

SOLUTIONS OF MANAGEMENT OF LAND-RELATED SOCIAL CONFLICTS IN SOME NORTHWESTERN PROVINCES*

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Managing and settling social conflicts over land is one of the important tasks of society to maintain political stability and achieve socio-economic development goals. Among the political and social hotspots in Vietnam today, nearly 70% of the hot spots are caused mainly by land-related social conflicts.

The Northwest region is an important area with strategic significance in the country's socio-economic, security and defense development. Over the past years, in some Northwest provinces, there has been a land-related social conflicts, lasting for many years, causing difficulties for residential life and the management of all levels of government. Issues include the social management capacity of the management system, the legal framework for land management and land use rights; People's awareness, land appropriation and abuse,... requiring leadership at all levels to consider land-related social conflicts in new approaches for land-related social conflict management solutions, implementing mechanisms and issuing appropriate interregional policies, in order to reach the highest efficiency.

Keywords: Solution; Management of social conflicts; Land; Northwest.

1. Introduction

Northwest is the western mountainous region of North Vietnam, including 06 provinces: Dien Bien, Lai Chau, Son la, Hoa Binh, Lao Cai, Yen Bai. The region shares border lines with China and Laos and plays an important role in defense, security, economy, culture and society. Over the past years, the Northwestern provinces have always been interested by the Party and State, the socio-economic situation has made positive changes, the people's lives have been improved. Despite the comparative advantages, the Northwestern provinces still face many difficulties such as divided terrain, extreme climate, unfavorable traffic... their socio-economic situation also faces many difficulties. The Northwest region faces challenges in inequality in access to resources among ethnic groups, social groups, classes in using social services, creating jobs... Inequality creates the basis for social

conflicts and conflicts between social interests... Land-related social conflicts, especially conflicts when dealing with the consequences of hydropower projects, land-related conflicts between people and enterprises... if these conflicts are not completely resolved, they will lead to immeasurable economic, political and social consequences.

In the management of land-related social conflicts, it is necessary to have a scientific understanding of management of land-related social conflicts, properly identify the scale, form of expression, characteristics, and degree of conflict, to clearly indicate the cause of the conflict, the conflict tendency to avoid the happening of political hotspots. Therefore, there is creativity and innovation in managing land-related social conflicts in accordance with the conditions, offering solutions to control conflicts, resolve conflicts, and reduce tension... in order to effectively solve the

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practical problems, to help stabilize and develop socio-economic in the Northwest region.

2. Research overview

In recent years, the issue of social conflict has been increasingly concerned. The topic “Social conflict and social consensus in the process of social development and social management - Theoretical and practical basis” (Vinh, 2008) analyzed the theoretical issues about social conflict in the process of social development and social development management; analyzed the current situation, trends and problems posed about social conflict and social consensus. The topic provides scientific arguments for constructing views, policies, proposing solutions to resolve social conflicts and promoting social consensus in the innovation process in Vietnam. On that basis, the study “Social conflicts - Some theoretical and practical issues in Vietnam” (Vinh, 2010) has outlined the history and general theory of social conflicts throughout the developmental periods of history. The author asserts that one of the causes of social conflict is that our country has not escaped the threshold of poverty, unsustainable economic growth, high unemployment rate, and a number of mechanisms and policies socio-economic development still has many shortcomings, their implementation is not synchronous. From the perception of the social conflict problem, the author has proposed views and solutions on prevention and resolution of social conflicts in Vietnam today.

Ho Ba Tham (2011) clarified the current situation, causes, trends and proposed groups of solutions based on in-depth research, focusing on conflicts of interests between some groups. social, interest groups in the real estate sector, in the field of employers in enterprises and also in the education and health sector, through the study “Group interest conflicts - Current situation, trends and solutions”. Research has shown the causes of conflicts of interest, in which the main cause is related to institutions and incomplete laws. In addition, the author proposes solutions to resolve conflicts, focusing on the responsibility of the authorities at all levels and highlighting the role of mass organizations. The work “Theory of social conflicts and the management and resolution of social conflicts in Vietnam” (Son, 2014) is one of the prominent research on social conflicts. Its reasoning as well as its practicality in solving conflict problems by analyzing and exploring the roots of human patterns, social conflict, multi-faceted approaches to problems, exploring the role of influencing factors and related parties... The author emphasizes

the importance of researching and applying social conflict theories to social conflict management and resolution in the field of industry, land and religion and the social hotspots, political - social hotspots in Vietnam. Recently, the issue of social conflict and social conflict management on environment and religion in the North Central region is of particular concern to the scientific community.

The study “Current situation of land use in some provinces in the Central Highlands today” (Institute of Anthropology, 1998) presented the current situation and conflicts in land use from after the liberation period (1975) to now on. Warnings are given to help build appropriate, feasible guidelines and policies to overcome the messy, spontaneous Central Highlands land use... Along with this topic, the study of “Land-related social conflict in rural areas in the innovation period” (Tan, 2007) has applied the sociological system of social conflict into research on land-related social conflicts. The author has described and analyzed the current situation of land-related social conflicts in the innovation period (a case study of Ha Tay province). Factors leading to social conflict over land have been analyzed from individual, social and community perspectives. The study has made a number of observations on land conflicts: (1) Step to transform awareness of land use and ownership values and decision-making to address rural land in the innovation era have not been uniformly synchronized as a necessity; (2) social conflicts over land due to mistakes of local authorities and officials in resolving land relations; (3) around the relationship and value of land is a series of relationships of distributing benefits that are unfairly resolved, inevitably leading to conflicts. To resolve conflicts over land, according to the author, it is necessary to consider: Building an economic foundation focusing on the poor, of which the majority are peasants; policies to create stable jobs; fair and public benefit distribution policy; building a contingent of capable and responsible staff; make public and transparent land market adjustments.

From the practical requirements and inheritance of predecessors research achievements in the field of social conflict management, especially land-related social conflicts management on theoretical and practical basis, also on the basis of analyzing the relationship between theory and practice on this issue and applying it to the Northwestern provinces of Vietnam, the article proposes a number of solutions for land-related social conflict management in some Northwestern provinces until 2030.

3. Research methods

The paper uses analytical, synthesized and sociological investigation methods, data collection, data analysis on the situation of land-related social conflict management in the Northwest and is based on the Party's views, guidelines, policies and State's laws on land-related social conflict management to propose practical solutions.

4. Research results

4.1. Current situation of land conflicts and land conflict management in some Northwest regions today

The current land conflict in the Northwest occurs in the following forms: (i) Land conflicts related to implementation of projects, land acquisition and site clearance. Among social conflicts, land-related social conflict is the biggest problem. Wherever there are projects and compensation for site clearance, there are conflicts and land complaints. The main problem is inadequate compensation policies, regimes and mechanisms; (ii) Land conflicts related to the adjustment of administrative boundary markers; (iii) Inadequate land management, ambiguity about land origins, land without land use right certificate, uncertificated land, weak capacity of land management staff, the change in the boundary between periods, the slow settlement of land complaints... are the causes of many conflicts, protracted lawsuits, causing disorder in the Northwest (Some disputes lead to the homicide, such as the one that happened in Ma Lu Thang village, Huoi Leng commune, Muong Cha district, Dien Bien province; a land dispute between people in Huoi My village, Sam Kha commune, Sop Cop district, Son La province with villagers of Na Su, Chua Ta A, B, Tia Dinh commune, Eastern Dien Bien district, Dien Bien province); (iv) Weak land management regime, conflict between custom and land law. Therefore, ineffective land use, causing disputes, conflicts between actors; (v) At present, the Constitution, Land Law, Decree and State regulations are not sufficient bases to solve many problems raised in land conflict management, leading to the fact that in land management and land-related social conflicts management in the Northwest have many limitations; (vi) Inadequate awareness of social conflicts and land-related conflicts among authorities and people. The capacity of these actors to manage and participate in managing social conflicts related to land at grassroots level has not met the set requirements; (vii) Skills for managing social conflicts related to land such as: Situation analysis; clearance management skills; forecasting

skills are still weak; (viii) The management system for social conflicts in general and land-related social conflicts in particular is inadequate.

Problems raised in current practice on land conflicts and land-related social conflict management in some Northwest provinces require a system of synchronous solutions to avoid land conflicts becoming political and social hotspots.

4.2. Groups of solutions on land-related social conflict management in Northwestern provinces until 2030

4.2.1. Group of solutions for propaganda, awareness raising and effective improvement of people's participation

Propaganda is an activity that plays an important role in raising community's awareness of land protection and minimizing social conflicts. Through propaganda activities, people have more understanding and information about conflicts in participation in community and social activities, and laws promulgated by the State. From this activity, it directly helps raise awareness and help people to have the right attitudes, behaviors and standards in the use and mitigation of land resource conflicts. In addition, in localities, authorities also need to strengthen and promote emulation activities, and build movements to preserve land assets. Each family will build a lifestyle and behaviors that are suitable for family members and avoid unequal behaviors.

People should be considered as the real actor in managing social conflicts on reducing land-related inequality in the Northwest. Full awareness of the position of the people will help the design and implementation of the policy which not deviate from the direction of free support, thereby creating a sense of reliance on the people. Promoting the right role of the people in the context of limited State resources, will increase the State's resources in implementing measures to reduce land inequality in different localities. It is necessary to review the policy system to maximize the role of the people.

Administrative procedure reform will be the basis to help people in the Northwestern provinces participate more and more deeply in social conflict management policies on reducing inequality in land, and the lack of synchronization between localities, social class, the polarization of the rich and the poor, and social conflict.

4.2.2. Group of solutions to improve the efficiency of State's land-related social conflict management

a) Strengthen the quality of governance institutions in the field of land control and reduce land-related social conflicts

Vietnam has made great efforts during the past 30 years to improve the quality of institutions and legal policies. The fruits of these efforts are remarkable developmental results in many different fields. However, this process also reveals many limitations on the implementation of Vietnam's policy, especially the fact that there are still too many barriers for non-state sectors to participate in activities to protect land resources and minimization of land-related conflicts. That affects land management in the Northwest. Policy openness and transparency will also help limit the status of policies with separate rules that are beneficial to some interest groups. That leads to a reduction in social conflict over land.

It is necessary to improve the legal system in the direction of clarifying the rights and obligations of the owners to the ownership rights, representatives for management and use, fundamentally renewed thinking about land law, in which it is necessary to affirm the sovereignty of the country over the land represented by the State; there is a need to diversify forms of land ownership, as is the case with "land use rights" in the current situation.

In the Northwest mountainous provinces, it is necessary to take into account the promotion of the role of customary law, of communities in the management and use of land, but without affecting the purpose of land legislation in general. Therefore, along with the improvement of the legal system of land relations, we can combine the application of Civil Laws and Customary Laws and conventions, to not only manage land conflicts more effectively, but also it can also increase land use efficiency. The management levels should proactively and drastically deal with ongoing problems, complaints, denunciations, conflicts and land disputes. Authorities need to do well in forecasting and warning of land conflicts; take the initiative in preventing, managing and settling land conflicts in the Northwest region. This is not only an obvious task, but should also be prioritized over other tasks.

The Northwest provinces strictly and effectively implement the socio-economic development, urgently implement the policy of land and forest allocation; land allocation for those who lack residential land or cultivate land; especially well implement the policies on ethnic groups and religions to improve the economic, cultural, spiritual and intellectual life of ethnic minorities, creating a solid

foundation for social-political stability; gradually narrowing down and possibly minimizing factors that may arise, leading to stressful social conflicts.

Strengthen the role of the supervisors including the role of the people independent of the law enforcement agencies. To further strengthen the role of the National Assembly and the People's Councils at all levels, but pay more attention to community organizations to create effectiveness in managing land-related social conflicts.

b) Anti-corruption

Anti-corruption continues to be a leading task in building a modern governance model in Vietnam. The control of corruption has been implemented very drastically in the 2016-2020 period at all levels and sectors, and has created a positive impact on the process of improving governance capacity. Therefore the legal policies are also enforced more strictly and effectively. However, assessment trends still reveal very ominous problems of corruption with development management in Vietnam. The impact of corruption is not only related to the effectiveness of state management in practice, but also affects the society's belief in social development management, including land-related social conflict management. Thus, fighting against corruption will be the top task for Vietnam in the coming time to build a modern State political apparatus.

c) Improve capacity to manage social conflicts and land-related social conflicts for management actors in the Northwestern provinces

Through actual surveys in localities in the Northwest and the results of sociological surveys show that, in the Northwest, the current conflict mainly occurs between state government agencies at all levels with the people; between businesses and people; between the people themselves. In other words, conflicts occurred, mainly due to the state management system. Practical surveys and sociological surveys, showing that the areas of conflict and conflict risks are land management, environmental management, religious management, and the struggle against hostile and separatist forces.

In state management, includes the following elements: management subjects (apparatus, cadres, civil servants and public employees); tools (policies, laws, resources ...); management methods; content management (economy, culture, society, persistence, environment ...); management object is people living in the Northwest; The management goal is socio-economic development. However, in conflict management, the management object is the

parties which participate in the conflict, the conflict situation, the management goal is to resolve the conflict and limit the negative consequences of the conflict.

In order to improve effectiveness in managing social conflicts and land-related social conflicts, it is necessary to:

- Raising awareness of management subjects on social conflict management.
- Be aware of the stages of conflict development and apply appropriate management practices
- Improving management skills, social conflict resolution.
- Managing and settling social conflicts and socio-political hotspots requires a lot of skills.
- + Skills to grasp the situation, causes and types of conflicts.
- + Skills to organize negotiation, dialogue and conciliation.
- + Skills to summarize experience, assess the conflict management.
- + Skills to institutionalize conflict.
- Training and retraining cadres at all levels, sectors and unions to meet the requirements of social conflict management.

d) Using Public Security in land-related social conflicts in the Northwestern provinces

The Army and Public Security are the core forces in ensuring national security, social order and safety. The reality of social conflicts and socio-political hotspots have affirmed that role. It can be said that the police play a particularly important role in land conflict management. The police forces have firmly grasped the area, firmly grasped the subject, used professional work, isolated and separated extremists; arrest and prosecute those who have committed acts of law violation in conflicts, helping the management of land conflicts, in general the situation soon to be controlled, cleared, quelled and not prolonged. The research results show that the four most important subjects to resolve social conflicts are the Party Committee level, the Government, the Public Security and the Fatherland Front.

For the police force, the actual survey shows that the role of the police in social conflict management in the Northwest is particularly important. In order to promote that achievement, the police force should increase monitoring the area, to firmly grasp the area

and the object, use professional measures to limit the damage caused by aggressive acts; cooperates well with the authorities in collecting evidence files of leaders and extremists. For the masses, in social conflicts and socio-political hot spots, to restore order, to “cool down”, dissolve the crowd, bring the masses home. After the conflict has been extinguished, the police force coordinates with the authorities to keep order, overcome the consequences, continue to fight the stubborn, aggressive, and hunt down criminals who are hiding.

4.2.3. *Solution to enhance the role of the Fatherland Front and related organizations*

The Party and State need to continue to expand the legal corridor to promote the role of the Fatherland Front and related organizations in the reduction of land-related inequality and conflicts, especially in the Northwest. The Fatherland Front and related organizations need to strengthen mutual coordination and coordinate with Party Committees at all levels, local authorities in implementing policies to reduce the issues concerning land-related inequality and social conflict. The good formation of coordination mechanisms in the implementation of Social Development Management and Social Conflict Management policies makes these policies closer to reality and easier to come into practice in social life. Therefore, the signing of memorandums of understanding and coordination documents between the Fatherland Front, social organizations and State management agencies from central to local level in managing land-related social conflicts and reducing inequality related to land in the Northwest region is of utmost importance.

5. Conclusion

Managing land-related social conflicts is an urgent issue in mountainous areas, including the Northwest. The Northwest region has a strategic position in economics, politics, culture, security and defense. In the present period, if we do not effectively manage and control, the land-related social conflicts may go beyond the control of the state and society, causing great social conflicts and political-social hotspots. Researching and proposing solutions to manage land-related social conflicts in some Northwestern provinces plays an important role in improving the effectiveness of social conflict management, contributing to political, social stability, economic development of the Northwest region in particular and of Vietnam in general.

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GIẢI PHÁP QUẢN LÝ XUNG ĐỘT XÃ HỘI LIÊN QUAN ĐẾN ĐẤT ĐAI Ở MỘT SỐ TỈNH TÂY BẮC

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Tóm tắt

Quản lý và giải tỏa xung đột xã hội về đất đai là một trong những nhiệm vụ quan trọng của xã hội nhằm giữ vững ổn định chính trị và thực hiện các mục tiêu phát triển kinh tế - xã hội. Trong các điểm nóng chính trị, xã hội ở Việt Nam hiện nay thì có tới gần 70% điểm nóng có nguyên nhân mâu thuẫn chủ yếu từ những việc liên quan đến đất đai.

Vùng Tây Bắc là địa bàn quan trọng, có ý nghĩa chiến lược trong phát triển kinh tế, xã hội, an ninh, quốc phòng của đất nước. Trong những năm qua, tại một số tỉnh Tây Bắc đã nổi lên những mâu thuẫn xã hội liên quan đến đất đai, kéo dài nhiều năm, gây khó khăn cho đời sống dân cư và sự quản lý của các cấp chính quyền. Các vấn đề như năng lực quản lý xã hội của hệ thống quản lý, khung pháp lý quản lý đất, quyền sử dụng đất; nhận thức của người dân, sự chiếm dụng, lạm dụng đất, ... đòi hỏi các cấp lãnh đạo cần phải xem xét các xung đột xã hội liên quan đến đất đai theo những cách tiếp cận mới để có các giải pháp quản lý xung đột xã hội liên quan đến đất đai, thực hiện cơ chế và ban hành chính sách liên vùng phù hợp, đem lại hiệu quả cao nhất.

Từ khóa

Giải pháp; Quản lý xung đột xã hội; Đất đai; Tây Bắc.