26 communes in Tiên Sơn district. Among them, nine cases (22.5 per cent) were due to villagers' demands for the subdivision of cooperatives, eight cases (20 per cent) happened because of villagers' claims to worshipping land use rights, 11 cases (27.5 per cent) occurred as a result of villagers' claims to their old agricultural land use rights, eight cases (20 per cent) took place because villagers petitioned and denounced local cadres, and four cases (10 per cent) occurred due to other reasons. Among these 40 cases, nine cases (22.5 per cent) led to hot spots (HU Tien Son 1997a: 1). All the cases that were seen as both complicated cases and hot spots, examined in Chapters Three, Four, and Five, occurred after 1998.

In short, such conflicts stemmed from different issues, among which the villagers’ claims to land use rights, various patterns of land law violations, land use rights compensation, and the problem of local cadre corruption and their misbehaviour to villagers are key (the issue of cadre misbehaviour will be illustrated in following Chapters). These conflicts were often complex, involving various groups of people and institutions such as the ordinary villagers, cadres, party members, and higher state officials.

IV. Conclusion

The process of agricultural decollectivization and the development of a new land tenure system, which followed, have provided a legal framework for the question of how and in what way land rights in Vietnam are distributed, held, and used. In relation to agricultural land, four types have been identified in the lowland villages of Bắc Ninh (and former Hà Bác) province. The use rights of each type differs a little in theory at least in
terms of holding, use-term, and use-aim. Decollectivization and the resulting development of a new land tenure regime in Vietnam, as often argued by some Vietnamese researchers, have made the villagers the masters of agricultural land, thus giving them incentives in agricultural production.

Besides these positive aspects, we have also witnessed conflicts due to the agricultural decollectivization, the new land tenure regime, and modernization and industrialization programs in the countryside. During the process of agricultural decollectivization, as my research has showed, villagers’ claims to their old land use rights have been one of the major sources of tension at the local level. Various patterns of state land law violation from the late 1980s to the late 1990s have also been issues that resulted in conflicts. During the final years of the 20th century, as villagers’ reactions to the problem of land use rights and numerous violations of communal land use rights diminished, a new source of tension in a number of local communities arose due to the contradiction of views between villagers and the state over the question of land use rights compensation and site clearing. Intersecting the above types, and running through this period of over ten years, is the problem of local cadre corruption, and in a number of cases, their misbehaviour towards the villagers. All these have been different roads to conflicts over land among various parties and institutions at the local level and even beyond. Although conflicts in some villages differed in terms of extent and the way in which they came about, villagers’ petitions and acts of denunciation in state offices as well as their confrontational actions in home villages have best highlighted their common features.

Conflicts over land and related issues in the Red River delta villages since decollectivization are cases in which researchers might be able to see how different parties articulate their views towards land, providing a good arena to comprehend various attitudes to and relationships with land. I do not say that we might not be able to see the different views of various parties, including the ones of the villagers, over the question of how the land
rights should be distributed, held, and used, and the role of different parties including the villagers, local cadres, and the state at large in this process. However, I argue by analysing these conflicts and watching different parties’ perceptions, attitudes, and behaviour, we can examine their views more comprehensively. Through the process of decollectivization, in which the agricultural land use rights have been distributed and redistributed under a critical principle of equality, and via the different types of land use rights disputes, land law violations, and resulting conflicts, we can also see what agricultural land use rights mean to villagers.
Map 1: Hà Bác Province
Map 2: Bạc Ninh Province
Map 3: Tù Sơn District
Chapter Three: Land Use Rights Compensation and Dynamics of Villagers’ Public Resistance: The Case of Đại Lộc Village

I. Introduction

In the context of industrialization and modernization in the rural areas, as previously outlined in Chapter Two, in 2001 Tù Sơn district authorities planned to build a representative industrial zone [khu công nghiệp diện hình], which is the site for eight enterprises, in Đại Lộc village. The area of agricultural land appropriated for this industrial zone amounted to, according to the plan of the district authorities, 27.3 hectares, on which agricultural land use rights were allocated to 359 peasant households for a use term of 20 years from 1993. However, the process of land use rights compensation and site clearing produced vigorous conflict between the land use rights selling villagers (who I hereafter sometimes refer to as land selling villagers) and members of the Committee for land use rights compensation and site clearing (hereafter referred to as the Committee). So why did conflict occur? How did it emerge, develop, and get resolved? Who participated in the conflict, who did not, and why? What were the involved parties' objectives, actions, and voices in conflict and in resolving conflict? What means did the protesting villagers use to achieve their aims in conflict? What were the dynamics of conflict? How and in what ways did such dynamics relate to cultural, historical and moral values, and consequently strengthen the public resistance of the land use rights selling villagers?

In order to answer these questions, first I examine the process of conflict over land use rights compensation and site clearing between the

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1 For confidential reasons, the real names of some studied villages and communes have been replaced with pseudonyms. Accordingly, all documents and newspaper articles that identify these studied villages and communes are not fully displayed in this and following Chapters.
Committee and land use rights holders in Đài Lộc village. Then, I explore and analyse various dynamics of the public resistance of the land use rights selling villagers. This is one case study in which I show how and in what ways a number of land selling villagers shared some common views over the question of how land use rights compensation should be done. I also elaborate how and in what ways their views contended with the views of other parties involved, such as the Committee, higher officials, and others, and how such contending views became the dynamics of conflict over land use rights compensation and site clearing. I argue that the public resistance of the land use rights selling villagers first arose out of their struggles for economic rights in the compensation of land use rights. Later on, it moved beyond the economic domain to involve moral issues relating to the problem of cadres. I argue this conflict also went beyond the local level because the contending views between the holders of land use rights and the holder of ownership rights and management rights, together with the public resistance of the protesting villagers, in the end forced the state to change its land tenure policies.

II. Conflict Process

The Quiet Time

Located about 20 kilometres from the centre of Hà Nội, Đài Lộc is one of six villages that make up a commune in Từ Sơn district of Bác Ninh province. According to statistics of the local government, in November 2001, the village contained 2,829 inhabitants (among them 1,632 were labourers, i.e. of working age), who lived in 636 households and belonged to 27 lineages [họ]. Inhabitants of the village as a whole owned 127 storeys-houses, 549 TVs, 296 motorbikes, 66 telephones, 12 tractors, and raised 11 buffaloes, 45 cows, 1,806 pigs, 10,310 chickens, and 1,178 geese and ducks. Although Đài Lộc economy is developed and diversified, agricultural production remains a major occupation for many villagers. During the past
years, many Đái Lộc villagers have intensified their agricultural production by cultivating various kinds of vegetables and herbs alongside rice for selling in the district capital markets and also in Hà Nội. Therefore, agricultural production brings many villagers not only rice to eat but also a source of daily and seasonal cash. In such a context, agricultural land is not only a source of subsistence but also a form of accumulation to many villagers. In the 1950s land reform, per capita agricultural land in the village was 792 square metres; this ratio was dramatically reduced to 351 square metres in the 1993 agricultural land use rights redistribution, lower than the average per capita agricultural land of Red River delta villagers. My observations reveal that while many middle-aged males, females, and sometimes children, mostly do the farming work, a number of young women and men, daily or long-term, migrate to surrounding villages, Hà Nội, or elsewhere, for non-agricultural work, and this often earns their families additional cash and savings. This is similar to other villages in the area, meaning that the village’s present socio-economy does not show any dominant features that distinguish Đái Lộc from others in terms of economy, wealth, or social differentiation.

In order to implement the program of land use rights compensation and site clearing to build up a representative industrial zone, a Committee for compensation and site clearing was set up in accordance with a Decision issued by the President of Tứ Sơn District People’s Committee. This Committee comprised 20 people: nine cadres from the commune to which Đái Lộc belongs, six Đái Lộc village cadres, and five district officials and entreprenuers. The nine commune cadres in the Committee were: President of Commune People’s Committee (Head of the Committee), Vice-President of Commune People’s Committee, Vice-secretary of Commune Party Organization, President of Fatherland Front, Chairman of Peasant

2 Among the peasant villagers, per capita agricultural land differs from one to another. In the 1993 redistribution in the village, two methods were used to ensure equality in land use rights access. As was previously noted in Chapter Two, each male agricultural person between 18 and 60 years old, and female agricultural person between 18 and 55 received 1.6 sào; over 55 – year – old – female agricultural villagers, over 60 – year – old – male agricultural villagers, and 10 – to – 17 – year – old agricultural villagers received 10 thạóc; agricultural children below 10 years old received 7 thạóc.
Association, Cadastral Cadre, Administrator of the Commune People’s Committee, Financial Cadre, and Inspection Cadre. The six Đại Lộc village cadres in the Committee comprised the village head, village party cell secretary, village policeman, village cultural cadre, and two village cooperative cadres. For most of the time, the village and commune cadres in the Committee were in charge of working directly with villagers in Đại Lộc who were selling their land use rights on matters related to compensation and site clearing. When the public resistance of the land selling villagers escalated and moved beyond the local level, other members of the Committee and then other state officials at different levels also became involved in the conflict. This conflict over land use rights compensation and site clearing mainly occurred between the protesting villagers, most of whom were the holders of land use rights, and the members of Committee, especially the village and commune cadres. Therefore, local cadres in this specific conflict refer to those village and commune cadres who were members of the Committee.

Prior to the implementation of the compensation program for the industrial zone, 359 households whose agricultural land use rights were to be taken were advised about the district authorities’ plan to build an industrial zone in Đại Lộc village, and were also lectured about the various advantages. This would bring the locality, for example transforming the local socio-economic structure from a backward economy solely based on agriculture to a more modern and diverse one. The villagers of these households were also asked for their agreement to this plan. Many villagers told the Committee that: “we support the industrial zone and we support the industrialization and modernization of the state.” But there were a lot of discussions among those villagers over key questions as to how the compensation program should be implemented. What would be a reasonable price for compensation [giá denn bù hợp lý] for their land use rights, and what other aspects should the Committee, which many villagers saw as the state, consider to decide on a reasonable price? Who should enjoy the subsidy money which had been proposed and why? What should the
entrepreneurs do after they had taken the agricultural land use rights of the peasant villagers for industrial production? Such questions concerned many land selling villagers, and created considerable debate, negotiation, and finally conflicts. All these questions focused on three key issues: a reasonable price for compensation of land use rights, enjoyment of subsidy money, and entrepreneurs’ labour employment of land use rights selling villagers in the future when a number of villagers would have no or little land for farming.

At two official meetings in October 2001 and in January 2002 between the Committee’s local cadres and Đại Lộc land use rights selling villagers, the Head of the Committee officially announced what the villagers would receive for selling their agricultural land use rights, and how much the village and commune as a whole would benefit. First, in terms of a price, the Committee decided that the land use rights compensation price for the industrial zone would be similar to the compensation price for land use rights in the second round compensation for the construction of the national highway number 1A in 2001: 16,164,000 VND per sào. Secondly, regarding the subsidy money, the eight entrepreneurs who were renting the land use rights from the district authorities who had bought the land use rights would pay a subsidy of 10,000 VND per square metre of land to Đại Lộc village, and another similar amount to the commune of which Đại Lộc is a part, both subsidies to be used for local infrastructure construction. However, the 359 households whose land use rights were to be taken would receive no subsidy. Finally, concerning labour use, each of the eight entrepreneurs would employ ten workers per hectare of land appropriated from the land-selling households when their industrial production came into effect.

However, right from the first meeting, on 7th October 2001, the land use rights selling villagers did not agree with the Committee on any of the three issues. At the second meeting on 28th January 2002, they continued to disagree, especially with the compensation price. Many land selling villagers argued that the compensation offered was too low, and asked the Committee to require the higher state bodies to consider a higher price,
otherwise they would not sell their land use rights. Alternatively, the land use rights selling villagers could be beneficiaries of the subsidy money that entrepreneurs were granting to the village and commune. In addition, the land selling villagers wanted to meet with the eight entrepreneurs to sign contracts regarding the employment of part of their labour force, as promised, in the future when the factories were in operation.

The Committee, on the one hand encouraged the land-selling villagers to accept the compensation money, and also promised to settle the questions that they were raising about labour employment and a more reasonable price. On the other hand, as villagers later told me, the Committee reported to the higher authorities that the villagers [dân], i.e. the land selling villagers, agreed 100 per cent, and proceeded to the next step of paying the compensation and subsidy money. In the meantime, the Committee’s local cadres stopped the irrigation systems in the village which watered the area in contention to prevent the land selling villagers from farming a new rice harvest. As the Committee continued their plan of compensation and site clearing, it daily announced on the village public radio that the province was ordering the seizure of land use rights [lệnh thu hồi đất của tỉnh], and asked the land use rights selling villagers to accept the compensation, otherwise this money would be sent to the state treasury [kho bạc nhà nước] and the Committee would clear the site.

Many land use rights selling villagers started to worry, and told each other to take the compensation money, demand a more reasonable price of compensation, or enjoy the subsidy money instead, and discuss the labour contract later. From the 9th to the 10th of February 2002, the last days of the Vietnamese lunar year, the Committee arranged for the eight entrepreneurs to pay the compensation directly to the land use rights sellers, this money being seen as part of the former’s investment in the industrial zone. Then, the Committee prepared to clear the site for the industrial zone construction. However, while 349 of the 359 households took the compensation money, 10 households determinedly rejected such an irrational compensation policy and did not receive any compensation money.
Public Protest

When the lunar New Year had passed, the resistance of many land-selling villagers escalated from debate to public protests. Many of them gathered in the village public space to talk about the story of compensation [chuyện đến bui]. A number of them also individually went to question the village head, village party cell’s secretary and other village cadres who were members of the Committee about the compensation policy, especially the compensation price, subsidy money, and labour employment, which the cadres had previously promised to settle. Days passed, however, many land selling villagers still received nothing additional. Some of them therefore felt that the cadres had lied to them about the compensation and became angry, and a few even started to scold the village cadres.

In response to the increasing public protest, a number of members of the Committee still acted as if the land use rights compensation program had almost finished after the February 2002 payment. The next step for the Committee was to clear the site for the factory building. Some other members of the Committee tried to persuade Đài Lộc land use rights selling villagers to support industrialization and modernization of the home district. In the village, however, representatives of mass organizations, the authorities, and the party had a meeting and decided to allocate to the land use rights sellers 3,000 of the 10,000 VND subsidy per square metre of land that the eight entrepreneurs had promised to the village. However, no confirmation of a signed labour contract from the eight entrepreneurs or further subsidy money to make a more reasonable price of compensation was granted.

Many of the land-selling villagers continued to resist, although the extra amount of money had been given. They continued to demand the full amount of 10,000 VND per square metre at least, and wanted to meet with the entrepreneurs to sign a contract on labour use. In order to put more pressure on the Committee, many land use rights selling villagers started to mobilize their primary and secondary school children, who wore red scarves
and walked around the village, beating drums and shouting slogans “Overthrow corruption! Overthrow the corrupt gang!” [Đào tham nhũng! Đào đốn tham nhũng!] for several days, exactly as Phú Dương villagers had done a couple of years previously to protest against local corrupt cadres, which I examine in subsequent Chapters.³ Later, in late March, the land use rights selling villagers gathered in their tens, even hundreds, in the commune headquarters, and then in the district headquarters late every afternoon for over 10 days to voice their discontent and demand what they wanted. Finally, some protesting villagers lost their patience and scolded the head of the Committee for taking their agricultural land use rights. In the village, some land selling villagers even circulated leaflets like poems to denounce local cadre wrongdoings and to criticise cadre misbehaviour towards the villagers.

More days passed, and many land selling villagers sensed that the Committee could not resolve their proposals; therefore they moved to higher levels of state authority to protest and to lodge proposals for a more rational compensation policy. Twice a month, they went in tens and even over a hundred, to various different offices of the state in the province and in Hà Nội, like the People’s Committee, General Department of State Inspection, and People Meeting Office of Central Party’s General Secretary Committee. For the central authorities in Hanoi, however, it was not their function to directly settle such detailed problems of a locality; therefore, Đại Lộc land selling villagers were sent back to the Provincial authorities for resolution. At the provincial level, the land selling villagers were asked to turn back to the district authorities, and finally at the district level, they were required not to bypass the authorised level [vượt cấp] for proposals and petitions, and told they should go back to their home village to work with the Committee.

At this stage, some cadres and officials of the Committee got angry with the land use rights selling villagers because of their scolding, petitions, and proposals, and started to blame a number of land selling villagers. For example, a key Đại Lộc cadre in the village told some females whose

³ This is an example of the villagers using the problem of local cadre corruption as an excuse for their demands on other issues, as I analyse in-depth in Chapter Five.
agricultural land use rights were acquired for the industrial zone that “it is not your land, women, so how can you sell it?” and he avoided meeting with the land selling villagers to talk about land use rights compensation issues. One commune cadre confirmed to the land selling villagers that “one more cent is impossible!” and he scolded some land selling villagers as “black people [i.e. ordinary people] who know little so how can they petition” the Committee? He vividly compared what they were doing to “an ant petitioning a sweet-potato.” Also, he declared, “I will carry out the program without the people!” Similarly a district official of the Committee told land use rights selling villagers: “the entrepreneurs determine who will get the subsidy!”

The Committee’s actions and behaviours noted above did not reduce disagreements with the land selling villagers, neither could they prevent these villagers from petitioning and demanding a compensation policy which was more rational to their way of thinking. Instead, such actions created more protests and tensions, not only among those who had accepted compensation but also some other villagers who had not sold their land use rights for the industrial zone. Many villagers felt that their land use rights were not only appropriated under conditions they did not agree with, but also that the local cadres had behaved in wrong and bad ways. It was very odd for some villagers to see that their own village cadres had no willingness to help them; neither did these cadres want to stand on their side, or at least take a neutral position. Instead, they all worked with the Committee to carry out the compensation policy and clear the site. Therefore, the struggle of the land use rights selling villagers not only targeted a more reasonable policy for land compensation as it first appeared, but also wanted to ‘beat’ these cadres for being more than strangers to their own villagers.

A number of villagers whose land use rights were not threatened also jumped into the arena because of the odd things they witnessed. Working together with some land selling they formed a large group which found a way to point out to the public and higher authorities various wrongdoings of
village and commune cadres over previous years. For example, a number of villagers looked back to the cadre corruption in previous land compensation programs for the construction of the national highway, village secondary and primary schools, and the receiving of over 20 bicycles as bribes from a district company based on the commune territory. The protesting villagers also pointed out that the Committee had given compensation for more land area than was allowed by the higher authorities in order to enjoy the compensation money and even to speculate in land use rights. In addition, many recalled the commune cadres’ misbehaviour towards Đại Lộc villagers in a previous dispute over village identity and an old grave which they believed to be a sign of the Lý dynasty (I will further discuss this later).

After a few months, and despite many visits back and forth to all levels of authority: district, province, and in Hà Nội, to articulate their disagreements, appeal for a more rational compensation policy, and petition wrongdoings of members of the Committee, the land use rights selling villagers received nothing more than the above mentioned amount of subsidy money that the village cadres had allocated. Therefore, the land-selling villagers continued to resist and did not allow the Committee to clear the site for the industrial zone construction.

To deal with this situation, the district authorities sent teams of inspectors to look into the villagers’ accusations. At first, one team of district inspectors discovered nothing, leading a key commune cadre of the Committee to pleasurably tell the protesting villagers “there was not one extra piece of land compensated.” However, the villagers did not trust the team of inspectors. The second time, another team of district inspectors discovered that a little extra area of land had been compensated. Again, the protesting villagers did not accept such a conclusion, as they maintained that a larger area of the village communal land had been illegally compensated. Finally, a third team concluded that one village cadre of the Committee seemed to have corruptly acquired [có đầu hiệu tham nhũng] millions of VND by “lending the village communal land” [giẻ ruộng cộng] to his 11 relatives and friends in order to get compensation money. In addition, the
team pointed out that an area of over 5,000 square metres of communal land of the village had been illegally compensated.

Public resistance of a number of Đài Lộc villagers reached its peak in May 2002, when many land selling villagers saw the National Assembly Election as a great chance to press the Committee to meet their demands for adequate compensation. Otherwise, they threatened not to vote. The provincial authorities, therefore, had to promise that the demands of the land selling villagers would be resolved after Election Day, and that a representative group of land selling villagers would be set up to discuss this with the authorities. Many land selling villagers, however, did not see much hope in this move, thus they continued to resist in their own ways.

To organise the National Assembly Election, a voting unit [tổ bầu cử] was established in Đài Lộc village, and most members of the voting team were the village cadres of the Committee for land use rights compensation and site clearing for the industrial zone. On voting day, a number of voters [cử tri] discovered a discrepancy in comparison with the last election, because the voting team did not stamp “voted” [đã bầu] on the back of voting cards to verify the villagers’ votes. This was a clear breach of the National Assembly Election Law. To make sure, one villager went to a neighbouring village to double check, and another called the national hotline 1080 to further check the rules. When both confirmed that the Đài Lộc voting team had violated the National Assembly Election Law, they told each other to delay their votes till the very end. At the very last moment on election day, a number of villagers went to vote, while a number of people who had voted also came back to question why the voting team had not stamped “voted” on the back of their voting cards. The voting team could not explain why, but said that if any villager wanted a stamp they could give them one now. Taking this chance, over 500 villagers, many of whom came from land-selling households, kept the ballot box for three days in the village communal house. As a result, the voting team could not count the votes. This resistant act later requested the involvement of various local cadres, policemen, and officials to resolve the issue. Finally, the National
Voting Council decided to cancel the vote in Đài Lộc because of the voting team’s “heavy violations” of the National Assembly Election Law, and it directed the local authorities to set up a new team of voting cadres to reorganize the vote in the village two days later, and to punish the wrongdoers.4

After all this, except for the additional amount of subsidy money given by the local cadres, the land selling villagers still failed to achieve a higher compensation price for their land use rights. They could neither enjoy the whole sum of subsidy money nor meet the eight entrepreneurs to sign a labour employment contract. Many land selling villagers lost confidence in obtaining a better resolution from higher levels of authority, including the centre. Thus, the only thing the land-selling villagers could do was not allowing the Committee to clear the site. One 57-year old woman threatened she would “stay at home to keep the land, dead or alive we must keep the land [ở nhà để giữ đất, sống chết cũng phải giữ lấy đất]. We will fight to the end if the state clears the site by all means.” However, by the end of October 2002, policemen had arrested some protesting villagers because of their public unrest and provocative actions, and then the site was successfully cleared for the industrial zone construction.

Participation, Struggle Tactics and Leadership

Who participated in these events, who did not? What tactics did the protesting villagers use to claim what they wanted? And who led the way? Leaving aside other issues, the conflict in the village was a controversial contest between land use rights selling villagers and the Committee over land use rights compensation policies. However, as noted above participation in the conflict widened as it developed over time. Discontent and resistance involved more non-land sellers as the dispute moved beyond a struggle for economic interest in the land compensation and site-clearing program to moral values.

There were different kinds of participation. Some participants were involved in oral debates within official and legal channels rather than the illegally confrontational protests. In the public arena, the clearest and most dominant image of participation was a large number of middle-aged women and elderly persons of both genders. Many women took charge of the job of interacting directly with the village and commune cadres in the Committee on matters of agreement and disagreement, and the rights and wrongs of the land compensation policies; and this happened from the beginning to the end. A number of children were involved in the first period when the public protest occurred within the village and commune compound. They were mobilised by the adults in their family to do things that the adults could not do. Later on, as the land-selling villagers went further up the authorized line to higher levels of authority to make their voices heard and to send their petitions and proposals, more middle-aged men participated and played a key role.

A number of informants told me that the use of women, elderly and children was their tactics for struggle, because women could talk better about the land, shout louder in public and scold cadres better. The elderly were also seen as a better force to interact with, or press, cadres because cadres would have to respond to them respectfully. Women were also better confronting male cadres and officials because the likelihood of a physical fight or violence is less. Confrontation between men and male cadres and officials are more likely to end in violence of some degree. More importantly, cadres and the police find it much more difficult to interact with, and to threaten or capture, women, the elderly and children. But I could also see that the women and the elderly often worried more than others when their major productive means were taken away under conditions they did not agree with. They might have had a clearer feeling of the potential risk of being without, or with a reduced source of, family subsistence and occupation the agricultural land provided, since they are the ones who have often been doing the farming work and taking care of the family budget, particularly in Đại Lộc.
As the villagers’ public resistance moved beyond the struggle for mere economic interest to discontent and protest over moral values, a number of non-land selling villagers participated since they had witnessed the cumulative bad treatment their cadres had handed out to their village fellows. Another reason was that some villagers did not think that the higher authorities’ resolution of the wrongdoings that cadres committed was fair enough. In one case, for example, an extra area of land eligible for compensation was discovered. The cadres lied to the protesting villagers and said that it was the land of a neighbouring commune. However, many villagers demonstrated that land belonged to their village. Finally, the provincial authorities seized the extra land and gave it to the commune authorities for management. Such incidents drew the attention and participation of more villagers, and gathered them together to fight for economic rights in the land compensation dispute, and to fight against the cadres’ wrongdoings and misbehaviour.

Behind the mass movement described above, the leadership of the protest lay in the hands of a few elderly men who all lived in the village but were regarded as a rural elite. As the conflict widened, more participants became involved, and a couple of non-land selling men also became leaders of the protest. Before the discontent and protests occurred and were voiced in public, some of these men had already started studying the Land Law, Decree number 22 [Nghị định số 22] on land use rights compensation, and the Denunciation and Petition Code [Luật Kh hiệu nai và Tố cáo] to understand more about the legal systems on land tenure regime and related issues that they were pursuing and dealing with. Their role was really important in terms of guiding and directing the participants on how and what to do and say, and where and when to go. They – the leaders, also knew how to act within official and legal channels so as not to violate the Denunciation and Petition Code while fighting against the wrongdoers or articulating their proposals to different levels of authority.

5 By “elderly men,” I refer to people who are in their 50s, 60s, 70s and older, often called cac cụ in the community.
In short, there were different kinds of participants in the conflict. The dominant presence of women in the public protests was more than a tactic of the protesting villagers’ struggle, as some articulated. Their dominant presence hints at women’s great concern for the loss of their agricultural land use rights and the sources of subsistence and occupation for their family members. Thus, they protested for more money and for a confirmation of labour employment in the hope of securing the subsistence and occupation of the family. A number of elderly and other villagers also saw how some of their local cadres behaved towards their village fellows in ways that they did not agree with, and found it a good chance to take revenge on these cadres who had not supported them in an earlier struggle for village identity, as I will discuss later in this Chapter.

III. Dynamics of Resistance

My above description of the conflict over compensation for agricultural land use rights and site clearing for an industrial zone has shown the perceptions and rationale of the land selling villagers towards the question of how the state policies on land compensation should be. In the conflict, first, many land selling villagers clearly stated that they were struggling for economic rights over the land compensation that they supposed they deserved. This economic dimension was clearly shown in the matters they raised, through the words they articulated, and particularly, via the determined actions they took. The economic dimension covers a number of factors, including their claim for a more reasonable amount of land use rights compensation, their claim for a commitment of labour employment, their fears of the loss of subsistence and occupation, the attraction of a cash windfall, their self profit, and suspicion of the Committee’s collusion with entrepreneurs in land use rights speculation, which were either implicit or obviously articulated.

Secondly, as the struggle went on, the great discontent of the protesting villagers and their vigorous protests moved beyond the initial
economic matters to the moral values that the protesting villagers called văn đề cần bố [the problem of cadres]. This means the protesting villagers’ resistance also targeted a number of local cadres for a variety of reasons. Many protesting villagers considered that some local cadres, especially their own village ones, instead of behaving the way villagers assumed they should, became corrupted, misbehaved towards a number of villagers, were distant, and did not help the villagers or care about what they wanted. They carried out what the state required them to do at the expense of the villagers. And land compensation is not the only example of this.

In the following section, first, I analyse the economic dimension of the villagers’ public resistance, then its moral dimension. Secondly, I present the contending views between the protesting villagers and the Committee as well as other institutions of the state over the same issues, and point out how and in what ways the aspects of the conflict beyond the local level affected the central state and its land tenure policy.

**Claim to a More Reasonable Price for Land Use Rights Compensation**

The most important aspect of the economic dimension is the land selling villagers’ claim for a more reasonable amount of land use rights compensation. So what did the land selling villagers consider to be a reasonable price? As I pointed out above, land use rights had been taken from villagers in Đại Lộc a number of times before the industrial project, for example building of national highway 1A. This occurred twice, first in 1997 with a compensation price of 9,000,000 VND per sào, and secondly in 2001 with a price of 16,164,000 VND per sào, plus 3000 VND subsidy money per square metre of land taken. However, these events did not produce as much public resistance as the compensation program for the industrial zone in 2002, which occurred one year after the second round for the national highway.

The initial compensation price for the land acquired for the industrial zone was 16,164,000 VND per sào with all of the subsidy offered by the
eight entrepreneurs going to the village and commune as a whole and none to the land-selling villagers. In addition, the reason for taking the land use rights differed from the previous instance. These two factors created strong discontent and resistance from the land-selling villagers.

Many land selling villagers compared the compensation price with the income that the agricultural land had brought them in recent years, and recognized it was only equal to the income they would achieve in about three years of farming, far below their demands for compensation for the 11 years of land use rights they had left. Actually, alongside wet rice growing, many Đại Lộc villagers had been intensifying their use of one or two sào of agricultural land, usually one-third or one half of a household’s total agricultural land area, by growing various kinds of vegetables and herbs to sell in the district market and in Hà Nội. While rice growing gives villagers rice to eat, the farming of vegetables and herbs brings them a source of cash, daily and seasonally. Many land selling villagers estimated that vegetable and herb growing roughly earned them about 15,000 VND in cash per sào per day, over five million VND per year in total. Thus, the price of 16,164,000 VND per sào for compensation was equal to three years of farming only, and this did not satisfy the land sellers right from the beginning of the program. Although many land selling villagers said that they supported the industrial zone, as they supported the modernization and industrialization programs of the state, most did not agree with such a low price, and proposed that they would only agree to sell their land use rights when the state considered a higher price, otherwise the entrepreneurs’ subsidy must belong to them.6

Besides the income villagers gained from the land as analysed above, the second aspect of calculating a reasonable price is the rationale for taking the land. To support their claim for a more reasonable price, many land

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6 Generally speaking, the compensation price offered by the state for land use rights is several times lower than the real market price in the local transfer of land use rights, particularly in the case of residential land. For instance, the level of compensation the state offered for residential land use rights for the national highway number 1A within Hà Nội territory was equal to only 18 per cent of the estimated price of land use rights traded in the locality (Pham Mong Hoa, Lam Mai Lan 2000: 125).
selling villagers argued that the compensation price could not be simply applied for all areas and all types of land use rights within a province as large as the one regulated by the current policies. It must be made case by case. In particular, they stressed the difference in the rationale for taking the land use rights. Obtaining land use rights for a public purpose, to build schools or roads for instance, must be differentiated from doing so for the private economic aims of certain groups, the entrepreneurs for example. To many land selling villagers, the entrepreneurs, just like their family households, are part of the broader national economy; yet they both want land use rights to make a profit or a living for themselves rather than for the nation’s benefit as a whole. One male villager said:

The taking of land for the national highway last time was for the nation’s benefit, we thus accepted the given price even though it was lower than the market price because we sacrificed for the country. But this taking is for the entrepreneurs to use. If the compensation price remains the same, it means we have to sacrifice our land for the entrepreneurs. We do not accept that!

Sympathetically, another knowledgeable villager, a 65-year-old male whose land use rights had not been appropriated for this industrial zone, particularly underlined that the state has to take into account the interest of three parties in land use rights compensation: the interest of villagers who hold the agricultural land use rights, of entrepreneurs, and of the state. In practice, he continued, the interest of the villagers had not been paid enough attention, which is why the land-selling villagers resisted. He also indicated that the land as to be taken for 50 years, which meant a long-term reduction of agricultural land area for the village as the whole. In the next distribution, the per capita agricultural land in the village would be decreased quite a lot!

Some land use rights selling villagers made even stronger arguments for their role and rights over the land they had been farming for years. One 57-year-old female villager, who sold her family land use rights, analysed
agricultural land use rights, many land selling villagers felt that the value of such rights had increased.

As a more reasonable price was impossible to gain because cadres and officials of the Committee usually just referred land selling villagers to state policies on the land tenure system and land use rights compensation, many land selling villagers proposed the following simple option: add a monetary subsidy to the land use rights compensation price. This would mean that the land sellers would enjoy the subsidy money rather than the village or the commune as a whole. These villagers argued that they had lost the agricultural land use rights, not the village or the commune. They thought it was strange that while one party loses land use rights, others benefit from the subsidy money, particularly since the land use rights compensation price was too low in the situation at the time. Many of them referred to Decree number 22 that states that for agricultural peasants, besides the land use rights compensation money, the parties to which the state allocates or rents the land use rights have a responsibility to subsidize the land selling villagers for their change in occupation, and if new employment opportunities arise, the recipients of the land use rights have to favour the land use rights selling villagers (Thu tuong Chinh phu 1998). Relying on this Decree, many land selling villagers in Đại Lộc tried to gain the right to enjoy the subsidy money that the entrepreneurs granted the village and commune, since they calculated that these two put together would make a reasonable price for land use rights compensation.

Claim for a Commitment to Labour Employment

The second aspect of the economic dimension in the view of the land selling villagers related to their claim for employment when the industrial production came into effect. The land-selling villagers wanted to meet with the eight entrepreneurs to confirm their labour employment. As I noted earlier in this Chapter, alongside the 16,164,000VND per sào, and subsidy money, the eight entrepreneurs promised to employ ten local labourers for every hectare of land they acquired from the villagers. However, this oral
commitment from the entrepreneurs conveyed through the Committee did not convince the land-selling villagers that the promise would be kept. They had already learnt a lesson from a number of villagers in nearby villages who had sold their agricultural land use rights for another industrial zone a couple of years previously. The entrepreneurs promised the land selling villagers the same thing. However, later, when the entrepreneurs employed local workers, many land selling villagers' children could not meet the entrepreneur’s employment standards, though they had to pay fees for five months' job training. Thus, Đài Lộc land selling villagers wanted to meet with the eight entrepreneurs to make sure that the latter would use labour from the land selling households in the future as promised.

**Fears of the Loss of Subsistence and Occupation**

The third aspect of the economic dimension is the land selling villagers’ fears of the loss of subsistence and occupation, which was implicitly articulated to the Committee and other state institutions. My research in Đài Lộc endorses James Scott’s argument over the importance of subsistence in peasants’ lives and the potential for peasant resistance when it is taken (Scott 1976). However, I emphasize that this is only one factor – a hidden one, of the many factors that contributed to the generation of conflict over land use rights compensation in the village.

To illustrate how this kind of implicit fear affected the minds of a number of land selling villagers in their objectives and actions, I think it is essential to emphasize again here the basic role of agricultural land use rights in their economic lives. As I have previously analysed in Chapter One, agricultural land in many of the Red River delta villages that I came across during my fieldwork in 2002 plays an important role in the family economy of those who farm it. Agricultural land use rights are important to villagers since they bring them an annual basic and stable source of sustenance, which the villagers can live on throughout the year no matter how much other income they might earn. Agricultural land use rights also
provide an occupation for certain kinds of labour force, particularly the middle-aged, the elderly, and some children. In comparison with the non-agricultural work available in the region and elsewhere, farming usually brings the peasant villagers less in terms of income but they do not have to work for others [lâm thuê], and they do not have to migrate out of, or far from, the village. Although out-migration for non-agricultural work increased after decollectivization, not every villager can find such non-agricultural work. Thus, many peasant villagers who lose their agricultural land use rights feel threatened and uncomfortable about what the family will eat and what some members of the family will do in the future. Therefore the loss of most or all of the area of agricultural land to which the protesting villagers held use rights also contributed to the land selling villagers' public resistance.

In Đài Lộc, after three rounds of land use rights compensation, 11 households had lost all their allocated agricultural land use rights except the 10 per cent agricultural land for the family economy, while over 100 households had lost about 90-95 percent. For such peasant villagers, fears about subsistence and future occupation security would be greater than for the villagers who still had enough land to farm. In fact, even though they had been compensated with an amount of money, a number of peasant villagers felt unstable and unconvinced at being without, or with too little, agricultural land. For them, a common way to deal with the compensation money was to deposit it in the bank for monthly interest. However, the interest villagers earn cannot bring them the same stable income as the agricultural land did. It is true that a number of villagers in Đài Lộc, and in other villages as well, want and wanted to sell their agricultural land use rights to the entrepreneurs, but I think that many do not want to, or dare not, sell all or most of the agricultural land area they have been allocated the land use rights for. Instead, they want to sell only a given area to get some cash for house building or a motorbike or something costly, but such a sale should not damage the subsistence and the source of occupation that the
agricultural land brings to their families. In conversations with me, a number of villagers said “we would die of having no land to farm.”

Several informants told me that if the industrial zone had taken a piece of agricultural land from each family like the national highway had, the land selling villagers would not have resisted so strongly, even with the price given. They pointed out that the land use rights compensation for the highway did not create public resistance, not only because the compensation and site clearing were better implemented but also due to the fact that the highway goes in a straight line through the fields, thus it took a piece of agricultural land from each family. The agricultural land appropriated for the industrial zone was a much larger area, and for many it was too much.

Talking to one of the Committee’s village cadres after his removal from office because of the voting affair, I was very surprised when he provided me with a totally different account of why villagers protested against the compensation program so strongly. He no longer accused the land-selling villagers of not understanding the state laws and regulations, of wrong actions, or of irrational claims. Instead, he said the land use rights acquisition for the industrial zone was really “a revolution” [một cuộc cách mạng] for a number of families, because it changed them from being landed peasant villagers [người nông dân có ruộng] to landless peasant villagers [người nông dân không có ruộng] who might have to become wage labourers [người đi làm thuê], or rent land to farm [di thue ruộng]. In fact, by the end of 2002, I had already witnessed a number of Đài Lộc villagers renting agricultural land use rights from villagers in the neighbouring village⁷ for 80-100 kilograms of paddy per six months.

These concerns of the land selling villagers about their subsistence and work security after the loss of their land use rights therefore consolidated their claims for a more reasonable compensation price and especially for a commitment from the eight entrepreneurs to use them as part of their labour force in the future. These fears of the Đài Lộc land selling villagers

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⁷ In this village, many villagers specialise in making rice-wine, cakes, noodles and other products from rice to sell. Thus, a number of villagers rent out a part or all of their agricultural land to others to use.
were very real and closely related to their everyday lives, as consequences of such agricultural land use rights appropriation have been shortly observed elsewhere. For example, in Mỹ Đình - a commune of Hà Nội capital - where the state seized 220 of a total of 340 hectares of agricultural land for over 40 projects in four years, 1999 – 2003, a journalist writes: “walking around the villages of Nhân Mỹ and Phú Mỹ, anywhere we go we all see a situation in which strong and young villagers below the age of 40, sit at home watching TV or around bars.”

Many [land selling] villagers who are under 40 years of age now watch TV at home all the day because after the state seized [their agricultural] land [use rights] they do not know what to do. The peasant villagers from before to now are mostly familiar with farming work, [their] level of education is also low, therefore it is difficult [for them] to apply for a job. We are ready to give [agricultural] land funds for the development of the city, but in return, the state has to also be concerned about jobs for us, the peasants, after agricultural land [use rights] seizure.

Similarly, since a central city, Đà Nẵng, has been developed into a national level city, over 52,000 households among which many are peasants have been resettled for urbanization. This urbanization has then created “streets of peasants” [phố nhà nông] or a situation of “peasants living in box houses” [nông dân sống trong nhà hộp]. As a result, many of them worry about their work in new residential locations in the context of having no agricultural land to farm.

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9 Various words I insert in square brackets here or elsewhere are to clarify the informants’ meaning, not to shift their meaning to support my arguments.
rights compensation was impossible to achieve, they started to argue convincingly and determinedly that such a subsidy should be given to the land use rights sellers, not the village or commune. As many argued, the village and commune did not sell any land use rights, therefore did not lose anything, so how come the village and commune could be the beneficiaries of such a subsidy. It is not rare, however, from time to time elsewhere, to see villagers considering the interests of the village as a whole in comparison with, for example, outsiders, a neighbouring village or the state as a whole. In subsequent Chapters, I discuss more about this.

Suspicion of the Committee’s Collusion in Land Speculation

Finally, having seen the attitudes, actions and behaviour of the Committee conducting the land use rights compensation, a number of protesting villagers suspected that the Committee were in collusion with the entrepreneurs and were speculating in land use rights. For example, what the Committee told the land-selling villagers changed over time. In the first meeting, the Committee announced that the eight entrepreneurs would pay a subsidy of 20,000 VND per square metre, of which half was for the village, and the other half for the commune, both for local infrastructure construction. But when the land selling villagers demanded to enjoy this monetary subsidy, the Committee told them that the eight entrepreneurs were no longer able to give 10,000 VND per square metre of land to the commune because they did not have enough money. In addition, when the land-selling villagers demanded to meet with the eight entrepreneurs to sign a contract on labour use, the Committee, especially the village cadres in the Committee, did not help them. Instead they tried to prevent such a meeting. In the end, there were no entrepreneurs for the land-selling villagers to meet.

Besides that, a number of the protesting villagers argued that the main aim of the Committee and the eight entrepreneurs in appropriating an extra area of the village communal land was not only to enjoy the compensation and subsidy money on that land area, but more importantly to speculate in land use rights after the appropriation. A number of the protesting villagers
indicated that the Committee and the entrepreneurs had borrowed money from the bank to pay compensation for land use rights. However, once land use rights had been successfully acquired, their value would increase many times because they had been changed from agricultural land to land for industrial and trading uses. The Committee and entrepreneurs could then sell the land use rights for trading purposes for an amount of money that was many times higher than the compensation and subsidy sum they had paid the villagers, village and commune as the whole. Finally, a number of protesting villagers sensed that the Committee, entrepreneurs, and higher officials were working together to push through the land use rights compensation and site clearing program.

All the above emphasize the scepticism of the protesting villagers that the Committee and entrepreneurs were taking advantage of the industrial zone building to acquire more of the villagers' farmland than was allowed for offices, kiosk building and other trading purposes to sell in the future at a higher price, particularly since in this case, the land area acquired was located in a very good trading location. Actually, a number of the protesting villagers said that if they did not struggle for a more reasonable price and resist the Committee's wrongdoings, these cadres and officials would do the same again next time, which meant more land would be compensated under an irrational policy, and more wrongdoings of the cadres and officials would be committed.

Violations of Moral Behaviour

As the conflict moved forwards, the struggle of the protesting villagers shifted from economic issues to involve moral values, making the public resistance of these villagers become more vigorous and difficult to resolve. So how and in what ways had local cadres of the Committee violated moral behaviour? As previously noted, among the 20 members of the Committee, 15 were local cadres, of which eight were either residents or cadres of Đại Lộc village. More than anyone else, these eight cadres not only directly
dealt with the land selling villagers over the land compensation issues but also encountered them in everyday life; some even had family relationships with a number of the protesting villagers.

In such circumstances, many land selling villagers expected their village cadres and some commune cadres who lived in their village to help them claim a more rational policy on land use rights compensation. Although embedded in many land selling villagers’ minds, such perceptions and views were neither directly spoken out to these cadres nor presented to the authorities as a reason for their resistance. In practice, however, what the protesting villagers witnessed was the fact that instead of doing good for their village fellows, or the village as a whole, as some villagers assumed these local cadres should do, their behaviour, as some protesting villagers later alleged, disadvantaged the protesting villagers. They showed no willingness to help villagers [không chìu giúp dân], stayed far from the village fellows [sống xa dân], and/or even cumulatively and systematically engaged in corrupt practices [tham nhũng có hệ thống].

Such misbehaviour created much disagreement and resistance among the villagers. A number of the protesting villagers supposed that these cadres were not only representatives of the state at the local level but also representatives of the local community, and more importantly their position was, in many cases, thanks to their village fellows who believed in them and had elected them. Therefore, they should not only do what the state requested; they also had to consider what their village fellows wanted and needed. When these cadres of the Committee did not care about such moral claims but went on with the compensation and site-clearing program, a number of villagers therefore protested. Their discontent increased when the moral claims were combined with their claims for economic rights. It was not rare to see in some cases a number of local cadres standing in the middle of conflicting views, or economic claims, between the state and villagers. How to settle such a situation must have been difficult for the local cadres. One example is the case of Thịnh Liệt cadres in rural Hà Nội. Malarney argues that cadres had to make concessions to a number of co-
resident villagers by pretending not to know what they saw in order to successfully implement the state reform policy in ritual practices (Malarney 2002: 215).

Violations of moral behaviour by the village cadres and commune cadres who lived in Đại Lộc village had already occurred previously. Many Đại Lộc villagers had been involved with their counterparts in another village and a number of researchers and authorities over the question of the Lý dynasty’s homeland, especially the birthplace of Lý Công Uẩn - the first king who had established the dynasty of the Lý and the Capital of Hà Nội in the early 11th century. In Vietnamese scholarship, the question of the Lý’s homeland in general, and the birthplace of Lý Công Uẩn in particular, remains controversial, despite the fact that the Bắc Ninh Chamber of Culture and Sport has endorsed the view that Đại Hùng is the sole home village of king Lý Công Uẩn. Consequently, the better off Đại Hùng villagers tried to convince the public of this recognition, and illegally copied the image of the worshipping items worshipped in Đại Lộc communal house to decorate Đại Hùng’s Lý - kings - worshipping - shrine.

However, many villagers in four other villages, including Đại Lộc, did not accept such recognition, as they believe that the homeland of king Lý Công Uẩn was located in a larger region that today might include five villages of three communes in Tứ Sơn district. The Đại Lộc villagers argued that of these five villages, Đại Lộc was the home village of king Lý Công Uẩn’s mother, the place of his birth, and the place of the Lý royal family’s forbidden cemetery. Đại Hùng and other villages were the home of king Lý Công Uẩn’s father and the places where he grew up as well as where he received his Buddhist education. With such a view, many Đại Lộc people, particularly the elderly, demanded the scientists and authorities review the former recognition of the issue, not only for their village identity but also because of the truth of history.

In fact, the struggle over the home land of the Lý was not taken seriously and openly until the year 2000 when the Hà Nội capital authorities

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14 Pseudonym.
planned, in collaboration with researchers, to hold a grand ceremony celebrating the 990th anniversary of the birth of Thăng Long - Đống Đô - Hà Nội, followed by a larger celebration for his 1000th year in 2010. In the former impressive ceremony in 2000, over one hundred Đại Hưng villagers were invited to attend the ceremony while no one in Đại Lộc or the other three villages received an invitation. A number of elderly of both genders in Đại Lộc [già lão hai giới làng Đại Lộc] started to demand that the organizers invite them to attend the ceremony. They saw their presence there as not just for fun or the fame of some villagers but more importantly, for the village identity, since it would indicate some official recognition by the public and the state of Đại Lộc village as part of the Lý dynasty’ homeland.

Such a struggle would not have strongly affected Đại Lộc village cadres or some commune cadres who lived in Đại Lộc if the workers and villagers had not discovered an old grave on 13th April 2001 during the construction of the national highway number 1A that runs through the rice fields where the above mentioned forbidden cemetery and the shrine of king Lý Công Uẩn’s mother are supposed to be located. Many Đại Lộc villagers immediately argued that this precious evidence must be the grave of king Lý Công Uẩn’s mother, or at least an old grave of someone who belonged to the Lý dynasty. Therefore, they asked the construction to be delayed, and appealed to the scientists and officials in the province as well as Hà Nội to research the grave. The grave shortly became a “subject of current affairs” [văn đề thời sự] as the press, television, researchers, officials, and local people began to talk about it. One archaeologist, who was then ordered officially to be the leader of a team of scientists to excavate the grave, wrote to a national newspaper:

Prof. […], Associate Prof. […], Dr. […], Dr. […] and us came to the site to examine it and all of us concluded that this is an architecturally designed relic of the Lý dynasty [di tích kiến trúc thời Lý].... We strongly recommend the Project Management
Board …together with the local and central authorities soon find a solution to protect and research this exceptionally important relic.  

While talking with the elderly and other people in Đại Lộc village, the archaeologist also stated, as some villagers later told me, “this is a really rare and valuable relic constructed by the Lý, and these lines of bricks alone are enough to be recognized as a national historical site.” Đại Lộc villagers took such evidence seriously, with lots of hope for their fight for the village identity.

Shortly afterwards, in pursuance of an order of the Minister for Culture, Information, and Sports, an official research team of archeologists (from the Institution of Archeology) and officials (from Bác Ninh Chamber of Culture, Information and Sport, and from Bác Ninh Museum) was set up to excavate the grave. On 16th May 2001, the research team - who had all previously visited the site, officially excavated the site. However, the team headed by the archaeologist mentioned above turned 180 degrees to state that the grave dated from [niên đại] the 4th - 6th centuries, and was a Chinese grave [mộ Hán], right on the first day they excavated the site. The local authorities were then asked to remove the grave so construction could proceed.

Such a move aroused public criticism from the villagers, especially many elderly in Đại Lộc. Unluckily for the team, some elderly watched them throughout the excavation and accidentally witnessed two members of the team take pottery pieces from elsewhere in the field to put into the grave to demonstrate their conclusion before they announced it. Consequently, one day later, the village elderly held a meeting with over two hundred villagers, including the village head, to firstly oppose the conclusion of the research team, and secondly to nominate 25 elderly [25 cửu] to represent over 300 elderly and nearly 3000 Đại Lộc villagers to lodge petitions with the Government Office; the Ministry of Culture, Information, and Sports; Bác

Ninh People’s Committee; the Institute of Archaeology; and the press and other institutions of the state to oppose the team’s conclusion.

Some local cadres, however, tried to prevent the elderly from petitioning and protesting against the research team, which resulted in many Đại Lộc villagers’ opposition not only to the team but also the local cadres. Two key commune cadres, one of whom later became head and another a member of the Committee for land use rights compensation and site clearing, co-sent an official letter [công văn] to the places the elderly had sent petitions to, or visited to apologize for their actions, and opposed the petitions which the Đại Lộc elderly had lodged. The cadres claimed the objections were the mistaken view of a few, not the view of the village as a whole. In response to that, the Đại Lộc elderly wrote more petitions, enclosing over 300 signatures from the elderly, and again sent them to the addresses mentioned above in order to demonstrate that it was the view of many, not a few in the village. Like the two commune cadres, Đại Lộc cadres, especially the village head, who later became a member of the Committee and the head of the voting team, confiscated the petitions the elderly wrote and asked them to hand over the list of 300 elderly’ signatures. On 9th July 2001, a press conference was organized to officially announce the research conclusion, and finally the local cadres were ordered to remove the grave. The grave was then removed.

The conclusion of the research team was, in fact, opposed by other researchers, who argued that it was not a Chinese grave but a Vietnamese one, and it must be the grave of someone who belonged to the Lý dynasty.16 Đại Lộc villagers took this opposition seriously and used it to argue against the research team’s conclusion. Some villagers even suspected that the research team was bribed by the wealthier Đại Hưng villagers, or were more concerned about the construction of the national highway than the truth of history. They also thought it very odd that while some ‘strange’ researchers tried to ‘help’ Đại Lộc by arguing against the team and urged a review of the previous recognition of the homeland of the Lý, their own village cadres

and the commune cadres who lived in their village did not care about the village identity. Instead, they just cared about their position, private benefit, and were afraid of the higher officials; therefore they prevented Đại Lộc villagers from undertaking their ‘rightful’ struggle. This conduct of the village and commune cadres really made many villagers hate them. In a village meeting later, some elderly scolded the village head as “scooping water onto his face” [các cụ mắng Như tát nước vào mặt], one elderly villager later told me. 17

Beside this instance, a number of villagers also suspected that some key village and commune cadres had been involved in corruption. They alleged some village cadres “lent communal land” [gửi ruộng công] to some families to share the compensation money for the village communal land use rights. For example, one villager said: “We do not receive compensation money for various pieces of communal land and unused-land located throughout village fields, like small ponds, narrow canals, edges of fields and so forth. The village and commune did not receive it either. So where the compensation money for such pieces has gone?” In addition, another village cadre was suspected of corruptly taking over 13 million VND during the village school construction. Instead of being punished, he was then promoted to a commune cadre. Later, one informant complained: “One villager stole 200,000 VND from his neighbor, he has been sentenced for 18 months in jail. This cadre corrupted millions VND, but he has been warned only”.

These misbehaviors, alongside other wrongdoings of some village cadres and some commune ones who resided in Đại Lộc, occurred within a period of five years, and finally produced negative attitudes from a number of villagers. Although they did not strongly protest at the time, villagers used such evidence to judge their cadres’ moral behavior and attitudes towards their fellow villagers. When similar actions and behaviors occurred again in the program of land use rights compensation and site clearing, the

17 Scolding some one as “scooping water onto his or her face” is a Vietnamese symbolic expression, or a metaphor, indicating that the scolder is really angry with and has little respect for the subject he or she is scolding.
former evidence and attitudes of the villagers towards this group of cadres were a very potential force contributing to the generation of public resistance. The land use rights selling villagers' resistance therefore resulted from more than a struggle for economic interest, but also involved moral values. The public resistance of the land-selling villagers originated from their claims for economic rights but was consolidated by their objections towards some local cadres' violations of moral behaviour. Many protesting villagers saw their village cadres and the commune cadres living with them in the village as cumulatively corrupt, unwilling to help the villagers, and also daring to mistreat a number of villagers in different ways.

**Other Views**

Besides the above views, other parties involved in the program of land use rights compensation and site clearing articulated their rationale against, or at least not in support of, the protesting villagers. These other views included those of a few land selling and non-selling villagers, of the Committee, of some local cadres in Đại Lộc neighbourhood, of a journalist, and of the higher authorities.

While most the land-selling villagers fought against the Committee and its land use rights compensation and site clearing program, a few land selling villagers agreed with the Committee, and consequently they did not participate in the resistance. But as I understood it, only a few said that the compensation price was reasonable, and that they did not want a labour use contract from the entrepreneurs. After the voting affair, two elderly land selling villagers even mobilized some land selling villagers not to resist because they said such compensation policy was already reasonable, and anyway the villagers could not resist the state.¹⁸ Meanwhile, a couple of non-selling villagers also complained that the public actions of the protesting villagers, especially their use of school children, would damage

¹⁸ In response to this move, some protesting villagers circulated a poem in the village, criticized the two elderly, and derisorially named one of them “Mr. Great Fellow Bottom” [Cự Mông].
the image of the village. However, these views were not strongly articulated, and in fact I rarely heard them.

Among the strongest opponents of the protesting villagers was the Committee. From the beginning, the Committee made clear that the district authorities’ plan to build up an industrial zone had been approved by the provincial authorities, which also decided the compensation price of land use rights. It also noted that the eight entrepreneurs decided the monetary subsidy and promised to take part of their labour force from the land-selling households. The job for the Committee, as shown in its name, was to implement the compensation for land use rights of the villagers and then clear the site for the eight entrepreneurs to use. This process was carried out in accordance with state policies. Therefore, the land selling villagers’ claims for a higher price and a labour employment contract were not in accordance with state policy, and impossible to satisfy. In accordance with such a view, the Committee’s response was to persuade the land-selling villagers to support the industrialization and modernization program of the home district. Some members of the Committee several times praised the land selling villagers for their rich heroic tradition in the war against the Americans and in the construction and development of cooperatives in the past. The Head of the Committee also appealed to the land sellers to sacrifice one more time for the locality and the district by supporting the industrial zone building.

As resistance of the land selling villagers increased strongly, the village cadres of the Committee stepped back a bit by allocating to the land use rights selling villagers a part of the monetary subsidy that the eight entrepreneurs granted the village, i.e. 3,000 of the 10,000 VND per square metre of land acquired. However, the land-selling villagers struggled for more than that, because such an additional amount of money plus the compensation price did not yet represent a reasonable price for land use rights compensation, and they had not yet received a contract of labour use. In the Committee’s view, however, no more concessions could be made, and it pointed out that the eight entrepreneurs were no longer offering the
commune a subsidy of 10,000 VND per square metre of land. In addition, the subsidy money for job retraining for land selling villagers had already been included in the compensation price of 16,164,000 VND per sào.

Some members of the Committee finally accused the land selling villagers of having spent too much money on their new house building and upgrading, on motorbike purchases, and gambling. Now, seeing the small amount of money they had left, they were asking for more or for an enjoyment of the subsidy. Also, they accused the land-selling villagers of having little understanding of the state policy, and blamed them for demanding too much. Several members of the Committee even labelled some land selling villagers as “public-unrest provokers,” “bad elements,” “extremists,” and explained the protest movement as mainly aroused by these elements. Some key village and commune cadres of the Committee also argued that the land was not owned by the land-selling villagers, thus it was not their land. All the land selling villagers had was the use rights of the agricultural land, which the state had allocated to them [giáo], but now was taking back [thu hồi] for the construction of the district industrial zone.

In addition, some local cadres of a neighbouring commune who I talked to said that if the Committee and higher authorities did not handle well the program of land use rights compensation and site clearing in Đại Lộc on this occasion, next time the villagers [dân] here and elsewhere would demand more money and rights, and consequently the state would lose their rights and power in decision-making and management of land, especially of land use rights compensation. Finally, of course, the state would encounter lots of difficulties in seizing land use rights for industrial zones and other purposes as well.

In support of the Committee, a journalist wrote two consecutive articles in the newspaper Sức khỏe & Đời sống [The Health & Life] in Hà Nội to explain the reasons for the election affair in Đại Lộc. He criticized the protesting villagers in Đại Lộc as a whole, and accused them of being the main cause of the trouble. He pointed out that the land sellers there had used the National Assembly Election as a means to demand more economic
rights in their land use rights compensation and to “beat” [đánh] some local cadres. He also rightly accused some protesting villagers of attacking members of the Committee and higher officials when they came to resolve the voting affair. He called a number of the protesting villagers “opportunists and extremists,” and negatively compared Đại Lộc village with Làng Nhô, a resistant village depicted in a movie “Chuyện làng Nhô” screened on national television in 1998. Finally, he concluded that the voting affair in Đại Lộc mainly resulted from the fact that a number of opportunists and ultra-extremists took advantage of too much democracy [đan chủ quá tròn] to provoke public unrest on Election Day.

Many villagers in Đại Lộc became angry about those articles and immediately opposed the journalist’s view. They said that they supported the state policies from beginning to end, they supported modernization and industrialization, and they supported this industrial zone building. What they were doing was not fighting against the state, but simply struggling for their economic rights and against “the problem of cadres.” The publication of such articles moreover went against their village’s heroic tradition in the American war and collectivization. Therefore, over 40 villagers hired a bus to go to the headquarters of this newspaper to protest against the publication of incorrect information, and to require a review of the articles’ content. They pointed out that the election problems had been recognised by the National Voting Council, and they counter-accused this newspaper of publishing incorrect information, which could stir up further conflict in their locality, and damage the identity of their village. Actually, a number of Đại Lộc villagers often recalled that the village history was one part of the Lý’s

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19 The movie entitled Chuyện làng Nhô [The Story of Nhô Village] narrated the villagers’ resistance against the local authorities in Lạc Nhuế village, Kim Bảng district, Hà Nam province. Villagers there followed a talented-but-bad retired university lecturer, educated in the Former Soviet Union, to struggle for the return of 70 morgen of agricultural land that the commune authorities had taken from his village for another to use. Villagers then fenced the village, set up a rapid resistant unit named 447 to counter-attack the local cadres and the police while they tried to capture the resistant leader and his followers. Finally, with explanation and persuasion, local cadres and the police successfully persuaded the villagers not to wrongly resist state policies, and later detained the leader and sentenced him to death (Báo An ninh thể giới cuối tháng 2002. “Chuyện làng Nhô và một trí thức trở thành kẻ giết người.” Sổ 11, tháng 7).

Beyond the Local Conflict

Such conflicts over land use rights compensation and site clearing have not only happened in Đại Lộc village but also in a number of places throughout the country in the past years. It is not only a conflict between land selling villagers and the Committee overseeing the land use rights compensation and site clearance, but is also rooted in the contradictory views of the holders of land use rights and the state over the question of decision-making, distribution, and holding of rights over agricultural land. The public resistance of land selling villagers in Đại Lộc is therefore not an isolated case, and as a result, the resistance of land selling villagers, which in many cases took the form of activities supported by some non-selling villagers and other institutions of the state, has finally affected the state’s policy making in regards to agricultural land and land compensation.

Taking Đại Lộc as a case study, if one leaves aside the moral problems and wrongdoings of the local cadres, the Committee cited the state land tenure policy as the basis for the land use rights compensation and site clearing program. Thus, the conflict over land use rights compensation was a contest between a number of villagers who hold land use rights and the state, who holds ownership rights and management rights to land, over the question of how and in what ways land use rights should compensated, who can decide the value of land use rights, and what is a reasonable price of compensation?

As I argue, in the broadest sense, the villagers also articulated their views on how the land rights should be distributed, managed, held, used, and compensated, and for whose benefit, and what the role of the state should be in such matters. Usually, such views are implicit, or not spoken out clearly to an observer. However, in a number of circumstances, they do

owners of the land had the right to determine the mode of compensation and the value of the land they owned in disposal.

The process of decollectivization significantly changed the land tenure arrangements in Vietnam. In the early days of decollectivization, the 1980 Constitution stated that all types of land in Vietnam belong to the entire Vietnamese people, who are represented by the Vietnamese Socialist State, and are managed by the state. This viewpoint was then endorsed by the Land Laws of 1988, and subsequent amendments. In the state legislation, we see three types of rights to land: ownership rights, management rights, and use rights, held by various holders. In the view of the state, ownership rights and management rights in land are the key, as they determine who holds the use rights. Consequently, there has been a change in the state decision-making and policy on land compensation. Decree number 22 of the Government, issued in 1998, provides a legal framework for land use rights compensation in Vietnam. According to this Decree, based on the price framework of the government [khung giá của Chinh phủ], provincial authorities decide the price for land use rights compensation. This means that the compensation price of land use rights is decided by the state, which holds ownership rights and management rights, not by villagers — the holders of use rights, and the compensation price is constrained by administrative territories.

Such shifts in land ownership and decision-making over land appropriation as well as determination of land values strengthen the state’s position in control and management of the land. Therefore, the rights to determine the mode and price of land compensation has moved out of the villagers’ hands because the land is no longer theirs, but the entire people’s. What the villagers can have now is land use rights, which the state allocates to them for a given period of time. But once the state can allocate [giao] such land use rights, it can seize them back too [thu hồi]. In addition, in any seizure of the land, the state does not compensate for the land itself but only the land use rights together with produce and other kinds of property, if any, that the villagers have constructed on the land.
field work, numerous similar cases of conflict over land use rights compensation happened in different places in Hà Nội, Hà Tây, Vĩnh Phúc, Phú Thọ, and other provinces in the central and southern parts as the holders of land use rights in these localities experienced similar problems to the Đại Lộc villagers. Finally, many of them also publicly resisted the state policy on land use rights compensation. Such public resistance of a number of villagers, from time to time, was made public by the press and television. For example, a program of current affairs [chuong trình thời sự] on channel 1 of Vietnam National Television (VTV1) screened a live one hour long program, entitled “Land [use rights] compensation and site clearing,” on the afternoon of 27th October 2002. In this program, four speakers, including cadastral officials and researchers, debated hotly various issues, including land use rights compensation price and subsidy money, when the state seizes land use rights in Vietnam. On 13th November 2002, this channel screened another economic program entitled “On the situation of the present site clearing” which discussed the difficulties in land use rights compensation and site clearing, and indicated that these difficulties have delayed a number of investment projects of domestic and overseas entrepreneurs. In addition, it also reported many cases of public resistance involving a number of land use rights selling villagers.

The problem of land use rights compensation and the resulting public resistance was also documented in various newspapers, which have become one source of data for this Chapter. One of the recent conflicts occurred in a suburb village of Hà Nội, where a project appropriated 36.86 hectares of land of a number of villagers to build a new residential area. As part of their resistance, the protesting villagers captured five staff members of the Project Management Board, including the Manager of the Board, beat and imprisoned them in the village communal house for many hours. The district officials and the police tried to interfere but could not prevent these villagers’ protests. The villagers even blocked the village entranceways and beat drums to encourage more villagers to participate in the resistance when some commune cadres approach them for settlement. Only when the
highest officials of the corporation which had taken their land use rights came for discussion, did they release the captives.\textsuperscript{27} Another example is An Khánh, where the public resistance of a number of land use rights selling villagers lasted for over two years, with the result that some entrepreneurs could not construct their factories.\textsuperscript{28}

Researchers and the state officials at the central level have also become involved with questions of a reasonable price of land use rights compensation, and who should decide on this price. Although Vietnam is committed to a market economy, the value of land use rights remains controversial because of the different views of the various parties involved. Within the state arena, one view recognizes that the land use rights price that the state has set is too low and is not close to the real market value (Vu Van Long 2002: 11; Nguyen Thi Phuong 2002). Another agrees with this view, but oddly argues that the prices of land use rights in the current market are unreal [giá ảo], because they are too high. This means there must be a real price [giá thật] of land use rights, which lies between the state price and the market one.\textsuperscript{29} Regarding the second question of who can determine the level of compensation for land use rights, again, there are two main views. One view recommends maintaining the state’s current policies. It argues that though land tenure policies of the state might change, the land still belongs to the entire people, who are represented by the state, and is also managed by the state, therefore the state should decide the price of land use rights compensation. In contrast, the second view suggests that the state should take note of what the land selling villagers in Đại Lộc and elsewhere have argued, and that there are other factors which the state needs to consider in determining a reasonable price of land use rights compensation. This view even proposes that the best way would be for the state and the holders of land use rights to come to an agreement. In addition, this view


advocates two types of land use rights compensation. If the use rights are taken for public and non-economic purposes, the compensation price of land use rights should be decided by the state, otherwise the issue should be discussed by the land use rights takers and land use rights givers (Le Van Tu 1997; Ly Hoang Tan 2002).

Finally, the problem of land use rights compensation and the resulting public resistance reached the top level of the state leadership. In Party Plenum number 7 [Hội nghị lần thứ bảy] in 2003, the Central Party Committee issued a Resolution which first pointed out that land petitions had become a serious issue and were very common in the country. Secondly, it indicated that it was very difficult for the state to seize land use rights for industrial aims (Ban Chap hanh Trung uong Dang 2003). A state-funded study on rural security further argued that the public resistance of a number of land use rights holders created tensions between land use rights givers and land use rights takers, and had become one of several key dynamics for local conflicts in the countryside (Vu Quan ly khoa hoc va Cong nghe 2000). As a result, the state policy on land use rights compensation and Land Law on the whole needed to be revised. In 2003, for the first time in Vietnamese history, a Land Law amendment was circulated to the people for comments before its official authorization by the National Assembly. On 10th December 2003, the latest version of the revised Land Law was passed, to be effective from 1 July 2004. In this amendment, the question of compensation for, and the compensation price of, land use rights reflects many of the concerns and debates raised by the Đại Lộc land selling villagers. Complaints about the unreasonable policy of the state as regards land use rights compensation and site clearing for industrial zone building, and the resulting public resistance is thus one of several forces that have driven the state to change its land use rights compensation policies and to amend the state land tenure regime on the whole.

IV. Conclusion
The conflict between the land use rights selling villagers and the Committee over the program of land use rights compensation and site clearing for the industrial zone in Đài Lộc lasted for nearly one year. Unlike Xiaolin Guo's simple conclusion that in his case study of a township in northeast Yunnan - China economic benefits were the main focus in the conflict between the land selling villagers and local cadres (Guo 2001), the land use rights compensation conflict in Đài Lộc was complexly shaped by economic, cultural, historical, social and political aspects, and involved numerous parties at both the local level and higher levels of the state.

Many land selling villagers in Đài Lộc shared some common views on the decision-making, distribution, and holding of land rights, especially land use rights. They did not struggle to gain what are defined as ownership rights [quyền sở hữu] and management rights [quyền quản lý] in the state legislation. Instead, they accepted and often talked about their holdings of land use rights [quyền sử dụng]. In their views, however, the holdings of use rights to agricultural land are equivalent to a practical level of land ownership (in contrast to ideological ownership). More importantly, the values and meanings of land use rights have increased to the villagers in the Red River delta after decollectivization. As a result, many villagers struggled to have a say over essential questions of how and in what ways their land use rights should be compensated, what formulates a reasonable price of compensation, the rights of the holders of land use rights and of the state, and what the role of the state in land use rights taking should be. The land selling villagers’ views were articulated strongly and clearly, and they conflicted with the views of the state in many perspectives. The land use rights selling villagers’ views were very simple, practical, and related closely to their daily lives. Therefore, these views held them together as participants in a struggle for what they think they deserved.

The public resistance of the land-selling villagers first arose from their claims for more economic rights in land use rights appropriation. As the conflict moved on, however, it shifted beyond the economic dimension to involve moral issues. Many protesting villagers saw the role and moral
Photos 1-2: Farming Fields
Photos 7-8: On-going Construction of the Industrial Zone
Photos 9-10: New Highway Number 1B
Chapter Four: The Politics of Communal Land: The Contending Views and Conflicts

I. Introduction

As one of three villages that make up a commune, Phú Dương village is located about one kilometre from Đại Lộc village, three kilometres from Tư Sơn district capital, and 20 kilometres from Hà Nội downtown. According to an investigation by the Commune People’s Committee, in October 2001 the village contained 2,343 inhabitants, who lived in 655 households, which comprised: 551 agricultural households [họ nông nghiệp], eight small handicraft and industrial households [họ công nghiệp và tiểu thủ công nghiệp], three builder-households [họ xây dựng], six trading households [họ thương nghiệp], 18 services-households [họ hoạt đông dịch vụ], and 69 others [họ khác].

Despite an increased level of economic diversification since decollectivization, agricultural production remained essential for many Phú Dương villagers. In such a context, agricultural land, which per capita was 584 square metres (in 1993), still plays a key role in the life of the majority of Phú Dương villagers. The main crops cultivated in the village are wet-rice and some subsidiary vegetables like potatoes, sweet potatoes, peanuts, cabbages, onions, and garlic. In contrast to Đại Lộc, many Phú Dương villagers have paid much less attention to intensively farming their agricultural land in the winter season, although their agricultural land can grow three crops a year: two wet-rice crops and one subsidiary crop in winter. Instead, many villagers focus on a variety of non-agricultural work for cash, like sewing, construction, petty trade, and wage labour, which earns them a higher amount of income than the winter crop would.

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1 As previously noted, for confidential reasons the name of this commune is not used. The term “commune cadres” refers to the cadres of the commune to which Phú Dương administratively belongs. Also, the real names of the studied villages have been replaced with pseudonyms. Accordingly, all documents and newspapers’ articles that show confidential information on these studied villages and communes are not fully displayed.
Alongside the farming work, animal husbandry is another important part of many villagers’ economy. In 2001, Phú Dương villagers as a whole raised five buffaloes, 64 cows, 932 pigs, 5,569 chickens, and 2,968 geese and ducks. While agricultural farming brings many villagers their main livelihood, non-agricultural work and animal husbandry give them a major source of cash and savings.

Since an electrical accident on the 3rd June 1998 stole the life of one female villager, many Phú Dương villagers have been involved in public resistance against a number of key commune cadres, initially because of these commune cadres’ immoral and unjust treatment of the victim’s corpse and her family. However, the protesting villagers’ target soon shifted to claims regarding village communal land use rights and enjoyment of communal land output, as well as the problem of commune cadre corruption and misbehavior.

Under the great pressure of such public resistance, which occurred in the form of petitions, acts of denunciation in numerous offices of the state, circulation of leaflets, and delay of payment of agricultural land taxes as well as other fees in the village, the district authorities had to send two inspection teams to examine the issues raised collectively by Phú Dương villagers. The conclusions of these district inspectors were, however, not accepted by the protesting villagers, because as they insisted, these inspectors were protecting commune cadres. Therefore, they bypassed the district authorities and went to the provincial authorities and even some central agencies in Hanoi to resolve their claims, and to denounce and petition the wrongdoings of commune cadres. As a result, in August 1999, Bắc Ninh Provinical People’s Committee had to send a multi-disciplinary team of inspectors [Đoàn Thanh tra liên ngành] to investigate this complicated situation in Phú Dương village. This inspection team finally concluded that the collectivity of commune cadres [tập thể cán bộ xã], who Phú Dương protesting villagers had denounced and petitioned, had mismanaged and misused the communal land and its communal land output, and had seriously committed corruption in different forms.
So what reasons caused the public resistance of many Phú Dương villagers, and why? As I have just outlined, the protesting villagers targeted three key issues: their claims to holding of, and decision-making over, their village communal land use rights, enjoyment of the village communal land output, and commune cadre corruption and misbehaviour. These three key issues are critically explored and analysed in this Chapter and Chapter Five. While Chapter Five is devoted to a scrutiny of the issue of commune cadre corruption and misbehaviour, this current Chapter will examine Phú Dương villagers’ claims to their village communal land.

The main aim of this Chapter is, therefore, to understand why and in what ways the protesting villagers claimed their village communal land. What rationale did they present to claim the land and its output? How and why did the rationale of Phú Dương villagers contradict the views of the commune cadres and the state land tenure regime on the whole? Put it another way, the Chapter explores the contending views of different parties over the question of how communal land use rights in the village should be held, managed, used, by whom and for whose benefit, and who should decide these questions? Throughout this Chapter, I argue that many Phú Dương villagers perceived, and in fact claimed, that the village institution should be the holder of the village communal land use rights and therefore have the key rights to decide the control, use, and enjoyment of communal land output. Such a rationale helped to gather many villagers in a collective action to claim the village communal land. Such a rationale, however, contradicts the state land tenure regime and the conduct of such a regime in the locality, and therefore created conflict. I also argue that in dealing with the outside world, many villagers gathered in collective action and contested for the village’s communal land use rights and enjoyment of communal land output. In dealing within their own world, i.e. their own village community, however, communal land use rights became a controversial resource about which various groups of villagers articulated different attitudes.

In order to answer the above questions, first, I examine the contending views over communal land among the different parties involved in Phú
Duong village. Then I present two ethnographic case studies: one concerning the illegal encroachment on communal land, and another showing the villagers’ claims to the village communal land. It is important to note that the claims to village communal land in Phu Duong occurred alongside the villagers’ resistance against the corruption and misbehaviour of the commune cadres, and the latter is to be examined in-depth in the next Chapter.

II. Rebirth of Communal Land

Prior to the 1950s land reform, agricultural communal land [công dân] and residential communal land [công thự], in various forms, had existed for a long time. The former had long been a vital component of the political and socio-economic life in many villages in the central and northern regions (Tran Tu 1984). The literature on village agricultural communal land has discussed several main issues: how this land was held, used, by whom, and why conflicts over it occurred in the villages (Vu Huy Phuc 1979; Truong Huu Quynh 1983; Ngo Vinh Long 1990, 1991; Truong Huu Quynh va Do Bang 1997). In brief, first, under the kings’ ideological ownership of all kinds of land in Vietnam, as previously analyzed, there had been three systems of practical ownership: state ownership, communal ownership, and private ownership. As the practical owners of agricultural communal land, the villages had considerable autonomy to decide how and in what ways this land should be distributed and used. In many cases, the village communal land was divided into numerous portions (communal land for studies, communal land for mandarins’ salaries for example), however, the majority of the village communal land was periodically allocated to male adults [đinh] in the village to use, who in return had to pay head tax [thuê thần] to the state.² In most cases, allocation of the village communal land was equal; but the rationale of equality critically emphasized the social status of the communal land receivers in their village society. As a result,

² In some cases, those who were not đinh, such as widows and orphans, also received communal land shares.

146
inequality appeared because some adult males who had higher social status often received better shares [khâu phân] of communal land than others, like larger in area, higher in quality, or better in location.

Secondly, the area of the village communal land varied from village to village, and region to region. In the area I did field research for this study, for example, in Lộc – the neighbouring village of Phú Dương, the 1805 village agricultural land book [địa bạ] reveals that the area of both communal water and farmland accounted for only five per cent of the total area of the village agricultural land, which in 1805 was 305 mậu, five sào, and 5 thuộc. However, in Đại Lộc, the 1805 village agricultural land book shows the village communal land accounted for a much larger percentage: 53 per cent, i.e. 183 mậu one sào, while private farmland accounted for 47 per cent, i.e. 168 mậu 8 sào (the total area of the village farmland in 1805 was 348 mậu, one sào, and 13 thuộc, not including water land). At the national level, agricultural communal land varied greatly from the north to the south. In the colonial period, one study notes that agricultural communal land and residential communal land areas accounted for 21 per cent in the northern region [Bắc Bộ], 25 per cent in the central region [Trung Bộ], and only three per cent in the southern region [Nam Bộ] (Tran Phuong 1968: 29).

Thirdly, from time to time, the village communal land was abused by local elites in various ways, and such abuse in many cases resulted in resistance of the villagers. In his study, Ngo Vinh Long points out that the appropriation of communal land by local elites became extremely serious during the colonial time, which led to a great decrease of communal land area in many villages, and finally resulted in resistance of the villagers in the northern and central regions (Ngo Vinh Long 1990).

After the 1950s land reform, the village agricultural communal land ceased to exist above the 17th parallel (the northern half of the country), which the Democratic Republic of Vietnam controlled. During the period of agricultural collectivization, from the late 1950s to the early 1980s, except

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5 The majority of the percentage was agricultural communal land because residential communal land in most cases accounted for a small figure.
for the plots of five per cent of agricultural land for family economy to which cooperative members held the use rights, most of the agricultural land in the Red River delta was gradually collectivized into agricultural cooperatives for management and collective farming. In several decades of collectivization, although agricultural land was farmed collectively, it was not the village communal land as it used to be. Instead, it was the agricultural land of cooperatives to which most villagers held membership, or put another way, the practical system of cooperative ownership of agricultural land.

From the early 1980s, a process of de facto agricultural decollectivization started, and proceeded to the early 1990s. This process of decollectivization led to a rebirth of agricultural communal land in the countryside. So how did the rebirth of communal land come about? As previously noted in Chapter Two, in the 1988 distribution “the second-round agricultural land” and water land, which included streams, ponds, and lakes, in many villages were not distributed to villagers for use. Therefore, the villagers were not the holders of these land use rights, but the villages or cooperatives, who then allocated or auctioned these to good tillers, or those who could farm the land best, or needed it most for cash crops. In the redistribution of land use rights around 1993, “the second-round agricultural land” was changed to đất công ích [agricultural land for collective interest], while the water land continued to be under the control of the communities. These two types of land, therefore, are called communal land in this study. In other words, the term communal land refers to the area of agricultural land, the use rights to which were not allotted to individual villagers for use, but kept for collective aims: “the second-round agricultural land” in 1988 – 1992, “agricultural land for collective interest” from 1992-1993, and water land. This type of agricultural communal land is not identified with agricultural collectivization, instead it appears to traditional form of the village agricultural communal land.

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4 As previously noted in Chapter Two, in practice, in various cases this type of land use rights was equally distributed among agricultural persons in their communities.
As in history, the area of communal land, especially the "agricultural land for collective interest," varies from region to region, province to province, district to district, commune to commune, and even village to village. In theory, the 1993 Land Law and Decree number 64 of the government authorized the provincial authorities to reserve five per cent, at maximum, of the total area of agricultural land in each locality as đất công ich. In practice, however, some provinces reserved more than five per cent, some kept less than five per cent, and others held none. According to an investigation conducted after the 1997 social unrest in Thái Bình province, the nationwide percentage of communal agricultural land in 1997 accounted for 3.80 percent. However, this figure differs considerably between regions, for example, in the Red River delta: nearly ten per cent, in the centre: about nine per cent, and in the south: less than one per cent. Within the Red River delta, the percentage of communal agricultural land also differs from province to province, such as in Hà Nội: 2.86 per cent, in Thái Bình: 11.77 per cent, in Bắc Ninh: 8.31 per cent (Do Hoai Nam, Le Cao Dam 2001).\(^5\) Looking at Hà Bắc province alone, in 1993, “the second-round agricultural land” occupied 8.4 per cent of total agricultural land area, and also from 1993 this area of farmland was altered to “agricultural land for collective interest” (BCD cap GCN va LSBT 1993: 4). In 1997, after the re-division of Hà Bắc into two smaller provinces: Bạc Ninh and Bạc Giang, “agricultural land for collective interest” in Bạc Ninh province accounted for 10.7 per cent, equal to 5,672.69 hectares (Doan Cong tac tinh Bac Ninh 1997: 2). In Tiến Sơn district (a part of Bạc Ninh), the area of đất công ich accounted for a rather higher figure: 12.6 per cent (Doan Cong tac tinh Bac Ninh 1997: 3).

Like many other villages, Phú Dương village also reserved an area of agricultural land as communal land. Looking back at the distribution and redistribution of agricultural land use rights in the village, we can see more clearly how this communal land appeared. In the 1988 distribution, ten per cent of the village agricultural land was equally allocated to every

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5 A 1997 report of the Ministry of Agriculture and Rural Development noted 12.6 per cent, as I will show later.
agricultural villager as land for family economy. Accordingly, each villager received three *thước* of this type of agricultural land, that was first rank in quality [đất hàng nhất] and located close to the village residential areas. The rest, i.e. 90 per cent, was divided into two portions, 7.3 per cent was reserved as “the second-round agricultural land,” and the rest was equally distributed between agricultural villagers on the principle of persons, i.e. *định suất*, and ages, i.e. according to *lao động*. As one of the villages which carried out the pilot redistribution of land use rights, redistribution in Phù Dương was implemented in 1992, one year before the official plan in the country. In the redistribution, “agricultural land for family economy” was not redistributed. This means that many villagers who had received this land in 1988 continued to hold the use rights of this land, while some new born children did not receive any “agricultural land for family economy.” As in many other villages, Phù Dương “first-round agricultural land” was adjusted among the peasant villagers, with methods that emphasized both the quality and quantity of land use rights receivers. The “the second-round agricultural land,” which accounted for 7.3 per cent of the village agricultural land, was transferred to the “agricultural land for collective interest.” At the same time, the village water land continued to be unallocated, and together with “agricultural land for collective interest,” makes up what I call “communal land.”

III. The Contending Views

The rebirth of agricultural communal land posed some crucial questions, as previously noted, about how communal land use rights in the village should be held, managed, used, by whom and for whose benefit, and who should decide these questions? Different parties, such as villagers, commune cadres, and the state land tenure regime as a whole expressed

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6 From 1961 to 1988, agricultural land for family economy theoretically amounted to five per cent of the total agricultural land area in the village. Many villagers either called these plots “land for vegetable farming” [đất rau xanh] or “the five per cent land” [đất năm phần trăm]. The 1988 Land Law authorised the doubling of this area, from five to ten per cent, and named it “[agricultural] land for family economy.”
contending views about these issues. In this section I will consider the different views of various parties, how and in what ways the villagers expressed their views and why and how these contradicted those of other parties.

In the view of the state land tenure policy, it is clear who holds the use rights of “the second-round agricultural land” and water land under the Land Law and other regulations. Generally speaking, prior to the 1993 Land Law, these two types of agricultural land were placed under the control of either cooperatives or the villages. In 1993, Land Law and Decree number 64 of the government regulated that the holding of communal land use rights, especially “agricultural land for collective interest,” belonged to the Commune People’s Committee. This means that in addition to being a representative of the holders of ownership and management rights at the local level, the Commune People’s Committee is also the holder of communal land use rights. As such, the Committee auctions or rents communal land use rights to users, mostly villagers, for a certain period of time and collects a percentage of land’s output, which can be either in kind or cash. The output of the communal land that the Commune People’s Committee receives should then be used for the commune’s collective benefit. In addition, according to the state land tenure policy, some parts of communal land can be transferred to non-agricultural land use, like sites of local infrastructure and residential land, but such transfer must be approved by the district and provincial authorities. However, communal land should not be allocated to people born after the 1992-1993 land use rights redistribution.

As authorized by this state legislation, over several years, the Commune People’s Committee directly intervened in the holding and use of communal land use rights in Phú Dương village. It transferred 5,566 square metres to a state company based in the commune territory, and sold the use rights of 9,863 square metres of communal land to villagers in the commune for residency (in accordance with a residential development plan of the commune). In 1995, it also shifted the holding of communal land use rights
in Phú Dương (and other villages of the commune) from the village to the Commune People’s Committee. From that time, therefore, the output of communal land in Phú Dương was mainly decided, and especially used, by the Commune People’s Committee for the benefit of the whole commune, not just for the village where the land is located. After this year, however, illegal encroachment on water land in Phú Dương increased. A number of commune cadres corruptly benefited from communal land, in different ways, i.e. land selling, encroachment, compensation, transactions and auctions for private gain. All these occurred in a period of seven years under the leadership of a President of the Commune People’s Committee who lived in Phú Dương village. Such corrupt practices and wrongdoings led to claims by a number of villagers about the holding of communal land use rights in Phú Dương and the enjoyment of communal land output. These villagers claimed the communal land use rights should be held by their village, and used mainly for their village.

Like other types of land claims, as I previously noted in Chapter Two, collective claims to communal land of the village in Phú Dương were based on a multitude of factors. The number one factor, I think, was that many villagers perceived that the village institution should be the holder of use rights on the communal land area that was and is located in their village. In their own terms, a number of protesting villagers often said that communal land was đất của làng [the land of the village]. Although the state law tenure policy has been changed to legally authorize the commune authorities to manage and hold communal land use rights, they maintained that this does not mean that these authorities can alone decide everything in regard to the communal land of individual villages, for example, giving the communal land of this village to another party to use, transferring agricultural communal land use rights to others, or selling communal land use rights of one or more villages for the benefit of the whole commune. Some villagers even argued that the holding of communal land use rights by the commune authorities, as the state laws regulated, is just theoretical, not a reality, because such a holding is recorded in booklets, papers, or maps only. The
real control and holding of communal land use rights belong to the village in which the communal land is located.

The traditional practices also influence the villagers' views. Prior to the 1950s, agricultural communal land was a pronounced feature in many northern and central villages (Tran Tu 1984; Ngo Vinh Long 1990, 1991). More importantly, communal land was controlled and used by villagers and for the benefit of the village where it was located. This system of practical ownership was well recognized by the feudal and colonial states. When communal land first reappeared, these rights came back to the villagers and the villages as a whole. In the first few years, the villages often decided the use of its communal land, and used most of its output for the benefit of the community. However, as the state land tenure policy changed, these rights of the individual villages have been lost to the communes. In Phú Dương, these rights were officially shifted to the commune in 1995, which became one of the reasons that created villagers’ public resistance.

Secondly, as the holder of communal land use rights in practice, Phú Dương villagers then insisted that these use rights must be used by them, mostly for their village benefit. Put another way, they argued that the village should have power to decide how and in what ways the auction, lease, transactions, or illegal encroachment, and other uses of the communal land use rights should be handled. In the view of some villagers, all the conduct of commune cadres over Phú Dương communal land, i.e. the shift of use rights from the village to the commune and other transactions, including compensation for communal land use rights, had created inequality in the decision-making and access to communal land as well as its output between different parties, especially between the village and commune and between Phú Dương villagers and others. Since the village was no longer the holder of communal land use rights, it had no power to decide the use of communal land, and finally had no right to enjoy communal land output. As was expressed in a petition signed on 26th May 1998 by two leaders of the protesting villagers, in the current process of management, sale, and use of Phú Dương communal land and its output, Phú Dương villagers were
excluded from the decision-making [đàn không được bàn], not notified of how their village communal land output had been used [không báo cho dân], and therefore were aware of nothing [đàn không được biết]. Another elderly resident pointed out another inequality between villagers in Phú Dương and other villages in the commune. As he said, a large area of Phú Dương communal land had been sold for residential land for villagers in the whole commune. The money collected from this transaction was then, however, being used for the benefit of the commune as a whole. As a result, as this elder said, “this village lost a large area of [communal] land but received nothing for it” [làng này mất nhiều đất mà không được cái gì cả].

Thirdly, the odd thing that many Phú Dương villagers noticed was that after the commune authorities transferred the use rights on their village communal land to the commune, the commune cadres did not control these rights properly, but allowed illegal encroachment in various ways at a concerning level. In addition, from time to time some commune cadres corruptly took advantage of communal land for their own private gain, as my Chapter Five will further examine.

Another essential factor relates to the moral expectations of Phú Dương villagers of those commune cadres who live in Phú Dương village. Failing to understand this might lead to an inadequate understanding of the rationale of the villagers’ actions and behavior towards the local cadres. In the 1990s, several key cadres of the commune, including the President of the People’s Committee, President of Commune Fatherland Front and others, were Phú Dương residents. A number of Phú Dương villagers thus expected that these cadres would bring benefits to the village, not take away the village’s communal resources. They hoped, somehow, that these cadres would allocate a certain amount of money raised from selling land use rights and land use rights compensation, and help them reclaim some village communal land that a state company had taken, or to give the village access, in practice, to decision-making over the village communal land. However, these commune cadres behaved in ways that totally contrasted with many Phú Dương villagers’ expectations.
Geographically, Phú Dương is located close to the main traffic systems, therefore, village land is good for non-farming purposes, trading, travel, and communication for instance. The villagers' agricultural land per capita is also higher than their counterparts in the two other villages. In the view of the commune cadres, therefore, the taking of Phú Dương communal land to build new residential areas of the commune is plausible. However, as some Phú Dương villagers said, the taking of communal land and using its output for the whole commune is not reasonable, since, together with illegal encroachment and communal land transfer to the state company during the past few years, it has led to a dramatic reduction in the village communal land area, which has resulted in a decrease in the village's socio-economic welfare. For example, in 1995, Phú Dương đất công ích area was 10,387.2 square metres, however, it had reduced to 6,465.6 square metres by mid 1999; that is not to mention an area of 5,566 square metres of communal land the company took from the village. The village water land area has also declined.

Actually, claims for village communal land use rights and enjoyment of their output is not simply for the village of Phú Dương as a whole, as stated by a number of villagers. It is also to do with the access and benefits of individual villagers. A number of claimants often complained that during 1988-1995, they did not have to pay as many fees to the village as they did after 1995 because the communal land output was mostly used for the village collective expenses. Some villagers even estimated that from 1995 to June 1999, the Commune People's Committee gained 559,279,520 VND from the lease and auction of communal land in the whole commune. Of this 559,279,520 VND, the commune authorities allocated 193,413,000 VND, i.e. 34.59 per cent, to the three villages, and retained 365,866,520 VND, amounting to 65.41 per cent. To the villagers, this latter amount seemed quite large. Nevertheless, the amount villagers paid in fees to the local authorities still increased. Therefore, some villagers questioned how, and for what, the commune cadres had used the communal land output. They even compared them to some commune cadres in other communes in
the district who did not intervene in the holdings of the village communal land but left the village to control, use, and enjoy most of the village communal land output.

The final factor that underlines the collective claims to communal land relates to the fact that after decollectivization agricultural land use rights at large have again become more than a means of production but also a valuable form of property. One need not say how much agricultural land is a means of production for villagers in Phú Dương, or elsewhere, since it is a matter of fact and already well understood. However, attached to this value is another value of agricultural land use rights as previously noted in Chapter One: a valuable form of property. As previously noted, according to the new land tenure regime, villagers are the holders of land use rights, but these use rights can be exchanged, transferred, inherited, mortgaged, lent, rented out, and so forth like a normal commodity item. Therefore, to many villagers, once they have gained these rights it would not be easy for them to give up or surrender them to outsiders, especially in the context of the increasing scarcity of land and its increasing value since decollectivization in the area.

I want to highlight that in the period of collectivization, this value of agricultural land was not recognized by the state. Prior to collectivization, the villagers were actually the practical owners of agricultural land, therefore they could dispose of their land as they liked. After the late 1950s, most of the agricultural land in the Red River delta and agricultural implements were collectivized, which resulted in the disappearance of many villagers’ practical ownership of agricultural land, except their five per cent plots. As a result, they had no power to decide how the agricultural land of cooperatives would be distributed, used and for whom. In that case, agricultural land remained a means of production that the villagers worked on, and land farming in the cooperative was still the main source of income for many villagers. But agricultural land in the cooperative did not provide

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7 My point here is that the increased values of agricultural land use rights to villagers after decollectivization also affected their claims to communal agricultural land rights. My discussion in this section therefore also relates to agricultural land use rights at large.
cooperative members many incentives, especially as they were unable to sell or exchange it. Many villagers therefore began to neglect the agricultural land, although this might also have been a form of resistance against the collectivization policy (Kerkvliet 1995a). This endorses the observations of Kerkvliet that at the onset of collectivization many villagers were reluctant to surrender their fields to the cooperative cadres (Kerkvliet 1997). It also explains what Chu Van Lam concludes, that when agricultural land had been highly collectivized, agricultural land property mostly disappeared. He writes, “labourers who once cared for the [agricultural] land as they would their own bodies began to neglect it as something foreign to them” (Chu Van Lam 1993: 156).

This situation, however, has changed since decollectivization as the villagers are now able to hold land use rights and also exchange them between themselves. My examination of the conflict over compensation for agricultural land use rights in Đại Lộc village in Chapter Three gives a clear example of how and in what ways agricultural land use rights are seen as a valuable form of property. As a number of holders of many land use rights were compensated with a big amount of money for industrial zone building, some land selling villagers then had to rent agricultural land use rights from villagers in another village to farm, at a price that is often several times higher than the land use tax that the holders of agricultural land use rights have to pay the state. In her study of Đồng Văn village – 26 kilometres from Hà Nội, which in 1997 had 1,197 inhabitants, 293 households, and agricultural land per capita of 2.3 sào, i.e. 828 square metres, Truong Huyen Chi argues that two-thirds of the households engaged in seasonal migration to Hà Nội for non-agricultural work after decollectivization. Economic diversification has not only led to a higher level of income for the villagers but also resulted in a situation in which many of them ignore their allocated agricultural land use rights. Through the words of her informants and her description of the situation in which 65 percent of village households were involved in “land taking” and “land giving” for no economic payment, in 1998, she indicates that agricultural land [use rights] are of little socio-
economic and political importance to many villagers (2001: 111-123). Her findings are very much different from mine found in Bac Ninh villages.

Relating to the perceptions of agricultural land use rights as both means of production and valuable form of property, a crucial feature in the minds of many villagers is that the holdings of agricultural land use rights are clearly recognized and distinguished within the family, village, and beyond. In the villages that I have come across, many villagers often referred to “your land,” “my land,” “her land,” and “his land,” to indicate the holding of agricultural land use rights that each person had received in the distribution and redistribution of these rights. Such recognition is well acknowledged within a nuclear family, as can be clearly seen through the following examples of residential shift for marriage, family division, or compensation for agricultural land use rights.

For example, in most cases a mature son who gets married and sets up his own new nuclear family is given his exact share of agricultural land use rights that he received in the redistribution. There is no difference in the case of a daughter who moves to her husband’s home either. In one hamlet of Lộc village, which contained 175 households, from 1992 to 2002, 15 women moved out and 25 moved in for marriage. All of them, regardless of whether they moved in or out, married a nearby village man or a more distant man, have maintained their holdings of land use rights that they received in the 1992 redistribution. This revitalized the traditional practice before collectivization that a number of women owned plots of agricultural land outside the community in which they lived. This is very clear evidence of a strong recognition of land use rights property among the members of the family. This is also demonstrated in many cases of land use rights compensation, as previously examined in Đại Lộc or elsewhere. As I have witnessed, a number of villagers who moved to Hồ Chí Minh city several years ago for non-agricultural work have been given their share of compensation money by their families when their share of agricultural land use rights have been taken for a national highway or industrial zone, though
it would not be a surprise to see a few villagers refuse to receive their share for the good of other family members.

This recognition of agricultural communal land use rights as property among non-family parties in the village whose members share blood and marriage relationships indicates that many villagers have a great concern about the differences between insiders and outsiders of the village community holding the village communal land use rights. These concerns then explain why Phù Dương villagers publicly objected to the transfer, taking, mismanagement, and misuse of their village communal land use rights and its output. Their collective claims to communal land underline their demand for clarification of the holding of land use rights between individuals and the village in one community, especially between the village and commune, as well as other outside institutions like a neighbouring village, or a state company, in regards to the village communal land. Such a clarification concerns villagers more in the context of increasing land scarcity in the area, especially when values of communal land use rights are increasing and when the water land use rights in the village are becoming a crucial source of residency for its inhabitants.

In short, the rationale of the villagers’ collective claims to the village communal land use rights was clearly shown and articulated through the voices and actions of many Phù Dương villagers, who referred to the village as the holder of the village communal land use rights, meaning that the village should have the power to decide how and in what ways communal land use rights should be distributed, used, for whom, and by whom. This rationale is not particular or specific to Phù Dương villagers. It can be seen in different forms elsewhere, for example in Đại Lộc, Lộc, and other villages that I analyze in Chapter Two and Three.

IV. The Two Cases in Point

Illegal Encroachment on Communal Land
As noted earlier in Chapter Two, illegal encroachment on communal land was one of several key-violating patterns of Land Law in many areas of Vietnam after decollectivization, and consequently it has become one of the roots of conflict. In Bắc Ninh province, official reports by different levels of authority also revealed a serious problem of illegal encroachment on communal land, however, these reports failed to identify what type of communal land was involved.

Encroachment on communal land dates back to feudal times, as several researchers have revealed (Trương Huu Quỳnh và Đỗ Bang 1997). However, the problem of land encroachment in Phú Dương began to be serious in the early 1990s. A number of villagers indicated this through a statement: “there is a robbery of communal land in our village.” However, no detailed official statistics on illegal encroachment in terms of encroachers and encroached areas are available at this level. Actually, illegal land encroachment is not only a hot issue in Phú Dương but also in the two other villages of the commune: Lộc and the other village. It was estimated that about 400 households of the total of 1,830 in their commune had encroached on communal land to various extents after the 1992 land use rights redistribution. According to a cadastral cadre of the commune, who was in charge of agricultural land use rights distribution and redistribution as well as land use rights certificate granting from 1988 to 1992, most cases of illegal encroachment on cooperative land for residency prior to 1992 were legalized in 1992 after the perpetrators paid a fine for the encroached area. In Phú Dương, some villagers qualitatively testified that illegal encroachment on the village communal land during the past years had led to the disappearance of several ponds, lakes, or some pieces of unused land, located within and near the village residential areas. One of the clearest examples is the vanishing of an eight-sào pond, i.e. 2,880 square metres, in the middle of one hamlet residential area. This large pond used to be the water land of a village landlord, and only became the village’s communal property after the 1950s land reform. A 63-year-old man recalls that the pond was also a place where many villagers washed their belongings and it
was a place to store water during heavy rain. Since the early 1990s, however, this pond has been mostly replaced by the gardens and houses of a number of families, comprising normal villagers, party members, and local cadres, who reside next to the pond.

My fieldwork data, collected through interviews and observations, provides evidence that encroachment since decollectivization in the villages has been most serious on water land and some unused land, because it is communal area that is loosely managed in comparison with others. This really differs from the period of collectivization, when farmland of many cooperatives was often a key target for cooperative members to widen their five per cent plots in order to have more land to farm on their own and for their own benefit. In his study, using Quang Truong’s research, Kerkvliet writes: “Peasants also surreptitiously encroached on collective land to expand their privately farmed patches. Five per cent of a cooperative’s land was the legal limit for private use, but by the 1970s, the actual proportion in several areas was 7 to 13 per cent” (Kerkvliet 1995b: 69). After decollectivization, however, many villagers neither have the opportunity to illegally widen their holding of farmland area nor do they have a heated desire to increase their farmland at the expense of their fellow villagers, because the whole farmland area has already been distributed, or auctioned, to villagers for farming. Instead, it is the water land and some pieces of unused land located within or near the village residential compounds that have become a target of encroachment for residency or even trading purposes.

Since decollectivization, the various patterns of encroachment are simple and overt, as the reader can see from the examples in my photos at the end of this Chapter. Some local people have built new fences around their residential land on some areas of the village communal land. In other cases, other encroachers simply fill water land up with dirt and waste and occupy the land area. Acts of encroachment are overt, simple, and mostly occur in an everyday manner.
In the context of increasing demand for land versus the decreasing supply, the key motivation for land encroachment is residency. Since decollectivization, villagers no longer receive residential land for free, or little payment, from the local authorities as was often the case. During the period of collectivization, when the per capita agricultural land was relatively high, and especially when cooperatives owned a large area of agricultural land, any cooperative family who had two kitchens living under one roof [hồ hai bép] could ask for a plot of residential land, for free or little money, from a multitude of local institutions, such as cooperatives, party cells, and the commune authorities, though most of them were not authorized to allocate land for residency in this way. From the late 1980s, and especially in the early 1990s, however, in accordance with the state land tenure policy, villagers have to apply to purchase residential land from authorities. Yet, in most cases, the source of land for residential development is often transferred from agricultural land, therefore the conditions for villagers to purchase residential land from the state are stricter. Now only those families who have three kitchens living under the same roof [hồ ba bép] are eligible to apply to purchase from the state under the plan of residential development [kế hoạch diện dân]. In fact, the length between these plans of residential development can be several years, and some families have to wait for some time before they can purchase residential land use rights. In a number of cases, some villagers fail, either because it is not their turn or it is too expensive for them to buy residential land use rights through this scheme.

In the commune that Phú Dương village is a part of, the first plan of residential development was implemented in 1995, which sold 77 shares (or plots) [sựt] of residential land use rights to villagers in the three villages. However, the implementation of this plan and the use of the money it raised caused considerable conflict between many villagers in Phú Dương village and commune cadres over the eligibility to purchase land use rights, and especially the enjoyment of the money from the sales as well as the corruption involved. Eight years later, a second residential development
land sale took place in the commune. However, each village had been approved by the higher authorities to have about ten shares of residential land while tens of households were in need of residential land. In Lộc, the largest village for example, 13 shares of residential land use rights were approved for the whole village population, while in only one of its five hamlets over 40 households had applied to purchase the land. This clearly indicates not only the decreasing supply of land available to villagers for residency but more importantly it reveals the key underlining problem of a fast increasing population in the commune. During the 1950s land reform, the population of the whole commune amounted to only 2,967 inhabitants, but it had increased 233.6 per cent, i.e. to 6,932 inhabitants by 2001.

As a result of the modernization and industrialization programs of the state as well as urbanization in the area, the value of residential land as a form of private property has increased several times during the past ten years. In that context, a number of villagers find encroachment a great opportunity if it is available to them. For those who are not currently in need of land for residency, they encroach on land to increase their land use rights property, while for those who need the land, encroachment is an easy way to meet their wants. Therefore, it is hard to characterise the type and status of encroachers who take advantage of their residential locations to illegally expand their residential land by taking over the village communal land because they cover all types of village inhabitants. Some villagers even complain that some local cadres or their relatives encroached on the village communal land more than the ordinary villagers. In the commune to which Phú Dương administratively belongs, some villagers often criticized some local cadres in regards to this.

Illegal encroachment on the village communal land not only created different patterns of resistance among villagers, but also between villagers and cadres. Among villagers in the community, encroachment aroused much discussion and gossip from the non-encroachers, who protested against the encroachers for taking the village communal land for private gain. However,

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8 According to a report on land reform by Đoàn ủy Bắc Ninh in 1956.
due to their social relations with the encroachers, who were often their fellow villagers, friends and even relatives, relations that were no less crucial than their economic relations with the village communal land, the non-encroachers often expressed their discontent in the form of gossip and discussion behind the back of these encroachers. During my stay in the village, I did not hear any overt criticism of encroachers in their presence. As some non-encroachers told me "we do not want to break down the village solidarity" [chúng tôi không muốn gây mất đoàn kết trong làng], or "the hamlet-village sentiment" [tình làng nghĩa xóm]. I could also imagine that many villagers felt it was not their place to openly criticize their fellow villagers for illegally encroaching on the village communal land, though their discontent often involved a feeling of jealousy.

Unable to prevent some encroachers from taking the village communal land, some non-encroachers, particularly the elderly, turned to accuse the local cadres, especially key cadres of the commune such as the President of the People’s Committee and the commune cadastral cadre, of not properly managing the communal land of their village. They accused these cadres of shifting the direct holding of communal land use rights from the village to the commune, but then being not able to manage them appropriately. A couple of male elders also several times sent letters to the commune authorities to ask them to take a more careful look at the situation of communal land encroachment. In fact, illegal encroachment on communal land increased from the early 1990s, especially in 1995 when the President of the People’s Committee transferred almost all communal land from the three villages to the commune authorities for direct management and enjoyment of communal land output. As previously noted, from 1988 to 1995, communal land was managed by the village, either through the cooperative or village head; therefore the use of communal land was basically decided in the village meetings. The village communal land output was also mostly used for the collective benefit of the village. From 1995, however, the commune authorities shifted the direct holding of Phú Dương communal land use rights to the commune. Consequently, the commune
authorities, mostly the Commune People’s Committee, decided how to use most of all output from communal land located in Phú Dương village and who should benefit from it although the land was still being directly used by villagers in Phú Dương village.

The resistance of some Phú Dương villagers increased when the commune cadres could not control the problem of illegal encroachment on the village communal land, or settle it in the way that the villagers wanted. As I understand it, the local authorities could resolve a few cases, usually relating to the corridor land of main roads or the sites of state buildings, by seizing the encroached land. In several cases it was not easy for local cadres to retrieve areas of encroached land because the encroachers demanded that the cadres first seize the land that party members, cadres, and their relatives or friends, had encroached on. Many local cadres would not do this, which finally led to the use of coercive measures [cuống chế] to tackle the problem of encroachment. In the majority of cases, a common resolution was to fine [phạt] the encroachers to legalize [hợp thức hóa] their areas of encroached land. This means that after paying a fine, the encroachers could keep the encroached land as their private land use rights. However, resolving the problem of encroachment in this way also led to another problem: cadre corruption.

Some commune cadres were accused by the protesting villagers in Phú Dương of neither reporting the area of encroached land that had been legalized through fines and the amount of fine money, nor informing the village community of how and for whom the fine money had been used. Therefore, a number in Phú Dương suspected that these cadres shared a large portion of the fine money between themselves, putting a small portion in the commune budget. In some cases, the villagers complained that the fines were small, even several times lower than the price that a number of villagers had to pay to purchase a share of residential land from the state. In addition, the fines differed between encroachers, some villagers complained, because cadres fined the encroachers depending on their personal relations with them. These cadres were also reluctant to deal with some hard-headed
[cìng dâu] or blunt [cìn] encroachers. For example, a number of non-encroaching villagers told me about the story of one villager who encroached over 100 square metres of the village water land. Settling this case, in the first place the cadastral cadre of the commune required him to pay 1.8 million VND as a fine. However, this encroacher did not agree, arguing that the fine was too high. Negotiations between the cadre and this blunt encroacher lasted for several months, and finally, prior to the end of his working-term, the cadastral cadre reduced the fine to only 50,000 VND to legalise the encroached water land. (In their resistance later, some protesting villagers in Phù Đương wrote a poem questioning why and how this case could have occurred.)

From the perspective of the encroachers, their main want was to legalize their area of encroached land. Therefore, for many of them, to pay a higher fine than other encroachers, who had closer relations with local cadres, might not matter greatly. To many non-encroachers, however, such resolution of encroachment created further disagreement about the way some cadres handled the problem, because encroachment itself created inequality among villagers in access to land use rights for residency or property.

A number of Phù Đương villagers, especially the elderly, who often had more free time and cared more about the village communal property, proposed a solution to resolve the problem of communal land encroachment in the village. Some male elders indicated to me that the current patterns of encroachment ensured that the commune authorities had little possibility of regaining the areas of encroached land. Legalising the encroached land through fines led to inequality and injustice among villagers and between villagers and cadres. It also led to a loss of the village communal land use rights for no benefit to the collective [tiếp thế], and broke down unity in the village, which finally contributed to the generation of local conflicts. A number of non-encroaching villagers clearly pointed out that the areas of water and unused land in the village continued to decrease while the village and they benefited nothing. Some others even argued, “communal land is
the land of the village,” thus the village should decide, on its own, who had encroached on the village communal land, where, and how much. The village then should decide which areas of communal land could be legalized through a fine, and which areas must be returned to the village. In the former case, the village would decide itself the amount that each encroacher had to pay, depending on the area, quality, and location of the encroached land. The money from the resulting fines would be used by the village, and for the village’s collective benefit, to construct for example village infrastructure like roads, a communal house or a pagoda. If not, the encroachers must return the encroached land to the village. In this way, neither the village would lose its communal land nor would some cadres corruptly take advantage of communal land. Finally, the problem of communal land encroachment would not create inequality and conflict among villagers, and between villagers and cadres.

However, such proposals were not taken into consideration by the commune authorities because they contrasted with the current regulations of the state, and the view as well as the conduct of the commune authorities over the problem. As a result, the problem of illegal encroachment on village communal land and the settlement of this resulted in public and collective claims on village communal land.

Claims on the Village Communal Land

Besides their resistance against the problem of illegal encroachment on the village communal land, many villagers in Phú Dương also claimed a say in decision-making over their village communal land for various reasons. The perceptions, attitudes, and behaviors of the claimants had been articulated for several years through their everyday discussions, gossip, in village meetings, and particularly via the petitions they wrote to the higher authorities. Claims to have rights to decide how the village communal land use rights should be held, used, by whom, and for whose benefit, occurred in several arenas: the villagers’ collective struggle to retrieve 5,566 square
metres of village communal land that a state company had borrowed, their collective claim to a share of the money raised by selling village communal land use rights, and their collective claim to enjoy the compensation money for the village communal land use rights.

Regarding the first issue, to illustrate the struggle of Phú Dương villagers to retrieve the communal land that a company had borrowed, I need briefly to look back at the history of this issue. In 1964, a state company came and settled in Phú Dương village. Initially, the company was given 29,000 square metres of agricultural land, for free, by the village cooperative, party cell, and higher authorities to build its factory. In the late 1960s, to hide its machines due to the Americans' heavy bombing in North Vietnam, the company further borrowed 5,566 square metres of agricultural land, which was the garden land for Phú Dương elderly. After the American war, the company returned this area of agricultural land to the village. In 1979, because of its increased production, the company needed more space, therefore it once more borrowed this area of land from Phú Dương village to use. After Đổi Mới, the production of the company decreased, and consequently, the area of land it used dramatically decreased. However, in 1993, when the company was granted a certificate verifying its holding of land use rights, the area of borrowed land (5,566 square metres from Phú Dương) had been included in its area of land use rights holding. This means that the company was granted use rights to all the land it occupied, i.e. the area it had been given in 1964 and the area it borrowed from Phú Dương village in 1979. Many Phú Dương villagers, and even some village cadres, were not aware of this transaction that turned the area of borrowed land to owned land until 1995 when the company dug several ponds on the borrowed land area to farm fish. This was also the time when the commune authorities were preparing a site for a residential development scheme in Phú Dương and Lộc village, therefore the company sold the dirt from these ponds to the commune authorities to fill in the site for residential development, and also to some brick makers in Phú Dương. Also in this
year, the company rented out part of the borrowed land, which was not yet
dug to make ponds, to some Phú Dương villagers for rice cultivation.

When some Phú Dương villagers witnessed these acts of the company in 1995, they started to claim the area of agricultural land that the company borrowed from their village in 1979. Claims to this area of land were made systematically, with the participation of ordinary villagers, some village cadres, and the village party members. In several meetings that the village party cell held to investigate the transaction of this agricultural land area, some claimants thought that the company could not receive a certificate of land use rights without approval from the local authorities. So they wanted to know who approved, or agreed, to transfer the use rights on the borrowed land to the company. Consequently, three people who had held the position of President of the Commune People’s Committee from 1979 to 1995 were questioned, and it turned out that the current President and cadastral cadre, in 1995, on behalf of local authorities, had verified the transfer of this land.

This transfer of land use rights, which the provincial authorities officially approved and granted a certificate of land use rights for, was done with no compensation of land use rights to either Phú Dương village nor the commune. This created disagreement among many Phú Dương villagers, villagers who were party members, and village cadres. They argued that it was their village land, and the village had lent it to the company to use. Now the company no longer needed the land, but instead of returning it to the villagers to use, the company had applied for a legalization of its holding of use rights on the borrowed land. It then destroyed the land by digging ponds, and even rented some of it out to several Phú Dương villagers to collect rent [thu tô]. Some claimants even suspected that those cadres, the company, and higher officials had colluded with one another in the land transfer and shared the compensation money between them. Finally, Phú Dương party cell issued a resolution [nghi quyêt] to “claim the land that the company borrowed” [đòi đất cho cơ quan muốn]. After that, many villagers started to send requests to various levels of authority, asking for a return of this area of agricultural land. Several requesting letters [đơn đề nghị] were
written from 1995 to 1999, and signed by some key cadres of the village, including the village party secretary, vice-secretary, village head, head of the village elderly association, and head of the village fatherland front. A penetrating view, which ran through these letters, is a strong expression of the struggle to retain use rights on this area of land that the company borrowed. This view also argues that the transfer of these agricultural land use rights must be approved by Phú Dương party cell, cadres, and villagers, and compensation must be paid to the village. Otherwise, the villagers did not agree, and asked the company to return this area of agricultural land to the villagers to use [phải trả để dân sử dụng].

Claims to this area of the village communal land gained no positive outcome because the higher authorities denied these requests. In 1999, the Provincial Cadastral Chamber stated clearly, in an official letter [công văn] to the claimants, that the transaction of agricultural land use rights was carried out legally in accordance with approvals of all levels of authority: the village, commune, district, and the province. Meanwhile, in 1999 the Central Party Committee issued a directive on “19 works that party members cannot do” [19 điều đảng viên không được làm]. One of these prohibited party members to join in collective petitions and public protests, therefore Phú Dương party cell and its members ceased to be publicly involved in claims relating to the village communal land. In addition, from that year, Phú Dương had a new party secretary who had close relations with some key commune cadres and later simultaneously held a position in commune authorities, therefore keeping the village party cell distant from land claims. Other villagers, however, continued to publicly claim the land. Some argued that this area of agricultural land of the village could not be transferred without the villagers’ consent, or compensation to them, especially as the company did not really need this land.

The second case of Phú Dương villagers’ collective claims to its village communal land relates to their demand to enjoy a sum of money from the sale of their communal land use rights. As was previously noted in Chapter Two, the selling of village communal land use rights to build local
infrastructure was common in many localities. However, it is another area that shows how and in what ways villagers contested how the village communal land should be held, used, by whom, and for whose benefit. In the commune of which Phú Dương is a part, in order to raise enough funding for local infrastructure construction, and also to meet the villagers’ demand for residential land, the Commune People’s Committee successfully applied to the district and provincial authorities for a transfer of 9,863 square metres of agricultural land to residential land. In 1995 when the plan was implemented, the use rights on an extra 3,912 square metres of agricultural land were sold. Of the total area of transferred land use rights, 72.11 per cent, i.e. 9,415 square metres, was taken from Phú Dương communal land; only 27.89 per cent, i.e. 3,640 square metres, was taken from Lộc communal land; and none from the other village. This transferred land was divided into 77 shares [sاعت] of residential land to sell. However, the commune authorities decided to sell two-thirds of these shares to those families who needed residential land, called hò tiêu chuẩn, at a price of 15,000,000 VND per share, each in theory being equal to 140 square metres. Hò tiêu chuẩn were those families who at the time of land use rights selling had at least two sons above the age of ten living in the commune, and residential land area of less than 250 square metres. The rest of the shares were auctioned [dâu thâu], at prices from 20 to 30 million VND per share, to any villager in the commune who could afford to buy, in order to gain a higher amount of funding for the commune authorities. As a result, some families who needed land for residency could not buy it because they were too low on the waiting list or could not afford to buy. More importantly, most of the land sold was taken from the Phú Dương communal land, but the sale was open to all villagers in the commune.

Through the selling of land use rights for residency, the commune authorities gained 1,204,235,000 VND, which many Phú Dương villagers estimated to be equal to 1,200 buffaloes. From this 1,204,235,000 VND, the Commune People’s Committee paid the provincial authorities 104,000,000 VND (8.63 per cent), as fees for the transfer of agricultural land use rights.
to residential land use rights. The rest, 1,100,235,000 VND (91.37 per cent), was put into the commune budget for use. The Commune People’s Committee later invested the money in the construction of local infrastructure. Yet, many Phú Dương villagers found that commune cadres had been involved in corrupt practices both in the selling of land use rights and in the construction of local infrastructure. Therefore, they petitioned the commune cadres, especially the key cadres. This problem of cadre corruption and the villagers’ resistance will be examined in-depth in Chapter Five.

What I want to analyse now are the claims of Phú Dương villagers for a share of the money from the sale of their village communal land use rights. Once more, many Phú Dương villagers insisted that most of the land area that was sold for residency was their village communal land. Therefore, they said, the money from this sale must partially be used for the village benefit, not the commune as a whole. At the beginning of the land use rights sale, Phú Dương party cell, the elderly association, and the fatherland front therefore sent a number of letters asking the Commune People’s Committee and Party Organization to allocate Phú Dương village a portion of the land sale money for the building of the village communal house. However, their requests were firmly denied because communal land use rights are not of the village, but of the commune.

As noted earlier, prior to 1995, the village water land and đất công ích were directly controlled by either the village cooperative or the village head. The output of these lands was also used for village collective aims, upgrading the village infrastructure, holding collective festivals, and paying social welfare for example. In practice, many institutions in the village, like the party cell, elderly association, war veterans association, women’s association, youth union, and so forth drew part of their funding from cultivating pieces of communal land that were allocated to them. In Lộc, for example, from 1988 to 1995, the village communal land was used in different ways, some of which were not really in accordance with the state land tenure policies. From the total area of the village communal land, one
portion was allocated to all village cadres to use as a source of salary, i.e. each village cadre received one sào of farmland. Another portion was giao thâu to some villagers who were not eligible to access agricultural distribution and redistribution. (The difference between giao thâu and dâu thâu in most cases is the amount of payment the tillers have to pay. In giao thâu, the tillers pay the same land use taxes as the normal villagers who were allocated agricultural land, but in dâu thâu the tillers pay as much as they stated at the auction). Another portion of the village communal land was auctioned. The rest was allocated to various mass associations in the village for fund raising, though these associations did not farm the land, but rented it out to some villagers for a certain amount of money and a certain period of time.

In 1993, the Land Law and Decree number 64 of the government communalized the village communal land, i.e. authorised the commune to hold the use rights on communal land in villages under its administration. However, at that time such communalization was not really implemented in many localities including Phú Dương and other villages the commune. In 1995, however, to accommodate the Land Law and Decree number 64, the President of the Commune People’s Committee transferred communal land use rights of the three villages to the Commune People’s Committee for management, and resultant enjoyment of communal land output. In such a context, the shift of communal land use rights from the village to the commune means, in many cases, the village no longer has power to decide how and for whom the village communal land output is to be used because of the intervention of the commune authorities. In Phú Dương, the villagers still farmed communal land located in their villages, but the produce no longer belonged to the village as it used to, but to the commune authorities. This means that the commune authorities decided how to use, and who should benefit from, the communal land of Phú Dương village. These commune authorities decided that the village should enjoy 30 per cent of the village communal land output, while the commune enjoyed the rest, i.e. 70
per cent. In return for this 70 per cent, the commune authorities were responsible for paying land use taxes on Phú Dương communal land area.

This mechanism of governing communal land use rights did not usually create conflict between the village and commune when the villagers in practice still used their village communal land, and partly enjoyed its output. In other circumstances, however, it did. Phú Dương is a good example of this latter situation. A number of Phú Dương villagers insisted that the selling of communal land use rights for residency in 1995 had reduced their village communal land area, which consequently decreased not only the access of villagers to the communal land for farming but also reduced the village welfare from communal land, since the money from the sale of the land use rights had not been used for the village benefit but for the whole commune. In addition, some villagers argued, villagers in other villages of the commune did not lose any communal land, or lost only a little, however, they benefited at the expense of Phú Dương villagers. Therefore, some Phú Dương villagers demanded the commune authorities also allocate them about 30 per cent of the land use rights selling money so the village could build its own communal house. But, the key cadres of the commune, including the President of the People’s Committee, Commune Cadastral cadre, President of Commune Fatherland Front, Secretary of Commune Party Organization, denied such demands, because they were not in accordance with the state land tenure policies.

The final collective claim in regard to village communal land was Phú Dương villagers’ demands to enjoy the compensation money which had been paid for some of the village communal land use rights. From 1997 to 1998, as noted earlier, the construction of highway number one took an area of 1,128 square metres of Phú Dương communal land. In return, compensation of 30,828,800 VND was paid. Again, this posed the question of who should be the beneficiary of this amount of money, though it is not a large case. Like the case of the money from sale of communal land use rights, the commune authorities decided this compensation money be put in the commune budget for the use of the commune. In contrast, a number of
villagers claimed that their village should be the recipient of this compensation money and use it for their village benefit. Consequently, these claimants took a closer look at how the compensation was paid. However, once more, they failed.

**Taking Stronger Actions: Selling the Village Communal Land Use Rights**

Having failed in their consecutive claims in regard to the village communal land, Phú Dương claimants took stronger action to determine their power and rights over such land. This was initiated in 1998, when Phú Dương party cell issued a resolution that authorised the village elderly association to sell 3,859 square metres of water land in the village to gain money for building a communal house *[đình làng]*.9

As argued in several studies (Hy Van Luong 1993; Bo Van hoa-Thong tin 1993; Endress 2001, 2002), from the late 1980s alongside economic reform, various traditional rituals and collective festivals, which revolved around the village communal house, pagoda, and shrine, were also revitalized in adapted forms after several decades of being condemned and abolished by the state. This phenomenon accompanied official recognition by the state of many communal houses, pagodas, and shrines as historical and cultural sites in Vietnam. By 1996, Kirsten Endress observes that the Ministry of Culture, Information, and Sports had recognized 1860 historical and cultural sites throughout the country, and 188 sites in Hà Bắc province (Endress 2002: 308). This revitalization of traditional practices and recognition of historical and cultural sites by the state resulted in new building, or restoration, of the worshipping places such as communal houses, pagodas, and shrines in many communities (Nguyen Van Buu 1993: 23). This in turn relates to claims by villagers to their old worshipping lands (Nguyen Van Buu 1993: 24; Endress 2002: 308), or sources of funding to build or repair them.

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9 In many cases, the party cells played a key role in claiming village land after decollectivization in the area, as was broadly discussed in Chapter Two.
In Phú Dương, the simultaneous collective claims of the villagers to the village communal land and their struggle to build a communal house show the two were closely related and all essential to the villagers. Briefly, Phú Dương, like other villages in the commune, used to have its own communal house for collective worship of the village guardian deities \([\text{thần thành hoảng}]\) and also for a village meeting place.\(^{10}\) Besides their own village communal house, all villages in the commune shared a larger collective communal house \([\text{đình chung}]\), which was the worshipping place where villagers from different villages collectively worshipped their four deities who, according to legends, were the four generals \([\text{bộn vi tuồng}]\) of king An Dương Vương. During the last years of the French Resistance War (1946-1954), all communal houses in the commune were destroyed, either by the local military or the French troops. In Lộc village, however, the villagers quickly used materials from a house of one landlord in the village to build a cultural house on the site of the village old communal house. In 1992, this cultural house was turned into the village communal house to worship Lộc village deity. In another village of the commune, villagers turned the village pagoda, Keo, which had luckily remained intact through the wars, into a communal house. In 1992, this communal house was recognized as a historical and cultural site. Although seen as the cultural property of the whole commune, it became a worshipping place for villagers in this village. Among the three villages in the commune at that time, only Phú Dương village did not have a communal house for villagers to worship their village deities, and for other collective rituals, festivals, or meetings.

In such a context, the need and desire of many Phú Dương villagers, especially the elderly, who included ordinary villagers, party members, and some village cadres, to build a communal house increased. The question of how to achieve this desire was then openly discussed in several meetings, either held by the party cell or the village elderly association. In 1996, the party cell issued a resolution that assigned the elderly association a duty to build the village communal house. However, a thorny question at the time

\(^{10}\) Phú Dương villagers call this \(nghe\), and the larger collective communal house that all villages in the commune shared, \(đình chung\).
was still the question of where to get funding for this, and very soon many villagers sensed that it could be drawn from the village communal land.

As noted earlier, the claims of Phú Dương villagers to a share of the money gained from communal land transactions lasted more than three years, but resulted in no positive outcome because the claims were denied by the commune cadres. In 1998, the village elderly association decided to sell 3,859 square metres of water land that was seen as the village communal land, to gain funding for the village communal house. The decision was strongly endorsed by 290 village elderly’ signatures. Consequently, the elderly association established a Committee comprising 29 persons, headed by the president of Phú Dương elderly association, to implement the plan. The selling of the village communal land use rights was carried out in two forms: liquidation [thanh lý] and long-term allocation [giao lâu dài], but how long was not stated. All contracts clearly noted that this selling of the village communal land use rights was based on: 1. Requests [vô trình] of Phú Dương villagers sent to the commune authorities from 1996 to 1998; 2. A Phú Dương party cell resolution, issued in 1998; 3. The demands of the land use rights buyers; 4. To prevent illegal encroachment; 5. Aspirations of all Phú Dương people. It was also noted that the village elderly association liquidated, or allocated for long term use, the village communal land use rights to collect money to build the village cultural centre. Therefore, the village leadership [lãnh đạo thôn] were required to make it easy for land use rights buyers to gain legalization [hợp thức hóa] and a certificate of land use rights holding. Through this sale, the Committee gained 65,738,000 VND and successfully built a new communal house on the old site, which has become a worshipping place of village deities as well as a collective meeting place in the village.

The selling of the village communal land use rights, however, was opposed by different parties in the village and commune: the person renting the land use rights, encroachers, commune cadres, and especially the offspring of one former landlord, who some elderly called con cháu địa chủ [landlords’ offspring]. The Phú Dương elderly who had sold the area of
communal land for a communal house, therefore, had to deal with these various parties. First, the water land use rights were rented out to one villager for fish farming, with a rental fee of 15 kilograms of fish per sào per year, the fees being paid upfront at the onset of rental tenure. In 1998, the rental contract on this land had not expired; only two-thirds had been used. Therefore the elderly had to give the renter 500,000 VND compensation for the fees he had already paid the local authorities. Secondly, the elderly had to compete with some encroachers to retrieve the area they had illegally taken from the pond. Thirdly, later, when Phú Dương villagers denounced and petitioned the key cadres of the commune because of their corruption and other wrongdoings, the President of the Commune People’s Committee counter-denounced Phú Dương elderly for illegally selling the communal land use rights, and required Phú Dương elderly to explain [giải trình] how they had used the money from the sale on communal house building, otherwise he would use his power to “turn the elderly into refuse” [cho cả cụ ra bã]. This threat, however, did not have much effect, because the elderly had presented their rationale for their conduct. One 68 year old non-peasant elder, who had led the move, argued that:

If we did not sell that land [use rights], they would have already been sold off by the [commune] cadres, or encroached on by some villagers. In fact, the [commune] cadres had [illegally] sold communal land [use rights] of our village, so we - the elderly could do it too. We both violated the laws. If the state punishes, the state has to punish the commune cadres first and more heavily than us, because the cadres did it first, more heavily, and also for their pockets. We also [illegally] sold the land [use rights], but only a little and for the benefit of the village, and for the next generation (Interview with B4, 28/5/2002).
Meanwhile, some female elders [các cụ bà] pleased the male elders who sold the land use rights and constructed the communal house by saying that if the male elders were imprisoned for what they had done, they - the female elderly, would bring food to the prison for them everyday.

The above obstacles the elderly faced bothered them little. They used sentiment [tình cảm] to mobilize the renter, who was about to break the contract anyway because he was gaining no benefits, and to persuade encroachers to help them do good for the village. They also knew that the commune cadres would not be able to punish them, because the cadres had already violated the state Land Law and committed other wrongdoings. The thorniest problem, however, arose from some offspring of one former landlord [con cháu địa chủ] in the village. To explain this point, I need to look back to the 1950s land reform in this area, and point out how and in what ways the sale of village communal land use rights relates to this land reform.

In the 1950s land reform, the commune to which Phú Dương village belongs was chosen as one of the pilot communes by Bạc-Bạc Executive Committee [Đoàn ủy Bắc-Bạc] to carry out land reform.11 The outcomes of the land reform in this commune were, therefore, regularly reported in writing to the land reform Bạc-Bạc Executive Committee [Đoàn ủy Bắc-Bạc], and later the Bạc-Ninh Executive Committee [Đoàn ủy Bắc Ninh] for other communes in the region to learn from.12 The land reform cadres arrived in the commune on 9 December 1955. At that time, the commune contained seven hamlets, among which Phú Dương comprised two. According to the reform cadres’ reports, in early 1956, the commune population was 2,967 inhabitants (1,647 were over 16 years old). Among these inhabitants, 105 were classified as positive masses [quận chúng tích cực] by the land reform teams, who were able to denounce and accuse [đâu

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11 It should be noted that this pilot land reform was implemented by the Executive Committee of Bắc Giang and Bắc Ninh provinces in late 1955.
12 Data for this section on the 1950s land reform comes mainly from various reports of land reform teams, which I collected in numerous offices in the studied districts and provinces, and from on my interviews in villages. Again, for confidential reasons, these reports are not displayed in full.
tố] landlords in the subsequent meetings and trials. From these 105 quân chúng tích cực, the teams picked 11 “roots” [rễ] (five came from very poor peasants [cô nông], and six from poor peasants [bàn nông]), and 22 “beads” or “chains” [chuỗi] (14 workers and labourers [công nông], and eight poor peasants).\(^{13}\)

Also, according to the population classification by the land reform cadres, in 1956, the commune had 741 households comprising 37 landlords [địa chủ],\(^ {14}\) 15 rich peasants [phủ nông], 16 households who had little agricultural land but rented it out for rent [it ruộng đất nhưng phát canh thu tô], 221 middle peasants [trung nông], 254 poor peasants [bàn nông], 186 very poor peasants [cô nông], six other kinds [hộ khác], and six were absent [đi vắng].\(^ {15}\)

During the punishment of landlords during the land reform, three landlords living in Lộc village were accused of various crimes. One of them, a key cadre of the Commune Resistance Administrative Committee [Üy ban Hành chính Kháng chiến xã], was accused of being a landlord, a member of Vietnamese National Party [Quốc dân đảng], and of murder. In fact, he was neither a Quốc dân đảng nor a person who killed his assistant to “cover the clue” [bít đầu mối] as he was first accused of by the land reform cadres and their activists. However, as he was the first landlord to be punished [xử trị], he was immediately shot after the court’s sentence. After the error was acknowledged, he was recognized as a resistant landlord [địa chủ kháng chiến] who had served in the Commune Resistance Administrative Committee, and cleared from the crimes of being a Quốc dân đảng and a murderer. His assistant died, the correction cadres stated, from drowning while fishing in the village.

Another landlord, the father of a key current commune cadre and a key cadre of the Commune Party Organization prior to the reform, was accused of being both a landlord and a Quốc dân đảng. However, he resolutely did

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13 According to a report of Đoàn ụy Bắc Ninh in 1956.
14 If classified on the basis of households, the commune had 37 landlord households. However, the real number of landlords, as first classified, amounted to 39 because in some households two persons had been named as landlords.
15 According to a report of Đoàn ụy Bắc Ninh in 1956.
not accept the title of a Quốc dân đảng imposed on him. As a result, after two attempts to condemn him, the team could not charge him [hai lần đấu tố không gúc]. He was then accused of being a hard head [cứng đầu], but as some villagers today recalled, thanks to his cứng đầu he survived. The third landlord who was punished was a party member who held a key position in the Commune Party Organization. He was accused of revolutionary sabotage, corruption, and having a love affair with a landlord’s daughter [chồng phá cách mạng, tham ô và hũ hòa với con gái địa chủ].¹⁶ When he was denounced and accused of these crimes, he became ill. He therefore survived because the correction campaign arrived before he could be punished.

Besides these three landlords in Lộc village, who faced serious charges and even a death sentence, some other landlords were imprisoned either in the village or the district. Among them, several committed suicide because they could not endure these experiences. In addition, a number of Labour Party members in the commune were punished [xử trị] in different ways, although the commune was seen as one of several local military bases in the area.¹⁷ One report revealed that, among 53 members of the Commune Party Organization at that time, 14 were punished during the rent reduction campaign, 36 were punished during the land reform, i.e from early December 1955 to June 1956 - the time correction was started in the commune. In a broader area of Tứ Sơn district, 95 of its 379 Labour Party members were punished during the rent reduction, and 215 were punished during the land reform (Đoàn ủy Bắc Ninh 1956).

Concerning the question of land confiscation and division, in 1955, the commune had a total area of farmland of 1,405 mẫu, three sào, and nine thước, i.e. about 506 hectares,¹⁸ although the farmland per capita slightly differed from one village to another. In contrast to Phú Dương, Lộc had less farmland per capita, and the farmland distribution in this village in the

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¹⁶ According to a report of Ban Chấp hành Tỉnh ủy Bắc Ninh in 1956.
¹⁷ Being a local military base is an important factor that helped this commune to achieve the award of “hero” [anh hùng] from the central state in 2002.
¹⁸ According to a report of Đoán ủy Bắc-Bắc in 1955.
reform resulted in each normal villager holding an average of about 3 sào, i.e. 1,080 square metres, though landlords often received smaller land shares that were poorer in quality in comparison with poorer villagers. The reform also led to a situation in which some poor villagers who had no, or little farmland, gained a larger portion in the reform while some others gained little, or none, while some, like the rich-landed peasants, had to surrender their land.

As previously noted, land reform only started in this commune at the end of 1955 and early 1956. This was lucky for the local landed elites, party members, and cadres, because the correction of errors was also soon implemented. But the most critical tension arose in the commune when the team corrected their errors. Some people who had been unjustly punished [bi oan sai], now returned to criticize [chi trách], and even beat [đánh] the land reform cadres, especially the activists who immorally and wrongly accused them. During this time, some landlords also reclaimed their properties that land reform cadres had confiscated to allocate to their poor fellow villagers. After the correction, 70 per cent of landlords in the commune returned to their old houses. However, no one could regain their old agricultural land that was confiscated and allocated to other villagers. After the correction, three of the 39 landlords in the commune were reclassified as rich peasants, one was reduced to the group of villagers who had little land but rented it out, and three were demoted to the middle peasant group. Of the 15 rich peasants, eight were reclassified as middle peasants, while the rest remained as they were first classified. Of the 16 households who had little land but rented it out, 13 were demoted to middle peasants, one was reclassified as a handicraft household, and one was promoted to landlord status.19

In Phú Dương village, the water land that the team confiscated from the landlords, including the area that the elderly later sold, was not allocated to the villagers to use. The confiscated water land then became the land of the village cooperative, though in many cases it was left unused. In the 1988

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19 According to a report of Đoàn ủy Bắc Ninh in 1956.
distribution and 1992 redistribution, no areas of water land in Phú Dương were allocated to villagers either, instead they were kept as communal land that was rented and auctioned to some villagers to use.

The sale of the village communal land use rights by the elderly in 1998 led to a reaction by some offspring of a former landlord in Phú Dương because this pond had been the water land of their parents. That landlord’s offspring demanded the right to buy the water land use rights first, especially at a cheap price, because they argued that it was their father’s land. If the elderly sold to others for more, one son of this landlord threatened to denounce the elderly to the higher authorities because they were illegally selling land use rights. However, the elderly wanted to sell the land use rights to some “big head villagers” who really needed land in order to avoid, as said one 68 year old man, the commune cadres’ claiming back the land use rights, or threatening the buyers. Actually, some elderly knew that the landlord’s son did not need the land, neither did he want to buy the land. He was only opposing the sale of land use rights because it was his father’s land. Therefore, the elderly counter attacked by threatening to denounce him for overestimating his contribution to the revolution in his application for the title of a family who had contributed to the revolution so as to receive a monthly pension of 72,000 VND, if he resisted the sale of the land use rights. Finally, the man withdrew his claim, and the elderly sold the land use rights to some “big head villagers” in the village.

Such claims to their parents’ old land appeared in other villages I studied. In Phú Dương, Mrs C remembered her land that she had donated to the village in the 1950s land reform. In the reform, her family was classified as a landlord, although her family’s land was not confiscated because her husband donated it to the village. One portion of her donated land was then turned into a cooperative yard during the high scale collectivization. Recently, 40 square metres of the old cooperative yard had been encroached on by one villager to build a shop for
trading. As a result, Mrs C criticized this encroacher by gossipping and scolding without mentioning her name [chúi dòng].

She argued that her family had donated the land to the village so it should not be encroached on for private benefit. She then criticized the commune cadres because they did not stop the encroacher. Talking with Mr L in Lộc, I also heard his memory of his father’s agricultural land that was confiscated in the 1950s land reform. Prior to the reform, his father was a cadastral official [truồng hà] in the village. The land reform cadres came and classified his family as a landlord household who owned four nâu ruộng in 30 plots. Consequently, his grandfather was held under house arrest, and a large area of his agricultural land was confiscated to allocate to poor villagers. Until today, although he does not wish to claim any of his family taken land, Mr L still remembers the location of many plots that his family owned before the reform and recalls how some of these plots had been transformed into residential land over time.

Although the land reform happened more than four decades ago, some villagers in these villages today still remember the land of their grandparents and parents, which was confiscated for other villagers. My research did not find any vengeful attitude, or “feud,” which former landlords or their offspring harbour in their minds toward their fellow villagers, or children of those who wrongly denounced and accused them or their ancestors in the 1950s land reform. However, several villagers still claim rights over the use of their family’s old land. What we see from some villagers’ claims to their old land, or their parental land in Phú Dương, is that they are weak, not as strong and determined as the various collective claims of villagers to the village land.

V. Conclusion

20 Although the encroached area was very little, it was located in a good trading location, therefore the illegal occupation of this land for trading earned the encroacher a good income.
First, I want to conclude that the electrical accident on the 3rd June 1998 in the village was only a water drop that dripped into an already full glass of water, making it overflow. In other words, it became the starting point for the breakout of many Phú Dưỡng villagers’ public resistance and claims because of their discontent about the management and use of the village communal land as well as its output, and the accompanying cadre corruption and misbehavior. My analysis, in this Chapter and others, partially endorses the explanations of some authors about the social unrest in Thái Bình in 1997 in Xây dựng hạ tầng cơ sở nông thôn trong quá trình công nghiệp hóa, hiện đại hóa ở Việt Nam (2001). The authors of this book argue that this social unrest was mainly a result of local cadre corruption in their dealings with communal resources, which involved selling of đất công ích and contributions by the people in the process of local infrastructure construction. Local cadre corruption, these authors argue, led to inequality between cadres and the villagers which, together with the cadre mistreatment of the villagers, then created local conflicts.

Secondly, many villagers did not struggle to hold ownership rights to communal land; they cared about the management of communal land and considered that the village institution should be the holder of village communal land use rights. To them, communal land use rights have various meanings and values for both individual villagers and the community as a whole. More importantly, communal land in history and since decollectivization was and is the land of the village. Therefore, the village should have the power and right to decide how communal land use rights should be held, used, by whom, and for whose benefit. This view not only originated from traditional practices but also from the recognition of land use rights and demands to clarify the boundary of land use rights holding between members of the nuclear family, individual villagers in the village, individual villagers and the village as a whole, one village and another, and between the village and the commune. Claims to the village communal land use rights and the resulting resistance of Phú Dưỡng villagers resulted not only from the transfer of use rights holdings but also the misuse and
mismanagement of the village communal land use rights as well as their output.

Finally, shortly after its rebirth, communal land became a controversial resource towards which different groups of villagers and institutions have different attitudes and behaviors. As a result, the various parties involved want different relations to the land to be implemented. All of the individuals and organizations I have spoken to, however, seem to indicate that when dealing with the outside world, the villagers often claim the land use rights for their village as a whole. In dealing within their own world, however, many of them compete with one to another for individual gain. Furthermore, as in history, the plots of communal land are often closely related to local cadre corruption, encroachment, inequality, and other wrongdoings embedded in everyday village life and the interactions among villagers, as well as between villagers and local cadres.
Photos 11-12: Communal Waterland in the Village
Photos 13-14: Illegal Encroachment over Communal Waterland
Chapter Five: The Problem of Local Cadre Corruption

I. Introduction

The main aim of this Chapter, as previously noted in Chapter Four, is to examine the third aspect of conflicts in the village: the problem of commune cadre corruption and misbehavior and the villagers’ resulting resistance. I present an in-depth case study which illustrates that the problem of cadre corruption, which is closely related to land and land output, was one of several key reasons that generated local conflicts since decollectivization. I also elaborate another circumstance in which many villagers shared some common views over the use of land output and other communal resources, and expressed their discontent toward the problem of local cadre corruption in the process of management and use of communal resources, especially communal land.

In this section, I discuss the definition of corruption in Vietnam, and then examine in detail some types of corruption for private gain, which the protesting villagers in Phú Dương accused the commune cadres of, to see how and to what extent local cadre corruption occurred and created reactions from the villagers. Section two discusses six types of corruption involving land that villagers themselves identified. Section three looks at the protests. And the fourth section analyses the villagers’ views about corruption.

Throughout the Chapter, I argue that corruption by a number of local cadres increased in various forms after decollectivization and was related closely to land resources. I argue that many villagers accept minor amounts of corruption, however, “too much” corruption is not tolerable. I then discuss how corruption was more than a cause of local conflicts; the problem of cadre corruption in the village was used by the protesting villagers as a legal weapon, or an excuse, to fight against some commune cadres who they hated because of the reasons that have been documented in this and previous Chapters.
Corruption exists at different extent in all society. The key is to analyse corruption within the studied society (Levy 1995: 2). So in Vietnam, what is perceived as corruption? In the Vietnamese language, the term tham nhũng is a translation of the English term: “corruption.” Corruption, in the view of the state, is generally defined as:

The act or behavior that the people who hold power and position conduct through abuse of their position and power to embezzle, bribe, or intentionally violate the state laws and regulations for private gain, and damage the property of the state, the collective and the individual, and violate the rightful activities of the institution and the organization (Quoc hoi nuoc Cong hoa Xa hoi Chu nghia Viet Nam 1998: 49).

More specifically, the state has generalized corrupt acts into eleven major forms, comprising:

1. Embezzling socialist property; 2. Receiving bribes; 3. Using socialist property to bribe, taking advantage of one’s position to give bribes and mediate bribery; 4. Taking advantage of one’s position and power to cheat people, appropriate socialist property, abusing the trust of others to appropriate socialist property; 5. Taking advantage of one’s position and power to use socialist property; 6. Abusing one’s position and power to appropriate private property of the individual; 7. Taking advantage of one’s position and power while doing business and/or missions for private gain; 8. Abusing one’s position and power while doing business and/or missions for private gain; 9. Taking advantage of one’s position to affect other people for private gain; 10. Raising illegal funds for private gain; 11. Falsifying documents in doing business for private gain (Quoc hoi nuoc Cong hoa Xa hoi Chu nghia Viet Nam 1998: 49-67).
Although the above covers various forms of corruption in the state and society, it highlights an essential feature that the state concentrates more on corruption involving those who work in the state. This emphasis is also noticeable in China where the state has stated that corruption is “activities by state personnel who use their positions to acquire public property by misappropriation, embezzlement, theft, fraud or other illegal methods” (Levy 1995: 4). Of those who work in the state in Vietnam, however, greater emphasis has been put on **người có chức vụ và quyền hạn**, literally meaning those people who have power and position in various levels of the state. As defined in Decree number 64 of the government (Chính Phủ nước Cộng hoà Xã hội Chủ Nghĩa Việt Nam 1998), this group includes five types of cadres and officials who work in various sectors of the state from local to the centre. At the local level (in the rural areas), as was previously noted in Chapter One, **người có chức vụ và quyền hạn** are key cadres of the commune and village (Chính Phủ nước Cộng hoà Xã hội Chu Nghĩa Việt Nam 1998).

Various sources of data on corruption and anti-corruption in Vietnam indicate another essential feature, which is that the central state has a critical attitude towards corruption, and has made great efforts to curb corruption, as previously noted in Chapter Two. As a result, at least in theory, the state has been determined to punish corrupt officials and cadres whatever position they might hold in the state apparatus. This critical attitude has been visible in various anti-corruption campaigns, especially in the legislation. In an analysis of corrupt crimes in the 1999 Criminal Code, Nguyen Ngoc Diep points out that they are generalized into eight types of crimes, to which the highest punishment could be a death sentence (Nguyen Ngoc Diep 2000: 7-47). Meanwhile, Martin Gainsborough (2003) rightly reveals the fact that large corruption cases increased in Vietnam in the 1990s, and he argues that the central state made great efforts to detect and prosecute such cases during this decade because it was attempting to threaten and discipline the lower cadres and officials in the context of increased decentralization. Such an
argument is correct, however, it is not adequate. I want to add two more points, first, that the determined detection and tough prosecution of big corruption cases demonstrated the central state’s critical attitudes and serious action in curbing corruption, and secondly, like many villagers as I discuss later, that the central state could not tolerate “too much” corruption in these cases.

In a study of corruption, economic crimes and social transformation in China after the 1979 economic reform, Richard Levy (1995) brought to light four key controversial views on corruption of four Chinese parties: the government, the 1989 democracy activists, the conservatives, and the reformers. However, he failed to document the view of many Chinese villagers in the countryside. In Vietnam, many people used the same general term (tham nhũng) as the state to indicate corruption. However, besides this, they also used various simple and specific terms to express different acts and forms of corruption in everyday life. In the studied villages, many villagers narrowly related corruption to graft, extortion, embezzlement, speculation and profiteering (they did not often mention nepotism in my various interviews). Expressing those forms of corruption, they used words like chiếm đoạt [to usurp], lấy cướp công [to take public/communal property], biến thủ [to embezzle], dưa hỏi lỗ [to offer a bribe] or ăn hỏi lỗ [to eat/take a bribe], dột lọt [to bribe], lợi dụng [to take advantage of], ăn [eat] and chay [containing various meanings, as discussed below].

At a broader level, people in Vietnam, in a similar way to people in China, refered to corruption as a variety of more specific acts; consequently they used numerous terms to express such acts of corruption. In an incomplete draft paper on corrupt practices in education in Vietnam, John Kleinen explains concepts of tiền chùa [pagoda money], tiền phong bì [money in envelopes], and lậu [informal sources of income], which are seen as corrupt acts. These, however, were not used by many villagers in their protests over the problem of local cadre corruption.¹ Martin Gainsborough also illuminates other concepts, one of which is ô dù [umbrella]. Ô dù, he

¹ Personal communication.
explains, is “the idea of the umbrella whereby lower level institutions or individuals receive backing or protection from those higher up the political chain” (2003: 73).

The terms I most often heard in the studied villagers narrowly referred to local cadre corruption in the villages. Of those terms used by the villagers, several are neither new to Vietnamese society as they can be found in feudal history, nor are they special or peculiar to the Vietnamese, but have also been recognized in other societies. Offering or taking bribes for example, is a clear act of corruption perceived in many societies. However, terms like ān and chay need to be further explained in the context of Vietnamese culture because they convey various meanings. First, ān literally means eat. Eating, or ān, can convey both positive and negative meanings. In the conventional sense, ān is to eat food in everyday life. In a positive sense, ān được [to eat well] is the ability of one person to work and speak well. In contrast, the negative meaning of ān is to corrupt, like eat bribery [ān hối lở], eat of the people [ān của dân], or eat of the state [ān của nhà nước] or collective [ān của công]. Such Perceptions of the negative meaning of ān are also commonly found in various parts of the state and society. For example, in her study about “speaking pictures” on government corruption and political thought in contemporary Vietnam, Pham Thu Thuy presents vivid satirical cartoons, which were originally published in Bảo Lao Động and Bảo Sài Gòn Giải Phóng in 1997 and 1998, showing worms and rats, i.e. corrupt cadres and officials, eating public funds and state property (Pham Thu Thuy 2003: 102-103). In one example, Thuy writes:

The viewers are encouraged to believe that these [corrupt] officials have grown fat from ‘eating’ (ān) an inordinate amount of funds and assets that do not belong to them. In one biêm hoa, a doctor advises his patient, who is apparently a senior official or company executive, to abstain from ‘eating’ public money and property (của công) as a perfect solution to his indigestion and high blood pressure problems (Pham Thu Thuy 2003: 105).
The second term that has become an expression of corrupt acts in Vietnam today (though I heard the latter less often than the former in the studied villages) is *chây*, literally meaning to run. Unlike nepotism (i.e. one person abuses his or her official power and position to favor friends, relatives or loved ones to access good positions in the state apparatus), *chây* in the corrupt sense is to use money and personal connections, or other means, to make arrangements in return for payment to make private gain for someone who is not legally and morally eligible to enjoy something. For example, *chây diêm* is the act of giving money, or other inducements, to ensure that teachers, lecturers or other staff members give higher marks to a student or pupil; *chây trươm* is the payment to a school or officials in order to illegally move from one school to another, or to enrol in a good school; *chây dự án* is the use of connections, resources and lobbies to get a project approved, or to be funded, or not to be inspected or inspected without revealing bad performances; *chây chiéc* is to pay for promotion, or to gain a position that one has not legally merited; 2 *chây án* is to pay for less heavy or no punishment in the court for a crime that could normally be more severely punished, or even to get out of prison when the sentence was guilty; 3 and so forth.

Such perceptions of corruption of the state and villagers show a common view that corruption is the abuse of power and position for private gain. This shared view supports a consensus in the literature on corruption which centres on public office and/or interest versus private interest (Gillespie and Okruhlik 1991: 77; Goudie and Stasavage 1998: 115-116; Lu 2000: 8-9). According to this type of definition, corruption is perceived as

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2 This particular act of corruption is nothing new. As in China (for an overview of the Chinese case, see Lu 2000: 199-200), in traditional Vietnam a few rich villagers and landlords were able to buy official positions and titles from the local authorities to become mandarins, or those who did not have to pay head tax to the state. During the period of collectivization, this practice disappeared and only re-emerged in different forms after Đổi Mới.

3 The recently prosecuted case of Nam Cân, in which Trần Mai Hạnh and other officials were involved, is a good example of this. Trần Mai Hạnh, the Head of Vietnam Radio, used his official positions to get Nam Cân out of prison in 1997.
acts which abuse public office and/or public interest for private gain. The concept of public interest in this case can be understood as the interest of a community, institution, or of the state as a whole. Similarly, the concept of private gain, according to Zengke He, is not simply seen as the interest of one person; rather it can also be the interest of a group of people, work units, departments and even regions (He 2000: 244).

In the current case I examine, the corrupt acts of the local cadres mainly took the form of abuse of their official position and power for private gain. In most cases, corruption was collectively committed by a group of local cadres, therefore, it is called collective corruption. Collective corruption, one of the popular forms of corruption in contemporary China, is defined as:

[A] form of corruption that occurs when a group of corrupt people conspire and collude to pursue individual interests at public expense. Collective corruption is not conducted by a lone individual; rather, it is a kind of collective behavior of aggregates of discrete individuals. Collective corruption entails innovative and sometimes extensive use of planning, collaboration, and other organizational means without ethical and legal boundaries (Gong 2002: 87).

As a result, the villagers often simultaneously protested against numerous corrupt cadres in the commune, and the resulting inspections by the higher state authorities also pointed out this pattern of collective corruption, as I will discuss in the subsequent sections.

II. Local Cadre Corruption Involving Land

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4 It should be emphasized that viewing corruption in this way cannot be broadly applied to examine all forms of corruption in cross-cultural studies. Some acts that abuse public office and/or interest for private gain might be seen as corrupt in one society while not in others. However, it perfectly reflects the perceptions and attitudes of the state and villagers towards corruption in my case study.
In their protests against a number of commune cadres, many Phú Dương villagers concentrated on six types of local corruption involving land in recent years. The first type is cadres illegally benefitting from the distribution of land use rights. A good example is the sale of 77 shares of land use rights for residences in 1995. As was previously noted in Chapter Four, in 1995 the People’s Committee transferred 13,775 square metres of communal land located in Phú Dương and Lộc to residential land for selling to the villagers to use. Prior to the sale of the use rights for residence, a Committee that included 13 key cadres, headed by the President of the Commune People’s Committee, was set up to be in charge of preparing the site and deciding who was eligible to buy the land under hò tiêu chuẩn (qualified households), i.e. those families who had three kitchens under the same roof, and who could buy it under auction.

Even at the first step of the preparation of the site, the Committee was accused by many Phú Dương villagers of corruption. As previously noted, the land areas to be transferred to residential land were water and farming land, therefore they were not ready for house building. To make the land ready for sale, the Committee had to use a large amount of dirt to fill in and raise the site. While doing so, the Committee colluded with the District Youth Union and another businessman to illegally pay for 4,193.5 cubic metres of dirt that was not used on the site to enjoy 130,000,000 VND profit. In other words, 30 per cent of the dirt was not used on the site as required in the contracts. However, the workers claimed for the full payment. As a result, the villagers who later bought the land use rights for residency had to bear the cost, because the expense of filling in and raising the site was added to the land use rights price. In addition, a number of Phú Dương villagers asked to do the job, at a cost of 21,000 VND per cubic metre of dirt, but the Committee refused, and gave the contracts to the Youth Union of the district and a businessman who charged an additional sum of 10,000 VND per each cubic metre of dirt.

When the site was ready for sale, instead of selling all the land shares to qualified families [họ gia đình tiêu chuẩn] who needed the land and had

197
applied to purchase the land, the Committee decided to auction one-third of the 77 shares in order to gain more money for the "locality" [dĩa phường]. This meant that the commune authorities had more money for the commune's use, but a number of villagers who had spent time and energy on making applications to the Commune People's Committee for approval from district and provincial authorities could not get access to the land use rights they were qualified for, but had to wait for the next time.

In addition, in the auction of one-third of the 77 land shares, some poor villagers who needed the land for residency could not buy the land because they did not have sufficient money. Meanwhile, some better-off commune cadres, including the President of the Commune People's Committee and commune cadastral cadre, who some villagers believed needed no more residential land, bought one share each. In fact, a number of villagers argued that in any purchase of land use rights, the commune cadres always achieved shares that were not only larger in area but also better in location compared to the amount they paid for them. In contrast, other ordinary villagers had to accept shares that were smaller in area. The clearest example some villagers saw was that the area of land shares that ten villagers bought under [họ gia đình tiêu chuẩn] had been illegally reduced from 150 square metres to 100 square metre each, while the three shares that the key cadres of the commune, including the President of the Commune People's Committee and cadastral cadre, bought at auction had been illegally increased from 72 square metres each to over 100 square metres.

Such corrupt behavior was not limited to this commune; it also occurred in others. In Dòng village for example, a number of newspapers reported similar patterns of local cadre corruption in regard to the sale of agricultural land use rights for residency, and in auctions of land use rights for industrial development. For many years, the majority of villagers in Dòng village specialized in woodwork and gained incomes from this business. Both agricultural and residential land per capita in the village were low, and in such a context land use rights were regarded as more valuable if used for industrial sites and residency than for a source of agricultural
income. Actually, in comparison with other villages in the area, by 1994 the price of residential land in Dōng was very high, amounting to four or five million, and even 50 and 60 million VND per one thọc, i.e. 24 square metres.\(^5\)

In 1993, the Commune People’s Committee gave the “green light” [bắt đèn xanh] to Dōng cooperative cadres to auction agricultural land use rights shares, which were supposed to be sold for residency to hò gia đình tiêu chuẩn, including the policy-families, to achieve more funding. However, only some better-off villagers in the community were able to buy the land, while a number of poor families, including those who had war invalid members and martyrs, could not buy the land due to lack of money. Those families who bought the land then sold it for profit when the land value increased, and many villagers believed that this was a clear case of land use rights speculation. Another case related to the sale of land use rights for handicraft industrial zone building in the village in 2001. *Ho Chí Minh City Police Newspaper* [Báo Công an Thành phố Hồ Chí Minh] reported that:

During the division [i.e. the sale] of land plots to build the industrial zone, according to the villagers’ reflections, almost all the commune mandarins (commune cadres) occupied the plots located nearby the main road, while the “black villagers” [dân đen, i.e. the ordinary villagers] received the inner plots. Many villagers suggested that lot-drawing [bốc thăm] should be applied in order to gain equality and to prevent disputes among the buyers, however, the President [of the Commune People’s Committee] [...] stated that “any one who refuses to receive the given plot, withdraws his/herself from the industrial zone; there will be no lot-drawing!” A number of villagers also said many

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\(^5\) Báo Nông nghiệp Việt Nam, năm 1994.
"commune mandarins" gained plots that were double the area of those of other buyers, but paid the same amount.  

The second type of corruption is illicit use of funds for infrastructure construction in the villages and commune. As previously illustrated in Chapter Two, the construction of local infrastructure like the electricity system, roads, schools, clinics and so forth was a key plan of the local state in the 1990s. In the commune of which Phú Dương village is a part, from 1995 to 1997, alongside over one billion VND that the commune authorities obtained from the sale of communal land use rights for residency in 1995, the higher authorities also gave it several hundreds of million VND as state capital for local infrastructure construction. In addition, during these years, the Commune People’s Committee collected tens of million VND from villagers in the commune, and gained over 360 million VND from communal land output. In the local context at the time, all these sources of funding amounted to a large sum, and were all put into the commune budget to be managed and used by the People’s Committee. From 1995 to 1997, almost all the above funding was used to build local commune infrastructure, including a water-pumping station for agricultural production, a commune clinic, a primary and secondary school, and so forth. However, various acts of corrupt behavior by the same cadres of the commune were reported by villagers in Phú Dương village, the most common being: 1. Claiming the prices of building materials higher than they actually were; 2. Purchasing building materials of poor quality (thus cheap in price) while claiming for payment of materials of good quality (therefore more expensive) in order to enjoy the difference; 3. Claiming for payment of what had not been purchased. All these also related to the abuse of official position and manipulation of legal documents for personal gain.

Of the local infrastructure built since 1995, the building of the water-pumping station for agricultural production clearly shows how the commune cadres colluded with builders to commit wrongdoings for personal gain.

*Bảo Công an thành phố Hồ Chí Minh, năm 2002.
This water-pumping station was constructed by a district construction company, at a cost of 323,094,000 VND, of which the input from the commune budget amounted to 84,155,471 VND, the rest coming from the capital granted by the higher state authorities. In the construction process, instead of buying brand-new water pumping machines, the commune cadres and the builders bought second-hand ones to enjoy themselves the price difference between the old and the new. But when the construction was completed, the water-pumping station did not work properly, and if it did, it often consumed more electricity resulting in the villagers having to pay more irrigation fees. Therefore, since its auguration in 1997, the water-pumping station has been used only once or twice a year. Meanwhile, in order to carry the water from this pumping station to the fields, nearly one mâu of communal land has been used to build irrigational channels. A number of Phú Dương villagers finally became angry with the commune cadres because the pumping station brought them little benefit in comparison to its cost due to the cadre corruption involved.

Another case was the building of a commune clinic on 148 square metres of communal land of Phú Dương village. This construction cost 218,690,000 VND, in which the provincial authorities invested 50,000,000 VND, the rest coming from the commune budget. Again, in the construction, the commune cadres colluded with builders, who were not villagers in the commune, to corruptly acquire payment for a brick purchase. This was discovered immediately by a number of Phú Dương villagers, who claimed that the bricks that had been used in this building had actually been collected by the commune cadres from some villagers who used the communal land for brick making.\(^7\) However, the commune cadres later

\(^7\) After the late 1980s and early 1990s, all three villages of the studied commune auctioned some area of the village communal land to a number of villagers for brick making to collect bricks for the village. The brick makers paid the village 20 per cent of the bricks they made, and the village used the collected bricks to construct its infrastructure, like roads and school for example. Since 1995, when the communal land use rights of the villages became managed by the commune authorities, the President of the People’s Committee made new contracts with the brick makers under the same rules. Instead of paying the bricks to the village, however, the contractors paid them to the Commune People’s Committee. The number of bricks the commune authorities received through this source during 1995 and
declared in the payment for this construction that the bricks had been purchased at a price of over 200 VND per brick. Such an act provided the commune cadres an opportunity to enjoy the money that had not been used for brick purchase. In a similar way, in the construction of a primary and secondary school that cost 622,142,000 VND, and a cemetery for the war martyrs in the commune that reportedly cost 87,000,000 VND, the same commune cadres corruptedly abused their position for personal benefit. That is not to mention the construction of various small-scale irrigational systems, like water-inlet sluices in the past few years.

Although some commune cadres claimed that these constructions were carried out in accordance with regulations of the higher state in terms of legal procedures and for the needs of local people, the protests of Phú Dương villagers did not relate to these reasons. Their complaint was that the collective corruption of the commune cadres in all these works finally led to bad quality of these constructions. Some villagers became discontented when the cadres refused to give the construction work to villagers in the commune who specialised in this sort of work, and had requested it. In Phú Dương, three builder-households and a number of villagers who specialized in construction work usually had to go out of the village to find work. However, they were not permitted to construct the local infrastructure in their own commune.

The third type of local cadre corruption relates to communal land encroachment and the settlement of this problem, which I discussed in Chapter Four. Instead of repeating this case, I will discuss another case in Đông village to show how some cadres corruptly abused their official position for private gain while resolving the question of illegal widening of the five per cent plots on cooperative land. In Đông village, since the early 1960s, due to the high need for residential land, many villagers had widened their five per cent plots at the expense of the cooperative agricultural land, and then turned them all into residential land for their own use and ownership. In 1968, Hà Bắc provincial authorities legalized these actions, 1998 amounted to 458,735 bricks, but a large number of these, which were used in commune constructions, became a source of commune cadre corruption.
and officially allowed the transformation of “five per cent land,” including the encroached areas, into the residential land of the villagers. Despite this legalization, from 1990 to 1994, the President of the Commune People’s Committee examined the problem of land encroachment again, and required nearly 200 households in the village who had encroached on cooperative agricultural land for residency to pay fines for legalization. As a result, each encroacher was required to pay 40 kilograms of paddy, equal to 60,000 VND at that time, per square metre of encroached land. While collecting these fines, however, the President did not collect fines from himself or some of his relatives or colleagues. More importantly, the amount collected, 76,330,000 VND, was not added to the commune budget but was used illegally.

The fourth type relates to land use rights compensation. As shown in the compensation of agricultural land use rights for an industrial zone in Đại Lộc village, which was scrutinized in Chapter Three, some cadres of the Committee colluded with each other for private gain to compensate more land use rights than they were officially approved.

A fifth involves agricultural land ranking. Prior to the 1988 distribution of agricultural land use rights, in theory all communes in the district had to rank their agricultural land. Ranking statistics would not only prepare the ground for an equal distribution of land use rights among recipients, but also provide a criterion for the state to collect land use taxes from the tillers. At that time, the ranking of agricultural land in the district was implemented in accordance with Directive number 299, issued by the central government in 1980. In the studied district in 1987, only 13 communes had made contracts with state institutions to rank agricultural land before distribution. The rest of the 14 communes implemented the ranking of land themselves (UBND huyện Tien Son 1987: 2). In practice, however, in many of the latter, including the commune to which Phú Дмит village belongs, the cadres did not rank the land but used the land ranking statistics that had been previously collected in 1978 by agricultural

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cooperatives to implement the 1988 land use rights distribution. In the redistribution, a new set of criteria for agricultural land ranking had been issued and applied. However, again the cooperative and commune cadres in the commune did no land ranking prior to the 1992 redistribution of land use rights. This means that the ranking statistics of agricultural land in the commune to which Phú Dương belongs, collected in 1978, were used to decide the land taxes that the tillers have to pay to the state.

The above did not become seriously troublesome until 1997, when the state officials came to the commune to rank the areas of agricultural land that were to be taken to build the national highway. At that time, after examining the areas of land for compensation, the state officials’ records revealed that the areas of agricultural land appropriated in Phú Dương were of the second rank, while the villagers who farmed the fields had been paying land use taxes to the commune authorities for the first rank for years. Therefore, a number of Phú Dương villagers argued that the cadres had corruptly misranked the agricultural land to collect more land taxes for private gain, and they feared that other areas of agricultural land might have been misranked too. Finally, they demanded the commune authorities rank all agricultural land again. The problem of land ranking occurred at the same time as Phú Dương villagers were claiming a share of village communal land money, and were struggling for a return of the land area that a state company had borrowed. However, I found it difficult to identify the extent of the cadre corruption involving land ranking that the villagers had highlighted, except that some cadres may have claimed the ranking funding for doing no ranking.

The last type of corruption was the selling of electricity. Although it did not relate to land, this corrupt act was done by the same key commune cadres the villagers had petitioned and denounced. It also directly affected the villagers, and caused an electrical accident that provoked collective protests in the community. Since 1990, the sale of electricity to the villagers in this commune had been governed by a team headed by the President of the People’s Committee. From 1990 to 1998, this team charged the
electricity purchasers a higher price than had been regulated by the higher state authorities. In addition, this team had been illegally selling the electricity to the company which borrowed the previously discussed area of land from Phú Dương, and kept the differences between the price the team charged the company and the lower one it paid the electricity company. None of the profit from these manipulations in electricity sales was placed in the commune budget, but was shared among the cadres in different forms. Furthermore, the illegal sale of electricity to the state company had caused the death of a woman in Phú Dương, but the commune cadres refused to accept responsibility for this accident.

In short, these six types of corruption that villagers in Phú Dương objected to, and higher authorities later investigated, reveal that local cadres regularly abused their authority during the 1990s. These acts of collective corruption related closely to the collectivity of the commune cadres, especially the key cadres, who shared residential location and everyday interaction with villagers in Phú Dương. The corruption also related to collusion between local cadres and businessmen, and sometimes with some district officials. In most cases, the corruption occurred in relation to land in the community, especially communal land and its output usage, indicating that land has become the most crucial source of cadre corruption in the local context since decollectivization. As in China (Gong 2002), such corruption was mainly collectively performed by a number of cadres. Consequently, although the villagers and the higher authorities detected the problems and protested against them, it was very difficult to spell out exactly how many communal resources one single cadre had corruptly appropriated for private gain.

As noted previously, such cadre corruption is not peculiar to the studied villages and communes, but has commonly occurred in many rural communities since decollectivization. To date, the most widespread case of local cadre corruption that has been brought to light occurred in Thái Bình province, where a state-funded research project notes that:
this case can not be understood solely as resistance to corruption, but also as a response to other issues.

Prior to the collective reactions in 1998, some villagers in Phú Dương had already individually petitioned some key cadres of the commune in relation to personal land issues. One example is Mr T, 65 years old in 2002, who petitioned the President of the Commune People’s Committee and the Phú Dương village cooperative manager because of the corrupt taking of his “martyrs’ land” [ruồng liệt sỹ]. From his birth until 1991, Mr T lived with his mother, Mrs V, whose third son died in battle as a war martyr. Shortly prior to the 1992 land use rights redistribution, she became very weak because of old age, and Mr T and his brother, Mr H, moved her to Mr H’s family so that if she passed away, she would die in the house of her eldest son. In fact, she went to the other world shortly thereafter. But the problem was that her death came during the land use rights redistribution. According to the state policies, every martyr’s family was allocated a good ration of land use rights to be farmed for free to get produce with which to worship the martyr. This means that Mrs V still owned one ration of “martyr’s land” when she passed away, and this land should have gone to one of her inheritors. Mr T, argued that he should be the one to receive this ration of martyr land use rights, not his eldest brother, because Mr T had lived with and fed his mother till the days prior to her death, and had worshipped his martyred brother for years. In practice, however, Phú Dương’s cooperative manager gave this ration of land use rights to Mr T’s elder brother because, as Mr T understood it, this manager was a relative and “in the same group” [cùng hội] as the President of the Commune People’s Committee, whose daughter married the son of Mr T’s eldest brother (Mr H). Having failed to acquire this land use rights ration through discussion with cooperative and commune cadres, Mr T petitioned both the village cooperative manager and the President of the Commune People’s Committee in the district and provincial authorities because of, as he argued, the corrupt abuse of position and power for the benefit of a relative.
From 1998, a number of Phú Dương villagers started to collectively question the cadres about the 1995 sale of communal land use rights for residency, especially how the money and other communal resources had been used for local infrastructure building. As these villagers considered that some cadres did not pay enough attention to their inquiries, or went around and resorted to elaborate subterfuges to avoid answering their questions, they set up an inspection team, which they called “Tổ thành tra kinh tế-xã hội,” literally meaning “the inspection team of socio-economy,” to investigate the socio-economic issues in the locality. However, the President of the Commune People’s Committee soon dismissed the team because of its illegitimacy.

Instead of giving up their protests, the villagers went to the district authorities to denounce these key cadres for committing corrupt acts and other wrongdoings, as previously analysed, and demanded that the district authorities investigate the case. The day before they officially went to the district authorities, one elderly leader deliberatedly dropped a letter of denunciation at the entrance gate of the house of the President of the Commune People’s Committee, as he said, to see whether this top cadre would recognize and accept his corrupt misconduct and misbehaviour towards a number of villagers in Phú Dương, and think of how to make amends in the future. In this letter of denunciation, the protesting villagers highlighted the six types of corruption discussed previously, and argued that the commune cadres had committed such wrongdoings for private gain. They also pointed out that such a problem of corruption had impacted on the community as a whole as well as individual villagers, and therefore they strongly appealed to the district authorities to investigate the case.

In the following days, however, the President indirectly accused the protesting villagers, particularly the elderly who led the way, of wrongly petitioning [kiên lêu kiến lão] him and other commune cadres. More importantly, some cadres named the petitioners “bọn hay đi kiến,” meaning the gang of regular petitioners, “lũ gây rối” [the public-unrest-provoking gang], or called them bad names like “phận tử xấu” [bad elements] and
talked about them as troublesome and disturbing villagers. The President of
the Commune People’s Committee also mockingly told some elderly that he
challenged them to petition him [thách các cụ đi kiện]. As a result, these
protesting villagers, especially the elderly, critically accused the key cadres,
particularly the President, of scorning and ignoring the villagers [khinh
dân], and not wanting to listen to their opinions [không chịu nghe ý kiến của
dân], and moved to stronger collective action by going to the district
authorities to denounce and petition the commune cadres.

At the same time in the village, a number of villagers organized their
school-aged children to stand in queues, wear red scarves, and go around the
village, beating drums and repeatedly shouting the slogan “Overthrow the
corrupt gang!” [Đào độn tham nhũng!]. They also wrote poems that they
circulated in all three villages of the commune to publicize the corruption
and other wrongdoings that they believed, or suspected, the commune
cadres had committed since 1995.10

Under the leadership of some knowledgeable and retired elderly, the
various forms of protests of Phù Dương villagers eventually forced the
district authorities to investigate the case. However, the villagers soon
disagreed with the conclusions of the district inspectors, and moved to
appeal to the provincial authorities, and even visited various central
agencies in Hà Nội, like the General Department of State Inspection [Tổng
Thanh tra Nhà nước], Government Office [Văn phòng Chính phủ] and so
forth, to send their letters of denunciation and petition. Finally, Bắc Ninh
People’s Committee decided to investigate the problems that the Phù Dương
villagers had highlighted.

10 For example, in one poem the writer vividly narrated the story of one female villager
who could not sleep because of thinking about the cadre corruption and other wrongdoings.
In several others, the protesting villagers pointed out those areas in which they suspected
that commune cadre corruption was involved. At the end of these poems, the villagers often
put a penname like “The group of people who are cleaning up the society in the village” or
“The group of poets who are fighting against the wrongdoings in the village.” According to
the state laws of Vietnam, it is illegal to deliver this type of poems and similar materials in
public.
As a result, in August 1999, a Đoàn thanh tra liên ngành [team of multi-disciplinary inspectors] was set up and started to investigate various issues in relation to the villagers’ denunciations and petitions. Finally, the conclusions the provincial inspectors made were totally different from those that the district inspectors had previously reached. The provincial team concluded that the collectivity [tập thể] of the commune cadres, under the leadership of the President of the People’s Committee, had committed corruption and other wrongdoings. Therefore, the team proposed that the provincial authorities confiscate the corrupt resources and punish those cadres who had corruptedly breached the state laws and regulations in their management and use of land resources, construction of local infrastructure and other areas. Such conclusions created conflicting views in the commune. While a number of protesting villagers praised the provincial inspectors for doing their job well and justly, although they did not totally agree with the team on some small issues, some commune cadres, especially the President of the People’s Committee, really hated the team. Talking with me, some commune cadres did not accept that they had been corrupt, although they did not publicly deny the conclusions of the provincial inspectors.

In line with the conclusions and proposals of the provincial inspectors, the President of Bắc Ninh People’s Committee issued a decision that ordered: 1. the President of the Commune People’s Committee to retrieve all the resources that the provincial inspectors found to have been corruptly taken; and 2. the district authorities to punish the collectivity of the commune cadres in accordance with state laws and regulations.

The conflict, however, did not end there because the decisions of the provincial authorities could not be fully implemented. Till the day I left the village, many Phú Dương villagers continued to fight to recover the resources that had been corruptly taken and to punish the corrupt cadres. Except for a sum of three million VND that one commune cadre had surrendered, the rest of the money could not be recovered for various reasons. One reason related to the reorganization of the District Youth
Union, one of the institutions which had to hand back the corrupt money. In 1999, when Tiến Sơn district was divided into two smaller districts, the Youth Union had been divided too, and some officials related to the case had either moved to a new district or been promoted. This made the retrieval of corrupt money difficult if not impossible.

The punishment of corrupt cadres was not properly carried out either. In the commune, for example, the President of the People’s Committee who was the main target of the protesting villagers, and had been heavily charged with wrongdoings and corruption by the provincial inspectors, had retired at the end of his working-term. Another key cadre had since taken up the post of the President of the Commune People’s Committee. One cadre who was charged with corruptly taking three million VND became a Vice-President of the Commune People’s Committee (he had handed back the corrupt money). The Secretary of the Commune Party Organization moved to the post of Chairman of the Commune Fatherland Front. The cadastral cadre had been removed from his post in the next working term. In that way, as a number of villagers later complained, these corrupt cadres had ‘landed safely’.

It was a long and hard struggle for these protesting villagers to bring the case to the district and then provincial authorities. The decisions of the higher authorities, however, would not be strictly implemented. To the protesting villagers, their acts of petition and denounciation had cost them a lot of time, energy and even money. What they wanted was not simply to point out which cadre had committed what wrongdoing or corruption, but more importantly, to recover the money that had been obtained through corruption and to punish the corrupt cadres. When they could not achieve these aims, many turned to more confrontational actions. They delayed paying taxes and fees, and pressured higher authorities to punish the corrupt cadres and retrieve what had been stolen.

The deliberate delaying of payment of taxes and fees in fact started in the first season in 1998 when four families, who were close relatives of the female victim in the electrical accident, did not pay their taxes and fees to
protest against the commune cadres. In the second season of that year, more villagers followed this action, and in 1999, the collective delay of payment of various kinds of taxes and fees became a weapon that the protesting villagers used to press the higher authorities to investigate the case against the commune cadres (see Table 1). The number of villagers who participated in this action depended on how the higher state authorities treated the problems in their village and commune. For example, in the first season of 1999, when the district inspectors came to investigate corruption and other wrongdoings in the commune, the number of households who delayed payment of taxes and fees was only 48. However, in the second season, 345 households collectively delayed their payments to protest against the conclusions of the district inspection teams. Later, in the first half of 2000, when the provincial inspectors had thoroughly investigated the case again, the number of households who delayed their taxes and fees reduced to 28. But again, from 2001, when the protesting villagers noticed that no progress in retrieving the corrupt money and punishing the corrupt cadres had been made, many more villagers delayed their payments. In the first half of 2002, 400 of the total 665 households collectively delayed their payment of various taxes and fees to the state.

Table 1: The number of households who did not pay taxes and fees in Doi Soc village from 1998 to 2002

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<td>8</td>
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<td>345</td>
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Source: Author’s synthesis of data from taxes and fees books in the commune.
However, not all the villagers who did not pay their taxes and fees were motivated by the commune cadres’ corruption and other wrongdoings. Some villagers did not pay just because they saw that nothing happened to their village fellows who had paid no taxes or fees over several years, therefore they wanted to do that too. A few did not pay because of personal problems they had had with the cadres. At the same time, most of those families who continued to pay taxes and fees were party members or the cadres themselves and their close relatives.

Such determined and collective delay of payment of taxes and fees created discussion between the protest leaders and their peasant followers, showing how different groups of villagers had different views on the extent to which, and in what ways, they should react to the cadres and the higher state authorities. None of the leaders and few party members wanted the villagers to put pressure on the cadres and higher officials by refusing to pay their obligations such as taxes and fees because this action was absolutely illegal and violated state laws and regulations. One of the leaders who had studied abroad and used to be a key official in another province argued that only a number of cadres had been involved in corruption and other wrongdoings, so what the villagers should do was to protest against these cadres. Delaying the payments of various kinds of taxes and fees as the villagers had done, he further explained, would affect local institutions like schools that did nothing wrong, or damage local development, like the construction and repair of local road and irrigational systems, since these partially rely on villagers’ contributions to the commune. He meant that the protesting villagers should pay their obligations in full to the state while opposing the cadres.

But many ordinary villagers who directly farmed the land and had to pay various types of taxes and fees articulated a contrasting view. Some peasant villagers argued that the corrupt money should be collected at the same time as the strict punishment of the cadres who had committed the wrongdoings. But since this had yet to happen, the delay of payment of taxes and fees would help to press the cadres and officials to do this. One
male middle-aged villager even humourously criticized their elderly leaders by saying that “the elderly have not stood up straight yet [in the fight against the corrupt cadres] since they are still afraid of the cadres.”

The commune authorities and district officials had to use various means to deal with the villagers’ collective delay of payment of taxes and fees. In the first place, when those first four households did not pay their dues, the commune authorities did nothing. As a key cadre of the commune said:

I did not do anything at that time since I thought these villagers had lost their relative so they were temporarily delaying some taxes and fees. But I was not aware that later too many villagers would follow them (Interview B16, 7/8/2002).

Later, as many villagers began to collectively delay their obligations, the commune authorities established a Committee to mobilize them to pay their obligatory taxes and fees. Either by directly talking to the protesting villagers or via the local radio, the Committee and other cadres tried to persuade villagers to carry out their duties to the state. At the same time, some district officials also visited the village to persuade the protesting villagers to carry out their obligations. Such efforts led to nothing other than giving a number of villagers a chance to express their own views and reasons why they would not pay taxes and fees. For example, when the Committee came to talk and persuade villagers to pay taxes, one elderly told the cadres: “Comrades! Are you right to persuade us to pay taxes? In another case, one female villager told the Committee that:

11 One issue that emerges in this thesis is the leadership of the elderly in the protests of the villagers. In the studied villages, mainly elderly men (sometimes also women) took charge of the leadership. Several factors explain this. One is that the elderly had good knowledge and free time, which both helped them to better investigate and explain the wrong and right in regard to various issues. Thanks to this, they were then in a good position to gather people in collective action. Finally, they were mature and brave enough to stand up as the main counter-figures who could interact with the local cadres, especially the key cadres who, in many cases, did not only have good experience in leadership and governance but also were mature aged. To make further generalizations on this feature, however, I think more research in other parts of Vietnam needs to be done.
I thank the party and the government. Thanks to the party and the government, I have a warm, full and happy life today. I do not resist the taxes [chồng thuế]! I do not resist the party and the government. I do not pay taxes and fees because the [commune] cadres have committed too many wrongdoings and corruption. So I keep this amount of money until the cadres have corrected their wrongdoings, I will then again pay the taxes in full (Interview with B3, 13/5/2002).

In another case, a 40 year-old woman told the Committee,

We are peasants but we all know what the cadres do and how they behave towards us. The cadres have misbehaved too much, corrupted too much, eaten too much, and we cannot stand for that, therefore we have to fight against the cadres. When we cannot fight the cadres, we become angry. When we are angry, we become blunt, and we do not pay taxes and fees (Interview with B13, 19/7/2002).

Finally, the commune authorities used coercive means to press the protesting villagers to pay their obligational taxes and fees. For example, any villager who did not pay taxes and fees to the state would not be able to gain a birth registration or a letter of introduction from the commune authorities. This solution, however, did not prove very effective since it could only apply to those villagers who needed a certificate. As a result, debt collectors of the commune had to come directly to those villagers. In some cases, the protesting villagers fiercely resisted. In one case, when the collectors visited a female villager, she asked them: “Do you know why I do not pay taxes and fees?” These collectors could not argue with her, so they moved on to another family. In another case, when a key commune cadre with his collectors came to collect taxes and fees from one woman, he told
this villager: “From a long time ago to today, I have never seen anyone who farms the land of the state but pays no taxes!” This female villager asked him in return: “Do you know why we people pay no taxes and fees? Our [great] ancestors, grandparents and parents paid taxes in full amount, but now we do not!” (She meant that she delayed her payments because of cadre corruption.) The most violent case related to a male villager who did not pay taxes and fees to the state for three years. When the collectors failed to persuade him, some threatened to enter his house and take his paddy by force. But he stopped them at his entrance gate, holding a big knife and saying that any one who entered his house to get the paddy would be beheaded immediately.

IV. Villagers’ Views towards Corruption

In the views of many villagers, corruption became problematic only when it exceeded the culturally acceptable level and entailed economic and political greediness. Once corruption surpassed this acceptable level, it became a question of violation of state laws and moral values, although it is not easy to identify the blurred line between what is acceptable and not acceptable regarding corruption. In more severe circumstances, corruption was not tolerable if it occurred alongside other forms of legal and moral violations and caused adverse consequences to the state and the people.

Therefore, corruption was not something totally bad and unacceptable which must be totally condemned. Many villagers who I talked to often indicated that it would not have been a big matter if the cadres had corruptly abused the communal resources a little bit while doing good for the village and commune. They called those minor corrupt acts lấy tiền ủng hộ thuốc, meaning to get some money for tea and cigarettes, while travelling back and forth to do business.

Such attitudes of the villagers originate from the Vietnamese culture, which not only tolerates minor corrupt acts by the elites, mandarins and officials of the state, but also nurtures various traditional customs of
reciprocity. The custom of gift giving and taking, for example, has long been a positive tradition in Vietnamese society. One student might bring a little gift to his principle mentor on some special occasions, the Lunar New Year for example, to show respect and gratitude to the person who has taught and/or supervised him.

Some villagers even said that everyone would be corrupt while doing his or her job by referring to a Vietnamese proverb: “Eating from what you are doing” [Lâm nghề thì ăn nghề ấy], like “A tailor eats clothing materials, a builder eats building materials” [Thợ may ăn vải thợ xây ăn hồ]. This does not mean that villagers agree with all forms of corruption; rather it shows their little concern about minor acts of corruption. Consequently they did not see such acts as a big problem or use them as evidence to judge the morality and performance of a person. Such attitudes are also commonly held in other societies. In Thai society, for example, people either see minor acts of corruption as cultural practices or as a way to help to smooth interactions among parties involved in business or other work. A study by two researchers exploring attitudes of people of different walks of life towards corruption discovered that, for example, many Thais saw minor corrupt acts of policemen and state officials as gifts of good will, tea money, or improper behavior (Phongpaichit and Piriyarangsan 1994: 135-140). Therefore, they concluded that “...for many Thais, acts ... will be called corruption only if they involved large sums of money, stem from aggressively greedy intentions, and have consequences which are clearly damaging for society as a whole” (Phongpaichit and Piriyarangsan 1994: 163).

In the studied communities, corruption by the cadres really became a big problem to the protesting villagers because of its extent, circumstances and consequences. In regard to the first, many villagers argued that the cadres had been involved in too much corruption and other wrongdoings, although some were aware that the problem of corruption was (and is) not peculiar to their commune, but a national disaster [quốc nan]. They had seen that the same group of cadres committed corruption systematically,
repeatedly, and in many areas, as previously noted. These cadres even continued to be corrupt when some villagers, especially the elderly, had voiced their discontent and opinions. Finally, the protesting villagers accused some commune cadres of "eating too much." One informant said "everything comes from land but how much *comes out cadres pocket*? most of it" to indicate that most of funding in the village come from the use and sale of communal land and critically blamed cadres in regard to it. Others even vividly compared them with a man who has a big stomach and a polished forehead – two of the symbolic characteristics that many villagers often used to judge a man of fulfilled life.

Although the villagers sometimes could not spell out exactly the volume and ways in which the cadres had committed corruption, they could see and feel this qualitatively through an examination of the outcome of the cadre conduct in regard to management and use of land and other communal resources, as well as the economic status of the cadres. In Phú Dương, the first clear evidence that many villagers saw was from 1995 to 1998 when the commune authorities collected a large amount of money from different sources. However, the output from this large sum of funding seemed to have been little in quantity and poor in quality, and brought the villagers less benefit than they expected. As a result, a number of villagers suspected that the cadres were corrupt.

At the same time, the fast increase in economic status of some commune cadres, especially those who held key positions in the local government, concerned the villagers. To Phú Dương villagers who lived together with several key commune cadres in a small village, some could see the amount and sources of everyday income of these cadres, and knew that their salary and other income from agricultural production as well as other work did not demonstrate that these cadres had a good income. Some elderly villagers even recalled the life history of these key cadres, and noted that they had become rich in a short period of time. For example, some elderly remembered that one key cadre of the commune used to be a poor and miserable man who lost his father at an early age and lived in a small
house for years. Like other men of his age, he joined the army and returned to the village in the early 1970s. He later became a cooperative cadre of the village, and then a commune cadre in 1989. But in the late 1990s, he bought sofas, beds, a cabinet, a TV, a motorbike, and spent money on curing his son in hospital. Some villagers even suspected that he still had a large sum of money deposited in the bank. 12

Another case is another commune cadre who Phú Dương villagers noticed became rich in a short time. This man used to be a state official, and returned to his home village in the 1980s. When he first arrived in the village, his family was no better off than many other villagers. After several years working as a village cooperative cadre, from the late 1980s to the early 1990s, he had not yet become better off. However, after 1994 when he became a commune cadre, he increased his family’s material goods a lot, though his salary was not much and his family’s agricultural production brought no more benefit than other villagers’ in the community. In a few years, many villagers noticed that he had built a new house; bought a good motorbike, a TV and a fridge; and had money for his sons to go to university in Hà Nội. His wife also gave up her farming work and rented the agricultural land use rights to other villagers. State-funded researchers brought to light similar cases in Thái Bình province. They write:

[M]any key cadres of the commune, like the President of the Commune People’s Committee, Secretary of the Commune Party Organization and financial cadre, cadastral cadres have built new houses, changed their motorbikes from this model to another, and the wives of commune cadres also changed their life style and clothing fashion to become the rich in the countryside (Vu Quan ly Khoa hoc va Cong Nghe 2000: 79).

12 In the eyes of the villagers, nhiều equals “lots of,” “many,” or “a large amount.” However, we have to put nhiều in the local context at the time of the study to understand the meaning and circumstance of this word. A certain amount of money might be a lot to the villagers, but to others, like higher state officials or a foreign researcher, that amount seems to be tiny.
Examining the life history and everyday economic activities of the cadres, many villagers questioned the fast increase of wealth of some commune cadres, which the visible evidence indicated could not have been achieved legally. How could these commune cadres become rich so fast? Where had they acquired the money to build a big house, buy a motorbike, and so forth? Such questions concerned many villagers. In one letter of denunciation which the protesting villagers wrote to the higher authorities, they questioned the fast increase in wealth of the local cadres in a short time, and vividly told the higher state officials that if these cadres had become rich legally, then they should share their ways of doing business with the villagers so they could all get rich together [phải tuyền truyền để dân cùng học làm giàu].

Regarding the circumstance of corruption, the attitudes of the protesting villagers towards cadre corruption became more critical when the corrupt behavior occurred alongside the cadres' misbehavior towards the villagers. In Phú Dương, when a number of villagers discovered corruption and other wrongdoings by the commune cadres, they came to ask the cadres about the wrongs and rights in the management and use of communal resources and other issues. However, instead of dealing properly with the reactions of the villagers, some commune cadres did not accept their misconduct and corrupt acts or attempt to correct them. Instead they mistreated the protesting villagers as previously highlighted. In the case of Đại Lộc, the misbehavior involved some local cadres manipulating the program of land use rights compensation at the expense of the village fellows and so forth.

In regard to consequences, in contrast with the view in the literature on corruption which simply argues that corruption can contribute to economic development in some societies (Johnston 1986: 459; Gillespie and Okruhlik 1991: 78; Bardhan 1997: 1322; Goudie and Stasavage 1998: 138-140), the problem of local cadre corruption in Phú Dương directly and negatively affected the economic interest of both villagers and the community as a whole. Many villagers became the subjects who had to bear the
Consequences of local cadre corruption. Corruption and other wrongdoings by the commune cadres led to a loss of the village communal land area and poor quality infrastructure. For example, the construction of the water-pumping station, which cost 323,094,000 VND, was of little use. To many villagers, this amount of money was really a large sum, equal to about 70 or 80 per cent of the commune budget in a normal year, so they expected a good return. But this did not happen!

Gathering all three factors together, many villagers had clear evidence to judge the nature of their cadres on the basis of two key virtues: talent [tài] and morality [đức]. In regard to talent, unlike some researchers who argued that the local cadres in Vietnam since decollectivization were low in educational level [trình độ học vấn thấp], weak in working ability [năng lực yếu], and therefore poorly governed the local government (Thang Van Phuc va Nguyen Van Khanh 1996; Pham Quang Minh 2002), the protesting villagers in Phú Dương believed that the key commune cadres were those who had talent [có tài] and had a good ability to manage local government in comparison to many ordinary villagers. In his own terms, one retired-elderly man, who was a soldier till 1975, a worker in a district factory in the following years, and then a leader of the protesting villagers in his home village, said that the cadres (including one key commune cadre, who had been a cadre of the village and commune for over 20 years, and some other key cadres) “are good in eating, speaking and working” [chúng nó ăn được, nói được, làm được], positively meaning that the cadres can speak, think and work very well. In the eyes of other elderly, the cadres are young [trẻ], active [năng động], and have talent [có tài].

From the perspective of morality, however, after all that had happened, the protesting villagers, especially some elderly, judged some commune cadres as those “whose characteristics are bad” [tính chất không xấu]. To explain their bad characteristics, different villagers mentioned different things, and pointed out different aspects of the story depending on who they were, what they had experienced with which cadre, or when and where they talked about it. However, some common expressions used
(behind the backs of their cadres) by protesting villagers included: “làn sai quá nhiều” [committing too much wrongdoings], “ăn quá nhiều” [eating too much], “không chịu nghe dân” [not listening to the villagers], “không chịu giúp dân” [having no willingness to help the villagers], “khinh dân” [looking down on the villagers], or “coi thường ý kiến của dân” [ignoring and scorning the villagers’ opinions].

In the Vietnamese culture, from traditional to modern times, the virtue of morality [đức] is really key, and is seen as no less an important quality than a person’s talent [tài], especially as a leader. For the villagers, I think that what they indicated about morality not only referred to morality at work but also to the everyday life behavior between villagers and cadres in the community. Therefore, the lack or decay of morality of the cadres became one of the critical problems that resulted in the protests of villagers against some local cadres. In the studied villages, when some villagers hated and disrespected the cadres, they called them bad names. In Phú Dương, some protesting villagers called several commune cadres who they denounced and petitioned “chúng nó” [they (but in a dismissive and disrespectful manner)] and “bọn tham nhũng” [the corrupt gang]. In Đại Lộc, some protesting villagers named the cadres in the Committee of land use rights compensation and site clearance “vấn đề cán bộ” [the problem of cadres]. In the case of Đồng village, following the terms employed by reporters in newspapers articles some villagers called some cadres “cuồng hào thời đổi mới” [the tyrants in the renovation period], 13 or used the phase “the face of new tyrants” [bộ mặt cuồng hào mới] to describe a group of local cadres. 14

Finally, the protesting villagers began to fight against these cadres as a result of their perceived wrongdoings, previously analyzed in Chapter Four and the current Chapter. In their minds, however, some villagers were aware that it would be a hard job for them to fight against the corruption problem for various reasons. In the first place, due to the lack of transparency, the villagers had no clear and proven evidence for their corruption claims. To find hard evidence, or to require the higher state authorities to investigate

13 Báo Công an thành phố Hồ Chí Minh, năm 2002.
the case, all took time and energy. More importantly, in many cases local corruption usually related to, and was collectively committed by, more than one or two cadres who held power and position in the local government, therefore combating these cadres would be very dangerous. One elderly leader said that once he had committed himself and started the battle against the corrupt gang, he had to fight to the end. Lastly, as was noted earlier, some intellectual elderly knew that in the current local context, the cadres were the talented people, and if these talented cadres intentionally abused their official positions for private gain, it would then be very difficult for the villagers to combat them. To explain how difficult their fight against the problem of local corruption was, one elderly man vividly compared the corrupt forces to an eel [con luom], which often lay deep down under the mud. If the villagers did not pay attention to it, or looked at the surface of the mud, they would not be able to recognize it. Even when they had recognized it, and started stopping its progress, it would be able to go in other areas too, and finally the villagers would not easily get or stop it. Another elderly person stated that the current fight against the corrupt cadres was more difficult than “carrying a backpack and an AK southward through the Trương Sơn mountains to fight against the Americans to secure the country” as he had done decades ago.

*The Use of the Crime of Corruption as a Legal Weapon.*

But did the problem of local corruption really concern the villagers and consequently generate their resistance? Throughout the Chapter, I have argued that corruption by the local cadres became one of several key reasons for local conflicts after decollectivization because of its prevalence. I have also argued that local cadre corruption created serious reactions from villagers because it occurred alongside other forms of wrongdoings and misbehavior committed by the cadres. More importantly, however, my research discovered that the problem of corruption was used as a legal weapon, or an excuse, by the protesting villagers to attack a number of local
cadres. This means that corruption by the local cadres became more significant to the generation of local conflicts because the protesting villagers used this corruption to denounce and petition the local cadres in state offices and as a justification for their protests.

In comparison to the corrupt behavior of other types of people in the state and society like businessmen and state officials, local cadre corruption occurred on a much smaller scale. Discoveries of various corrupt cases in the 1990s throughout Vietnam associated with businessmen, like Tamexco (1996), Minh Phung-Epco (1997) and Tân Trường Xanh (1999) (Gainsborough 2003), Lã Thị Kim Oanh, or related to high-ranking officials, such as the Minister of Energy Vũ Ngọc Hải, Vice-Prime Minister Ngô Xuân Lộc, and the recent case of Trần Mai Hạnh - the Head of Voice of Vietnam Radio, showed that the local cadre corruption which had occurred in Phú Dương and other studied villages, or elsewhere, was tiny in terms of the amount of money involved. In the corrupt case of Tamexco, for example, its Director alone was charged with bribing nearly 40 organisations and personally embezzling 144 billion VND within a few years (Gainsborough 2003). In another case, the Minister of Energy Vũ Ngọc Hải, caused a loss of state money of nearly USD 300,000 (Kerkvliet 2001: 264-265).

In addition, local cadre corruption is not a totally new phenomenon; it had already occurred in various forms during the period of collectivization (Tran Nhu Trang 1972: 418-430). In his study, Kerkvliet argues that under the Communist state administration, corruption has been a problem at least since the early 1960s in the agricultural cooperatives (Kerkvliet 2001: 264). While other researchers have generalized the problem of local cadre corruption during this period as follows:

Some persons appropriated the labour output of others. This phenomenon did not occur through the appropriation of the means of production as had taken place in history, but on the basis of being associated with those who hold a position in
production, economy, politics and/or the society in the countryside. The appropriation took place in ... forms like the person in a managing position embezzling [communal resources], occupying [collective] capital, turning collective resources into private ones ... Appropriations in the name of management fees led to a reduction of peasants' income from the cooperative to the extent to which they [the cooperative members] had to leave the farmland fallow (Chu Van Lam et al. 1992: 74).

A major feature I want to point out here is that various forms of local cadre corruption during collectivization, and the corrupt acts by other types of people like businessmen and higher state officials after decollectivization, did not create much public reaction from the villagers. The small-scale corruption by local cadres since decollectivization, however, has really had an effect. Similar observations are found in China, where Xiaobo Lu writes “I believe that these high-profile cases do not excite the discontent and alienation of the people nearly as much as does the deviant behavior of lower-level officials who have daily interaction with and direct supervisory power over ordinary citizens” (Lu 2000: 5). So how can we explain this? The main reason seems to be that the villagers could see corruption, such as who was corrupt, where, when and to what extent. Therefore, they were aware of the subject of their protest. Corruption by the local cadres had also directly affected the interests of individual villagers and their communities as a whole. More importantly, the villagers used corruption as a legal weapon, or an excuse, to attack some local cadres. In many cases, they used claims of corruption to accuse a number of cadres of breaching state laws and regulations for private gain, which resulted in the higher authorities having to investigate and punish the cadres. This strategy of the protesting villagers resulted from the fact that the state had articulated critical attitudes to the problem of corruption, and threatened to strictly punish those who were corrupt. Such views of the state have been expressed clearly and
strongly through various channels like the voices of some high-ranking officials and leaders (Kerkvliet 1994: 20-28) and in various legal documents like the Ordinance on Anti-Corruption [*Pháp lệnh chống tham nhũng*], Criminal Code [*Luật hình sự*], and anti-corruption campaigns at various levels since 1990, as previously highlighted.

To the protesting villagers in Phù Dương, their reactions to the local cadres were not merely and simply a response to corruption but also to several key issues that simultaneously occurred in the one community in the space of a few years. The protests resulted from the failure of the protesting villagers’ claims for village communal land resources. They also resulted from the villagers’ dissatisfaction with the cadres’ wrongdoings and misbehavior. All these factors caused the protesting villagers to hate a number of cadres, and then to find a way to fight against them. They had no legal right and power to punish the cadres; however, the higher state authorities did. In order to force the higher authorities to do what the protesting villagers wanted, they had to think of how to denounce and petition the cadres, and how to ensure the higher state officials pay attention to their problems in the locality.

The protesting villagers could not of course denounce or petition a number of cadres who they hated just because the cadres had not been willing to help them, since the villagers’ claims for economic rights over land were often not in accordance with state laws and regulations. For example, the land use rights selling villagers’ claims for a higher price for compensation and a commitment to labour employment in the Đại Lộc case, or various claims for village communal land and its output in Phù Dương village, were all totally contradictory to state land tenure policies and regulations. The villagers could not denounce and petition local cadres just because they had mistreated them by, for example, taking revenge on the villagers or ignoring and scorning some villagers’ comments and suggestions. Even if such behavior occurred, how could they present evidence for it? Who would believe the villagers, especially in cases in which the protesting villagers illegally claimed more economic rights? The
problem of misbehavior would not be easy to prove to the higher state authorities, although this was a key cause of discontent among the villagers, especially the elderly, since it was clear evidence of the immorality of local cadres.

In such a context, the protesting villagers found that fighting corruption represented a legal and reasonable way to help them to attack local cadres. This means that in addition to being a cause for protest, the problem of cadre corruption was used as a means to demand higher state officials do what the villagers wanted, or as an excuse to express their discontent in other things. As a result, the local conflicts became more troublesome and difficult to resolve.

In their delay of payment of various kinds of taxes and fees for example, the protesting villagers in Phù Dương accused the commune and cooperative cadres of corruptedly misranking agricultural land for personal benefit, and articulated that this was one of several key reasons for them to delay their payments to the state. Some villagers even argued that they would not pay until the cadres had ranked the land again in accordance with state laws and regulations. However, the problem of misranking of agricultural land was not the real cause of the conflicts in the community. Instead, it was used as a legal weapon to fight against some cadres who they hated. To the public and higher state authorities, the misranking of agricultural land was really a big problem, a clear violation of state laws and regulations. More importantly, unlike the problem of misbehavior, this particular breach of state laws had been proved by the higher state officials in 1997 and 1998. In addition, the protesting villagers would have known that the cadres could not immediately rank the land again because it was risky, so they could confidently accuse the cadres of this crime and ask the higher state officials to do what they required. I am sure that many Phù Dương villagers who had been farming their land for years already knew how good the land they tilled was. Moreover, many of them would recognize that one technical problem relating to agricultural land ranking was that the patterns of agricultural land redistribution into small pieces for
equality in 1992 had made it very difficult to rank, in detail, one small plot of land. The land use tax that the tillers had to pay amounted to a small sum in comparison with output of their farming; and the difference between the first and the second rank was also minor. All these factors show that the misranking of agricultural land was a minor problem. Therefore, villagers in the other two villages of the commune who had undergone the same situation did not protest about this issue.

V. Conclusion

Generally speaking, in Vietnam the problem of local cadre corruption and the resulting reactions of villagers in various forms, including denunciation, petitions and the delay of payment of taxes and fees, were rooted in feudal and colonial history. During the period of collectivization, however, local cadre corruption was greatly reduced, so public and collective protests by the villagers were rarely seen. Since decollectivization, in the transformation from a centrally planned economy to a multisector-economy under socialist orientation, and in the context of modernization and industrialization in the countryside, local cadre corruption has greatly increased and occurred in various forms. This major feature of local corrupt practices in Vietnam endorses a strong argument that corruption is a consequence of economic reform in China (Ma 1989; Gong 1997; and He 2000). Zengke He argues that the emergence of corruption in China was marked by the reform, but concludes that the subsequent state anti-corruption campaigns had little success. To curb corruption, he urges that further political reform towards democracy needs to be implemented (He 2000). Against the view that marketization is a key means to reduce the level of corruption, Ting Gong demonstrates that corruption in China greatly increased in different forms in the 1990s despite the fact that the country had undertaken further economic reforms (Gong 1997).

In rural Vietnam after decollectivization, corruption became closely related to the communal resources, especially the land and its output, had several effects, and became one of the key causes for local conflicts in the
rural areas. Not all villagers condemned corruption; however, they did not tolerate “too much” corruption. Moreover, their attitudes towards the extent of corruption and their resulting reactions became more critical when corruption was closely related to other forms of wrongdoing and misbehavior, especially in the situation in which a number of villagers failed in their claims for their economic rights to land, as occurred in Phú Dương and Đại Lộc. In their protests, therefore, villagers used corruption as an opportunity to denounce, petition and fight against a number of local cadres who they hated for other reasons. Again this has become plain in Phú Dương, where the protesting villagers were not only discontent with local cadres because of the considerable extent of corruption and other wrongdoings, but also because of their misbehavior and the villagers’ failures in their claims for the village communal land and its output.
Chapter Six: Conclusion

I. Summing Up

For Vietnamese peasants, who constitute the majority of the country’s population, agricultural land has been important in at least three aspects: a means of production, a related source of income and occupation, and a valuable form of property. These three aspects have become especially true in the dynamic context of Vietnamese society since decollectivization.

The process of agricultural decollectivization was accompanied by a new land tenure system, industrialization and modernization, and also marked the time when Vietnam increasingly felt the effects of urbanization, marketization and globalization. The most important task of the decollectivization process was to distribute and redistribute agricultural land use rights to villagers, which has consequently contributed to a growth of the family household-based production in agriculture. Netting’s general argument about prosperous production of small households thus has been demonstrated in the Vietnamese case (Netting 1993). After years of food shortages, Vietnam has advanced extraordinarily to be one of the top rice-exporting countries in the world. As a result, decollectivization did not only prove an appropriate innovative policy in agriculture but also led to a more comprehensive land tenure system in Vietnam.

On the other hand, conflicts over land resources have also occurred in various rural communities since decollectivization. In the province on which my study focuses, conflicts over land were informed by four main causes that I called four roads in Chapter Two, namely various types of villagers’ land claims, numerous types of land law violation, land use rights compensation and site clearance, and local cadre corruption involving land resources. These four roads led to various degrees of villagers’ public resistance.

The nature of such land-based conflicts includes discussion, tensions, negotiations, discontent and protests among and between various parties,
such as villagers, local cadres and other institutions of the state who make or implement the state land policy, over the questions as to how and in what ways land rights should be distributed, held, and used. Such land-based conflicts, however, are not abnormal in the transforming stage from a centrally planned economy to a market one, especially in a context in which the state formulated a land tenure regime basing on three types of land rights: ownership rights, management rights, and use rights for allocation (of these essential rights) among three main groups of holders: the entire people, the state, and various users.

Conflicts over land originated from two key sources. The first stemmed from contending views between villagers and the state land tenure policy at large. The development of a new land tenure system since decollectivization has indeed consolidated the position and rights of the state over land rights, especially in regards to agricultural land rights, in accordance with socialist ideology, historical precedent and scientific research. This consolidates the fact that for decades under the Socialist State, agricultural land has been a subject over which the state often claims key power and essential rights to decide important questions of how land should be owned, managed, and used. In the case of land use rights compensation, for example, the state decides how the compensation is to be conducted and what price is paid for appropriated land. Due to a lack of local perspective, however, such land tenure policy has not yet included the views of villagers and communities. In some cases, differing views among these parties over essential questions over agricultural land rights have been implicit and hence not articulated, or visible. Therefore, no conflict has resulted. In other cases, such contending views have been obvious, and become a dynamic for conflicts. Conflicts over land can be seen, therefore, as an expression of villagers' views towards questions of land rights distribution, holding and decision-making processes. The type of public resistance of villagers in land conflicts, however, is not parallel to the three types of Chinese villagers' popular resistance towards Chinese state policies

231
in rural areas, as Lianjiang Li and Kevin J. O'Brien have illustrated in contemporary China (Li and O'Brien 1996).

The second source for land conflicts originated from, and/or was exacerbated by, contending views between villagers and a number of local cadres, who implemented the state land tenure policy at the local level, over how certain areas of land or policies involving land resources should be handled in local communities. At times, a number of local cadres abused their official position and power in their management and use of land, especially communal land resources. In addition, they also misbehaved towards a number of villagers. It should be noted that not all local cadres committed such wrongdoings, only some. This partially explains why conflicts over land only occurred in some communities but not others. The worst situation of conflict occurred when both levels of contending views appeared at the same time or one after another in one community, like in cases of Phù Duong and Đại Lộc.

Added to the above reasons were other factors and values that intensified the extent of conflicts. First, in the dynamic context of Vietnamese society since decollectivization, the meanings of and need for agricultural land use rights have gradually increased among villagers, entrepreneurs, and the state at large. While retaining its value as a means of production and related source of income and occupation, agricultural land use rights have revitalized its former value: a valuable form of property, which had almost disappeared during collectivization. This therefore shows a difference between my argument and that proposed by Rigg and Nattapoolwat (Rigg 1996; Rigg and Nattapoolwat 2001). Secondly, the distribution of agricultural land use rights, in fact, has meant the privatization of agricultural land use rights, which has therefore promoted private property in land in the view of many villagers. Thirdly, due to increased demographic pressures and the land use rights needs of villagers, entrepreneurs, and other institutions of the state versus the decreased supply, the meanings and values of agricultural land use rights have further increased in different ways. Fourthly, the market economy has increased the
The Exploration of Views.

In Chapter One, I outlined an approach exploring viewpoints of various parties to analyse their attitudes, relations and conflicts over land rights. In this section, I conclude that findings of my research have demonstrated that investigating the views of villagers and other parties on the question of how land rights should be distributed, held, used, by whom and for whose benefit, is an effective approach to analyse the multitude of attitudes, relations, and conflicts of various parties over land in a dynamic situation.

My approach can also be used to explore and analyse attitudes, relations, and conflicts over land in other areas. In so doing, however, three of four key issues of this analytical framework, as outlined in Chapter One, need to be kept in mind. One relates to the parties which the researcher investigates to obtain their views on land. In my research, as the reader has seen, I have explored and analysed the views of villagers and other parties involved, such as the views of state land tenure policies, and state institutions (officials, local cadres and so forth) who make land tenure policies, and attempt to implement them, on decision-making, distribution and holding of land rights. In other areas or societies, however, the parties involving land might change or vary. Therefore, the researcher has to figure out who the involved parties are in his or her study. The second issue is associated with the concepts of land tenure arrangements. In my thesis, I use the framework of a bundle of rights and and a bundle of rights holders to analyse land tenure arrangements after decollectivization. But the components of the bundle might vary from one society to the next, therefore the three types of rights: ownership rights, management rights and use rights in Vietnam might not correspond to those found in other countries. The researcher thus needs to clarify such an essential issue in his or her study. The last issue concerns the context and history of the studied society/area. Once again, these factors might differ from those found in the Red River delta after decollectivization, depending on the time and studied area.
rights or ownerships are often visible to the researcher. However, while the views of the state land tenure policy and authorities are often articulated in the legislation, the views of villagers and local cadres might need anthropological methods such as participant observation and different forms of interview to capture them in the field.

Finally, villagers’ views towards land issues also reflect other theoretical perspectives, which are recognized in the arguments of some researchers analyzed in Chapter One. For example, to a modest extent, the views of my villagers towards different issues in land-based conflicts endorse Hy Van Luong’s persuasive argument about the influence of socio-economic and cultural structure on peasants’ actions (Hy Van Luong 1992).

Their views also concern the importance of subsistence in their lives - a key point found in Scott’s moral economy argument (Scott 1976). At the same time, villagers’ views show us their orientation of individualistic-interests in relation to decision-making, distribution and holding of land rights. Thus Popkin’s strong argument in regard to this issue (Popkin 1979) cannot be ignored in a study of attitudes, relations and conflicts over land in Vietnam and beyond.

Given that often scholars cast the “rational peasant” and “moral economy peasant” as incompatible, my findings demonstrate that the peasant-villagers in contemporary Red River delta have both orientations. My case study of land use rights compensation in Đại Lộc is a compelling example showing considerable evidence of this. Villagers in Đại Lộc strongly considered the amount of subsistence land farming brings to them. At the same time, and more visibly, they cared and struggled for their own private interests. Therefore, as some researchers have argued, emphasizing one and forgetting the other might mislead the analysis or fail to fully explain the subject. Because, although subsistence remains important to a number of peasants, it is only one of various reasons for villagers’ collective action. The source of subsistence today comes from land farming, not from the village institutional economy as it used to be prior to colonial times. Also, it is too simplistic to say that the maximization of individual interests
is the main motivation of peasant’ economic and political action. Many villagers in the Red River delta since decollectivization not only care and maximize the interests of themselves or their families, but also consider the interests of other parties involved, like the interests of communities, local cadres and the state at large.

In short, there seems to be no incompatibility between the “rational peasant” and “moral economy peasant.” More importantly, it seems that none of the “rational peasant” or “moral economy peasant” economies can alone adequately explain the contemporary villagers’ attitudes, behavior and action in land-based conflicts; rather, together they help explain part of the subject. Therefore, my argument of contending views and conflicts, which has been equipped with the views-investigating approach, might be a better one to analyze and explain attitudes, relations and conflicts over decision-making, distribution and holding of land rights among various parties in contemporary dynamic Red River delta and elsewhere.

My study also shows how and in what ways contending views and conflicts over land have had effects on the state and state decision-making in different ways and to different extents. This endorses Kerkvliet’s crucial argument about the impact of the powerless villagers on the state and state policy-making (Kerkvliet 1995a, 2001).

At the broadest level, contending views and conflicts over land have forced the state to continually amend land tenure policy during the past years. Such amendments have increasingly met the demands of villagers in relation to land questions about how land rights should be distributed, held, managed, and used, by whom and for whose benefit. The first 1988 Land Law in Vietnam was developed to a fuller version in 1993, and was then amended in 1998, 2001 and 2003, resulting in a better land tenure policy that, as some viewers have said, is coming closer to practice [sát với thực tế]. This means that one of the main aims of these amendments is to reduce differences in views between the state land tenure system and villagers towards the agricultural land question in regard to three key types of rights. As a result, such changes have given villagers more incentives, and made
land policy clearer and more compatible with villagers’ claims. In many cases, the state has even promptly satisfied villagers’ needs, like returning necessary areas of land to indigenous people in Tây Nguyên, or giving land or lending money to those who had no land or too little land so they could regain their former land areas to use in the Mekong River delta. More specifically, such changes in the state land tenure system gradually widened the use rights of villagers, from the sole right to use the land under the 1988 Land Law to five rights under the 1993 Land Law and ten rights in the 2003 Land Law Amendment. Also, villagers’ interests in their land use rights holdings have been increasingly recognized in the compensation they receive for land use rights. Unlike previously, the 2003 Land Law Amendment regulates that the amount of compensation given by the state must be equal to real prices in the market, which is determined by an agreement between buyer and seller.

Secondly, the social unrest resulting from land conflicts concerned the state’s central leadership. As a result, the state took steps to cope with this problem. This is shown by the fact that although entrepreneurs obtained considerable favors in land use and rents due to the state’s primary objective of economic development, villagers have still received considerable attention in the eyes of the state. This has resulted in various regulations to prevent mismanagement and misuse of land resources, and to curb related problem of corruption. For example, Hy Van Luong points out that the issue of Grassroots Democracy Ordinance number 29 to force local authorities to consult with the people on various issues in relation to land, finance and fees is a clear result of Thái Bình social unrest in 1997 (Hy Van Luong 2003: 24). The state has also punished numerous cadres, in different forms, for their wrongdoings, as my study points out. Actually, a number of villagers who breached the state legislation while resisting were also punished. This originated from the fact that some protesting villagers articulated their views and reacted both legally and illegally in relation to the state laws. In some cases, when their demands were not met, they took
stronger action that consequently violated the state laws and therefore created public unrest.

The Problem of Local Cadres.

Among the parties involved in land conflicts, a number of local cadres appeared to be one of the main causes of conflict. Under the current structure of Vietnamese state administration, local cadres are not only representatives of the state who implement state policies at the local level but also representatives of the local people and communities. In addition, in many cases, they are a part of local communities. Standing at such intersections of interests and relationships, as in China, local cadres are both constrained by rules imposed from higher authorities and views as well as by the norms of local peoples. In such a context, they have to deal with different kinds of relationships, and especially need to represent various interests (which in many cases are contending with one to another) of different parties, like those of the state at large, villagers and local communities, and even their own interests. One of the key problems related to local cadres since decollectivization is that a number of them did not adequately represent the interests of their villagers. In some cases, in particular, they put too much emphasis on their own economic interests. A study of “Village Leaders and Land-Rights Formulation in China” after the 1979 reform came to similar conclusions that the motivations of village leaders to redistribute “responsibility land” (private plots) depends on three main factors: to protect village leaders’ personal interests, to minimize administrative costs, and to improve equality and production efficiency. Among these, however, motivation to protect their own personal interests ranked number one (Rozelle and Li 1998).

This is a key point about the changing perceptions of economic value in Vietnam, especially in the Red River delta society, in comparison to the period of collectivization and feudal-colonial times. After Đổi Mới, aspirations to economic wealth became more important than ever before;
perceptions of, and the means to obtain, a good life seem to have also changed. One now needs considerable resources to cover various needs, like the education of one’s children, house building, furniture, and other wants. How to gain resources to cover these is often a big question, which many people solve by làm ăn, literally meaning doing business either legally or illegally, or làm giàu, meaning to economically enrich oneself. However, how to làm ăn, or làm giàu, is approached differently by different people in the state and society. In the countryside, some local cadres abused their official positions and communal resources for private gain, therefore creating negative reactions from the villagers.

Related to the above is the decay of morality of some local cadres. Although revolutionary morality is not totally identical with conventional morality (to see how these two are different, see Malarny’s discussion in Culture, Ritual and Revolution in Vietnam, 2002), both share some similar essential virtues, namely to work for the people and to behave towards them properly. In the early 1990s, Nguyen Minh Nien observes that the “majority of local cadres preserved their revolutionary virtue, had fresh styles of life, and were trusted by the masses” (Nguyen Minh Nien 1991: 470). In 2000, however, a state-funded research project concluded that the decay of morality (alongside other problems) of some local cadres was one of the direct causes of local conflicts in the countryside (Vu Quan lý Khoa học và Công nghệ 2000).

The above problems pose a critical need for the state to pay more attention towards recruitment, training and control of local cadres. Pham Quang Minh points out that, from the 1950s land reform to today, a group of cadres has been responsible for the resistance of villagers; therefore, he urges not to use the old methods in selection and training of local cadres in the future (Pham Quang Minh 2002).

The Question of Private Property.

One of my central arguments in this thesis is about villagers’ views towards land rights holding. As previously analyzed, if we look at the land
tenure system in Vietnam since decollectivization, which formulated three types of rights to land, ownership rights of the entire people, management rights of the state, and use rights of the villagers and other parties, many villagers in the Red River Delta did not struggle for or compete to hold ownership rights of the entire people. Neither did they desire to have management rights of the state. Rather, they wanted to hold use rights in agricultural land. The holding of land use rights in this case is equal at a practical level to land ownership in Vietnamese history under the ownership rights of the entire people - which looks like the former ideological ownership of the king. Holders of land use rights can use the land, enjoy the product of their land use, and can also dispose of their land use rights. This is similar to a peasant in feudal and colonial times who held some plots of land, which he or she could use, enjoy the product of, and sell whenever she or he liked. This brings out the key issue that land use rights are private property, and must be regarded as private property in the form of land use rights holding. For many villagers, once they hold land use rights, they demand to have a say in the decision-making over these rights, like their right to determine the compensation price for land use rights for example. Furthermore, if land use rights are a form of property, they can be held by different parties, like individuals, households, village communities, state institutions and so forth.

However, the state land tenure system has not yet clarified and distinguished between the holdings of land use rights, ownership rights and management rights. According to the state land tenure policy, the state allocates land use rights to villagers (and other parties) and can claim back these rights. The state also determines compensation prices for land use rights. This differs to the perceptions of Red River Delta villagers. More importantly, it indicates the fact that the state land tenure system has not yet paid enough attention to the question of private property in relation to agricultural land use rights. Although the state Land Law constantly states that land belongs to the entire people, the state indeed owns the land. Such a land tenure arrangement ensures three key points. First, it gives the state a
decisive role and powerful rights to decide how land rights should be distributed, held, and used, by whom and for whose benefit. Secondly, it also gives the state the power to take land use rights when it needs them. Finally, the state land tenure system tries to prevent a number of villagers from claiming their old land plots that were taken by the state during previous decades, in the 1950s land reform and collectivization, especially in the southern half of Vietnam.

Looking back through history, however, we recognize that private property in agricultural land was a key part of traditional systems of land ownership in Vietnam, especially in the Red River delta. According to historian Truong Huu Quynh, private ownership of land had already appeared in Vietnam in the 12th century (Truong Huu Quynh 1983, volume 1: 133). Through time, such private ownership developed through the opening up of virgin land [khai hoang], or in many cases, the appropriation of village communal land or state owned land. For example, the phenomenon of biển công vi tự indicated a common pattern, which turned village communal land into the private land of individuals. During the first half of the 19th century, although the Nguyễn kings tried to consolidate the village communal land system, the private ownership regime continued to grow,¹ and such a development was regarded as an indispensable process of history [quá trình tắt yếu của lịch sử] (Truong Huu Quynh va Do Bang 1997: 35-36).

Under the colonial regime, private ownership of agricultural land greatly flourished. Pierre Gourou notes that new needs of the Vietnamese people and changes due to the colonial state’s attitude towards property, i.e. the introduction of the French view of property that endorsed and legalized individual private property, increased the incidence of large private ownership of land (Gourou 1955: 380). Pham Cao Duong further points out that large private ownership of land resulted from land appropriation by

¹ He notes that private ownership of land during the first half of the 19th century accounted for 82.92 per cent of agricultural land ownership in Vietnam (Truong Huu Quynh va Do Bang 1997: 35). It is not clear what kind of land he is discussing: agricultural land only, or all types of land, and about locations: lowland only, or the whole country area?
rural elites and the French at the expense of village communal land and private land of the peasants (Pham Cao Duong 1985). In short, for a long period of time, unlike Western and industrialized societies, which critically emphasized property ownership of private individuals, Vietnamese society experienced a co-existence of multi-systems of practical ownership: private ownership, communal ownership and state ownership, all under the ultimate ideological ownership of the king. Among these systems, however, private ownership was key and evolved through time.

During the 1950s, when the Democratic Republic of Vietnam implemented land reform followed by collectivization, private ownership in land started to change. The 1950s land reform relatively equalized practical ownership of agricultural land among the rural population. In the view of socialist ideology, private property, or private ownership of means of production at large, was an enemy. In a grand study on collectivization in Laos, Evans writes, “The continued existence of private property in means of production would, […] produce a class of capitalists in the countryside who were opposed to the regime. If, however, property was held in common, then this process of class differentiation of the peasantry could not occur” (Evans 1995: 18). During four decades of collectivization in Vietnam, therefore, private ownership in agricultural land (and other means of production at large) was deemphasized.² Most agricultural land in the Red River delta was gradually collectivized into cooperatives for collective management and production. This land later became the collective property of cooperatives of the state, not of the villagers, except for the private plots of five per cent agricultural land. Put another way, by strengthening the ownership of cooperatives and the state at large, private property in land of individual villagers became severely restricted.

However, private ownership of agricultural land did not totally disappear. Among cooperative members, the five per cent plots of agricultural land that cooperative members held remained private property

² Grant Evans points out three principle reasons for collectivization. My point on private property relates to one of these three, that is collectivization prevents peasant society moving towards capitalism (Evans 1995: 18).
and, as noted previously, villagers dedicated considerable labor and care to this land. In addition, even at the pinnacle of collectivization, a small number of villagers did not join, or joined but then left, cooperatives. This means that they remained private peasant households [hô nông dân cá thể]. In 1975, in the northern half of the country, according to Andrew Vickerman, 4.4 per cent of peasant households were private peasant households who held 4.8 per cent of the total cultivated land area (Vickerman 1986: 278). This also means that the agricultural land of those private peasant households did not belong to cooperatives. In the process of decollectivization, therefore, this group of villagers did not receive land from the state; instead they continued to farm their own land. Actually, prior to collectivization, like in other socialist countries, agricultural land had been the land of villagers and landlords, and collectivization consolidated their land into cooperatives for collective management and production. Decollectivization was then a privatization of land use rights, which actually was a return of agricultural land to villagers to use. According to the state land tenure policy, however, distribution as such is not a return of land to villagers; rather the state’s allocation of land use rights to villagers.

So how should the question of private property in agricultural land after decollectivization be tackled? In the view of villagers, as my thesis argues, the holding of land use rights, as regulated by the state’s current land tenure policy, means one level of land ownership. Under the 1988 Land Law, the holding of land use rights was limited in terms of time, from five to 15 years only. Under the 1993 Land Law, this was lengthened to 20 years for annual-crop agricultural land. And in a state-funded research project in

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3 The plot of five per cent land might be another controversial issue that my thesis has not yet thoroughly examined. In the eyes of the state, as Ben Kerkvliet observes (personal communication), it was the land of cooperatives which households had permission to use privately. However, in the views of villagers, it looked like a piece of land which they practically owned. As previously noted, villagers in some villages exchanged their five per cent land with the cooperative management board for water land that had been then allowed to turn into residential land, which (after decollectivization) the villagers hold use rights for no time limit.
4 In earlier years, the percentage of private peasant households’ land ownership was even higher. In 1971, for example, according to the state’s statistics, the agricultural land area of private peasants amounted to five per cent (Nien Giam Thong ke 1975: 196).
2003, researchers proposed that the duration of land use rights holding should be further lengthened to 50 years for annual-crop agricultural land (Tran Toan Thang 2003: 66). In addition, current legislation gives villagers use rights to land, which are not only rights to use the land and enjoy the product of land use but also dispose of the land in various forms. In that sense, the holding of land use rights is really one level of land ownership, although constrained by the state land tenure policy.

My analysis of both traditional and contemporary Vietnamese society indicates that private property in land is difficult to ignore, especially since Đổi Mới, for various reasons. First, the recognition of private property in agricultural land is a key issue, which has been well recognized by the state and society in Vietnam for a long period of history. Secondly, since Đổi Mới, agricultural land use rights have become more than a means of production and related source of income and occupation. They again include the value of property, which is held by various parties and institutions, including villagers, communities, state institutions and overseas parties. Finally, various factors, such as demographic pressures, the decreased supply of land resources, and other socio-economic transformations, especially new values and the effects of the market economy, have all emphasized private property.

At the broader level, after Đổi Mới, Vietnam has recognized the private sector as one of the multi-sectors of the national economy under socialist orientation. In relation to issues other than agricultural land, the state has accepted a stronger recognition of private ownership. For example, it has been pushing the privatization of state enterprises, demonstrating that the state endorses private ownership in this area. A neighboring country, China, has moved one step ahead of Vietnam in recognizing private property. In 2004, the Chinese Communist Party’s 16th National Congress voted to improve its legal system so as to protect private property, marking a big change in the Chinese socialist ideology, which used to greatly emphasize ownership of the state and cooperatives. This move promises
further recognition of private property in agricultural land and other fields in China in the near future.

Prospects of Land in Vietnam.

In the years to come, the question of land in general, and agricultural land in particular, will continue to be a potential subject for debate and conflict in Vietnam. The first issue concerns the system of ownership. This means that the ongoing debates on land ownership are not likely to end without further change. A series of debates in the 1990s and in 2002 among Vietnamese researchers, together with various concerns of the villagers, which I highlighted in previous Chapters, demonstrate that private property in land is essential and needs to be properly recognized. This view was also endorsed by a number of state officials. In discussion sessions on the Amendment of Land Law in 2003 in the National Assembly, some deputies questioned the concept of land ownership of the entire people. For example, deputy Nguyen Lan Dung critically stated that “the entire people’s ownership rights of land are just unreal rights” [quyền sở hữu toàn dân chỉ là hư quyền],5 because the people have not been asked for their views on the management and use of the land, but only those who hold official position and power have decided all key issues.6 To him, the petitions and denunciations by villagers on land issues during the past years were mainly caused by “Ông Nhà nước” [Mr State] at the local level, i.e. the local cadres. Therefore, if the land policy makers continue to ignore the pressing needs [bức xúc] of real life, petitions and denunciations on land issues will never end.7 What he and other deputies referred to is, however, mainly about land management and use, not yet touching on the big question, which is the

need to clarify different layers of land ownership, or in other words different types of rights to land.

Although no change was made over the question of land ownership in the 2003 Land Law Amendment, how land should be owned will probably be a continuing subject for debate. According to my research, the critical need is to clarify and distinguish between the holdings of land use rights, ownership rights, and management rights. In so doing, it is important to recognise the holding of land use rights as one practical level of land ownership versus the ideological ownership of the entire people. (Otherwise, a new system of land tenure needs to be developed.)

The second issue of potential contention is the question of the level of compensation for land use rights. Many holders perceive that to hold land use rights is to own the land in a normal sense of practical ownership. They also perceive that land use rights are private property, and if they are their private property, then the property owners should have a say in their disposal. In that sense, if land use rights are subject to sale or compensation, their price needs to be determined by both buyer and seller. The desire to buy or sell is also determined by the wants of the parties involved. The current state regulations on compensation for land use rights remain determined by the state authorities alone, not by the buyer and seller, or market forces. In contrast, however, holders of land use rights often claim for a say in land use rights when they are disposed of. Therefore, the issue of land use rights, especially in relation to compensation between the state and villagers, continues to be a contentious subject.

The third issue relates to the problem that people’s petitions and denunciations might not end shortly. According to a recent report of the General Department of State Inspection [Tổng Thanh tra Nhà nước], from 1999 to April 2004, state offices received a large number of petitioners: 1,360,000 people. Of these cases, 60 percent related to land issues. The

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9 In the southern half of Vietnam, another contentious issue is the claims of people for their old land.
report also reveals that in 2001 and 2002 the number of petitioners who by­
passed the authorized line to the central authorities increased 20 per cent.\textsuperscript{10} Such figures and my findings show that land-based conflicts might not end in the near future. If conflicts over land continue, land tenure policy will probably need to be further amended, and the coming amendments will create room for debates over essential questions in relation to land, like issues of land ownership, private property, compensation payment for land use rights and so forth.

Another issue is associated with the coming redistribution of land use rights in 2013. According to the 1993 Land Law, agricultural land use rights are periodically redistributed every 20 years. How land use rights will be redistributed in 2013, who can receive land use rights, who not, why, and what redistribution methods should be used, who decides these essential issues? Such questions are arouse of potential contention among villagers, between villagers and cadres as well as state land policies in a number of communities. In addition, the 1988 distribution and redistribution around 1993 have shown the numerous land claims made by the villagers when land use rights are to redistributed. Might the 2013 redistribution of agricultural land use rights lead to similar claims? More importantly, how long can the state maintain its periodical redistribution of agricultural land use rights? Might the state change this policy one day? My thesis, however, is not capable of answering such questions at this stage.

The final issue is the big question of jobs for the peasants. From the perspective of villagers, especially those whose land use rights have been appropriated, one of the most burning issues is what to do when they have little or no land. The contending views on specific issues like the level of compensation for land use rights, labour employment, and the resulting conflicts arising from individual cases might not last for a long time; in many cases the state has sucessfully acquired the land for non-agricultural objectives. The problem of landless villagers, however, will become more visible in a few years when their land use rights compensation money might

have been spent. To wait for the next round of land use rights redistribution may take them about ten years. So what are they going to do during this period of time? Despite the fact that the state has required entrepreneurs to employ a number of peasants to work in their industries, and has also planned to export some labour to foreign countries, a large portion of villagers have no stable job.

At the broader level, as agricultural land per capita continues to decrease for various reasons, demographic increase and agricultural land appropriation for example, what are the peasants going to do in the future? The Vietnamese population reached 81 million in 2003, of which nearly 78 per cent lived in the rural areas. This demographic increase continues to put greater pressures on agricultural land per capita, especially in the Red River delta where the very high percentage of population versus the limited area of agricultural land has been a burning issue for a century or more. At the same time, agricultural land has been increasingly acquired in various ways for non-agricultural purposes. At the local level, it has been converted into residential land and land for specialized-use, i.e. the land for infrastructure of the communities. At the national level, a large area of agricultural land has been acquired for purposes of modernization, industrialization, and urbanization. All these have reduced the land per capita in Vietnam.

The state’s view, as indicated in the state land tenure policy, like the 20-year duration of land use rights holding and the taking of agricultural land use rights for non-agricultural aims, has accepted that a certain number of peasants hold no or few land use rights. This marks a big change in the socialist ideology that used to call for land for all peasants during periods of revolutionary struggle and collectivization. In addition, the increased application of machines, new varieties of seeds, fertilizers and chemicals alongside the development of irrigation systems have not only improved agricultural productivity but also increasingly reduced the size of the labour force required on a given area of farmed land. All these factors result in greater redundancy among the rural labour force. So what are they going to do? This big problem poses several practical questions for the state and
people to think about, including a critical need to develop rural industries, to strictly control population growth and so forth. (Vietnam does not need a bigger population; rather, the country really needs to improve the quality of population.)

**Topic of Future Research.**

My study has uncovered a complicated picture of contending views and conflicts over land in a number of villages in the Red River delta after decollectivization. Its spatial emphasis is, however, mainly limited to parts of Bác Ninh province, while other areas of the delta have not yet been examined. Beyond the Red River delta, in Tây Nguyên, Northern mountainous areas and the Mekong River delta for example, we have witnessed considerable signals of contending views and conflicts over land since decollectivization. Nevertheless, there have been few detailed studies of the topic. Therefore, contention and conflicts over land beyond my field sites are really appealing issues for further research.

Another key issue is corruption. Owning to its prevalence and diversity, corruption can be an interesting and compelling topic for more in-depth and systematic research. To this date, there are still a few studies on some limited types of corruption. For example, what I have done in this thesis focuses mainly on local cadre corruption involving land resources and resulting reactions of the state and villagers. Thus, to achieve an adequate understanding of the big problem of corruption in Vietnam, much more research needs to be done. To research this topic, one might desire to answer several key questions often posed in the literature, which query the areas, forms, causes, consequences, and perceptions of, and attitudes and reactions towards, corruption. Research on corruption also needs to cover various types of corruption in different parts of the state and society. Generally speaking, data on corruption should be drawn from various sources, like documents and reports issued by different institutions at different levels of the state, newspapers, interviews, surveys, and so forth. A comparative
perspective might be useful, for example to compare contemporary corruption with that in traditional society, and between Vietnam and China, or other countries in the region like Thailand and Indonesia. How to explain the problem of corruption and reactions of the state and villagers to it might be answered in different ways. In this study, I offer one way to do it.

Finally, the problem of local cadres is another fascinating topic for further research. Local cadres have played an important role in interaction between local people and higher authorities, and in the management of resources and implementation of state policies in rural communities. However, like in China, villagers' protests against local cadres increased in a number of rural communities after decollectivization. Why has this occurred? Are there reasons other than those I have pointed out? Are there similarities and differences between the problems of local cadres in Vietnam and China after the reforms, and so forth? Again, much more research needs to be done into the topic to answer such questions.
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