



Farmers' Resistance to Agricultural Land Transformation in Vietnam

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Abstract

The article's main objective is to examine why farmers resist and if the current land law of Vietnam can ensure the agricultural land rights of farmers. The article's main argument is that there is an unequal power relation for a fair negotiation on land acquisition in the current land law and policies. This study applied a qualitative approach using documentary research, case studies, and interviews as main research tools while the theories of "moral economy" and "power of exclusion" will be applied to explain the main argument of this article. The research findings revealed that in the current land law, the government still has the absolute power to decide when, where, and how much agricultural land can be acquired. At the same time, there has not been an effective and equal negotiation system for farmers to negotiate on land decision-making issues. Moreover, the national policy on industrialization and modernization outweighs small farmers' priorities and their rights to access farm land, allowing the private sector to occupy land with below-market-price compensation. Consequently, there is a rising awareness of unfairness and injustice among farmers. The study suggested that various political agencies and leaders should comprehensively discuss and revise the law to harmonize the interests of different stakeholders and increase political space for all people.

Keywords

Land law, Farmers' resistance, Agricultural land transformation, Vietnam

Introduction

The prevailing political view from the central Vietnamese government on urbanization and modernization sees land as tools and commodities to help promote the market economy and develop the economy more rapidly (Wells-Dang et al., 2015; Hirsh, 2015; Fan, 2019). In their view, economic development in Vietnam depends on converting land and other resources to more productive uses. Economic development can be understood as per capita income growth plus economic restructuring. For economic growth, it is necessary to raise the inputs of production such as land, labor, and capital, improving the productivity of these inputs and creating changes in the organization and management of the economy to sustain that growth. Structural transformations include industrialization, urbanization, and demographic transition. These transformations will lead to systematic changes in product demand and commercial patterns. Those changes regulate land use from agricultural to industrial, from farmland to land for urban development. Urbanization transforms farmland and other rural lands into areas that provide residential, commercial, administrative, environmental, recreational, and infrastructure services. These land-use changes were accompanied by a shift of labor from low-productivity activities (mainly in rural areas) to high-productivity occupations (mainly in urban areas), a trend in which much of the rapid growth economies in recent decades have been seen in Asia and Vietnam was no exception (Rigg et al., 2018). From 2004 to 2009, about 750,000 ha (for which 80 percent of agricultural land accounted) in the country recovered for 29,000 investment projects (Ingalls et al., 2018). The highest conversion rate happened in the peri-urban areas and provinces close to the big cities or provinces with high development rates and economic growth, such as Ho Chi Minh City in the South and Hanoi in the North (Ingalls et al., 2018; Fan, 2019; Nguyen et al., 2019). From 2010 to 2019, the Hanoi government acquired nearly 35.5,000 hectares of agricultural land into non-agricultural land and is one of the leading localities in the country in agricultural land acquisition (Tuan 2023). In the 5 years from 2015 to 2019, the Hanoi government made many decisions to revoke 13,728.77 hectares of agricultural land for 7,108 projects (Tuan 2023).

According to the Ministry of Planning and Investment, Vietnam has lost about 73,000 hectares of arable land annually due to urbanization, affecting the livelihoods of 2.5 million farmers (MoPI, 2019). Meanwhile, to attract investment, localities have opened a large number of industrial parks, mainly on former agricultural land. As of 2019, Vietnam has 326 industrial parks with a total area of 95,500,000 hectares, an increase of 59 industrial parks with 23,500 thousand hectares compared to 2013 (MoPI, 2019). However, the occupancy rate of industrial parks has been low, leading to land effectively being abandoned after being acquired for that purpose. The majority of former agricultural workers over 40 years old have difficulty finding new employment due to a lack of skills, health, education, and expertise

(Nguyen et al., 2017). Farming households that successfully switch to business, trade, or other occupations have much higher incomes after their farmland is acquired. On the contrary, households that are reluctant to change occupations and instead try to generate income on their remaining agricultural land, have their income severely impacted after their principal farmland has been acquired (Binh, 2017).

Local farmers have manifested their dissatisfaction with or opposition to agricultural land acquisitions via petitions and public demonstrations throughout this period of accelerated land repurposing. In the decade since the 2003 Land Law was enacted, about 70 to 90 percent of complaints in the country were related to land disputes (Alcaide et al., 2011). In 2014, 90 percent of the complaints were made to the government and 98 percent of the complaints made to the Ministry of Natural Resources and Environment were specifically related to land disputes (Wells-Dang et al., 2015; Kerkvliet, 2014). After more than three years of implementing the Land Law 2013, complaints related to land (mostly related to land acquisition, compensation, and disputes) still made up more than 70 percent of the total (Bao Moi, 2017). Unresolved or poor resolution of land disputes may pose a severe challenge to the legitimacy of government and contribute to social unrest and insecurity (Hirsh, 2015; Fan, 2019). Farmers' demonstrations have been conducted under the leadership of some vibrant active local leaders and rights advocates who had also experienced dispossession. These demonstrations varied using both formal to informal methods to seek to influence public opinion as well as the political and legal decisions taken by the Party and the state. Several cases show the vibrant roles of leaders in their resistance as well as demonstrating the important role of state-sanctioned citizenship rights that they are exercising to assert farmers' rights (Phan, 2022).

Even though more and more young people in rural areas had tended to move to work in non-agricultural sectors before the acceleration in agricultural land acquisition, older farmers have continued to stay in rural areas and work informally in the remaining agricultural sector due to many factors such as history, emotional attachment, and culture (Rigg et al., 2018). Some studies show that the majority and the most active protesters are middle-aged farmers (Binh, 2017, 2022). Accordingly, scholars of the pro-poor school continue to affirm the importance of maintaining traditional rural social values and the granting of land rights to farmers in harmony with the existing localized historical trajectory (Suu, 2007; Suu, 2009a, 2009b). Although the localized pro-poor approach and the maintenance of land fragmentation may hinder the development of the agricultural sector, there is a fear that large-scale private land ownership could lead Vietnam back to the French colonial period when large-scale land privatization could form new classes of landlords in Vietnam (To and Well-Dang, 2019). Online media and social networks have played an important role in reporting many different cases of farmers' protests against land injustice nationwide (Labbé and Musil., 2014). These

channels have provided space for the debate to widen on issues of land corruption relating to agricultural land use acquisition. These voices argue that corruption in the land management system has allowed capitalists to manipulate the whole system, resulting in the illegitimacy of the process of land acquisition (Labbé and Musil, 2014). At the same time, international organizations such as FAO and IFAD have also been advocating for the rural poor by challenging the notion that large-scale agriculture is more efficient and productive than small-scale family farming. FAO and IFAD studies show that smallholders have higher productivity per hectare of land than large farms (Dougall and Koehring, 2016; Grain, 2014).

The World Bank is another important organization that has been researching the topic of agricultural land transformation in developing countries, such as Vietnam. The World Bank found that the land compensation policy in Vietnam had many shortcomings because the compensation land price was followed by the state's price frame and raised some concerns about fairness and corruption during the land acquisition process (World Bank, 2011; Anderson et al., 2013; Chen et al., 2020). A policy document of the Communist Party of Vietnam in 2016 described land concentration in the private sector as the driving force of agricultural production for current conditions due to its efficiency and effectiveness (To and Well-Dang, 2019). However, for a country following a socialist ideology, this major doctrinal change in management thinking has sparked many heated debates on subjects such as fairness, corruption in land management, conflicts of interest among stakeholders as well as the legitimacy of state land policies. In addition, corruption between local governments and private companies related to land conversion has reportedly been high, leading to losses for farmers (Well-Dang, 2013; Hansen, 2013). The private sector, by collusion or corruption, has pressured local authorities to use its power to expropriate land in the name of "socio-economic development". The formation of a new wealthy class often involves land conversion and appropriation. Such a development would increase the risk of excluding farmers from the market with active support from the State (Hall et al., 2011, Harm, 2016; Kerkvliet, 2019). Therefore, the implementation of land consolidation policies in the future may increase forms of land accumulation and conflicts over land (Kerkvliet, 2019).

The problem of the untransparent procedure to acquire the land and resulting corruption, the land compensation price, and the risk of not being able to find new employment after land confiscation are the main issues leading to local farmers' protests (World Bank, 2011; Pham et al., 2013; Nguyen et al., 2016; Binh, 2017; Phan, 2022). In addition, farmers' perception of loss is demonstrated by the treatment they receive from local and other officials during land acquisition. Local authorities have often sided with investors to expropriate land from farmers with the support of armed security officials and police officers to enforce evictions. Farmers have essentially been kept out of the process when the state formally can repurpose its use when they deem it necessary and appropriate. Those

conditions led to a rising awareness of injustice among farmers in contemporary Vietnam (Phan, 2022). However, the level of adaptation and the speed of successful career change for those who have lost land to re-purposing varies in different cases. For example, in Ho Chi Minh City (Saigon), former farmers have a better quality of life than those former farmers in other localities because the city is densely populated and developed, and easy for farmers to access new types of non-agricultural employment (Vu and Kawashima, 2017).

Despite the damaging social effects of dispossession, land acquisition to attract investment also has yielded some positive results. Some important achievements of urbanization and industrialization have been increasing *local* economic growth through the creation of new markets and industries, which has also led to an increase in land prices in neighboring rural areas accordingly, thereby lifting the average income of people, rural and urban, in general (Binh, 2017). Moreover, the process has also helped transform and increase the total income of some rural households from the agricultural to the non-agricultural sector which has contributed to reducing rural poverty overall (Chen et al., 2020). However, an enduring and as yet unaddressed problem is how to grow and develop *equitably* and *sustainably* during the process of land re-purposing (Binh, 2017; Binh 2022; Nguyen et al., 2019; Nguyen, 2021). This social-political context of accelerated land re-purposing created a critical moment for land rights in *Đổi Mới*-era Vietnam, which has become increasingly fiercely contested. Inequality in the economic and political process and conflicting rights lead to social polarization and create a shared collective perception of injustice. This is especially the case with agricultural land around large urban areas which have been converted to commercial use. Farmers' access to productive land in these rural areas is increasingly difficult due to the dominance of large-scale production by state-owned or state-affiliated agricultural and forestry farms. With such ambiguities over ideologically-rooted rights and policy aims, land disputes have increased significantly in the past two decades. Land disputes among farmers, local authorities, and businesses have often led to public farmer protests. Therefore, this article will contribute to an understanding of why farmers resist, and if the current land law of Vietnam can consistently ensure the agricultural land rights of farmers.

This article will be divided into four main parts. Part I reviews the literature, part II introduces our theoretical framework, part III lays out our research methodology, part IV presents the research results, part V discusses the results and finally, part VI concludes by reiterating the findings and theoretical discussion.

Literature Review

Studies of conflict over land in Southeast Asia (SEA) under either military dictatorships (a common feature of Southeast Asian countries) or neoliberal authoritarian regimes point out an important conclusion that the monopolized power of exclusion can serve

as a means to exclude citizens from benefiting from land using the doctrine and logic of the nation-state, emphasizing the common good or national interest, and other legal means (Hall et al 2011). Hall argues that governmental exclusion is not a random process, nor does it occur on a fair playing field. It is structured by power relations. Across rural Southeast Asia and elsewhere, exclusion from land can be understood in terms of the interaction between regulation, force, the market, and legitimation. Following Hall et al, the concept of the power of exclusion comprises those four factors (1) Regulation is associated with the state and legal instruments, setting the rules regarding access to land and conditions of use. (2) Force excludes violence or the threat of violence and is brought to bear by both state and non-state actors. (3) The market is a power of exclusion as it limits access through price and through the creation of incentives to lay more individualized claims to land. (4) Legitimation establishes the moral basis for exclusive claims and entrenching regulation, the market, and force as politically and socially acceptable bases for exclusion (Hall et al 2011). Therefore, land is defined as more than property rights, its definition includes social and political aspects so that claims of property rights are also a claim of extension of rights generally. The use of an exclusionary interpretation of land is double-edged, meaning that the exclusion of one group is to the benefit of the other and vice versa. While the group with power and financial largesse may base their justification of land expropriation on the use of land more effectively for economic growth and infrastructural development or agricultural intensification instead of continuing to give land to capital-poor farmers to undertake agriculture with low value-added outcomes, the disadvantaged group or small farmers will struggle to justify their land claims in the name of the right to food alone (Hall et al 2011). However, farmers in SEA countries in general and in Vietnam specifically, also tend to work as wage laborers outside their villages whether or not they had had their land expropriated. In fact, due to the all-encompassing processes of modernization and urbanization, they participate in the market economy and are already a part of it.

Several studies have been made on the impact of land grabbing on farmers' traditional livelihoods (Bottazzi 2012, Dai and Dien 2013, Tuyen 2013, Sumera 2017, Suu 2009a). There are also studies on the impact of land grabbing on the livelihood of farmers, particularly in the peri-urban areas of the country (Tuyen 2013, Sumera 2017, Suu 2009b). Their main arguments are that firstly loss of land led to livelihood insecurity, and loss of sustainable income sources (Bottazzi 2012, Dai and Dien 2013, Sumera 2017, Suu 2009a). Moreover, the unfair land price system made farmers poorer and discontented and the coercion and lack of transparency of local government also led to anger and protests (Bottazzi 2012, Dai and Dien 2013, Sumera 2017, Suu 2009a). Interestingly, other research on the same topic argues differently that while farmers lost their land, they did not become poorer (Tuyen 2013). They had more disposable income to invest in their children's

education and found more opportunities to work in industry sectors or in the big cities to change their lives so not all farmers were opposing modernity but were rather utilizing it (Tuyen 2013, Nguyen et al. 2017, Gillespie 2014).

Even though different case studies bring about different perspectives, a common concern remains the lack of job opportunities for former agricultural workers in factories and cities, a lack of skills to be competitive, and an adaptive ability to work in new conditions. Older groups of farmers usually find themselves more vulnerable and marginalized than other groups (Sumera 2017, Suu 2009b). As a result, this group finds themselves dependent on other younger family members/children who can find employment in the big cities or join the irregular and unstable unskilled labor market in the cities while continuing farming on their remaining farmland at home (Sumera 2017, Suu 2009b). Moreover, the inequality of land compensation awards and the amount of land loss can also impact farmers differently. The more land the farmers lost, the more they were impacted (Tuyen 2013). Finally, those studies also criticized the short-term, short-sightedness, and ineffectiveness of the vocational training programs provided for landless farmers (Suu 2009b, Nguyen et al. 2017, Gillespie 2014).

Studies on land governance in the context of land conversion in Vietnam focus on the policy level analysis (Alcaide et al. 2011, Thien Thu 2011, Hall et al 2011, Ingalls et al 2018). Those studies argue that due to the promotion and priority of the government towards industrialization and modernization for the country's development process, the rights to the land of farmers have become secondary. However, some studies have shown that the industry sector in Vietnam has not been fully developed, and while a majority of people are still farming and living in rural areas, there is a need to revisit the issues of farmers, agricultural land, and the role of agriculture in society (Alcaide et al. 2011, Thu 2011, Hansen 2013, Hirsch 2015). Moreover, those studies also criticize the connection between local government and the private sector in incidents of farmers' land expropriation. The reasons for that are sometimes mixed between corruption and the desire to be more developed and affluent (Alcaide et al. 2011, Hansen 2013, Hirsch 2015). However, their arguments are normally based on a top-down approach analysis and approach while lacking data from the ground level. Moreover, like the previous literature, their research also lacks a theoretical framework to fully understand why and how farmers resist and publicly protest.

Several studies look at the land conversion issue from the perspective of conflict and resistance of farmers in Vietnam (Gillespie 2014, Kerkvliet & Benedict 2014, Labbe 2011, Steur & Das 2009, Suu 2009a). Those studies normally use the theory of rightful resistance as their analytical framework. Chau in his study on rightful resistance in Vietnam argues that a lack of sustainable livelihood and economic opportunities led to farmers' resistance (Chau 2019). The motive of farmers was described by Chau in his research on land appropriation in contemporary Vietnam that farmers are neither driven by a sense of

justice nor the loss of land as their main livelihood but by a sense of insecurity for themselves and their families (Chau 2019). I disagree with his conclusion. Instead, I believe that the undercurrent of the protests and resistance is a much deeper sense of injustice in terms of compensation for land acquisition, and the land appropriation mechanism, which lacks public participation and consultation, which are the expected political rights of a supposedly socialist country. What Chau focuses on when looking at the rightful resistance is more about the economic rights of farmers. However, the study ends up simplifying the land conflict and farmers' resistance in the context of land rights only. My argument is that securing land rights not only brings about empowering economic opportunities but also by exercising land rights, farmers also claim for their extension of rights which are namely both social-economic rights and civil-political rights.

Some studies conclude that the lack of civil space in land issues led to the problem of perceived injustice which is the underlying problem of land conflict in Vietnam (Labbé 2011; Steur and Das 2009). Those studies further argue that farmers will be happy to sell their land if there is equity in land prices and no corruption (Labbé 2011; Steur and Das 2009, Nguyen et al. 2017). In this regard, I am more on the side of the argument made by Labbé 2011; Steur and Das 2009 and Nguyen et al. 2017 in their studies of farmers' resistance. Those studies on rightful resistance to land conversion in Vietnam show that farmers not only resist the government and assert their land rights on the basis that the land was their property and the main source of a sustainable livelihood but they also seek social justice because of the injustices they suffered from the corruption of local officials.

Other scholars look at land conflicts from multiple dynamics and argue that land conflict is the consequence of both a lack of economic *and* political opportunities (Gillespie, J; Fu 2014; Kerkvliet & Benedict 2014). Those studies argue that instead of directly demanding political civil liberties, requiring democratic, pluralistic, multi-party institutions, farmers resist within the permitted boundaries of state tolerance such as focusing on issues of extending socioeconomic rights, and critics are targeted at local officials whose corruption and abuse of power is less controversial than accusations at the national level (Gillespie, J; Fu 2014; Kerkvliet & Benedict 2014). They suggest that farmers' claims for their land rights go far beyond the economic rights only (Gillespie, J; Fu 2014; Kerkvliet & Benedict 2014). By demanding extended economic rights, farmers also request more open political rights at a deeper level.

From both strands of the literature, there is a need to analyze the issue from both top-down and bottom-up levels to be able to understand the issue at the different levels as well as the need to have a clearer and more detailed framework for a satisfactory synthesis. By saying that, I do not mean to generalize all cases of land conversion together because each case has a different context, different actors, and level of conflict. There are cases

when farmers resist strongly while others resist weakly or even where some simply passively accept the situation. The main argument of this article is that there is an unequal power relation for a fair negotiation on land acquisition under the current land law and policies and it leads to farmers' resistance in the case of Vietnam.

Theoretical Framework

Scott's "moral economy of peasants" theory is a useful starting point for an attempt to answer the question of why farmers have resisted. The theory analyzes the fluctuation in peasant movements in Southeast Asia in 1977 and argues that when their minimal needs and moral order were not guaranteed, the peasants became dissatisfied with capitalism and thus became increasingly rebellious (1977: 188-189).

However, in the contemporary context of land grabbing in Southeast Asia, Hall et al have provided a more apt theory of "power of exclusion" with case studies of displaced and excluded farmers in Laos, Thailand, Cambodia, Malaysia, Indonesia, the Philippines, and Vietnam for different purposes (Hall et al., 2011). This theory points out that the power of exclusion, wielded by states, can serve as a violent means to exclude people from benefiting from land under the power of the Nation-State and by other legal means (Hall et al., 2011). The power of exclusion includes four factors. First, regulation is often associated with the state and legal instruments, setting the rules regarding land access and use conditions. Second, force excludes violence or the threat of violence and is brought to bear by both state and non-state actors. Third, the market is a power of exclusion as it limits access through price and creates incentives to lay more individualized claims to land. Fourth, legitimation establishes the moral basis for exclusive claims and entrenching regulation, the market, and force as politically and socially acceptable bases for exclusion (Hall et al., 2011).

The main argument of the "power of exclusion" theory is that exclusion is a double-edged sword regarding land, meaning that the exclusion of one group is to the benefit of the other and vice versa. While the group with power and money base their justification for land grabbing on the argument that the land will be more effectively used for economic growth and infrastructural development or agricultural intensification instead of continuing to give land to low-capital farmers who practice lower value-added agriculture, the disadvantaged group or small farmers struggle to justify their land claims in the name of the right to subsistence (Hall et al., 2011).

Kerkvliet's research in 2014 in Vietnam also has a similar argument as Hall et al. (2011) that the right to subsistence is still important for farmers. However, he further argues that farmers protest in Vietnam not only because their subsistence rights are not guaranteed but to demand the right to equal negotiation of land acquisition prices and that compensation should not follow the State price but the market price (Kerkvliet, 2014). He further argued that the farmers who have family members who shed blood for the country use the reason of

fairness and justice to claim the right which is not yet recognized: the right to land ownership (Kerkvliet, 2014).

Research Methodology and Data Collection

For the research methodology, case studies were applied as both a method and a tool of the research. The first case was Duong Noi, a ward in Ha Dong district, Hanoi City, 14 km from the center of Hanoi and only 3 km from the center of Ha Dong district. The second case was Van Giang, a district located in the north of Hung Yen province, 20 km from the center of Hanoi, and which has a very convenient traffic system linking it to the Hanoi center and other provincial road systems.

The reason for choosing those cases is that both of the cases are located in the peri-urban areas around Hanoi. It is important to study this area because Hanoi is the country's capital with a relatively small land area for development. Its high commercial value embedded in the land is attractive to many investors. Duong Noi and Van Giang have experienced rapid, sudden urbanization. Their agricultural land has been taken in large quantities in a short period. However, alternative employment opportunities cannot keep up with the speed of land acquisition. Farmers lose land, meaning they lose their traditional livelihoods. Moreover, the low rate of compensation is the most critical issue for those agricultural land acquisitions that have engendered farmers' resistance in local areas.

Data were collected from secondary and primary sources to complete this research. The secondary sources provided in this study include academic books, journal articles, government reports, government and non-governmental statistics, and online media, including E-newspapers, YouTube, Facebook, and blogs on land dispute cases due to the acquisition of agricultural land in peri-urban areas in the whole country in general and the case of Duong Noi, and Van Giang in particular in a period of the last ten years to date. Primary data collection sources crosschecked this information via interviews and law analysis to verify the accuracy and reliability of the information. Those documents may have been collected from the internet or the library or provided by local authorities, government agencies, and local people. Regarding the primary source, data collection is divided into two sections. One section is the textual legal analysis of the laws, and the second is the farmers' resistance and strategies via case studies in Duong Noi and Van Giang. Textual legal documents are land laws and policies, grassroots democracy decrees, and resolutions on anti-corruption. The case studies were made from qualitative interviews, namely key informant interviews with six people who comprised lawyers, experts, and local officials, and in-depth interviews with 20 farmers. Using the interviews, the researcher was able to collect a range of responses from different informants based on their understanding and perspectives.

Research Results

To better understand the instability and land conflict in rural areas, this study paid attention to the bottom-up approach in seeking to understand the farmers' perspectives and how they construct their interpretation of the situation. The main reasons for the grassroots agricultural land resistance in these case studies are based on the following main factors: (1) the conflict of perceptions and interests between the state and the farmers; (2) the unsatisfactory current land law, legal misconduct, and a lack of transparency of land acquisition process.

The Conflict of Perceptions and Interests between the State and the Farmers

The conflict of perceptions and interests between the state and the farmers in the case studies of Duong Noi and Van Giang over land acquisition for urbanization and modernization are shown in the following points: the government and urban developers believe that it is the people (the majority) who will benefit when urban projects including housing, hospitals, schools, commercial and service centers, industrial zones and infrastructure are built. Those facilities create a comfortable, civilized, and modern life for the people. Those facilities will also create more jobs in the industry and trade and service sectors and solve the housing shortage problem and traffic congestion in urban areas (Binh, 2022). Urbanization and modernization from the state's perspective are inevitable and unavoidable processes in developing countries and cities (Binh, 2022; Suu, 2009; Nguyen et al., 2019; Hirsh, 2015; Fan, 2019).

The development of urban areas and the change of the local agricultural economy from growing rice and other crops to the service, commercial, and industrial sectors is necessary to stimulate the local economy. Firstly, the construction of the Ecopark Urban Project in Van Giang, Hung Yen has created a new urban area, which has in turn created a large consumption market of ornamental flowers and plants for the local people to supply. This has increased income and stimulated the shift of local people from rice to the cultivation of ornamental flowers and plants, with many times higher economic value. Secondly, the formation of this urban area also created a large source of local employment, such as tree planting, construction work, and services. Thirdly, when the urban area was formed and developed, people's living standards and demand for goods increased, and agricultural output had better output and markets. Fourthly, the formation of urban areas also helps to increase land prices, and residents have benefitted from other general aspects of development and modernization. Those people whose land has been acquired are also supported by service land to convert into sites for business, trading, commercial, and services sector outlets. Fifthly, economic transformation in the right direction enables a large proportion of the local population to participate and take the initiative in the transformation

process. From the area where fruit trees and ornamental plants were only planted in the locality, many households have developed their business scale and model, renting more land outside their landholding with areas from 4 to 5 times larger to grow trees. Since the growth of these new markets, the number of people dissatisfied with the allocation of land has decreased significantly. Sixthly, although agricultural land is much narrowed due to the development of local urban areas, people also enjoy the convenience and modernization of urban areas. At the same time, local governments have been able to generate additional budget revenue to build infrastructure such as roads, electricity, schools, etc.

From that public expenditure, local people are also the beneficiaries of urbanization (Mr. Anh, a local official, Van Giang, 2019).

Despite these apparent benefits, farmers surveyed in these case studies still feel excluded from the land transition process and the benefits it will bring about not only in terms of compensation but also long-term opportunities from the land. The local farmers in Duong Noi and Van Giang feel that they have been displaced from their lands while their existing skills are of no value in the new circumstances. Older workers with limited education face the most uncertain future as their living standards decline, and they find no alternative livelihood. State support packages to offset the displacement, such as educational training, service, and land provision, were not implemented as promised. This has caused the agricultural land acquisition process to exclude farmers from benefiting from land use conversion.

We are displaced from our lands while our existing skills are of no value in the new circumstances. We are middle-aged farmers with limited education and face an uncertain future as we cannot change our livelihoods. Other support packages such as training and education and provision of service land were not implemented as committed (Mrs. Van, farmer, Duong Noi, 2019)

The exclusion of farmers from negotiation in land acquisition exists because it is convenient for the local government, which needs more resources for infrastructure development. Land compensation and infrastructure construction will be deducted from the land tax which investors must pay later. This approach reflects local governments' "exchange land for infrastructure" policy. At the same time, land transformation created a growing gap between the rich (investors) and the poor (the farmers). While the new investors can get high interest from land investment, farmers lose the land to other investors while receiving a meager compensation rate.

We do not benefit from the land converted to investors because the compensation land price announced by the provincial government is

always lower than the market standard (Mr. Hung, farmer, Van Giang, 2019).

A closer examination of the real estate market in Vietnam is required to discuss this issue. Firstly, the value of land increases many times when it is converted from land for agricultural production to commercial service land. Secondly, when the population is multiplying, but the land is limited, together with the tradition of Vietnamese people accumulating land and properties for their descendants, land prices tend to increase over time. Thirdly, real estate investors in Vietnam become rich quickly and achieve higher rates of profit than any other occupation or profession, because of consistently rising land prices. Since then, many housing projects have sprung up to accumulate land for investors rather than serve the real housing needs of most ordinary people who can hardly own houses when the market land price is far beyond their income.

The value of the land acquired after converting it to commercial, residential, or industrial purposes is often hundreds of times more valuable than the compensation paid to us, the farmers. Revenue from the sale of acquired land further increases pressure on the local authority to acquire more land from us (Mr. Chung, farmer, Van Giang, 2019).

Lack of Transparency in the Land Acquisition Process

The main reasons for active resistance by the farmers of Duong Noi and Van Giang are because of flaws in the current land law, misconduct of the law by the local government, and the lack of transparency in land acquisition. Without an influential voice in the land acquisition process, farmers are often the last to be informed of what officials intend to do. The law only provides them with minimal ability to protect their interests against land acquisition decisions.

The transparency of the land acquisition process is a big problem in the land acquisition process. Inadequacies in transparency in local land acquisition and management and shortcomings in legal documents between the government and local people in land acquisition and compensation lead to a high-level lawsuit that has been going on for many years (Mr. An, lawyer, 2019).

In addition, farmers' perception of loss is demonstrated by the treatment they receive from local and other officials during land acquisition. The local authorities often sided with the investors to take land from farmers with the support of armed security officials and police officers for enforced evictions. Farmers stay out of the game when the state owns the

land and can take it back when necessary and appropriate. Those facts led to a rising awareness of injustice among farmers in contemporary Vietnam.

What is the land use planning of the Ecopark project? People ask for it, but no one gives us an answer" (Mr. Dung, farmer, Van Giang, 2019).

These situations are similar to many other cases of land grabbing in Southeast Asian countries explored by Hall et al. Several means of "power of exclusion" were applied to justify the land grabbing in the region, including the regulation/law and violent forces relevant to the cases of Duong Noi and Van Giang. While Scott (1977) argues that the source of farmers' resistance lies in the feelings of being deprived and the lack of right to subsistence to ensure the minimum needs, the case studies of Duong Noi and Van Giang offer further motives. Farmers protest and resist not only because their subsistence rights are not guaranteed but also because they have a strong sense of human rights, justice, and fairness, which are in line with the findings of Kerkvliet (2014) about public land protests in Vietnam.

The voices of local advocates, demonstrations, academics, and networks have put pressure on the government to amend the current land law in Vietnam. Especially, the 2022 amendments to the 2013 Land Law also called the Draft Land Law 2023 had some more prominent points than before, reflecting the absorption of people's opinions, especially the frustrations of people whose land rights are affected. Firstly, this new draft of the Land law created the mechanism for determining land prices according to market principles in Article 154 of the revised Land Law of 2023. This process progressed with the Amendment Law of 2023 and its introduction of the principle of establishing a land price bracket for specific localities to determine land compensation prices instead of applying a rigid compensation framework of the state, which was not suitable for the reality of a highly varied landscape. In addition, the new Land Law draft also raised the need to hire an independent organization to consult and determine land prices. This may represent a timely turning point that helps the land price list, at a time of accelerated land acquisition, accurately reflect the actual situation, ensuring the rights and fairness of the people whose land is acquired. Secondly, this draft has clarified and concretized more specific cases of land acquisition for different purposes in Articles 77, 78, and 79. These articles are progressive, demanding more specific and clear criteria for each land acquisition purpose as well as avoiding interpretations aimed at acquiring people's land and not following the original use purpose. Third, the draft revised Land Law 2023 also clarified the principles of land coercion in Articles 86 and 87. These articles are also progressive, limiting the abuse of power by law enforcement agencies in the coercion of land overtaking. Fourthly, this draft Law also strengthens the inspection and supervision of land-related complaints and denunciations in Article 226.

Research Discussion

Land acquisition in Duong Noi and Van Giang occurred before the 2013 land law was implemented. Conflicts and complaints about land arise because (1) land compensation prices of agricultural land acquisition for commercial purposes are unsatisfactory. Farmers have many concerns about the compensation price for land because, in their opinion, the compensation price for agricultural land (following the government land compensation price framework) is much lower than the market price. These findings are in line with studies by Bottazzi (2012), Dai and Dien (2013), Tuyen (2013), Sumera (2017), and Suu (2009). Those studies also concluded that although rapid urbanization and land grabbing impact on farmers differs, farmers' lives and livelihoods are generally severely affected. With unreasonable land compensation mechanisms, inadequate vocational training, and poor job creation, farmers often need help finding stable income in big cities. (2) The second problem lies in the purposes of land acquisition. Even in the case of land acquisition for socio-economic purposes in Duong Noi and Van Giang, the land is still subject to the price of the state rather than the market price. (3) The large difference in land value before and after the land acquisition is also a problem of justice and fairness. After the land had been converted to a new urban area in Duong Noi and Van Giang, the price of that land rose hundreds of times, making farmers whose land was acquired feel deeply aggrieved. (4) There is no fair negotiation process in land acquisition in the Duong Noi and Van Giang cases. This finding is in line with other cases of agricultural land acquisition in Vietnam such as studies by Gillespie (2014), Nguyen et al. (2017), Chau (2019), Kerkvliet and Benedict (2014), Labbe (2011), Larsen (2011), Alcaide et al. (2011), Thu (2011), and Ingalls (2018), Wells-Dang's (2019, 2013, 2010) and Weller's (2004). Local government units, on behalf of a private developer, acquire the farmers' land. Because the private developer does not work directly with the farmers to negotiate the acquisition and instead works through intermediaries of the local government, discontent is more likely. Moreover, they did not consider the farmers' opinions and therefore seemed not concerned about the impact on the farmers' cultural, economic, and social lives before acquiring the land. Additionally, the way that local government deals with people's requests, proposals, and suggestions was not satisfactory, leading to many years of complaints. Most importantly, conflict occurred because people were not actively and meaningfully involved and consulted in land valuation, planning, acquisition, resettlement, and career change process. The participation of those directly affected should be prioritized in all decisions relating to planning, compensation, support, and implementation, which must be known and approved by the people.

While explaining the political economy context of land grabbing in Southeast Asia, the theoretical framework of "power of exclusion" of Hall et al. (2011) is useful in providing a socio-economic context for Vietnam after Doi Moi when the development of the economy

clashed with different ideologies and differentially benefited social classes. The current land law and land policy reflect a conflict of ideologies. The agricultural land acquisition policy and land law of Vietnam (after the Doi Moi period) reflect its policy of modernization and industrialization as part of its development policy and its nature of centralization of the state's role in land governance. Those laws and policies have widened the economic, social, and political equality gap. The outcomes of the policy have had profound consequences in the inequality distributions of wealth, power, and authority, thus, creating economic, social, and cultural vulnerabilities for the impacted farmers. The law and policy of this socialist-governed market economy, on the one hand, have pushed for rapid economic growth, but on the other hand, have widened the economic, social, and political equality gap between a new upper middle class and the lower-income groups. Farmers still rely on their agricultural land for livelihood. Different groups are impacted by that policy differently based on their available financial, cultural, and social capital resources. The consequences of the biased nature of the land law and policy led to long-term resistance from the most vulnerable farmers, imposing requirements for economic and political inclusion in the law and policy to ensure sustainable development and social peace.

One of the powers of the state's exclusion is to issue laws and policies that benefit the development but not include the farmers. The implications of land law and acquisition process in Vietnam is that the state's ideology between social and market economy conflicts between the allocation of land for development and land for the tillers; the compensation price for land lies in two systems which are the government's price system and the market price system depending on whether the land is based on a compulsory or voluntary basis of land acquisition. According to the latest Land Law in 2013, the land is acquired and purchased compulsorily for "national security", "defense", and for "public benefit" such as constructing necessary public infrastructure or land for foreign investment. At the same time, land acquired by domestic investors for commercial purposes should be acquired through a voluntary exchange mechanism. However, in practice, compulsory acquisition has been applied to domestic private investment for commercial purposes in many cases including in the Duong Noi and Van Giang cases because of the indeterminate boundaries of public and private purposes and the allied relationship between local governments and private investors. Those cases in Duong Noi and Van Giang are not unique among many other cases of agricultural land acquisition, some of which are described in Hall et al. (2011). The four facets of the state's "power of exclusion", namely regulation, force, market, and legitimation are deployed in specific actions that lead to a "double edge" of access to the investors/developers and exclude the farmers in the land transformation process in the name of urbanization and modernization. The process of the accumulation of capitalism becomes the land dispossession of the local farmers.

Although the state has granted land use rights to farmers, when the state needs land for some other purposes, the state revokes those rights of farmers. Farmers are also protesting the state's claims of legitimacy in this land acquisition manner by publicly protesting. At another level, the current selective land acquisition destroys the livelihoods of poor people who cannot protect their interests. With the government directly involved in land acquisition, the loss to farmers is inevitable. Firstly, they do not get the compensation they deserve for what they have lost. This is a tangible cost in the short term. The long-term intangible opportunity cost is that they have to learn a new skill or occupation or relocate to work elsewhere at the same occupation. The associated costs are also increased, such as renting land elsewhere to continue farming. These are the costs that farmers incur as they adapt to new circumstances. These social burdens can also increase government spending on poverty reduction and sustainable growth in the future.

The beneficiaries of this social cost are the government and investors. The state benefits from not spending money on infrastructure construction, the urban face is improved, new jobs are created, and there is more revenue for the state budget from collecting land tax. Investors benefit when the site clearance cycle is carried out quickly and the progress of projects is carried out on time. Therefore, new investors secure high profits from the investment and continue with new projects.

The Vietnamese Constitution stipulates collective ownership and state management of land; however, the Constitution does not specify how land is managed, which state agency manages land on behalf of the state, who has access to the land, and under what specific conditions. Those aspects are administratively defined and must be negotiated, interpreted, and revised regularly. This has created ambiguity and uncertainty in land management. It also allows different local governments to define the meaning of different legal requirements in their interests. These difficulties have little to do with the government's willingness to respond to or amend the law. The difficulty arises because there is no established set of principles that allow matters relating to land (and property) to be dealt with coherently and equitably. If a set of principles is adopted, it will, at a minimum, ensure that land use rights, the conditions relating to their assignment, and the dispute resolution mechanism are made available to all land use rights holders, subject to due process and conducted fairly, transparently and without prejudice. Currently, Land Laws and related regulations apply to some of these issues, mainly to urban residents and foreign investors. Farmers and rural residents enjoy different access and protection. If this continues, the economy will not be able to develop fairly and sustainably.

Looking at the issue of land from an overview of the political economy in Vietnam, there are some problems. Firstly, the contradictions and inadequacies in Vietnam's land policy are expected to threaten social and political instability. Although land acquisition

policies for industrialization and modernization are based on regulations and market pressures, prioritizing investors increases the risk of exclusion of farmers, pushing them to the margins of society. Secondly, it creates an underground alliance, involving corruption and collusion, of interest groups or the exercise of influence by the private sector over government policy to advance its interests or for personal gain. Forming an emerging wealthy class in Vietnam typically involves land-grabbing (Kerkvliet, 2019). Although large projects are required by law to have the approval of the Prime Minister, most of the land acquisition is carried out by local authorities. The province's role in land management has been increased as some authority in land management has been vested in local governments. Provincial People's Committees can decide on land use planning and related infrastructure development, land use, land allocation, conversion, and leases to organizations and individuals.

Such development models (including Vietnam and developing countries in Southeast Asia) will enhance the exclusion potential of the market for farmers even though there are significant relocations of young rural workers to urban areas to find new employment and actively shift their livelihoods. The implications of the power imbalance between the state and people in land management in those ASEAN countries that combine market economy and authoritarian regimes are elaborated in Hall et al. (2011). They argue that the power of exclusion of the government can serve as a means to exclude people from benefiting from land under the power of the Nation-State and using other legal means such as property laws. Therefore, this exclusion is not a random process, nor does it occur on an equal playing field. It is structured by unequal power relations between the state and the people (Hall et al., 2011). From the lessons of the frequent civil wars in the country's history, the legitimacy of the State and the Vietnamese Communist Party stems from an ideology based on the principle of fair distribution of land. However, after moving to the market economy, there has been a transition from small household farming to the concentration of land for large projects. Again, the issue of farmers losing land and lacking arable land for subsistence will inevitably lead to conflict and threaten this legitimacy. Although the 2013 Land Law amendment suggested the participation of communities in policy revision, asking for local people's views on new projects has yet to happen in practice (Wells-Dang et al., 2015). The imbalance of power in negotiations has led to the marginalization of the peasantry. Meanwhile, farmers are seeking to reassert their influence through collective action, and building alliances through media and the internet. The land dispute issues have yet to be solved comprehensively since the Land Law's enactment in 2013.

Conclusion

The emergence of peri-urban areas around large urban centers in Vietnam, such as Hanoi, accelerates industrialization and economic growth. These peri-urban areas are fertile

areas for leasing agricultural land at low or below-market prices. Thus, land acquisition for urbanization has become a tool to attract external investment. Land acquisition is an important institutional framework of the state and a shortcut to achieving the goal of industrialization and modernization. As a result, there are many acquired agricultural lands in peri-urban areas to attract investors and reduce infrastructure development costs. However, overusing such a strategy has presented two problems. Firstly, local authorities have great power over land acquisition; normally, they take the side of investors to gain more tax and local development. Secondly, it leads to the setting of lower land prices for agricultural land acquisition to attract more investment capital.

While land law and policies reflect the absolute power of the government in deciding when, where, and how much agricultural land can be recovered, there has been no power balance system for farmers to discuss and negotiate issues related to the land. This reinforces the first dimension of the theory of the power of exclusion by Hall et al. (2011), suggesting that the state has the power to create laws to benefit some and exclude someone else from accessing the natural resources and conditions to use them legally. As there is no effective power balance system in land transformation, there is a lack of transparency in the land transformation process. Moreover, the national policies and aims towards industrialization and modernization give more rights for the state to allocate land to the private sector for economic development purposes such as real estate/new urban areas or industrial park investment projects with cheap compensation. The compensation price for land appears in two systems which are the government price system and the market price system, depending on whether the land conversion is based on compulsory (for National security, defense, and for "public benefit" such as constructing necessary public infrastructure or land for 100 percent foreign investment) or voluntary basis (for commercial purposes). However, in practice, compulsory acquisition has been applied to domestic private investment for commercial purposes in many cases because of the indeterminate boundaries of public and private purposes and the close relationship between local governments and private investors.

The research findings also align with the argument of Scott (1977), and Kerkvliet (2014) who suggested that land use, allocation, disposition, and control is one of the most sensitive, controversial, and politically difficult issues of all times. Land is both a tangible and an intangible asset, a means of production to create material wealth. The land is also the cultural property of individuals and communities. The land is also central to creating and maintaining public services, including infrastructure, parks, and protected areas, as well as creating new, comfortable, civilized, modern urban areas when society has urbanized and per capita income has increased. While pointing out the limitations in land law, this issue is not only from a legal perspective but also from its political point of view. Every country has

yet to be able to rapidly transform land management from centralized control to a decentralized system of land management following a set of land use rights consistently, fairly, and non-politically. Likewise, Vietnam is not, and will not be an exception. Land use changes will continue to meet the government's ambitious goals for economic development, industrialization, and urbanization. The research findings further contribute to the argument of Scott (1977) that the reason for the political actions of farmers was not simply grounded on the right to the subsistence of the farmers (though it is still important). The farmers' reactions are also based deeply on the common sense of fighting for a just and fair society where human rights are recognized, respected, and protected.

The local farmers will suffer less and receive more benefits after agricultural land is acquired if relevant stakeholders including the government, local authorities, and the business sector come together to support. and provide synchronized solutions. Firstly, it is necessary to create a support fund (in cash) to help farmers whose agricultural land was acquired to provide them with capital to invest or change careers, employment, or have funds for professional training that they find truly interesting and for which they may have potential. This fund could be partly deducted from the profits from converting agricultural land to commercial land or from the land tax that local governments collect from those enterprises. Secondly, there needs to be a special support policy for middle-aged farmers (35-45 years old) and the elderly so they can change careers promptly, helping them participate in activities that are economically efficient for their age and status and improve their living conditions without having to rely on younger working-age people. Supporting farmers in this age group can come from the funding sources mentioned above, and at the same time, additional participation and contributions from social organizations could be mobilized, such as the Association of the Elderly, the Veterans Association, the Farmers' Association, or the Women's Union. Finally, local authorities should also set aside a land fund to lease service land for local small and medium entrepreneurs to locate and organize their businesses and small trading activities, to help local people create new non-agricultural livelihoods. In addition, the authorities also need to promote economic restructuring, create new employment with high economic value, and at the same time invest in and develop traditional industries, and develop local tourism to attract surplus local labor resources in the affected communities. In addition, the economic development of small and medium-sized household agriculture models should be invested in and encouraged in the direction of a highly specialized, well-trained, workforce, using applied science and advanced models in production and by the trends and requirements of domestic and foreign markets, promoting, restoring, and exporting quality agricultural products.

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