

Management and Use of Agriculture – Forestry Land in Vietnam’s Central Highland Region

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ABSTRACT

The article examines the benefits, drawbacks, and suggests ways to enhance the Central Highlands of Vietnam’s management and use of agriculture – forestry land. With 201 organizations dedicated to agriculture and forestry, the Central Highland region makes up approximately one-third of all agriculture and forestry organizations in the nation. Decree 118/2014/ND-CP mandates that 108 of the 201 agriculture and forestry farms be reorganized. There are many drawbacks with regard to the land management and use of agriculture-forestry land such as the issuance of certificates of land use rights for agricultural and forestry companies after restructuring has not been completed on time; the state of encroachment, borrowing, leasing, and transfer of agricultural and forestry companies has been increasing; the area of forest land has been rapidly decreasing; there are numerous land dispute and complaint cases. To manage and use more effectively for agriculture – forestry land in the Central Highland region, it is necessary to continue to seriously implement Decree No. 30/NQ-TU and Decree No. 118/2014/ND-CP; promote the application of community-based forest management; complete regulations on land leasing; invest in funding and human resources to register land use rights, compile and manage cadastral records, and grant certificates of land use rights.

Keywords: Agriculture – forestry land, Central Highland, management and use.

INTRODUCTION

The Central Highland region includes 5 provinces of Kon Tum, Gia Lai, Dak Lak, Dak Nong and Lam Dong with a total natural area of 54,548.3 square kilometer, accounting for 16.46% of the country’s area. It’s population is 6.03 million people [1]. With 201 businesses engaged in agriculture and forestry, the Central Highland region makes up almost one-third of the nation’s total of 745 businesses in this sector. Among 201 agriculture and forestry companies, there are 126 enterprises, enterprise branches of agriculture and forestry companies; 18 special-use forest land management boards; 57 protection forest management boards and other non-business agencies. Anh Dung and Ngoc Minh (2018) state that 108 businesses need to be reorganized and restructured in compliance with Decree 118/2014/ND-CP. Following restructuring, two firms became protective forest management boards and thirteen companies were disbanded [2].

Many agriculture and forestry companies in the Central Highland region have significantly contributed to rural economic development through their formation and growth, particularly in the areas of infrastructure building, production development, hunger eradication, and poverty reduction. Additionally, they enhance living, support national security and defense, and contribute to a stable community. Nonetheless, the Central Highland region's management and use of agriculture – forestry land continue to provide a variety of challenges.

So far, studies on management and use of forestry and agricultural land in the Central Highlands are scarce. Hanh's research (2015) has pointed out some inadequacies in the management and use of agriculture – forestry land, but has not provided solutions to overcome them [3]. Thus, it is essential to combine and assess the benefits and drawbacks in order to suggest ways to improve land management and use of forestry and agricultural companies in the Central Highland region.

METHODOLOGY

The article uses documents and secondary data from state management agencies such as the Ministry of Natural Resources and Environment, the General Statistics Office, the Central Highland Institute of Social Sciences, People's Committees of provinces in the Central Highland region and articles have been published. To evaluate the current situation of land management and use in agriculture – forestry land in the Central Highland, traditional research methods such as analysis, comparison, and synthesis. Expert methods are also used to gather expert's opinion on limitations and proposed solutions for land management and use of agriculture – forestry land in the Central Highland region.

RESULT AND DISCUSSION

Overview of policies, laws on management and use of agriculture – forestry land

In June 2003, the Politburo issued Resolution No. 28-NQ/TW on continuing to arrange, innovate, and develop state-owned agriculture and forestry farms in response to the need to innovate organization, management, and improve the efficiency of sustainable use of land resources, forest resources, perennial gardens, and existing physical and technical facilities; create new management mechanisms and appropriate organizational forms to promote quick and effective application of scientific and technological advances in agriculture and forestry production; create motivation to promote economic restructuring, redistribute labor and population; and serve as a fulcrum for economic, cultural, and social development, security, and defense assurance [4]. Then, Government issued Decree 170/2004/ND-CP dated September 22, 2004 on arrangement, renewal and development of state-owned farms of state-owned agriculture farms [5], Decree 200/2004/ND-CP dated December 03, 2004 on arrangement, renewal and development of state-owned farms of state-owned forestry farms [6] and Decree 25/2010/ND-CP dated March 19, 2010 on transformation of state companies into one-member limited liability companies and management of state-owned one-member limited liability companies [7].

According to Resolution 28-NQ/TW, Decree 170/2004/ND-CP and Decree 200/2004/ND-CP, agriculture and forestry farms must be reorganized and converted into agriculture and forestry companies, other organizations operating under the Law on Enterprises, forest management Boards, and non-business organizations. Thus, by 2012, the nation as a whole still had over 650 forestry and agricultural companies, forest management boards, national parks, and nature reserves managing and utilizing roughly 8 million hectares of land [8]. According to the provision of Land Law, land in agriculture and forestry companies shall review the current land use status and make a plan for land use. For more effective management and use, the land that agriculture and forestry companies have held must be transformed to a land lease [9]. As a

result, numerous businesses have started to innovate in corporate governance, expand their business and production, enhance the efficient use of money, assets, and land; generate additional employment opportunities and improve employee wages. Beyond the advantages, there are still the following drawbacks: The land area of agriculture and forestry companies is used improperly, is borrowed or leased illegally, is encroached or occupied. The reason is that agriculture and forestry companies have been loosening land management for many years; settlement of land disputes, complaints or denunciations has not been promptly resolving.

To continue to solve the difficulties and improve operational efficiency of agriculture and forestry companies, the Politburo issued Resolution 30-NQ/TW on March 12, 2014 and Government issued Decree 118/2014/ND-CP on December 17, 2014 on restructuring development and improvement of agriculture and forestry companies [10 – 11]. According to Decree 118/2014/ND-CP, the following principles must be put into practice for the restructuring, development, and improvement of agriculture and forestry companies: the restructuring of agriculture and forestry companies must be in accordance with the direction and policy for growing and enhancing state-owned businesses, which is coordinated with the reorganization of the agriculture sector and the economy as a whole and linked to the guarantee of national security and defense; in order to protect and develop forest resources, agriculture and forestry companies have to identify land users and forest owners; agriculture and forestry companies that are involved in production and trading shall switch over to operating under market mechanism and be equitized; agriculture and forestry companies doing public duties as main function shall switch over to operating according to the orders and targets given by the State; a basic evolution in management and business administration shall be created associated with processing and market according to the product value chain; employments for local residents shall be increased to ensure the balance among the benefits of the State, companies and employees. In reality, there have been numerous challenges in restructuring agriculture and forestry companies, particularly in isolated and challenging areas. These challenges include the following: a very large land area occupied by organizations, households, and individuals; a dearth of management-related legal documents; loose management and use; and a multitude of negative manifestations that irritate the populace.

In order to address the aforementioned situation, the National Assembly passed Resolution No. 112/2015/NQ-QH13 on November 27, 2015 to strengthen the management of land originating from state-owned farms used by forestry companies, agricultural companies, forest management boards, and other households, individuals, and organizations. The following main tasks and solutions are mentioned by Vietnamese Government: directing ministries, branches and province-level People's Committees to continue to seriously implement Resolution No. 30-NQ/TW on March 12, 2014 of the Politburo; quickly establishing, appraising and completing the project on the restructuring and the development of agriculture and forestry companies; carrying out procedures for land allocation, land lease, land price determination, land use fee, and land rent in compliance with the land use laws; evaluating, establishing boundaries, setting boundary markers, measuring, creating cadastral maps, and issuing certificates of land use rights; additionally, by the end of 2016, the Decree offers plans and strategies to address legal infractions, particularly those involving land that is occupied, encroached upon, borrowed illegally, or misused; focusing on early and complete resolution of cases of arbitrarily building illegal works, houses, and residences within forest land managed by agriculture and forestry companies; building and finishing a project to improve the land management used by forest management boards, other non-business organizations, households and state-owned farms of agriculture and forestry that are not subject to rearrangement under Decree No. 118/2014/ND-CP; arranging and designating densely populated residential areas apart from the land area that has been allocated to agriculture and forestry companies to manage according to the provisions of law; continuing to assess and reclaim land areas that are misused or inefficiently utilized for distribution among individuals, particularly ethnic minority households who do not possess production or residential land in compliance with land law; completing policies on land allocation, land lease, land use levy and land rental.

To complete the restructure, innovation and development, and improve the operational efficiency of agriculture and forestry companies, on July 29, 2020, the Prime Minister issued the plan to implement Conclusion No. 82 -KL/TW dated July 29, 2020 of the XII Politburo on continuing to implement Resolution No. 30-NQ/TW dated March 12, 2014 of the XI Politburo. The plan emphasized that it is necessary to ensure the leadership of the Party and the unified management of the State in continuing to restructure, innovate, develop and improve the operational efficiency of agriculture and forestry companies; complete the restructure, innovation, development and improvement of operational efficiency of agriculture and forestry companies associated with strict management and effective use of forests land. By 2025, all agriculture and forestry businesses will have fully overcome their financing and land-related challenges and get profit. They have to achieve common criteria for corporate governance according to international standards.

The land originates from state-owned agriculture and forestry farms and is currently owned by agriculture and forestry companies that are exempt from restructuring under Decree No. 118/2014/ND-CP, on January 7, 2020, the Prime Minister approved Decision No. 32/QD-TTg to manage it. The Decision issued the following targets: completing the review and identification of origins of land use; determining actual boundaries of land users; determining land area that are being managed and used by agricultural companies and forestry companies; determining the recovered land area to local authorities; timely dealing with violations of land management and use; completing procedures of land allocation and land lease synchronously; establishing a sizable land fund to support agricultural restructuring, associated with large-scale agricultural commodity production [12].

In summary, it can be seen that policies and laws on the management and use of agriculture -forestry land has been issued synchronously and promptly by the Politburo, the Government, the Prime Minister. They are important basis to ensure effective management of this land area.

Current situation of management and use of agriculture – forestry land in Vietnam’s Central Highland region

According to the aggregated data of the Ministry of Natural Resources and Environment, the total area of land originating from agriculture and forestry farms in the Central Highland region is about 2.7 million hectares as of November 2022. Out of a total of 201 agriculture and forestry companies, 108 are subject to restructuring according to Decree 118/2014/ND-CP. After restructuring, 13 companies were dissolved, and 02 companies were transformed into Protection Forest Management Boards. The total area of land retained after restructuring is more than 1,008,713 hectares. The area of transferred land to local authorities was more than 155,300 ha [2]. As of June 2020, of the four land management contents that must be implemented after restructuring, two have been completed, including reviewing, setting boundary markers, and measuring, making cadastral maps [13]. Before restructuring according to Resolution No. 112/2015/QH13, most of the agriculture and forestry companies were granted certificates. However, after restructuring according to Decree 118/2014/ND-CP, all provinces in the Central Highland region have not yet completed the issuance of land use right certificates to subjects who are allocated or leased land by the State [14]. Regarding the approval of a plan for land use, Kon Tum, Dak Nong, and Dak Lak have completed [13]. The restructuring of agro-forestry companies plays a significant role in the socio-economic development the Central Highland region. It also contributes political stability and addresses residential land needs for the people, especially ethnic minorities, and increases revenue for the local budget. However, currently, the restructuring of agro-forestry companies is facing many shortcomings and limitations, specifically as follows:

Firstly, agriculture and forestry companies still retain a large land area that exceeds their management and use capacity. According to the current law, the retained land area must be converted to the form of land

lease with an annual payment and used directly by the agriculture and forestry companies to increase the effectiveness of land use, protect and develop forest resources. However, there is still a situation where companies allow households and individuals to use land according to the previous model. In addition, many companies lack labor resources to manage and use the retained area, typically Dak To company 1,123 ha/person, Dak Ha company 5,687 ha/person, Kon Plong company 1,358 ha/person, Kong Chro company 992 ha/person, Chu Pah company 689 ha/person, Tam Hiep company 713 ha/person and Da Teh company 653 ha/person... [15].

Secondly, the amount of forest land dropped dramatically, about 580 thousand hectares in the period of 2005 – 2017 and 395 thousand hectares in the period of 2014 – 2017 [15]. The Central Highland region's forest land area shrank by roughly 46,267 hectares year between 2010 and 2020 [16]. The change in land use for socioeconomic development has resulted in a decline in the extent of forest land; nevertheless, the majority of this decrease can be attributed to inadequate management, which has caused deforestation for cultivation and illegal timber exploitation. Furthermore, a few forest management boards run inefficiently. They permit the indiscriminate destruction of forests, particularly in regions with challenging topography and large populations of ethnic minorities. Free migration is another significant factor in the decline of the amount of forest land.

Thirdly, there are numerous challenges in managing land used by the forestry and agriculture farms. It is evident that the land use origins of forestry and agricultural farms are sometimes unclear, particularly with regard to remaining forest land areas. When moving from land allocation to land lease, precise measurement is not done, which results in causing of long-standing disputes and lawsuits. Additionally, after the land use plan was approved, the individuals who had previously acquired the land contract asked the State agency allocate the land area retained by agriculture and forestry companies. This caused political and social instability. Between 2011 and 2017, there were 849 occurrences of land disputes in Dak Lak alone. Of them, 50 included land reclaim conflicts and 361 involved land encroachment disputes resulting from illegal purchases of property from ethnic minorities [17]. There were 143 instances of unlawful deforestation in the first four months of 2019, the majority of which involved clearing land for farming [18]. The situation of buying, selling, transferring land and building houses illegally still occurs. The primary cause is that land allocation to agriculture and forestry companies was mainly on paper without clear boundaries in the field and allocated land area included land owned by households and individuals. As a result, when restructuring, many households and individuals reclaimed land that contributed to agriculture and forestry farms. Furthermore, land occupation and encroachment have become commonplace due to long-term negligent management of forestry and agriculture companies, forest management boards, and local government agencies. Examination, inspection and handling of land-related violations of administrative agencies have not been conducted by regular.

Fourthly, change from land allocation to land lease for agriculture and forestry companies in has been dragging on. According to the 2003 Land Law, the State shall allocate land and collect land use levy for economic organizations to use agriculture, forestry purpose [19]. However, they have to change land lease under the terms of the current Land Law [9]. There are 20 forestry organizations of the Central Highland region that have not yet changed land lease (Sa Thay forestry company in Kon Tum province; Tram Lap forestry company, Dak Roong forestry company, Ha Nung forestry company, So Pai forestry company, Krong Pak forestry company, Ka Nak forestry company, Lo Ku forestry company and Kong Chro forestry company, Kong H'de forestry company, Kong Chieng forestry company, Ia Pa forestry company in Gia Lai province; Bao Thuan, Di Linh, Don Duong, Tam Hiep, Da The, Bao Lam, Da Huoai in Lam Dong province [14].

Lastly, determination in detail of the locations, areas of land and land user which may be re-allocated to localities has been facing many difficulties. Decree No. 118/2014/ND-CP, which prohibits measuring and

creating cadastral maps of land transferred to local authorities, is the cause of this [11]. The survey for the establishment of cadastral map plays a significant part in land use and management. It is also essential for establishing the limits of land use. Therefore, while making changes, the State must establish measurement laws for the entire land area. Furthermore, according to Point a and Point b Clause 2 Article 15 of Decree No. 118/2014/ND-CP, land is recovered that shall be allocated to local ethnic minorities who do not have land or do not have enough land for production, people who receive or lease land for production; households and individuals using land are allowed to continue using land in no-levy form or land lease. Land is allowed in no-levy form prescribes above must not be higher than the average level of households using land in the locality. Land area above the average must be changed to land lease [11]. However, determination of land area above the average level that must be changed to land lease has been meeting obstacles causing difficulties for transferring to local authorities.

Some solutions to improve the efficiency of management and use of agriculture –forestry land in Vietnam’s Central Highland region

Firstly, the People’s Committees of the provinces in the Central Highland region, along with agriculture and forestry companies, must seriously implement the reorganization, innovation, and improvement of the efficiency of agriculture and forestry activities. This directive is outlined in Conclusion No. 82-KL/TW dated July 29, 2020, by the Central Executive Committee regarding the continued implementation of Resolution No. 30-NQ/TW and Decree No. 118/2014/NĐ-CP. They are tasked with developing programs and plans to execute Resolution No. 22/NQ-CP dated March 01, 2020, which aims to stabilize free migration and manage the land area originating from agriculture and forestry farms. This resolution fundamentally addresses the challenge of free migration before 2025. Additionally, the directive includes a comprehensive approach to reviewing and developing mechanisms and policies for the management and use of land and special-use forests in the Central Highland region. This involves promoting the formation of a community forest management system, allowing the reasonable use of some agricultural land without forests to allocate production land, contributing to the stabilization of lives while preserving and developing long-term forests, and encouraging social investment in forming non-timber forest product regions. The initiative also emphasizes the need to accurately assess the land-use demands of companies for leasing land to the appropriate subjects and determining the suitable land area. Furthermore, there is a resolute call to recover land areas being unlawfully used, lent against the law, or encroached upon by agriculture and forestry companies. These recovered lands will contribute to establishing a land fund, prioritizing land allocation and leasing to ethnic minorities and people in mountainous areas who lack land or have insufficient land for use.

Secondly, to mitigate deforestation, it is imperative to advocate for community-based forest management while simultaneously exploring the utilization of forest land for activities such as eco-tourism and disease treatment, according to the strengths of each region. Simultaneously, research initiatives should be undertaken to implement measures preventing soil erosion and promoting cultivation practices that enhance soil fertility and connectivity. Specifically, there is a requirement to strategize afforestation efforts in accordance with approved land-use plans, subject to supervision and inspection by local authorities. For increased land utilization efficiency, the application of advancements in new scientific and technological developments, especially in high-tech methods throughout production, processing, and post-harvest stages, is essential. Moreover, collaboration and partnerships with scientific research institutions are indispensable to safeguard genetic resources, facilitate selection and crossbreeding, and promote the production of high-yield, high-quality breeds in agriculture, forestry, and livestock. Furthermore, supportive financial policies are essential to import valuable genetic sources and high-yield, high-quality breeds suitable for the natural conditions of each region. This facilitates the production of high-quality seeds to meet the needs of local farmers. Agriculture and forestry fields should function as centers for technology transfer, the application of new scientific advancements, and high technology, delivering extension services and market information to

local farmers. Simultaneously, tailored financial support policies for agriculture and forestry fields are crucial.

Thirdly, there is a pressing need for specific mechanisms and policies to solve the challenges confronting agriculture and forestry companies, which find themselves entangled in issues arising from previous policy mechanisms. These persisting problems are rooted in practices like land allocation outlined in Government Decree No. 01/CP dated January 4, 1995, as well as experimental sales of orchards, joint venture contracts, and partnerships. In accordance with land laws, there is no provision for the return of land previously assigned to agriculture and forestry fields. The right to use the land and compensation for the land are not acknowledged when the state reclaims the land allocated to individuals or entities acting as agriculture and forestry fields. Nevertheless, in practice, due regard must be given to specific circumstances and complaints to determine appropriate support for those who received land allocations, aiming to resolve disputes and complaints. Particularly in cases involving recipients of land allocations from ethnic minorities lacking or no longer possessing productive land, in addition to the prescribed support, a review should be undertaken to resolve land allocation issues for their stability. Additionally, there is a need to strengthen inspection, examination, and timely resolution to effectively address challenges in managing and using agriculture and forestry land. The investment in detailed land measurement for the area retained by companies should be transferred to the state for land leasing. Precise determination of clear boundaries for land use by each entity, each allocated land area, leased by the State, is essential.

Fourthly, refine regulations on land leasing, especially for forestry companies that have decided to transition to the leasing model. It is imperative to complete the necessary procedures, determine the rent amount, and submit the request to the Provincial People's Committee for approval of land leasing. In terms of land financial matters, guidance is essential to ensure the full payment of financial obligations related to land, with the aim of fostering equity among economic entities. This approach is geared towards generating added value through efficient and cost-effective land utilization, thereby creating employment opportunities and income for ethnic communities in areas where agriculture and forestry activities are prevalent. Concurrently, policies should be implemented to exempt land leasing fees for enterprises in the agricultural sector, establishing conditions for workers in these enterprises to benefit from policies akin to those designed for farmers.

Lastly, the Government will allocate funds and human-resources to enforce the establishment of cadastral documents and issuance of land use certificates for agriculture and forestry companies following the reorganization outlined in Decree No. 118/2014/NĐ-CP. Moreover, concerning the land fund transferred to local authorities, it is crucial to refine and implement plans for local utilization of the transferred fund, allocating it to individuals, particularly ethnic minority households lacking or without land in the local area for management and use. Local authorities should offer specific guidance regarding the portion of land exceeding the average level that needs to be converted to the leasing model, as stipulated in Article 15 of Decree No. 118/2014/NĐ-CP.

CONCLUSION

With 201 businesses engaged in agriculture and forestry, the Central Highland area makes up almost one-third of the nation's total of 745 businesses in this sector. The management and use of land by forestry and agricultural companies has produced notable outcomes in recent years that help to guarantee food security, end hunger, and lessen poverty. It still has a lot of drawbacks and restrictions, though, like the slow progress of reorganizing, innovating, and improving agriculture and forestry companies; the growing encroachment, borrowing, leasing, and transfer of agriculture and forestry companies; the sharp decline in the area of forest land; and the high number of land disputes and complaint cases. To manage and use more effectively for agriculture and forestry land in the Central Highland region, it is necessary to continue to seriously

implement Decree No. 30/NQ-TU. and Decree No. 118/2014/ND-CP; promote the application of community-based forest management; complete regulations of land lease; invest in funding and human resources to register land use rights, compile and manage cadastral records, and grant certificates of land use rights.

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