



**The Governmental Committee is Not Enough:  
The Case of the Committee for  
Ethnic Minorities of Vietnam**



**ASIAN INDIGENOUS & TRIBAL PEOPLES NETWORK**



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First published October 2008

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ISBN : 978-81-902318-6-2

**Price Rs.:** 195/-

*Published by:*

**Asian Indigenous & Tribal Peoples Network**

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### **Acknowledgement**

This report is being published with the financial assistance from the European Commission under the project, "*Realization of Indigenous Peoples Rights at National Level in Asia*", granted to Asian Indigenous and Tribal Peoples Network under the European Initiative for Human Rights and Democracy – the European Union's programme that aims to promote and support human rights and democracy worldwide.

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## I. The context

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A few countries in Asia (India, Nepal and Philippines) have established National Institutions on the Rights of Indigenous Peoples (NIRIPs) while a few others have refused to establish such NIRIPs. A few governments have set up Ministry, Department or Cabinet level Committee to deal with the affairs of the indigenous peoples/ethnic minorities of their respective countries. The Ministry of Chittagong Hill Tracts Affairs (MoCHTA) of Bangladesh, Department of Orang Asli Affairs (also known as JHEOA) of Malaysia and the Committee for Ethnic Minorities (CEM) of Vietnam are amongst the few. These agencies are not expected to meet the existing standards relating to the National Institutions as they are not National Institutions but their role remains crucial as they are often highlighted as governments' commitment towards indigenous/tribal peoples.

As a part of its project, "*Realisation of Indigenous Peoples Rights at National Level in Asia*" financed by the European Commission under the European Initiative for Human Rights and Democracy, Asian Indigenous and Tribal Peoples Network (AITPN) conducted studies on the MoCHTA of Bangladesh, the JHEOA of Malaysia and the CEM of Vietnam. AITPN also conducted studies on the National Commission for Scheduled Tribes of India, National Commission on Indigenous Peoples of the Philippines and the National Foundation for Development of Indigenous Nationalities of Nepal.

On the basis of its studies, AITPN has come to the conclusion that the governmental agencies, departments and foundations are ineffective. They suffer from common flaws as cited below:

1. These are governmental agencies and hence **lack independence, impartiality and objectivity**. Instead of protecting the rights of the indigenous peoples, they are reduced to agencies implementing the anti-indigenous/minority policies of the government. This is evident from the implantation of Muslim peoples from plain areas to the Jumma peoples' lands in CHTs of Bangladesh which has threatened the very existence of the indigenous Jumma peoples, and the implantation of the Kinh majority from the lowlands to the Central Highlands in Vietnam to the effect that the Kinh people's population increased from 5% in 1945 to 70% of the total population of Central Highlands at present. The Department of Orang Asli Affairs has become a mechanism of the Government of Malaysia to regulate, control and assimilate the Orang Asli and not to develop them.
2. **These Ministries/Department/Committees are not headed by indigenous peoples and do not have true representation from the**

**indigenous peoples.** The MoCHTA is controlled by the Prime Minister while JHEOA's top level officers belong to majority Malays. The CEM is headed by a Minister who may not be from ethnic minorities. Hence, the MoCHTA, the JHEOA and the CEM remain more concerned about what the government wants rather than what the indigenous peoples need.

3. **There is no transparency and accountability in the functioning of these institutions.** Only in a rare case, in December 2000 then Chairman of the Committee for Ethnic Minorities and Mountainous Areas (predecessor of CEM), Minister Hoang Duc Nghi was summoned to the National Assembly for the involvement of CEMMA officials in corruption and was severely reprimanded. The investigation also led to dismissal of several provincial level officials but the central officials went scot free.
4. **These governmental departments/agencies/committees do not have financial independence.** They cannot determine their own budget and their financial strings are controlled by the government which make them highly vulnerable and impartial towards the government.
5. **There is no plurality and proportionate gender representation in the appointment of members.** The composition of the members of MoCHTA, JHEOA and CEM is determined by the interests of the ruling party.
6. **Assimilation of the ethnic minority/indigenous peoples into the mainstream society remains the main agenda of these governmental departments/agencies/committees.** It is the truth in case of Orang Asli of Malaysia, Jumma peoples of CHTs or 53 ethnic minorities of Vietnam.
7. The areas of indigenous peoples have been under strict government control. The freedom of the press has been curtailed by the Aboriginal Peoples Act of 1954 which prohibits entry or circulation of any thing including films capable of "suggesting words or ideas" in the Orang Asli areas in Malaysia. In CHTs of Bangladesh, freedom of the press and speech of the indigenous peoples have been under tight control of the government.
8. As the indigenous peoples demand various degree of autonomy or self determination, the indigenous areas have been turned into **virtual military zones** due to huge presence of military. High militarisation violates the daily routines and human rights of the indigenous peoples

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as the security forces primarily target the indigenous population. The MoCHTA, the JHEOA or the CEM do not have any mandate to protect the indigenous peoples/ethnic minorities against human rights violations by the security forces or the members of the majority.

The experience of India shows that a Ministry for Tribal Peoples (not to speak about Department or Committee) is not adequate by itself. The National Commission for Scheduled Tribes, despite its flaws, is mandated to act independently. The experience of the Philippines has shown that a National Commission on Indigenous Peoples is not adequate by itself as its independence is subsumed by the departments under which the Commission is placed.

There is a need to establish departments and agencies for ensuring development of indigenous peoples with their distinct identities as well as independent and autonomous National Institutions on the Rights of Indigenous Peoples to protect the rights of indigenous peoples.

The United Nations Paris Principles on National Human Rights Institutions (NHRIs), the minimum standards for establishing any NHRIs are highly restrictive and do not reflect the realities of indigenous peoples. While there is a need for the United Nations to develop the new principles on the establishment of National Institutions on the Rights of Indigenous Peoples, for the time being the governments in Asia must establish independent and autonomous National Institutions on the Rights of Indigenous Peoples at least in conformity with the Paris Principles on NHRIs.

## **II. Introduction**

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The Committee for Ethnic Minorities (CEM) is a ministerial level agency of the government of Vietnam responsible for overall development of strategies, planning and implementation of government policies on ethnic minorities and mountainous areas who constitute about 14% of the total population of Vietnam.

The government of Vietnam has repeatedly changed the name, organizational structure and powers and functions of the Committee dealing with the Ethnic Minorities. The Committee for Ethnic Minorities and Mountainous Areas (CEMMA) was created in 1993 only to be replaced by the State Committee for Ethnic Minorities and Mountainous Area Affairs (SCEMMAA) in 1998. Again in May 2003, the government replaced SCEMMAA with “the Committee for Nationalities”. Finally, the Committee for Ethnic Minorities was brought in by Decree 60/2008/NĐ-CP dated 9th May 2008.

The need to frequently change the name, powers and functions of the Committee dealing with the Ethnic Minorities exposes the failure of the Committee and the constant efforts of the government of Vietnam to provide more mandate to the Committee. Yet, a mere Ministerial-level committee like the “Committee for Ethnic Minorities” is totally insufficient and unsatisfactory to fulfill the interests of the Ethnic Minorities.

The government of Vietnam has remained non-committal to the establishment of a full-fledged Ministry for the development of the Ethnic Minorities and Mountainous Areas as well as a National Commission on Ethnic Minorities which will protect and promote the human rights and fundamental freedoms of the ethnic minorities.

### **III. Who are the ethnic minorities of Vietnam?**

Vietnam is a multi-ethnic country. The 1992 Constitution declares Vietnam as a “united State of the various ethnic communities”.

The Vietnamese population has been broadly classified into 54 ethnic groups of which, according to the national census in 1999, the Kinh (Viet) are the largest majority constituting 86.2% of the total population of Vietnam. The remaining 13.8% is constituted of 53 other groups, officially recognized as “ethnic minorities” whose total population is 10,527,000<sup>1</sup>. They are spread across the country in 45 of 61 of provinces<sup>2</sup>. With the exception of the Hoa (ethnic Chinese), the Khmer and Châm, the remaining 50 ethnic groups mostly reside in remote, mountainous areas<sup>3</sup>. The areas where the ethnic minorities live are among the poorest in Vietnam. They are confronted with several difficulties and problems in their daily lives such as isolation, poverty, lack of access to basic healthcare services, education, land rights problems, etc.

Among ethnic minorities, the largest groups are Tay, Thai, Muong, Hoa, Khmer, and Nung with a population of around 1 million each, while the smallest are Brau, Roman, Odu with only several hundred people each<sup>4</sup>.

The method to categorise the ethnic groups in Vietnam has been a controversial exercise so far. The categorization has been based on a number of characteristics. The three main characteristics are: the language, culture (way of living) and the national consciousness (ethnonym). Vietnamese ethnologists do not consider ethnic peoples’ territories as a standard to define an ethnic people more closely as they do not have a separate land.<sup>5</sup>

There have been disagreements on the present list of ethnic minorities. There have been demands that the present list should be classified into more

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1. “Indigenous Peoples / Ethnic Minorities and Poverty Reduction - Viet Nam”, Asian Development Bank, June 2002
  2. “Health and Education Needs of Ethnic Minorities in the Greater Mekong Subregion”, Asian Development Bank, 2001 – chapter 2, available at [http://www.adb.org/Documents/Studies/Health\\_Education\\_GMS/chap\\_02.pdf](http://www.adb.org/Documents/Studies/Health_Education_GMS/chap_02.pdf)
  3. “The Economic Development Of Ethnic Minorities In Vietnam”, Institute of Development Studies, [http://www.ids.ac.uk/UserFiles/File/poverty\\_team/POLICYBRIEF-final-Eng.pdf](http://www.ids.ac.uk/UserFiles/File/poverty_team/POLICYBRIEF-final-Eng.pdf)
  4. Government of Vietnam, [http://www.chinhphu.vn/portal/page?\\_pageid=439,1093354&\\_dad=portal&\\_schema=PORTAL](http://www.chinhphu.vn/portal/page?_pageid=439,1093354&_dad=portal&_schema=PORTAL)
  5. Pre-feasibility study of academic institutions working for ethnic minorities in Vietnam, Draft prepared by Jasmine Abel Jessen, Senior Research Fellow, University of Tromsø, APRIL 1997 available at [http://www.uit.no/semut/rapporter-doks/Vietnam-rapp-9704\\_innhold.htm](http://www.uit.no/semut/rapporter-doks/Vietnam-rapp-9704_innhold.htm)

groups and subgroups. Sometimes, the cultural difference between groups of the same ethnicity is even greater than between two separate ethnic groups.<sup>6</sup>

The 1992 Constitution affirms the rights of ethnic minorities. Article 5 of the 1992 Constitution of Vietnam states, "The State of the Socialist Republic of Vietnam is the united State of the various ethnic communities cohabiting on the Vietnamese land. The State applies a policy of equality, solidarity and mutual support among the various ethnic communities and prohibits all acts of ethnic discrimination and division. The various ethnic communities have the right to use their own language and writing, to preserve their ethnic identity and to nurture their fine customs, traditions and cultures. The State implements policies of all-round development aimed at gradually improving and raising the material and spiritual conditions of life of ethnic minorities."

Articles 36 and 39 of the 1992 Constitution authorize preferential treatment for ethnic minorities in education and health care. Article 94 mandates the establishment of the "Council of Ethnic Nationalities" to study and make recommendations to the National Assembly "on questions of ethnic nationalities" and exercises "the right to supervise the implementation of policies on ethnic nationalities, of programmes and plans for socio-economic development of mountainous areas and ethnic minority areas."

But the ethnic minorities have been facing violations of their basic human rights and threats to survival due to demographic changes as a result of the government's policy of implantation of majority Kinh in the lands of ethnic minorities. Before the twentieth century the Central Highlands were almost entirely populated by indigenous minorities like the Ede, Gia Rai, M'ngong, Xe Dang and Ba Na, with little Kinh immigration. However, with continuous migration of Kinh majority people throughout the twentieth century under government sponsored migration programs, the Kinh people soon became the majority in the Central Highlands. From 5% of the total population in the Central Highlands in 1945, they accounted for 50% in 1975, and more than 70% at present.<sup>7</sup> Kon Tum is the only province in Central Highlands where

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6. "Indigenous Peoples / Ethnic Minorities and Poverty Reduction - Viet Nam", Asian Development Bank, June 2002

7. "Vietnam Development Report 2008: Social Protection" prepared in partnership by the Asian Development Bank (ADB), the Department for International Development (DFID) of the United Kingdom, the European Commission (EC), the German Development Cooperation (GDC), and the World Bank

the ethnic minorities taken together are still majority but even within Kon Tum, Kinh remain the single largest ethnic group.<sup>8</sup>

In February 2001, several thousand ethnic minorities in the Central Highlands region protested against the government's policies. Protests erupted again in April 2004. The government of Vietnam responded violently. Both 2001 and 2004 protests resulted in several waves of the region's minority people fleeing to Cambodia, where they sought asylum and refugee status.<sup>9</sup> The ethnic minority refugees who have returned from Laos, Cambodia and elsewhere have been facing persecution at the hands of the Vietnamese government.

#### IV. Evolution of CEM

Ethnic minority issues have been at the core of the government's agenda since the country's independence from France in 1945. In September 1946, Socialist Republic of Vietnam decided to create an Ethnic Minority Department under the Office of the Prime Minister, primarily to conduct research and resolve the problems concerning ethnic minorities. In 1959, it was upgraded to Committee status with better defined functions and organizational structure, including a research department, a department of propaganda, culture, and education and a department of security. The Committee was empowered to advise the government in policy making for ethnic minorities and to oversee the implementation of those policies. In 1987, the Committee was dissolved but was re-established in 1990 under the name Office of Mountainous Areas and Ethnic Affairs.<sup>10</sup>

In 1993, the Committee for Ethnic Minorities and Mountainous Areas (CEMMA) was created.<sup>11</sup> CEMMA was responsible for Ethnic Minority development and for mountainous areas. In 1998, CEMMA was replaced by the State Committee for Ethnic Minorities and Mountainous Area Affairs (SCEMMAA) under Decree No. 59/1998/ND-CP of 13 August 1998 issued

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8. "Vietnam: Situation of Indigenous Minority Groups in The Central Highlands" - A Writenet Report commissioned by United Nations High Commissioner for Refugees, Status Determination and Protection Information Section (DIPS), June 2006
  9. VIETNAM: SITUATION OF INDIGENOUS MINORITY GROUPS IN THE CENTRAL HIGHLANDS, A Writenet Report commissioned by United Nations High Commissioner for Refugees, Status Determination and Protection Information Section (DIPS), June 2006
  10. "Pre-feasibility study of academic institutions working for ethnic minorities in Vietnam", Draft prepared by Jasmine Abel Jessen, Senior Research Fellow, University of Tromsø, April 1997, available at [http://www.uit.no/semut/rapporter-doks/Vietnam-rapp-9704\\_innhold.htm](http://www.uit.no/semut/rapporter-doks/Vietnam-rapp-9704_innhold.htm)
  11. Decree No 11/CP of 20 February 1993

by the Prime Minister. The SCEMMAA was “an agency of the Government providing the State management functions in the fields of ethnic minorities and mountainous areas nationwide, and at the same time acting as an advisory agency to the Central Committee of the Communist Party of Vietnam on the guideline, policies towards the ethnic minority groups and mountainous areas”.<sup>12</sup> It was headed by a Minister (who is called the Chairman of the SCEMMAA) and the Minister was assisted by the Vice Chairmen who are “nominated or dismissed by the Prime Minister”. The Minister-Chairman of the SCEMMAA was accountable to the Government, the Prime Minister and the National Assembly.<sup>13</sup>

Again under Decree No. 51/2003/ND-CP of 16 May 2003, the government of Vietnam replaced SCEMMAA with “the Committee for Nationalities” which is a “ministerial-level agency of the Government”.<sup>14</sup>

Finally, on 9 May 2008, the name was changed to “the Committee for Ethnic Minorities” by Decree 60/2008/NĐ-CP dated May 09, 2008. It is a ministerial level agency under the Government mandated to perform the functions of state management on ethnic minority affairs nationwide, and on public services within its authorities as prescribed by the law.

## **A. Composition**

The Committee for Ethnic Minorities (CEM) is headed by the Chairman who is a Minister in the Union Cabinet. He is assisted by the Vice Chairmen. Presently, there are three Vice Chairmen in the CEM.

### **A. Organizations assisting the Minister-Chairman of the CEM in performing the State management functions are:**

1. Department of Planning and Finance
2. Department of Organization and Personnel
3. Department of Legal Management
4. Department of International Cooperation
5. Inspection
6. Central Administration
7. Department of General Affairs

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12. Article 1 of Decree No. 59/1998/ND-CP of 13 August 1998

13. Article 3 of Decree No. 59/1998/ND-CP of 13 August 1998

14. Article 1 of Decree No. 51/2003/ND-CP of 16 May 2003

8. Department on Policies on Ethnic Minorities
9. Department of Propaganda
10. Department of Locality No.I
11. Department of Locality No.II
12. Department of Locality No.III

**B. Other Professional entities assisting CEM are:**

1. Institute of Ethnic Minority
2. Training Institution for Ethnic Minority officials
3. Information Centre
4. Ethnic Minority Reviews
5. Ethnic Minority and Development Newspaper

In addition, the Committee for Ethnic Minorities (CEM) also set up Compilation Board for History of CEM with three members and Program 135-II Coordination Office headed by the Chief Secretary.

**B. Powers and functions**

Under Decree No. 60/2008/NĐ-CP dated 9th May 2008, the Committee for Ethnic Minorities is a ministerial level agency under the Government mandated to perform the functions of state management on ethnic minority affairs nationwide, and on public services within its authorities as prescribed by the law.

The Committee for Ethnic Minorities (CEM) has the following duties and authorities:

- “1. *To submit to the Government laws, draft resolutions of the National Assembly, ordinances, draft resolutions of Standing Committee of the National Assembly, draft resolutions and decrees of the Government based on annually approved programs and plans on laws making of the Committee for Ethnic Minorities as well as projects assigned by the Government and the Prime Minister.*
2. *To submit to the Government strategies, plans, programs, concepts, projects, draft decisions, directions on ethnic minorities within the steering and administrating authority of the Prime Minister.*
3. *To issue decisions, directions, circulations on aspects within state management of the Committee for Ethnic Minorities; to provide guidance and inspection on the implementation of such legal documents.*
4. *To chair or co-ordinate with Ministries, ministerial level agencies, governmental agencies, other relevant organizations for formulating strategies, policies,*

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*concepts, projects, national-targeted programs, action plans, projects, master plans, regional plans on socio-economic development, national defence and security consolidation in ethnic minority areas to submit to the Government, the Prime Minister for their approval or promulgation; to conduct, provide inspection and guidance to the implementation of such strategies, policies, concepts, projects, programs and plans.*

5. *To chair or co-ordinate with Ministries, ministerial level agencies, governmental agencies and socio-political organizations to make periodical reviews to evaluate the implementation of Communist Party's guidelines, policies and State's laws related to ethnic minorities; to submit periodical and unscheduled reports to the Government, the Prime Minister as prescribed by the laws.*
6. *To chair the formulation, promulgation within its authority or submit to authorized level to promulgate, conduct the implementation of specific policies, programs, projects, concepts to develop areas facing extreme hardship; policies on ethnic people living in border, mountainous, far and remote areas, upper rivers and streams where frequently suffer from calamity.*
7. *To chair the formulation, promulgation within its authority, or submit to authorized level to promulgate standards of classifying ethnic minority groups and areas based on development level, to regulate the re-classification of ethnic minority groups according to requirements of grassroots and pursuant to the laws.*
8. *To conduct surveys, researches, setting up data base on ethnic minority groups of Vietnam.*
9. *To chair the formulation, promulgation within its authority or submit to authorized level to promulgate specific policies on officials, civil servants working in ethnic minority networks; policies on mobilizing, increasing number of officials, civil servants working in ethnic minority areas.*
10. *To co-ordinate with Ministries, ministerial level agencies, governmental agencies, relevant organization to formulate, promulgate within its authority or submit to authorized level to promulgate policies on human resources, vocation, intellectual background raising for ethnic minority people; poverty line in ethnic minority areas; policies on preserving and promoting cultural and traditional identity of ethnic minority groups; to ensure the execution of rights of using dialects and languages, scripts and writings of ethnic people.*
11. *To contribute its advices to draft legal documents related to ethnic minorities issued by other Ministers, Heads of ministerial level agencies, People Councils and People Committees of cities and provinces under central government; to inspect the implementation of guidelines, Communist Party's policies and*

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*state laws related to ethnic minorities in Ministries, ministerial level agencies, governmental agencies and provinces.*

12. *To conduct, monitor and inspect the implementation of programs, policies on socio-economic development in ethnic minority areas; policies on investment and support for life stabilization of ethnic minority people; policies on preserving and developing ethnic minority groups of small-sized population.*
13. *To chair and co-ordinate with Ministry of Justice, the media and local authorities to propagandize, popularize, educate laws to ethnic minority people within its state management; to encourage ethnic minority people to implement guidelines, Communist Party's policies and state laws.*
14. *To participate in assessment of projects, concepts, programs related to ethnic minority people and conducted by Ministries, ministerial level agencies, governmental agencies, relevant organizations; to participate in managing, steering the implementation of programs, projects sponsored and invested by international organizations in ethnic minority areas as prescribed by the laws.*
15. *To host, visit ethnic minority people and co-ordinate with ministries, agencies, local authorities to settle requirements of ethnic minority people in accordance with policies, and regulations of the laws.*
16. *To periodically hold national ethnic minority conferences, meetings participated by the best practice in local emulative movements; to hold activities for exchanging experiences among ethnic minority representatives from all over the country to enhance the unity strength among nationalities of Vietnam.*
17. *To chair and co-ordinate with ministries, ministerial level agencies, governmental agencies in formulating, promulgating within its authority or submit to authorized level to promulgate and steer the implementation of policies towards prestigious representative from ethnic minority groups; to honour and reward within its authority or request authorized level to honour and reward ethnic minority groups and individuals making remarkable achievements in production, socio-economic development, keep security, orders, and being proactive in implementing all guidelines, Communist Party's policies and state's laws.*
18. *To chair and conduct the implementation of administration reform at the Committee for Ethnic Minorities accordance to the national program of administration reform approved by the Prime Minister.*
19. *To chair, conduct the implementation of researches on social sciences, technology, environment in ethnic minority aspect and in ethnic minority*

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areas.

20. *To perform the international co-operation in all aspects within the state management functions of the Committee for Ethnic Minorities as prescribed by the laws.*
21. *To inspect the implementation of ethnic policies; to consider petitions, appeals and requests of citizens; to perform corruption prevention and anti-corruption, waste, bureaucracy and cases treatment of law violation within the authority of the Committee for Ethnic Minorities.*
22. *To manage the organization system, workforce; to execute salary regulations, favored, rewarding and punishment regulations and policies towards officials, civil servants within its authority; to train, strengthen professional competence of officials, civil servants and personnel exercising ethnic minority affairs; to set up professional standards of official's grade in the aspects assigned and decentralized to be authority of the Committee for Ethnic Minorities and send to the Ministry of Home Affairs for promulgation; to set up and promulgate standards on title of leaders working at Departments of Ethnic Minorities under the authorities of Provincial People's Committee under the central government.*
23. *To set up the annual budget estimate; to work with Ministry of Finance to estimate incomes and expenses of specific profession, aspect under its management to submit to the Government; to manage, conduct the implementation and balance the national budget; to perform other duties on the national budget, finance, assets as prescribed by the laws.*
24. *To perform other functions prescribed by the laws to be duties and authorities of the Committee for Ethnic Minorities or entrusted by the Government and the Prime Minister."*

## **V. Activities of the Committee for Ethnic Minorities**

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It is pertinent to mention here that although Decree No. 51/2003/ND-CP of 16 May 2003 has “replaced” the Government’s Decree No. 59/1998/ND-CP of 13 August 1998 which established the State Committee for Ethnic Minorities and Mountainous Area Affairs, both the donor agencies (such as World Bank, Asian Development Bank, UNICEF, UNDP and foreign governments etc) and the government of Vietnam continue to refer the Committee as “Committee for Ethnic Minorities and Mountainous Areas” (CEMMA).

The CEMMA and its successors the Committee for Nationalities and the Committee for Ethnic Minorities have been the nodal agency in implementation and monitoring of various ethnic minorities specific projects. The most important programmes implemented in Vietnam for development of the ethnic minorities and mountainous areas under the aegis of Committee for Ethnic Minorities are as follows: -

*(a) Programme 135: Programme on Socio-economic Development in Mountainous, Deep-lying and Remote Communes with Special Difficulties*

The CEM has been implementing the “Programme on Socio-economic Development in Mountainous, Deep-lying and Remote Communes<sup>15</sup> with Special Difficulties” (also known as Programme 135) which was approved by the Prime Minister by Decision 135/1998/QDTTg issued on 31 July 1998. Specifically, Programme 135 (1998-2005) aimed to reduce the percentage of poor households in communes with special difficulties to 25% by year 2005, to ensure the supply of sufficient water, increase school enrolment of children by over 70%, help the poor people in production, control of dangerous social diseases, to build roads, and develop rural markets. Programme 135 (first phase) was first implemented in the country’s 1,000 poorest communes and was gradually expanded to the 2,362 poorest communes. The Programme 135 funded (a) construction of infrastructure at the village and commune level (roads, health centers, schools, irrigation systems, water supply systems, markets, etc.), (b) construction of infrastructure at commune-cluster level (inter-commune roads, clinics, markets, etc.), (c) settlement and sedentarisation of ethnic minorities, (d) agricultural and forestry extension and (e) training of commune level cadres (especially for management and monitoring of works).

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15. A commune is the lowest administrative unit comprising of several villages and hamlets

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During 1999-2004, total investment was VND6,795 billion (nearly USD430 million) of which almost all funds were allocated for construction of commune and inter-commune infrastructure while about 3.5% went to components (c) and (d), and less than 1% for training of commune-level cadres.<sup>16</sup>

The evaluation report of the National Targeted Programme on Hunger Eradication and Poverty Reduction (NTP on HEPR) (also known as Programme 133) and Programme 135, First Phase (evaluated under a UNDP-supported project in 2003-04) acknowledged the achievements of both the programmes. The evaluation report also recommended prioritizing some issues including improved targeting of poor households and incentives for poor households to escape poverty; strengthening staff capacity at various levels, especially at the commune level and of local leaders of mass organizations; developing an efficient and effective programme monitoring and evaluation system; and better efforts to implement Grassroots Democracy. The recommendations helped the subsequent implementation of the National Target Programme on Poverty Reduction (NTP-PR) and the Programme 135 Second Phase (2006-2010).<sup>17</sup>

However, the Program 135 was plagued with corruption and mismanagement. During 1999 – 2001, the Vietnamese press reported about the lack of effectiveness and the large-scale corruption within CEM's administration with regard to Programme 135, particularly in the Northern Highlands. In December 2000, the Chairman of then SCEMMAA, Minister Hoang Duc Nghi, had to report to the National Assembly about the corruption, and was severely reprimanded and led to dismissal of several provincial level officials. But central officials went scot free.<sup>18</sup>

Program 135 Second Phase (2006-2010) is being implemented in 1,800 communes and 2,500 villages in ethnic minority areas with an estimated budget of \$1.1 billion. It is co-funded by the Government of Vietnam (GOV)

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16. "Taking Stock, Planning Ahead: Evaluation of the National Targeted Programme on Hunger Eradication and Poverty Reduction and Programme 135", United Nations Development Programme (UNDP) and Ministry of Labour, Invalids and Social Affairs, government of Vietnam, Hanoi, November 2004
  17. "Taking Stock, Planning Ahead: Evaluation of the National Targeted Programme on Hunger Eradication and Poverty Reduction and Programme 135", United Nations Development Programme (UNDP) and Ministry of Labour, Invalids and Social Affairs, government of Vietnam, Hanoi, November 2004
  18. UNHCR: WRITENET Paper No. 05/2001 "VIETNAM: INDIGENOUS MINORITY GROUPS IN THE CENTRAL HIGHLANDS", January 2002

and a group of 6 donors (\$780 million from GOV and \$330 million from donors) with technical assistance from UNDP.<sup>19</sup>

*(b) Program 826: Policy of Support for Ethnic Minority Households in Extremely Difficult Circumstances*

The Policy of Support for Ethnic Minority Households in Extremely Difficult Circumstances (Program 826) was established under Decision 826/QD-TTg of 1995. The target groups were the ethnic minorities whose population was below 10,000 persons and poor households residing in remote and mountainous areas with average incomes less than VND 80,000/person/month or being landless. The CEM was its implementing agency. Ethnic households which met these criteria were entitled to grants of up to VND 500,000 grant for food (3 times at most), clothes, blankets, and bed nets (2 times at most) and household tools (only 1 time); plus an annual one-off grant of up to VND 1 million for production tools and seedlings. With a total budget of VND 182 billion for the period 2001-2006 the Program covered over 230,000 households in 42 provinces.<sup>20</sup>

*(c) Land and housing for Ethnic Minorities*

Following the protests by the ethnic minorities in 2001, Prime Minister Pham Van Khai made a visit to the Central Highlands in summer of 2001 and on 8 October 2002, he issued Decision 132/2002/QD-TTg on the "Allocation of farming and housing land for ethnic households in the Central Highlands." Minority families that qualified would be eligible to a minimum of 1 hectare of swidden field, 0.5 hectare of non-irrigated rice field or 0.3 hectare of irrigated rice field, in addition to 400 square meters of residential lands. In absence of enough agricultural land to be allotted, forest lands would be allowed for use by minorities. The lands allotted by the government could not be sold or transferred to anyone for 10 years after receiving it and any violator's land would be forfeited and he/she would not be eligible again.

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19. "A case study of the Program for Socio-economic Development of Communes Facing Extreme Difficulties in Ethnic Minority and Mountainous Areas in Vietnam (P135)" by PhD Tran Van Thuat and Ha Viet Quan submitted at Workshop on Strengthening the Development Results and Impacts of the Paris Declaration through Work on Gender Equality, Social Exclusion and Human Rights, London, 12-13 March 2008 available at <http://www.oecd.org/dataoecd/11/58/40413466.pdf>

20. A REVIEW OF ETHNIC MINORITY POLICIES AND PROGRAMS IN VIETNAM (Draft) by Nguyen Thi Thu Phuong and Bob Baulch, Centre for Analysis and Forecasting, Vietnam Academy of Social Sciences, Hanoi and Institute of Development Studies University of Sussex, Brighton, UK, 26 October 2007 available at [http://www.ids.ac.uk/UserFiles/File/poverty\\_team/Policy\\_Review-draftFinal.doc#\\_APPENDIX\\_3\\_-\\_NUMBER\\_OF\\_ETHNIC\\_MINOR](http://www.ids.ac.uk/UserFiles/File/poverty_team/Policy_Review-draftFinal.doc#_APPENDIX_3_-_NUMBER_OF_ETHNIC_MINOR)

The buyers were also warned against buying or transferring minority land.<sup>21</sup>

“Program 134” stems from Decision 134/2004/QĐ-TTg of 20 July 2004 on support for production land, residential land, housing and water for disadvantaged ethnic minority households in Vietnam. Program 134 is managed by CEM. It aimed to provide at least 0.5 hectares of sloping field per household (or 0.25 hectares of single cropped wet rice field or 0.15 hectares of double cropped wet rice field); at least 200 m<sup>2</sup> of residential land per household; a permanent house; and drinking water systems for households and communities. According to the review of Program 134 conducted after two years of implementation (Ministry of Finance, 2006), a national budget of VND 1,610 billion has been spent for 51 target provinces with local budget contributions of VND 413 billion. Most of this budget has been spend on house construction, followed by public infrastructure for village water systems. By the end of 2006, Program 134 has met about 41% of total local demand for land. Some 198,588 ethnic households were still lacking production land in 2006. This has been due to limited availability of land.<sup>22</sup>

*(d) Technical Assistance Project of ADB*

In 2001, the Asian Development Bank (ADB) implemented a technical assistance project for Capacity Building for Indigenous Peoples/Ethnic Minority Issues and Poverty Reduction in Vietnam. The project was aimed at strengthening national capacities to combat poverty and at improving the quality of ADB’s interventions as they affect indigenous peoples.

The project was implemented by the Committee on Ethnic Minorities and Mountainous Areas (CEMMA) through a Steering Committee headed by Mr. Trinh Cong Khanh, Director of the Department of Mountainous Areas. Other members of the Steering Committee were Mr. Nguyen Hai Huu, Director of the Department of Social Security, and Mrs. Le Thi Thong, Vice-Director, Department of Agriculture and Forestry. The objectives of the project were threefold: to conduct a poverty assessment of indigenous peoples/ethnic minorities and examine the relevant national policies and legislation,

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21. “Vietnam: Situation of Indigenous Minority groups in the Central Highlands” - A Writenet Report commissioned by United Nations High Commissioner for Refugees, Status Determination and Protection Information Section (DIPS), June 2006
  22. A REVIEW OF ETHNIC MINORITY POLICIES AND PROGRAMS IN VIETNAM (Draft) by Nguyen Thi Thu Phuong and Bob Baulch, Centre for Analysis and Forecasting, Vietnam Academy of Social Sciences, Hanoi and Institute of Development Studies University of Sussex, Brighton, UK, 26 October 2007 available at [http://www.ids.ac.uk/UserFiles/File/poverty\\_team/Policy\\_Review-draftFinal.doc#\\_APPENDIX\\_3\\_-\\_NUMBER OF ETHNIC MINOR](http://www.ids.ac.uk/UserFiles/File/poverty_team/Policy_Review-draftFinal.doc#_APPENDIX_3_-_NUMBER_OF_ETHNIC_MINOR)

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programs, projects, and initiatives pertaining to indigenous peoples; to evaluate and assess the impact of ADB interventions that address the vulnerability and poverty of indigenous peoples and ethnic minorities; and to provide capacity building for governments, non-government organizations (NGOs), and indigenous and ethnic minority groups.<sup>23</sup>

*(e) Rural Clean Water and Sanitation Program*

Out of Vietnam's total population of 84,156,000, 72.8% (61,332,000) live in rural areas as of 2006.<sup>24</sup>

Since 1999, Vietnam has implemented the National Target Program for Rural Water Supply and Sanitation for 1999-2005 (NTP I for RWSS) with involvement of various Ministries and government agencies including the Committee for Ethnic Minorities and Mountainous Areas Affairs (CEMMA) in order to increase the coverage of clean water supply and hygienic latrines in rural areas, achieve the targets for improving living conditions and health of the rural population and to pursue poverty reduction.<sup>25</sup>

Vietnam's National Strategy for Rural Clean Water Supply and Sanitation seeks to provide 100% clean water and sanitation to the rural population by 2020.

In 1998, only about 17 million of the rural population had access to clean water. By the end of 2005, approximately 40 million people or about 62% of the rural population had access to clean water supply, of which 30% of households are supplied with clean water as defined by the Ministry of Health standards. Similarly, by the end of 2005, about 6.4 million rural households used hygienic latrines, compared with only 2.7 million in 1999.<sup>26</sup>

Although Vietnam has made rapid progress in improving its water supply situation, many parts of the country in particular the areas inhabited by ethnic minorities and mountainous areas are left behind.

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23. Indigenous Peoples/Ethnic Minorities and Poverty Reduction - Viet Nam, Asian Development Bank, Manila, Philippines, June 2002
  24. "Vietnam Development Report 2008: Social Protection" prepared in partnership by the Asian Development Bank (ADB), the Department for International Development (DFID) of the United Kingdom, the European Commission (EC), the German Development Cooperation (GDC), and the World Bank
  25. NATIONAL TARGET PROGRAM FOR RURAL WATER SUPPLY AND SANITATION (2006 - 2010), Government of Vietnam, Hanoi, November, 2005
  26. Asian Development Bank, <http://pid.adb.org:8040/pid/TaView.htm?projNo=40364&seqNo=01&typeCd=2>

With a total budget of 22,600,000 million VND, National Target Program for Rural Water Supply and Sanitation (2006 - 2010) (NTP II) seeks to provide clean water to about 85% of rural population, 70% of rural households have hygienic latrines, 70% of rural households have hygienic livestock pens, and all rural primary schools, kindergartens, nurseries, clinics and commune people's committees have access to clean water and hygienic latrines.<sup>27</sup>

*(f) Resettlement and Sedentarization Program*

In 1968, government of Vietnam officially launched a campaign for shifting cultivators to practice sedentarization and settled cultivation and since then sedentarization became one of the most important steps in poverty reduction and hunger elimination program of the government.<sup>28</sup> The aim of resettlement and sedentarization program is to reduce shifting cultivation and shifting residences and settle ethnic minority households; to contribute to poverty reduction; and to contribute to a reduction in deforestation and other environmental impacts. This program was originally under the Ministry of Forestry and was placed under CEMMA in 1992 under the framework of Program 327 for the afforestation of mountainous areas and reclaiming of the barren hills. In 1995, it was integrated with the New Economic Zones component of Program 133 managed by Ministry of Agriculture and Rural Development (MARD) but in 2000, the resettlement and sedentarization program became part of the Program 135 under Decision 138/2000/QD-TTg which is being implemented by CEMMA. Before being integrated into Program 135, the resettlement and sedentarization program had a budget of VND 100 to 135 billion per annum, which means approximately VND 20 million per household for 608,000 households involving 3.7 million people. Most of the budget was allocated for infrastructure as irrigation, the terracing of sloping land, extension services and production loans. In the period 2000 to 2004, VND 35 billion was spent for resettlement in P135 communes, and another VND 700 billion in non-P135 ones.<sup>29</sup>

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27. National Target Program For Rural Water Supply and Sanitation (2006 - 2010), Government of Vietnam, Hanoi, November, 2005
  28. "Indigenous Peoples / Ethnic Minorities and Poverty Reduction - Viet Nam", Asian Development Bank, June 2002
  29. A REVIEW OF ETHNIC MINORITY POLICIES AND PROGRAMS IN VIETNAM (Draft) by Nguyen Thi Thu Phuong and Bob Baulch, Centre for Analysis and Forecasting, Vietnam Academy of Social Sciences, Hanoi and Institute of Development Studies University of Sussex, Brighton, UK, 26 October 2007 available at [http://www.ids.ac.uk/UserFiles/File/poverty\\_team/Policy\\_Review-draftFinal.doc#\\_APPENDIX\\_3\\_-\\_NUMBER\\_OF\\_ETHNIC\\_MINOR](http://www.ids.ac.uk/UserFiles/File/poverty_team/Policy_Review-draftFinal.doc#_APPENDIX_3_-_NUMBER_OF_ETHNIC_MINOR)

According to the result of a survey by the Ministry of Agriculture and Rural Development, 3.8 million people had been resettled by 1998. The Government invested 1,100 billion VND in this program in the 1990s.<sup>30</sup>

*(g) Price and transportation subsidies program*

The government of Vietnam supports price and transportation subsidies programme to help the ethnic minorities living in remote and mountainous areas. This program began in 1996. It provides price subsidies for iodized salt, kerosene, seedlings, fertilizer, pesticide, books, coal, and the purchase prices of agricultural/aquacultural/forest crops are also subsidized. The total investment on price subsidy up to 2001 was VND 22,793 million.<sup>31</sup> Price subsidies are designed for the poor who are vulnerable and cannot afford for most basic necessities while the transportation cost subsidies benefit anyone who lives in a remote area.

Under Decree No. 20/1998/ND-CP issued in 1998, CEMMA manages this program in cooperation with the Ministry of Trade, Ministry of Finance, Ministry of Planning and Investment and Price Committee. The national budget for price and transportation subsidies for the 2 years of 2004 and 2005 was VND 512 billion. These funds are transferred by the Ministry of Finance to Provincial Departments of Finance. Some provinces, such as Bac Lieu and Son La, also contribute additional funds for price and transportation cost subsidies.<sup>32</sup>

*(h) Linking Bank Credit Model project*

Since 1993, UNICEF has been working in partnership with CEMMA to implement an integrated, poverty-focused rural development project in 14 remote and mountainous districts in Ha Giang, Yen Bai, Lao Cai, Lai Chau and Kon Turn provinces. The main goal of the Ethnic Minorities Development Project (EMDP) is to improve the quality of life of ethnic minority women, children and families living in remote and disadvantaged communes.

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30. "Indigenous Peoples / Ethnic Minorities and Poverty Reduction - Viet Nam", Asian Development Bank, June 2002

31. "Indigenous Peoples / Ethnic Minorities and Poverty Reduction - Viet Nam", Asian Development Bank, June 2002

32. A REVIEW OF ETHNIC MINORITY POLICIES AND PROGRAMS IN VIETNAM (Draft) by Nguyen Thi Thu Phuong and Bob Baulch, Centre for Analysis and Forecasting, Vietnam Academy of Social Sciences, Hanoi and Institute of Development Studies University of Sussex, Brighton, UK, 26 October 2007 available at [http://www.ids.ac.uk/UserFiles/File/poverty\\_team/Policy\\_Review-draftFinal.doc#\\_APPENDIX\\_3\\_-\\_NUMBER\\_OF\\_ETHNIC\\_MINOR](http://www.ids.ac.uk/UserFiles/File/poverty_team/Policy_Review-draftFinal.doc#_APPENDIX_3_-_NUMBER_OF_ETHNIC_MINOR)

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In December 1997, UNICEF and the Committee for Ethnic Minorities in Mountainous Areas (CEMMA) established the Linking Bank Credit Model (LBCM), in partnership with the Vietnam Bank for the Poor (YBP) and the Lai Chau Women's Union, in 9 communes and 4 districts in Lai Chau province. The aim of the Linking Bank Credit Model (LBCM) is to enable ethnic minority women to increase household food security and income through agricultural production loans from the VBP.

After two and a half years of operation, UNICEF conducted an evaluation of the LBCM in the 8 of the 9 pilot communes. The evaluation has found that the LBCM has had a dramatic positive impact on the lives of all Women's Saving and Credit Group (WSCG) members and their families. The results were identified as increased household income, expanded range and wealth of household assets, substantially reduced production risks through diversified household farming systems, increased household food security, new health knowledge and changed health behaviours leading to improved children's and women's health, improved agricultural production knowledge and practices leading to increased agricultural production and subsequently higher rates of loan repayment, increased confidence in taking and repaying loans from the Vietnam Bank for the Poor (YBP) leading to a willingness to take additional loans to further increase household incomes, and empowerment of ethnic minority women within their families and broader communities (village, commune, district)<sup>33</sup>

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33. "Indigenous Peoples / Ethnic Minorities and Poverty Reduction - Viet Nam", Asian Development Bank, June 2002

## **VI. Recommendations**

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Vietnam is one of the fastest-growing economies in Asia, recording average annual gross domestic product (GDP) growth of about 7.5% over the last decade, and 8.5% in 2007.<sup>34</sup> But the 54 ethnic groups do not equally share the benefits of this economic growth of Vietnam. This explains the failure of the national policies and programmes aimed at raising the socio-economic status of the ethnic minorities.

That the ethnic minorities have not benefited much from the policies and programmes could be identified from the failure of the government to substantially reduce poverty among the ethnic minorities. While the national poverty rate fell from 58.1% in 1993 to 16% in 2006, poverty remains much higher among the ethnic minorities than among the Kinh and Chinese majority. The ethnic minorities who constitute only 14% of the total population account for 44 percent of the poor and 59 percent of the hungry. In the last 13 years, their poverty rate has been declining at an average of 2.6 percentage points per year, against 3.4 points for the Kinh and Chinese majority. In 2006, 52 percent of ethnic minority people were still living in poverty, compared to only 10 percent of Kinh and Chinese people. The majority Kinh and Chinese have been the major beneficiaries of the policies and programmes targeting hunger eradication and poverty reduction. For instance, the poverty rate of the Central Highlands fell by a remarkable 23 percentage points between 2002 and 2006. However, a closer examination suggests that there has been almost no improvement in living standards for ethnic minorities in that region. Poverty among the ethnic minority has remained high in both the Northern Mountains and the Central Highlands, poverty among the Kinh and Chinese people in those regions has declined at 4.6 and 2.8 percentage points per year respectively.<sup>35</sup>

Hence, the Committee for Nationalities and the government of Vietnam must reconsider their policies and programmes and ensure that the conditions of the ethnic minorities are uplifted equally.

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34. "Indigenous Peoples / Ethnic Minorities and Poverty Reduction - Viet Nam", Asian Development Bank, June 2002

35. A REVIEW OF ETHNIC MINORITY POLICIES AND PROGRAMS IN VIETNAM (Draft) by Nguyen Thi Thu Phuong and Bob Baulch, Centre for Analysis and Forecasting, Vietnam Academy of Social Sciences, Hanoi and Institute of Development Studies University of Sussex, Brighton, UK, 26 October 2007 available at [http://www.ids.ac.uk/UserFiles/File/poverty\\_team/Policy\\_Review-draftFinal.doc#\\_APPENDIX\\_3\\_-\\_NUMBER\\_OF\\_ETHNIC\\_MINOR](http://www.ids.ac.uk/UserFiles/File/poverty_team/Policy_Review-draftFinal.doc#_APPENDIX_3_-_NUMBER_OF_ETHNIC_MINOR)

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The present Committee for Ethnic Nationalities which is a ministerial level agency of the government is not enough for the development of the ethnic minorities who live on the lowest rung of the Vietnamese society despite Vietnam being recognized as one of the fastest emerging economies in Asia.

Besides development and access to basic facilities such as food, healthcare, education, sanitation, housing, safe drinking water and communications etc, the ethnic minorities of Vietnam need protection from violations of their basic human rights and fundamental freedoms by the state and majority Kinh or Viets.

Hence, the government of Vietnam must do much more than a mere ministerial level committee which has no independence and resources to protect the rights of the ethnic minorities.

Asian Indigenous and Tribal Peoples Network (AITPN) recommends the following:

1. Set up a separate Ministry for Development of the Ethnic Minorities and Mountainous Areas; and
2. Initiate the process for establishment of a National Commission for Ethnic Minorities and Mountainous Areas for the protection and promotion of the human rights and fundamental freedoms of the ethnic minorities in Vietnam.

The Asian Indigenous and Tribal Peoples Network (AITPN) is an alliance of indigenous and tribal peoples' organisations and individual activists across the Asian region. It seeks to promote and protect the rights of indigenous and tribal peoples in Asia:

- by providing accurate and timely information to national human rights institutions, the United Nations and its specialised mechanisms, as appropriate;
- by conducting research, campaigning and lobbying on country situations or individual cases;
- by increasing the capacity of indigenous peoples through relevant training programmes for indigenous peoples' rights activists and community leaders;
- by providing legal, political and practical advice to indigenous peoples organisations;
- by providing input into international standard-setting processes on the rights of indigenous peoples; and
- by securing the economic, social and cultural rights of indigenous peoples through rights-based approaches to development.

AITPN has Special Consultative Status with the United Nations Economic and Social Council (ECOSOC).

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