**Community sacred forest or company commercial rubber**

Spirit forests reflect beliefs and traditional socio-cultural structure of ethnic minority groups living in mountainous and border areas. In the Draft no.5 of the Law on Forest Protection and Development (revised), spirit forests have been classified as special-use forests, which makes a breakthrough in legislative mindset and creates an important foundation for further conservation strategies for development in order to restore religious beliefs and socio-cultural and ecological capital of more than 14 million ethnic minority people, who have severely been suffering from beliefs crisis since the American War.

According to the point 1 of Article 160 “Land used for belief practices” of the Land Law 2013, it is defined that land for belief practices includes land for communal houses, temples, shrines, hermitages, ancestral worship houses and ancestral temples. This definition, however, does only take into account the religious structures of the Kinh majority, while ignoring religious beliefs of more than 14 million ethnic minority people of 54 ethnic groups living in the mountainous and border areas, which are completely different. For these people, every living thing in nature has its own spirit and moves freely to wherever it likes. The nature spirits always listen to, observe and monitor behaviors of all community members within their living spaces. Therefore, before doing anything, people must ask the spirits for permission via rituals. For instance, they ask the forest spirit for timber for building houses, the field spirit and the spirits of pests, insects and birds for fruitful crops, the water spirit for water, etc. The spirits of all living things in the spiritual ecosystem surrounding villages are of freedom. The sacred forests that are defined as the spirit forests in the Draft no.5 are where there resides the spirits of all living things. By this recognition, it is proved that accusing ethnic minority people of destroying forests is a severe mistake.

Due to lack of deep knowledge and understanding by law-makers of the traditional socio-cultural structure, spirit forests are excluded in the classification of Land used for belief practices under the Article 160 of the Land Law 2013, which disables the spiritual culture of the ethnic minority groups - a strong and very important motivation in the strategy of sustainably maintaining traditional culture and society of the ethnic groups. Consequently, they dare not receive money from the Government to build communal houses, temples, shrines, hermitages, ancestral worship houses and ancestral temples for their own, as this is not their culture. For them, the power of the nature spirits is ultimate. Sacred/spirit forests have been handed down from generation to generation for thousands of years in an unwritten manner and are believed to stay with the people eternally. Thanks to their strong beliefs, the sacred forests have been protected very well. That is the reason why more than 14 million ethnic minority people have never ever built communal houses, temples, shrines, hermitages, ancestral worship houses and ancestral temples for themselves. Each village and P’loi (a group of families of the same clan) is named after a specific mountain or river that is attached to a specific legend or history. After many studies on anthropology, traditional history, culture and society of the ethnic minority groups attached with forest, we have recorded not less than 80 pages of the history of each specific forest and mountain through the stories of the village elders.

Therefore, there should be a consistency between the Law on Forest Protection and Development and the Land Law, specifically its Article 160 “Land used for belief practices”. Because if spirit forest and land are not recognized by the Land Law and not returned to villages for protection based on their customary laws as they used to, it means that: we would lose a system of tangible and intangible cultural values; the nation would lose the culture-ecological capital and bio-diversity; and the ethnic minority groups themselves would lose their cultural identity, their rituals and ceremonies, and offerings – the inevitable spiritual values of their daily life that give every community member opportunities to practice their local knowledge and wisdom passed down from one generation to another, such as: What is this tree? What is that animal? Why do we have to eat them? What for? How to eat?… Without this religious living space, the ethnic minority groups have nowhere else to practice their beliefs, and their life and livelihood become fully dependent on the market when their sacred forest and land are replaced by acacia and rubber plantations. Consequently, people would fall into crisis of beliefs, and their local knowledge and native natural species will be gone also; and their life would lose direction.

**Why?**

***Firstly,*** Vietnam has more than 14 million people of different ethnic minority groups that currently live closely and dependently with forests. It is assumed that if each village among the current 30,000 villages is legally recognized as the owner of 5 ha of spirit forestland generationally, there will be 150,000 ha of forest in total, which is equal to the area of special use forests allocated to 15 national parks for protection. The effect is not only 150,000 ha of special use forestland protected effectively and voluntarily by more than 14 million people of the 54 ethnic groups, but also there will be no need for the government to spend its budget on construction of big and costly offices and residential buildings for the national parks’ management boards (MB), which results in huge damage to the original natural landscape; cost for meals, salary, insurance, guns, gas, transportation and also noise and dust pollution caused to the natural forests. This does matter both financially and socio-culturally, negatively interfering with the cultural identity of the 54 ethnic groups – the valuable tangible and intangible assets of each individual ethnic group and the whole nation as well. By making a comparison between the community and the national park’s MB in terms of forest governance, we can see the big difference: one represents a voluntary institution governed by the communities over generations, while the other – a state-subsidized institution governed by the salaried MB and its staff. This explains why the biodiversity of almost all national parks such as Cuc Phuong, Ba Vi, South Cat Tien, Vu Quang, Bach Ma and Hai Van gradually decreases, why the number of conflicts between the MB and residential communities increases and the volume and quality of forests managed by conservation areas and national parks decreases. This situation is contrary to what is going on in the forests governed by the communities: forests have been inter-generationally protected by the whole community voluntarily and effectively; each community member can practice their behavioral norms with the forest which then become their beliefs and customary law; and the relations between relevant agencies and the community are very close based on their mutual trust. As a result, the community forests are in much better condition with an abundant volume of oxygen. It is assumed that if this oxygen is converted into carbon dioxide (carbon credit) upon REDD and REDD+ programs for market sales at the cost of USD 2 per month over 1 ha of forest, for instance, we can earn up to USD 300,000 per month over the 150,000 ha of forest for the benefits of the local people. More importantly, forest is still there, forest- worshipping culture is maintained, and peoples’ beliefs towards spirit forests is secured and handed over to the next generations. Moreover, the area of 150,000 ha of the spirit forests, which is equal to the 15 national parks, would become the 15 houses to save, expand and develop native tree and animal species, herbal medicine and natural dyeing materials. Accordingly, the numerous local knowledge of the ethnic people in collecting forest products, such as herbal medicine and materials for dyeing and weaving, in processing forest food traditionally and ecologically by each minority group will be preserved and developed over the time within their specific living space. Obviously, only one article in Law stipulating the ownership over spirit forest and land of villages, p’lois and community stipulated can logically cover a number of different laws regarding the spirit forests, such as Law on preservation of biodiversity, Law on protection of multi-ethnic cultural identity and Law on traditional farming, making all of the laws automatically come into life most effectively and perfectly for a rich, strong, civilized and peaceful society. This is a powerful strategy of national socio-cultural and ecological livelihood preservation and development. This also is a national policy of securing political security and national defense. We believe and continue to keep our trust in each citizen living in the forest who is a loyal soldier to the nation and is ready to protect the national border before the enemy.

***Secondly,*** forest serves as a cultural space for rituals and ceremonies to meet the spiritual needs of the community. Forest is also a practical training school for generations, and an academic curriculum. Girls, who come to the forest with their mothers since they are five years old, can know and identify what kind of plant people should eat when feeling thirsty, what kind of plant can stop people from bleeding, and what kind of plant roots should be used to treat pregnancy problems, and so on. Moreover, forest plays the role as a hospital, where both patients and doctors are villagers. These unwritten curriculums are very concise and deep, and can be kept long in the mind of the girls through their lifetime. Each villager’s meal can be an interesting combination of up to 32 different types of herbal medicine to treat different diseases. This is the very valuable knowledge of the herbal medicine that can be compared with the library of a medical university. However, due to the narrowed forest space, this knowledge treasure has been depleted every hour, and as a result, a great deal of herbal medicine is gone. Meals without medical herbs make the ethnic people feel flat and boring, especially when they no longer find the space to share knowledge about the medical herbs and their functions. This should be a warning to the Ministry of Culture and Information, the Ministry of Education and Training, and the Ministry of Health Care on the strategy of education and health care for a population of more than 14 million people of ethnic minorities, which is 20 times bigger than the population of Bhutan and double the population of Lao DPR!

***Thirdly,*** today living space in the forest is getting narrower and narrower. For some ethnic minorities, their forests are totally damaged by being transformed into rubber and acacia plantations for commercial production. Spirit forests, which have been grabbed and overlapped by protection forest planning under the 661 project since 1998 have not been resolved yet. Continuously, thousands of hectares of protection forests nationwide have been transformed into production forests between 2005-2007 and 2012-2013 without any solution. Some protection forests that used to be spirit forests have also been converted into production forests in 2012 – 2013. Then, right after the conversion, these forest areas have been occupied by the individuals under the form of limited companies. What will happen if these forest areas are then sold to the Chinese traders under the name of Vietnamese citizens? If that happens, it will certainly cause a big threat to our national security. Therefore, this issue must be carefully considered by the Ministry of Planning and Investment, Ministry of Natural Resources and Environment and Ministry of Agriculture and Rural Development.

***Fourthly***, there are water systems in the protection forests. However, the MB has paid attention only to the forests, not to the water systems. Some of the water systems, which are sacred streams with sacred vegetation and trees nearby worshipped by villagers annually through the Water Spirit ritual, have been occupied by the MBs due to their bureaucratic planning. What would happen if the villagers violate the territory of the protection forests? At present, due to the MB being incapable of managing their allocated forest areas, because of their insufficient manpower, bureaucracy and lack of responsibility, the villagers keep taking water from these sacred streams, or collecting herbal medicine around the streams. This would be a big challenge to the General Administration of Forestry.

***Fifthly***, it is recommended that the government seriously consider the empowerment to the provincial authority in regards to decision making on border forest and land, and at the same time, enact policies for all border forest and land available nationwide. The government should enact policies consistently from the national to the communal levels to prevent forest and land from encroachment and corruption under the so-called “correct process” for profit-making motivation. If such things happen, the National Assembly and the Government would spend a lot of time, energy and money to resolve the issues. Therefore, if border forest and land are to be allocated to villages and communities in the role of legal entity and forest owner, they will be safely protected to secure political security and national defense, especially to revive beliefs, values and ethical behavioral norms practiced in the border spirit forests by more than 14 million ethnic minority people of different groups. Living without forests, or losing spirit forests, villagers may turn to the support of Protestant Churches or something else upon the incitement of reactionary persons. On the contrary, allocating forest and land to villagers will release them from concerns, troubles and suffering, encouraging them to stay loyal to the Party forever, as they would like to do. Party and People should be one. For the above reasons, the Law on Forest Protection and Development should receive sufficient attention and consideration from the National Assembly.

I, hereby, would like to give an example of a sacred forest in Pom Om village, in Hanh Dich Commune. During the implementation of the customary law-based forest and land allocation in Pom Om village, we noticed a forest area locally named Nhoi Hoc Mountain and Tang Bia rock. As our methodological approach is based on the Thai people’s customary law, our experts extremely respect these local names, and succeed in encouraging the professional officials of Que Phong district Natural Resources and Environment to put the local names on the forest map and planning map of the district. When Nghe An Rubber Corporation occupied the entire territory of Tien Phong commune (neighboring Hanh Dich), they gave land to Que Phong Rubber Enterprise, which was set up after the village forest and land allocation program. The Nghe An Rubber Corporation was too bureaucratic about map planning without consulting local people. As a result, they encroached on 4.7 ha of spirit forestland of Pom Om village, Hanh Dich commune. Thanks to the local naming on the village map, instead of the state naming by numbering plots, the Pom Om villagers easily identified that the encroached 4.7 ha were of Nhoi Hoc and Tang Bia that belong to Pom Om village. Immediately, all village members, from elders to youths and children, came to this sacred forestland to protect it constantly and persistently for 2 years. Their efforts have paid off, finally. The Nghe An Rubber Corporation and Que Phong Rubber Enterprise returned all the sacred forest and land area to the Pom Om villagers.

Then it was so sad when Mr. Van and I with other communal and cadastral officials were visiting Nhoi Hoc and Tang Bia, a very young man of Kinh majority working for the rubber enterprise tried to stop us from entering the area. There, we also met with a couple who used to be the Tien Phong’s farmers, but now work for the rubber enterprise. Through their story, we learned that their job was caring for the rubber, and they could earn VND 4 million per month. However, the enterprise never paid them on time, normally two months later. I asked him, “Why don’t you work on your own field”. He said, “We have no land. All now belongs to the rubber company”. Then I asked Mr. Van “Where will Tien Phong villagers worship the forest?” “They may do it in Hanh Dich village”, he replied. I would like to share this story with the draft compiling committee with the purpose that land reserves, especially for the spirit forests – a living space containing all values of the ethnic minority people - need to be seriously and carefully considered and paid attention to. Recognition of sacred forests would be an inter-generational breakthrough to remind us of the ancestors of the ethnic peoples whose lives are closely attached with forests, of our responsibility to protect our political security and national defense. Renovation, industrialization and modernization at any cost regardless of conservation of cultural identity, local knowledge and wisdom, native species and genetic biodiversity of forests may result in extremely big and forever losses that cannot be recovered by money.

Lastly, I would like to say thank you to all the National Assembly delegates and participants for attending the “Workshop on contributing opinion to no.5 Draft Law on Forest Protection and Development (revised)”.Tran Thi Lanh, Hanoi, 28 April 2017